

**Lake City Common Council  
Regular Meeting  
Monday, November 14, 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, Planning & Community Development Director Rob Keehn

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

None

Review and Adopt Agenda

Gartner pulled item 3f Approve agreement with West Central Wisconsin Biosolids Commission and Gartner pulled item 3g Approve assessment of water service line repairs at 502 S. 7<sup>th</sup> St. for \$4,389.77, PIN R22.00952.03.

**Motion Waltman, seconded Powers to approve agenda as amended. All ayes 7-0-0.**

Council recognized Jon Jablonski 5 years of service to the Lake City Electric Department.

Public Forum

Carl Jackson requested that the street signs which were removed during the 7<sup>th</sup> Street construction project stating “residential only parking” signs be reinstalled.

Coalition of Greater Minnesota Cities (CGMC)

Tim Flaherty, representing the CGMC, outlined many of the 2011 objectives of the coalition and a 2012 overview. The coalition’s mission is as follows: “CGMC cities are dedicated to a strong Greater Minnesota. Our mission is to develop viable, progressive communities for businesses and families through strong economic growth and good local government. We support fair property taxes, good land use planning, sensible environmental regulation, a balanced transportation system, and effective economic development tools to meet that goal. The coalition works with the League of Minnesota Cities on many topics that impact cities, but puts emphasis on those issues specific to outstate cities.

Conduct public hearing regarding special assessments for 2010 Street Improvement Project and adopt Resolution 11-064 adopting assessments for 2010 street improvement project

Resolution 11-064 was read aloud. On 10/25, notices of the public hearing were sent out to each of the property owners within the project area, including the amount to be specially assessed to each parcel.

Mayor Dunbar opened the public hearing.

Bonnie Buck inquired if the amount of the assessment will change? She was told that council could reduce the amount of assessment but would need to conduct another public hearing if they opted to increase the amount of assessment.

Tim and Kim Smith requested that the council table this item so they have additional time to review.

Bill Anderson of Yaggy Colby answered questions from council and residents. The project costs were approximately \$2.2 million, of which approximately \$100,000.00 was assessed. The process used was an estimation of what it costs to build a local street, and 20% of that number was assessed. In this, case, that number is \$100,000.00. Public Works will put the parking signs back up on 7<sup>th</sup> Street.

**Motion Waltman, seconded Powers to close the public hearing at 7:33 p.m. All ayes 7-0-0.**

**Motion Beckman, seconded Powers to adopt Resolution 11-064 adopting assessments for the 2011 street improvement project. All ayes 7-0-0.**

Tourism Bureau presentation and approve 2012 budget

Michelle Kiem, President and Erin Sparks, Vice President, presented the Bureau's 2012 budget. The requested budget for 2012 shows a 0% increase from the 2011 budget. Individual line items, however, have been reduced or increased based on what has actually been spent in those areas in 2011. The amount used to fund the Lake City Tourism Bureau, Inc. is limited to the amount collected from the Lake City Lodging Tax.

**Motion Gartner seconded Waltman to approve the Lake City Tourism Bureau, Inc. 2012 budget of \$55,000 to the extent covered by lodging tax collected. All ayes 7-0-0.**

Gilbert Creek Bridge and Hok-Si-La Trail update

Public Works Director Scott Jensen and City Engineer Bill Anderson met with MnDOT staff on Monday, October 31, 2011. After further negotiation with MnDOT it is highly possible that the Gilbert Creek Bridge bypass lane will be left in place, with the addition of guardrail, without the need for a commitment from the city to complete a trail to Hok-Si-La Park. This would allow the city an extended period of time to seek out and secure funding sources for a future trail. MnDOT has a (boiler plate) Master Partnership Contract that many cities and counties enter into in order to request certain services from MnDOT. These services may include technical and engineering advice, assistance and supervision, surveying, preparing plans for the construction or reconstruction of roadways and performing roadway maintenance. Approval of this contract does not commit the city to request any services or bind the city in any way and all work must be

initiated by the city. Entering into such a contract would allow the city to request this guardrail work without approval of a custom written agreement, speeding the approval process.

The Master Partnership Contract has been forwarded to legal for review and proposed Council approval on 11-28-11. The current estimate for necessary guardrail is \$16,000. It has not been determined if this cost will be directly offset by savings in fill material and blacktop that would not have to be removed by the contractor or if the city would be required to contribute funds to the project.

#### New Business

##### 2012 street projects update

Streets planned for mill & overlay in 2012 are mainly those south of Lyon Avenue. The project has been separated into 4 segments. This will allow the city to take bids on the separate segments and if prices come in over the \$1.25 million budget then certain segments can be removed. A map of these segments will be available in the next few weeks. Because of the substantial amount of paperwork necessary for state aid projects this portion will also include a small amount of mill & overlay on the north side of Lyon Avenue that is funded through state aid (mainly Park Street and 2 blocks of Chestnut Street downtown). Council would like to see a timeline for the project.

##### Tobacco Ordinance amendment 506

The tobacco ordinance has been reviewed yearly since it was re codified in 2004. Language changes are necessary to become compliant with state statute 609.685. A change was made in the 118.02 Definitions section under Tobacco & Tobacco Products. In 118.04 Basis for Denial, # 8 was added to require a minimum amount of liability insurance. This is on the city application, but there was no wording in the Ordinance itself. Section 118.03 License, subsection fees the 2<sup>nd</sup> sentence "For licenses issued and which are to become effective other than on the first day of the licensing year, the fee to be paid with the application shall be a pro rata share of the annual license fee regarding the pro rating of a license" was deleted. Proposed changes were reviewed by the Public Safety Board and by City Attorney.

**Motion Gartner to waive the first reading of Ordinance 506 an Ordinance amending Tobacco chapter 118.**

##### Approve policy for use and rental of City Hall meeting rooms

The Clerk Finance staff has been working with a volunteer in the coordination of volunteer procurement for events at City Hall. With room rentals occurring only approximately once per month, staff feels that they are able to handle this procurement and that the need for a ballroom volunteer coordinator no longer exists. In addition, the proposed building security plans for 2012, staff feels that the need for a trained ballroom volunteer to be in attendance at all events held at City Hall is no longer there. The proposed increase in the security deposit required should be a deterrent for potential incidents as the person signing the room rental agreement is the responsible party. Staff will continue to schedule and work with those persons who rent the various rooms. The Lake City Police department has emergency staff contact info if a need arises during an event.

**Motion Gartner second Waltman to approve the revised City of Lake City policy for use and rental of city hall meeting rooms. All ayes 7-0-0.**

Adopt Resolution 11-066 adopting fees and service charges for 2012

Annually, fees and service charges are established and adopted by resolution. The proposed resolution establishing said fees and charges for 2012 is being submitted for Council adoption at this time.

**Motion Gartner seconded Powers to adopt Resolution 11-066 adopting fees and service charges for 2012. All ayes 7-0-0.**

Approve 3-year farm lease with Craig Breuer on Lake Township farm

Bids for the farm lease were solicited in the Lake City Graphic and Shopper. Previous bidders were also contacted directly and invited to bid. Eight bids were received with the low being \$120/acre and the high being \$362/acre. The current 75 acre (69.8 tillable acres) 3-year farm lease on the Lake Township property expires December 31, 2011 and is rented at \$186/acre/year. Since the bids were opened the current renter has baled and hauled away the residual corn material. With its removal the high bidder has requested Council consider a reduced lease amount for year 1 of \$300/ acre. The second highest bid was \$277/acre. The lease will provide revenues of \$20,940/year at \$300/acre and \$25,268/year at \$362/acre. The lease agreement has been reviewed by legal.

**Motion Gartner, seconded Waltman to approve a 3-year farm lease with Craig Breuer on Lake Township farm at \$362/acre/year. All ayes 7-0-0.**

Unfinished Business:

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

On November 1, 2011, the Minnesota Department of Natural Resources responded to City Attorney England's request for follow-up concerning the DNR's review of the proposed shoreland ordinance. The letter is attached, and grants approval for the City's request for flexibility. After discussing the letter with the City Attorney, it is staff's intent to bring the ordinance to the November 28, 2011 Council meeting for introduction and the first reading.

Update on Board and Commission duties

City Attorney England will have this item for the November 28, 2011 meeting.

City facilities project update

There is no update at this time. Staff anticipates having information to council for the December meeting.

Pirates Landing code enforcement update

The property owner was informed of the City's intent to abate the nuisance conditions at 102 E Center St. and he began work on the wall again. Staff has scheduled an inspection of the structure to determine if the repairs meet the requirements of the zoning ordinance.

Approve board/commission application

In an effort to streamline processes and maintain consistency with all board and commission applications, staff drafted a revised application.

**Motion Gartner, seconded Powers to approve the City Board and Commission application. All ayes 7-0-0.**

### 3. Consent Agenda:

- a. Approve expense claims
- b. Approve October 24, 2011 Council regular meeting minutes
- c. Approve 2011 street overlay project pay certificate #1 to Monarch Paving Company for \$350,253.23.
- d. Approve 3-year farm lease with John Dose on Jewel Planning Plat 2 (Cemstone) for \$80.00 per acre per year
- e. Adopt Resolution 11-062 accepting a donated furnace from Banks Heating, Inc. valued at \$778.00
- f. ~~Approve agreement with West Central Wisconsin Biosolids Commission~~
- g. ~~Approve assessment of water service line repairs at 502 S. 7<sup>th</sup> St. for \$4,389.77, PIN R22.00952.03~~
- h. Adopt Resolution 11-065 certifying special assessments to the Wabasha County Auditor for nuisance abatement – mowing
- i. Approve hiring of Jennifer Schaffner as Casual Paramedic

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

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

### 3g Approve assessment of water service line repairs at 502 S. 7<sup>th</sup> St. for \$4,389.77, PIN R22.00952.03

Gartner pulled this item for clarification. He is requesting that a document is presented to the applicant for signature. Public Works director states that he does this.

**Motion Gartner, seconded Spence to approve the assessment of water service line repairs at 502 S. 7<sup>th</sup> St. for \$4,389.77, PIN R22.00952.03. All ayes 7-0-0.**

### 3f. Approve agreement with West Central Wisconsin Biosolids Commission

Gartner pulled this item for clarification.

Gartner did a brief outline of his concerns about the agreement and agreed to put these concerns in writing for staff. Gartner states that this proposed agreement locks the city into a long term agreement,

**Motion Beckman, seconded Spence to approve the agreement with West Central Wisconsin Biosolids Commission. Roll call vote Beckman, voting aye, Spence Peters, Dunbar, Waltman, Powers, and Gartner voting nay. Motion fails 1-6-0.**

**Motion Gartner, seconded Waltman to authorize staff to work with West Central Wisconsin Biosolids to work out issues that have been identified and bring back a contract proposal in a timely manner. All ayes 7-0-0.**

### Miscellaneous Discussion

Mayo Health System Care Center phase one is a great addition to the Lake City community.

Staff to get compost site and leaf pick up end dates to citizens. Staff will put on cable channel.

Council request staff to put the snow plowing information to citizens via cable, shopper, and utility bills.

Request from Gartner to consider the ballroom committee to reconvene.

Town hall meeting in Cannon Falls regarding Highway 52, Monday November 21, 2011.

### Informational Reports:

As presented.

Future Meeting Dates:

As presented.

**Motion Waltman, seconded Powers to adjourn at 9:00 p.m. All ayes 7-0-0.**

---

Jerry M. Dunbar, Mayor

ATTEST:

---

Kari Schreck, City Clerk