

**Lake City Common Council
Regular Meeting
Monday April 14, 2014 6:00 p.m.
City Hall Council Chambers**

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

Members Absent: None

Staff Present: City Attorney Sarah Sonsalla, Planning and Community Development Director Rob Keehn, City Clerk Kari Schreck, Public Works Director/ Interim City Administrator Scott Jensen, Police Chief Cory Kubista, Library Administrator Patti Bross

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.

Presentation from MADD of Olmsted County of a TruCam device to the Lake City Police Department

Representing MADD of Olmsted County were Bernard and Jean Feils. In 1986 their daughter was killed by a drunk driver. That year there were 26,000 people killed by drunk drivers nationwide. In 2010, there were 9,800 killed nationwide. They thanked law enforcement for all the work that they do.

Mayoral Proclamation recognizing April as national donate life month

Tourism presentation- Chamber President John Falvey

Jan Bruce and Kathy Jo Roadster presented council promotional materials from Explore Minnesota promoting Lake City around the state.

Review and adopt agenda

Waltman pulled 9 (i) Adopt revised Policy on Administrative Staff job selection process for position vacancies of City Administrator, Finance Director/Treasurer, City Clerk, Director of Planning and Public Works Director.

Gartner pulled 9(m) Adopt Resolution 14-029 supporting 2014 Minnesota Passenger Rail Legislative Initiatives, and 9(n) Adopt Resolution 14-030 supporting Ramsey County regional railroad authority's request for \$10 million in state bond funds to support rail improvements between downtown St. Paul and Hastings.

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

Public Forum

Billie Hunt spoke to the council on the snow removal policy from city sidewalks. She is again requesting that the policy be reviewed. She states that she feels that the policy is not enforced in a consistent manner.

Pernell Flesche spoke in support of Patton Park designation as a historic preservation site.

Conduct public hearing and waive second reading of Ordinance 529 designating Patton Park as Local Heritage Preservation Site

The City Council is required to conduct a hearing on local site designations in accordance with Chapter 153 of the City Code, Section 153.04 *Designation of Heritage Preservation Sites*. The City Council introduced Ordinance 529 at the February 18, 2014 regular meeting.

Motion Peters, second Waltman to open public hearing.

Motion Gartner, second, Peters to waive second reading and adopt Ordinance 529 designating Patton Park as Local Heritage Preservation Site.

Motion Peters, second Gartner to close public hearing.

Motion Spence, second Waltman to adopt Ordinance 529 designating Patton Park as a Local Heritage Preservation Site. All ayes 7-0-0.

Approve addition of sprinkler system and storm shelter for new library

The City will be renovating the current library building and bringing it to current building codes and standards. Two items that are not required by code are a sprinkler system and storm shelter. The approximate cost of these items is \$50,000 (\$30,000 sprinkler system and \$20,000 storm shelter). Approval of these changes would increase the project costs as they are not included in the present \$1.7 million dollar project estimate.

Motion Gartner, second Spence to approve addition of sprinkler system and storm shelter for the new public library and for the funds to come from the cities portion of the project funding. All ayes 7-0-0.

Adopt Resolution 14-034 amending 2014 Streets Snow Removal budget \$30,000

Winter snow removal expenses in 2014, including regular operating expenses, bulk salt purchases, equipment repairs and contracted services, have exceeded budget by approximately \$7,000. Staff is recommending a \$30,000 amendment to the 2014 budget. The amendment will be made against General Fund Reserves.

Motion Gartner, second Waltman to adopt Resolution 14-034 amending 2014 Streets Snow Removal budget \$30,000. All ayes 7-0-0.

Adopt Resolution 14-025, approving subdivision of land as shown in Exhibit A, splitting Lots 2 & 4, except the NWly 6 feet and Lots 8 & 5, except the SEly 18 feet, all of the Auditor's Subdivision of Central Point, Goodhue County, Minnesota

The City's subdivision regulations allow lot splits resulting in the creation of three (3) or fewer parcels to be processed through an administrative process known as a minor subdivision. In this case, the property owner, Mr. John Rutz, is proposing a split of his property at 1209 N High Street, thereby creating a second lot with access off of North Oak Street. The proposed

subdivision meets the City's minimum lot width and area requirements and will not be creating a nonconforming use through the creation of the additional lot.

Motion Spence, second Durand to approve consent agenda item adopting Resolution 14-025, approving subdivision of land as shown in Exhibit A, splitting Lots 2 & 4, except the NWly 6 feet and Lots 8 & 5, except the SEly 18 feet, all of the Auditor's Subdivision of Central Point, Goodhue County, Minnesota. All ayes 7-0-0.

Introduce and conduct first reading, in summary form, Ordinance 533 repealing all codified and uncodified Tobacco-Related Ordinances for City of Lake City and adopting new Chapter 118 relating to Tobacco and Nicotine Products; adopt Resolution 14-027 authorizing publication of Ordinance 533 by title and summary

The City Clerk and the Chief of Police requested that the City Attorney review the City's current regulations relating to tobacco. The new Chapter 118 contained in Ordinance 533 is very similar to the City's previous tobacco regulations and the League of Minnesota Cities' model tobacco ordinance. However, provisions have been added that regulate "nicotine or lobelia delivery devices" (sometimes known as "e-cigarettes) in the same manner as tobacco (i.e. a license from the City is required to sell, minors may not smoke them, etc.). The other significant change is that there has been a provision added that prohibits tobacco sampling. This would prohibit hookah lounges or bars from being established in the City.

Keehn read Resolution 14-027 aloud

Motion Gartner, second Waltman to introduce and conduct first reading, in summary form, Ordinance 533 repealing all codified and uncodified Tobacco-Related Ordinances for City of Lake City and adopting new Chapter 118 relating to Tobacco and Nicotine Products; adopt Resolution 14-027 authorizing publication of Ordinance 533 by title and summary. All ayes 7-0-0.

Introduce and conduct first reading in summary form Ordinance 534 Amending Chapter 32 of Lake City Municipal Code Relating to Unclaimed Property; adopt Resolution 14-028 authorizing publication of Ordinance 534 by title and summary

Minnesota Statutes Section 471.195 allows for a city by ordinance to provide for the custody and disposal of unclaimed property by the city. The ordinance may provide for the sale of such property to the highest bidder at public auction or by a private sale through a non-profit organization that has a significant mission of community service. The City's current code provisions set forth in Chapter 32 of the Municipal Code allow for the sale of unclaimed property to the highest bidder at a public auction but do not allow for a private sale through a non-profit organization. This provision has been added along with a provision that will allow for the City to be able to sell unclaimed property through the use of an electronic auction. Provisions have also been added that will allow the City to dispose of items that have little or no value and to be able to destroy items that have nuisance potential such as illegal firearms, dangerous weapons, liquor and narcotics. These provisions are arguably authorized under the City's police powers. All of these provisions have been added to the City's ordinance at the request of the Chief of Police.

Keehn read Resolution 14-028 aloud

Motion Gartner, second Durand to introduce and conduct first reading in summary form Ordinance 534 Amending Chapter 32 of Lake City Municipal Code Relating to Unclaimed Property; adopt Resolution 14-028 authorizing publication of Ordinance 534 by title and summary. All ayes 7-0-0.

Introduce and conduct first reading in summary form Ordinance 535 adopting new Chapter 120 to Lake City Municipal Code relating to fireworks; adopt Resolution 14-033 authorizing publication of Ordinance 535 by title and summary

The City Clerk requested that the City Attorney draft an ordinance that will regulate the discharge and sale of fireworks within the City. The City currently does not have such an ordinance.

Ordinance No. 535 requires persons wishing to sell consumer fireworks in the City at retail to obtain an annual license from the City. The license fee will be \$150.00. Consumer fireworks are defined as certain types of sparklers, snakes and glow worms, smoke devices and noisemakers. The license requirement will allow the City to inspect the sale location to make sure that it meets the requirements of the Fire Code and any other state or local laws and that there is proper insurance in effect. The City Council will issue the license. There are also some general regulations in the ordinance relating to the time, place and manner of the use of consumer fireworks.

The Ordinance also requires persons wishing to put on a display of “non-consumer” fireworks to obtain a permit from the City. The permit fee will be \$100.00. Only people who have certain qualifications are authorized under state law to conduct such displays. The permit will allow the City to make sure that the proposed display and manner of display is going to be located and conducted in such a manner that it does not endanger the public safety and that there is proper insurance in effect. The City Clerk will issue the permit. Persons wishing to shoot off consumer fireworks are not required to obtain a permit.

Keehn read Resolution 14-033 aloud

Motion Klipfel second Waltman to introduce and conduct first reading in summary form Ordinance 535 adopting new Chapter 120 to Lake City Municipal Code relating to fireworks; adopt Resolution 14-033 authorizing publication of Ordinance 535 by title and summary. All ayes 7-0-0.

Review and accept findings of Public Safety Building subcommittee

The City Council formed a subcommittee to evaluate the needs and requirements of a new public safety building. The subcommittee was tasked with identifying a location, refining the size, and exploring potential cost. The subcommittee’s findings are the 10th Street location that the city owns is deemed the best site. The approximate square footage of the proposed new facility is 16,000 square feet not including wall thickness, hallways etc. The range of costs is \$127-\$173 per square foot of the structure only depending on the type of construction. However, this does not include any soft costs.

Motion Waltman, second Spence to accept findings of Public Safety Building subcommittee and direct staff to have cost estimates prepared by May 5th 2014. All ayes 7-0-0.

They Mayor called a special meeting for May 5th, 2014 at 5:00 to further discuss the Public Safety building proposed costs.

Consent Agenda

9a. Approve Council regular meeting minutes 3.10.14

9b. Approve Council special meeting minutes 3.27.14

9c. Approve expense claims 3.6.14-4.9.14

9d. Approve 1-4 day Temporary Intoxicating On-Sale Liquor License for Lake City VFW bean bag tournament June 14, 2014

- 9e. Approve 1-4 day Temporary On-Sale Liquor License for Lake City Chamber of Commerce Water Ski Days event 6-27-14 through 6-29-14
- 9f. Adopt Resolution 14-023 confirming new board and commission appointment
- 9g. Approve working out of grade compensation increase for Tim Dick from \$22.36/hour to \$23.03/hour per approved policy
- 9h. Approve working out of grade compensation increase for Clerk Schreck, Director Keehn and Interim Administrator Jensen
- 9i. ~~Adopt revised Policy on Administrative Staff job selection process for position vacancies of City Administrator, Finance Director/Treasurer, City Clerk, Director of Planning and Public Works Director~~
- 9j. Approve Mandi Herzig and Connie Ekblad as Emergency Operations Center (EOC) volunteers
- 9k. Adopt Resolution 14-026 amending 2014 fee schedule (Resolution 13-078)
- 9l. Approve purchase of excess liability coverage and waive statutory limits on municipal tort liability established by MN Statutes 466.04
- 9m. ~~Adopt Resolution 14-029 supporting 2014 Minnesota Passenger Rail Legislative Initiatives~~
- 9n. ~~Adopt Resolution 14-030 supporting Ramsey County regional railroad authority's request for \$10 million in state bond funds to support rail improvements between downtown St. Paul and Hastings~~
- 9o. Adopt Resolution 14-031 designating Wabasha County as an absentee ballot board for City of Lake City for 2014 Election cycle
- 9p. Approve updated utility easement agreement between City of Lake City and The Railhouse Grill, Inc.
- 9q. Approve Hok-Si-La Park Manager Agreement for 2014
- 9r. Approve Residential Lease agreement between Hok-Si-La Park Manager Joanne Klees and City of Lake City

Motion Spence, second Waltman to approve the consent agenda. All ayes 7-0-0.

Adopt revised Policy on Administrative Staff job selection process for position vacancies of City Administrator, Finance Director/Treasurer, City Clerk, Director of Planning and Public Works Director

Waltman pulled this for discussion. The policy has been discussed at various meetings of the committee in 2013. As the city is in the process of re-codification, ordinances will be reviewed and updated as needed. The committee proposes that the policy be amended to have the definition of administrative staff be as follows: City Administrator, Finance Director/Treasurer, City Clerk, Director of Planning and Public Works Director. Gartner proposed further revisions to the policy.

Motion Gartner, second Durand to adopt revised Policy on Administrative Staff job selection process for position vacancies of City Administrator, Finance Director/Treasurer, City Clerk, Director of Planning and Public Works Director and change policy as amended by council. All ayes 7-0-0.

9m Adopt Resolution 14-029 supporting 2014 Minnesota Passenger Rail Legislative Initiatives
Gartner pulled this for discussion. The Minnesota High Speed Rail Commission is established by Joint Powers Agreement by and between several railroad authorities and cities along the Mississippi River, including Lake City. The resolution supports initiatives for the 2014 State

Legislative session including: \$27 million passenger rail general obligation bonding request; gradual reallocation of railroad property tax to a state railroad fund; passenger rail project's design review requirement exemption; inclusion of funding for MnDOT's Office of Passenger Rail within MnDOT's budget for the delivery of passenger rail.

Gartner requests review by the City Attorney concerning the hold harmless language. He is also requesting review by the City Attorney of 9n Resolution 14-030 supporting Ramsey County regional railroad authority's request for \$10 million in state bond funds to support rail improvements between downtown St. Paul and Hastings.

By consensus, both matters are tabled.

Communication Updates:

Library Administrator Bross is proposing the location at 1215 7th Street for the temporary location of the library. The City Attorney has reviewed the lease. The proposed monthly cost of the space is \$2,000 per month plus utilities.

Motion Gartner, second Waltman to approve the temporary location of 1215 7th Street for the Public Library. All ayes 7-0-0.

Miscellaneous Discussion

Councilmembers are invited to the MN Green Step seminar in Wabasha.

Keehn updated council on a smoke complaint on a residential wood burner. Under the current Ordinance, this one is grandfathered in. The complaint falls under a city code as a misdemeanor. The fine range is \$300-\$1000 under code. Staff is attempting to speak with the owner to remedy the violation. Staff will work with the city attorney to make sure that the language in code is enforceable.

Gartner handed out to council the Mayo annual report.

Keehn reported that the Food shelf project continues to move forward. Donations continue to be received.

Keehn addressed the city snow removal policy. The policy is being enforced and fees are collected to cover the cost of city staff to remove the snow.

Informational Reports- as presented

Future Meeting Dates- as presented

Motion Gartner, second Waltman to adjourn at 8:40 p.m. 7-0-0.

Joel T. Beckman, Mayor

ATTEST:

Kari Schreck, City Clerk