

**Lake City Common Council
Regular Meeting
Monday, June 11, 2012 6:00 p.m.
City Hall Council Chambers**

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

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 6:00 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 requested to pull item 8d. Purchase excess liability coverage and waive the statutory limits on municipal tort liability established by MN Statutes 466.04; and 8f Adopt Resolution 12-045 requesting parking variance on Iowa St. from 6th St. to Lakeshore Dr.

Motion Waltman, seconded Powers to adopt the agenda as amended. All ayes 7-0-0.

2012 Certificates of Merit Presentation to David and Diana Spain, Independent School District #813, and John Albright

Assistant Planning Director Megan Smith presented the awards to David and Diana Spain 312 West Lyon Ave, and John Albright, and Superintendent Dr. Craig Junker for ISD 813 auditorium murals preservation.

Public Forum

Paul Myers, a member of the Charter Commission, thanked the council for meeting with the Library board. He has spoken with council members and thinks the direction for amending the City Charter with specific regard to the Library is now clearer to him.

Department manager 2011 presentations: Library, Clerk/Finance/Administration, Public Works

Affirm the 2011 Audit

Minnesota Statute 6.55 requires the audit of the financial records to be performed annually by a qualified preparer. The City of Lake City retained the services of Smith Schafer & Associates, LTD to perform the required audit in compliance with state statutes and audit standards. In addition, the audit must be filed with the State no more than 180 days after the end of the fiscal

year. The deadline for filing is June 30, 2012. As part of the completion of the annual audit, the information is reviewed with the governing body. Jason Boynton and Steve Salvesson, Principals from Smith Schafer & Associates, LTD were present and provided an overview of the audit.

Motion Gartner, second Beckman to affirm the 2011 audit performed by Smith Schafer and Associates, LTD. All ayes 7-0-0.

8d. Purchase excess liability coverage and waive the statutory limits on municipal tort liability established by MN Statutes 466.04

Annually, the City Council must approve whether or not to waive the monetary limits on municipal tort liability established by MN Statutes 466.04. Historically, the city has waived the limits. The limit the City carries is \$1,500,000 each occurrence along with a \$1 million Umbrella policy for a total of \$2,500,000 each occurrence. Last year, the city's LMCIT insurance representative, Bob Kemp, provided additional information regarding the option not to waive the monetary limits due to economic times and is requesting to do so again this year.

Motion Gartner, second Powers to approve the purchase of excess liability coverage for the 2012-2013 renewal premium of the city's LMCIT policy and waive up to the statutory tort liability limits established by MN Statutes 466.04. All ayes 7-0-0.

Award 2012 Minnesota State Aid System project

Bid opening for the 2012 MSAS project was held Wednesday, June 6, 2012 at City Hall. The Best Value Committee, although scheduled to interview bidders on Friday, June 8, 2012, did not need to meet as only 2 bids were received and the lower bidder opted out of the interview process. Bill Anderson of Yaggy Coby stated that the increase of approximately \$100,000.00 is due to the miscellaneous items in the project.

Motion Beckman, seconded Peters to award 2012 Minnesota State Aid System (MSAS) project to Pember Inc. for \$ 1,146,835.66. All ayes 7-0-0.

Adopt Resolution 12-048 providing for competitive negotiated sale of \$1,420,000 general obligation street reconstruction bonds, series 2012A

A bond recommendation was presented by Mike Bubany, David Drown Associates, for funding of the 2012 street reconstruction project (mill & overlay).

Motion Peters, second Gartner to adopt Resolution 12-048 providing for the competitive negotiated sale of \$1,420,000 general obligation street reconstruction bonds, series 2012A. All ayes 7-0-0.

TH61 guard rail

Council had discussion about the current guard rail placement, and potential movement of guardrail on the bridge to accommodate a path. It was decided that the City should re-submit a letter to the State with very clear direction on what the city would deem as acceptable.

Motion Powers, seconded Peters to have staff put together a letter to open the guardrail, approximately where the fencing ends, add no more fence, move the guardrail and place one end cap and all costs associated with this be borne by the MN Department of Transportation. All ayes 7-0-0.

Discuss monthly meeting process

Council discussed the monthly meeting process (as opposed to the semi-monthly meeting process) as agreed to at the December 12, 2011 regular meeting. From administrative staff's

perspective, the monthly meeting process creates more efficiency through reduced redundancy, making the meetings more effective and making the time in between meetings more productive.
Motion Waltman, second Powers to extend the monthly meeting process until January 1, 2013 and reevaluate at that time. All ayes 7-0-0.

Appoint Utility Board liaison Beckman to electric maintenance task force

Staff has met with Goodhue County Co-op Electric, Peoples Cooperative and Xcel Energy. Staff is requesting that Council member/Utility Board liaison Beckman, be appointed to the task force to discuss how to bring this item/information back to Council. Council discussed that they would also recommend a member of the Utility board be appointed to the task force.

Motion Gartner, second Spence to approve the appointment of a Utility Board representative as well as Utility Board liaison Beckman to serve on the electric maintenance task force. All ayes 7-0-0.

Consider action (or no action) on Ordinance No. 507, an Ordinance amending the Lake City Charter section 3.05 & 3.08

The Charter Commission has had several discussions regarding the language and proposed amendments to the City Charter in Ordinance 507. The City Council, at the December 12, 2011 meeting had a first reading of Ordinance 507 which was proposed by the Charter Commission.

At the May 22, 2012 Charter Commission meeting, the Charter Commission had continued discussions and it was decided that the Commission wished to revoke its previous recommendations and create a new recommendation regarding the language in Charter Sections 3.05 and 3.08. The Commission drafted, and recommended adoption of Ordinance 511 which the commission feels better reflects the desired outcome. Since no public hearing was held on Ordinance 507, and the matter is no longer recommended by the Charter Commission to move forward, it is the opinion of the City Attorney that the Council should take action to pass a motion to declare Ordinance No. 507 as “dead”. This is for official record keeping and so that future City Councils and staff have documented action that Ordinance No. 507 was, by action, not adopted.

Motion Gartner, second Spence to affirm that Ordinance No. 507 shall fail due to lack of a second, and therefore is not adopted. All ayes 7-0-0.

Conduct the first reading of Ordinance No. 511, an Ordinance amending the Lake City Charter sections 3.05 & 3.08

The Charter Commission reviewed the requested sections of the Charter and proposed language changes to sections 3.05 and 3.08 at its May 22, 2012 meeting. Ordinance 511 is the result of Charter Commission discussions dating back to its October 2011 meeting and subsequent meetings. City Attorney Karen England was present for those discussions, and approves of the recommended language. Pursuant to Minnesota Statute, a public hearing will need to be scheduled and the City Clerk and the City Attorney have discussed the timeline to accomplish this requirement.

Motion Spence, second Powers to conduct the first reading of Ordinance No. 511, an Ordinance amending the City Charter, and direct staff to set a public hearing.

Council had discussion on the matter of summary publication. 2 options were discussed. Those options will be conveyed by the City Attorney to the Charter Commission for consideration at their next scheduled meeting.

Motion was then made to withdraw by Spence, seconded Powers the first reading of Ordinance No. 511, an Ordinance amending the City Charter, and direct staff to set a public hearing. All ayes 7-0-0.

Consent Agenda

- a. Approve May 14, 2012 Special City Council meeting minutes
- b. Approve May 14, 2012 City Council meeting minutes
- c. Approve expense claims
- d. ~~Purchase excess liability coverage and waive the statutory limits on municipal tort liability established by MN Statutes 466.04~~
- e. Adopt Resolution 12-044 requesting parking variance on Center St. from Oak St. to High St.
- f. ~~Adopt Resolution 12-045 requesting parking variance on Iowa St. from 6th St. to Lakeshore Dr.~~
- g. Approve hiring of Abbie Buckman as Hok-Si-La part-time employee at \$9.37/hour for 2012 season
- h. Adopt Resolution 12-038 accepting Department of Natural Resources grant for \$23,000, amending 2012 Street budget \$5,000
- i. Adopt Resolution 12-049 amending the 2012 budget for the cost of writing a DEED grant not to exceed \$2,500
- j. Adopt Resolution 12-046 a resolution of initial support for Mississippi River Bicycle Route
- k. Adopt Resolution 12-050 approving application for Business Development Capital Projects Grant Program

Motion Gartner, seconded Powers to adopt the consent agenda as presented. All ayes 7-0-0.

Adopt Resolution 12-045 requesting parking variance on Iowa St. from 6th St. to Lakeshore Dr.

The width of this segment of Iowa St. is not sufficient to allow parallel parking on both sides. However, a variance from MnDOT to allow such parking can be requested and is expected to be approved. This will allow state aid funds to cover the cost of the improvements.

The identified segment of Iowa St. is part of the 2012 mill & overlay project and is also a state aid segment.

Motion Gartner, second Beckman to adopt Resolution 12-045 requesting parking variance on Iowa St. from 6th St. to Lakeshore Dr. All ayes 7-0-0.

Communication Updates

- a. TH61 guard rail
- b. Crescendo Consulting LLP fundraising proposal
- c. Board and Commission duties update
- d. West Central Wisconsin Biosolids Commission agreement update

Miscellaneous Discussion

Thank you to the VFW for the donation of flags in the downtown area and all those who assisted with that project.

Thank you to all those who participated in the Memorial Day celebration.

Informational Reports:

As presented.

Future Meeting Dates:

As presented.

June 4, 2012 Special Council meeting minutes

Motion Spence seconded Peters to approve the minutes of the June 4, 2012 Special Council meeting. All ayes 7-0-0.

Adjourn

Motion Beckman, seconded Peters to adjourn at 9:15 p.m. All ayes 7-0-0.

Jerry M. Dunbar, Mayor

ATTEST:

Kari Schreck, City Clerk