

**Lake City Common Council
Regular Meeting
Monday, August 13, 2012 6:00 p.m.
City Hall Council Chambers**

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

Members Absent: Mark Spence

Staff Present: City Administrator Ron Johnson, City Clerk Kari Schreck, Public Works Director Scott Jensen, Planning and Community Development Director Rob Keehn, City Attorney Karen England

Mayor Dunbar called the meeting to order at approximately 6:05 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.

Review and Adopt Agenda

Dunbar requested that items 4 e Approve Fund Balance Policy, 6m Adopt Resolution 12-057 setting street cut permit fee at \$500.00 for non-emergency cuts in street surfaces 5 years old or less be pulled from the agenda and added to the September 10th, 2012 regular Council meeting. **Motion Waltman, seconded Powers to adopt the agenda as amended. All ayes 6-0-0.**

Adopt Resolution 12-051 amending the 2012 EDA budget to fund the Downtown Facade Improvement Project

The Council, on February 13, 2012, approved the Downtown Facade Improvement Program which allows the EDA to provide matching grants of up to \$10,000 to help fix up building exteriors in downtown Lake City. This program is being funded through the use of reserve funds currently held by the EDA roughly in the amount of \$100,000. The EDA 2012 budget needs to be amended to include (add) expenditure line item to allow for coding and tracking of actual program expenditures. Each project will come before council for approval before funds are dispersed. The Resolution in the packet will be amended to read at the 2nd Whereas, The Downtown Facade Improvement Program is to be funded in the amount of roughly \$100,000.00 for a period ending December 1, 2012, with excess reserve funds currently held by the Lake City EDA.

Motion Peters, seconded Gartner to adopt Resolution 12-051 amending the 2012 EDA budget to fund the Downtown Facade Improvement Project. All Ayes 6-0-0.

Approve Facade Improvement grant of \$2,860 for building located at 130 S. Washington St. Phyllis Thiel has submitted a Facade Improvement grant application requesting \$2,860 to be used for costs associated with the repair of the exterior stucco on the upper level her building

located at 130 S. Washington St. in Lake City. This project has been approved by the Design Review Committee, RLF Committee & EDA. The \$2,860 grant will be funded using EDA reserves.

Motion Waltman, seconded Peters to approve Facade Improvement grant of \$2,860 for building located at 130 S. Washington St. All ayes 6-0-0.

Approve Facade Improvement grant of \$8,750 for building located at 100 W. Lyon Ave.

Glen Bunkowske has submitted a Facade Improvement grant application requesting \$8,750 to be used for costs associated with the repair of the exterior stucco on his building located at 100 W. Lyon Ave. in Lake City. This project has been approved by the Design Review Committee, RLF Committee & EDA Board. The \$8,750 grant will be funded using EDA reserves.

Motion Gartner, seconded Peters to approve Facade Improvement grant of \$8,750 for building located at 100 W. Lyon Ave. All ayes 6-0-0.

Approve Facade Improvement grant of \$10,000 for building located at 113 W. Center St.

Dr. Rebecca Ripley has submitted a Facade Improvement grant application requesting \$10,000 to be used for costs associated with the renovation of the rear exterior of her building located at 113 W. Center St. in Lake City. This project has been approved by the Design Review Committee, RLF Committee & EDA Board. The \$10,000 grant will be funded using EDA reserves.

Motion Peters, seconded Gartner to approve Facade Improvement grant of \$10,000 for building located at 113 W. Center St. All ayes 6-0-0.

Approve purchase of new rescue equipment vehicle for \$268,835.00 from Clarey's Equipment

The Lake City Fire department received approval from the city Council to put specifications together for the purchase of a new rescue vehicle. The vehicle is a Freightliner Encore Rescue truck. The City will retain the current rescue vehicle and it will be used in the Public Works Dept. The Fire Department has approved this at their July 26, 2012 meeting. The truck will take approximately 6 months to build with an expected life of 15 years according to Greg Sievers of the Fire Department.

Motion Waltman, seconded Powers to approve the purchase of a new rescue equipment vehicle for \$268,835.00 from Clarey's Safety Equipment through the HGAC Buy Purchasing Program. All ayes 6-0-0.

Authorize drafting of legal services agreement with England Law Office, Ltd. to provide prosecution services and request proposals for provision of civil legal services

Karen England was the Interim City Attorney from September 2009 until September 2010, and has served as the City Attorney (as England Law Office, Ltd.) since September 2010 until present. Karen E. England has been the Lake City Criminal Prosecutor since February 2004. The Legal Services Task Force (made up of Councilman Beckman and Councilwoman Waltman), City Administrator Ron Johnson and City Attorney England met several times. The joint recommendation for Council consideration is for Karen E. England (England Law Office, Ltd.) to continue in representation of the City for the Criminal Prosecution for a base salary of \$42,000 per year (\$3,500/month), plus a lump sum for monthly expenses to be negotiated. The City will then put the civil portion of representation out for Request for Proposals (RFPs). City Attorney England will continue in the position until civil representation is secured, even if it is in excess of her 90 day notice period pursuant to the contract. Gartner stated that Council should look at the costs associated with the civil legal services before moving forward.

Motion Beckman, seconded Waltman to authorize drafting of a legal services agreement with England Law Office, Ltd. to provide prosecution services at an annualized amount of forty two thousand dollars (\$42,000) per year, plus monthly expenses to be negotiated, and request proposals for the provision of civil legal services with the Legal Services Task force and City Administrator to review. Roll call vote Beckman, Peters, Dunbar, Waltman, Powers voting aye; Gartner voting nay. Motion carried 5-1-0.

Direct staff to present a resolution conveying certain forfeited properties to the City of Lake City for public use and/or approving the public auction of certain properties

Three properties within the City of Lake City have been forfeited to the State due to non-payment of taxes. Wabasha County is requesting that the City take action to either approve the parcels for public auction, or request the conveyance of the properties to the City for public use. This action must be taken by resolution. Per the City code, the Planning Commission is required to review the City's purchase, sale, or transfer of land for compliance with the Comprehensive Plan. The Commissions next meeting is scheduled for September 4, 2012.

The only property that appears to have any value to the City is parcel 22.00144.00, which is located adjacent to Miller Creek, south of the Peters' Addition. The other properties are strictly residential lots located in the Jewel, and subject to covenants and HOA restrictions.

If the City desires a forfeited property for approved public use, there is no cost to the City.

Motion Gartner, seconded Waltman to direct staff to present a resolution conveying the 2 Jewel forfeited properties parcels to the City of Lake City for public auction properties for consideration at the September 10, 2012 regular City Council meeting and direct staff to investigate the remaining parcel for city consideration. All ayes 6-0-0.

Approve 36 month contract for residential refuse service and recyclable materials services with Lake City Recycling & Disposal

At the direction of Council on April 9, the Administrator, Clerk, and Public Works Director met with Lake City Recycling & Disposal to negotiate a new contract. The proposed new contract includes a contractor-provided 65 gallon cart which allows the trash to be picked up via an arm extension from the truck. All cans must be place on the curb, with opening facing the street, for pickup. Bags of trash on the curb will no longer be permitted. For extra trash, exceeding the amount in the cart, stickers can be purchased, but residents must have a cart. Local communities that require carts include Wabasha, Zumbrota, Red Wing, and Winona. The carts will be owned and maintained by the vendor. Garbage rates obtained from local cities include the following: Red Wing \$14.75/month plus 9.75% state solid waste tax; recycling is an additional \$5 per month, Wanamingo- \$12.75 plus 9.75 state solid waste tax. The new proposed monthly increase of approximately \$4.19 per month will cover the cost of the provision and maintenance of carts. This has been reviewed and approved by legal.

Motion Powers, seconded Beckman to approve a 36 month contract for residential refuse service and recyclable materials services with Lake City Recycling & Disposal. All ayes 6-0-0.

Waive the second reading and adopt Ordinance No. 512 designating the site at 315 West Marion Street as a Heritage Preservation Site

The property at 315 West Marion Street, historically known as the Hoyt House is being recommended for designation as a Heritage Preservation Site. The City Council introduced the attached ordinance designating the site at the July 9, 2012, meeting.

The City's Heritage Preservation Commission (HPC) at its June 13, 2012 meeting recommended this designation, and has been working with the property owners during the designation process. The HPC held a public hearing on this matter, and has forwarded a unanimous motion of approval. In accordance with the City's designation process, the Planning Commission on July 3, 2012 has reviewed the site and found its pending designation in compliance with the City's Comprehensive Plan

Local designations are intended to identify and preserve the City's most significant historic sites and structures. The passage of an ordinance places a historic site protection on the property, which will allow the City to review any future changes to the property, including the ability of the City's Heritage Preservation Commission to deny the demolition of the property, or changes to the property which are not in keeping with historic character of the property

Motion Beckman, seconded Peters to waive the second reading of Ordinance No. 512. All ayes 6-0-0.

Motion Gartner, second Peters to adopt Ordinance 512, designating the site at 315 West Marion Street as a Heritage Preservation Site. All ayes 6-0-0.

Facilities planning presentation

Cost estimates, floor plans, and elevations for both the proposed library expansion and the Police/EMS facility have been gathered and shared with Council. The City needs to clarify whether the fundraising goals for the facility projects will be for both the Library and Police/EMS building, or as individual projects. Staff needs to let Crescendo know what it is that the council wants them to ask. A committee from the City to assist Crescendo Consulting in the fundraising study will be necessary at some time.

The cost of the proposed library expansion was estimated at \$1,129,809 in 2011. The cost of the proposed Police/EMS facility \$4,808,831 is 2012.

Powers left at 7:15 p.m. and returned at 7:18 p.m.

Consensus of council is that they be approached as 2 separate projects with separate questions. Council would like to know the community support for each project.

Gartner left at 7:26 p.m. and returned at 7:29 p.m.

Consent Agenda

- a. Approve July 9, 2012 Council meeting minutes
- b. Approve July 23, 2012 special Council meeting minutes
- c. Approve expense claims
- d. Approve hiring seasonal employees Mark Langenwalter (Security), Michael Johnson (Security), Colin Fritz (Dock Attendant)
- e. Accept tree donation in memory of Jerry Roper for \$300
- f. Accept donation of \$1,050 for bench in memory of Lawson Bowen-Meredith
- g. Approve parade permit for Santa's Arrival Parade on November 24, 2012
- h. Approve an encroachment permit for one temporary A-frame sign for the Friends of the Library Book Store
- i. Approve the Lake Pepin Plaza 2013 budget
- j. Adopt Resolution 12-054 amending 2012 police department budget
- k. Adopt Resolution 12-055, accepting grant of \$31,725 from Department of Public Safety-Office of Traffic Safety
- l. Adopt Resolution 12-056 amending 2012 line item budgets

- m. ~~Adopt Resolution 12-057 setting street cut permit fee at \$500 for non-emergency cuts in street surfaces 5 years old or less~~
- n. Adopt Resolution 12-058 setting assessment of water service line repairs at 211 N. Lakeshore Dr. for \$9,989.15 (PIN 22.00356.00)
- o. Adopt Resolution 12-059 setting assessment of water service line repairs at 312 W. Lyon Ave. for \$4,800.00 (PIN 22.00527.00)
- p. Adopt Resolution 12-061 approving the minor subdivision of Lot 5 and the SELY 25 feet of Lot 4, in Block 84
- q. Approve three street closures for Johnny Appleseed Day, Saturday, October 6, 2012
- r. Approve hiring Christianna Rice as Hok-Si-La part-time seasonal at \$7.92/hour
- s. Approve pay certificate #2 for 2012 water main improvements to SL Contracting for \$30,845.51 pending Utility Board action

Motion Gartner, seconded Peters to approve the consent agenda as amended. All ayes 6-0-0.

Communications Updates

Wabasha County letter of request to discuss maintenance facility relocating to the Public Works Facility

After Council discussion, they are not interested at this time.

Gilbert Creek Bridge guardrail

The Council affirmed that the guardrail that is currently in place is not acceptable and that MnDOT should rectify the issue per previous discussions and multiple city requests.

Motion Gartner, seconded Peters to direct Public Works Director Jensen to draft a letter to MnDOT, Governor, State Senators and Representatives stating the city's firm desire to have the guard rails built to the original approved specifications. All ayes 6-0-0.

Library Administrator vacancy/position description

None at this time

Miscellaneous Discussion

Thank you to Bridget Hoffman and congratulations on her new assignment as Wabasha County Coordinator.

Welcome Gay Johnson to the City Hall staff as bookkeeper.

Thank you to all who participated in the National Night Out and Officer Daggett for his coordination.

The road construction is on-going, and thank you to residents for their patience.

Miscellaneous Discussion

Gartner wants the City to follow the current Ordinance with regard to the Library Director duties.

Motion Gartner, seconded Waltman to direct the personnel committee to draft a Library Director Job description with the Library board consideration of experience over education, and provide to council upon completion. All ayes 6-0-0.

Powers voiced his concern with HBC and the follow up after installation of the new fiber optic lines. Public Works Director Jensen stated that he is in contact with HBC regarding this and other matters. Staff will continue to monitor.

Gartner inquired if the street projects are on schedule. Jensen stated that they are.

Informational Reports

As presented

Future Meeting Dates

As presented

Adjourn

Motion Powers, seconded Gartner to adjourn at 8:10 p.m. All ayes 6-0-0.

Jerry M. Dunbar, Mayor

ATTEST:

Kari Schreck, City Clerk