

**Lake City Common Council
Regular Meeting
Monday, September 10, 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

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.

Review and Adopt Agenda

Dunbar requested that item 7d Update from LMCIT- assigned counsel regarding ongoing litigation matter (closed session) be pulled.

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

Public Forum

Sid Anderson spoke on the increase of the garbage fees and the size of the container being of concern to him.

Tom Keute also spoke of the increase of the garbage fees and requested consideration of a seasonal charge for residents who go south for the winter.

Recognized Neil Brunkow for 41 years of service with the Lake City Public Works Department- Electric Division.

Proclamation was read aloud by Mayor Dunbar proclaiming September 26, 2012 as Kiwanis Peanut Day.

Approve recommended location for Officer Shawn Schneider memorial in Ohuta Park

Over their past two meetings the Street/Parks Commission has discussed the Officer Shawn Schneider memorial including location, features and cost. At the August meeting 3 members of the memorial committee were in attendance to explain what the committee was tasked with and their progress to date. Long term maintenance was also discussed relative to the different features that may ultimately become part of the memorial.

The Street/Parks Commission is concerned about cost of this and any memorials, but without some guidelines to funding they were not in the position to make any monetary recommendations. The Commission did recommend to Council acceptance of the Schneider Memorial location at Ohuta Park and recommend beginning plans for a memorial honoring all of Lake City's fallen. The City Attorney is researching whether the city can contribute taxpayer dollars to the memorial as a valid city expenditure. Several council members expressed concern over a singular memorial, and perhaps it should be a memorial honoring all the cities fallen personnel of which several were identified. The size of the park and amenities need to be cost identified before the council will make a recommendation. Council directed staff to bring back to the October meeting the following answers:

1. Location: Goldstar Mothers Park, Ohuta, Patton
2. Type of Memorial- Individual or one that honors all that have fallen from the community.
3. Is it legal to use taxpayer dollars for any memorial? If so, where could the funds come from? Also, will there be any matching funds required.

Motion Waltman, seconded Powers to table the recommendation of Ohuta Park for the Shawn Schneider Memorial Park. All ayes 6-0-0.

Council member Gartner left the meeting at 6:50 p.m.

Approve Fund Balance Policy

In 2009, the Government Accounting Standards Board issued GASB Statement #54 relating to financial statement presentation of fund balances. The purpose of this Statement was to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied by clarifying the existing governmental fund type definitions. GASB #54 requires an accounting policy relating to classification of fund balance and clarification of governmental funds definitions.

GASB #54 became effective for the City of Lake City with the 2011 financial statements.

Governments also are required to classify and report amounts in the appropriate fund balance classifications by applying their accounting policies that determine whether restricted, committed, assigned, and unassigned amounts are considered to have been spent. Disclosure of the policies in the notes to the financial statements is required. A policy relating to fund balance classification and clarification of governmental funds definition is required under GASB #54.

Motion Waltman, second Powers to approve the Fund Balance Policy. All ayes 5-0-0.

Approve updated Library Administrator position description

At the 5/14 regular meeting, Council referred a review of the Library Administrator position description to the Personnel Committee. At their 5/31 meeting, the Personnel Committee directed the city administrator to forward the position description to SELCO and the Library Board for comments. Input was received from both parties and is incorporated into the draft proposal. The Personnel Committee reviewed an updated position description at their August 29, 2012 meeting and are recommending approval of the attached, revised position description.

The Library Board voted to recommend that the following be added to the Minimum Requirements section of the position description: "Years of experience in library administration will be more heavily weighed than education certification." After discussion of this request, the Personnel Committee agreed that this could be used in the Training and Experience rating process, but it was not appropriate to have this added to the position description.

Motion Waltman, second Powers to approve the updated Library Administrator position description. All ayes 5-0-0.

Motion Waltman, second Powers to direct City Administrator Johnson to recommend a process for reviewing applications, candidate interview selection and subsequent interview process for the vacant Library Administrator position following the Administrative Staff Hiring Policy and provide this recommendation at the October meeting. All ayes 5-0-0.

Approve trail easement agreement between Jewel Homeowners Association and City of Lake City

The proposed trail segment is an extension of a current dead-end trail along N. 10th Street in the Jewel. Staff has met with members of the Jewel Home Owners Association board on site and they are in favor of completing this trail segment. Completion of the trail necessitates a permanent easement from the Jewel HOA board. That board has also reviewed the draft easement and has found no issues with it. Staff intends to solicit quotes for the project as its size will not require formal bids.

Motion Beckman, second Powers to approve trail easement agreement between Jewel Homeowners Association and City of Lake City. All ayes 5-0-0.

Conduct first reading of Ordinance 513 an Ordinance amending the Charter of the City of Lake City Chapter 2, section 2.03 & Chapter 3 section 3.01

At the August 13, 2012 council meeting, council requested a review by the Charter Commission of the city Charter with regard to Minnesota Statute (§205.07, Subd. 1a) related to commencement of elected officials term of office. The City Attorney prepared a memo addressing this matter dated 8.29.12 Charter Changes. The suggested changes have been reviewed by the Charter Commission on September 4, 2012. Upon a vote of the majority, with no dissention, the recommendation for approval of council has been brought forward.

Motion Waltman, second Powers to introduce, and conduct the first reading of Ordinance No 513 amending the Charter of City of Lake City Chapter 2, section 2.03 & Chapter 3, section 3.01. All ayes 5-0-0.

Ordinance 513 was read aloud by City Clerk Schreck.

Conduct first reading of Ordinance No. 511 an Ordinance amending the Charter of City of Lake City Chapter 3, sections 3.05, 3.08

Originally, language for this was forwarded to council for review on December 12, 2011. Council has had discussions and requested further consideration of language on this for a number of months. Ordinance 511 was reviewed by the Charter Commission on September 4, 2012. Upon a vote of the majority, with no dissention, the recommendation for approval of council has been brought forward,

Motion Beckman, second Powers to introduce, and conduct the first reading of Ordinance No 511 amending the Charter of City of Lake City Chapter 3, sections 3.05, 3.08. All ayes 5-0-0.

Ordinance 511 was read aloud by City Clerk Schreck.

Discuss Library Board duties

At their September 4 meeting, the Charter Commission was not interested in making a change to add the suggested language by City Attorney England, not because they disagree with the opinion or that it is the proper process but because the Charter Commission feels the proposed Charter change should either clarify/correct language in the Charter, or be for a public benefit, and it is not clear to them that this is going to do either one.

Council could put together a formal definition for the duties as a directed action item and present to the Charter Commission for consideration, or the City Attorney advised that the council could go forward and make a change based on the current ordinance and code. The City Attorney advised that it is her preference to have the language included in the Charter, but that the Council may with a majority, make changes to the current code. The City has for years treated the Library board as advisory and should continue to do so. The Library board requests focus and the ability to move forward.

Motion Waltman, second Powers to direct staff to draft duties and responsibilities for the Library Board duties as an advisory board with a draft copy available for the October 8, 2012 meeting. All ayes 5-0-0.

Council member Waltman would like the Library board duties as they define it.

Council member Powers would like to see the original version, and the new proposed version. Final approval of the hiring will be with the City Council per the Administrative hiring policy.

Consent Agenda

- a. Approve August 13, 2012 regular Council meeting minutes
- b. Approve August 27, 2012 special Council meeting minutes
- c. Approve expense claims 8.9.12-9.6.12
- d. Approve certificate of payment 9F to MP Systems, Inc. for Underwood Substation construction for \$54,225.80
- e. Approve contract amendment A-5 with Olsson Associates for Underwood Substation engineering for \$7,749.35
- f. Adopt Resolution 12-066 requesting funds advance for 2012 state aid street project
- g. Approve pay certificate #1 to Pember Companies for 2012 state aid reconstruction for \$350,589.23
- h. Approve pay certificate #1 to Monarch Paving, Inc. for 2012 street reconstruction for \$566,672.10
- i. Adopt Resolution 12-065 amending the 2012 Economic Development Authority Budget
- j. Approve revolving loan of \$25,000 to Katie Prigge, related Development Agreement and the execution thereof
- k. Confirm appointment of Vickie Krage to the Planning Commission
- l. Confirm appointment of Valerie Smith to the Board of Appeals and Adjustments
- m. Approve pro-rated lump sum payment benefit (pro-rated from \$550) for employees who are three quarter time year round
- n. Adopt Resolution 12-067 approving public auction of forfeited properties and conveying certain forfeited property to City of Lake City for public use
- o. Change Library Aides' employment status and pay from temporary substitute to part-time effective January 1, 2013

- p. Accept donations for summer reading program of coupons from Dairy Queen valued at \$170.00, from Fiesta Foods valued at \$50.00, from Burger King valued at \$75.00, and from Port 104 valued at \$25.00

Motion Beckman, second Waltman approve the consent agenda as presented. All ayes 5-0-0.

Communication Updates

- a. Announce the Truth in Taxation date: December 10, 2012
- b. Legal services update

City Administrator Johnson requested council clarification on the screening committee to review proposals before council interviews- would that be the Council appointed task force? And secondly, how many firms does the council wish to interview? It was determined that the committee should review and forward the top 3 selections to council for interviews. The City Administrator will be the point of contact, not individual council members or staff. Terms of the contract may be a negotiated item.

Motion Powers, second Peters to approve the council appointed task force committee to send out request for proposals, accepting and reviewing proposals and bringing back the top 3 selections for interview by the City Council. All ayes 5-0-0.

City Administrator Johnson requested that the council approve an outside attorney review the new England Law contract for prosecution services only with the City of Lake City. He suggested Ratwik, Roszak & Maloney, P.A., the City of Red Wing's city attorney at \$135.00 per hour to review. All ayes 5-0-0.

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 Senator and Representative stating the city's firm desire to have the guard rails built to the original approved specifications at no cost to the city. All ayes 5-0-0.

Miscellaneous Discussion

Peters requested update on the MnDot letter for the October 8, 2012 meeting.

Peters requested status of the moratorium on silica sand with regard to the City of Lake City.

Motion Powers, second Peters for the Planning Commission to review and make recommendations to council on the extension of moratorium and any possible effects to the City. All ayes 5-0-0.

Dunbar requested a motion to appoint Waltman to be an alternate to the Personnel Committee as Spence is unable to attend due to a commitment.

Motion Peters, second Powers to authorize council member Waltman to be an alternate to the Personnel Committee. All ayes 5-0-0.

Informational Reports

As presented

Future Meeting Dates

As presented

Closed session to discuss labor negotiations strategies

Mayor Dunbar requested action to close the meeting under MN Statute 13D.03, subd 1(b) to discuss labor negotiation strategies.

Motion Waltman, second Powers to go into closed session to discuss labor negotiations strategies at 7:46 p.m. on September 10, 2012. All ayes 5-0-0.

Adjourn

Motion Powers, seconded Beckman to adjourn at 8:02 p.m. All ayes 5-0-0.

Jerry M. Dunbar, Mayor

ATTEST:

Kari Schreck, City Clerk