

**Lanesboro City Council**  
**Regular Meeting**  
**Monday, November 4<sup>th</sup>, 2013**  
**5:30 p.m.**  
**City Council Chambers**

**Present:** Tom Dybing, Keith Eide, Ceil Allen, Steve Rahn and Tom Smith

**Visitors:** Matthew Kirkpatrick of Springer and Gumbel, PC and Tom Manion, City Attorney

**Public Hearing: 5<sup>th</sup> Street Vacation Petition (Clarice Ward Trust)**

Mayor Rahn called the Public Hearing to order at 5:30 p.m. No public comments were presented. Mayor Rahn closed the Public Hearing at 5:45 p.m. due to lack of public presence and comments.

**Regular Meeting:**

Mayor Rahn called the Regular Meeting to order at 5:45 p.m.

- A. Agenda:** Mayor Rahn stated that he would like to add items to the agenda. These items would be added under miscellaneous and include: 5<sup>th</sup> Street Vacation, Turkey Bowl on Parkway Ave and Resolution for Snow Removal with MN-DOT. Council Member Allen made a motion to adopt the agenda with the additions to be discussed under miscellaneous. The motion was seconded by Council Member Dybing. Motion passed all in favor.
- B. Minutes:** Council Member Eide moved to approve the minutes of the October 7<sup>th</sup>, 2013 meeting without corrections. Motion seconded by Council Member Allen. Motion carried all in favor.

**Committee/Commission Reports:**

- A. Library:** City Administrator Todd provided the Council a report for the Library meeting that took place on October 16<sup>th</sup>, 2013. Todd stated that the Library's budget was within proportion at this point in the year. He indicated that circulation numbers continue to hold steady. He also stated that the Library Board had located grant funding in order to further the Mural Concept. The Library wished to hire an artist to paint a mural along the hallway by the restrooms.
- B. Ambulance:** Lee Peterson, Ambulance Director, provided a monthly update to the Council regarding the Ambulance Department. He stated that the new ambulance was in place and was currently in Preston, MN getting the graphics and striping. He also stated that the new radios are installed and ready for use. Peterson stated that David

Haugen deserved a big thank you for his work procuring the new ambulance and assisting with locating the funding source. Peterson also stated that the Ambulance Department recently went on their 100<sup>th</sup> call for service for the year.

- C. Public Utilities:** Commissioner Coleman provided the Council an update on the Public Utilities Meeting on October 21<sup>st</sup>, 2013. She indicated that the PUC is working on budget items for 2014, including possible water and sewer rate increases to help fund the Water Radium project. She also indicated that the PUC was looking at a 5.7% increase in wholesale power rates from our supplier. She indicated that the Water Radium Project grant funding needs additional survey responses in order to satisfy the LMI requirement. There are currently 158 survey responses out and the City needs around 80 of those returned to meet the minimum response rate.
- D. HPC:** Administrator Todd provided the Council an update of the meeting of the HPC on October 21<sup>st</sup>, 2013. The HPC and the City of Lanesboro hosted the annual State Historic Preservation Conference in early September. The HPC wished to recognize individuals and businesses for their efforts regarding historic preservation for the City of Lanesboro. Those honored included Ted St. Mane, Don Ward, Crown Trout Jewelers and Stone Mill Suites. The HPC is in the process of locating addresses for the award recipients Don Ward and Ted St. Mane. Shayn Jensson crafted a letter to be mailed advising those being honored that they had received an award and a place and time to meet for the presentations.
- E. Planning and Zoning:** Council Member Dybing provided the report of the Planning and Zoning meeting that took place on October 23<sup>rd</sup>, 2013. He indicated that the P&Z Commission approved building permits for Krom, Jensson, Johnson, Kohn, Hummel, Bakke, Koch, Knutson, Haug, Iverson and the Legion. He also stated that the Planning and Zoning Commission members, individually, took the opportunity to observe the placement of the stakes in relation to the survey for the portion of Beacon Street Vacation request by Rick Lamon. He stated that the Planning and Zoning Commission is working through the 330 Zoning Ordinances for adoption by the Council. He stated that by the end of the year they will have worked through the document and will provide it to the Council for approval.
- F. Park Board:** Mayor Rahn provided the update of the Park Board meeting that took place on October 8<sup>th</sup>, 2013. He indicated that the Park Board has been looking into replacing some playground equipment and that Flagship Playground Structures has offered to host a tour of their facility. He stated that there are four members of the Park Board that will tour the facility and take a look at the structures to replace the outgoing playground equipment in Sylvan Park.
- G. Lanesboro Chamber of Commerce:** October 23<sup>rd</sup>, 2013 meeting; No Report
- H. Fire Department:** Rob Wagner, Fire Chief for the city of Lanesboro, provided the monthly update for the Council. Wagner stated that the fire department purchased a piece of equipment; the item is a rescue air bag system used to lift and/or separate heavy items, is utilized for the rescue of trapped individuals. The item cost was roughly \$19,995.00 and was purchased through Fire Safety USA, Inc. Wagner indicated that after speaking with the City Administrator, the FD made the purchase because Fire Safety USA agreed to waive the sales tax thereby making the item more economical and satisfying the Council's request from last meeting to delay the purchase until after the

new sales tax legislation was passed. Wagner indicated that there was one traffic accident that the department responded to since last Council meeting. He also stated that the Lanesboro Fire Department was now an Emergency Command Post and they had received a grant for the new 800 MHz radios.

### **Regular Business:**

- A. Accounts Payable:** Council Member Eide made a motion to approve the payables as presented. Motion seconded by Council Member Allen. Motion carried all in favor.
- B. Open Air Markets: Sylvan Park (Amish)** Mayor Rahn addressed the issue with open air markets within Sylvan Park. The issue comes down to zoning, fairness, and legal compliance (liability insurance). Mayor Rahn noted that the Council chambers was full of people wishing to speak on the issue so he opened the floor to comments: Overall, the public opinion was favorable towards working out a solution to the issue and keeping the Amish coming to the community to sell their goods in an open air market type event. The opinions ranged from the draw of tourism to the area by having the Amish sell in the park to mitigation issues such as if the Amish are banned from selling in the park then everyone else should be as well. Stena Lieb, Farmer's Market Manager, stated that she would love the Amish to become part of the event and that she would provide them with the information needed to become members, up to and including liability insurance information. She indicated that there are state regulations and guidelines that must be followed also, including the insurance requirement. City Attorney, Tom Manion indicated that there could be an issue with the Amish having a rider on homeowner's insurance for liability. Attorney Manion also stated that having open air markets in the park, outside of special events sanctioned by the Council, violates a covenant regarding the intended use of the park space. A citizen asked if this is something that the public could vote on, to which Mayor Rahn stated that it was not the City's intent to push the Amish out of town. He stated that it was in the City's interest to provide a legal and fair process and to develop a location at which the Amish could continue to sell their goods and actively participate in the community. Currently, the park is zoned R-1 and open air markets (outside of specially sanctioned events) are not an intended, accessory, or conditional use of the property as it is currently zoned. Additionally, the arbitrary nature of allowing the individuals or groups to sell from the park creates a fairness issue in that if the City allows one person or group to do it, then the City must allow everyone else who wishes to sell from the park as well. And lastly, the issue of liability insurance creates an atmosphere of strict liability for the City. Mayor Rahn stated that the Amish are more than welcome to join or become part of the specially sanctioned events that are held in the park and that perhaps the community could organize and assist the Amish in funding for liability insurance and to help with finding a location outside of the park in which they could conduct their business. Mayor Rahn stated that the City will revisit this issue in subsequent Council meetings until the City comes up with a solution to this issue. He thanked the public for their comments and for their willingness to assist the Amish and the City in coming up with a solution.
- C. Lanesboro Web Management Quote:** Administrator Todd advised the Council that a quote was received from Lanesboro Web Management Group and Dave Harrenstein regarding the addition of a City website mechanism to initiate the process for putting City ordinances online. The quote is for \$1,200.00 to be cost shared with the PUC.

Council Member Smith made a motion to accept the quote and to proceed with the process of placing the ordinances online. Motion was seconded by Council Member Allen. Motion carried all in favor.

- D. Dan Anderson-Church Hill Condos Parking:** Administrator Todd advised the Council that Mr. Dan Anderson from Church Hill Condominium Association wished to negotiate with the city regarding parking spaces that are half on the City's property and half on the condo's property. Mr. Anderson suggests a joint ownership agreement with the City in which the City would be responsible for striping and snow removal as well as one half of the cost of blacktopping the spaces. Mr. Anderson's position is that the public would benefit from the agreement because the adjoining church property also uses the parking spaces for their patrons. Theresa Coleman questioned whether it would be in the City's best interest to enter into the joint agreement versus having Mr. Anderson move all of the spaces onto the condo's property. Further, she questioned why the original plan for the condominiums did not address placing the parking spaces wholly onto the property. Mayor Rahn and Council Member Dybing stated that the City needs to invite Mr. Anderson to a subsequent Council meeting to address this issue and foster a dialogue to bring closure to this situation.
- E. Ambulance Billing Contract Renewal and HIPPA Addendum:** Administrator Todd advised the Council that Expert T Billing contract was up for renewal and that the related HIPPA Addendum needs to be addressed as well. Todd advised the Council that the new contract will increase the billable run amount charged by \$1.00 per run. Motion was made by Mayor Rahn to renew the contract at the new rate and enter into the HIPPA agreement as well. Motion was seconded by Council Member Dybing. Motion carried all in favor.
- F. MN DOT Land Acquisition Update Offer-TH 16 (Manion):** City Attorney Manion advised the Council that he had a negotiated offer from MN DOT on the land adjacent to TH-16. He stated that his phone conversation with the MN DOT representatives yielded an agreed upon price of \$600.00 for the City's interest in the land. The premise being that the market value of the land is \$6,000 per acre and the City's interest would be 1/10<sup>th</sup> of an acre ( $.10/\$6,000 = \$600.00$ ). Attorney Manion indicated that he asked the State to place the offer in writing and has not heard back from them as yet.
- G. Planning and Zoning Commission Appointment of Open Seat:** Administrator Todd advised the Council that an advertisement was placed in the paper to garner public interest in the open seat. Todd indicated that there was only one applicant for the open seat and that was from Jason Resseman. Motion was made by Mayor Rahn to appoint Mr. Resseman to the open P&Z Commission seat to fill the vacancy created by the resignation of Andy Drake. Motion was seconded by Council Member Dybing. Motion carried all in favor.
- H. Nuisance Abatement Letters: 200 Zenith St. East and 705 Fillmore Ave. South**  
Administrator Todd advised the Council that there was two letters sent out regarding nuisance issues (weeds). Copies of the letters were presented to the Council with a response requested from the residents within 5 business days. Council Member Allen stated that the letters were well written and thanked Administrator Todd for his professionalism.
- I. Water Radium Project-Selecting Bond Counsel-Mary Ippel at Briggs and Morgan:** The Council was advised that Mike Davy presented Administrator Todd with pre-application materials and a checklist of items to complete prior to initiating the process for starting

the Water Radium Project. Of the items to be completed, the City must select a bond counselor. Mike Bubany, the City's financial adviser stated that the City had used Mary Ippel from Briggs and Morgan in the past and that she was very knowledgeable and experienced. Todd advised that the PUC had recommended that the City utilize Mary Ippel as bond counsel. Motion was made by Mayor Rahn to select Mary Ippel as bond counsel for this project. Motion was seconded by Council Member Dybing. Motion carried all in favor.

- J. Resolution for Vacation 2013-13-Rick Lamon 106 Beacon Street:** The City Council was asked to vote on a resolution for the vacation of a portion of 106 Beacon Street. Prior to the vote, the P&Z Commission was asked to advise the Council and verify the placement of the stakes in relation to the survey and legal description of the portion to be vacated. Council Member Dybing advised the other members of the Council that there were no issues identified by P&Z regarding the site. Motion was made by Council Member Smith to approve Resolution 2013-13 granting the vacation of a portion of Beacon Street to Rick Lamon. Motion was seconded by Council Member Dybing. Motion carried all in favor.
- K. Planning and Zoning Commission Request for Base Map and Overlays:** Administrator Todd advised the Council that the Planning and Zoning Commission has requested a Base Map and Overlays relating the zoning of the City of Lanesboro. The Council advised the City Administrator to check into the cost for a new base map and overlays and report back to the Council prior to proceeding.
- L. Historic Preservation District Expansion-Final Payout:** Administrator Todd presented the Council with a bill from Tom Zahn regarding the final payout for the agreed upon services provided during the district expansion study. The final bill presented is for \$3,500, which concludes the expansion study and a final report was submitted to the HPC for review. Motion was made by Mayor Rahn to approve payment of the final bill for Tom Zahn for agreed upon services in the amount of \$3,500.00. Motion was seconded by Council Member Dybing. Motion carried all in favor.
- M. Sidewalk Repairs Update-601 Pleasant Street:** Administrator Todd provided the Council an update on the status of the sidewalk repair located at 601 Pleasant Street. Bob Bakke and Doug Johnson were contacted and asked if they would like to submit a bid for sidewalk repair work at this location. Both contractors declined to submit a bid and expressed no interest in completing work on this particular portion of sidewalk. Administrator Todd advised the Council that due to the time of year, it may be prudent to delay the repair due to the cold weather. Council advised to pursue bids in the spring for this project.
- N. Miscellaneous:** The Council was asked to consider the petition of the Clarice Ward Trust for the vacation of a portion of land within the City of Lanesboro formerly platted as 5<sup>th</sup> Street. No adverse comments were received by the City during the public hearing conducted prior to the start of this City Council Meeting. The Council, after hearing no comments for or against the petition during the public hearing, directed the City Administrator to prepare a resolution for the Council to consider regarding the request for vacation to be presented at a subsequent Council meeting.

The Council was asked to consider a request by Vince Jeannette of the Parkway Pub to allow him to utilize a portion of Parkway Avenue to conduct the Turkey Bowl Fundraiser event. Motion was made by Council Member Dybing to allow the event. Motion was seconded by Council Member Eide. Motion carried all in favor.

The Council was asked to consider Resolution 2013-14 to enter into a cooperative agreement with the State of Minnesota Department of Transportation regarding snow removal on state highways within the city limits of Lanesboro. The resolution stipulated that the City would utilize City employees and equipment to conduct snow removal operations and that the State would reimburse the city as follows: Case End Loader @ \$90.00 per hour and Sterling Dump Truck @ \$90.00 per hour. Motion was made by Council Member Eide to approve the resolution entering into the cooperative agreement with the State regarding snow removal. Motion was seconded by Council member Dybing. Motion carried all in favor.

**Next Meeting: December 2<sup>nd</sup>, 2013**

**ADJOURN:** Council Member Allen moved to adjourn at 8:25 p.m. Motion seconded by Council Member Eide. Motion carried all in favor.

Respectfully Submitted,

David Todd  
City Administrator