
City Council General Meeting
February 12, 2009

Call to Order: A General Meeting of the Gustavus City Council was held on February 12, 2009 at 7:00PM.

Mayor Unkel called to meeting to order at 7:02PM.

Roll Call:

Comprising a quorum of the Council the following were present:

Mayor Unkel
Vice Mayor Berry -Via Teleconference
Council Member Cacioppo
Council Member Howell
Council Member Lassiter
Council Member Marchbanks
Council Member Nixon -Via Teleconference

Reading & Approval of Minutes –

Minutes from the December 11, 2008 General Meeting were read by the City Clerk.

Motion:	Council Member Lassiter moved to adopt as read.
Seconded by:	Council Member Marchbanks

ROLL CALL VOTE ON MOTION:

Yes:	Berry, Cacioppo, Howell, Lassiter, Marchbanks, Nixon, Unkel
No:	None
Motion Passes 7/0	

Minutes from the January 8, 2009 General Meeting were read by the City Clerk.

Motion:	Council Member Lassiter moved to adopt as read.
Seconded by:	Council Member Cacioppo

ROLL CALL VOTE ON MOTION:

Yes:	Berry, Cacioppo, Howell, Lassiter, Marchbanks, Nixon, Unkel
No:	None
Motion Passes 7/0	

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Minutes from the January 22, 2009 Special Meeting were read by the City Clerk.

Motion:	Council Member Cacioppo moved to accept.
Seconded by:	Council Member Howell

ROLL CALL VOTE ON MOTION:	
Yes:	Berry, Cacioppo, Howell, Lassiter, Marchbanks, Nixon, Unkel
No:	None
Motion Passes 7/0	

Minutes from the February 5, 2009 Special Meeting were read by the City Clerk.

Motion:	Council Member Lassiter moved to accept the minutes as read
Seconded by:	Council Member Nixon

ROLL CALL VOTE ON MOTION:	
Yes:	Berry, Cacioppo, Lassiter, Marchbanks, Nixon, Unkel
No:	None
Motion Passes 6/0	

Mayor's Request For Agenda Changes: None

Committee Reports:

- Planning Committee no report given.
- Parks & Rec Committee report given by Council Member Lassiter.
- Library Board report given by Jaenell Manchester.

Consent Agenda:

- A. Resignation William Unkel as Fire Board Liaison
- B. Appointment Lou Cacioppo as Fire Board Liaison
- C. Appointment of Eric Hart to Finance & Endowment Committee
- D. Appointment of Martin Rogers to Road Committee

Motion:	Council Member Cacioppo moved to accept.
Seconded by:	Council Member Lassiter

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ROLL CALL VOTE ON MOTION:

Yes: Berry, Cacioppo, Howell, Lassiter Marchbanks, Nixon, Unkel

No: None

Motion Passes 7/0

Ordinances for Publication:

- **2008-05NCO** An Ordinance for the City of Gustavus providing for the amendment of the City of Gustavus Library Budget for FY09.

Motion: Council Member Marchbanks moved the Council publish Ordinance 2009-05NCO, a non-code ordinance moving money from the city reserves into the library maintenance and repair budget.

Seconded by: Council Member Cacioppo

Council discussion followed.

ROLL CALL VOTE ON MOTION:

Yes: Berry, Cacioppo, Howell, Lassiter, Marchbanks, Nixon, Unkel

No: None

Motion Passes 7/0

Ordinances for Public Hearing:

- **2009-01** Amendment to City of Gustavus Title 11.

Mayor Unkel declared a conflict of interest and turn the meeting over to Council Member Howell.

Motion: Council Member Marchbanks moved the Council adopt the amendments to Title 11.01 Public Health and Safety with the following correction: The Title for 11.01 should read Discharge of Firearms with Center Fire Cartridges within the City of Gustavus. I believe there was a mistake when the amended title was published.

Seconded by: Council Member Howell

Council discussion followed.

Council Member Howell acted as the presiding officer for the following conflict of interest hearing.

CONFLICT OF INTEREST: Mayor Unkel declared that he owns a small business that sells firearms and ammunition.

RULING: Council Member Howell acting as the Presiding Officer ruled that Mayor Unkel does not have a financial interest and does not have a conflict and should vote.

Council Member Howell turned the meeting back to Mayor Unkel to preside.

Public Hearing:

Jim Wagner
Zach Decker
Tim Gibson
Janet Lassiter
JC Tomas

Council discussion followed.

Motion: Council Member Cacioppo moved that this ordinance be repealed.

Point of information from the City Clerk was given on the procedure that is in ordinance for repealing an ordinance.

Council discussion followed.

Motion: Council Member Lassiter moved that consideration of these proposed amendments to be sent back to a work session so that proper procedures can be followed.

Mayor Unkel asked for clarification of Council Member Lassiter's motion.

Council Member Lassiter stated he was making a recommendation.

Mayor Unkel asked if Council Member Lassiter was making a motion.

Discussion between Mayor Unkel and Council Member Lassiter.

Motion: Council Member Lassiter moved to repeal the ordinance.

Point of Order: Council Member Nixon stated a point of order that you can not repeal something that has not been passed.

Motion: Council Member Lassiter moved that it go back to committee or that it go back to work session.

(Clerk's Note: The Clerk asked for clarification as to if that was a motion to postpone until the next work session. Council Member Lassiter stated yes.)

Seconded by: Council Member Cacioppo

ROLL CALL VOTE ON MOTION TO POSTPONE:

Yes: Berry, Cacioppo, Lassiter, Unkel

No: Howell, Marchbanks, Nixon

Motion Passes 4/3

- **2009-02NCO** An Ordinance for the City of Gustavus providing for the amendment of the City of Gustavus Administration Budget for FY09.

Motion: Council Member Marchbanks moved that the Council adopt Ordinance 2009-02NCO, a non code ordinance.

Seconded by: Council Member Cacioppo

Council Member Marchbanks read 2009-02NCO

Public Hearing: Janet Lassiter
Anne Gibson
Kim Ney

Council discussion followed.

ROLL CALL VOTE ON MOTION:

Yes: Berry, Cacioppo, Howell, Lassiter, Marchbanks, Nixon, Unkel
No: None

Motion Passes 7/0

(Clerk's Note: Recess 8:37PM – 5 minute recess)

- **2009-03NCO** An Ordinance for the City of Gustavus providing for the amendment of the City of Gustavus administrative budget for FY09. Clinic Donation

Motion:	Council Member Nixon moved that the City Council approve ordinance 2009-03NCO.
Seconded by:	Council Member Marchbanks

Council Member Marchbanks read ordinance 2009-03NCO

Public Hearing: Judy Brakel

Council comments followed.

ROLL CALL VOTE ON MOTION:

Yes: Berry, Cacioppo, Howell, Lassiter, Marchbanks, Nixon
No: Unkel

Motion Passes 6/1

- **2009-04NCO Road** An Ordinance for the City of Gustavus providing for the amendment of the Road Budget for FY09.

Ordinance 2009-04NCO was read by Council Member Lassiter.

Motion:	Council Member Lassiter moved to accept 2009-04NCO.
Seconded by:	Council Member Cacioppo

Public Hearing: Janet Lassiter
Mike Taylor

Council comments followed.

ROLL CALL VOTE ON MOTION:

Yes: Berry, Cacioppo, Howell, Lassiter, Marchbanks, Nixon, Unkel
No: None

Motion Passes 7/0

Resolutions:

▪ **Resolution 2009-02 Endowment**

Resolution 2009-02 was read by Mayor Unkel.

Motion: Council Member Howell moved to adopt Resolution
2009-02 as read.
Seconded by: Council Member Cacioppo

Council discussion followed.

ROLL CALL VOTE ON MOTION:

Yes: Berry, Cacioppo, Howell, Lassiter, Marchbanks, Nixon, Unkel
No: None

Motion Passes 7/0

▪ **Resolution 2009-03 STIP**

Resolution 2009-03 was read by Mayor Unkel.

Motion: Council Member Lassiter moved that we adopt
Resolution 2009-03.
Seconded by: Council Member Cacioppo

Public Comment: None

Council comments followed.

Motion to Amend: Council Member Marchbanks moved to amend the title
to read "A Resolution for project nomination request
for the 2010 – 2013 Statewide Transportation
Improvement Plan".

Seconded by: Council Member Nixon

ROLL CALL VOTE ON MOTION TO AMEND:

Yes: Berry, Cacioppo, Howell, Lassiter, Marchbanks, Nixon, Unkel
No: None

Motion Passes 7/0

ROLL CALL VOTE ON AMENDED MAIN MOTION:

Yes: Berry, Cacioppo, Howell, Lassiter, Marchbanks, Nixon, Unkel
No: None

Motion Passes 7/0

▪ **Resolution 2009-04 Appropriation**

Resolution 2009-04 was read by Council Member Marchbanks

Public Comment: None

Motion: Council Member Howell moved that we adopt
Resolution 2009-04 as read.
Seconded by: Council Member Cacioppo

Council discussion followed.

ROLL CALL VOTE ON MOTION:

Yes: Berry, Cacioppo, Howell, Lassiter, Marchbanks, Nixon, Unkel
No: None

Motion Passes 7/0

▪ **Resolution 2009-05 Gravel Pit**

Resolution 2009-05 was read by Council Member Cacioppo.

Public Comment: None

Motion: Council Member Howell moved that we adopt 2009-05
as read.

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Seconded by: Council Member Marchbanks
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Motion to Amend: Council Member Howell moved to take the 3 rd whereas
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and move it up to become the 2 nd whereas and the 2 nd whereas to be the 3 rd whereas. In the now 3 rd whereas insert "available; and" after fill. The 2 nd sentence in the now 3 rd whereas will become a whereas. In the now 2 nd whereas strike the words Land Legacy acreage and insert "Nature Conservancy Land" and strike the next 2 sentences.

Seconded by: Council Member Lassiter

ROLL CALL VOTE ON MOTION TO AMEND:

Yes: Berry, Cacioppo, Howell, Lassiter, Marchbanks, Nixon, Unkel
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No: None

ROLL CALL VOTE ON AMENDED MAIN MOTION:
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Yes: Berry, Cacioppo, Howell, Lassiter, Marchbanks, Nixon, Unkel
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No: None

Motion Passes 7/0

▪ **Resolution 2009-06 Community Garden**

Resolution 2009-06 was read by Council Member Lassiter.

Public Comment: Janet Lassiter

Motion: Council Member Lassiter moved that we approve Resolution 2009-06.

Seconded by: Council Member Marchbanks
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Council discussion followed.

ROLL CALL VOTE ON MOTION:

Yes: Berry, Cacioppo, Howell, Lassiter, Marchbanks, Nixon, Unkel
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No: None

Motion Passes 7/0

Policy for Publication: None

Policy & Procedure for Public Hearing: None

Unfinished Business:

▪ **2009-06NCO**

Motion:	Council Member Lassiter moved to suspend the rules for 2009-06NCO.
Seconded by:	Council Member Howell

ROLL CALL VOTE ON MOTION TO SUSPEND THE RULES:	
Yes:	Berry, Cacioppo, Howell, Lassiter, Marchbanks, Nixon, Unkel
No:	None
Motion Passes: 7/0	

Motion:	Council Member Lassiter moved to publish budget ordinance 2009-06NCO
Seconded by:	Council Member Cacioppo

CONFLICT OF INTEREST: Council Member Marchbanks declared a conflict of interest due to her business.

RULING: Mayor Unkel ruled that she does have a conflict of interest.

ROLL CALL VOTE ON MOTION:	
Yes:	Berry, Cacioppo, Howell, Lassiter, Nixon, Unkel
No:	None
Recused:	Marchbanks
Motion Passes: 6/0 with 1 recused	

New Business:

▪ **Creation of Building Maintenance Budget**

Motion:	Council Member Marchbanks moved the council direct the Finance Committee to establish a category beginning in FY10 in the city accounts to provide funding for maintenance and repair on city structures
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Seconded by:	and buildings Council Member Lassiter
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Council discussion followed.

ROLL CALL VOTE ON MOTION:

Yes: Berry, Cacioppo, Howell, Lassiter, Marchbanks, Nixon, Unkel

No: None

Motion Passes 7/0

Mayor's Report: None

City Clerk's Report:

- APOC Certified Financial Statements are due March 15th.

City Council Questions & Comments

- Council Member Berry stands in favor of repealing Title 11

Public Comment on Non-Agenda Items: None

Adjournment:

With no further business before the Council the meeting was adjourned at 9:59PM.