

**CITY COUNCIL MEETING**  
**Tuesday, October 15, 2013**

**CITY COUNCIL PRESENT:** Joe Paiement, Asia Bednar, Amy Williams, Richard Glasgow

**STAFF PRESENT:** Chris Wallberg, Ron Moose, Steve Iverson, David Snyder

**OTHERS PRESENT:** Deputy Clayton Evans, Chris White, Diane Wirth, Molly Shodeen, Mike Quinn, Kathleen Quinn, Mary Quinn, Patrick Quinn, Brad Lahr, Amy Lahr, David Beaudet, Alexandra des Parois, Victoria des Parois, Lauren Carpenter, Ryan Danielson, Abbie Green, Morgan Viertel, Tom Campbell

1. **CALL TO ORDER** by Acting Mayor Paiement at 6:02 p.m.
2. **PLEDGE OF ALLEGIENCE** was recited.
3. **CONSENT AGENDA** – Williams requested to pull item A from the Consent Agenda. Glasgow requested to pull item D from the Consent Agenda. **M/S/P(Williams/Bednar) to approve Consent Agenda Items B, E, and F. Passed unanimously.** [Recorders Note: Lettering of the Consent Agenda Items excluded Item C in error]  
Glasgow stated he requested to have Item D pulled to examine the payment of the Mayor's stipend in his absence. He stated that he discussed transfer of power in Livingston's absence and Wallberg told him that if the Mayor missed two consecutive meetings he would not receive his stipend. Wallberg clarified the ordinance indicates that absence from performing duties for a period greater than two months constitutes discontinuing of a Council Members stipend; absence from meetings is not specifically addressed. Williams questioned how to measure absence if not by meeting attendance. Snyder provided insight that the threshold would be 2-calendar months, or 60 days; based on the information he had received that was not met. Paiement suggested letting the City Attorney and Clerk's Office address the situation. **M/S/P(Williams/Glasgow) to approve item D of the Consent Agenda as originally presented. Passed unanimously.** Williams stated she pulled item A from the Consent Agenda to examine a passage she felt was erroneous. The passage in question references a stated comparison between chickens and other domesticated animals. Williams stated she specifically referenced raising rabbits, not other domesticated animals. **M/S/P(Williams/Glasgow) to correct the language in the September 17, 2013 City Council meeting minutes to reference livestock as opposed to domesticated animals in statement made by Councilmember Williams. Passed unanimously.** [Recorders Note: The passage was amended to reference rabbits as opposed to livestock.]
  - A. Minutes of the September 17, 2013 Regular City Council Meeting
  - B. Treasurer's Report
  - D. Bills to be Approved
  - E. Renewal of Conditional Use Permits / Certificates of Compliance for City businesses, per the attached summary
  - F. AFP No. 1 / 2013 Street Improvements as presented
4. **LAW ENFORCEMENT REPORT** – Williams yielded her report to Deputy Clayton Evans. Deputy Evans will be replacing Deputy Hanson as Lakeland's contract officer until January 1, 2014. Deputy Evans commented on home and vehicle break-ins that had recently taken place in Lakeland and surrounding communities. He stated the Sheriff's Office is currently investigating and has identified suspects but he is unable to comment further. He stated in a majority of cases the home or vehicles that experienced theft, were unlocked, and took place most between 1 am and 6 am. He advised residents to lock their homes and vehicles. He stated it is believed that the same two individuals have been responsible for all the break-ins; none have been forcible; do not appear to be confrontational in nature. There was discussion regarding a "power car".
5. **PETITIONS TO THE COUNCIL** – None.
6. **VARIANCE APPLICATION / Michael & Kathleen Quinn to build a new home at 641 Quixote Avenue North** - Wallberg stated that additional materials were provided to the Council at the meeting. Moose stated the Planning Commission and City Council originally heard an application for requested variances at this property in June. Due to legal action brought forward by the DNR it was agreed upon that the application would be reheard. A public hearing for the amended application took place at the October 1, 2013 Planning Commission meeting. Moose introduced the new application and the information presented to the Planning Commission at the Public Hearing. These items included setback measurements and impervious surface coverage measurements. He stated the review comments

from the City Engineer and the Middle St. Croix Water Management Organization was included in the materials. He stated the Planning Commission voiced concern regarding the existing septic system meeting the required 10-foot setback. He indicated that he had been in communication with Chris LeClair, of the Washington County Public Health Department, who had reviewed the plans and declared the setbacks were acceptable. The DNR expressed the following concerns regarding the original proposal: 1) Amount of structural encroachment located close to the bluff line and the sites ability to accommodate development at the scale proposed. 2) The proposed land alteration including additional retaining walls and stairs on the bluff line. 3) The visibility of the roofline of the proposed house, which will increase the river facing profile of the house. In response to those concerns, the Quinn's met with the DNR and revised their proposed plans. Those changes include moving the house and garage further from the bluff line; eliminating the steps on northeast corner of the house; removing all retaining walls with the exception of replacing a pre-existing wall that is dilapidated. He stated the variances being requested are: 1) Variance to build with 5 feet side lot line as opposed to the required 10 foot setback. 2) Variance to allow bluff line setbacks ranging from 5 to 15.6 feet versus the required 40 feet. 3) Variance to build with 27.8 feet from the front lot line versus the required 30 feet. 4) Variance to allow the peak roof height to be 8 feet higher from the river than existing house. 5) Variance to allow grading on slopes greater than 12%. He stated the variance to build within 27.8 feet from the front lot line was presented incorrectly to the Planning Commission at the public hearing. At the public hearing, he stated the setback from the front lot line would be 29.8 feet. He stated the memo included 3 examples of homes that were rebuilds or remodeled resulting in increased height. Moose stated the St. Croix River Bluffland and Shoreland Ordinance includes 10 factors to consider as part of the City's review, which are in the materials and are reflected in the draft resolutions. He stated the items in need of Council consideration when reviewing the variances. These include 3 practical difficulties standards as well as the 2 other criteria, which are compatibility with the Comprehensive Plan and harmony with the Bluffland and Shoreland Ordinance. He stated conditions of approval are provided in the materials and recommended the Council include all of them in the case of approval. The Planning Commission recommended approval for 3 of the variance requests including the side lot line setback, the front lot line setback, and grading & filling on a slope greater than 12%. The Planning Commission recommended denial of 2 of the variance requests including the bluffline setback and increase in peak roof height. The Planning Commission's recommendation to deny the bluffline setback variance was due to the size of the project being too large for the constrained lot, hence altering the character of the locality. Much of the conversation centered on the attached garage and the Commission suggested that the project be downsized so the proposed structure would fit the lot. Finally, the Planning Commission recommended that the proposed plan needs to comply with the required septic system setback. Moose stated he had verified the proposed plan complied with required septic setbacks. Moose stated findings of fact are included in his memo and resolutions are available for the Council's consideration. Williams thanked staff for preparation of the variance materials and stated she feels the right decision was made when the variance requests were originally approved. Paiement also thanked staff and invited attendees to make comments. Mike and Kathleen Quinn introduced themselves and indicated appreciation for the efforts of all involved. Kathleen Quinn thanked the Council for the opportunity to speak and appreciated the thought that went into the original decision to approve the variances. They were shocked and disappointed by the actions of the DNR. From the beginning of the process, they have sought to work carefully with all parties including the City, DNR and the WMO. A contractor, who has experience building on the St. Croix River, was specifically chosen to design a home that would blend in with the environment and the community. She added they have been cooperative, flexible and patient when asked to amend their plans. She stated approximately 10 design changes were made to accommodate concerns brought forward by the DNR. She feels that regardless of the proposal, numerous variances would be necessary due to the constraints of the lot and their proposed home would be a vast improvement over the current home. Mike Quinn stated appreciation for the Planning Commission's recommendation to approve 3 of the requested variances but strongly disagreed with their opinion to recommend denial of the other 2. They felt the only information considered was that provided by the DNR. He stated he doesn't agree with denial of the bluffline variance given that both the Planning Commission and City Council approved it originally. Since originally approved, additional concessions were made to move the proposed home further from the bluff. They believe the size, scale and character of the home are in harmony with other homes located on the St. Croix River in Lakeland. By his calculation, the current home is 85% screened and he doesn't feel it is more visible than approximately 40 other homes on the river. He stated the neighborhood features an eclectic variety of homes so the character would not be disturbed. He stated he disagrees with the denial of the height variance based on the Planning Commission's argument that the proposed structure would disturb the harmony of the locality; and the notion that their variance request is self-created. He stated there are a number of 2-story homes on the river in Lakeland. They feel the proposed 2-story home is better than the DNR suggested option of building laterally which would require much excavation along the bluff. He stated his opinion is the proposed natural colored, prairie style home will be less visible than the current structure. Molly Shodeen, of the DNR, thanked the Council for rehearing the variance application. She asked for confirmation that her comments were included in the Council's packet, which all Councilmembers confirmed. The DNR supports the recommendations of the Planning Commission

and felt they correctly analyzed the scale of development proposed on a constrained lot. She stated it is important to be cognizant of the fact that the lot was purchased with the constraints and ordinances in place. As such, it is difficult to conclude that the variance requests are not self-created based on the design and desires of the landowner to develop the lot. The DNR has a strong role in oversight of local government decisions to assure the statutory obligation to work in partnership to protect Minnesota's only designated Wild & Scenic Riverway. The Wild & Scenic Rivers Act provides for an interagency partnership between Federal, State and local units of government, which include the Minnesota and Wisconsin DNR's, along with the National Park Service. It is in the best interest of all to ensure good decisions consistent with the Federal and State Acts, State Rules, and local ordinances. The DNR is interested in providing classes and workshops to assist local governments with reviewing variance applications. She stated that each variance may seem insignificant but the biggest threat is a "death by a thousand cuts". Paiement questioned if the DNR creates plans based on what is already present on the river and pointed out many structures are already close to the river. He questioned what the DNR was attempting to accomplish. Shodeen stated that most of the structures he referred to were built prior to the National Wild & Scenic Riverway designation. There are many structures that have been remodeled or rebuilt, and that while it is difficult to tell in some instances, most meet or are very close to the setback regulations. Variances are reviewed on an individual basis on the merits of the project and scale of development proposed. She stated ten to twelve past decisions were provided that illustrate no rebuilds have been allowed in such a close proximity to the bluffline; there have been remodels and roof raisings but no peak raisings; the differences in the decisions are illustrated. She stated the resource is reviewed and the intent of the ordinance is to protect the resource to the greatest possible extent. Expectations regarding what types of homes can be built on constrained lots must be taken into account. Paiement questioned if there is any particular plan for new development along the river or if it is a case-by-case basis. Paiement questioned why the height and bluffline setback are being challenged in this particular case. Shodeen stated there is a 35 foot height limitation for conforming structures in the St. Croix Riverway; the ordinance states the roof height of a substandard structure, a structure that does not meet bluffline setback regulations, cannot be raised, which is what the Quinn's are requesting. Paiement stated the size and shape of the substandard lot wouldn't allow the structure to meet the 30 foot setback. Shodeen stated when applying for a variance the object is to minimize the degree of the variance requested. Paiement stated the Quinns had moved the house further from the bluff and questioned why the DNR would not allow the height to be raised. Shodeen responded the goal is to protect the existing scenic and recreational qualities of the river; raising the roofline of structures influences the scenic qualities of the river. Williams questioned Shodeen's earlier comment that it is difficult to tell if a structure is 20 or 40 feet from the bluff when viewed from the river. She argued that the strong language in the ordinance is unnecessary if that is the case; if river-goers cannot tell if a home is 20 feet or 40 feet from the bluff, it negates the argument that setbacks matter concerning height. Shodeen clarified her earlier statement by saying the eye cannot tell if a variance was needed for any particular home; a different set of regulations apply in a variance situation. Williams questioned the point of applying the standards if individuals from the river could not tell by eye how close homes are to the bluffline. Shodeen stated the eye would be able to tell if a home was 8 to 12 feet from the bluffline as opposed to 20 to 40 feet. Williams stated that if the DNR's concern is protecting the aesthetics of the river then Shodeen's prior comment regarding the inability to tell the difference in setback distance from the bluff must be taken into consideration. Williams added that she believes the Quinns have put great effort into being sensitive to visibility from the river and what is proposed is a vast improvement over the current structure. Snyder questioned Shodeen if it would be possible to have a nominal increase in height and yet a minimization of massing or appearance of a house and roof when viewed from the river. He asked for further explanation on how the changed configuration of the proposed home would affect the view from the river. Shodeen agreed that it was possible and stated in this case the direction of the roof peak was being changed. She stated instead of peak being visible, the broad side of the home will now be facing the river and will be 8 feet higher. Paiement questioned if the DNR would be favorable to the change in configuration from an aesthetics standpoint. Shodeen stated that aesthetics were not the only concern and that there are regulations that need to be applied to everyone. She stated if variance requests were based purely on aesthetics, the current standard would be null and a new standard would effectively be in place. Bednar questioned the recent and notable Lakeland land use decisions provided by the DNR; wondered why the current application is being scrutinized by the DNR. Shodeen pointed out that each case was very different, with a majority being remodels as opposed to teardowns; teardowns and remodels have different ordinance restrictions; remodeling a substandard structure allows more leeway so long as the home is visually inconspicuous; the ordinance clearly states teardowns cannot have the roofline raised while that is not stated in the case of remodels. Williams stated her understanding was that all variance applications need to be evaluated on their own merits and do not have any bearing on future variance applications. As a result, she does not feel the recent and notable Lakeland land use decisions should be used as an argument against granting the requested variances. She stated that granting the current variance requests would not play into her decisions regarding any future variance requests; feels that the Quinn's lot presents a unique set of circumstances. Snyder questioned Shodeen if there is a way of quantifying how the view of the home from the river would be affected if variances were granted. Shodeen stated she

was unsure of how each home would be evaluated in that manner. Snyder stated that there had been discussion at the public hearing regarding how the reconfiguration of the roof, while higher, would lead to less visual massing on the bluff and asked for further explanation. Mike Quinn reiterated that the broad side of the home would be viewable from the river as opposed to a roof peak; the roof line would be 8 feet higher than the current peak and all of the additional height would consist of shingles; he stated the current structure is white while the proposed structure would be earth tones; the proposed structure would be pushed back 15 feet; the current structure is 85% screened by trees by his calculation; the trees are taller than the roof line of the current structure and would be with the proposed structure as well; all these factors lead him to believe the proposed structure would be less visible than the current structure. David Beaudet, chair of the Lower St. Croix Management Partnership Team, which is an organization that is advisory to the management commission of the Lower St. Croix River. As a group, they review all development applications. He stated that these rules apply not only to Lakeland, but also to all the communities on both sides of the river. Many of the communities located on the river work hard to shield from development. He suggested that the Real Estate agents who worked with the Quinns should have made them aware that they tearing down the existing home and building what they are proposing would violate the Bluffland & Shoreland Ordinances. He suggested that the Quinns have many other options to improve or remodel the existing home as opposed to tearing it down and rebuilding a larger home. He stated that other communities would look at this variance and apply it to its future rulings. He continued that variances are significant and do "change the rules". He added that future variance requests would be subject equal protection under the law, and this decision would set a precedent that would allow homeowners to build close to the bluff line or raise the roof height of teardowns; if the Council approves the variance requests it takes away grounds for future denials. Williams asked Beaudet if the Quinn's proposal would improve the aesthetics from the river and added that the MSCWMO indicated approval of the plan. Beaudet stated he is the former chair of the MSCWMO and is no longer on the board; during his tenure the MSCWMO would've asked for compliance with the existing riverway setbacks; the MSCWMO only addresses water issues. Snyder stated that the variances were originally granted at which time the DNR responded with the lawsuit. Communication took place between the DNR, the City and the Quinns regarding each party's respective views on the lawsuit and the granting of the variances. During this communication, the Quinns indicated they had no objection to a continuance of the proceedings and a rehearing of the application. The DNR and the Quinns had direct communication regarding addressing DNR concerns. He added that the decision regarding the current application should be made without regard to previous lawsuit. Paiement questioned if an agreement had been reached between the Quinns and the DNR in terms of the changes the DNR felt were necessary. Snyder stated that a comprehensive agreement had not been reached, and the original goal was to minimize concerns, as opposed to arriving at a full agreement. Wirth stated the Planning Commission took input from all the agencies involved when considering the application; she added that she does not feel the land is being used reasonably; the decision is not about the DNR as it is Lakeland's ordinance; should the variances be granted she would like clear reasoning regarding why the law is being ignored so there is a clear understanding of the decision process; she referenced the August newsletter article related to the importance of preserving the river and would like steadfast compliance to the Comprehensive Plan to ensure preservation. Williams stated the findings of fact provided by Moore were part of the reason she felt compelled to approve the variances; the findings of fact support the necessary criteria to grant the variances; there is harmony with the Comprehensive Plan because the new house will be an aesthetic improvement when viewed from the river. Wirth stated concern that non-compliance with the ordinances in this case could cause the City of Lakeland, and its residents, financial burden as it has in the past. She added that materials provided in the packet accurately reflected the Planning Commission's decisions and that all recommendations were unanimous. Chris White stated that the Planning Commission disagreed with findings of facts presented by Moore. There are many ways that the Quinn's property could be used in reasonable manner without requiring such a large number of variances including building a one-story walkout or having a two-car garage. She added that the land is not causing hardship, the scale of the desired house is causing hardship, and for that reason, the Planning Commission recommended denial of the variance request. There was discussion regarding variances that would be necessary for any type of work on the property due to the constraints of the lot. White reiterated that if the house design was smaller, fewer variances would be necessary. Pat Quinn stated he believes approving the variance requests would improve the property; 15% of the current home is visible from the river; claimed the additional roof height would not be visible from the river due to tree coverage.

**M/S/P(Williams/Glasgow) to adopt Resolution 2013-20 approving variances to allow the replacement of an existing non-conforming one-story house with walkout and detached garage in the St. Croix River District, with a two-story house with walkout and an attached garage at 641 Quixote.** Williams questioned what the result of a 2-2 vote would be. Snyder stated the motion would fail. Glasgow enquired if the DNR has a book of rules or statutes that are available. Shodeen stated the DNR does have a book of rules and she would provide it to him. Glasgow questioned what the reaction of DNR would be if the variances were approved. Shodeen answered the DNR will review the findings to determine how they support the decision. Williams stated she believed that the Planning Commission and City Staff had a difference of opinion regarding interpretation of the findings of fact; she

stated she would defer to the City Staff interpretation; she added that she had spoken to the City Attorney who informed her there were no inaccuracies in the findings. Snyder stated that City Staff makes a recommendation and it is at the discretion of the decision-making bodies to make decisions. **Motion Passed 3-1. Williams, Glasgow, Paiement voted aye. Bednar voted nay. Resolution adopted.**

7. **PROPOSED ORDINANCE AMENDMENT / EXTERIOR STORAGE** – Moorse stated the proposed ordinance amendment was presented at the previous meeting at which time it was determined a sub-committee would be formed. The sub-committee, comprised of Councilmember Williams, Planning Commissioner Wirth and Moorse, met and reviewed the proposed amendment as well as the rest of the ordinance. They agreed there is other language in the ordinance that was not clear and needed to be addressed. Information was presented to the Planning Commission at which time they decided they were still comfortable proceeding with the recommendation to incorporate the ordinance amendment as it was originally presented. The Planning Commission also indicated they would review the language in the rest of the ordinance at a later meeting. Moorse stated it was at the Council's discretion to adopt the ordinance amendment or the Planning Commission could be asked to review the entire ordinance. Williams stated disappointment that proposed ordinance amendment had been presented to Council again without the sub-committee's concerns being addressed. Paiement stated it may be best to have the whole ordinance addressed and then have it presented to Council.
8. **PARKS/BEACH** - Bednar stated she was advised by the Council to select two parks to enhance after making her workshop presentation at the previous meeting. She stated she had chosen Humphries park and Crocker park due to their location, one on the east side and one west side of St. Croix Trail. She also desires to make additions to Lakeland Beach. She stated Cully Park is in need of attention but would be very costly and would like to address two parks as opposed to one; also does not want to invest money into Cully Park until the current vandalism stops. She stated her proposal indicates "not to exceed" pricing and she is also looking for volunteers to install the equipment so the price could be reduced further. Through various tours of neighboring parks, she determined that Little Tikes is the most suitable for all ages ranging from 2 to 12. The pricing of Little Tikes equipment is also reasonable. She added the proposed Crocker Park equipment is more elaborate due to the likelihood of higher usage. She stated the equipment at Humphries Park would be an addition to what is currently present and would be more suitable for younger children. She stated the City Attorney had made additions to the proposed Parks Rental Agreement. She added that she wanted to see the sunset provision of the contract last for 1 year as opposed to 2; she would like the Permit to Consume Alcohol fees lowered to approximately \$40.00. Williams stated she was in favor of improving a park on the east side and west side of St. Croix Trail as well; her children voiced concern over alterations to Humphries Park. Alexandra des Parois stated she does not want Humphries Park altered; does not think it is a park that is frequented by young children and the park is used more frequently by young adults; would like to see more garbage cans and benches. She added she does not desire the presence of more younger children in the event of the playground equipment addition; also does not want renovation to the area currently used by a group of young adults to play "Ultimate Frisbee". Bednar stated that the proposed alterations or additions would not be in the area where "Ultimate Frisbee" is played, as it is a proposed drainage area. She does not feel that families with small children should be denied having additional park equipment; does not feel there would be much change due to the fact that playground equipment is already present at the park. Williams stated concern that adding additional playground equipment would limit available park space for young adults; the required location of the additional benches would have to be close to the playground out of necessity. She added that if more equipment was installed that more small children would be present; is in favor of additional lighting being added. She also stated that due to proposed improvements at Crocker Park, and eventually Cully Park, that each park does not need to cater to every age group. She does not believe that all the parks need playgrounds; feels that each park could cater to different age groups; would like to personally have a park available without small children present. Bednar stated that a resident contacted the City about the equipment currently at Humphries Park and stated there is nothing that is adequate for small children and that the current equipment poses a safety risk for that age group. Bednar stated that the park appears unfinished and gave additional reasoning she feels more playground equipment would be appropriate. Alexandra des Parois and Victoria des Parois gave additional reasoning why they felt adding playground equipment to Humphries Park should not happen. Williams stated she feels that Cully would be more appropriate to receive immediate improvement due to the fact it is frequented by more families. Bednar stated she would like to see all the parks receive attention; her decision to move forward with additions Crocker Park and Humphries Park was in large part due to financial constraints; Cully Park would require a much larger expenditure. Paiement questioned if it would be possible to move forward with the equipment for Crocker Park and delay a decision on the Humphries Park additions. Bednar stated she appreciated all the opinions offered but would like to proceed with both parks. She added soil would be taken from Humphries Park to Crocker Park to fill in the area where the old playground equipment would be removed; doing the projects separately would result in additional cost. Williams would like to

move forward with the additions to Crocker Park, additional lights at Humphries, and beach improvements; and then evaluate that effectiveness of that project to determine how to move forward with other parks. She stated she was unsure she would like to see the renovations of the parks on the west side of St. Croix Trail that were previously discussed; this is due to feedback from residents as well as having adequate time to review the proposals. Bednar stated she did not want this process to go for another month; voiced uncertainty regarding potential changes to the price quote if only the equipment for Crocker Park was purchased; the current quote was a "package deal" for which a discount was applied for a volume purchase. Williams stated the project would be far less costly if the Humphries Park additions were not included. Bednar reiterated it would be more expensive based on not receiving the volume discount as well as having to purchase fill for Crocker Park. Bednar stated a publicly posted walkthrough of Lakeland's parks was scheduled for which nobody showed up; she spent considerable time preparing what had been presented after it was requested to enhance two parks of her choice; suddenly a large amount of input had been provided after the fact. Williams stated she believed that the point of having Council Meetings was to receive public feedback and that may not have been received had anyone attended the parks walkthrough. Bednar responded by saying she realized that public feedback may not have been received but she would've appreciated additional feedback from the Councilmembers who requested the walkthrough. Williams stated she had changed her opinion two days prior when she learned how passionately the group of young adults felt against additional playground equipment at Humphries Park. She stated she also enjoys Lakeland's parks due partly in fact that there are not a lot of small children present. She added that she feels certain members of the population are overlooked by placing playground equipment in all three parks; feels that Humphries is the only park that could be dedicated to older residents. Bednar stated she disagreed with that assessment due to the distance between the playground area and remaining area at Humphries Park. Paiement suggested changing the "not to exceed" amount for renovations at Crocker Park from \$56,000 to \$65,000 to account for any additional expenses. He added he felt there was a consensus to not proceed with additions to Humphries Park at the current time. **M/S/P(Williams/Glasgow) to approve expenditure not to exceed \$65,000 for improvements at Crocker Park and to approve expenditure not to exceed \$2,000 for improvements at Lakeland Beach.** Glasgow stated he was made aware by the statements of those in attendance that young adults do not have an open area to congregate in Lakeland. **Motion Passed 3-1. Paiement, Williams, Glasgow voted aye. Bednar voted nay.** Chris White advised it would be beneficial to check with the City's Loss Control Consultant concerning the new types of equipment being purchased, as well as potential issues with having equipment installed by citizen volunteers. There was discussion regarding placing a memorial plaque at Crocker park. There was consensus of the Council to proceed with placing the plaque. Bednar introduced the notion that additional street lighting was necessary at Humphries Park, as the current lighting is very poor. She stated Kline contacted Xcel Energy who provided four options ranging in cost from \$3,000 to \$12,000. Kline stated he would not want to be responsible for restoration and would like to see the electricity line bored to the location of the new light. He suggested that the four options need to be explored to determine which is most cost effective. **M/S/P(Williams/Paiement) to allow Councilmember Bednar & Public Works Director Kline to identify and purchase the street light they deem the best option for illuminating Humphries Park, cost not to exceed \$11,693.50. Passed unanimously.** Bednar stated the City Attorney was tasked with creating a draft ordinance amending section 92.02 of the City Code pertaining to the use, sale, service and consumption of alcoholic beverages in public parks. She pointed out she would like to see the sunset provision end on January 1, 2015 as opposed to January 1, 2016 which would allow one full year to evaluate the change; also would like the fees for the consumption permit lowered. Bednar stated that reservations would be for exclusive use of the park. Chris White suggested a provision to charge renters for any damage not covered by the \$250 damage deposit. She also suggested contact with the City's Insurance Representative to ascertain potential effects and liability of allowing alcohol. There was further discussion regarding liability and White suggested contacting the League of Minnesota Cities legal team for further review of the proposed document. Wallberg stated the one individual requesting park rental is seeking to rent Lakeland Beach and Crocker Park, and as a result, potential parking issues needs to be addressed; she offered to draft a resolution that would waive the parking restrictions for the requested event. A typographical error on page 2, section C of the proposed ordinance was pointed out. Wallberg stated that the Park Rental and Consumption Permits are considered separate and need to be added to the fee schedule. **M/S/P(Paiement/Glasgow) to adopt Ordinance 7540 amending section 92.02 of the City Code of the City of Lakeland pertaining to the use, sale, service and consumption of alcoholic beverages in the public parks of the City. Roll Call – Williams, Glasgow, Bednar, Paiement voted aye. Ordinance adopted.**

## 9. STAFF REPORT

**Attorney** – Snyder stated a decision from Washington County is expected in the near future regarding the Space litigation and details will be provided to the Council when a decision has been reached.

**City Clerk** – Wallberg stated the Recycling Committee met, which consisted of a Lakeland Shores Mayor Randy Kopesky, Mike Maroney, Tim Maroney, Diane Wirth, Chris Wallberg and Steve Iverson. Brainstorming took place and the ultimate goal is to switch to single sort recycling. There was additional discussion regarding Maroney's Sanitation providing new recycling containers and parameters necessary to achieve that goal. The Recycling Committee will reconvene in the near future and reports will be provided as information becomes available. Population of the new City website will begin soon and the City Council will have the opportunity to view it before it goes live.

**City Engineer** – None.

**Public Works Director** – Kline stated the 2013 Streets Project is approximately 98% completed. He is currently working on 5-year Capital Improvement Plan for the streets and will present it at a future workshop. The beach parking lot planting project was completed and the beach will be closing for the year within the next week. Kline stated the 2013 Streets Project is anticipated to be within budget. He stated that an additional round of spray patching was completed to fill shallow potholes that had been missed earlier this summer; the regular patch mixture does not stay in shallow potholes so spray patching was necessary. Williams stated a resident complained about vegetation blocking a sign on 3<sup>rd</sup> Street near the west side of Cully Park. Kline responded that the foliage will be removed. The Public Works crew will be working on additional foliage trimming in the near future. He added he generally trims blocked signage based on reports from the public, due to the sheer volume of signage; signs are generally reviewed for condition on an annual basis and could be trimmed during that inspection. Glasgow reported a streetlight is out at Quixote and 4<sup>th</sup> Street and requested Kline address having it repaired. Kline stated he would report it to Xcel and wished to inform residents that anyone can report streetlights that are not functional. It was suggested to add Xcel Energy contact information for street light repair in Newsletter.

**Treasurer** – Iverson reported expenses related to the Gustafson new home construction project, along with other legal expenditures, caused the General Government: Other category to reach 94.3% of the budgeted amount. The current amount of cost the City has incurred for this project is \$3,776 and there is an indication these funds will not be recovered. Iverson stated this particular project has been more costly than other comparable projects. Moose stated that this project had required review by the City Engineer due to its location on the bluff; he, the City Attorney, and the Building inspector spent a considerable amount of time reviewing zoning related items, particularly determining the height of the proposed structure. Moose stated the difference between the Quinn application and Gustafson application was that the Quinn's went to variance so the funds could be recovered through escrow. Moose stated the Gustafson project was not in need of variance in his opinion. Williams suggested creating a new process for review of construction projects that are not in need of variance so that escrow could be collected. Snyder stated the building permit had been issued for the Gustafson project. There was discussion regarding revenue from building permits and if that would be a means to recover a portion of the expenses incurred by the Gustafson project. There was additional discussion regarding the account to which Zoning Administration Consulting Fees are recorded. There was discussion regarding creating a process to collect escrow for construction projects in instances where variance is not required.

**Zoning** – None.

10. **COUNCIL MEMBER REPORT/** Bednar reported she spoke to Robert Craggs of the Lower St. Croix Valley Community Foundation regarding bike trail improvements. She is looking to make those improvements in the future, will have additional conversations with Mr. Craggs and will report later.
11. **COUNCIL MEMBER REPORT/** Glasgow stated he attended LSCVFD meeting; there were 40 runs total; 5 were fire runs, 33 were EMS runs and 2 were public assists. 7 of the calls were in Lakeland. The five City meeting was postponed until February 2014. He attended an Alliance meeting at which the MSCWMO presented on MIDS. He stated all the cities, with the exception of St. Mary's Point, are now providing videos of Council Meetings on Vimeo.com.
12. **COUNCIL MEMBER REPORT/** Williams requested that Acting Mayor Paiement appoint her an ex officio member of the Planning Commission. She added she would not have a vote but would provide an opportunity to act as a liaison

between the Planning Commission and City Council. She stated the role is currently not filled. Paiement stated he was unsure if the appointment should be delayed until Mayor Livingston returned. Williams stated she had spoken to Livingston who voiced no objection to her assuming the role. She stated she felt the Planning Commission would welcome having a liaison. Wallberg stated a resolution to make an appointment would be necessary and could be drafted for the next meeting; Williams could still function in the capacity without any formal appointment. Williams stated the Personnel Committee has conducted interviews with many staff members for potentially reorganizing the workflow within the City. She recognized Chris White for her efforts associated with conducting the interviews. She stated she attended a Gateway Corridor Commission meeting. The PAC met and there was conversation regarding appointing a member from Lakeland Shores. The CAC appointed a chair. She provided an explanation of potential transportation route options discussed at the Gateway Corridor Commission meeting. There was discussion regarding the lack of traffic yielding for pedestrians at round-a-bouts on St. Croix Trail.

13. **COUNCIL MEMBER REPORT/** There was discussion regarding when Mayor Livingston will return. Paiement stated there was Personnel Committee meeting he was unable to attend regarding a plan for restructuring by the end of the year.
14. **MAYOR'S REPORT/** Livingston not present to report.
15. **ADJOURN – M/S/P (Glasgow/Bednar) to adjourn meeting at 8:46 p.m. Passed unanimously.**

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Joe Paiement, Acting Mayor

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Steve Iverson, Deputy Clerk/Recorder