



City Council Meeting – 6:00 p.m.
Tuesday, November 18, 2014
Lakeland City Hall

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1. CALL TO ORDER Bob Livingston
 2. PLEDGE OF ALLEGIANCE Bob Livingston
 3. CONSENT AGENDA – Items defined as routine business not requiring discussion and approved by roll call vote. Items may be pulled from the Consent Agenda for discussion and/or separate action. Bob Livingston
 4. LAW ENFORCEMENT REPORT Amy Williams / Deputy Sheriff
 5. PETITIONS TO THE COUNCIL – Items requested to be placed on the Agenda from the public or from the floor. Bob Livingston
 - City Council Residency – Jon Place
 6. CODE COMPLIANCE POLICY Amy Williams
 7. CITY STAFF REPORTS
 - Attorney
 - City Clerk
 - Engineer
 - Public Works Director
 - Snowplowing
 - Treasurer
 8. COUNCIL MEMBER REPORT/Glasgow Richard Glasgow
 9. COUNCIL MEMBER REPORT/Williams Amy Williams
 10. COUNCIL MEMBER REPORT/Paiement Joe Paiement
 11. COUNCIL MEMBER REPORT/Bednar Asia Bednar
 - Potential Land Acquisiton
 12. MAYOR'S REPORT Bob Livingston
 13. CLOSED SESSION / 1109 QUIXOTE AVENUE NORTH Josh Brekken
 14. ADJOURN Bob Livingston

CONSENT AGENDA

CONSENT AGENDA ITEMS are defined as routine business not requiring discussion and approved by roll call vote. Members may elect to pull Consent Agenda item(s) for discussion and/or separate action.

- A. Minutes of the October 21, 2014 Regular City Council meeting
- B. Treasurer's Reports – October, 2014 & November, 2014
- C. Bills to be Approved
- D. Lower St. Croix Valley Community Foundation Bike Trail Event at Lakeland Village
- E. Christmas Open House - December 16 from 4:00 to 6:00, cost not to exceed \$100

CITY COUNCIL MEETING
Tuesday, October 21, 2014

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

STAFF PRESENT: Chris Wallberg, Matt Kline, Steve Iverson, Josh Brekken

OTHERS PRESENT: Chris White, Jon Place, Paul Sisson

1. **CALL TO ORDER** by Mayor Livingston at 6:00 p.m.
2. **PLEDGE OF ALLEGIENCE** *was recited.*
3. **CONSENT AGENDA** – Glasgow requested to have Consent Agenda Item B pulled for discussion. **M/S/P(Glasgow/Williams) to approve the Consent Agenda Items A, C, D and E. Livingston, Bednar, Glasgow, Williams and Paiement voted aye. Motion passed unanimously.** There was discussion regarding Consent Agenda Item B. **M/S/P(Williams/Glasgow) to approve Consent Agenda Item B. Livingston, Bednar, Glasgow, Williams and Paiement voted aye. Motion passed unanimously.**
 - A. Minutes of the September 16, 2014 Regular City Council meeting
 - B. Bills to be Approved
 - C. Final Approval for Resolution 2014-13 Approving Variance to Allow Balcony at 699 Quixote Avenue North
 - D. Renew Code Agreement between the Washington County Sheriff's Office and the City, January 1, 2015 through expire December 31, 2016
 - E. Renew Conditional Use Permits / Certificates of Compliance for City businesses, per the attached summary
4. **LAW ENFORCEMENT REPORT** – The Law Enforcement Report was deferred until Agenda Item 9.
5. **PETITIONS TO THE COUNCIL** – There was discussion regarding the Commercial Special Occasion Ceremony Venue. The discussion included the process involved with addressing complaints and the retention of complaint materials. Jon Place, 16428 7th Street Lane South, provided comment.
6. **2015 STREET IMPROVEMENTS** – Kline outlined the projects scheduled to be addressed by the 2015 Streets Project. He provided the estimated costs for the project and stated he was seeking approval to complete preliminary engineering and survey work. **M/S/P(Williams/Paiement) to approve surveying and preliminary engineering work for the 2015 Street Improvement Project in the amount of \$42,200.** There was discussion regarding the specific streets that will be repaired for the 2015 Street Improvement project. **Livingston, Bednar, Glasgow, Williams and Paiement voted aye. Motion passed unanimously.** There was discussion regarding parking in cul-de-sacs.
7. **STAFF REPORT**

Attorney – There was discussion regarding Councilmember residency requirements.

Public Works Director – There was discussion regarding widening Quality Avenue and 3rd Street South and costs associated with doing so. The discussion included the possibility of changing the schedule of the CIP to address the issue earlier. Paul Sisson, 16074 2nd Street North, voiced concern that the corner of Quality Avenue and 3rd Street South is a safety hazard that needs to be addressed. There was discussion regarding forming a committee to address the issue. A workshop in November to discuss the issue was suggested. There was discussion regarding the snow removal contracts for Lakeland Shores and St. Mary's Point for the upcoming winter.

City Clerk – Wallberg reported on the status of the destroyed home at 1243 Rivercrest Road and added work will start at November 3, 2014 after all requirements have been met. She stated an Election Canvass is required to take place between November 7, 2014 and November 14, 2014. The Council agreed to hold the Election Canvass on November 10, 2014 at 5:45 p.m. There was discussion regarding the Personnel Committee. There was discussion regarding the staffing shortage due to Iverson's resignation. There was discussion regarding holding a Special Council meeting to address hiring a replacement. There was discussion regarding the legality of taking action on

acquiring a replacement since it was not an agenda item. There was discussion regarding contacting Kelly Services to obtain temporary help. **M/S/P(Paiement/Glasgow) to authorize Chris Wallberg to contact Kelly Services immediately to acquire temporary help for the City Clerk's Office. Livingston, Bednar, Glasgow, and Paiement voted aye. Williams voted nay. Motion passed.**

Treasurer – Absent.

Zoning – None.

8. **COUNCIL MEMBER REPORT/** Glasgow reported on the Cable Commission and status of the franchise agreement with Comcast. He commented on Thrive 2040. He stated an Alliance meeting would be taking place the following Monday. He provided the LSCVFD run statistics for the previous month. There was discussion about providing the LSCVFD monthly statistics in Council packets.
9. **COUNCIL MEMBER REPORT/** Williams reported on the code compliance workshop. She reported on the Gateway Corridor Commission. She reported she attended Met Council Thrive 2040 hearings on housing and transportation. She provided the Law Enforcement report.
10. **COUNCIL MEMBER REPORT/** Paiement had nothing to report.
11. **COUNCIL MEMBER REPORT/** Bednar reported the beach has closed. She stated she is still working on the bike trail.
12. **MAYOR'S REPORT/** Livingston reflected on his time as Mayor and complimented the efforts of the City Council.
13. **ADJOURN – M/S/P(Glasgow/Williams) to adjourn meeting at 7:35 p.m. Livingston, Bednar, Glasgow, Williams and Paiement voted aye. Motion passed unanimously.**

Bob Livingston, Mayor

Steve Iverson, Deputy Clerk/Recorder



TO: City Council
FROM: Chris Wallberg
RE: Bike Trail Event at Lakeland Village – December 2, 2014
DATE: November 18, 2014

The Lower St. Croix Valley Community Foundation is planning a fundraising event in the south end space at Lakeland Village. Tables and chairs will be brought in, appetizers served and beer/wine service is planned. I have notified them that the City cannot approve them to serve beer/wine, and that they have to contact the State regarding requirements for that kind of off-site liquor service. The event is planned for 6:00 to 8:00 p.m.

The Village CUP allows community events from time to time after notification to the City for approval. I have let them know that the event can proceed, and have put it on the consent agenda for you to ratify.

cw

2



TO: City Council
FROM: Chris Wallberg
RE: 2014 Christmas Party
DATE: November 18, 2014

The Christmas Party for December is included on the Consent Agenda.

Please designate someone who can take care of the arrangements for this gathering. The workload at City Hall is simply overwhelming, and we don't have time available to do it.

Thank you.

cw

JOHNSON / TURNER

ATTORNEYS AT LAW & MEDIATION CENTER

October 10, 2014

City of Lakeland
c/o Chris Wallberg, City Clerk
690 Quinnell Avenue North
Lakeland, MN 55043

Re: Residency requirements of elected officials

Dear Ms. Wallberg:

During the September 16, 2014 regular City Council meeting I was asked to look into the definition of "resident" as it pertains to requirements for an individual to be eligible for city office. This letter is in response to that request and discusses the requirements pertaining to a seat on the City Council.

The Minnesota Constitution, Article VII, sections 1 and 6 set forth the requirements of eligibility for public office. The requirements are as follows:

1. The person is a qualified voter;
2. The person is 21 years of age on the day he or she is to take office;
3. The person is a U.S. citizen; and
4. The person has been a *resident* of the district in which he or she seeks to be elected for at least 30 days prior to the election.

Minn. Const. Art. VII, §§ 1, 6 (emphasis added).

A vacancy occurs upon the occurrence of the officer's "ceasing to be an *inhabitant* ... of the ... city for which the incumbent was elected or appointed, or within which the duties of the office are required to be discharged." Minn. Stat. § 351.02(4) (emphasis added). The word "inhabitant" is interchangeable with the word "resident" in this context. If it is found that an individual no longer inhabits the City, the City Council may by resolution declare a vacancy and proceed to fill it by appointment. See Minn. Stat. §§ 351.02(6) and 412.02, subd. 2a.

While the statute appears to be clear from its language, i.e. that anyone not currently living in the city limits is not an "inhabitant" therefore producing a vacancy, Minnesota

mail to: 56 E. Broadway Ave. #206
Forest Lake, MN 55025

12425 55th Street N.
Lake Elmo, MN 55042

539 Bielenberg Dr., #200
Woodbury, MN 55125

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f 651.464.7348

case-law and Attorney General opinions interpreting the statute have made the rule more flexible.

Residence (and likewise, inhabitation) is a factual question the council must determine in each case based on the particular facts and circumstances. As stated by the Attorney General, "[w]hether a council member, who has removed from city, is an 'inhabitant' thereof entitled to retain his office, is a fact question to be determined by the council, based on its consideration of the *intention* of the council member to return to the village prior to expiration of his term of office." Op.Atty.Gen. 471-M, Aug. 26, 1955 (emphasis added). This opinion was likely formed, and is bolstered by Minnesota caselaw. In *State v. Hays*, the Minnesota Supreme Court states with regard to the required residency of a state official, "the fact of removal without intention ... shall avail nothing." *State v. Hays*, 117 N.W. 615, 615 (Minn. 1908). In *Hays*, the Court also points out that during the official's absence from the county, he fully performed and attended to the duties of his office. *Id.* With these facts presented, the Court ultimately held there was not sufficient evidence to justify a vacancy. *See also* Op.Atty.Gen. 437A-17, Oct. 24, 1962 (holding that a supervisor of a town would not vacate his office if the town board found as a matter of fact that the supervisor had absented himself from the township with the intention of returning to his permanent residence prior to the expiration of his term of office as supervisor).

The issue of residency therefore is not based solely on the physical location of the individual holding office, as the language of the statute may suggest, but also his intent to permanently relocate and abandon the city office, as well as his availability to perform official duties.

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,

JOHNSON/TURNER
ATTORNEYS AT LAW

A handwritten signature in black ink that reads "Joshua N. Brekken". The signature is written in a cursive, slightly slanted style.

Joshua N. Brekken
JNB/

Proposed additions are shown in italics and underlined.

City of Lakeland
Zoning Complaint Investigation Policy and Procedure
Proposed Revisions from October 14 Workshop

The City's Zoning Code is designed to protect the health, safety, and welfare of the residents of the City of Lakeland. Code enforcement cases in Lakeland are initiated by Lakeland residents. If a Code violation is suspected, residents are required to file a written complaint with the City's Zoning Administrator. After the written complaint is filed with the City's Zoning Administrator, the following process takes place:

1. Inspection. The Zoning Administrator schedules an inspection of the subject property. Photographs are to be taken at the site.
2. Verification of Violation. The Zoning Administrator *investigates to determine if the issue can be addressed* by the Zoning Code currently adopted by the City of Lakeland. If no violation exists, the case is cleared. *If the case is cleared, inform complainant that no violation exists and no further action will be taken.*
3. Notice of Violation. If the Zoning Administrator determines that a violation exists and can be addressed by the Code, the Zoning Administrator issues a notice of violation to the property owner. The notice of violation will include a report of the code violation, 15 day notice of abatement, and consequences for noncompliance.
4. Re-inspection of Property. Upon termination of the 15 day compliance period, the Zoning Administrator will re-inspect the property and document progress. Re-inspections will continue until compliance is attained or until it is determined that compliance will not be attained.
5. Compliance. If compliance is achieved, the case will be cleared and no further action is taken. *After compliance has been achieved, inform complainant that the complaint has been addressed and is closed.*
6. Noncompliance. If noncompliance continues, the Zoning Administrator will direct law enforcement to issue a criminal citation. The matter will proceed accordingly in district court. *The City Council will also be notified of the noncompliance at this juncture.*
7. Civil Action. If the Zoning Administrator is required to direct law enforcement to issue a criminal citation a second time, the matter will also be referred to the City Attorney for appropriate civil action against the property owner.

All questions regarding this policy should be directed to the Zoning Administrator.



TO: City Council
Bob Livingston
Amy Williams
Joe Paiement
Richard Glasgow

FROM: Asia Bednar

RE: Information for Potential Land Acquisition

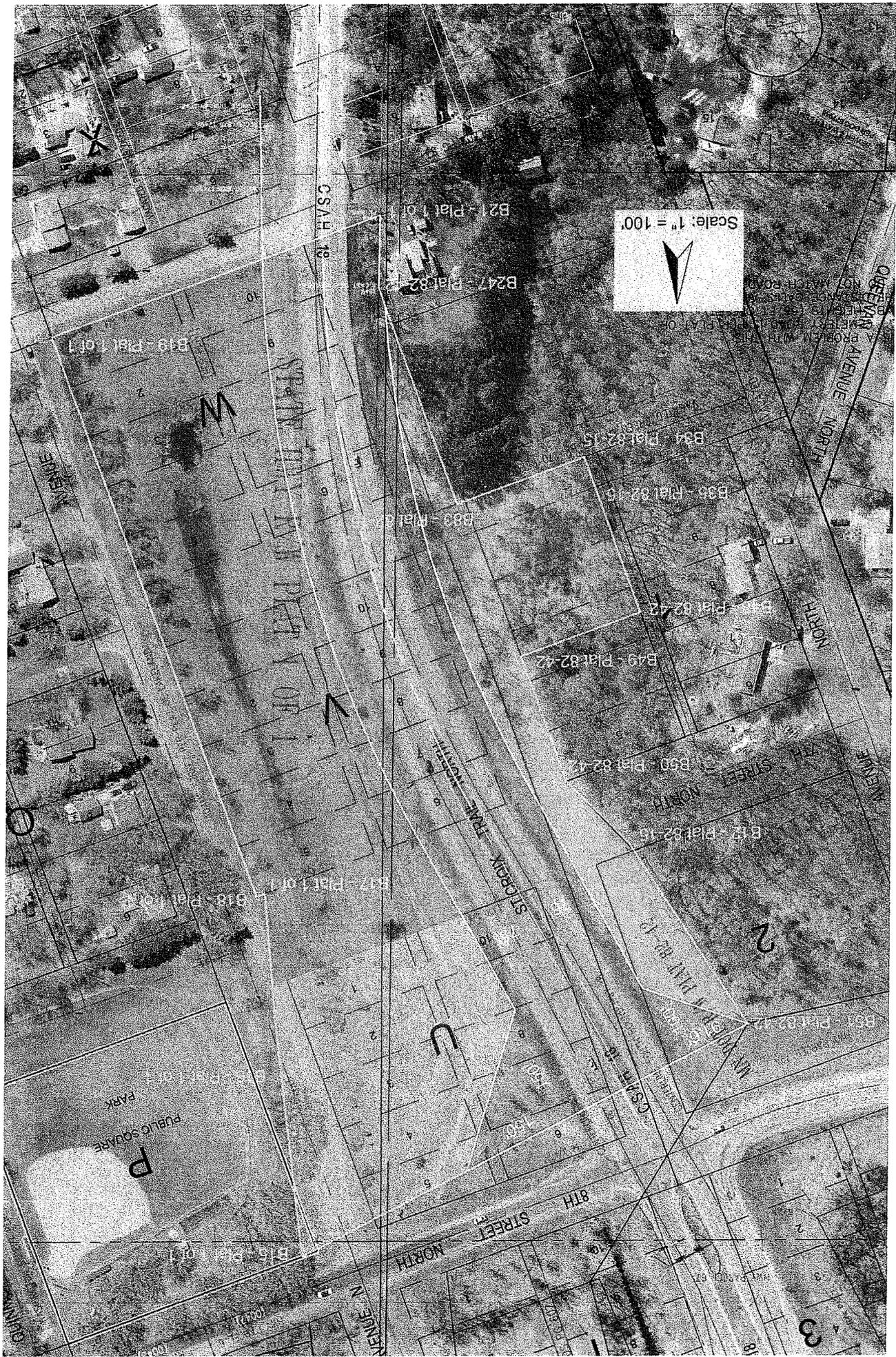
DATE: November 18, 2014

I have been working with the State on the possibility to secure some land near Crocker Park for a Trail Head in the future as we move toward improvements to the trail. Through many emails and phone discussions, I have received an email that the land can be released to the City.

The land in question is on the attached map, and it is the yellow and green (which looks blue when printed) sections. I would like approval to move forward with the necessary paperwork to secure this land for the City.

AB

Attachment



Scale: 1" = 100'



W

U

2

3

P
PUBLIC SQUARE
PARK

SPAWN TRACT PART 1 OF 1

8TH STREET NORTH

MINING PLAT 82-12

QUEEN AVENUE NORTH

9TH STREET NORTH

10TH STREET NORTH

11TH STREET NORTH

12TH STREET NORTH

13TH STREET NORTH

14TH STREET NORTH

CSAH 18

CSAH 18

STEELE TRACT

B19 - Plat 1 of 1

B21 - Plat 1 of 1

B247 - Plat 82-42

B34 - Plat 82-15

B36 - Plat 82-15

B40 - Plat 82-42

B41 - Plat 82-42

B49 - Plat 82-42

B50 - Plat 82-42

B12 - Plat 82-15

B17 - Plat 1 of 1

B18 - Plat 1 of 1

B15 - Plat 1 of 1

B31 - Plat 82-42



TO: City Council
FROM: Chris Wallberg
RE: City Administration Report
DATE: November 18, 2014

This is to provide you with an update on work being done in the Clerk's office, beyond continuing routine administrative/clerical tasks.

Administrative

Carol Peterson is the temp from Kelly Services who is filling in in Steve's absence. We have been busy keeping on top of the priority work and will continue to do so.

Code Compliance

A workshop was held regarding the Code Compliance Policy, and some suggested changes were made. Staff will provide the proposed amendments for Council review on November 18. Several non-compliance letters went out late in October; one is resolved, and the others require additional attention. I will follow up and report the status as soon as I can.

Computers

Computer equipment and a projector have been ordered for City Hall. We expect delivery in the next week or two.

Website - <http://ci.lakeland.mn.us>

Changes are made to the website as appropriate. More materials and information will be added as we go along (and time permits). We ask that you give a call or send an email when you see something on the site that needs correcting.

Election

The Election and related activities are complete. Results were certified by Council, and Certificates of Election will be issued November 17, 2014, pursuant to Minnesota laws.

Zoning

I continue to work with SRF as appropriate.

1109 Quixote / Space – The extended deadline has passed. John Parotti did a follow up Review. Council will meet in closed session November 18, 2014 to discuss.

1243 Rivercrest – home was destroyed by fire. Council issued a new Order on the matter in September. The Order has been posted on the property, four weeks' publication will be complete October 17, and the additional 15-day requirement will be done on November 1. The time requirements have been met, and there has been no response from the owner's family. Contractors are being scheduled to go in and begin to demolish the structure/fill in the foundation, pump/collapse the septic system and cap/seal the well.

16610 11th / Statz – Variance was granted. Work continues on conditions set in the variance.

Communication continues regarding pending applications for these projects:

641 Quixote Avenue North / Quinn. Approval was given for the landscaping plan, and the project is underway. We are waiting for plans on new lift installation. Site inspection will be done to ensure compliance.

661 Quixote / Billig - Public Health Department has determined that this property has noncompliant cesspool, and a number of notices have been issued to the current owner. There are currently two structures being used as living quarters on this property, one of which is a garage. That is non-compliant with a number of Code provisions. Chris LeClair reported that a septic permit cannot be issued until the dwelling issues are resolved, so he can determine how a new system is to be sized. We are working to resolve the non-compliance issues.

699 Quixote Avenue North / Anderson - A Building Permit was issued to remodel the home, and Stop Work order was issued when the project went beyond the scope of the Permit. Owners have submitted the new plans for review. A variance was granted for a balcony on the east side of the structure, and the Building Inspector has authorized the project to proceed, as required by the variance.

737 Quentin Avenue South / Ruprecht. An application to has been submitted and accepted as complete, and staff have begun the review process. The application is significantly different than what was discussed over the past many months, in that what was a remodel project is now a proposal to demo and rebuild the principal structure. The process is expected to take at least 60 days, and extension notification will be made as appropriate.

The extensive data practice requests have been completed, and the requestor is scheduled to come in November 18th to do his review; and the Election is complete. Progress made regarding schedules for the backlog of work went on hold with Steve's departure. There is still an extensive list of work in-process or waiting-for-time. We will keep the priority work moving forward, and do what we can to tackle the backlog.

CW

Lakeland Mayor's Update – October, 2014

- 1. Select Senior Housing (SSH) continues work to secure investor(s) for the project, but lending dollars are still hard to come by. I will assist them in showing the site as needed. SSH is also working on a 100-unit project in Stillwater that is further along and remains their current priority and is looking for one more property in southern Washington County for development.**
- 2. I touched base with Firm Ground Architects on 10/9. They have now secured an investment partner, Benchmark, and are actively seeking investors for this project. I will contact other potential developers should neither of the current ones work out.**
- 3. Now that Thrive MSP 2040 has laid out the direction, the Metro Council is already getting started on the Comp Plan Update process. It started with a Local Planning Assistance Handbook Update survey this month, which I responded to, and continues with the review of current Policy Plans for Transportation, Housing, Water Resources, and Regional Parks. These reviews are underway with Public Hearings in September and October; although, these short timelines have drawn criticism, since all but the Water Policy Plan are expected to be approved by Metro Council by the end of the year...more on each below.**
- 4. The Transportation Policy Plan, over 500 pages long, was released for public comment on 8/13 and cities and counties can make comments until 10/1/14. I did not submit comments, since the only part of the TPP that affects Lakeland specifically is the Gateway Corridor, which the City has monitored, and additional, but not yet located “park and ride” lots. As a result of all the comments submitted – approximately 880, the schedule for the final adoption of the TPP has been postponed from 12/10 to January 14th. A revised TPP is scheduled to be released on 12/3.**
- 5. The Housing Policy draft came out for public comment at the end of July, 2014 and is over 100 pages long. In reviewing it, the Housing Policy Plan's priority is: “To create housing options that give people in all life stages and of all economic means viable choices for safe, stable and affordable homes.” I think that we can all agree to that priority, but what, specifically, would Lakeland need in their Comp Plan to meet that goal? We'll need to show in the Comp Plan how the City will promote the availability of land for low-moderate income housing and a specific implementation plan on how the City will meet the Metro**

Council priority. I attended the Public Hearing on Monday, September 15th at the Metro Council offices in St. Paul and Metro Cities submitted comments requesting grants, rather than loans, be made available to small cities to help complete the Comp Plans. I did not submit any other additional comments for Lakeland by the October deadline. Due to the volume of comments received – 78 written submissions and 22 verbal comments at the Public Hearing, the process has been moved back a month with the Metro Council’s community Development Committee considering changes on 12/1 and the full Metro Council on 12/10, so we’ll see if they make any changes.

- 6. The Metro Council is in the process of updating its 2010 Master Water Supply Plan. The results will impact future water planning and supply requirements for metro area cities. Lakeland’s 2020 Comp Plan will need to comply with this Master Water Supply Plan. Dates for Public Meetings for input into the Plan were released on 9/29 – the closest one to Lakeland was in Eagan @ the Eagan Community Center on Tuesday 10/21, 10 AM to Noon. This will form the basis of the Water Resources Policy Plan, which is scheduled to be released in mid-December.**
- 7. The final Policy Plan released is the Regional Parks Policy Plan, which is 118 pages long. I reviewed the RPPP to see if there’s anything related to Lakeland. The Washington County did send a 4 page letter of comments to the Metro Council, which I will share with the Planning commission next time that I meet with them. Again, there was not much pertaining to city parks, so I did not submit any comments on behalf of Lakeland by the Thursday, 10/30 @ 5 PM deadline.**
- 8. I did not attend the October Planning Commission meeting, but I sent my version of the goals revisions made so far for discussion at their October 14th meeting.**
- 9. The County Board also approved a Low Interest Loan Program for homeowners with failing septic systems called the Washington County SSTS Low Interest Loan Program. The program will be run through the Washington County HRA and will have an interest rate of 1.5% on a 5 year loan and would be added as a Special Assessment on the homeowner’s Property Taxes, which is due 2 times a year. Homeowners would also have access to other grant and loan programs that could reduce the costs. The program is up and running now, so more information is available by going to either the Washington County HRA or Washington County website. I’m not sure the extent of the problem of failing septic systems in Lakeland, but this does offer**

a low cost method of getting them resolved. I will send info to City Staff for use in the Newsletter and Website, if there is a need.

10. The foreclosure data provided by the Washington County HRA thru September, 2014 shows that total Sheriff's sales are down by 210 for 2014 over 2013, a good indication that the housing market continue to improve. Lakeland has had 52 Sheriff's Sales since 2009, including 12 for 2012. For 2013, Lakeland had only 4 foreclosures and through September, 2014, just 2 - 1839 Quinlan Avenue South and 16660 15th Street South.
11. I advised Staff on the 2015 Affordable and Life Cycle Housing Opportunities Amount required to be spent by the City to remain eligible for Livable Communities Act Program grants for such projects as senior housing. The amount is a little over \$6,462 for next year and is met by participating in Washington County HRA housing-related programs.
12. I am working with Staff on finding reasons for the Metro Council's population and employment estimates. The population estimates show Lakeland's population dropping from 1,796 to 1,500, while employment in the City is rising from 302 to 460. I have e-mailed the City's Metro Council Sector Rep, Lisa Barajas, for an explanation on 9/2. I received a return e-mail on 9/15 indicating that they would review both, but requested further info on the potential redevelopment of the mining site in the NE quadrant of the City. I provided that information in early October, but have not heard of any adjustments to either the population or employment figures, so will check on the status in November,
13. I reviewed the Preliminary Housing Performance Scores from Metro Council, which shows the City at 32 out of a possible 100. This score is lower than the 33 in 2013 and 38 in 2012. I submitted additional information to Metro Council and received 2 additional points to raise the score to 34. Again, this score is a factor in distributing the grant \$ from Metro Council programs, so every point counts.
14. If Lakeland applies for SCORE funding through the County to help finance the recycling day, then there may be larger grants available, since the State added \$4 million more in FY 2015 for recycling and composting programs.
15. Electric utilities are now required to provide \$8 million in assistance in reducing costs for customers that qualify for federal low-income energy assistance programs. This was effective 10/1/14, some of Lakeland's

senior citizen homeowners would qualify to apply for a \$15/month discount on their electric bill.

16. The State Minnesota Management and Budget Office released the preliminary “numbers” for State revenues for October – the second month of new fiscal year – and they are now 5%, or \$75 million, over forecast, which is good news for LGA. The next complete budget forecast will be in December, which will be the last one before the new Legislative session next January.
17. The City might want to consider joining the U.S. Communities Government Purchasing Alliance, which has good prices on everything from tech products to office supplies to maintenance and repair supplies. It’s free and even if the City doesn’t purchase off the program, it is still a good comparison to make sure that prices are competitive.
18. The Metro Cities Annual Policy Adoption Meeting will take place on Thursday, November 13th at the Radisson Plaza, Minneapolis, 1330 Industrial Blvd beginning at 4:30 PM. I plan to attend as a member of the Metro Agencies Committee.
19. November, 2014 Work Plan – Focus on the Senior Housing project and 2020 Comp Plan Process.