

**CITY COUNCIL MEETING**  
**Tuesday, November 19, 2013**

**CITY COUNCIL PRESENT:** Asia Bednar, Amy Williams, Richard Glasgow, Robert Livingston

**STAFF PRESENT:** Chris Wallberg, Ron Moore, Steve Iverson, Josh Brekken

**OTHERS PRESENT:** Chris White, Deputy Nick Sullivan, Sarah Sicheneder, Rod Burt, Donna Burt, Zach Anderson, Mike Isensee, Dick Harkness, Jean Harkness, Lois Isaacson

1. **CALL TO ORDER** by Mayor Livingston at 6:01 p.m.
2. **PLEDGE OF ALLEGIENCE** was recited.
3. **CONSENT AGENDA** – Livingston stated he wished to pull Consent Agenda item F. Williams stated a copy of the Park Reservations/Rental Agreement was not included in the meeting materials. Bednar stated nothing in the agreement had changed and that it was present on the Consent Agenda because a motion was not made at the previous meeting. There was discussion regarding item G. **M/S/P(Glasgow/Bednar) to approve the Consent Agenda with the exception of item F. Passed Unanimously.** Livingston stated concern over appointing a City Council member to be an ex officio member of the Planning Commission. He explained his predecessors desired to have another voice and opinion separate from the City Council. He feels that appointing a Council Member to the Planning Commission jeopardizes having the two entities operate as separate bodies. Williams stated his opinion was in conflict with the ordinance governing the composition of the Planning Commission. She stated that the ordinance reads one member of the Council shall act as an ex officio non-voting member of the Planning Commission. She added that the Planning Commission indicated to her that they would appreciate having a Council Member act as a liaison. Livingston stated that there had been issues in the past with having a member of Council as a voting member of the Planning Commission. He added that if it is not a requirement he would not be in favor of having an ex officio member and if it was a requirement that he would abstain. Chris White stated she felt it was advantageous to have a Council Member as an ex officio member of the Planning Commission. She feels it improves communication between the two bodies. Brekken confirmed that having a Council Member as a non-voting, ex officio member of the Planning Commission is a mandatory requirement by ordinance. **M/S/P(Glasgow/Bednar) to approve consent agenda item F. Passed Unanimously.**
  - A. Minutes of the September 17, 2013 Regular City Council Meeting, as amended
  - B. Minutes of the October 15, 2013 Regular City Council Meeting
  - C. Treasurer's Report
  - D. Bills to be Approved
  - E. Park Reservations/Rental Agreement
  - F. Resolution designating Amy Williams as Planning Commission Liaison
  - G. Resolution acknowledging donation of tree in 4<sup>th</sup> Street North cul-de-sac
  - H. Christmas Open House – December 17 from 4:00 to 6:00, cost not to exceed \$100

Williams stated she was asked to report on meeting agenda item # 9 in Paiement's absence and feels ill prepared to do so. She requested to have the item pulled from the agenda. Livingston received no objection from the Council, approved the request and stated the item should be present on the December agenda. Williams stated she had spoken to Zoning Administration Consultant Ron Moore who indicated he was not prepared to discuss agenda item #6 and she requested to have it pulled from the agenda. Livingston voiced a preference to have the item remain on the agenda but stated he would allow the item to be pulled. The Council did not object to pulling the item from the agenda. Bednar requested to have discussion regarding Humphries Park added to the agenda following Petitions to the Council[Recorders Note: The issue was discussed under agenda item #5]. There were no objections from the Council to making the addition to the agenda. Wallberg stated she had informed a resident that Humphries Park would not be discussed at the meeting due to not being an agenda item. Livingston stated that the item could be discussed but will not have any action taken as a result of not being properly noticed.

4. **LAW ENFORCEMENT REPORT** – Williams yielded her Law Enforcement report to Deputy Nick Sullivan and City Prosecutor Sarah Sicheneder. Sicheneder addressed the thefts that have taken place in Lakeland. She stated a vast majority of the thefts have been crimes of opportunity as they have taken place when homes or vehicles have been left unlocked. She stated steps could be taken by residents to protect themselves and their property. These steps

include locking the doors and windows in homes, garages, and cars. She also suggested not keeping valuables such as electronics, money, or weapons in vehicles. Deputy Sullivan stated that Lakeland had experienced 59 thefts in last 20 months. 52 of the thefts took place when a vehicle or home was left unlocked. He added that theft tends to take place more frequently on east side of St. Croix Trail due to its close proximity to Interstate 94, which makes it an easy target. He stated access to the City has become easier and thieves are able to come off Interstate 94, commit theft, and return to the Interstate in very short order. Sicheneder added that the message being delivered needs to be spread throughout the community through neighborly interaction. She added that increasing safety is an ongoing issue and offered that suggestions were welcome. Livingston stated his vehicle was the target of the most recent thefts that took place and luckily had no items stolen. Deputy Sullivan stated there is not a dedicated contract Deputy in Lakeland from 11:30 p.m. to 6:30 a.m. so there is not a heavy night patrol. He explained the "South Car", which patrols at night, is responsible for territory from Interstate 94 to Hastings. He suggested that if the community has particular concerns, he would be willing to participate in a forum type discussion to resolve issues. Bednar enquired about the potential benefits of having a "National Night Out". Deputy Sullivan stated that any items to increase awareness and communication within the community would be beneficial. He believes participating in a "National Night Out" would be worthwhile. Glasgow brought up instituting a "power car" and added he feels the City and residents need to be more proactive. He would like to see improvement in communication with residents, specifically an e-mail system set up to notify residents of issues. Deputy Sullivan emphasized the importance of making police reports. Rod Burt stated he had reported suspicious activity at Humphries Park and voiced frustration with the response time of the Washington County Sheriff's Department. Williams stated that a streetlight is being added at Humphries, which may help alleviate some of his concern. Sicheneder stated it is important to make report even if a Deputy is unable to immediately respond. Deputy Sullivan reiterated the importance of making police reports and add residents should not feel it is a burden. He stated the Sheriff's Department is still investigating leads from the last round of thefts. There are two particular individuals from Lake Elmo under investigation. Glasgow encouraged residents to speak with Deputies and stated there is a non-emergency line available. Deputy Sullivan stated residents should not be fearful, as none of the thefts have been forceful or violent. Livingston suggested scheduling a discussion similar in nature on a more regular basis.

5. **PETITIONS TO THE COUNCIL** – Livingston called for any additional petitions beside discussion regarding Humphries Park, and none were brought forward. He reemphasized that no action could be taken in regard to Humphries Park. Bednar reintroduced items that were previously discussed regarding Humphries Park. She stated after her literature in the November newsletter was published, she began receiving calls from concerned residents regarding Humphries Park. Williams stated she received four e-mails and three phone calls regarding the issue. She reiterated that the decision at the last meeting the Council decided to make no improvements at Humphries Park due to concerns voiced by a group of young adults. She stated the only improvement approved for Humphries Park was the installation of a streetlight in the parking lot, which is to be installed next spring. She added that there are concerned residents present and she also had received two other e-mails voicing concern. Rod Burt, 16139 2<sup>nd</sup> St N, stated concern over not making any improvements to Humphries Park. He stated that many nearby residents have children and there currently is no adequate equipment for young children; the current equipment is dangerous in his opinion. He believes the City Parks should be for all residents and not tailored to specific age groups. He stated he had witnessed young adults frequently smoking in the park and also has removed littered alcohol containers. He believes small children are intimidated when young adults are present; loitering should not be allowed; hours should be limited from dawn until dusk. He added he would like to have a portable restroom facility available at Humphries Park. A letter from another concerned resident was read into the record (Document was not provided to the City Clerk). He voiced concern over behavior and vandalism that has taken place at Humphries Park and surrounding properties. There was discussion regarding placing a portable restroom facility at Humphries Park. Burt stated he believes smoking should be banned in City Parks. Dick Harkness questioned the plan for Humphries Park moving forward and he would like to see items to promote physical fitness. He stated the current equipment at Humphries Park is dangerous and needs replacement. There was discussion about the current equipment at Humphries and its inadequate level of safety for usage by small children. Williams stated she wanted to get neighborhood feedback on the new equipment at Crocker Park before proceeding with any improvements at Humphries Park. Williams stated she believes community feedback on the state of the parks is very important. Donna Burt stated she feels Humphries needs to have new equipment added and questioned why immediate action could not be taken. Wallberg explained that proper notice had not been given so action could not be taken. There was discussion about how the public can obtain an agenda. Livingston stated Petitions to the Council provide an opportunity to discuss information and have it become part of record but no action can be taken. He stated Humphries Park will be added to the December agenda. Livingston stated the equipment that was purchased in 2008 for Humphries Park is not adequate and it will be addressed in the future. Glasgow stated he doesn't feel that improvement at Humphries Park has been ruled out of the future plans. Bednar stated she did not agree with Glasgow's assessment. She felt that discussion from the

previous meeting indicated that Humphries Park was going to be geared toward young adults and that young children were not desired there. Harkness stated he does not feel Cully Park is appropriate for small children due to heavy traffic. He added that he feels Cully Park would be more appropriately geared toward young adults. Williams stated she felt the presentation and implementation of park improvements took place very quickly, which didn't allow residents a large amount of time to provide feedback. She added she didn't feel that the proposed improvements at Humphries Park captured the opinion of the entire community; would be in favor if she felt the community as a whole wanted improvements. She stated she was never in favor making improvements at all the parks simultaneously. She doesn't feel that the community or Council had adequate input in the proposal. Bednar stated a public walkthrough was scheduled for the parks, which offered an opportunity to provide input, and nobody attended it. Williams stated she doesn't feel that moving along so quickly with the proposal was a good idea. She added that she would like to pursue improvement of one park at a time so the following projects can be used as a point of reference for improving the process; would like the community to know that she is not against making improvements to all of the parks but is not in favor of moving too quickly. Glasgow stated that improving all parks is a priority. Bednar requested to have notification in the newsletter that Humphries Park would be on the agenda.

6. **SEPTIC ISSUES AT 661 QUIXOTE AVENUE NORTH** – This agenda item was not discussed.
7. **QUIXOTE AVENUE NORTH OF 6<sup>TH</sup> DRAINAGE ISSUES** – Kline introduced Mike Isensee, new administrator of the Middle St. Croix Water Management Organization. He added that Isensee has been working to obtain estimated costs for drainage issues on Quixote Avenue north of 6<sup>th</sup> St. Isensee stated there was a Clean Water Fund Grant for \$75,000 secured by his predecessor to address the Quixote Avenue drainage issue. He reintroduced some specifics in relation to the drainage issues. He stated in 2005 there was a feasibility study to obtain potential mitigation options, which cost ranged from \$227,000 to \$345,000. From 2007 to 2012, there were a number of smaller scale projects implemented including rain gardens and bioengineering techniques aiming to stabilize the slope. The small scale mitigation projects are effective to an extent but are only effective with small storms; large storms are still creating significant drainage issues. He stated three items stood out to him when reviewing this issue: 1) Create a long-term, permanent solution so the issue doesn't need to be revisited. 2) Water quality treatment must take place before the water is discharged down the slope, which is a requirement of the Clean Water Fund Grant. 3) The project must cost less than \$100,000 total due to limited fund availability. He took these three requirements and worked with the designers and engineering staff at the Washington County Conservation District to create concepts to mitigate. He distributed a concept and cost estimate to members of the Council and Staff (Document on file with the City Clerk). He introduced BMP(Best Management Practices) #3 which would consist of turning an existing parking pad into a paver-parking pad and install a filter. All past practices examined have been infiltration practices but because of the proximity to septic systems as well as the sensitivity of bluff land area to slope saturation and potential failure, filtration practices were chosen. He stated the filtration practices would be sealed practices in which water would filtered through multiple media to filter phosphorus and sediment before entering a pipe to drain into the St. Croix River. He stated the second component of the design was determining whether a surface flow is feasible. He added riprap would be the only option to allow surface flow, and based on his experience with slope stabilization projects, is only a temporary solution; also creates a large visual impact which would be difficult to justify. He stated the permanent long-term solution would be a pipe to convey the water to the bottom of the slope. He introduced BMP #2 which is another filter that is located further south on Quixote. This filter would look like a garden and would consist of additives and constituents, primarily iron, that would filter nutrients and sediment. It would have a small underdrain and filtrate would be conveyed to the bottom of the slope via piping. He added green areas on the concept indicate areas of slope rehabilitation and restoration; the yellow areas located at the bottom of proposed piping indicate energy dissipation to slow water flow. He stated there a some major questions that need to be addressed. The first of which is how to get a 12 to 24 inch underground pipe down the bluff. He stated in order to obtain this detailed information and provide a full proposal, a feasibility study would be required. He developed a grant application for Non-point Source Engineering Program from the State of Minnesota, for which \$23,000 in engineering assistance was received. The next steps in the process include a geotechnical analysis and full survey, which will be used for a feasibility report. After those items are completed, a real cost estimate can be completed. He expects to be back in February or March of 2014 with a feasibility study report and cost estimates. Isensee provided clarification on existing storm water mitigation measures located further south on Quixote Avenue. He added that BMP #2 would include a trench drain with a grate on top to filter water from the west side to the east side of Quixote Avenue. Bednar questioned if BMP #2 and BMP #3 were both under consideration to be instituted or if only one option could be instituted under cost constraints. Isensee indicated he preferred to institute both but was unsure until final cost estimates were completed. He also stated he had not obtained permission from the homeowner at 745 Quixote Avenue, where BMP #2 would be located. He stated that if he only had the option of completing one project due to budget constraints, BMP #2 would be preferred. He also added that there would be legal costs associated with creating easements to maintain the

pipng. He gave explanation on how residents can receive assistance and direction with mitigating roof runoff. He stated the grant is a 3-year grant; he is aiming to have bid documents received by April 2014; the project doesn't need to be installed and completed until the end of 2015.

- 8. STREET/SIGN MAINTENANCE POLICY** – Kline stated creating this policy is part of an ongoing effort to create City policies. The street and sign maintenance policy creates criteria for how to rate streets. It also address street maintenance and the criteria for reconstruction. Another major component is the street sign maintenance policy. He stated the Federal Highway Administration changed specifications regarding retro reflectivity requirements and would require a policy to be in place by January 2014. Once a policy is in place, the City will determine which signs need replacement on an annual basis. Kline stated that the City Engineer and City Attorney reviewed and approved the policy. Williams requested that section 6 be changed to read all complaints and incidents should be reported to Staff and the Commissioner of Public Safety. Williams stated concern regarding section 7, which states, "maintenance performed is intended to be documented"; she would prefer "shall be documented". Kline stated the City Attorney reviewed and suggested the language present in the policy. Brekken stated the language is at the discretion of the Council but the language chosen would prevent the policy from being broken if any items were not documented by omission. Kline stated documentation currently takes place based on time reporting. Livingston stated he agreed it should state "shall be documented". Chris White stated she agrees with the City Attorney that "shall be documented" is too strong of language and she suggested that "intended to be documented" is more appropriate; suggested that reporting could be a requirement in job descriptions. Brekken stated that from a legal standpoint and avoiding liability it should read "intended to be documented". Williams proposed to strike the first sentence in section 7. Brekken further explained why the policy is best left in its current state. The Council agreed to leave section 7 of the policy as stated. Kline stated he agreed that an item could be added to the Public Works Director job description requiring documentation. Williams stated she would like to remove the second sentence in Section 9(b), which references all new signs being DG3 Diamond Grade sign sheeting. Kline stated he would check with the City Engineer to be ensure that would not cause problems. Williams requested to have section 9(c) reference the Sign Inventory Database. Kline informed the Council that old signs are recycled and the funds received are deposited into petty cash. He added he will make the requested corrections. **M/S/P(Williams/Glasgow) to accept the Street/Sign Maintenance Policy as amended. Passed Unanimously.[Recorder's Note: The original motion was incomplete and stated incorrectly. The motion recorded reflects what the Recorder perceived as the intent of the Council.]**

- 9. PERSONNEL COMMITTEE UPDATE/RECOMMENDATION-** This agenda item was not discussed.

**10. STAFF REPORT**

**Attorney** – Brekken stated he had no report.

**City Clerk** – Wallberg stated she would be sending a link for the Council to review the new website so input could be noted. She added there will be Christmas party from 4 p.m. to 6 p.m. at the December 17th Council Meeting. The Truth in Taxation Hearing will also take place at 6:00 p.m. at December 17th meeting. Niedzweicki added that Sales Tax savings resulting from the new laws must be included in the Truth in Taxation Hearing. He stated the presenting budget will be the budget with the 0% increase that was approved by Council in August.

**City Engineer** – None.

**Public Works Director** – Kline reported that green Dodge was sold at State auction for \$7,130. He reminded residents of winter parking restrictions, which does not allow on street parking from 1 a.m. to 6 a.m. beginning November 1<sup>st</sup> until March 31<sup>st</sup>. He also stated on street parking is prohibited at all times for 48 hours, or until streets are fully plowed, during snowfalls. There was discussion regarding how to enforce winter parking restrictions. Glasgow suggested towing as opposed to ticketing and requested Kline look into if a vehicle must be ticketed before it could be towed. Kline stated he would be publishing a column on snow plowing regulations in the December Newsletter. Kline stated the Public Works Department is generally lenient with vehicles parked on the street, unless it is a reoccurring offender, in which case they have requested that Deputies ticket the vehicles. Livingston stated repeat offenders should have vehicles towed.

**Treasurer** – Niedzweicki stated that he completed a full year estimate for 2013 by taking January through October actual financials and projecting November and December. The projections do not include the \$15,000 contingency built in fiscal disparity and the \$10,000 transfer from Long Term Improvement Fund:Budget Contingency. The projection indicates an unfavorable variance of \$26,000. The shortfalls are primarily in Admin & Finance and General

Government in relation to legal and engineering fees incurred through litigation. He stated the \$26,000 unfavorable variance could be covered by the budget contingencies which result in balanced budget or could be left as a shortfall. He added that originally it was not intended to use the \$10,000 transfer from the Long Term Improvement Fund: Budget Contingency. Because of the shortfall, he does not recommend any additional decreases in the proposed 2014 budget which is at a 0% increase. He stated the 0% does include transferring \$25,000 from the budget contingency which is primarily funded by LGA. He stated Lakeland is certified for \$47,000 of LGA, of which, \$25,000 will be used to balance the budget. Glasgow questioned why the budget was under by 3% in 2012 and \$26,000 over budget in 2013. Niedzweicki stated the main areas of the \$26,000 budget shortfall include an approximate \$20,000 shortfall in the General Government due to legal and engineering expenses associated with litigation and a retroactive wage increase for the City Clerk. He added there were also additional unforeseen expenses incurred on a building permit application. He stated that the Charitable Gaming Reserve has reached a balance of \$3,968; the Gaming Commission frowns on accumulating large balances so spending it down is in line. Expenditures of Charitable Gaming Reserves need to be used for youth, parks, military families, education and public safety. He added that it could be transferred to the regular parks fund. He stated that a Gaming Commission report is completed at the end of the year. **M/S/P(Bednar/Glasgow) to transfer the \$3,968 balance in the Special Parks Fund: Charitable Gaming to Special Parks Fund: City Parks. Passed Unanimously.** The Water Utility Fund is on pace with the 10-year plan so no action or increase in 2014 for water pricing is necessary. He stated the City is doing excellent financially which was reflected in the Standard & Poors report. He stated the fund balances are healthy but it could be argued that they are too high; there are future plans to spend down some of the funds. The report primarily focuses on the City's ability to meet its bond applications. Livingston enquired about funding for a night Deputy patrol. Niedzweicki stated the LGA could possibly be used and Glasgow volunteered that Cable funds could be used. Niedzweicki stated there is a line item named Public Safety in the Long Term Improvement fund; one of the uses for the line items is additional directed police patrols; money was budgeted for this item in previous years and there currently is a balance of \$10,400. Williams would like to look into forming a community patrol and organizing a "National Night Out"; she intends to report on her findings in January. Niedzweicki offered that the Public Safety line item could be used for any necessary training for a community patrol. He stated a report used to be submitted to the state regarding building inspection and zoning fees to determine if the fees were appropriate but the report is no longer required. He stated the Building Inspection Fund currently has a balance of \$65,000, which did result from excess revenue; about 15% of building permit cost remains in the fund as excess revenue. He stated the fund is earmarked and can only be used for certain expenses; was used for the purchase of the snowplow trucks and used for first annual garage rental expense.

**Zoning – None.**

11. **COUNCIL MEMBER REPORT/** Bednar reported the new playground equipment would be delivered and installation will begin, at Crocker Park the following day. A few volunteers have stepped forward and will help with installation of mulch; this will save roughly \$2,000 in labor. She added that the Tribute Plaque for Crocker Park has been ordered.
12. **COUNCIL MEMBER REPORT/** Glasgow reported he attended LSCVFD meeting. There were 42 total calls, 11 of which were in Lakeland. Lakeland's calls included 3 motor vehicle accidents, 7 EMS and 1 cancelled call. Of the 42 total calls, 4 were for fires and 37 were for EMS. He reported on the October Alliance meeting. He stated the last Alliance meeting of 2013 would take place on November 25.
13. **COUNCIL MEMBER REPORT/** Williams reported the Gateway Corridor Commission meeting was cancelled. She stated she attended the Alliance meeting. Finally, she reported she was named as Lakeland's representative to the Fire Board Audit Committee.
14. **COUNCIL MEMBER REPORT/** Paiement was not present to report.
15. **MAYOR'S REPORT/** Livingston stated because he was not physically present at meetings does not mean that he was not completing work for the City. This included frequent contact with the City Clerk and Acting Mayor. He reported that he will present a candidate for the vacancy in the Planning Commission at the January 2014 meeting.
16. **Closed session –** Brekken requested the Council make a motion to close the regular meeting to discuss litigation involving Donald James Space. **M/S/P(Glasgow/Williams) to close the regular meeting at 8:25 p.m. and go into Executive Session. Passed Unanimously. M/S/P(Williams/Glasgow) to close the Executive Session at 8:46 p.m. Passed Unanimously. M/S/P(Williams/Glasgow) to resume the regular meeting at 8:46 p.m. Passed Unanimously.**

**17. ADJOURN – M/S/P (Glasgow/Bednar) to adjourn meeting at 8:46p.m. Passed unanimously.**

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Robert Livingston, Mayor

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Steve Iverson, Deputy Clerk/Recorder