

**CITY COUNCIL MEETING**  
**Tuesday, May 21, 2013**

**CITY COUNCIL PRESENT:** Amy Williams, Richard Glasgow, Asia Bednar, Joe Paiement, Bob Livingston  
**STAFF PRESENT:** Matt Kline, Chris Wallberg, Tom Niedzwiecki, Steve Iverson, Ron Moore, Chris Johnson  
**OTHERS PRESENT:** Leah Stanton, Sharon Lee, Louis Furlong, Ken Anderson, Amy Pouter, Chris White, Diane Wirth

*City Council Workshop regarding 6<sup>th</sup> St. & Quixote Drainage at 5:00 p.m.*

1. **CALL TO ORDER** by Mayor Livingston at 6:17 p.m. A moment of silence comemorating the life of Lakeland resident Zach Sobiech was observed.
2. **PLEDGE OF ALLEGIENCE** was recited.
3. **CONSENT AGENDA** – Bednar requested to pull Consent Agenda Item A for review. **M/S/P(Glasgow/Bednar) to approve Consent Agenda items B & C.** Bednar stated that the minutes were incorrect in stating she had voted aye for item number seven, Street Improvement Project; minutes will be amended to reflect nay vote. **M/S/P(Glasgow/Bednar) to approve Consent Agenda item A as amended. Passed Unanimously.**
  - A. Minutes of the April 16, 2013 Regular City Council Meeting
  - B. Treasurer's Report
  - C. Claims to be Approved
4. **LAW ENFORCEMENT REPORT-** Williams deferred the report until a Deputy was present.
5. **PETITIONS TO THE COUNCIL** – None.
6. **ORDINANCES** – Moore introduced three proposed ordinance amendments/additions. Moore stated that he along with the Planning Commission recommend to approve the amendments/additions. Wallberg explained that the draft proposals for Commercial Special Ceremony Venues mistakenly refer to zone A-2 instead A-1, which has been corrected in all the final formats.

**Interim Use Permits** – Wallberg stated the first document to be reviewed was 7538 relative to Interim Use Permits. There was discussion regarding whether Interim Use Permits would follow the same application and renewal procedures as the Conditonal Use Permit. The cost associated with issuing an Interim Use Permit was discussed. Moore explained that an Interim Use Permit specifically has an expiration date; allows the City to discontinue a use if it has a negative impact on the City; uses requiring an Interim Use Permit would be identified. Bednar questioned why Interim Use Permits would be necessary when Conditional Use Permits were reviewed on a yearly basis. There was discussion that clarified the fact that Conditional Use Permits effectively act as business permits in Lakeland. Wallberg explained the practical differences between a Conditional Use Permit and a Certificate of Compliance. There was discussion regarding how the renewal of Interim Use Permits would be handled; if the Interim Use Permit would roll over into a permitted use on the Conditional Use Permit; if additional fees for additional public hearing would be incurred by the property owner. Livingston suggested a transfer fee. Johnson stated that Interim Use Permits can be issued for any interval of time, not only annually; offered that converting the Interim Use Permit to Conditional Use Permit would be the best course of action but the process could be abbreviated to minimize expense. [Mayor Livingston passed the gavel to Acting Mayor Paiement]. There was discussion regarding if the Interim Use Permit would be redundant with other permits currently in place; if it would create unnecessary adminstrative burden on staff. Paiement stated the belief that Interim Use Permits would only provide the City with flexibility in issuing permits, thus being beneficial. There was concern voiced over creating difficulty for potential businesses; what uses would be subject to Interim Use Permit versus Conditional Use Permit; criteria stipulating which permit type would be issued for each particular use. Wirth stated that the same concerns were debated by the Planning Commission; Interim Use Permit would be useful tool for the proposed Commercial Special Ceremony Venue. Chris White stated that there was an error in key codes listed on page 5 that would need to be amended. **M/S/P(Williams/Livingston) to adopt Ordinance number 7538 as amended, and as recommended by Planning Commission.** Glasgow is not in favor of the ordinance amendment and sees it as burdensome for potential new businesses. Williams views the amendment as a bridge to businesses that might otherwise be rejected and views it as a trial period. **Livingston, Paiement, Williams voted aye. Glasgow, Bednar voted nay. Motion passed 3-2.** [Gavel was passed from Acting

Mayor Paiement to Mayor Livingston]. **M/S/P(Paiement/Williams) to adopt Resolution 2013-09 as amended which states Ordinance 7538 was adopted by the Lakeland City Council on May 21, 2013 to amend chapter 159 of the Cities Code of Ordinances relative to Interim Use Permits. Passed unanimously.** Livingston suggested that an introduction be provided by a Planning Commission Member for future items.

**Supplemental Performance Standards/Seasonal Garden Centers** – Wallberg introduced the proposed Ordinance Amendment regarding Supplemental Performance Standards Chapter 159.0431 and (a) Seasonal Garden Center which is set out by policy. White introduced the Planning Commission opinion; stated the intent was to shorten the length and prohibitive nature of adding the Season Garden Center guidelines in code; felt using a policy would be more conducive to allowing amendments without having to amend the ordinance which is costly. There was discussion regarding the point of Supplemental Performance Standards; was explained that Lakeland does not have Supplemental Performance Standards in place at this time but would add to them as time passed if the Ordinance addition was passed. Johnson stated he viewed the Ordinance addition as a guideline for the use once the proper permits had been obtained. White stated the Planning Commission passed the Ordinance addition unanimously after lengthy discussion. **M/S/F(Paiement/Livingston) to adopt Ordinance 7539 [proposed number] Supplemental Performance Standards/Seasonal Garden Centers.** There was discussion regarding amending Conditional Use Permits for the individual commercial properties wishing to establish a Seasonal Garden Center and steps necessary to accomplish the amendment. Williams called a point of order and would like to pursue the discussion Conditional Use Permit amendments at different date. **Paiement and Livingston voted aye. Bednar, Williams, and Glasgow voted nay. Motion failed on vote of 2-3.**

**Commercial Special Ceremony Venues** – Wallberg introduced Ordinance 7539 allowing Commercial Special Ceremony Venues allowing a commercial use in residential zones R-1 and A-1 requiring a lot size of 20 acres or greater. Wirth introduced the Planning Commission discussion; 20 acre lot size limited the potential sites which creates minimal conflict; passed Planning Commission unanimously. **M/S/P(Williams/Glasgow) to adopt Ordinance Amendment 7539 as amended allowing Commercial Special Ceremony Venues in zones R-1 and A-1.** There was discussion regarding if residents were made aware of the proposed venue; stated it was published and public hearing was held. **Passed Unanimously. M/S/P(Williams/Glasgow) to adopt Resolution 2013-10 as amended which states Ordinance 7539 was adopted by the Lakeland City Council on May 21, 2013 amending Chapter 159 of the Code of Ordinances related to Commercial Special Occasion Ceremony Venues. Passed unanimously.**

7. **Quixote Avenue North Drainage** – Kline stated a workshop was held prior to the meeting which reviewed potential options for the drainage issues on Quixote Avenue North; asked for direction from Council. Livingston stated he wished to see a survey of the area as was discussed at the workshop. It was suggested that the survey be completed and proceed with having the City Engineer make a recommendation. There was discussion regarding concerns about the potential expense of the obtaining a survey. Williams stated that she did not feel a consensus of the Council had been reached at the workshop regarding moving forward with any drainage mitigation; stated the option to take no further action, was still on the table. Paiement questioned incurring \$5,000 in survey expense without clearly knowing what approach was going to be implemented and being aware of the total cost of the mitigation; would prefer to see recommendation from the City Engineer prior to the survey taking place. Kline stated that the possible options were presented at an earlier workshop and didn't anticipate any additional options would be presented by the City Engineer. Bednar stated that it would be best to have the City Engineer provide a direct recommendation and a more clear cost estimate before completing the survey. Williams agreed with Bednar and reiterated the Council still reserved the option of taking no further action. Kline reviewed the three options previously presented by the City Engineer. There was discussion regarding the options that included porous pavement or grass pavement; both are cost prohibitive and are likely not to be pursued as a result. Kline stated that Option 1 is considered to be the most feasible; includes an infiltration basin with an outflow and a raingarden in the right of way; would require a survey to be completed. Ensuing discussion stated that even with the \$75,000 grant available from the WMO that cost to the City would likely exceed \$125,000; cost estimate from 2007 was \$227,000; cost would likely increase between 10 and 20 percent. Williams stated she would like to see additional ideas from residents; form committee/group to review further options; would like current presentation from the City Engineer. Glasgow suggested a special meeting or workshop with the City Engineer present to review the current options. Livingston stated he would like to see a very quick reexamination, including an expected cost estimate in 2013, and begin moving toward an expedited resolution.
8. **PW Lease agreement** – Williams stated that she and Council Member Paiement had examined the current lease proposal and other potential options for housing Public Work vehicles; they recommend entering into 5 year lease as presented in the packet. The City Attorney suggested revisions to the contract including that paragraph 2 be amended

to read "Original Terms"; cited paragraph 20 referencing "Landlords Work" specifically related to a future build out; suggested adding paragraph 23 titled "Addendum Controls". Kline stated that paragraph 20 was actually for previous work and the buildout of the additional space should be included in the lease; it was determined lease has language regarding adding 375 square feet which is viewed as sufficient. Chris White brought up issue with paragraph 12(b) Tenants Insurance, regarding language on claims for bodily injury or death inflicted to landlord; does not state "on or around the premises" of the rental area; revision will be made. **M/S/P (Williams/Glasgow) to accept the terms of the proposed lease, as amended, with SMH Inc. for Public Works rental at 98 St. Croix Trail North, and authorize the Mayor to sign the lease. Passed unanimously.**

**9. STAFF REPORT**

**Attorney** – Attorney Chris Johnson reported that they are in the process of changing over to E-Charging arrangements, which is an electronic based filing system for courts. The transition has been completed with Washington County and the firm is making progress with the criminal prosecution portion of the transition. This will streamline the process from a prosecution standpoint and it is expected to be completed within the next month.

**City Clerk** – Wallberg stated Aggregate Industries called City Hall to report people are dumping outside of allowed hours hours, and also dumping prohibited materials; this is putting project in jeopardy to be discontinued; sheriff's will be called to enforce trespassing if prohibited dumping continues. Additional options for dumping were presented. A Planning Commission meeting will take place on June 11<sup>th</sup> to discuss outside activities and uses for retail business; will also discuss the keeping of chickens.

**Public Works Director** – Kline updated the current status of pot-hole patching. He stated he would be receiving an estimate on blow patching which is used for shallow pot holes; will present an estimate at the next meeting; was done on division hill last year and has held up well. Lakeland beach will be closed due to the water rising to 681 feet; will be open when the water level below falls below 680 feet.

**City Engineer** – None.

**Zoning** – None.

**Treasurer** – Niedzwiecki stated that health and dental insurance has increased 3.04% as of May; questioned if increases need to be approved by council; stated one City Staff is currently on the Public Employees Insurance Program and all other Staff member receive a stipend; stipends excluded from taxable income. He stated legal expenses are "on watch" because of ongoing litigation; extra money is available in the audit and legal reserve fund which will amount to \$19,000 by end of year; this could be used for overage; most likely could have applicant write-offs which carry as receivable and are paid from the same line item; currently carrying \$4,000 from the Castaways application; Space matter is also producing large charges; currently \$15,000 in aging receivables. He stated he began looking at 2014 budget; LGA to be received will be reviewed; PERA changes are not a concern as increases apply to Police and Fire only; will give a brief overview of the 2014 budget in June.

**10. COUNCIL MEMBER REPORT/** Bednar reported she received information from the Planning Commission on the proposed Park/Beach rental and will be present at the next meeting to further examine the possibilities. She stated she has worked with various coaches on baseball field usage; intended to post signs with scheduled times. Still examining the idea of creating a Lakeland calendar; may take year to complete so photos of all seasons can be included. She intends to meet with a playground equipment representative in the near future.

**11. COUNCIL MEMBER REPORT/** Glasgow reported he attended a University of Minnesota conference regarding septic systems. He stated the Met Council will be present at the June Alliance meeting to discuss public transportation. He attended the LSCV Board meeting; in April there were 10 calls in Lakeland including one for a natural gas leak; there were a total 37 calls in April. He attended a homecoming event for William Isaakson.

**12. COUNCIL MEMBER REPORT/** Williams reported she had spent time working on the Public Works lease and had learned about its operation in the process. She reported on law enforcement; incidents were down in April; 3 consecutive months with fewer reports; 61 total calls in April [1 Citation Issued]. She stated she was unable to attend the Personnel Committee Meeting; met with Kline to get a feel for the Public Works Department and potential future projects; would like to examine current contractors to identify inefficiencies. She attended the Gateway Corridor Commission meeting and gets the impression that they are not moving toward light rail that will reach further east than Manning Avenue.

- 13. **COUNCIL MEMBER REPORT/** Paiement stated he attended Space trial; due to the Judges scheduling conflict the trial will be adjourned until June 13, 2013; the Cities portion of trial was completed; Mr. Space's portion of the proceeding will be continued on June 13; 90 days will be afforded to the Judge to render a decision after all testimony is completed. The Personnel Committee will meet next on June 11, 2013.
- 14. **MAYOR'S REPORT/** Livingston gave a reminder that Memorial Day will be taking place on the following Monday.
- 15. **ADJOURN – M/S/P (Glasgow/Bednar) to adjourn meeting at 8:19. Passed unanimously.**



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Robert Livingston, Mayor



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Steven Iverson, Clerk