

CITY COUNCIL MEETING
Tuesday, August 19, 2014

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

STAFF PRESENT: Chris Wallberg, Matt Kline, Steve Iverson, Tom Niedzwiecki, Chris Johnson

OTHERS PRESENT: Leah Stanton, Chris White, Pete DeCorsey, Dorine Tarbet

1. **CALL TO ORDER** by Acting Mayor Williams at 6:00 p.m.
2. **PLEDGE OF ALLEGIENCE** *was recited.*
3. **CONSENT AGENDA** – Glasgow requested to have item C pulled. **M/S/P (Bednar/Glasgow) to approve Consent Agenda items A and B. Bednar, Glasgow, Williams voted aye. Paiement absent. Motion Passed.** Glasgow questioned if animal humane society bills were monitored for accuracy. Iverson confirmed they were monitored. Glasgow questioned the Comcast claim to be approved for service at City Hall; sought to confirm that internet service is not being paid for at City Hall. Wallberg confirmed that the payment is for phone service. **M/S/P(Glasgow/Bednar) to approve Consent Agenda item C. Bednar, Glasgow, Williams voted aye. Paiement absent. Motion Passed.**
 - A. Minutes of the July 15, 2014 Regular City Council meeting
 - B. Treasurer's Report
 - C. Bills to be Approved
4. **LAW ENFORCEMENT REPORT** – Williams stated she would postpone the Law Enforcement report until a Deputy was present. See item 13B.
5. **PETITIONS TO THE COUNCIL** – None.
6. **QUIXOTE AVENUE NORTH DRAINAGE** – Kline stated bid opening occurred on August 11, 2014. He stated one bid was received from Urban Companies in the amount of \$148,900. The bid was significantly higher than the Engineer's estimate of \$85,515.78. Kline stated reasons why it was believed the bid came in greater than expected. Kline, City Engineer John Parotti and Mike Isensee of the MSCWMO, agreed rejecting would be best course of action. They also agreed to examine all options available including finding additional funds and placing the item for bid in winter 2014 for spring 2015 construction. There was discussion regarding the reasons why the bid was rejected. **M/S/P(Bednar/Glasgow) to reject current bid on Quixote Avenue North project and direct Staff to examine further options. Bednar, Glasgow, Williams voted aye. Paiement absent. Motion Passed.** Williams requested that Kline contact the residents of Quixote Avenue to explain the reason for delaying the project.
7. **WATER CONNECTION TO ST. MARY'S POINT RESIDENT** – Kline stated a resident of St. Mary's Point has requested to connect to the Lakeland water system. Kline stated to receive authorization the resident must petition St. Mary's Point(SMP) and Lake St. Croix Beach(LSCB) for approval. He stated the resident has completed that requirement and both SMP and LSCB have approved the connection. The final step in the process is for Lakeland to provide consent to the memorandum between SMP and LSCB. The resident has not firmly decided to hook up to the water system. As a result, the resident received verbal confirmation of approval from LSCB. In doing so, the memorandum was created which gives Lakeland final say in the matter. Kline added staff has no problem with resident hooking up as the water system was designed to incorporate SMP. Paiement arrived 6:10 p.m. Chris Johnson stated the other Cities should be required to sign necessary documents before Lakeland executed the memorandum agreement. There was discussion regarding the process necessary to connect SMP to the water system. Kline stated the JPA precludes the procedure due the fact that SMP would have to hook up to LSCB infrastructure and Lakeland would provide maintenance. Because of this approval is required from both cities. **M/S/P(Bednar/Glasgow) to authorize the Mayor and City Clerk to execute the Saint Mary's Point and Lake St. Croix Beach memorandum agreement and consent documents to be signed as presented, only after LSCB and SMP sign their respective agreements. Bednar, Glasgow, Williams, Paiement voted aye. Motion passed.**
8. **NIGHT TO UNITE** – Chris White, 311 Queenan Ave South, stated she has received questions from residents and also has her own questions regarding the Night to Unite event. She stated the event was not consistent with the general theme behind Night to Unite. She stated Night to Unite is generally composed of small neighborhood gatherings. She added that cities that hold larger gatherings generally do so on another night in August. She questioned how

Lakeland was involved given that the Lakeland logo was used and Councilmember Amy Williams was referenced on the flyer. She questioned if liability waivers for kickball participants were obtained. She stated she spoke to a number of residents who did not receive a flyer for the event. She questioned how it was determined which households received a flyer. She stated some residents stated concern regarding campaigning at the event. Williams stated Night to Unite was discussed during her Council report at the March City Council meeting and there was consent generated at that time. She stated she specifically received consent from Mayor Livingston to participate in Night to Unite. She stated initially the event was to be in conjunction with a park grand opening but Humphries was not ready and there was not a budget for the event. She added the cost of leasing the park would be prohibitive. She stated Lakeland dovetailed with the City of Lakeland Shores. She stated the reason it was done as one event was because it is the first year that Lakeland has participated and that Lakeland is a small community. She stated kickball did not take place because waivers were not put together. She stated she was not at first 45 minutes of the event and was unaware if any of the other organizers attempted to organize kickball participation but it was discussed and there were no waivers. She stated the insurance of Lakeland and Lakeland Shores was used for the event. She stated the event was advertised in the newsletter. White reiterated that some residents did not receive the flyers that were dispersed. Williams stated it was the intention for all residents to receive flyers and apologized if residents did not receive them. She stated that no campaigning took place at the event. Williams stated Night to Unite was actually discussed at the May Council meeting, not the March meeting as was previously stated. White stated her recollection was that Council advised Williams to check into it organizing an event and expected the Council to be updated. She stated she does not recall the Council agreeing to back the event that took place. She stated the Council never agreed to use the City's insurance; she is uncomfortable with using City insurance considering the Council never voted on the event taking place. Williams stated she likens it to using the City's insurance for volunteers and added there was never approval for insurance for the volunteers that participated in the Humphries Park playground equipment installation; she stated there was never a motion to allow the use of volunteer insurance. Bednar stated there was discussion at the Council level regarding the use of volunteers and volunteer insurance. White stated she was contacted by a number of neighbors and residents who stated they would have preferred to have a series of block parties as opposed to one large event. She added that some communities do a large event on another night other than the Tuesday of Night to Unite. Williams stated she personally distributed flyers to every mailbox on West side of St. Croix Trail. Bednar stated she and Williams never had the opportunity to meet and discuss the matter as was originally discussed at the May meeting; added it was in the newsletter but the newsletter was distributed the day before the event. White stated those who voiced concern regarding campaigning will be pleased to hear that no campaigning took place. Williams reiterated no campaigning took place while she was present but could not confirm campaigning did not take place while she was not present. Williams confirmed that City's insurance was used for the event because it was necessary to obtain a permit. White reiterated she is not comfortable with the use of City insurance for the event because the Council did not approve it. She also stated she expected it to be discussed by Council again after May; would like citizens to have more participation and awareness of the event; would like block parties with a Citywide event on another night. Williams apologized to residents who were not informed of the event, as she was very busy prior to the event and it "snuck up". She thanked the organizers and participants associated with the event. She stated about 150 people attended the event. She stated she is in favor of having block parties in the future because it would be more in keeping with the spirit of the event. She stated the initial discussion included having one event at Humphries Park and one at Crocker Park. She stated she believed the park rental fees are cost prohibitive. She stated she would like to revisit the park reservation fees. Bednar stated the City would be paying the City and questioned how it would be cost prohibitive. Williams stated she would like to hand the event off to the residents in the future so residents would be responsible for the rental fee. She added the reservation fees could be amended to allow certain events. Bednar stated the fees were established to guarantee a park reservation and a reservation wouldn't be necessary to use the park. Williams suggested creating a Night to Unite Committee and instituting block captains to organize smaller events. She stated she would like to chair the Committee because it relates to public safety. **M/S/P(Glasgow/Paiement) to create a Night to Unite Committee.** Bednar stated she does not see a need for a Committee; does see a need for earlier communication; does not feel Block Captains are necessary and do not constitute residents taking charge of their block; she added residents of Quixote Avenue had an impromptu Night to Unite that she attended. Williams stated she feels block captains are necessary for the first few years because Night to Unite is not established in Lakeland; she does not want questions regarding authorization of actions. Bednar questioned how Block Captains will be located and if it would require funding. Williams stated she did not know and that is why she would like to form the Committee. **Paiement, Glasgow, Williams vote aye. Bednar voted nay. Motion passed 3-1. M/S/P to appoint Councilmember Amy Williams chair of Night to Unite Committee. Paiement, Glasgow, Williams vote aye. Bednar voted nay. Motion passed 3-1.** Glasgow stated he attended the Night to Unite event; he believes it was a great way to unite Lakeland and Lakeland Shores; he was very pleased with the event; stated there was politics at the event; he is in favor of continuing with the large event as opposed to having smaller block parties. Bednar stated a large event could take place on another day rather than the

National Night to Unite so those wishing to participate in block parties could do so. Williams stated she wants the committee so public input can be received.

9A. 2015 PROPOSED BUDGET & LEVY RESOLUTIONS – Niedzwiecki stated the budget was discussed at the workshop prior to the meeting. The workshop materials indicated a proposed 2015 budget of \$1,080,690. A proposed change to not increase the Deputy Clerk's hours to full-time was agreed upon, which would decrease the budget \$9,891. The proposed 2015 budget after the amendment was \$1,070,799. The workshop materials indicated a proposed 2015 levy of \$1,005,879. There were two adjustments made including bringing in additional revenue of \$10,000 from Cable funds and the removing the increase in the Deputy Clerk's hours which decreased the levy \$9,891. The proposed 2015 levy after the amendment was \$985,988, which represents a 1% decrease. He stated verbal resolutions could be passed to approve the 2015 budget and levy. Williams provided an update of information presented at the workshop since Paiement was absent. Paiement expressed satisfaction that the proposed levy represents a 1% decrease. Williams stated it was not presently required to vote on adopting the 2015 budget and levy as the deadline for submission falls after the September Council Meeting. Bednar stated she would be willing to vote at the current meeting due to the belief that the workshop discussion would only be rehashed and the outcome would not change. Paiement questioned if Mayor Livingston's opinion of the proposed budget was known. Williams stated she had attempted to contact Livingston and was unsuccessful. Wallberg stated the details of the budget currently being presented had changed at the workshop prior to the meeting and Livingston had not been informed of the changes. Paiement questioned if Livingston had expressed any particular interest in terms of what he desired to see in the budget and levy. Wallberg stated he had not expressed any opinions to her. Bednar stated Livingston had indicated an interest not to raise the levy in prior discussion but did not wish to speak for him. Bednar expressed concerns that at some point the budget will need to be increased and she does not want a large two-fold increase to take residents by surprise; she is alright with a 0% increase but questioned how long keeping a flat levy is sustainable. Williams stated there are a number of items in the years to come that will require funds but she does not want to over collect for potential future projects. **M/S/P(Glasgow/Paiement) to adopt resolution 2014-10 approving the proposed budget for 2015 in the amount of \$1,070,799.** Bednar reiterated she would have preferred the proposed budget with a 0% increase. **Paiement, Glasgow, Williams vote aye. Bednar voted nay. Motion passed 3-1. Resolution adopted. M/S/P(Paiement/Glasgow) to adopt resolution 2014-11 approving the proposed certified levy for 2015 in the amount of \$985,988. Paiement, Glasgow, Williams vote aye. Bednar voted nay. Motion passed 3-1. Resolution adopted.**

9B. TEMPORARY HELP IN THE CLERK'S OFFICE – Williams stated she talked to Mitch Berg regarding interns to help address the backlog of work in the City Clerk's Office. She stated an additional option was to gauge the City of Lakeland Shores' City Clerk, Sandy Thon, availability in assisting with the backlog. She stated she and Berg agreed that in order to create an internship more time and effort would be required to get it established; not a good option considering a backlog already exists and examining in the spring is an option. She stated she spoke to Mark Nagel who expressed interest in helping to develop an internship program for the City of Lakeland. She stated she would like to approach Sandi Thon about assisting in the Clerk's office. She stated she spoke to Attorney Dave Snyder who informed her since the position is contracted that posting a job advertisement is not necessary. Wallberg stated that Gail Billington would like extra time and she is more familiar with office operations. Bednar questioned why the Personnel Committee did not review this item. Williams stated Snyder informed her that ideally, it would go through Personnel Committee before coming to Council but it is not required. She added she wanted it to be addressed because the backlog in the City Clerk's Office continues to grow. She stated every member of the Personnel Committee was present and could provide their input. Bednar pointed out the item was added to the agenda yesterday. Wallberg stated it was originally placed under Councilmember Williams' report because it was not clear that action was being sought. Bednar stated concern over the amount of money necessary to hire a contract employee; estimated the cost at \$10,000 over 6 months; she would like to have more information. Williams stated a majority of the Personnel Committee does not believe there is a need for two full time employees in the City Clerk's office; all members recognized there are considerable amounts of projects that need completion. She stated she wanted to approach potential candidates to enquire how much they will charge to complete all backlog projects; does not want to pay hourly; wants to pay in lump sum contract. She feels the backlog items are projects, not workload issues. She believes workload issues are what cause the necessity to increase staff hours; projects are what you bring people in the help with. Niedzwiecki stated Gail Billington is currently an employee who processes water bills and an independent contractor who does cleaning; concerned about the line between employee and contractor would be blurred if she were to expand contract duties; concerned about having one person be a contractor and employee. Chris White stated she does believe there is enough work to hire a full time employee; she would rather look internally to fill needs. Bednar asked if there was money in the budget to hire additional help. Niedzwiecki stated there was money budgeted for City Zoning Administration so there are funds available. Williams stated she views the projects

as short term and expects them to be completed in the short term; reiterated she wants to move forward with identifying temporary help for the Clerk's office. Glasgow questioned how long the backlog items would take to complete. Williams stated that was dependent on the route chosen to address the backlog; there is a fair amount of work and thinks it would be good for the City to get it done quickly; will defer to Council. There was discussion regarding how the interview process would take place. Chris White reiterated she would like to look internally first and receive input from Chris Wallberg. She would like clarification if Gail Billington would be working as a contractor or an employee if she were hired to do the projects. She would like to see it move forward and would like the Personnel Committee to be involved. Paiement suggested letting the existing staff prioritize and complete projects internally; provide an update to Council at each meeting; does not want to spend more money on staff expense. Williams stated staff has indicated that is not possible within the current hours. Paiement stated he believes staff has stated they can't do all of it at once but the projects could be completed piece by piece; if it cannot be completed he would like report on why and then an independent contractor could be hired. Williams stated she felt the item had "hit a wall" in discussions at the Personnel Committee level and that is why she brought it forward to Council. Her feeling is that there are not enough hours in the Clerk's Office to get caught up on the projects; unreasonable to expect Staff to manage the current workload and the projects; wants to bring someone to catch up on projects so workload can be effectively managed. She stated the backlog items have been outstanding for months and she would like to temporarily provide the resources the Clerk's Office has stated are necessary. Paiement does not believe the backlog items warrant spending a large amount of time and additional money to address; would like the Clerk's Office to address one item at a time and report back. Williams questioned Wallberg if, under the current structure of the Clerk's Office, the tasks could be completed. Wallberg replied no. Paiement questioned if that was due to lack of expertise or time. Wallberg stated there is currently not adequate time to complete the backlog items; the only options would be to work extra hours; the only way the items could be completed would be to allot more hours to City Hall. Bednar stated that actual work time can be interrupted by other duties so tasks may take longer than it would appear; does not want to place unattainable deadlines. Williams stated she would like to bring someone in for the short term. There was further discussion regarding how to proceed with the situation. Glasgow stated he would like temporary help to be hired and report to the Council after a month to review options moving forward. Glasgow stated he has lost complete confidence in Staff working on the website; does not think Staff have the expertise to attend to the website. Wallberg stated she objects to a performance evaluation. City Attorney Johnson stated any type of performance review is required to be set for a separate meeting in a closed session. Glasgow stated the website has been outstanding for a year and would like it addressed. Williams questioned if Council would be interested in hiring temporary help to focus on the website. There was discussion regarding Iverson's employment status and it was stated an increase in his insurance stipend from 75% to 100% would be necessary to increase his hours on an as needed basis. Williams stated she does not view that as an option because it is an ongoing, permanent expense as opposed to temporary. Bednar stated she is not comfortable having Williams performing interviews solely; would like to have the Personnel Committee examine. All Councilmembers indicated they were open to a special City Council meeting to address the issues. Wallberg stated all deadline and legal requirements are being met at the current time. Niedzwiecki questioned how much time would be freed up if he and his wife handled all the finances including inputting invoices and cutting checks. He added escrow reconciliation would require specific knowledge of situations and applications, which only the Clerk's office has. Iverson stated he questions having one person handling all the City financials; stated he believes it is not sound fiscal policy. Williams stated claims come forward to Council for approval so there would still be oversight. Niedzwiecki offered he would not sign checks if all City financials were handled by him and his wife. Iverson stated he would need more time to consider the issue. Niedzwiecki stated he and his wife are experienced in using Gov Office; Elizabeth Kemling also has expertise in Gov Office. There was discussion regarding Councilmember contact information on the City website.

10. 2015 PROPOSED BUDGET & LEVY RESOLUTIONS – See item 9A.

11. STAFF REPORT

Attorney – Attorney Chris Johnson reported on the home at 1243 Rivercrest Road that was destroyed by fire. Notices were sent to the homeowner informing them of the timeline to address the property and that period has passed. He indicated no action had yet been taken because a neighboring property expressed interest in purchasing the property but the owner's family had not been responsive. He stated bids for removing the home have fallen between \$13,000 and \$22,000. He stated he is seeking Council direction to move forward with razing of the home, which would then be assessed to the certified property taxes. He stated sale of the property would have to take place or forfeiture would take place to recover the funds. As a result, the City will be responsible for covering the costs in the immediate and intermediate term. He added that it seems there is an inability to handle that matter privately and it is now at Council's discretion to provide direction regarding the property. Williams stated she supports demolition of

the structure. Glasgow stated he would like to see a final notice letter sent the homeowner informing them the home would be demolished in 7 days. Johnson stated if the Council elected to move forward with demolition of the home a court order would be obtained. Glasgow stated he would like the structure to be demolished. Bednar stated she agreed with demolishing the structure and would like the family to receive final notice. Johnson stated there is a medical assistance lien associated with the property. He is unsure of the amount of the lien, which may affect the priority of payment recovery.

City Clerk – Wallberg stated she has received input from numerous residents regarding the deer population. She stated most are in favor of hunt. She stated the DNR called today and she is awaiting further details. She stated the municipal election for two City Council members and Mayor will be part of general election on November 4, 2014. She expressed thanks to Leah Stanton for her time as videographer. An individual named Dietrich Wilke was identified and contacted regarding the videographer vacancy and has agreed to replace Leah Stanton. The Council had no objections to offering the position to Dietrich Wilke.

Public Works Director – Kline reported the 2014 Streets project has been completed. He stated he is impressed with the quality of the seal coat and felt it went much better than in 2010. Bednar stated she was pleased with the quality as well. Kline stated the final pay application would likely be on the next agenda.

Treasurer – Niedzwiecki stated Humphries park light pole installation cost of \$6,267 had no agreed upon funding source. He stated he decided to book the funding from Special Parks. He recommended taking \$1,256 from charitable gaming and an additional \$5,011 in money received from FEMA for the beach. In that scenario, operating capital for the Special Parks Fund would not be affected. There was no objection from Council.

Zoning – None.

12. **COUNCIL MEMBER REPORT/** Glasgow reported he attended a Cable Commission meeting where they approved the Comcast franchise agreement; approved the switch to Western Cable when the Comcast merger takes place, contingent on Comcast approval of the franchise agreement. He stated the Cable Commission requested “cable drops” for all the City Halls and the Fire Department. He stated \$30,000 was budgeted by the Cable Commission for the franchise agreement and only \$280 was spent on attorney’s fees. He stated he went on Vets boat ride for the Stillwater Memorial.
- 13A. **COUNCIL MEMBER REPORT/** Williams stated she would give her report under the Mayor’s report section of the agenda.
- 13B. **LAW ENFORCEMENT REPORT** – Williams stated calls were up last month but a considerable number were watercraft violations. She stated there continues to be thefts from unlocked vehicles and reminded residents to keep their vehicles locked. She stated she received an e-mail from a Deputy regarding the Washington County Citizen’s Academy and provided information on the Academy.
14. **COUNCIL MEMBER REPORT/** Paiement stated the Personnel Committee met regarding Temporary Help in the Clerk’s Office and reached no consensus.
15. **COUNCIL MEMBER REPORT/** Bednar stated she had been working on a few items. She stated the petition to name a playground structure after Zach Sobiech has been brought forward; she attempted to contact the Sobiech family to discuss the matter and has been unsuccessful; feels it would be appropriate to speak with them prior to any action taking place. She stated she was concerned the petition was left at the Freedom Station and there is no indication that all of the signatures collected are Lakeland residents; she would prefer to have only local input. She added residents have voiced concern regarding the fact that other sick individuals have not been recognized and there is no procedure in place for this type of action to be taken. Bednar stated she would like to speak to the Sobiech family and to the person who created the petition. She stated she appreciates the thought but would like to do more research before moving forward. Williams agreed the family should be contacted prior to any action taking place. Bednar stated she has been looking into organizing a “Movie in the Park” event. She stated she has made a few connections to find out how to proceed; movie could start around about 8:30; tentatively looking at September 12th or 19th; will look into any potential conflicts. She addressed a watershed area located east of St. Croix trail and west of Crocker Park. She stated she has begun looking into placing a trailhead there. She stated she examined how to obtain the parcel of land, which may come at no cost. She stated she has had preliminary communication with the St. Croix Bike Trail Coalition.

16. MAYOR'S REPORT/ Williams stated she has been working with Mitch Berg of Lake St. Croix Beach to recertify their flood insurance. She stated she attended a Gateway Corridor Commission public hearing and provided details of the hearing. She stated she looked through the Met Council Thrive 2040 and there is an upcoming hearing on housing policy; transportation policy will also be having a hearing. Wallberg stated Lakeland's current WMO representative, Brian Zeller, is moving away from Lakeland but the WMO has indicated he does not need to be a resident to be Lakeland's representative; he will remain the representative until a replacement is identified.

17. ADJOURN – M/S/P (Glasgow/Bednar) to adjourn meeting at 8:10 p.m. Glasgow, Bednar, Paiement, Williams voted aye. Motion passed.

Amy Williams, Acting Mayor

Steve Iverson, Deputy Clerk/Recorder