

**CITY COUNCIL MEETING**  
**Tuesday, September 17, 2013**

**CITY COUNCIL PRESENT:** Amy Williams, Richard Glasgow, Asia Bednar, Joe Paiement  
**STAFF PRESENT:** Matt Kline, Chris Wallberg, Tom Niedzwiecki, Steve Iverson, Chris Johnson, Ron Moore  
**OTHERS PRESENT:** Chris White, Leah Stanton, Deputy Jessica Stiffarm, Sandy Tollefson

*City Council Workshop Parks Use/Crocker Park*

1. **CALL TO ORDER** by Acting Mayor Paiement at 6:01 p.m.
2. **PLEDGE OF ALLEGIENCE** was recited.
3. **CONSENT AGENDA – M/S/P(Glasgow/Williams) to approve the Consent Agenda. Passed Unanimously.**
  - A. Minutes of the August 20, 2013 Regular City Council Meeting
  - B. Minutes of the August 27, 2013 Special City Council Meeting
  - C. Treasurer's Report
  - D. Bills to be Approved
  - E. Resolution suspending the application of boat trailer parking regulations for Saturday, September 28, 2013 for Beanie's River Rats Fishing Contest.
4. **LAW ENFORCEMENT REPORT-** Williams yielded her report to Deputy Jessica Stiffarm. Deputy Stiffarm stated she is temporarily filling in for Deputy Sullivan and as a result is unfamiliar with any specific information to be presented. She reported the public should be aware that there will be extra DUI patrol in October.
5. **PETITIONS TO THE COUNCIL** – None.
6. **PROPOSED ORDINANCES** –

**EXTERIOR STORAGE** – Moose stated the Planning Commission reviewed the ordinance amendment after the Council had requested further investigation at the August meeting. This review included the reasoning behind their recommendation and addressing the Council's desire to see a sub committee review the ordinance. He stated the reasoning for the original Planning Commission recommendation was available in this memo. The Planning Commission agreed that Planning Commissioner Wirth would be the liason on the sub-committee also comprised of Moose and Williams. Moose stated the sub-committee had yet to meet due to a lack of time. Paiement sought clarification regarding what was actually being amended. Moose stated the main purpose was to address screening issues, not only from public streets and lands, but also adjoining properties. Paiement questioned what prompted the request to amend the ordinance. Moose stated it arose from complaints regarding a property with a fence that did not provide adequate screening from adjoining properties but did meet the current ordinance criteria. Williams stated that due to fact the sub-committee had not an opportunity to meet she would prefer to see this item tabled until the following month. **M/S/P(Williams/Glasgow) to table review of the proposed Exterior Storage ordinance amendment until the next City Council Meeting. Passed Unanimously.**

**ALCOHOL IN PARKS** – Moose stated Bednar requested that staff research instituting an ordinance amendment that would allow alcohol consumption in the City parks for special events such as weddings. The current code only allows alcohol consumption in City parks with a special permit, available only to charitable and non-profit organizations. Moose stated he examined Stillwater's ordinance regarding alcohol consumption in its parks they offer a consumption permit. He stated the Planning Commission reviewed allowing alcohol consumption in the parks and do not recommend to amend the ordinance. The Commission felt the burden on the surrounding properties would outweigh the benefit of allowing alcohol consumption. There was discussion regarding whether information was obtained from Stillwater in relation to problems associated with the issuance of consumption permits. It was stated that no information had been obtained and their experiences with consumption permits was not taken into consideration when the Planning Commission made its recommendation. It was stated that the reasoning behind the Planning Commission recommendation not to allow consumption in the parks was liability faced by the City and potential disturbances in the surrounding neighborhoods. Chris White stated the Planning Commission voted unanimously against allowing consumption in the parks. The Commission felt consumption in the parks had never

been allowed and has not been an issue in the past. They did not feel as though changing the ordinance based upon one request was appropriate or in the best interest of the City. Bednar stated she would likely abstain from any vote. She stated she has a desire to attract people to use parks and believes changing this ordinance could be beneficial in that regard. She mentioned that the individual seeking to rent the park had not specifically requested to consume alcohol. She would like to address the issue of alcohol consumption for the current request in the event they wish to consume, but also for any future rental requests. She also stated the belief that the current ordinance does not prevent individuals from illegally drinking in the parks. She feels by openly allowing alcohol consumption it would allow the City to have more regulation and oversight. She stated her desire was to amend the current ordinance to allow a permit for consumption for special ceremonies/celebrations by private citizens. Paiement questioned whether the City is currently insured for the type of proposed activity. Johnson stated the city would be covered within its statutory tort limits. He stated additional insurance could be purchased and may also currently be a part of Lakeland's League of Minnesota Cities insurance policy. Paiement stated the liability could be addressed through insurance but the bigger issue is the spillover effect on properties surrounding the parks. Williams feels the current ordinance is too arbitrary and only residents, who are ultimately more accountable to the City, are not allowed to obtain permits. She is concerned over displaying trust to other organization but not residents. She stated that other laws still apply and allowing alcohol in the parks would not allow lewd or lascivious behavior. White stated it would be safe to assume that a large number of attendees at gatherings will not be Lakeland residents thus not incurring any additional accountability. She also stated that the ordinance allowing alcohol consumption by charitable organizations had been in place for a long time and appeared to be in place for fund raising purposes. There was discussion regarding determining the criteria for a charitable organization and how its viability is confirmed for permitting purposes. Williams stated she didn't believe the wording of the ordinance precipitated that fundraising events were required to obtain a permit. White suggested that removing all consumption permits, including for charitable organizations, might be a more viable option. She stated the Planning Commission's main concern is that all of Lakeland's parks are located in residential areas that would potentially be disturbed allowing alcohol consumption. Glasgow stated he doesn't want any alcohol in Lakeland's parks for any reason. Williams stated she felt not allowing alcohol assumes misbehavior will take place with the presence of alcohol and doesn't show trust in residents. She is in favor of allowing consumption on a trial basis and removing the amendment if problems arise. White stated the Planning Commission was concerned about parking and public urination, among other issues. Bednar stated that park rental agreement needs to be revised if alcohol is not allowed in the parks. Paiement suggested tabling the item to research the potential liability to the City and determining if additional insurance cost would be required. Johnson stated this ordinance amendment would not require a public hearing because it is not a zoning ordinance. He suggested that rather than tabling the item, a proposed draft ordinance and information on liability could be presented for a vote at the next meeting. The Council directed Johnson that they are only looking to add language regarding the consumption of alcohol to the ordinance. **M/S/P(Paiement/Glasgow) table review of the proposed ordinance amendment allowing the consumption of alcohol in City parks until next month.** Glasgow stated he would like to see a "sunset" clause in the ordinance that would allow a trial period and the ordinance could expire if problems arise. Bednar suggested to set a minimum number of event attendees to obtain a permit. **Passed Unanimously.**

7. **PROPOSED ORDINANCE / KEEPING CHICKENS** – Glasgow stated he spoke to several residents who indicated they are very strongly opposed to the keeping of chickens in Lakeland. Sandy Tollefson, 489 Quinnell Avenue North, stated she is very worried about predatory animals that chickens will attract. She stated that due to the riverway these types of animals are already present but allowing the keeping of chickens will likely increase their presence. She recognized the work done on the ordinance but would like to see screening of coops addressed. She has experience in raising chickens and stated that slaughtering is messy and loud no matter the restrictions. She also stated chickens in general are loud, messy and create a strong odor. She stated skepticism that allowing chickens in a fenced back yard under supervision would be adhered to and that free ranging chickens are very destructive to land. She feels Lakeland is different than other cities currently allowing the keeping of chickens, such as Minneapolis and Edina, because predators are already present. Wallberg stated that many residents had requested to keep chickens in residential zones. White stated she has raised rabbits for 25 years and experience no issues with predators. The desire of the Planning Commission was to accommodate the residents who requested to raise chickens while covering every other potential nuisance experienced by other residents in the ordinance. Williams believes problems are inherent with any animals but is in favor allowing chickens. Tollefson stated she feels screening is a major issue that needs to be addressed. Paiement stated he would like more public input. Williams stated there has been a public hearing at which time the public could've commented. She questioned how keeping chickens differs from raising rabbits and feels that the ordinances are inconsistent in that regard. She feels the ordinance as it is presented covers all necessary areas of concern. There was continuing discussion regarding the definition of screening in the case of chicken coops and pens. Tollefson stated she feels the \$100 fee for keeping chickens is inadequate. Williams stated that ordinances do not require dog houses to be screened and again noted the inconsistency. Tollefson stated

that dogs and cats are not farm animals and thus are not comparable to chickens. **Motion by Williams to adopt ordinance 7541 amending 159.114 relative to the keeping of chickens on parcels less than 5 acres in residential zones. Motion failed due to lack of a second. M/S/P(Glasgow/Bednar) to deny the recommendation of the Planning Commission to adopt ordinance 7541 amending 159.114 relative to the keeping of chickens on parcels less than 5 acres in residential zones.** Glasgow stated a very small percentage of residents requested the keeping of chickens and doesn't agree it fits the majority's opinion. Bednar stated her main concern is attracting predators. **Paient, Bednar, Glasgow voted aye. Williams voted nay.**

8. **PARKS/BEACH RENTAL AGREEMENT** – Bednar introduced the rental agreement document. Items that were suggested at previous meetings were amended including resident/non-resident fees and parking restrictions. There is currently language regarding the consumption of alcohol in the agreement which has not been decided upon. She stated that legal counsel had not yet thoroughly reviewed the document. Johnson stated he had preliminarily reviewed the document and would work with Bednar to finalize it. Wallberg stated the requestor had not indicated if they desire to consume alcohol and also not stated urgency in regard to a timeframe for a decision to be made. Discussion ensued regarding exclusivity of park usage when rented. There was discussion regarding whether an approval process would be required to rent the parks and if that process would be administrative or require Council review on a case-by-case basis. Bednar stated there is currently a reservation system in place for sports organization which is grossly underpriced and needs to be reviewed. Paient stated further review would be needed to determine policy on alcohol consumption, exclusivity of usage, and the permitting process. Williams stated she would prefer to see any ordinances related to this agreement be fluid in the event of future adjustments to the agreement. Williams suggested that if at any point a resident has all or part of their damage deposit withheld that it would disqualify them from future rental privileges. She would also prefer to have the review process be administrative. The Council agreed that an administrative review process would be the most effective.

#### 9. STAFF REPORT

**Attorney** – Johnson stated the City is still awaiting a decision in regard to the Space litigation. He stated that all other litigation has successfully been resolved. Paient questioned the status of the lawsuit brought against the City by the DNR. Johnson stated that the property owner has attained legal counsel and is in process of negotiating with the DNR in an attempt to resolve the issues. This item will not be revisited or go back to public hearing until after the meeting between the property owner and DNR takes place. Wallberg stated that the Planning Commission would hold the secondary public hearing after which it would return to the City Council for review.

**City Clerk** – Wallberg stated the Recycling Committee will be reforming and she is seeking to convene a meeting in early October.

**City Engineer** – None.

**Public Works Director** – Kline stated the new one-ton truck was delivered and is in the City's possession. He stated he will be purchasing a replacement valve for Water Plant #2 at a cost of \$8,000. He stated the 2013 Street Improvement Project needs to be completed by Sep 27<sup>th</sup> and he is assuming it will be completed by then. Bednar enquired about potholes located on Quinnell Avenue and Kline replied there will be patching taking place in the near future. He stated a salt bin is being built behind the City shop which will hold 3 loads of salt in case of a snow emergency.

**Zoning** – None.

**Treasurer** – Niedzwiecki stated that August was an overall slow month. Niedzwiecki spoke about funding the park improvements that were presented by Bednar at the earlier workshop. He stated \$108,000 would be available if \$25,000 was fronted from 2014 parks budget. He said there would potentially be money available from the Building Inspection fund as its balance is currently \$80,000.

10. **COUNCIL MEMBER REPORT/** Bednar stated she would like advice on how to proceed with attaining approval for the park improvement expenditure. Paient stated it would need to come back next month as a specific agenda item to have action taken. Bednar stated that delaying a decision may result in losing limited grant funds. Paient stated he would like to examine which parks will be receiving expenditures more closely. Bednar stated she is concerned about frost and prefers not to wait until spring to install the equipment. Glasgow suggested putting together concrete expenditure figures and calling special session to have them presented. Niedzwiecki stated that expenditures must

be approved by Council. Johnson stated that expenditures over \$100,000 may require competitive bidding and spending cannot intentionally be split to avoid competitive bidding. White stated checking on insurance coverage for the new playground equipment is very important. Niedzwiecki stated that Council approval is not needed for expenses less than \$10,000. Williams would like to see more detailed diagrams on where the new playground equipment will be located. She also doesn't feel that rushing to install the equipment before the frost is wise. Bednar stated that placement options are limited and the presented options would work the best in her opinion. Glasgow suggested a special session for Council Members to tour the parks and view equipment placement options. Williams agreed that the item should be on the agenda for action and doesn't want to rush the large expenditure without due process. Williams requested complete project costs including installation. Niedzwiecki stated that any labor hours for personnel are charged to Special Parks. Johnson stated the Council cannot take action on items without it being on the agenda.

11. **COUNCIL MEMBER REPORT/** Glasgow reported there were 40 total calls to the LSCV Fire Department in the previous month, including 5 fire calls and 35 EMS calls. There were 8 calls in Lakeland. He stated he traveled to Norfolk and participated in a number of Navy vessel tours.
12. **COUNCIL MEMBER REPORT/** Williams had nothing to report.
13. **COUNCIL MEMBER REPORT/** Paiement reported the Personnel Committee met regarding job descriptions and structuring of the City and will be reporting its findings to the Council in a near future.
14. **MAYOR'S REPORT/** Livingston not present to report.
15. **ADJOURN – M/S/P (Glasgow/Williams) to adjourn meeting at 7:48. Passed unanimously.**

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Joseph Paiement, Acting Mayor

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Steve Iverson, Deputy Clerk/Recorder