



Workshop: 5:00 p.m.  
Regular City Council Meeting: 6:00 p.m.  
Tuesday, May 19, 2015  
Lakeland City Hall

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CITY COUNCIL WORKSHOP:  
MINIMAL IMPACT DESIGN STANDARDS (MIDS) – MIKE ISENSEE

REGULAR CITY COUNCIL MEETING AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ADOPT AGENDA
4. CONSENT AGENDA (Items may be pulled for discussion and/or separate action)
  - A. April 21, 2015 Regular City Council Meeting Minutes
  - B. April 8, 2015 Planning Commission Meeting Minutes
  - C. Approval of Lakeland Plaza Event June 27, 2015
  - D. Approval of Resolution 2015-18 Worker's Compensation Insurance Coverage
  - E. Approval of Resolution 2015-20 Amending City Annual Appointments
  - F. Approval of CSAH Median Maintenance Contract for 2015 Seasonal Work
  - G. Ragnar Relay Permission
  - H. Resolution 2015-21 Zach Sobiech Memorial Bench "Zach's Playground" in Crocker Park
  - I. Resolution 2015-22 Approving Master Subscriber Agreement for MN Court Data Services
  - J. Approval of Claims
  - K. City Treasurer's Report
5. AGENCY REPORTS
  - A. Law Enforcement Report
  - B. Fire Department Report
6. OPEN FORUM (Public comments, presentations and petitions)
  - A. Richard Thron of Lakeview Cemetery
7. CITY BUSINESS
  - A. Approval of Ordinance 7545 Designating City Council as City's Planning Commission
8. PUBLIC HEARINGS
  - A. Conditional Use Permit (CUP) for 404 St. Croix Trail, Bonsai Motors, LLC
9. CITY BUSINESS continued
  - B. Approval of Resolution 2015-23 CUP Approval for 404 St. Croix Trail, Bonsai Motors LLC
  - C. Approval of Resolution 2015-19 Northland Securities Re-Issuing of Bonds
  - D. Accept Resignation of Public Works Operator Rick Regnier and Approve Posting and Recruitment for Seasonal Hire
10. CITY STAFF REPORTS
11. CITY COUNCIL AND MAYOR REPORTS
12. ADJOURN

## CITY COUNCIL MEETING MINUTES / APRIL 21, 2015

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### OFFICIAL RECORDED MINUTES OF LAKELAND CITY COUNCIL MEETING TUESDAY, APRIL 21, 2015

CITY COUNCIL PRESENT: Mayor Amy Williams, Council Member Jeri Ryan, Council Member Richard Glasgow, Council Member Joe Paiement, Council Member Evan Loenser

STAFF PRESENT: Public Works Director Matt Kline, City Administrator/Clerk Sandie Thone, City Attorney Representative Katie Jarve, City Treasurer Tom Niedzwiecki

OTHERS PRESENT: John Ruprecht, Pam Ruprecht, Planning Commission Chair Chris White, Planning Commission Member Diane Wirth, Washington County Deputy Sullivan, Interim Superintendent ISD #834 Tom Nelson, Jenifer Sorensen (DNR)

WORKSHOP: 5:07 p.m. to 5:55 p.m. Discussion on Code Enforcement and Fees and City Newsletter

1. CALL TO ORDER by Mayor Williams at 6:05 p.m.
2. PLEDGE OF ALLEGIENCE was recited.
3. ADOPTED AGENDA: **Motion/Second/Passed; Council Member Jeri Ryan, Council Member Richard Glasgow**
4. ADOPTED CONSENT AGENDA: **Motion/Second/Passed; Council Member Richard Glasgow, Council Member Jeri Ryan**
  - A. Approve March 17, 2015 Regular City Council Meeting Minutes
  - B. Approve April 7, 2015 Local Board of Appeals and Equalization Meeting Minutes
  - C. Approve for Staff to Post and Recruit for Deputy Clerk Position Vacancy
  - D. Approve Treasurer's Report
  - E. Approve Monthly Claims
5. AGENCY REPORTS
  - A. Deputy Sullivan reported a total of 93 ICRs; vandals destroying local mailboxes identified; working on loitering issues at Plaza and neighborhood noise issues.
  - B. Fire Department Report/Reported by Councilmember Glasgow: 48 calls – 8 in Lakeland.
6. OPEN FORUM (Public comments, presentations, and petitions)
  - A. Tom Nelson, Interim Superintendent ISD #834. Residents of the Stillwater Area School District will be asked to go to the polls May 12 for a \$97.5 million bond question; board decided to ask amount to fund all aspects of the long-range facilities plan that features an addition and renovations at the high school, construction of a new elementary school in the southwestern corner of the district, and at least some improvements to all of the district's school buildings; plan would also convert the district's current junior high model - a middle level school containing seventh, eighth, and ninth-graders into a middle school model grade configuration of grades six through eight at the district's two junior highs and would move the entire ninth grade to the high school; will also implement at least one classroom for preschool programing at each of the elementary schools; if voters approve bond, construction will start at the beginning of the 2017-2018 school year.
  - B. Rob Newman – not present
7. CITY BUSINESS
  - A. Mary E. Planten-Krell, Executive Director of Youth Service Bureau explained services and funding structure. **Motion/Second/Passed; Council Member Jeri Ryan, Council Member Richard Glasgow, to enter into a contract for services for the Youth Service Bureau at \$5,200 for 2016.**
  - B. **Motion/Second/Passed; Council Member Loesser, Council Member Ryan, to adopt Resolution 2015-16, a resolution designating No Parking Regulations on center portion of cul-de-sacs located on 4<sup>th</sup> Street North, 5<sup>th</sup> Street North, and 6<sup>th</sup> Street North. Resolution adopted unanimously.**
  - C. 1109 Quixote Ave. N. Jim Space has contracted with Final Grade, Inc. to seed and restore his project; scheduled for May 18, 2015.
  - D. Approve Quixote Street Project. **Motion/Second/Passed; Council Member Glasgow, Council Member Loenser, to accept bid by Fitzgerald Excavation and Trucking for an amount not to exceed \$20,000 for the 2015 Quixote Avenue No. Drainage Improvements.**

**Motion/Second/Passed; Council Member Ryan, Council Member Paiement, to authorize a contract with SEH, Inc. for Construction Administration for 2015 Quixote Avenue N. Drainage Improvements in the amount of \$10,916.** Appreciation expressed to Public Works Director Matt Kline for coordinating grant funds for this project that totaled \$67,000 with matching 25% City funds.

**E. Motion/Second/Passed; Council Member Glasgow, Council Member Ryan, to accept bid by Fitzgerald Excavation and Trucking for the 2015 Street Project in the amount of \$367,381.25.**

**Motion/Second/Passed; Council Member Loenser, Council Member Ryan, to authorize construction engineering and surveying services for the construction phase of 2015 Street Improvements to SEH, Inc. in the amount of \$38,442.**

F. A Public Hearing was held regarding a proposed amendment to City Code Chapter 159 pertaining to zoning regulating occasion ceremony venue signs by the Planning Commission on April 8, 2015. **Motion/Second/Adopted; Council Member Glasgow, Council Member Ryan, to adopt Ordinance 7544, an ordinance amending Lakeland City Code Chapter 159 Section 117.4 adding N) signage requirements pertaining to commercial special occasion ceremony venues and Section 192 and 205 of the Sign Ordinance allowing the signage upon approval of an IUP in agricultural and residential districts. By roll call, Mayor Williams voted aye, Council Member Loenser voted aye, Council Member Ryan voted aye, Council Member Glasgow voted aye, and Council Member Paiement voted aye.**

**G. Motion/Second/Passed; Council Member Ryan, Council Member Paiement, to approve Resolution 2015-17 Summary Publication of Ordinance 7544 amending Chapter 159 of the City Code Pertaining to Signage Requirements for Commercial Special Occasion Ceremony Venues.**

H. Public Works Director Matt Kline introduced Resolution 2015-15, a resolution approving variances to allow the removal of an existing residential home and subsequent rebuild of the home on the existing footings and foundation walls along with adding new construction on the non-River facing side of the lot at 737 Quentin Avenue South. Attorney Jarve consulted on protocol passing Resolution as written with PC recommendations.

Variances denied included impervious surface request of 21.5% where maximum impervious surface is 20% and exceeds maximum allowed within the Lower St. Croix River Bluffland and Shoreland Management Regulations. It was consensus of CC that the Ruprechts have taken steps to mitigate runoff by rain garden and swales around the property and WMO submitted project meets all standards to decrease by 20%; opinion Ruprechts have met the intent.

The second variance denied was applicant's proposal to raise the roof by installing rafters with an 8/12 roof pitch; substandard structures which do not meet bluffland and/or shoreland setbacks shall not be raised in elevation and raising the roof would increase the visual impact of the structure from the River. It was decision of CC this subjective and percentage not defined viewing home from River; City does not presently have formula for policy and ordinance problematic. Chris White, Planning Commission Chair, stated PC job to see how ordinance fits and how application complies. Mayor Williams asked going forward that variances are individually presented and encouraged White to make ordinances such as this a priority of PC review; reason we have variances that can determine if strict adherence to an arbitrary number not accomplishing goal of community.

Jenifer Sorenson, DNR, spoke to impervious surface and research that helps define percentage; will provide Council literature to that fact; has been working with City re-vegetative cutting violation and need to include as a condition of granting variance a Vegetation Restoration Plan; provided DNR's opinion on denial of two variances; Wild & Scenic Rules in place for several decades by State Statute – will provide staff and council statute rules of how height determined.

Council Member Ryan requested a friendly amendment to Resolution 2015-15 as presented to reflect and allow the variance accepting impervious surface to allow for a greater amount of surface than allowed as presented in the 4/21/15 plan review. Mayor Williams accepted; Council member Glasgow accepted. Motion amended. CC directed attention to variance of roof height. Mayor Williams made motion, Council Member Glasgow seconded, wording as follows: Whereas ordinance re-substandard structures shall not be raised in elevation, finding is that Ruprechts' have been willing to address impervious surface and have made several design changes to attempt meeting code with regard to substantial structures that do not meet bluffland and/or shoreland setbacks. **Motion/Second/Passed Mayor Williams, Council Member Glasgow, to approve Resolution 2015-15 as amended deleting variances denied and changing findings of fact.**

## 8. CITY STAFF REPORTS

City Attorney Representative – no report

City Administrator/Clerk Sandie Thone – no report

Public Works Director Matt Kline reported road restrictions off as of midnight tonight; has bid from Weisbrod Landscape for median weeding on CR 18; will see what Lakeland Shores wants to do and bring back at next month's meeting.

City Treasurer Tom Niedzwiecki reported at next month's meeting will have preview refunding of 2 Bonds related to Street Improvements for Lakeland Village and the 2<sup>nd</sup> Water Tower; George Iverson from Northland Communications will provide presentation and they will have resolution for approval; last month reported water receipts low, but found some receipts missing; in black through 1<sup>st</sup> quarter.

9. CITY COUNCIL AND MAYOR REPORTS

Council Member Loenser had no report.

Council Member Ryan stated she would be reviewing Robert's Rules of Order.

Council Member Glasgow attended an Alliance Meeting that included a road project update from Washington County Department of Transportation; also discussed septic systems and information on that; Alliance will meet next Monday; transition moving offices to water department went well; appreciates DNR opinions and goal to understand DNR opinions of ordinances better.

Council Member Paiement suggested the city council work together with the planning commission and make it a priority to tighten up ordinance language.

Mayor Williams thanked the planning commission and staff as ordinance policies have been ongoing issue for number of years; will be attending Mayor's Association Annual Conference in White Bear on water management; speaking Thursday at Mankato State supporting public service; encouraged residents to keep abreast of bills brought up in Legislature regarding land use; still planning to expand facilities at the water facility and will continue direction with task force on facility spaces and what the community wants as well as exploring cost savings; plans to focus on land use and city administration.

10. ADJOURN

**Motion to adjourn effective 8:15 p.m. Motion/Second/Passed; Ryan/Loesser**

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Richard Glasgow, Acting Mayor

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Sandy Thone, City Administrator/Clerk

**PLANNING COMMISSION MEETING  
CITY OF LAKELAND  
APRIL 8, 2015**

**PLANNING COMMISSION PRESENT:** Pete DeCorsey, Chris White, Diane Wirth

**STAFF PRESENT:** Public Works Director Matt Kline, City Administrator/Clerk Sandie Thone

**OTHERS PRESENT:** Mark Erickson, Marcus Gustafson, Julie Keller, Steve Keller, Council Member Evan Loenser, Council Member Jeri Ryan, Council Member Richard Glasgow, John Ruprecht, Pam Ruprecht, Molly Shodeen (DNR), Jen Sorensen (DNR)

1. **CALL TO ORDER** by Chair Chris White at 6:00 p.m.
2. **PLEDGE OF ALLEGIENCE** was said.
3. **MEETING MINUTES – M/S/P (Wirth/DeCorsey) to approve the March 3, 2015 PC meeting minutes. Motion passed.**

**4. VARIANCE APPLICATION / John & Pamela Ruprecht**

**A. Public Hearing for Variance to Remodel the Home at 737 Quentin Avenue South**

1. **Call to Order** at 6:11 p.m.
2. **Introduction of Application** – Matt Klein reviewed application of variance request to remove entire structure of an existing residential home, rebuilding on existing foundation walls and footings along with adding new construction on non-River facing side of lot; lot located within St. Croix River Zoning District subject to regulations of Lower St. Croix River Bluffland and Shoreland Management Regulations. Variances include -
  - (1) minimum lot size above ordinary high water mark (1.0 acre) – current lot size .93 acres
  - (2) building setback from ordinary high water mark (100' required) – current setback 53.5'
  - (3) building setback from bluffline (40' required) – current setback '0' with proposed no change; applicant proposing to keep house in same location
  - (4) maximum total maximum area covered by impervious surface 20% - present 23.9% - proposed 21.5%
  - (5) structures shall not be placed or grading done on any slopes greater than 12% - current 12% - proposed existing home replaced using existing footings and foundation walls on slopes greater than 12%
  - (6) substandard structures that do not meet bluffland and/or shoreland setbacks shall not be raised in elevation or roofline – current height 22'8" measured from rear deck – proposed 31'9" – height change 9'
  - (7) minimum front yard setback (40') – current setback 44.7' from Quentin easement, 46.9' from 7<sup>th</sup> St. – proposed 34.8' from Quentin easement and 32.6' from 7<sup>th</sup> St.

**3. Public Comments –**

John Ruprecht, 737 Quentin Ave. S. Started having architectural meetings with Chris Wallberg to present plans; original 2-story going to 1-story; met fall 2012 with Molly Shodeen (DNR) bringing 3D model prepared by architect; from River, nothing changed and after review with Molly, as she had no problem of view from River, they proceeded with plan. Goal to enter garage from side to 7<sup>th</sup> to River. At present, all roof water will be captured into rain garden with all roof water mitigated. House has to be expanded; River gets improved process, cars no longer visible, no change from River view, and only roof height change. 3 variances directly to lot – not moving structure that already exists on 12% slope. 21 revisions have already been made. There is very little increase in living area, no additional bedrooms; current impervious surface 23.9% - 1/3 of hard surface area road and there is no ordinance that addresses how hard surface area calculated; project success to neighborhood, waterway, view (no cars) and increase in height not noticeable; proposed house to top of chimney 2' differential; 22.8' peak, 2' proposed. [discussion continued of average grade around current home and proposed house]

Pam Ruprecht, 737 Quentin Ave. S. Question was presented at the 10/01/13 PC meeting on ordinance standard regarding home visibility from the river standard; stated by Chris

Wallberg standard is from middle of the River during summer conditions; their home sits on the widest segment of St. Croix with mature trees on bluff and beach front providing adequate screening.

Steve Keller, 10923 Quinlan Avenue N., Stillwater. Ruprechts want to build; has been out on the River several times and can see only tallest tree; feels good stewards of St. Croix.

Mark Gustafson, 16678 7th St. S. Neighbor of proposed remodel; intent of variances doesn't address existing structures if variances are not approved; Ruprecht has gone through 21 revisions and intentions good. City needs to do the right thing.

Julie Keller, 10923 Quinlan Avenue N., Stillwater. She and her husband are personally building a new home that began last June and close to finish; conditions of existing house not good; process has taken too long; need to be caretakers of each other and of St. Croix River.

Mark Erickson, contractor Landsted Companies. Lives across the River and remodeled home across River obtaining approval from Troy Township; Protecting foundations and project turned out fabulous; looking at some commonsense to approve.

Jennifer Sorenson, DNR. Will be taking Molly Shodeen's position when she retires in June; asked if 3/31/15 comments from MNDNR received. Matt confirmed they have been. Jennifer made following comments:

- DNR has been working several years to address vegetation cutting violation on bluff and concerned this not addressed despite many written notifications from City; recommends implementation of vegetation management plan included as condition of granting any variance to improve screening from St. Croix River; not supportive of lattice screening on bluff and encourages replacement with screening vegetation.
- Other options could be considered to address 40' bluff line building setback such as reducing width of deck and/or removing two sunrooms on river side of house; size of lot restricts ability of landowner to meet this setback, but no effort made to consider ways to reduce setback despite owners intention to remove roof and main floor of building; recommendation that a determination of structural integrity be made a condition of issuance of any variance.
- Need field verification from a licensed professional engineer if footings remain in place and not provided that information. Matt Kline confirmed Paumen & Associates, Inc., Structural Engineers, has carried out structural engineering analyzing existing footings to support vertical loads for the remodel residence based on the old building plans undated and new building plans and recommended both exterior and interior existing footing be field verified. Jennifer Sorenson added if footings need replacement will determine if project remodel versus reconstruction.
- Substandard structures, by definition, are structures that existed prior to adoption of the City's Lower St. Croix River Bluffland and Shoreland Management Regulations and which do not meet structure setbacks and other dimensional standards; City ordinance does not allow for expansion of setback distances and dimensions of substandard structures to the same standards set for conforming structures; applicant must demonstrate how need for variances has been minimized; structure has zero setback from bluff and not visually inconspicuous from River, in direct contrast with purpose and intent of City ordinance; DNR recommends both height and pitch of roof be reduced.

Pam Ruprecht, 737 Quentin Ave. S., Lakeland. They have been very conservative and respect view from River; lattice work just on nails and can be removed easily; project has been reviewed under MSCWMO 2006 Watershed Management Plan, and as submitted, meets all applicable policies/performance standards.

John Ruprecht, 737 Quentin Ave. S., Lakeland. [provided pictures of home view from middle of River]

4. **Written Comments** – [no additional received except the following already on file]  
Mark Erickson, President of Landsted, LLC dated 3/03/15  
Kris & Jill Hannah, 16671 7th Street S., Lakeland dated 2/01/15  
Dan and Sharon Eichten, 16677 7th Street S., Lakeland dated 2/03/15
5. **Hearing Closed** at 6:48 p.m.

## **B. Discussion & Recommendation**

Chair White noted under Minnesota law, an applicant for a variance must show that strict enforcement of an ordinance would cause a property owner to suffer an 'undue hardship' – undue hardship defined to include three factors: (1) lack of reasonable use without the variance, (2) unique circumstances not shared by neighboring properties and not created by the landowner, and (3) maintenance of the essential character of the locality, despite the variance.

Motion by Wirth to recommend the following:

### **City Code 155.016 (A) (1) Minimum lot size above ordinary high water mark (1.0 acre)**

Current lot size .93 acres – proposed no change. *No discussion*

***PC recommends approval***

### **City Code 155.016 (A) (4) Building setback from ordinary high water mark (100' required)**

Current setback 53.5' from OHW to corner of sunroom – proposed no change; applicant proposing to keep house and deck in same location. *Could be reduced as DNR pointed out, but applicant not willing to reduce footprint.*

***PC recommends approval***

### **City Code 155.016(A) (5) Building setback from bluffline (40' required)**

Current setback (zero) – Proposed no change. *Applicant proposing to keep house in same location.*

***PC recommends approval***

### **City Code 155.016(A) (10) Maximum total area covered by impervious surface (20%)**

(Based on calculations by applicant's engineer) – Current impervious surface 23.9% - proposed 21/5%, a reduction of 2.4% due to removal of existing driveway. *Applicant noted calculations based on inclusion of 'private road'; contractor noted Trex-RainEscape Deck Drainage System could mitigate impervious surface on deck.*

***PC recommends denial. Factoring in the location of the structure directly on the bluff, along with the impact that impervious surface plays on runoff; PC felt the need to reduce the impervious surface to below the maximum allowed. PC recommended applicant present new plan to CC that reduces impervious surface to less than 20%.***

### **City Code 155.016(B) No structures shall be placed or grading done on any slopes greater than 12%.**

Current structure exists on 12% slope – Proposed existing home replaced using existing footings and foundation walls on slopes greater than 12%. *Molly Shodeen (DNR) added slope greater than 12% because of deck; question of remodel versus reconstruction; variances null and void if footings removed.*

***PC recommends approval***

### **City Code 155.040(c) (4) Substandard structures which do not meet the bluffland and/or shoreland setbacks shall not be raised in elevation or roofline except in floodplain areas and then only to protect the structure**

Current height 22'8" measured from rear deck – proposed 31'17/32" measured at average grade. *Height change 9'17/32".*

***PC agreed that a partially flat roof (as currently constructed) not conducive to Minnesota winters and that the ability to insulate a roof was a necessity. However, PC determined that the increased height created by the proposed 8/12 roof pitch would increase visibility of structure from St. Croix River and that there was no 'practical difficulty' presented for need to use an 8/12 roof pitch. PC recommended applicant present a new plan to the CC that reduced roof pitch thereby reducing roof height.***

### **City Code 159.041 Minimum front yard setback (40')**

Current 44.7' from Quentin Ave. easement, 46.9' from 7<sup>th</sup> – proposed 34.8' from Quentin Ave. easement, 32.6' from 7<sup>th</sup>.

***PC recommends approval***

### **Findings of Fact**

The three factors that define practical difficulties include -

- (1) The property owner is proposing to use property in a reasonable manner.
- (2) The difficulty is due to circumstances unique to property not caused by homeowner.
- (3) The variance, if granted, will not alter essential character of locality.

### **Conditions**

- The variance will be null and void if any of the footings or foundation walls required to be removed due to non-compliance with capability of handling the new construction load placed upon footings and foundation walls; this condition assumes non-compliance would result in new footings and new foundation walls which would be considered new construction; applicant will then be required to apply for a new variance if new footings or foundation walls are required; structural analysis from a structural engineer will be a requirement from the building inspector to determine structural capability of current footings and foundation walls to handle the new construction loads prior to the issuance of a building permit; structural engineer has provided a preliminary analysis of the footings and foundations walls; engineer has indicated he will perform a final onsite inspection when structure has been taken down to footings and foundation walls.
- Upon variance approval, applicant shall pay any remaining escrow balance prior to variance being certified.
- The vegetative restoration plan (submitted 3/31/15) process will be started immediately upon variance approval; tree tagging has already occurred as outlined within the plan; failure to comply with the restoration plan will result in potential penalties or other City action.
- Temporary erosion control facilities shall be inspected at the end of each workday, maintained in good working condition.
- Updating the vegetative restoration plan (submitted 3/31/15) based on comments from Mike Isensee (technical advisor) as follows: the vegetation restoration plan needs to identify the seeding rates and seeding time frame of the temporary and permanent seeding regimen. Permanent seeding mixture needs to be identified to 10 species native to Southern Dry-Mesic Oak Forest; applicant has been willing to make changes and is attempting to contact WMO for clarification.

**M/S/P (Wirth/White) to recommend the City Council accept the PC recommendations regarding the variances requested to remodel the home at 737 Quentin Avenue South, along with Findings of Fact (Section 159.023) and Conditions as noted. Motion passed.**

**4a. CODE COMPLIANCE AND ENFORCEMENT PRELIMINARY DISCUSSION (See 7 below)**

Robert Newman, 796 Quinnell Avenue North. Petitioned the PC to enforce existing laws on the books for properties in non-compliance; trying to work with neighbors on non-compliant homes and storage, especially quad plex on 8<sup>th</sup> Street North; part of interest group selling home at 780 Quixote and soon will be interested in selling his own home. PC reviewed complaint driven process and recent workshop on complaint process. City Clerk/Administrator Sandie Thone suggested pulling together to get necessary code enforcement changes proposed for non-compliance; important this ongoing process reviewing if code fits needs/wants, justify if working, and if process effective; administrative fines are allowed, but no fee schedule has been established; would like to identify 1 or 2 for PC to review at May meeting, as well as providing a copy of a good neighbor handbook she has distributed to CC to be proactive rather than reactive; proposed bringing a couple to PC to review at May meeting.

**5. PROPOSED AMENDMENT TO CHAPTER 159 OF THE CITY CODE**

**A. Public Hearing for Proposed Amendment to Chapter 159 of the City Code Pertaining to the Addition of Signage Requirements to the Commercial Special Occasion Ceremony Venues**

**1. Call to Order** at 8:45 p.m.

**2. Review of Proposed Signage Requirements**

Sandie Thone, Clerk/Administrator, introduced that on May 21, 2013 the CC adopted Ord. 7539 that provided for Commercial Special Occasion Ceremony Venues to be allowed in R-1 and A-2 Zoning Districts within City limits; City Code Chapter 159.117 currently provides for Purpose and Intent, Required Permits, Other Requirements, and Performance Standards regarding the ceremony venues. Although the code language 59.117 Performance Standards (4) (I) specifies the applicant shall provide signage information when applying for the required Interim Use Permit, Lakeland City Code currently does not allow commercial signage in the R-1 or A-2 Districts

**3. Public Comments** - none

**4. Written Comments** - none

**5. Hearing Closed** at 8:51 p.m.

## **B. Discussion & Recommendation**

Public Hearing required before adoption of any zoning ordinance or amendment to ensure due process. After discussion, it was recommended to forward recommendation to CC. Chapter 159.117.4 of the Code of Ordinances amended as follows: (N) Signage shall comply with the following requirements in addition to conforming to the general standards set forth in Chapter 159 Lakeland Sign Ordinance: one (1) sign up to 16 square feet is permitted per ceremony venue, shall not be electronic and shall not be internally, externally, or indirectly illuminated; Chapter 159.192 and Chapter 159.205 of the Code of Ordinances amended to allow for Commercial Special Occasion Ceremony Venue signage in Agricultural and Residential districts as part of the Interim Use Permit Process stated in Chapter 159.117. **M/S/P (DeCorsey/Wirth) to recommend to CC the adoption of specific signage requirement language amending City Code Chapter 159, Section 117, pertaining to commercial special occasion ceremony venue performance standards and language for the provision of an exemption to the existing City Code Chapter 159, Section 192, signs permitted in agricultural and residential districts for the proposed signage amendment as discussed. Motion passed.**

6. COMPREHENSIVE PLAN GOALS UPDATE – no report
7. CODE COMPLIANCE AND ENFORCEMENT PRELIMINARY DISCUSSION (see Item 4a above)
8. MEMBER REPORTS - none
9. **ADJOURN – M/S/P (Wirth/Decorsey) to adjourn at 9:17 p.m. Motion passed.**

Respectfully submitted by Kate Piscitello, Recording Secretary

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Richard Glasgow, Acting Mayor

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Sandie Thone, City Administrator/Clerk



TO: Mayor and City Council

FROM: Sandie Thone, City Administrator/Clerk

RE: Lakeland Plaza Event: June 27, 2015

DATE: May 19, 2015

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#### Background

The Lakeland Plaza Conditional Use Permit (CUP) allows for community events to be held on the property as long as approval is first granted by the city council. The event meets the requirements in both the CUP and the Outdoor Temporary Sales and Events Standards passed early last year. The item is on tonight's consent agenda for ratification.

#### Discussion

Lakeland Plaza will be holding the event *Lakeland Sidewalk Sale* on June 27, 2015 beginning approximately at 9:30 a.m. and proceeding to approximately 7:00 p.m. The event will include participation of most of the businesses located in the Village. Jordan Meats and Deli will be selling bratwurst, the Liquor Mart will be providing in-store wine tasting, and a small Classic Car Show is expected as well. The Antique Store, Jordan Meats and Deli and the Liquor Mart are hosting the event and paying for advertising costs. Other businesses plan to participate as well by selling various items and possibly holding a 5K run/walk TBD. It will likely prove to be a fun community event.

#### Recommendation

Staff is requesting the City Council grant approval for Lakeland Plaza to hold the *Lakeland Sidewalk Sale* on June 27, 2015 from approximately 9:30 a.m. to 7:00 p.m. on the property of Lakeland Plaza. Motion, Second and Simple Majority vote required.



TO: Mayor and City Council  
FROM: Sandie Thone, City Administrator/Clerk  
RE: Resolution 2015-18 Worker's Compensation Insurance Coverage  
DATE: May 19, 2015

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#### Background

Elected and appointed officials are much like employees of the city as they perform various duties and responsibilities in their role as elected or appointed officials. The MN Worker's Compensation Law allows them to be included in the City's worker's compensation insurance coverage.

#### Discussion

The City desires its elected and appointed officials to be covered under the City's worker's compensation plan as employees. The following elected and appointed officials will be included in this policy, effective upon approval:

Mayor and City Council (5)  
Fire District Board (2)  
Fire District Audit Committee (1)  
MSCWMO (1)  
Cable Commission (1)

The annual cost associated with this coverage for Basic Coverage (No Medical) and Optional Medical is \$88.00 and \$40.00, respectively for an annual cost of \$128.00 through the League of MN Cities Insurance Trust.

#### Recommendation

Staff is requesting the City Council grant approval of Resolution 2015-18 Worker's Compensation Insurance Coverage for the period of May 1, 2015 through May 1, 2016 at an annual cost of \$128.00 to cover elected and appointed officials under the City's Worker's Compensation Insurance Policy. Motion, Second and Simple Majority vote required.

**CITY OF LAKELAND  
WASHINGTON COUNTY, MINNESOTA**

**RESOLUTION 2015-18**

**RESOLUTION APPROVING COVERAGE FOR ELECTED AND APPOINTED  
CITY OFFICIALS BY THE MINNESOTA WORKER'S COMPENSATION LAW**

WHEREAS, the law enables elected or appointed officials of the city to be covered; and

WHEREAS, the City Council Members and other appointed officials as delineated below intent is that they will be included as employees:

Mayor and City Council (5)  
Fire District Board (2)  
Fire District Audit Committee (1)  
MSCWMO (1)  
Cable Commission (1)

NOW THEREFORE BE IT RESOLVED that the City of Lakeland elected and appointed officials outlined in this resolution be covered by the Minnesota Workers' Compensation Law.

Passed and adopted by the City Council for the City of Lakeland this 19<sup>th</sup> day of May, 2015.

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Richard Glasgow, Acting Mayor

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Sandie Thone, City Administrator/Clerk

**League of Minnesota Cities Insurance Trust**  
**Group Self-Insured Accident Plan for Volunteers**  
**145 University Avenue West**  
**St. Paul, MN 55103-2044**

**ACCIDENT PLAN FOR CITY VOLUNTEERS RENEWAL QUOTE**

The "City"  
 LAKELAND, CITY OF  
 1190 ST CROIX TRAIL SOUTH  
 LAKELAND MN 55043-9310

Agreement No.: VL00017801  
 Agreement Period From: 5/01/2015  
 To: 5/01/2016

This is the renewal quotation for the Group Self-Insured Accident Plan for City Volunteers. The renewal quote is based on your expiring coverage; please note that the current accident plan is expanded to include coverage for members of advisory boards and committees. If you desire to continue coverage; please sign and date and return to LMCIT.

Accident Plan For City Volunteers (includes coverage for members of advisory boards and committees)

<input checked="" type="checkbox"/> Basic Coverage (No Medical)	Premium	\$ 88.00
<input checked="" type="checkbox"/> Optional Medical	Premium	\$ 40.00
	<b>Total</b>	<b>\$ 128.00</b>

Accident Plan For All Members of Advisory Boards and Committees Only (no coverage for other city volunteers)

<input type="checkbox"/> Basic Coverage (No Medical)	Premium	\$ _____
<input type="checkbox"/> Optional Medical	Premium	\$ _____
	<b>Total</b>	<b>\$ _____</b>

If you have any questions, please review the Risk Management Memo on the LMCIT website entitled Accident Coverage for City Volunteers or contact Barb Meyer at 651-215-4173 or Liam Biever at 651-281-1212. If you need to make a change, see the List of Coverage Options for Accident Coverage for City Volunteers located on the next page.

\_\_\_\_\_  
 Signature Title

\_\_\_\_\_  
 Date

Agent: 00712 - 411484685  
 ELMQUIST AND ZITZLOF AGENCY  
 7040 LAKELAND AVE N #201  
 BROOKLYN PARK MN 55428-5616

### List of Coverage Options for Accident Coverage for City Volunteers

We'd like to change from the Accident Plan for All City Volunteers (includes coverage for members of city advisory boards and committees ) to the Accident Plan for Members of Advisory Boards and Committees Only ( no coverage for other city volunteers .Please indicate how many members there are.

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We'd like to change from the Accident Plan for Members of Advisory Boards and Committees Only (No coverage for other city volunteers) to the Accident Plan for All City Volunteers (includes coverage for members of city advisory boards and committees).

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We'd like to add the additional medical benefit.

We'd like to discontinue the additional medical benefit

No changes

No coverage desired



TO: Mayor and City Council

FROM: Sandie Thone, City Administrator/Clerk

RE: Resolution 2015-20 Amending Annual Appointments for 2015

DATE: May 19, 2015

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### Background

On January 12, 2015 the city council adopted the annual appointments for 2015. In March of 2015 new city staff was hired and organizational effectiveness and efficiencies were reviewed as well as qualifications for various staff/council appointments. Many appointments held by council were determined staff appropriate roles and realigned as delineated in Resolution 2015-20 for organizational best practices.

The City Arborist Kathy Widen retired and the city most recently utilized the services of Michael Ratz. We were pleased with both his work and the more cost-effective fees for services in comparison to past charges billed for Arborist services.

City administrative staff was relocated and combined with Public Works, Building Department and Engineering staff at the 1190 St. Croix Trail South location which then challenged the location of the official posting location of City Hall.

The City's Personnel Committee was deemed unnecessary with the current administrator's degree(s) in Human Resources Management and Organizational Leadership and Management and her experience working as a Human Resources professional in local government. Council Member Evan Loenser expressed an interest in the Met Council and will begin reporting on Met Council news that is of interest to the community. Newsletter Editor, Resident Communications, Website Editor, Weed Inspector, and Planning and Zoning Administrator were all added to the City Administrator's list of responsibilities as deemed appropriate staff duties. Parks, Trails, Beaches and Public Buildings were added back into the responsibilities of Public Works Director as deemed appropriate staff duties as well.

### Discussion

The proposed changes to the annual appointments ratified on January 12, 2015 are as follows:

City Arborist:	The Tree Consultants; Michael Ratz
Official Posting Place	1190 St. Croix Trail South

City Administrator/Clerk	Sandie Thone, City Administrator
Deputy City Clerk	Vacant
Human Resources (replaces Personnel Committee)	Sandie Thone, City Administrator
Met Council	Evan Loenser, Councilmember
Newsletter Editor	Sandie Thone, City Administrator
Website Editor	Sandie Thone, City Administrator
Weed Inspector	Sandie Thone, City Administrator
Planning/Zoning Administrator	Sandie Thone, City Administrator
Parks, Trails and Beaches	Matt Kline, Public Works Director
Public Buildings	Matt Kline, Public Works Director

All other appointments remain as ratified in January and delineated in Resolution 2015-20.

Recommendation

Staff is requesting the City Council grant approval of Resolution 2015-20 Amending the City of Lakeland Annual Appointments for 2015. Motion, Second and Simple Majority vote required.

**CITY OF LAKELAND  
WASHINGTON COUNTY, MINNESOTA**

**RESOLUTION 2015-20**

**A RESOLUTION AMENDING THE CITY OF LAKELAND  
ANNUAL APPOINTMENTS FOR 2015**

**WHEREAS**, Minnesota State Statutes require that the City Council shall, annually at its first meeting of each year, designate annual appointments for the City; and

**WHEREAS**, the City Council has reviewed such appointments and finds some of the appointments unnecessary since the hiring of new staff who will fulfill the roles previously held by council of public buildings, parks, personnel, planning; resident communications, weed inspection; and

**WHEREAS**, the City Arborist has since retired; and

**WHEREAS**, City administrative staff have been relocated and the official posting site for official city postings has changed to the new location of 1190 St. Croix Trail South.

**NOW, THEREFORE, BE IT RESOLVED BY THE LAKELAND CITY COUNCIL AS FOLLOWS:**

The following appointments are hereby approved, effective immediately upon adoption:

Acting Mayor	Richard Glasgow, Councilmember
Animal Control	Kathi Pelnar
Assessor	Washington County Assessor
Building Inspector	City of Bayport Building Inspector, John Buckley
City Arborist	The Tree Consultants, Michael Ratz
City Attorney	Johnson and Turner, Christopher Johnson, David Snyder and Josh Brekken
City Administrator/Clerk	Sandie Thone
City Engineer	Short, Elliott, Hendrickson, John Parotti
Deputy City Clerk	Vacant
Emergency Response	Amy Williams, Mayor
Foundation & Grants	Matt Kline, Tom Niedzwiecki, Amy Williams
Gateway Corridor Commission	Amy Williams, Mayor Alternate: Jerine Ryan, Councilmember
Human Resources	Sandie Thone, Administrator/Clerk
Lower St. Croix Management Commission	Joe Paiement, Councilmember
Lower St. Croix Valley Alliance	Richard Glasgow, Councilmember

Lower St. Croix Valley Joint Cable Communications Commission	Richard Glasgow, Councilmember
Lower St. Croix Valley Fire Protection District	Richard Glasgow, Councilmember Don James
*(Representative appointments made in June of alternate years)	
Lower St. Croix Valley Foundation	Amy Williams, Mayor
Met Council	Evan Loenser, Councilmember
Middle St. Croix Valley Water Management Organization	Joe Paiement, Councilmember Alternate: Amy Williams, Mayor
Newsletter Editor	Sandie Thone, Administrator/Clerk
Official Depositories	US Bank League of Minnesota Cities 4M Fund First State Bank of Bayport
Official Newspaper	Stillwater Evening Gazette
Official Posting Place	Administrative Offices: 1190 St. Croix Trail S
Parks, Trails and Beaches	Matt Kline, Public Works Director
Public Buildings	Matt Kline, Public Works Director
Resident Communications	Sandie Thone, Administrator/Clerk
Special Projects	Mark Nagel
Website Editor	Sandie Thone, Administrator/Clerk
Weed Inspector & Diseased Trees	Sandie Thone, Administrator/Clerk
Planning/Zoning Administrator	Sandie Thone, Administrator/Clerk

Passed and adopted by the Lakeland City Council this 19<sup>th</sup> day of May, 2015.

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Richard Glasgow, Acting Mayor

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Sandie Thone, City Administrator/Clerk

**RESOLUTION NO. 2015-01**

**CITY OF LAKELAND  
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION OF THE CITY OF LAKELAND  
MAKING ANNUAL APPOINTMENTS FOR 2015**

**WHEREAS**, Minnesota State Statutes require that the City Council shall, annually at its first meeting of each year, designate annual appointments for the City; and,

**WHEREAS**, the City Council has reviewed such appointments and finds them to be acceptable.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF LAKELAND AS FOLLOWS:**

The following appointments are hereby approved, effective immediately upon adoption:

Acting Mayor	Richard Glasgow, Councilperson
Animal Control	Kathi Pelnar
Assessor	Washington County Assessor
Building Inspector	City of Bayport Building Inspector, John Buckley
City Attorney	Johnson and Turner Christopher Johnson & David Snyder
City Clerk	
City Engineer	Short, Elliott, Hendrickson, John Parotti
Deputy City Clerk	
Emergency Response, Public Health & Safety	Amy Williams, Mayor
Parks, Playgrounds, Bike Trail & Beaches	Richard Glasgow, Councilperson
Public Buildings, Building & Planning	Richard Glasgow, Councilperson
Staff & Personnel	Asia Bednar, Councilperson
Foundation & Grants	Matt Kline, Tom Niedzwiecki, Amy Williams
Gateway Corridor Commission	Amy Williams, Jerine Ryan– Alternate
Landscaping Restoration & Plantings	Jerine Ryan, Councilperson
Lower St. Croix Management Commission	Joe Paiement, Councilperson
Lower St. Croix Valley Alliance	Richard Glasgow
Lower St. Croix Valley Joint Cable Communications Commission	Richard Glasgow

Lower St. Croix Valley Fire Protection District (Representative appointments made in June in alternate years) Audit Committee Representative	Richard Glasgow, Don James
Lower St. Croix Valley Foundation	Amy Williams, Mayor
Middle St. Croix Valley Water Management Organization	Joe Paiement, Amy Williams - Alternate
Newsletter Editor	City Clerk
Official Depositories	US Bank League of Minnesota Cities 4M Fund First State Bank of Bayport
Official Newspaper	Stillwater Evening Gazette
Official Posting Place	City Hall, 690 Quinnell Avenue North
Resident Communications	Richard Glasgow, Amy Williams
Special Project	Mark Nagel
Website Editor	City Clerk
Weed Inspector & Diseased Trees	Amy Williams, Mayor

Passed and adopted by the City Council for the City of Lakeland this 12<sup>th</sup> day of January, 2015.

ATTEST:

\_\_\_\_\_  
Amy Williams, Mayor

\_\_\_\_\_  
Chris Wallberg, City Clerk



## Public Works

690 Quinnell Avenue North  
Lakeland, MN 55043-9463

Voice: (651) 436-8044

Fax: (651) 436-3949

E-mail: lakelandwater@comcast.net

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To: Lakeland City Council

From: Matt Kline | Director of Public Works

Date: May 11, 2015

RE: CSAH 18 Median Weeding

### **Background**

The City of Lakeland and Lakeland Shores are responsible for the upkeep of the garden areas located in the center medians of CSAH 18. This agreement was made with the County in 2008 during the reconstruction of CSAH 18. The cities wanted plantings within the median areas and the county was unwilling to provide the upkeep in regards to weeding and plant replacement.

### **Discussion**

Weisbrod Landscaping has provided both cities with a quote of \$5,400 to perform the weeding and removal of debris within the medians. Lakeland share of the cost would be \$3,618. The quote is for a total of 6 weedings throughout the summer. Weisbrod Landscaping was contracted two years ago for the same work on the CSAH 18 medians and performed satisfactorily. In an attempt to save money, Sentence to Serve workers were used last year and the results suffered. Inadequate crews resulted in substandard results.

Future discussions will need to center on what the cities desire to have in the medians. The plantings are becoming diminished due to the harsh road conditions (road salt) and the mulch is breaking down and needs replenishment. Alternative options could be planting short trees/shrubs that don't need any maintenance and laying down matting that limits weed growth. The areas could also be planted with grass seed so that the only maintenance is mowing. These two options would greatly reduce the cost of the yearly maintenance.

### **Recommendation**

Staff is recommending that the quote from Weisbrod is accepted with the stipulation that the contractor provides proof of insurance and acquires a county road work permit to perform work on the county road. Funds for the work are available in either the parks maintenance budget or the parks long term improvement budget.



28 St. Croix Trail N  
Lakeland MN 55043  
Bus: 651-998-0435  
Cell: 612-483-0435

ST CROIX TRAIL  
WASHINGTON CO.  
PLANTER BEDS IN  
ROAD MEDIAN

BID SHEET

JOB:

DATE:

INVOICE:

QUANTITY	DESCRIPTION	SIZE	TYPE	
	WEED AND REMOVAL OF DEBRIS IN PLANTER BEDS IN THE MEDIUM OF COUNTY ROAD 18 FROM STA 50 NORTH TO LAKELAND PLAZA			\$1400
	ADDITIONAL WORK - WEED & MAINTAIN PLANTER BEDS PER OWNER REQUEST FIVE ADDITIONAL TIMES THRU GROWING SEASON			4000
	TOTAL			<del>\$5400</del>



TO: Mayor and City Council  
FROM: Sandie Thone, City Administrator/Clerk  
RE: Ragnar Relay Event: August 15, 2015  
DATE: May 19, 2015

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#### Background

Ragnar Relay has been 'running' through the valley for a number of years. The event for this year will take place on August 15, 2015.

#### Discussion

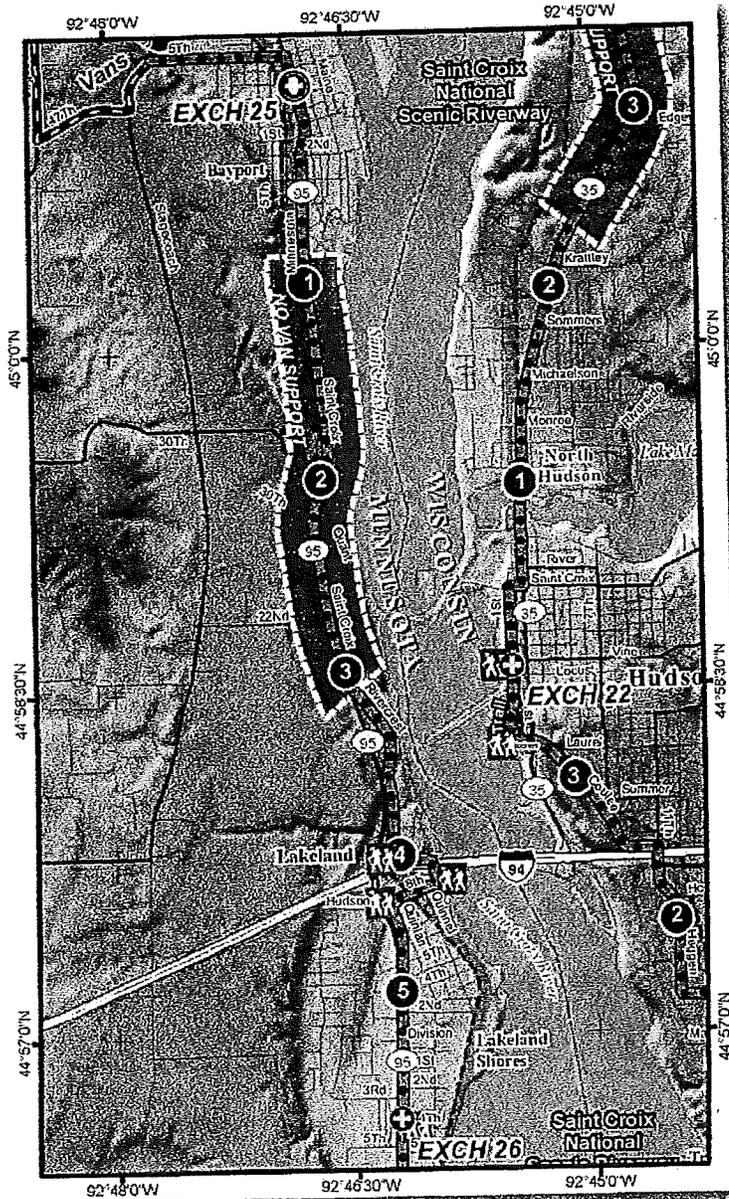
The route is attached for your reference. The event will take place between approximately 3:00 a.m. and noon on Saturday, August 15, 2015. All of the runners stay on the shoulder or paths where available and obey all traffic laws so no police/deputy involvement is necessary. The majority of the route in Lakeland is along St. Croix Trail on the paved path.

#### Recommendation

Staff is requesting the City Council grant approval for the Ragnar Relay event to run through the city on Saturday, August 15, 2015 between the approximate hours of 3:00 a.m. and Noon on the routes established. Motion, Second and Simple Majority vote required.

3:30 AM to NOON AUG. 15, 2015

# LEG 26 -- 5.6 MILES -- MODERATE -- PARTIAL NO VAN SUPPORT



### LEG NOTES:

Exch 26 is located at Lakeland School. (475 St Croix Trail S, Lakeland MN)

Notice: Vehicles and runners will be separated for a little while as the runners run on a trail. (No vehicles are allowed on the trail.)

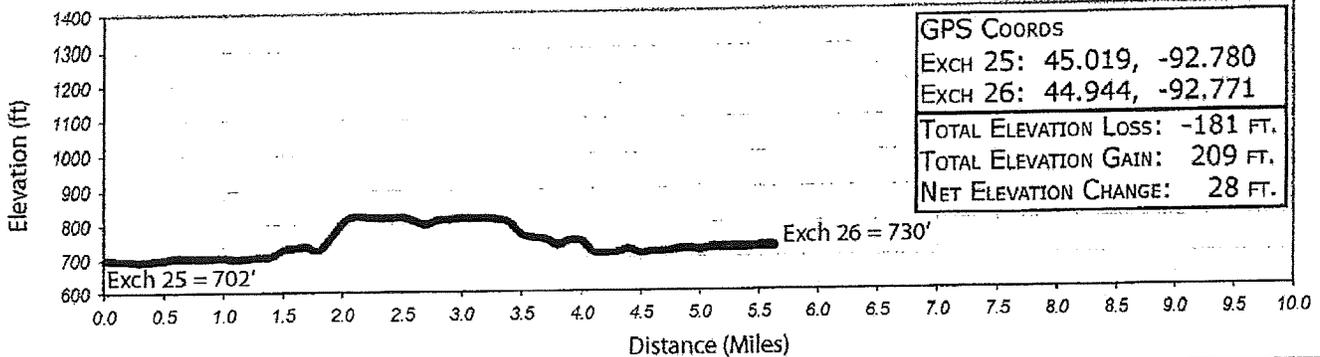
Support Note: Please don't support your runner on any stretch of SR-95 that is 50 mph and above.

### LEG LEGEND:

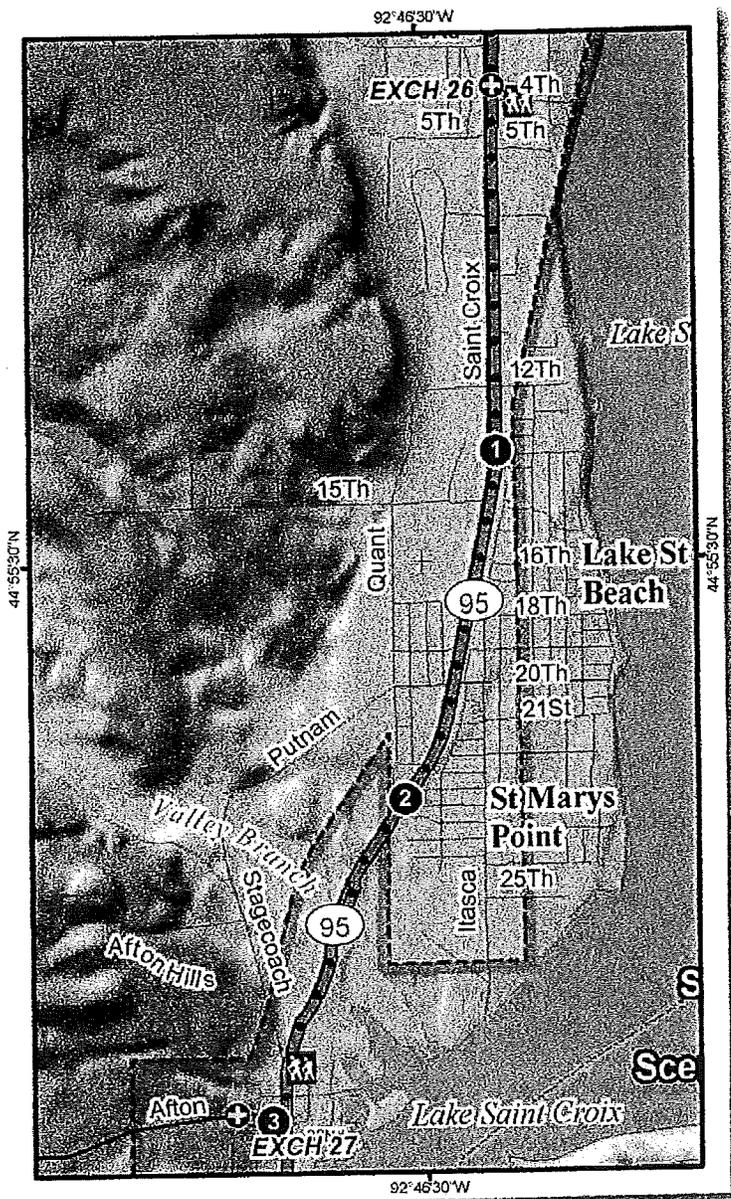
- 0.0 Depart Exch 25 (S) on Hwy 95. Run AGAINST traffic.
- 3.0 Turn Left (SE) on Rivercrest Road N. Run AGAINST traffic.
- 4.0 Continue on trail that runs under 494 bridge.
- 4.2 Right (S) on Quixote Ave. Run AGAINST traffic.
- 4.3 RIGHT (SW) on 8th Street N. Run AGAINST traffic.
- 4.5 LEFT (S) on running trail at Quinian Ave.
- 5.6 Arrive at Exch 26.

### Van Directions:

- \* Follow running route to mile 4.0
- 4.0 Continue (S) on SR-95/St Croix Trail
- 5.5 Arrive at Exch 26



# LEG 27 -- 3.1 MILES -- EASY



## LEG NOTES:

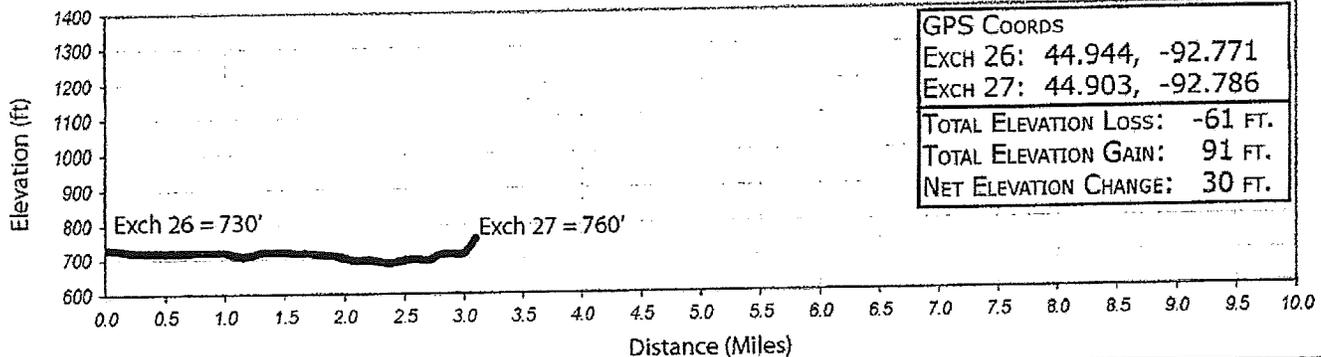
Exch 27 is located at Memorial Lutheran Church, (15730 Afton Blvd, Afton MN)

Notice: Vehicles and runners will be separated for a little while as the runners run on a trail. (No vehicles are allowed on the trail.) Runners will be on a running path the whole time between Exch 26 and 27 that parallels St. Croix Trail/Hwy 18/MN-95.

Safety Note: Use Caution when crossing Hwy 35 in the town of Afton. Use crosswalk.

## LEG LEGEND:

- 0.0 Depart Exch 26, South on Running path.
- 2.8 Continue South on Hwy 95/ St Croix Trail. Run AGAINST traffic.
- 3.0 Right (E) on Afton Blvd. Run WITH traffic.
- 3.1 Arrive at Exch 27





TO: Mayor and City Council

FROM: Sandie Thone, City Administrator/Clerk

RE: Resolution 2015-21 Zach Sobiech Memorial Bench "Zach's Playground"

DATE: May 19, 2015

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### Background

The City received a request to honor the memory of local teenager Zach Sobiech, who's public battle with Osteosarcoma touched the lives of so many, with an honorary memorial at Crocker Park. Zach and his siblings grew up playing at Crocker Park. Last year the City installed new playground equipment at the park.

### Discussion

In discussing options for naming the new playground equipment at Crocker Park in honor of Zach, a public bench seemed a fitting way to memorialize Zach Sobiech by adding the depiction "Zach's Playground" to the 8-foot bench (see attached) and also gain a usable and added benefit to the park at the same time. Zach's song "Clouds" raised hundreds of thousands of dollars for Osteosarcoma research and gained world-wide recognition. The community could not be more proud to call him their own.

The City has money available in the parks budget to pay for the memorial bench for Crocker Park Playground. Staff reviewed two quotes in the amounts of \$984.60 (Upbeat Site Furnishings) and \$762.00 (Northland Recreation). The City has worked with Northland Recreation in the past and has been happy with the quality of their services and product. Staff proposes to enter into an agreement for the purchase of the bench with Northland Recreation in the amount of \$762.00 for "Zach's Playground" memorial bench to be installed at Crocker Park Playground.

### Recommendation

Staff is requesting the City Council grant approval of Resolution 2015-21 Zach Sobiech Memorial Bench depicting "Zach's Playground" and to enter into an agreement with Northland Recreation for the purchase in the amount of \$762.00 for "Zach's Playground" memorial bench which will be installed at the Crocker Park Playground. Motion, Second and Simple Majority vote required.

**CITY OF LAKELAND  
WASHINGTON COUNTY, MINNESOTA**

**RESOLUTION 2015-21**

**A RESOLUTION APPROVING ZACH SOBIECH MEMORIAL BENCH  
'ZACH'S PLAYGROUND' IN CROCKER PARK**

**WHEREAS**, new playground equipment was installed at Crocker Park; and

**WHEREAS**, the City has received a request to honor local teenager Zach Sobiech by naming the new playground at Crocker Park in his name; and

**WHEREAS**, the actual playground at Crocker Park does not presently have a name; and

**WHEREAS**, local teenager Zach Sobiech inspired people during his brave battle with Osteosarcoma; and

**WHEREAS**, local teenager Zach Sobiech is known world-wide for his song "Clouds" which raised hundreds of thousands of dollars for Osteosarcoma research; and

**WHEREAS**, the City is proud that Zach Sobiech is a local boy and would like to honor him by dedicating the new playground as "Zach's Playground" with a memorial bench befitting to his memory.

**NOW, THEREFORE, BE IT RESOLVED BY THE LAKELAND CITY COUNCIL THE PLAYGROUND AT CROCKER PARK BE NAMED FOR ZACH SOBIECH AND A BENCH CONSTRUCTED WITH THE WORDS "ZACH'S PLAYGROUND" INSTALLED IN HIS HONOR.**

Passed and adopted by the Lakeland City Council this 19<sup>th</sup> day of May, 2015.

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Richard Glasgow, Acting Mayor

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Sandie Thone, City Administrator/Clerk



10085 Bridgewater Bay  
 Woodbury, MN 55129  
 Phone 651.815.4097  
 Toll Free 888.371.4958 Fax 414.395.8538  
 Email info@northlandrec.com

## QUOTATION

To:	City of Lakeland 1190 St Croix Trail South Lakeland, MN 55043	Date:	May 8, 2015
		Contact:	Matt Kline
		Phone:	651-253-3263
		Cell:	
Project:	Zach's Playground Bench	Fax:	lakelandwater@comcast.net
		Email:	mkline@ci.lakeland.mn.us

We are pleased to provide the following quotation on items supplied by **Webcoat Products**

<u>Qty.</u>	<u>Item</u>	<u>Description</u>	<u>Unit Price</u>	<u>Extension</u>
1	Bench	B8WBPERFS - Webcoat 8' Bench with Back - 11 Guage Punched Steel - 12" Leg Extensions Inground Mounting Inside Play Area - Black Frame / Green Seat & Back  Back of bench : Zach's Playground		\$582.00

\* Prices supply only - Installation not included

<b>Sub Total</b>	\$ 582.00
<b>Freight</b>	\$ 180.00
<b>Tax 6.875%</b>	Not Included
<b>Total</b>	\$ 762.00

**IMPORTANT INFORMATION:**

- ◆ Quotation is valid for: 30 Days
  - ◆ Freight based on shipment to Lakeland, MN
  - ◆ Shipment can currently be made in 3 - 4 Weeks upon order entry
  - ◆ Terms: 30 Days Net Invoice.
  - ◆ Pricing based on above quantities – any changes may require a revised quotation.
  - ◆ **Orders will be placed upon receipt of a Purchase Order or your signed acceptance of this quotation.**
- Make Purchase Orders to: Northland Recreation LLC** 10085 Bridgewater Bay Woodbury, MN 55129

Thank You!

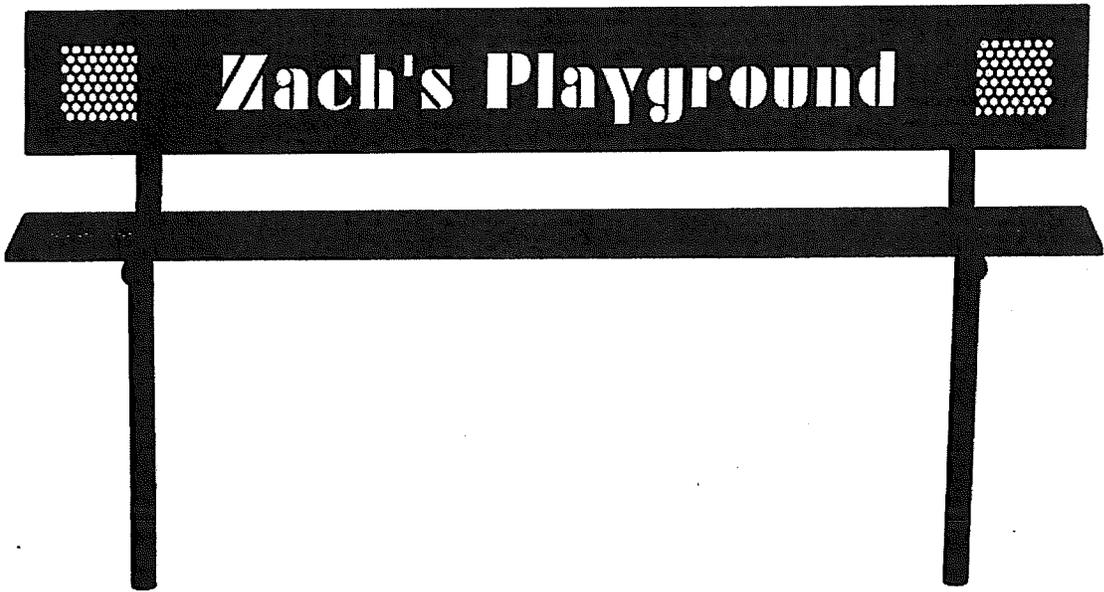
Northland Recreation, LLC

Bill Johnson

Representative

ACCEPTED BY: \_\_\_\_\_

DATE: \_\_\_\_\_



41

**CITY OF LAKELAND  
WASHINGTON COUNTY, MINNESOTA**

**RESOLUTION 2015-22**

**Approving Master Subscriber Agreement For Minnesota Court Data Services For  
Governmental Agencies and Request Form for Minnesota Government Access (MGA)  
Login Account**

WHEREAS, the City of Lakeland desires to improve efficiencies through participating in a paperless court process with the Minnesota Judicial Branch; and

WHEREAS, the City Attorney for the City of Lakeland has reviewed the Master Subscriber Agreement for Governmental Agencies and Request for Minnesota Government Access (MGA) Login Account; and

WHEREAS, as the Minnesota Judicial Branch moves towards a paperless court, the eCourtMN initiative is committed to ensuring that non-court governmental agencies have appropriate access to court records and documents. The Minnesota Government Access (MGA) Login Account will permit attorneys' electronic access to appropriate court records and documents in Washington County Criminal Cases.

WHEREAS, the City of Lakeland desires to subscribe to the Minnesota Government Access (MGA) Login Account that will permit attorneys in the offices of the Lakeland City Attorney to electronically access court records and documents.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakeland, Minnesota, as follows:

The MASTER SUBSCRIBER AGREEMENT FOR MINNESOTA GOVERNMENTAL AGENCIES for the Minnesota Government Access (MGA) Login Account is approved and the Mayor and Administrator are authorized and directed to execute and deliver said documents.

Passed and Adopted by the Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Amy Williams, Mayor

ATTEST:

\_\_\_\_\_  
Sandie Thone, City Administrator/Clerk

# JOHNSON / TURNER

— L E G A L —

May 5, 2015

Sandie Thone  
City of Lakeland  
1190 Saint Croix Trail South  
Lakeland, MN 55043

Re: *City of Lakeland – Prosecution (Minnesota Government Access)*

Dear Sandie:

Enclosed, please find the following documents that are required to permit our firm to utilize and electronically access court records and court documents in Washington County adult criminal cases:

1. Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies;
2. Request Form for Minnesota Government Access (MGA); and
3. Sample Resolution approving the agreements as we are required to provide proof of authority to the State Court Administrator's Office.

I kindly request that you sign these documents and return the executed copies to my office in the self-addressed, stamped envelope.

If you have any questions regarding this matter, please do not hesitate to contact me. Thank you.

Sincerely,

JOHNSON / TURNER LEGAL



Sarah B. Sicheneder  
SBS/mah

Enclosures





**MASTER SUBSCRIBER AGREEMENT  
FOR MINNESOTA COURT DATA SERVICES  
FOR GOVERNMENTAL AGENCIES**

THIS AGREEMENT is entered into by and between

City of Lakeland

\_\_\_\_\_  
(Government Subscriber Name)

of 1190 Saint Croix Trail South, Lakeland, MN 55043

\_\_\_\_\_  
(Government Subscriber Address)

(hereinafter "Government Subscriber") and THE STATE OF MINNESOTA

Office of State Court Administration

of 25 Rev. Dr. Martin Luther King Jr. Blvd. St. Paul, Minnesota 55155

(hereinafter "the Court").

**Recitals**

The Court offers Court Data Services, as defined herein, to Minnesota Government Subscribers as authorized by the Rules of Public Access and Court Order. The Court Data Services are offered to Government Subscribers as governmental units and are offered solely for certain governmental use as permitted herein. Government Subscriber desires to use Court Data Services, and the Court desires to provide the same, to assist Government Subscriber in the efficient performance of its governmental duties as required or authorized by law or court rule in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State or local court or agency or before any self-regulatory body.

Court Data Services are defined in the Definitions section of this Agreement and may involve a one-way or two-way transmission of information between the parties, some of which may include court information that is not accessible to the public pursuant to the Rules of Public Access and which may not be disclosed by Government Subscriber without the prior approval of the appropriate court or record custodian. Government Subscriber agrees herein to limit its access to and use of Court Records and Court Documents through Court Data Services to the Government Subscriber's "Legitimate Governmental Business Need" as defined herein.

**Agreement**

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, the Court and Government Subscriber agree as follows:

**1. TERM; TERMINATION; ONGOING OBLIGATIONS.**

**1.1 Term.** This Agreement shall be effective on the date executed by the Court and shall remain in effect according to its terms.

**1.2 Termination.**

1.2.1 Either party may terminate this Agreement with or without cause by giving written notice to the other party. The effective date of the termination shall be thirty (30) days after the other party's receipt of the notice of termination, unless a later date is specified in the notice. Termination of this Agreement pursuant to Clause 4.5 shall be effective immediately and may occur without prior notice to Government Subscriber.

1.2.2 The provisions of Clauses 5, 6, 8, 9, 10, 12.2, 12.3 and 15 through 24 shall survive any termination of this Agreement, as shall any other provisions that by their nature are intended or expected to survive such termination. Upon termination, the Government Subscriber shall perform the responsibilities set forth in paragraph 8.6 hereof.

**1.3 Subsequent Agreement.** This Agreement may be superseded by a subsequent agreement between the parties.

**2. DEFINITIONS.**

**2.1 "Agency Account Manager"** means the Government Subscriber employee assigned with the tasks of: (1) being the point of contact for communications between Government Subscriber and the Court; (2) maintaining a current list Government Subscriber's Individual Users and their signed User Acknowledgment Forms and promptly notifying the Court when Government Subscriber's Individual Users with individual logins should have accounts added or deleted; (3) reporting violations of this agreement by Government Subscriber's Individual Users and steps taken to remedy violations to the Court.

**2.2 "Court Data Services"** means one or more of the following services and includes any additional or modified services identified as such on the Justice Agency Resource webpage of the Minnesota Judicial Branch website, which is currently [www.mncourts.gov](http://www.mncourts.gov), or other location designated by the Court and/or its affiliates, as the same may be amended from time to time by the Court and/or its affiliates:

2.2.1 "Bulk Data Delivery" means the electronic transmission of Court Records in bulk form from the Court to the Government Subscriber, from one or more of the Court's databases and through any means of transmission, as described in applicable Policies & Notices and materials referenced therein.

2.2.2 "Court Integration Services" means pre-defined automated transmissions of i) Court Records from the Court's computer systems to Government Subscriber's computer systems; and/or ii) Government Subscriber Records from the Government Subscriber's computer systems to the Court's computer systems; on a periodic basis or as triggered by pre-determined events, as described in applicable Policies & Notices and materials referenced therein.

2.2.3 "MNCIS Login Accounts" means a digital login account created for and provided to the Government Subscriber for online access to and use of Court Records and Court Documents maintained by the Minnesota Court

Information System (“MNCIS”), as described in applicable Policies & Notices and materials referenced therein.

- 2.3 **“Court Data Services Databases”** means any databases and the data therein, used as a source for Court Data Services, together with any documentation related thereto, including without limitation descriptions of the format or contents of data, data schemas, and all related components.
- 2.4 **“Court Data Services Programs”** means any computer application programs, routines, transport mechanisms, and display screens used in connection with Court Data Services, together with any documentation related thereto.
- 2.5 **“Court Records”** means all information in any form made available by the Court and/or its affiliates to Government Subscriber for the purposes of carrying out this Agreement, including:
  - 2.5.0 **“Court Case Information”** means any information in the Court Records that conveys information about a particular case or controversy, including without limitation Court Confidential Case Information and Court Documents, as defined herein.
  - 2.5.1 **“Court Confidential Case Information”** means any information in the Court Records (including Court Documents) that is inaccessible to the public pursuant to the Rules of Public Access and that conveys information about a particular case or controversy.
  - 2.5.2 **“Court Confidential Security and Activation Information”** means any information in the Court Records that is inaccessible to the public pursuant to the Rules of Public Access and that explains how to use or gain access to Court Data Services, including but not limited to login account names, passwords, TCP/IP addresses, Court Data Services user manuals, Court Data Services Programs, Court Data Services Databases, and other technical information.
  - 2.5.3 **“Court Confidential Information”** means any information in the Court Records that is inaccessible to the public pursuant to the Rules of Public Access, including without limitation both i) Court Confidential Case Information; and ii) Court Confidential Security and Activation Information.
  - 2.5.4 **“Court Documents”** means electronic images of documents that are part of or included in a court file.
- 2.6 **“DCA”** means the District Court Administrator pursuant to Minnesota Statutes, section 485.01.
- 2.7 **“Government Subscriber Records”** means any information in any form made available by the Government Subscriber to the Court and/or its affiliates for the purposes of carrying out this Agreement.
- 2.8 **“Government Subscriber’s Individual Users”** means Government Subscriber’s employees or independent contractors whose use or access of Court Data Services,

as well as the access, use and dissemination of Court Records (including Court Documents), is necessary to effectuate the purposes of this Agreement.

- 2.9 “Legitimate Governmental Business Need”** means a requirement, duty or obligation for the efficient performance of governmental tasks or governmental responsibilities and as required or authorized by law or court rule in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State or local court or agency or before any self-regulatory body.
- 2.10 “Policies & Notices”** means the policies and notices published by the Court and/or its affiliates in connection with each of its Court Data Services, on a website or other location designated by the Court and/or its affiliates, as the same may be amended from time to time by the Court and/or its affiliates. Policies & Notices for each Court Data Service, hereby made part of this Agreement by reference, provide additional terms and conditions that govern Government Subscriber’s use of such services, including but not limited to provisions on fees, access and use limitations, and identification of various third party applications, such as transport mechanisms, that Government Subscriber may need to procure separately to use Court Data Services.
- 2.11 “Rules of Public Access”** means the Rules of Public Access to Records of the Judicial Branch promulgated by the Minnesota Supreme Court, as the same may be amended from time to time, including without limitation lists or tables published from time to time by the Court and/or the SCAO entitled “Limits on Public Access to Case Records” or “Limits on Public Access to Administrative Records,” all of which by this reference are made a part of this Agreement. It is the obligation of Government Subscriber to check from time to time for updated rules, lists, and tables and be familiar with the contents thereof. Such rules, lists, and tables are posted on the main website for the Court, for which the current address is [www.mncourts.gov](http://www.mncourts.gov).
- 2.12 “SCAO”** means the State of Minnesota, State Court Administrator's Office.
- 2.13 “This Agreement”** means this Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies, including all Exhibits, Policies & Notices, and other documents referenced, attached to, or submitted or issued hereunder.
- 2.14 “Trade Secret Information of SCAO and its licensors”** is defined in sections 8.1, 8.2 and 8.4 of this Agreement.
- 2.15 “User Acknowledgement Form”** means the form attached to this document as Exhibit A, signed by Government Subscriber’s Individual Users to confirm in writing that the Individual User has read and understands the requirements and restrictions in this Agreement.
- 3. DATA ACCESS SERVICES PROVIDED TO GOVERNMENT AGENCY.** Following execution of this Agreement by both parties, Government Subscriber will be offered access to the Court Records (including Court Documents) described in the Government Subscriber Access Chart, which is posted on the Policies & Notices.

**4. AUTHORIZED ACCESS, USE, AND DISSEMINATION OF COURT DATA SERVICES AND COURT RECORDS LIMITED; TRAINING; VIOLATIONS; SANCTIONS.**

**4.1 Authorized Access to Court Data Services and Court Records.**

4.1.1 Government Subscriber and Government Subscriber's Individual Users shall access only the Court Data Services and Court Records (including Court Documents) necessary for a Legitimate Governmental Business Need.

4.1.2 The access of Court Data Services or Court Records (including Court Documents) by Government Subscriber or Government Subscriber's Individual Users for personal or non-official use, or any use that is not a "Legitimate Governmental Business Need" as defined herein, is prohibited.

4.1.3 Government Subscriber and Government Subscriber's Individual Users shall not access or attempt to access Court Data Services or Court Records (including Court Documents) in any manner not set forth in this Agreement, Policies & Notices, or other Court Data Services documentation.

**4.2 Authorized Use of Court Data Services and Court Records.**

4.2.1 Government Subscriber and Government Subscriber's Individual Users shall use the Court Data Services and Court Records (including Court Documents) accessed only for a Legitimate Governmental Business Need and according to the instructions provided in corresponding Policies & Notices or other materials.

4.2.2 The use of Court Data Services or Court Records (including Court Documents) by Government Subscriber or Government Subscriber's Individual Users for personal or non-official use, or any use that is not a "Legitimate Governmental Business Need" as defined herein, is prohibited.

4.2.3 Government Subscriber and Government Subscriber's Individual Users shall not use or attempt to use Court Data Services or Court Records (including Court Documents) in any manner not set forth in this Agreement, Policies & Notices, or other Court Data Services documentation.

**4.3 Dissemination of Court Records.** Government Subscriber and Government Subscriber's Individual Users shall not share the Court Records (including Court Documents) accessed and data therefrom with third parties and other individuals other than as needed to further a Legitimate Governmental Business Need.

**4.4 Training.** Government Subscriber shall provide Government Subscriber's Individual Users training in the proper access, use, and dissemination of Court Records (including Court Documents).

**4.5 Violations.**

4.5.1 The access, use, or dissemination of Court Data Services or Court Records (including Court Documents) beyond what is necessary for a Legitimate

Governmental Business Need by Government Subscriber or Government Subscriber's Individual Users is a violation of this Agreement. The access, use or dissemination of Court Data Services or Court Records (including Court Documents) by Government Subscriber or Government Subscriber's Individual Users for personal use is a violation of this Agreement.

4.5.2 Any violation pursuant to Clause 4.5.1, or any unauthorized or attempted access, use or dissemination of Court Data Services, Court Records or Court Documents by Government Subscriber or Government Subscriber's Individual Users shall be grounds for the Court to impose sanctions as described in Clause 4.6 and to terminate this Agreement without prior notice to Government Subscriber and/or Government Subscriber's Individual Users.

#### **4.6 Sanctions.**

4.6.1 Sanctions for a violation pursuant to Clause 4.5.1 may be imposed upon a Government Subscriber and/or Government Subscriber's Individual Users and may include the suspension of access or termination of access for Government Subscriber and/or Government Subscriber's Individual Users.

4.6.2 If the Court decides to terminate the access for Government Subscriber and/or Government Subscriber's Individual Users, the Court shall notify the affected party in writing. The termination shall be effective immediately. Prior notice to Government Subscriber and/or Government Subscriber's Individual Users is not required. Reinstatement of the access shall only be upon the written direction of the Court.

### **5. GUARANTEES OF CONFIDENTIALITY.** Government Subscriber agrees:

5.1 To not disclose Court Confidential Information to any third party except where necessary to carry out the Government Subscriber's Legitimate Governmental Business Need as defined in this Agreement.

5.2 To take all appropriate action, whether by instruction, agreement, or otherwise, to insure the protection, confidentiality and security of Court Confidential Information and to satisfy Government Subscriber's obligations under this Agreement.

5.3 To limit the use of and access to Court Confidential Information to Government Subscriber's Individual Users. Government Subscriber shall advise Government Subscriber's Individual Users of the restrictions upon access, use and disclosure contained in this Agreement, requiring each Government Subscriber's Individual User to acknowledge in writing that the individual has read and understands such restrictions. Government Subscriber's Individual Users shall sign the User Acknowledgment Form attached in Exhibit A before accessing Court Data Services.

5.4 That, without limiting Clause 1 of this Agreement, the obligations of Government Subscriber and Government Subscriber's Individual Users with respect to the confidentiality and security of Court Confidential Information shall survive the termination of this Agreement and the termination of their relationship with Government Subscriber.

5.5 That, notwithstanding any federal or state law applicable to the nondisclosure obligations of Government Subscriber and Government Subscriber's Individual Users under this Agreement, such obligations of Government Subscriber and Government Subscriber's Individual Users are founded independently on the provisions of this Agreement.

5.6 That, a violation of Government Subscriber's agreements contained in this Clause 5, or a violation of those same agreements by Government Subscriber's Individual Users, shall be grounds for the Court to terminate this agreement and Government Subscriber and/or Government Subscriber's Individual Users access to Court Data Services and Court Records (including Court Documents).

6. **APPLICABILITY TO COURT CASE INFORMATION PROVIDED UNDER LEGAL MANDATE AND PREVIOUSLY DISCLOSED COURT RECORDS AND COURT DOCUMENTS.** Subscriber acknowledges and agrees:

6.1 **Court Case Information Provided Under Legal Mandate.** When the Court is required to provide Government Subscriber with Court Case Information under a legal mandate and the provision of such data by the Court is not optional or otherwise left to the discretion of the Court, for example in the case of a state statutory reporting requirement, the provisions of this Agreement that govern or restrict Government Subscriber's access to and use of Court Case Information do not apply to the specific data elements identified in the legal mandate, but remain in effect with respect to all other Court Case Information provided by the Court to Government Subscriber. All other provisions of this Agreement remain in full effect, including, without limitation, provisions that govern or restrict Government Subscriber's access to and use of Court Confidential Security and Activation Information.

6.2 **Previously Disclosed Court Records and Court Documents.** Without limiting section 6.1, all Court Records and Court Documents disclosed to Government Subscriber prior to the effective date of this Agreement shall be subject to the provisions of this Agreement.

7. **ACKNOWLEDGMENT BY INDIVIDUALS WITH ACCESS TO COURT RECORDS UNDER THIS AGREEMENT.**

7.1 **Requirement to Advise Government Subscriber's Individual Users.** To affect the purposes of this Agreement, Government Subscriber shall advise each of Government Subscriber's Individual Users who are permitted to use and/or access Court Data Services and Court Records (including Court Documents) under this Agreement of the requirements and restrictions in this Agreement.

7.2 **Required Acknowledgement by Government Subscriber's Individual Users.**

7.2.1 Government Subscriber shall require each of Government Subscriber's Individual Users to sign the User Acknowledgement Form (Exhibit A).

7.2.2 The User Acknowledgement Forms of current Government Subscriber's Individual Users must be obtained prior to submitting this Agreement to the

Court for approval and shall accompany the submission of this Agreement for approval.

7.2.3 Until the User Acknowledgement Form required in Clause 7.2.1 is signed, a Government Subscriber's Individual User is prohibited from accessing, using or disseminating Court Data Services and Court Records (including Court Documents). The access, use or dissemination of Court Data Services or Court Records (including Court Documents) by a Government Subscriber's Individual User that has not completed a User Acknowledgement Form as required in Clause 7.2.1 is a violation of this Agreement.

7.2.4 Government Subscriber shall keep all such written User Acknowledgment Forms on file while this Agreement is in effect and for one (1) year following the termination of this Agreement. Government Subscriber shall promptly provide the Court with access to, and copies of, such acknowledgements upon request to the Agency Account Manager.

7.2.5 The User Acknowledgment Forms are incorporated herein by reference.

**8. LICENSE AND PROTECTION OF PROPRIETARY RIGHTS.** During the term of this Agreement, subject to the terms and conditions hereof, the Court, with the permission of the SCAO, hereby grants to Government Subscriber a nonexclusive, nontransferable, limited license to use Court Data Services Programs and Court Data Services Databases to access or receive Court Records (including Court Documents). SCAO and the Court reserve the right to make modifications to the Court Data Services, Court Data Services Programs, and Court Data Services Databases, and related materials without notice to Government Subscriber. These modifications shall be treated in all respects as their previous counterparts.

**8.1 Court Data Services Programs.** SCAO is the copyright owner and licensor of the Court Data Services Programs. The combination of ideas, procedures, processes, systems, logic, coherence and methods of operation embodied within the Court Data Services Programs, and all information contained in documentation pertaining to the Court Data Services Programs, including but not limited to manuals, user documentation, and passwords, are trade secret information of SCAO and its licensors.

**8.2 Court Data Services Databases.** SCAO is the copyright owner and licensor of the Court Data Services Databases and of all copyrightable aspects and components thereof. All specifications and information pertaining to the Court Data Services Databases and their structure, sequence and organization, including without limitation data schemas such as the Court XML Schema, are trade secret information of SCAO and its licensors.

**8.3 Marks.** Government Subscriber shall neither have nor claim any right, title, or interest in or use of any trademark used in connection with Court Data Services, including but not limited to the marks "MNCIS" and "Odyssey."

**8.4 Restrictions on Duplication, Disclosure, and Use.**

8.4.1 Trade secret information of SCAO and its licensors will be treated by Government Subscriber in the same manner as Court Confidential

Information. In addition, Government Subscriber will not copy any part of the Court Data Services Programs or Court Data Services Databases, or reverse engineer or otherwise attempt to discern the source code of the Court Data Services Programs or Court Data Services Databases, or use any trademark of SCAO or its licensors, in any way or for any purpose not specifically and expressly authorized by this Agreement. As used herein, "trade secret information of SCAO and its licensors" means any information possessed by SCAO which derives independent economic value from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use. "Trade secret information of SCAO and its licensors" does not, however, include information which was known to Government Subscriber prior to Government Subscriber's receipt thereof, either directly or indirectly, from SCAO or its licensors, information which is independently developed by Government Subscriber without reference to or use of information received from SCAO or its licensors, or information which would not qualify as a trade secret under Minnesota law.

8.4.2 It will not be a violation of Clause 8.4 for Government Subscriber to make up to one (1) copy of training materials and configuration documentation for each individual authorized to access, use, or configure Court Data Services, solely for its own use in connection with this Agreement.

8.4.3 Government Subscriber will take all steps reasonably necessary to protect the copyright, trade secret, and trademark rights of SCAO and its licensors and Government Subscriber will advise Government Subscriber's Individual Users who are permitted access to any of the Court Data Services Programs and Court Data Services Databases, and trade secret information of SCAO and its licensors, of the restrictions upon duplication, disclosure and use contained in this Agreement.

**8.5 Proprietary Notices.** Government Subscriber will not remove any copyright or proprietary notices included in and/or on the Court Data Services Programs or Court Data Services Databases, related documentation, or trade secret information of SCAO and its licensors, or any part thereof, made available by SCAO or the Court, and Government Subscriber will include in and/or on any copy of the Court Data Services Programs or Court Data Services Databases, or trade secret information of SCAO and its licensors and any documents pertaining thereto, the same copyright and other proprietary notices as appear on the copies made available to Government Subscriber by SCAO or the Court, except that copyright notices shall be updated and other proprietary notices added as may be appropriate.

**8.6 Title; Return.** The Court Data Services Programs and Court Data Services Databases, and related documentation, including but not limited to training and configuration material, if any, and logon account information and passwords, made available by the Court and SCAO to Government Subscriber hereunder, and all copies, including partial copies, thereof are and remain the property of the respective licensor. Within ten days of the effective date of termination of this Agreement, Government Subscriber shall either: (i) uninstall and return any and all copies of the applicable Court Data Services Programs and Court Data Services Databases, and related documentation, including but not limited to training and configuration

materials, if any, and logon account information; or (2) destroy the same and certify in writing to the Court that the same have been destroyed.

**8.7 Reasonable Security Measures.** The Court may add reasonable security measures including, but not limited to, a time-out feature, to Court Data Services Programs.

**9. INJUNCTIVE RELIEF; LIABILITY.** Government Subscriber acknowledges that the Court, SCAO, SCAO's licensors, and DCA will be irreparably harmed if Government Subscriber's obligations under this Agreement are not specifically enforced and that the Court, SCAO, SCAO's licensors, and DCA would not have an adequate remedy at law in the event of an actual or threatened violation by Government Subscriber of its obligations. Therefore, Government Subscriber agrees that the Court, SCAO, SCAO's licensors, and DCA shall be entitled to an injunction or any appropriate decree of specific performance for any actual or threatened violations or breaches by Government Subscriber or Government Subscriber's Individual Users without the necessity of the Court, SCAO, SCAO's licensors, or DCA showing actual damages or that monetary damages would not afford an adequate remedy. Unless Government Subscriber is an office, officer, agency, department, division, or bureau of the state of Minnesota, Government Subscriber shall be liable to the Court, SCAO, SCAO's licensors, and DCA for reasonable attorney's fees incurred by the Court, SCAO, SCAO's licensors, and DCA in obtaining any relief pursuant to this Agreement.

**10. COMPROMISE LIABILITY.** Government Subscriber and the Court agree that, except as otherwise expressly provided herein, each party will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of any others and the results thereof. Liability shall be governed by applicable law. Without limiting the foregoing, liability of the Court and any Government Subscriber that is an office, officer, agency, department, division, or bureau of the state of Minnesota shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes, section 3.376, and other applicable law. Without limiting the foregoing, if Government Subscriber is a political subdivision of the state of Minnesota, liability of the Subscriber shall be governed by the provisions of Minn. Stat. Ch. 466 (Tort Liability, Political Subdivisions) or other applicable law.

**11. AVAILABILITY.** Specific terms of availability shall be established by the Court and set forth in the Policies & Notices. The Court reserves the right to terminate this Agreement immediately and/or temporarily suspend Government Subscriber's approved Court Data Services in the event the capacity of any host computer system or legislative appropriation of funds is determined solely by the Court to be insufficient to meet the computer needs of the courts served by the host computer system. Monthly fees, if any, shall be prorated only for periods of suspension or upon termination of this Agreement.

**12. ADDITIONAL USER OBLIGATIONS.** The obligations of the Government Subscriber set forth in this section are in addition to the other obligations of the Government Subscriber set forth elsewhere in this Agreement.

**12.1 Judicial Policy Statement.** Government Subscriber agrees to comply with all policies identified in applicable Policies & Notices. Upon failure of the Government Subscriber to comply with such policies, the Court shall have the option of immediately suspending or terminating the Government Subscriber's Court Data Services on a temporary basis and/or immediately terminating this Agreement.

## **12.2 Access and Use; Log.**

12.2.1 Government Subscriber shall be responsible for all access to and use of Court Data Services and Court Records (including Court Documents) by Government Subscriber's Individual Users or by means of Government Subscriber's equipment or passwords, whether or not Government Subscriber has knowledge of or authorizes such access and use.

12.2.2 Government Subscriber shall also maintain a log identifying all persons to whom Government Subscriber has disclosed its Court Confidential Security and Activation Information, such as user ID(s) and password(s), including the date of such disclosure. Government Subscriber shall maintain such logs while this Agreement is in effect and for a period of one (1) year following termination of this Agreement. Government Subscriber shall promptly provide the Court with access to, and copies of, such logs upon request.

12.2.3 Government Subscriber, through the Agency Account Manager, shall promptly notify the Court when Government Subscriber's Individual Users with individual logins should have accounts added or deleted. Upon Government Subscriber's failure to notify the Court of these changes, the Court may terminate this Agreement without prior notice to Government Subscriber.

12.2.4 The Court may conduct audits of Government Subscriber's logs and use of Court Data Services and Court Records (including Court Documents) from time to time. Upon Government Subscriber's failure to maintain such logs, to maintain accurate logs, or to promptly provide access by the Court to such logs, the Court may terminate this Agreement without prior notice to Government Subscriber.

**12.3 Personnel.** Government Subscriber agrees to investigate (including conducting audits), at the request of the Court, allegations of misconduct pertaining to Government Subscriber's Individual Users having access to or use of Court Data Services, Court Confidential Information, or trade secret information of the SCAO and its licensors where such persons violate the provisions of this Agreement, Policies & Notices, Judicial Branch policies, or other security requirements or laws regulating access to the Court Records. Government Subscriber, through the Agency Account Manager, agrees to notify the Court of the results of such investigation, including any disciplinary actions, and of steps taken to prevent further misconduct. Government Subscriber agrees to reimburse the Court for costs to the Court for the investigation of improper use of Court Data Services, Court Records (including Court Documents), or trade secret information of the SCAO and its licensors.

**13. FEES AND INVOICES.** Applicable monthly fees commence ten (10) days after notice of the Court's approval of this Agreement or upon the initial Government Subscriber transaction as defined in the Policies & Notices, whichever occurs earlier. When fees apply, the State shall invoice Government Subscriber on a monthly basis for charges incurred in the preceding month and applicable taxes, if any, and payment of all amounts shall be due upon receipt of invoice. If all amounts are not paid within thirty (30) days of the date of the invoice, the Court may immediately cancel this Agreement without notice to Government

Subscriber and pursue all available legal remedies. Government Subscriber certifies that funds have been appropriated for the payment of charges under this Agreement for the current fiscal year, if applicable.

**14. MODIFICATION OF FEES.** SCAO may modify the fees by amending the Policies & Notices as provided herein, and the modified fees shall be effective on the date specified in the Policies & Notices, which shall not be less than thirty (30) days from the publication of the Policies & Notices. Government Subscriber shall have the option of accepting such changes or terminating this Agreement as provided in section 1 hereof.

**15. WARRANTY DISCLAIMERS.**

**15.1 WARRANTY EXCLUSIONS.** EXCEPT AS SPECIFICALLY AND EXPRESSLY PROVIDED HEREIN, COURT, SCAO, SCAO'S LICENSORS, AND DCA MAKE NO REPRESENTATIONS OR WARRANTIES OF ANY KIND, INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE OR MERCHANTABILITY, NOR ARE ANY WARRANTIES TO BE IMPLIED, WITH RESPECT TO THE INFORMATION, SERVICES OR COMPUTER PROGRAMS MADE AVAILABLE UNDER THIS AGREEMENT.

**15.2 ACCURACY, COMPLETENESS AND AVAILABILITY OF INFORMATION.** WITHOUT LIMITING THE GENERALITY OF THE PRECEDING PARAGRAPH, COURT, SCAO, SCAO'S LICENSORS, AND DCA MAKE NO WARRANTIES AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION CONTAINED IN THE COURT RECORDS. THE COURT IS NOT LIABLE FOR ANY COURT RECORDS OR COURT DOCUMENTS NOT AVAILABLE THROUGH COURT DATA SERVICES DUE TO COMPUTER OR NETWORK MALFUNCTION, MISTAKE OR USER ERROR.

**16. RELATIONSHIP OF THE PARTIES.** Government Subscriber is an independent contractor and shall not be deemed for any purpose to be an employee, partner, agent or franchisee of the Court, SCAO, SCAO'S licensors, or DCA. Neither Government Subscriber nor the Court, SCAO, SCAO'S licensors, or DCA shall have the right nor the authority to assume, create or incur any liability or obligation of any kind, express or implied, against or in the name of or on behalf of the other.

**17. NOTICE.** Except as provided in Clause 2 regarding notices of or modifications to Court Data Services and Policies & Notices, and in Clauses 13 and 14 regarding notices of or modification of fees, any notice to Court or Government Subscriber hereunder shall be deemed to have been received when personally delivered in writing or seventy-two (72) hours after it has been deposited in the United States mail, first class, proper postage prepaid, addressed to the party to whom it is intended at the address set forth on page one of this Agreement or at such other address of which notice has been given in accordance herewith.

**18. NON-WAIVER.** The failure by either Party at any time to enforce any of the provisions of this Agreement or any right or remedy available hereunder or at law or in equity, or to exercise any option herein provided, shall not constitute a waiver of such provision, remedy or option or in any way affect the validity of this Agreement. The waiver of any default by

either Party shall not be deemed a continuing waiver, but shall apply solely to the instance to which such waiver is directed.

19. **FORCE MAJEURE.** Neither party shall be responsible for failure or delay in the performance of their respective obligations hereunder caused by acts beyond their reasonable control.
20. **SEVERABILITY.** Every provision of this Agreement shall be construed, to the extent possible, so as to be valid and enforceable. If any provision of this Agreement so construed is held by a court of competent jurisdiction to be invalid, illegal or otherwise unenforceable, such provision shall be deemed severed from this Agreement, and all other provisions shall remain in full force and effect.
21. **ASSIGNMENT AND BINDING EFFECT.** Except as otherwise expressly permitted herein, neither Party may assign, delegate and/or otherwise transfer this Agreement or any of its rights or obligations hereunder without the prior written consent of the other. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns, including any corporation or other legal entity into, by or with which Government Subscriber may be merged, acquired or consolidated or which may purchase the entire assets of Government Subscriber.
22. **GOVERNING LAW.** This Agreement shall in all respects be governed by and interpreted, construed and enforced in accordance with the laws of the United States and of the State of Minnesota.
23. **VENUE AND JURISDICTION.** Any action arising out of or relating to this Agreement, its performance, enforcement or breach will be venued in a state or federal court situated within the State of Minnesota. Government Subscriber hereby irrevocably consents and submits itself to the personal jurisdiction of said courts for that purpose.
24. **INTEGRATION.** This Agreement sets forth the entire Agreement and understanding between the Parties regarding the subject matter hereof and supersedes any prior representations, statements, proposals, negotiations, discussions, understandings, or agreements regarding the same subject matter. Except as otherwise expressly provided in Clause 2 regarding Court Data Services and Policies & Notices, and in Clauses 13 and 14 regarding fees, any amendments or modifications to this Agreement shall be in writing signed by both Parties.
25. **MINNESOTA DATA PRACTICES ACT APPLICABILITY.** If Government Subscriber is a Minnesota Government entity that is subject to the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, Government Subscriber acknowledges and agrees that: (1) the Court is not subject to Minn. Stat. Ch. 13 (*see* section 13.90) but is subject to the Rules of Public Access and other rules promulgated by the Minnesota Supreme Court; (2) Minn. Stat. section 13.03, subdivision 4(e) requires that Government Subscriber comply with the Rules of Public Access and other rules promulgated by the Minnesota Supreme Court for access to Court Records provided under this Agreement; (3) the use of and access to Court Records may be restricted by rules promulgated by the Minnesota Supreme Court, applicable state statute or federal law; and (4) these applicable restrictions must be followed in the appropriate circumstances.

IN WITNESS WHEREOF, the Parties have, by their duly authorized officers, executed this Agreement, intending to be bound thereby.

1. GOVERNMENT SUBSCRIBER  
Government Subscriber must attach documented verification of authority to sign on behalf of and bind the entity, such a council resolution, board authority or legally binding decision maker and attach same as Exhibit B.

By \_\_\_\_\_  
(SIGNATURE)

Date \_\_\_\_\_

Name (typed) Sandie Thone

Title City Administrator/Clerk

Office City of Lakeland

2. THE COURT

By \_\_\_\_\_  
(SIGNATURE)

Date \_\_\_\_\_

Title CIO/Director

Office Information Technology  
Division of State Court  
Administration

3. Form and execution approved  
for Court by:

By: \_\_\_\_\_  
(SIGNATURE)

Title: Staff Attorney - Legal Counsel Division

Date: \_\_\_\_\_

5A

CJBWPR\$

PRT CONTRACT ICR REPORT

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Washington County Sheriff's Office  
CONTRACT ICR's  
Contract Report for LAKELAND  
For the Period 4/01/15 To 4/30/15

Date	Time	ICR #	ID#	Street Name	Complaint
4/01/15	1:33:52	115009334	0179	HUDSON RD	NO POI
4/01/15	2:16:51	115009335	0179	HUDSON BLVD	OPEN GATE/OPEN DOOR
4/01/15	7:06:51	115009350	0063	SAINT CROIX TR	INJURED DEER
4/01/15	8:17:43	115009359	0100	QUIXOTE AV	OFFICER INFO
4/01/15	15:39:04	115009417	0093	SAINT CROIX TR	TREE IN ROADWAY
4/01/15	15:55:08	115009420	0133	HUMPHRIES PARK	ASSAULT REPORT
4/01/15	16:46:48	115009433	0093	RIVERCREST RD	FRAUD REPORT
4/01/15	20:31:15	115009468	0093	SAINT CROIX TR	OFFICER QUESTION
4/01/15	22:52:49	115009476	0093	QUINNELL AV	HARRASSMET REPORT
4/02/15	18:53:02	115009605	0176	QUINNELL AV	LAKELAND SHORES COUNCIL MEETIN
4/03/15	19:58:57	115009750	0176	LAKELAND VILLAG	LOITERING
4/03/15	22:01:31	115009766	0061	5TH ST	NOISE COMPLAINT
4/04/15	4:57:35	115009782	0177	RIVERCREST RD	ASSIST
4/05/15	11:36:05	115009895	0160	I94	TRAFFIC - NO MN DL
4/05/15	20:43:48	115009937	0176	PARK N RIDE	TRAFFIC
4/05/15	22:44:44	115009944	0083	5TH ST	NOISE COMPLAINT
4/06/15	10:13:19	115009971	0077	1ST ST	OFC INFO ** RESTACK COMP RE
4/07/15	0:27:18	115010047	0157	HUDSON BLVD	OPEN GATE - OPEN BUSINESS DOOR
4/07/15	17:35:58	115010138	0139	QUEENAN AV	THEFT
4/08/15	16:43:31	115010238	0100	6TH ST	OFFICERS INFO
4/10/15	13:39:59	115010443	0068	SAINT CROIX TR	VEHICLE LOCKOUT
4/10/15	15:19:06	115010455	0089	7TH ST LN	ANIMAL CONCERN **RSTK*
4/10/15	16:34:13	115010474	0176	QUALITY AV	FIRE ALARM SOUNDING
4/10/15	16:38:28	115010475	0089	I94	OFFICER INFO
4/10/15	19:27:59	115010489	0176	SAINT CROIX TR	TRAFFIC
4/10/15	22:24:13	115010504	0176	RIVERCREST RD	VERBAL DOMESTIC
4/11/15	23:03:44	115010604	0176	QUALITY AV	TRAFFIC
4/11/15	23:42:31	115010607	0153	HUDSON RD	TRAFFIC
4/12/15	8:41:19	115010634	0075	SAINT CROIX TR	BURG ALARM
4/12/15	19:08:58	115010681	0176	2ND ST	TRAFFIC HAZARD-START LOWER ST
4/12/15	19:37:37	115010683	0134	LAKELAND	CSC REPORT
4/12/15	20:32:10	115010686	0096	RIVERCREST RD	AGENCY ASSIST **RSTK (BARTEND
4/13/15	8:25:27	115010720	0156	SAINT CROIX TR	TRAFFIC STOP
4/13/15	11:16:17	115010746	0160	SAINT CROIX TR	THEFT REPORT
4/13/15	16:04:29	115010792	0176	QUENTIN AV	911 HANG UP 3RD PARTY INF
4/13/15	22:14:13	115010826	0176	5TH ST	DOMESTIC/VERBAL
4/14/15	9:07:34	115010859	0063	SAINT CROIX TR	ANIMAL CONCERN-WOLF
4/14/15	16:11:57	115010947	0089	6TH ST	THEFT FROM MOTOR VEHICLE
4/14/15	17:10:50	115010955	0172	SAINT CROIX TR	ASSAULT
4/14/15	23:14:05	115010984	0198	I94	DRIVING COMPLAINT
4/15/15	12:18:01	115011056	0130	A COUPLE OF MIL	SMOKE SEEN
4/15/15	12:47:23	115011059	0130	8TH ST	LARGE GRASS FIRE
4/16/15	11:04:52	115011156	0130	RIVERCREST RD	TRAFFIC FDCR
4/16/15	11:13:57	115011160	0087	QUIXOTE AV	911 OPEN LINE **3RD
4/16/15	16:11:08	115011226	0185	ST CROIX TR	TRAFFIC- SEATBELT VIOL
4/16/15	17:33:41	115011234	0078	3RD ST	PUBLIC WORKS CONCERN
4/17/15	8:29:24	115011292	0186	ITASCA AV	CHILD PROTECTION REFERRAL
4/17/15	16:18:19	115011374	0185	HUDSON BLVD	911 OPEN LINE
4/18/15	2:54:08	115011426	0157	3RD ST	NATURAL GAS SMELL
4/18/15	8:41:51	115011438	0160	QUINMORE AV	THEFT REPORT
4/18/15	17:17:32	115011481	0176	SAINT CROIX TR	WORTHLESS CHECK
4/18/15	21:04:38	115011499	0176	SAINT CROIX TR	VEHICLE LOCK OUT

PRT CONTRACT ICR REPORT

QIJS Page 2  
5/01/15 5:16:54

CJBWPFR\$  
 Washington County Sheriff's Office  
 CONTRACT ICR's  
 Contract Report for LAKELAND  
 For the Period 4/01/15 To 4/30/15

Date	Time	ICR #	ID#	Street Name	Complaint
4/19/15	11:15:07	115011533	0160	QUINNELL AV	DISTURBANCE *RESTACK-AMB ROUT
4/20/15	8:51:57	115011596	0081	RIVERCREST RD	DUMPING COMPLAINT
4/20/15	10:45:25	115011621	0094	SAINT CROIX TR	BUSINESS ASSIST
4/20/15	11:38:36	115011628		QUALITY LN	RECEIPT# 150001131
4/21/15	17:43:43	115011791	0176	QUINNELL AV	LAKELAND CITY COUNCIL MEETING
4/23/15	10:34:51	115011982	0190	2ND ST	TRAFFIC DAR/NO SEATBELT/POSS
4/24/15	0:49:23	115012064	0179	SAINT CROIX TR	TRAFFIC-INTRUCTION PERMIT VIO/
4/24/15	13:38:33	115012166	0130	SAINT CROIX TR	PROPERTY DAMAAGE ACCIDENT
4/25/15	12:00:44	115012234	0085	SAINT CROIX TR	PARKING COMPLAINT
4/26/15	18:11:08	115012353	0176	QUINNELL AV	MEDICAL LEVEL 1
4/27/15	4:09:42	115012377	1202	7TH ST	SUSPICIOUS ACTIVITY
4/27/15	12:51:19	115012432	0160	I94	PUBLIC ASSIST
4/27/15	15:46:50	115012464	0139	I94	POSS JUMPER
4/28/15	13:36:15	115012556	0068	QUINLAN AV	ALARM *RSTK* ADDITIONAL
4/28/15	16:25:15	115012577	0176	SAINT CROIX TR	TRAFFIC
4/28/15	18:44:38	115012590	0176	QUALITY AV	DRIVING COMPLAINT
4/28/15	18:53:55	115012591	0176	QUENTIN AV	MEDICAL LEVEL 1
4/29/15	9:42:28	115012656	0115	SAINT CROIX TR	SPEEDING, 58 IN A 40
4/29/15	18:08:18	115012725	0176	QUINNELL AV	NEIGHBOR DISPUTE
4/30/15	13:13:09	115012808	0094	SAINT CROIX TR	VEHICLE LOCKOUT
4/30/15	16:00:45	115012838	0176	6TH ST	LOOSE DOG **COMP TO BE ANON

Total ICRs Processed: 73

\*\* END OF REPORT \*\*

Washington County Sheriff's Office  
CITATIONS BY CITY REPORT

City Selected: LAKELAND

From Date: 4/01/2015 To: 4/30/2015

## LAKELAND

Offense Date	Offense Time	Location	Citation #
4/01/2015 Statute 169	0135 791 2	HUDSON RD / QUENTIN AV NO PROOF INSURANCE	CT8217956
4/05/2015 Statute 171	1130 02 1	ST CROIX TR N/194 WB NO MN DL	CT8214395
4/05/2015 Statute 169	2046 79 1	PARK N RIDE/RIVERCREST EXPIRED REGISTRATION	CT8223149
4/16/2015 Statute 169	1605 686 S1	ST CROIX TR/HUDSON RD NO SEATBELT USE	CT8213422
4/16/2015 Statute 169	1059 79 1	LAKELAND PARK N RIDE FDCR	CT8214529
4/23/2015 Statute 152	1034 027 4A	2ND ST / QUINLAN AV POSSESS MJ	CT8213302
4/24/2015 Statute 152	0050 092	ST CROIX TR / I94 POSSESS DRUG PARA	CT8217973
4/29/2015 Statute 169	0932 14 2A3	ST CROIX TR/7TH ST S SPEED 58 IN 40	CT8217297

Total for City: LAKELAND

8

\*\* END OF REPORT \*\*



TO: Mayor and City Council

FROM: Sandie Thone, City Administrator/Clerk

RE: Ordinance 7545 Amending City Code Chapter 31 Pertaining to Planning Commission

DATE: May 19, 2015

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#### Background

On April 27, 2015 city staff received Planning Commission Member Diane Wirth's resignation. At the time Ms. Wirth resigned the Planning Commission consisted of just three members, two shy of the five member composition requirement per Lakeland City Code, Chapter 31, Section 16. Wirth's resignation left the Planning Commission with two remaining members, less than a quorum, and virtually no advisory recommendation authority to work within. Therefore, the regularly scheduled Planning Commission meeting for April 2015 was cancelled and no recommendations were forwarded to the city council for consideration. Pursuant to State Statute 462.354 the City may by ordinance create a planning agency/commission which shall be advisory to the governing body. In addition, the city council may choose to designate itself as the city's planning commission by ordinance.

#### Discussion

Please find attached Ordinance 7545 Amending City Code Chapter 31 Pertaining to the City's Planning Commission. Ordinance 7545 designates the Lakeland City Council as a whole as the City's Planning Commission. If the City Council desires to organize and appoint an advisory planning agency other than itself in the future, it will be required to do so by ordinance as well. The mayor and four city council members shall constitute the City's Planning Commission and all reference to the Planning Commission and their duties shall apply. The Mayor shall serve as Chairperson. Meetings shall take place at least once a month at the regular city council meetings already on record. The Mayor/Chairperson and/or the Administrator/Clerk may call for additional meetings as necessary and pursuant to Open Meeting Law requirements. The Planning Commission shall keep records of its transactions, minutes and finding, which records shall be public.

Duties will include consideration and decision making on all matters affecting zoning, subdivision, building regulations and land use development as provided by law. The Planning Commission shall carry on city planning activities and make planning decisions for the regulation of the future physical development of the city, including land use and building construction. In addition, the commission shall consider and make decisions related to other issues, projects, and general city matters.

#### Recommendation

Staff is requesting the City Council grant approval of Ordinance 7545 Amending City Code Chapter 31, Sections 15 through 19, Designating the Lakeland City Council as the City's Planning Commission. Motion, Second and Extraordinary (2/3 of all council members or four votes on a statutory city council) vote required.

CITY OF LAKELAND  
WASHINGTON COUNTY, MINNESOTA

ORDINANCE 7545

AN ORDINANCE AMENDING LAKELAND CITY CODE CHAPTER 31.15 TO 31.19  
PERTAINING TO THE CITY'S PLANNING COMMISSION

THE CITY COUNCIL FOR THE CITY OF LAKELAND DOES ORDAIN:

**Section 1: Amendment.** Chapter 31.15 TO 31.19 of the Lakeland City Code is hereby amended to as follows:

**Section 31.15 ESTABLISHMENT.**

~~There is hereby established a Lakeland City Council hereby designates the City Council as a whole as the City's Planning Commission for the City of Lakeland.~~

**Section 31.16 COMPOSITION.**

The Planning Commission shall consist of five (5) members as follows: The Mayor and four City Council Members. The Mayor shall serve as Chairperson.

~~(A) The members shall be appointed by the Mayor with the consent of the City Council; and the Mayor shall appoint one of the members so named to serve as Chairperson.~~

~~(B) Each member shall serve for a three year term.~~

~~(C) One City Council member designated by the Mayor with the consent of the City Council shall serve as a liaison to the Planning Commission. Such Council member shall serve without voting power and in a capacity as ex officio to the Planning Commission.~~

~~(D) Vacancies occurring within the Planning Commission shall be filled for the balance of the term by appointment of the Mayor with consent of the City Council.~~

**Section 31.17 MEETINGS.**

The Planning Commission may meet at least once a month at the call of the Chairperson and/or City Clerk. The Planning Commission shall keep records of its transactions, minutes and finding, which records shall be public.

**Section 31.18 DUTIES.**

(A) The Planning Commission shall consider and make recommendations decisions on all matters affecting zoning, subdivision, building regulations and land use development as provided by law or referred to it by the City Council.

(B) The Planning Commission shall carry on city planning activities and ~~recomm~~ make planning decisions ~~for the plans~~ for the regulation of the future physical development of the city, including land use and building construction ~~at the direction of the City Council.~~

(C) The Planning Commission shall consider and make ~~recomm~~ recommendations decisions related to other issues, projects, and general city matters ~~as assigned by the City Council.~~

**~~Section 31.19 COMPENSATION.~~**

~~Each Planning Commission member shall receive a stipend for attendance at scheduled Planning Commission meetings, which amount may be changed from time to time by resolution of the City Council.~~

**Section 2.** This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and adopted by the Lakeland City Council on this nineteenth day of May 2015 by extraordinary (2/3 of all council members) vote of council. The following members voting in favor:

Abstaining or Absent:

Voting Against:

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Richard Glasgow, Acting Mayor

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Sandie Thone, City Administrator/Clerk

**CITY OF LAKELAND  
WASHINGTON COUNTY, MINNESOTA  
ORDINANCE 7545 (Clean Copy of New Language)  
AN ORDINANCE AMENDING LAKELAND CITY CODE CHAPTER 31.15 TO 31.19  
PERTAINING TO THE CITY'S PLANNING COMMISSION**

**THE CITY COUNCIL FOR THE CITY OF LAKELAND DOES ORDAIN:**

**Section 1: Amendment.** Chapter 31.15 TO 31.19 of the Lakeland City Code is hereby amended to read as follows:

**Section 31.15 ESTABLISHMENT.**

Lakeland City Council hereby designates the City Council as a whole as the City's Planning Commission for the City of Lakeland.

**Section 31.16 COMPOSITION.**

The Planning Commission shall consist of five (5) members as follows: The Mayor and four City Council Members. The Mayor shall serve as Chairperson.

**Section 31.17 MEETINGS.**

The Planning Commission may meet at least once a month at the call of the Chairperson and/or City Clerk. The Planning Commission shall keep records of its transactions, minutes and finding, which records shall be public.

**Section 31. 18 DUTIES.**

- (A) The Planning Commission shall consider and make decisions on all matters affecting zoning, subdivision, building regulations and land use development as provided by law.
- (B) The Planning Commission shall carry on city planning activities and make planning decisions for the regulation of the future physical development of the city, including land use and building construction.
- (C) The Planning Commission shall consider and make decisions related to other issues, projects, and general city matters.

**Section 2.** This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and adopted by the Lakeland City Council on this nineteenth day of May 2015 by extraordinary (2/3 of all council members) vote of council.



TO: Mayor and City Council

FROM: Sandie Thone, City Administrator/Clerk

RE: Resolution 2015-23 Approving a Conditional Use Permit (CUP) for Bonsai Motors, LLC at 404 St. Croix Trail North

DATE: May 19, 2015

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#### Background

The City Council may grant a Conditional Use Permit (CUP), provided the purpose is designated in § 159.005 or § 159.043 for the particular zoning district and the specific zoning code standards have been met by the applicant. Conditional use permits shall be granted for a particular property and use, and not for a particular person or firm.

General conditions associated with conditional use permits include parking, landscaping, hours of operation, lighting, drainage and the like. Ultimately, as stated in Section 159.024, the proposed use or development has to be compatible with the existing neighborhood. The City Council/Planning Authority should focus on this issue in evaluating the application for CUP.

#### Discussion

The City Council is respectfully asked to consider approval of applicant Rick Swanson of Bonsai Motors, LLC CUP. Mr. Swanson has successfully submitted a completed application to the City on May 6, 2015. A public hearing notice was published in the City's official newspaper on May 8, 2015 and required public hearing notices to property owners within 500 feet of 404 St. Croix Trail South were mailed on May 6, 2015.

Mr. Swanson is requesting a CUP to relocate Bonsai Motors, LLC currently doing business at the 1170 St. Croix Trail South, Lake St. Croix Beach, MN 55043 location to the 404 St. Croix Trail North location owned by Rennie Smith. The City received a letter dated May 6, 2015 from Mr. Smith, owner of the property located at 404 St. Croix Trail South, authorizing Mr. Swanson to represent the property, as required by city code. The business operates as primarily an online auto sales company which is required by the State of Minnesota to have an office with five (5) designated parking spaces per their license agreement. The 404 St. Croix Trail North location has been approved by State inspectors. The company attracts customers from the five-state area and does very little storage of vehicles and no servicing of vehicles at the sales location.

Customers shop online from their homes and inquire via email, text or phone and often times the vehicle is sold before a visit to the office location occurs. The company has storage facilities

for the vehicles in Hudson, WI (3-acres) and Stillwater Industrial Park (17 spaces). The company has an indoor facility in Hudson, WI as well for detail work on the vehicles. The vehicles are brought to the location from these other locations for convenient pick-up for customers.

Bonsai Motors, LLC has been in business for over five (5) years with a solid reputation locally and only positive online reviews. The company's Better Business Rating is A (with no inquiries). The business hours are Monday 10:00 a.m. to 2:00 p.m. and Tuesday through Saturday by appointment only. The business employs two (2) employees.

It should be noted the proposed use conforms to the permitted use for the RB Commercial District per Lakeland City Code §159.043 and §159.113 pursuant to the City's Conditional Use Permit process.

The application includes the following required information:

(a) Name and address of the applicant; *Rick Swanson of 620 Main Street, Stillwater MN, 55082 dba Bonsai Motors, LLC*. If the application is being made by someone other than the owner of the property, a signed statement from the owner must accompany the application authorizing the applicant to represent the property owner on this application; *A signed statement by the owner of the property located at 404 St. Croix Trail North; Rennie Smith of 397 169<sup>th</sup> Ave, Somerset, WI 54025 authorizing the applicant to represent the property owner (see attached).*

(b) The name and address of the owners of the property and any person having a legal interest therein, if other than the applicant; *Rennie Smith of 397 169<sup>th</sup> Ave, Somerset, WI 54025 authorizing the applicant to represent the property owner (see attached).*

(c) The legal description of the property involved in the request as shown on a copy of the current property tax statement, including the street address, if any, of the property; *(see attached).*

(d) A site plan drawn to scale showing the property dimensions or a legal survey if requested by a representative of the city; *(see attached).*

(e) Location of all existing and proposed buildings and their size, including square footage and elevation of finished building; *(see attached).*

(f) Proposed floor plan and elevations of any building with use indicated; *(see attached).*

(g) Sanitary sewer and water plan with estimated flow rates; *(N/A).*

(h) Location of curb cuts, driveways, access road, parking spaces, off-street loading areas and sidewalks, if applicable; *(see attached).*

(i) Landscaping and screening plans, including species and size of trees and shrubs proposed; *(N/A).*

(j) Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome the limitations shall be made part of the application; (N/A).

(k) A statement describing the reason for the application, including business or activity and number of employees; (*see attached*).

(l) An applicant's certificate showing the names and addresses of the record owners of all property (obtained from the County Surveyor's office), located within a minimum of 500 feet of all the contiguous property owned by the applicant; (*see attached*).

(m) A location map showing the general location of the proposed use within the city, along with a map showing all principal land use within 500 feet of the parcel for which the application is being made, certified as to its accuracy by the applicant; (*see attached*).

(n) The application fee, as established by city ordinance; *Fee collected on May 5, 2015 in the amount of \$400 and an escrow amount of \$300.*

A Public Hearing shall be held at the May 19, 2015 City Council meeting in which the public shall be heard. The city council shall open the public hearing, allow public comments and close the public hearing before discussing the application. The applicant, Rick Swanson of Bonsai Motors, LLC will be in attendance and available to speak regarding the application and for any questions the council may have.

Since the City Council has been appointed as the Planning Authority/Commission for the City the City Council shall recommend the CUP be granted or denied and any conditions that may be imposed if the conditional use permit is granted, including time limits or provisions for periodic review, and shall state the reasons therefor for the record.

If the proposed conditional use satisfies both the general and specific standards set for within the Code, the applicant is entitled to the conditional use permit. *Significantly, if the applicant meets the general and specific ordinance standards, the City usually has limited legal basis for denying the CUP. However, the City does have the authority to reasonably condition the CUP to protect the health, safety and welfare of the community.* However, under the City of Lakeland's Code, the City Council acting as the City's Planning Commission is ultimately charged with determining whether the proposed use is compatible with the existing neighborhood.

Neighborhood opinion alone is not a valid basis for granting or denying the CUP, the task is limited to evaluating how the CUP application meets the code standards. Well-supported testimony that brings forth relevant facts is useful information upon which the City can rely when making the CUP decision.

Ultimately, when considering approval or denial of the application Chapter 159 provides the City Council with the authority to impose such conditions and restrictions as appear necessary and proper to protect adjacent property and comply with the intent and purposes of chapter 159 and the Comprehensive Plan.

Action:

In sum, the City has the following discretion with regard to the Conditional Use Permit application:

1. Approve the application without conditions.
2. Approve the application with reasonable conditions appropriate to protect adjacent property, comply with the intent of the Code and the Comprehensive Plan.
3. Deny the application.

The City Council shall make its decision on the application within the time prescribed by law and follow the 60-day rule requirement. A written request for a CUP is subject to Minnesota's 60-day rule as outlined in Minn. Stat. 15.99, and must be approved or denied within 60 days of the time it is accepted as complete by the City. The city may extend the time period for an additional 60 days, but only if it does so in writing before expiration of the initial 60 day period. Under the 60 day rule, failure to approve or deny a request within the statutory time period is considered an approval.

The Application Filing date, for the record is May 6, 2015. The City Council shall make written findings and state therein the reasons for its decision. Any conditions or reasons for denial must be put in writing. Since the zoning code expressly authorizes the proposed use by conditional use permit, the city's denial of the permit must be for reasons relating to public health, safety and general welfare. Reasonable conditions relating to the code standards may be attached to the approved CUP based upon factual evidence contained in the public record. Once the CUP is granted, it runs with the land and attaches to and benefits the land, not the particular property owner. State law requires that CUPs be recorded with the County Recorder's Office. When the property is sold, the new owner has the continued right to the CUP so long as the conditions of the CUP are met.

Where the application is to be approved, reasonable conditions are generally advisable to protect the health, safety and welfare of the community and adjacent property owners and users. Where the application is to be denied, sufficient facts and testimony must be entered into the record to substantiate lack of compliance with the City's Code.

Recommendation

Staff is requesting the City Council consider granting Resolution 2015-23 Approving the Conditional Use Permit (CUP) for 404 St. Croix Trail North, Lakeland, MN 55043; Bonsai Motors, LLC to operate an online auto sales business as delineated in the CUP.

Motion, Second and Simple Majority (3 of 5) vote required.

**RESOLUTION NO. 2015-23**

**CITY OF LAKELAND  
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT  
FOR 404 ST.CROIX TRAIL NORTH, BONSAI MOTORS, LLC TO ALLOW  
FOR AN ONLINE AUTO SALES BUSINESS**

**WHEREAS**, Bonsai Motors, LLC has submitted an application for a Conditional Use Permit for the location at 404 St. Croix Trail North; and

**WHEREAS**, the application requests authorization to conduct an online auto sales business; and

**WHEREAS**, the parcel owned by Rennie Smith is zoned RB and owner has given his permission in writing; and

**WHEREAS**, the RB District is designed to provide for the permitted use as described in Lakeland City Code 159.043; and

**WHEREAS**, Bonsai Motors, LLC application for a Conditional Use Permit was considered at the City Council's May 19, 2015 meeting; and

**WHEREAS**, the City Council found that operation of an online auto sales business is compatible with the City of Lakeland's stated intent for the RB District; and

**WHEREAS**, the City Council forwarded the matter to City Staff for documentation of these findings.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF LAKELAND:**

**The application for a Conditional Use Permit to allow an online auto sales business to operate at 404 St. Croix Trail North is hereby approved on the basis that the proposed use of the property is consistent with permitted uses within the City's RB District.**

Passed and adopted by the City Council for the City of Lakeland this 19<sup>th</sup> day of May 2015.

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Richard Glasgow, Acting Mayor

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Sandie Thone, City Administrator/Clerk

CONDITIONAL USE PERMIT  
FOR  
404 St. Croix Trail South  
Bonsai Motors, LLC

Date Issued: 5/19/2015

Legal Description: Washington County Parcel Number 35.029.20.0002

See Attached "Exhibit A"

Business owners: Bonsai Motors, LLC  
Address: 620 Main Street  
Stillwater, MN 55082  
Telephone: 651.255.2500

Property Owner: Rennie and Debra K. Smith  
Address: 397 169<sup>th</sup> Avenue  
Somerset, WI 54025-7012  
Telephone: 651.436.2930

Site Address: 404 St. Croix Trail South  
Lakeland, MN 55043

Present Zoning District: R-B

Permitted use/s set forth in City Code 159.005 and/or 159.043

I. CONDITIONAL USE PERMIT FOR 404 St. Croix Trail North, Bonsai Motors, LLC; Online Automobile Sales

**All uses shall be subject to the following conditions and/or restrictions imposed by the City Council of the City of Lakeland.**

General Description

- A. Online auto sales, office and vehicle parking of up to 15 spaces with storage location off-site
- B. Online auto sales offering customer transaction services and purchase pick-up on location

II. ADDITIONAL RESTRICTIONS AND PROVISIONS

**The following additional restrictions and provisions being part of the Conditional Use Permit to be issued herein affecting the following matters shall be:**

- A. Accessory Buildings  
None
- B. Fencing  
6' high by 50' fence from northeast corner of building with gate
- C. Exterior Storage  
N/A

- D. Chemical/Pollutant Storage and Disposal  
N/A
- E. Screening  
None
- F. Landscaping  
None
- G. Lighting  
As approved for 404 St. Croix Trail North CUP
- H. Parking  
Five parking spaces per state law on northeast side of parking lot  
Additional ten parking spaces on south side of parking lot
- I. Hours of Operation  
Monday 10:00 a.m. to 2:00 p.m.  
Tuesday through Saturday by appointment only
- J. Advertising/Signage  
As approved for 404 St. Croix Trail North CUP and Lakeland Sign Ordinance
- K. Drainage  
As approved for 404 St. Croix Trail North CUP
- L. Other  
None

**Any change in the provisions of this permit requires an application to the City Council for an amendment to be made.**

In Witness Whereof, the parties have set forth their hands and seals.

**CITY OF LAKELAND**

Date \_\_\_\_\_ By \_\_\_\_\_  
Richard Glasgow, Acting Mayor

Date \_\_\_\_\_ By \_\_\_\_\_  
Sandie Thone, City Administrator/Clerk

Date \_\_\_\_\_ By \_\_\_\_\_  
Rick Swanson, Applicant/Permit Holder

City of Lakeland  
Washington County, Minnesota

a.  
k.

APPLICATION FORM

- Certificate of Compliance
- Conditional Use Permit
- Comprehensive Plan Amendment
- Grading and Filling Permit
- Interim Use Permit
- Preliminary/Final Plat
- Planned Unit Development
- Other \_\_\_\_\_
- Special Use Permit
- Subdivision
- Text Amendment
- Street Vacation
- Variance
- Zoning District Amendment

Applicant BONSAI MOTORS LLC, RICK SWANSON 620 Main St. Stillwater, MN  
 (Name) 55082  
1770 ST. CROIX TRAIL, LAKE ST. CROIX BEACH, MN 651-255-  
 (Address) 2500 (Phone)

Fee Owner of Affected Property Rennier Smith & DEBRA K  
 (Name)  
404 ST. CROIX TRAIL, LAKELAND, MN.  
 (Address) (Phone)

Property Legal Description 35.029.20.0002  
SECTION 35 TOWNSHIP 029 RANGE 020  
FULL LEGAL ATTACHED

Description and/or Reason for Request IN NEED OF RELOCATION OF  
OUR OFFICE AT 1770 ST. CROIX TRAIL, WE ARE  
PRIMARILY A ONLINE SALES COMPANY, WE ARE  
REQUIRED BY THE STATE OF MINNESOTA TO HAVE AN  
OFFICE W/ 5 DESIGNATED PARKING SPOTS. THIS  
LOCATION HAS BEEN OK'D BY STATE INSPECTORS

An incomplete application will delay the processing of this request and may necessitate a re-scheduling of the review time frame. The application approval time line commences and an application is considered complete when all required information and fees are submitted to the City.

I acknowledge that I have read and understand the following:

1. Before this request can be considered and/or approved, all required information and fees, including any deposits and escrow amounts, must be paid to the City.
2. The fee necessary to make this application is a deposit for administrative expenses.
3. For applications requiring escrow amounts, escrow deposits will provide the City necessary cash to in an amount estimated to be adequate to secure all City out-of-pocket expenses including by not limited to attorneys fees, engineering fees, planning fees, etc. to complete the project. Should service costs approach the escrow total, the applicant will be required to provide additional funds in the amount determined by City staff; and the project will be suspended until additional funds have been submitted. Where additional fees are required to cover costs incurred by the City, the City Clerk has a right to require additional payment from me. Any unused funds shall be returned to the applicant.
4. For applications not requiring escrow amounts but where additional fees are required to cover costs incurred by the City, the City Clerk has a right to require additional payment from me.

Dated this 20<sup>TH</sup> of April, 2015

*Paul Chan*

Applicant

Applicant

I hereby certify that all data required under the Ordinances of the City of Lakeland and pertaining to this application has been provided by the applicant and that the above application is hereby received and accepted by the City of Lakeland.

Dated this 6<sup>th</sup> of May, 2015

*Dundie Trone*

City Clerk

C.

Ex. A



Hosted by Vanguard Appraisals, Inc

Parcel Number: 35.029.20.31.0002  
 Property Address: 404 ST CROIX TRL N  
 LAKELAND, MN 55043 [MAPS](#)

Class: C&I

**Legal Description:**

PT NE1/4-SW1/4 & PT NW1/4- SE1/4 SD SEC 35 DESC AS FOLL:  
 COM AT THE SW COR OF NE1/4- SW1/4 OF SD SEC 35 THN  
 89DEG02'37"E DIST OF 1116.10FT ALG THE S LN SD QTR SEC TO  
 E LN OF PLAT OF CROIXLAND ADD THN N00DEG37'05"W DIST  
 525.01 FT ALG SD E LN TO PT OF BEG THN CONT N00DEG37'05"W  
 DIST OF 150FT ALG SD E LN THN N89DEG 02'35"E DIST OF  
 216.18FT TO WLY R/W LN MN STATE HWY 95 THN S00DEG15'48"E  
 DIST OF 150.01FT ALG SD R/W LN THN S89DEG02'35" W DIST OF  
 215.25FT TO POB SUBJ TO EASE SECTION 35 TOWNSHIP 029  
 RANGE 020

**Prior Year Value Information**

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2015	\$126,800	\$0	\$197,200	\$324,000
2014	\$126,800	\$0	\$197,200	\$324,000
▼ More Years...				

**Land Information**

Lot Type	Sq. Ft x Rate	Square Feet	Acres
		33,801	0.776

**Sale Information**

Sale Date	Amount	Recording
07/01/1998	\$208,000	

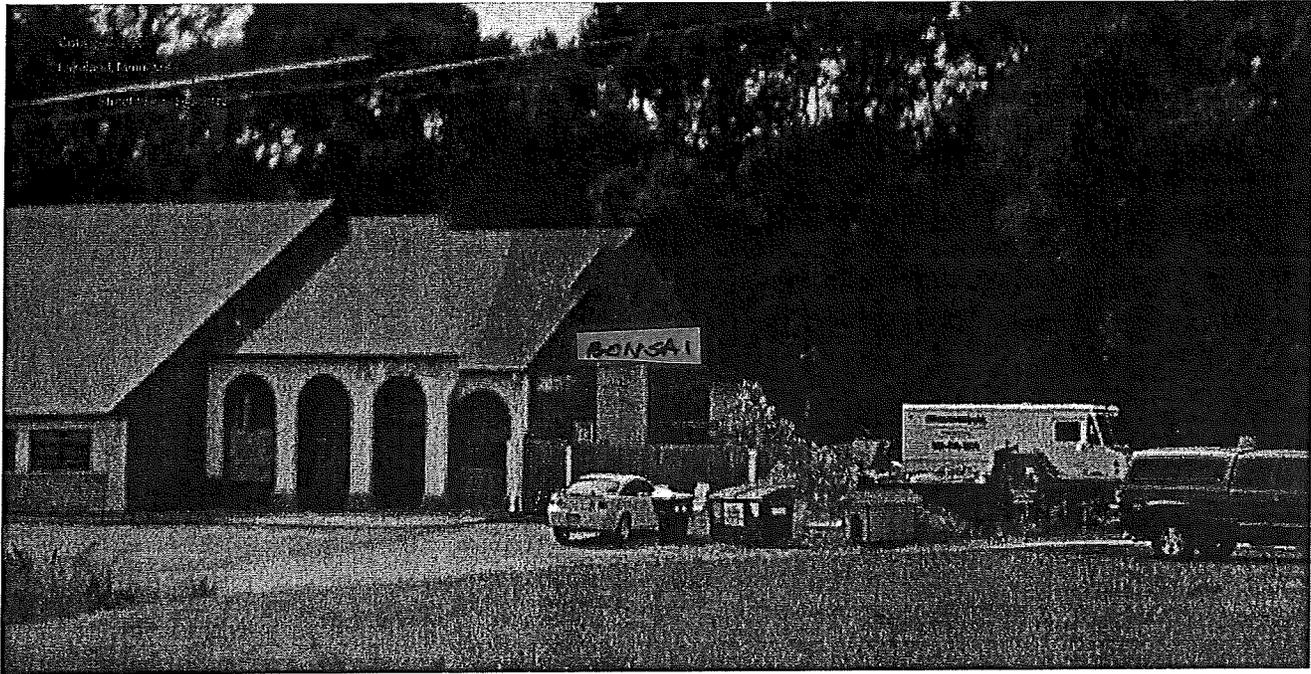
**Building Permit Information**

Date	Number	Tag Descr	Tag Date	Amount	Reason
04/25/2013	131409	No	01/01/2014	7,000	Roofing
03/27/2007	07497	No	01/01/2008	4,000	Addition
10/11/2006	6442	No	01/01/2007	4,000	Addition
09/28/2005	5250	No	01/01/2006	2,500	Replace Windows
05/24/2000	0169	No	01/01/2004	500	Misc

**GIS Map Information**



K.



BONSAI ONLINE SALES COMPANY IS IN NEED OF  
 A NEW OFFICE, WE ATTRACT CUSTOMERS FROM THE 5  
 STATE AREA AND BEYOND. WE ARE STILL REQUIRED  
 BY THE STATE TO HAVE 5 DESIGNATED PARKING SPOTS TO  
 MOVE OUR CURRENT LICENSE. WE DO NOT SERVICE  
 VEHICLES AT THE SALES LOCATION. OUR CUSTOMERS  
 SHOP IN THE CONVENIENCE OF THEIR HOMES,  
 INQUIRE VIA EMAIL, TEXT OR PHONE, OFTEN  
 THE VEHICLE IS SOLD BEFORE A VISIT TO OUR  
 OFFICE. WE HAVE A SOLID REPUTATION LOCALLY,  
 WITH ONLINE REVIEWS COMING UP ONLY POSITIVE!  
 OUR BETTER BUSINESS RATING IS A- WITH  
 NO INQUIRIES. IN BUSINESS FOR 5 YEARS +,  
 EMPLOYING 2+ PERSONS - HRS MON-10-2,  
 TUES-SAT BY APPT

Image capture: Sep 2013 © 2015 Google



Applicant,

It is important for you to be aware that costs will be incurred as your application is processed. The application fee submitted is a deposit for administrative expenses. Additional costs will include but are not limited to mailing, copying, publishing, attorney fees, engineering costs, planning fees and any other fees required to complete the process. You will be responsible to pay those expenses.

For applications requiring escrow amounts, escrow deposits will provide the City necessary cash to in an amount estimated to be adequate to secure all City out-of-pocket expenses shown above. Should service costs approach the escrow total, you will be required to provide additional funds in the amount determined by City staff, and the project will be suspended until additional funds have been submitted. Any unused funds shall be returned to the applicant.

For applications not requiring escrow amounts but where additional fees are required to cover costs incurred by the City, you will receive an initial invoice when the expenses incurred reach \$1,000, or when the work is completed – whichever is first. Fees not paid according to terms on the invoices will be certified to your property taxes.

(Official Public Notice)

**NOTICE OF PUBLIC HEARING  
ON APPLICATION FOR  
CONDITIONAL USE PERMIT**

**CITY OF LAKELAND  
WASHINGTON COUNTY, MINNESOTA**

NOTICE IS HEREBY GIVEN that the City Council for the City of Lakeland, Washington County, Minnesota shall hold a public hearing upon the application by Bonsai Motors, LLC and Rick Swanson requesting a Conditional Use Permit for Bonsai Motors to allow the operation of an online Auto Sales business at 404 St. Croix Trail North, Lakeland, MN 55043.

The public hearing shall be held before the City Council on Tuesday, May 19, 2015 at 6:00 p.m. at City Hall located at 690 Quinnell Avenue North, Lakeland, Minnesota 55043.

The real property affected by said application is legally described as follows:

PARCEL NUMBER 35.029.20.31.0002

PT NE1/4-SW1/4 & PT NW1/4- SE1/4 SD SEC 35 DESC AS FOLL: COM AT THE SW COR OF NE1/4-SW1/4 OF SD SEC 35 THN 89DEG02'37"E DIST OF 1116.10FT ALG THE S LN SD QTR SEC TO E LN OF PLAT OF CROIXLAND ADD THN CONT N00DEG37;05"W DIST OF 150FT ALG SD E LN THN N89DEG02'35"E DIST OF 216.18FT TO WLY R/W LN MN STATE HWY 95 THN S00DEG15'48"E DIST OF 150.01FT ALG SD R/W LN THN S89DEG02'35" W DIST OF 215.25FT TO POB SUBJ TO EASE SECTION 35 TOWNSHIP 029 RANGE 020

All written and oral comments will be considered.

Dated this 8th day of May, 2015.

BY ORDER OF THE CITY COUNCIL  
/s/Sandie Thone, City Administrator/Clerk



---

TO: PROPERTY OWNERS WITHIN 500 FEET OF  
404 ST. CROIX TRAIL SOUTH

FROM: SANDIE THONE, CITY ADMINISTRATOR/CLERK

DATE: MAY 6, 2015

RE: APPLICATION FOR CONDITIONAL USE PERMIT

Application has been made by Bonsai Motors, LLC for a Conditional Use Permit to operate an online Auto Sales business at 404 St. Croix Trail North. Complete information regarding the application is available at City offices located at 1190 St. Croix Trail South, Lakeland, MN.

A public hearing will be held regarding the matter on Tuesday, May 19, 2015 at 6:00 p.m. at City Hall located at 690 Quinnell Avenue North, Lakeland, MN. If you desire to be heard or wish to comment regarding this application, you may attend the public hearing or send written comment to the City Administrator at 1190 St. Croix Trail South prior to May 19, 2015.

*Sandie Thone*

Public Hearing Notice on Reverse

a.b.

**SERVICES AVAILABLE**

- Environmental Site Assessments (ESA)
- Phase I Environmental Site Assessments
- Phase II Environmental Site Assessments
- Service Station Compliance Audits
- RCRA Compliance Audits
- Industrial Site Audits
- Building Evaluation & Audits
- Soil and Groundwater Remediation
- Landfill Design, Investigation, Monitoring, and Reporting
- Geomembrane Liner Installation
- Environmental Construction
- UST/AST Removal, Installation, and Upgrades
- Construction Management
- Restoration Work
- Asbestos Surveys & Removal
- Mold Evaluation & Removal
- Geo-technical Borings
- Air Sampling
- Industrial Hygiene
- Product Disposal

***AllPhase Companies, Incorporated***

404-A St. Croix Trail North, Lakeland, MN 55043  
Phone: 651/436-2930 FAX: 651/436-3918

May 6, 2015

City of Lakeland

RE: CUP At 404 St. Croix Trail North, Lakeland MN

Rennie Smith the owner of 404 St. Croix Trail North, Lakeland MN is agreeing that Bonsai Motors to park up to five cars at our facility and for them to open up a office.

Bonsai has my permission to represent the property as if I was presenting the information.;

If you have any questions please call me at 612-325-3061

Sincerely,  
Rennie Smith





Department of Property Records  
and Taxpayer Services

14949 62<sup>nd</sup> Street North PO Box 200  
Stillwater, MN 55082-0200  
(651) 430-6175 www.co.washington.mn.us

Property ID: **35.029.20.31.0002** Bill#: **21969**

Taxpayer: **RENNIE SMITH**  
397 169TH AVE  
SOMERSET WI 54025-7012



# TAX STATEMENT 2015

2014 Values for Taxes Payable in

VALUES AND CLASSIFICATION			
Taxes Payable Year:		2014	2015
Step <b>1</b>	Estimated Market Value:	324,000	324,000
	Homestead Exclusion:		
	Taxable Market Value:	324,000	324,000
	New Improvements/ Expired Exclusions:		
Property Classification:		Comm/Ind	Comm/Ind
<i>Sent in March 2014</i>			
Step <b>2</b>	<b>PROPOSED TAX</b>		\$10,372.00
	<i>Did not include special assessments or referenda approved by the voters at the November election</i>		
<i>Sent in November 2014</i>			
Step <b>3</b>	<b>PROPERTY TAX STATEMENT</b>		
	First half taxes:	May 15	\$5,152.00
	Second half taxes:	October 15	\$5,152.00
	Total Taxes Due in 2015:		\$10,304.00



**REFUNDS?**

*You may be eligible for one or even two refunds to reduce your property tax. Read the back of this statement to find out how to apply.*

**Property Address:**

ST CROIX TRL N  
LAKELAND MN 55043

**Description:**

Section 35 Township 029 Range 020 PT  
1/4-SW1/4 & PT NW1/4- SE1/4 SD SEC 35 DESC  
FOLL: COM AT THE SW COR OF NE1/4- SW1/4  
SD SEC 35 THN 89DEG02'37"E DIST OF  
6.10FT ALG THE S LN SD QTR SEC TO E LN OF  
T OF CROIXLAND ADD THN N00DEG37'05"W  
T 525.01 FT ALG SD E LN TO PT OF BEG

**Tax Detail for Your Property:**

Taxes Payable Year:		2014	2015
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>			\$0.00
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.		\$0.00	
Tax and Credits	3. Property taxes before credits	\$11,042.00	\$10,304.00
	4. Credits that reduce property taxes		
	A. Agricultural market value credit	\$0.00	\$0.00
	B. Other Credits	\$0.00	\$0.00
	5. Property taxes after credits	\$11,042.00	\$10,304.00
Property Tax by Jurisdiction	6. WASHINGTON COUNTY		
	A. County General	\$1,174.92	\$1,194.91
	B. County Regional Rail Authority	\$8.34	\$8.40
	7. CITY OF LAKELAND	\$1,685.01	\$1,720.43
	8. State General Tax	\$2,988.77	\$2,913.13
	9. ISD 834 STILLWATER		
	A. Voter approved levies	\$749.99	\$518.47
	B. Other Local Levies	\$814.55	\$965.03
	10. Special Taxing Districts		
	A. Metropolitan Council	\$37.64	\$37.31
	B. Metropolitan Mosquito Control	\$19.81	\$19.38
C. County HRA	\$46.23	\$46.73	
D. Fiscal Disparities	\$3,502.21	\$2,867.23	
11. Non-school voter approved referenda levies	\$14.53	\$12.98	
12. Total property tax before special assessments	\$11,042.00	\$10,304.00	
13. Special assessments	\$0.00	\$0.00	
<b>14. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS</b>		<b>\$11,042.00</b>	<b>\$10,304.00</b>

Agricultural homesteads may have received a supplemental agricultural homestead credit in October 2014. This credit was a reduction in property taxes payable in 2014.  
*Minnesota Laws 2014, Chapter 308, Article 1, Section 14.*

C.



Hosted by Vanguard Appraisals, Inc.

Parcel Number: 35.029.20.31.0002  
 Property Address: 404 ST CROIX TRL N  
 LAKELAND, MN 55043 [MAPS](#)

Class: C&I

**Legal Description:**

PT NE1/4-SW1/4 & PT NW1/4- SE1/4 SD SEC 35 DESC AS FOLL:  
 COM AT THE SW COR OF NE1/4- SW1/4 OF SD SEC 35 THN  
 89DEG02'37"E DIST OF 1116.10FT ALG THE S LN SD QTR SEC TO  
 E LN OF PLAT OF CROIXLAND ADD THN N00DEG37'05"W DIST  
 525.01 FT ALG SD E LN TO PT OF BEG THN CONT N00DEG37'05"W  
 DIST OF 150FT ALG SD E LN THN N89DEG 02'35"E DIST OF  
 216.18FT TO WLY R/W LN MN STATE HWY 95 THN S00DEG15'48"E  
 DIST OF 150.01FT ALG SD R/W LN THN S89DEG02'35" W DIST OF  
 215.25FT TO POB SUBJ TO EASE SECTION 35 TOWNSHIP 029  
 RANGE 020

**Prior Year Value Information**

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2015	\$126,800	\$0	\$197,200	\$324,000
2014	\$126,800	\$0	\$197,200	\$324,000
More Years...				

**Land Information**

Lot Type	Square Feet	Acres
Sq. Ft x Rate	33,801	0.776

**Sale Information**

Sale Date	Amount	Recording
07/01/1998	\$208,000	

**Building Permit Information**

Date	Number	Tag Descr	Tag Date	Amount	Reason
04/25/2013	131409	No	01/01/2014	7,000	Roofing
03/27/2007	07497	No	01/01/2008	4,000	Addition
10/11/2006	6442	No	01/01/2007	4,000	Addition
09/28/2005	5250	No	01/01/2006	2,500	Replace Windows
05/24/2000	0169	No	01/01/2004	500	Misc

**GIS Map Information**



property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map. All of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and are hereby made a part of this chapter by reference and incorporated herein as fully as if set forth herein at length. Whenever any street or other public way is vacated, any zoning district line following the centerline of the vacated street or way shall not be affected by the vacation.

(Prior Code, Ch. 300 § 603.01)

(B) When any permit is issued for a planned unit development or any other permit which affects any zoning district in a substantial way, the permit shall be coded and noted on the zoning district map by the Zoning Administrator so as to clearly indicate the use so permitted which may not otherwise be clearly evident from the map or text of this chapter.

(Prior Code, Ch. 300 § 603.02)

(C) (1) When uses in a district are listed as both permitted and as conditional uses, and when any other conflict appears in this chapter with respect to permitted uses within a district, the more restrictive portion shall be applied.

(2) Where any proposed use for any district is not listed in § 159.043 but is determined by the City Council to be similar in character to a use listed in § 159.043, the City Council may require the proponent of that use to proceed under provisions of this chapter applicable to that similar use. Where any proposed use for any district is not listed in § 159.043 and is determined by the City Council not to be similar in character to any use listed therein, that proposed use shall be allowed in any district. Such a determination by the City Council shall not preclude the proponent of the use from making immediate application to the city for amendment of this chapter pursuant to § 159.026.

(Prior Code, Ch. 300 § 603.03)

**§ 159.043 USES.**

The following table represents the uses and restrictions for the city. The key is as follows:

KEY:

P = Permitted

C/IUP = Conditional Use Permit or Interim Use Permit and Public Hearing

CP = City Permit

A = Permitted Accessory Use

N = Not Permitted

\* = N in R-1

<i>Use</i>	<i>District</i>
------------	-----------------

	<i>Agricultural A-1</i>	<i>Residential R-1</i>	<i>Residential R-3</i>	<i>Commercial (RB)</i>
Adult uses	N	N	N	C
Agriculture - rural	(see § 159.150) - - -			
Agriculture - suburban	(see § 159.150) - - -			
Airports, airstrip, heliports	N	N	N	N
Animals - commercial training	C	N	N	C
Animals - domestic farm (see § 159.114)	A	C	N	N
Antennas or towers over 45 feet in height (as permitted by § 159.041)	C	C	N	C
Archery range - commercial outdoors	C	N	N	N
Armories, convention halls and similar uses	N	N	N	C
Apartment building (with central sewer) (see § 159.100)	N	N	N	N
Auto/car wash	N	N	N	C
Auto reduction yard; junk yard	N	N	N	N
Automobile repair	N	N	N	CP
Automobile service station (see § 159.115)	N	N	N	CP
Bars and taverns	N	N	N	C
Bed & breakfast	N	N	N	C
Blacktop or crushing equipment for highways	N	N	N	C
Boarders (not more than 2)	A	A	A	N
Boarders (not more than 4)	A	CP	CP	N
Boat dock (noncommercial)	A	A	A	N
Boat, trailer, marine sales (interior)	N	N	N	CP
Boat, trailer, marine sales (exterior)	N	N	N	C

Broadcasting studio	N	N	N	C
Cafes and restaurants	N	N	N	CP
Care facility (see § 159.130)	C	N	N	N

<i>Use</i>	<i>District</i>			
	<i>Agricultural A-1</i>	<i>Residential R-1</i>	<i>Residential R-3</i>	<i>Commercial (RB)</i>
Cemeteries	C	C	C	N
Churches	CP	CP	CP	CP
Clear cutting (see § 159.156)	C	C	N	N
Clubs or lodges	C	C	N	C
Cluster developments	....See § 159.102....			
Commercial schools	N	N	N	N
Commercial special occasion ceremony venue	C (IUP) accessory use	C (IUP) accessory use	N	N
Convents	C	C	C	N
Day care	CP	CP	CP	CP
Disposal areas - solid and liquid waste	N	N	N	N
Domestic pets	P	P	P	P
Drive-in business (see § 159.110)	N	N	N	C
Essential services - government uses, buildings and storage	CP	CP	CP	CP
Essential services - transmission services, building and	CP	CP	CP	CP
Explosive - manufacture, storage (see § 159.152)	N	N	N	N
Explosive - utilization (see § 159.152)	C	N	N	N
Farm (see agriculture)				
Farm equipment sales (exterior)	C	N	N	C
Feed lots - commercial (see §§ 159.114 and 159.150)	C	N	N	N

Fences (see § 159.086)	A	A	A	A
Flammable gases and liquids (business/distribution)	C	N	N	N
Forests	P	P	P	P
Fuel sales	N	N	N	CP
Funeral homes	N	N	N	C
Garage - private (see § 159.083)	A	A	A	N

Use	District			
	Agricultural A-1	Residential R-1	Residential R-3	Commercial (RB)
Garage - repair	N	N	N	CP
Garage - storage	N	N	N	CP
Golf courses and country clubs	C	C	C	N
Grading	....See § 159.147....			
Greenhouses (commercial production only)	C	C	N	C
Guest house (see § 159.103)	CP	CP	CP	N
Gun clubs	C	N	N	N
Gun ranges	C	N	N	N
Home occupations (meeting criteria) (see § 159.104)	CP	CP	CP	N
Home occupations (not meeting criteria) (see § 159.104)	C	C	C	N
Hotel or motel	N	N	N	C
Identification and name plate signs	....See §§ 159.180 through 159.205....			
Incidental repair	A	N	N	N
Information centers	CP	C	C	N
Institutional housing	N	C	C	N
Interim uses (see § 159.090)	C	N	N	C

Junk yard/auto reduction yard	C	N	N	N
Kennels, private	N	N	N	N
Kennels, commercial	N	N	N	CP
Land reclamation (see § 159.147)	C	C	C	C
Landscaping and decorative features (see § 159.154)	A	A	A	A
Lodging room (not more than 1)	A	A	A	N
Lodging room (not more than 4)	A	N	N	N
Manufacturing - general	N	N	N	N
Manufacturing - limited	N	N	N	N

<i>Use</i>	<i>District</i>			
	<i>Agricultural A-1</i>	<i>Residential R-1</i>	<i>Residential R-3</i>	<i>Commercial (RB)</i>
Marina - including boat rental and the like	N	N	N	N
Medical uses	N	N	N	C
Mining (see § 159.149)	C	N	N	N
Mobile home - care facility (see § 159.130)	C	N	N	N
Mobile home - court/park (see § 159.131)	N	N	N	N
Mobile home - temporary farm dwelling (see § 159.130)	C	N	N	N
	N	N	N	C
Multiple-family units (see § 159.100) ---	N	C	C	N
Nature centers, private or public	C	C	C	C
Nurseries - day and school	CP	CP	CP	CP
	P	C	N	N

Nursery - commercial (production of trees and shrubs)				
Nursery and garden supplies (exterior sales)	N	N	N	C
Nursery and garden supplies (interior sales)	N	N	N	CP
Nursing homes or rest home	C	C	C	C
Offices	N	N	N	CP
Offices, uses (general) This shall not be construed to apply to any structures but only to the uses that are proposed to be located therein. All proposed uses will be applied for and permitted individually, not collectively.	N	N	N	CP
Offices, uses (specific) This shall not be construed to apply to any structures but only to the uses that are proposed to be located therein. All proposed uses will be applied for and permitted individually, not collectively.	N	N	N	CP
Off-street loading (see § 159.161)	N	N	N	A
Off-street parking (see § 159.160)	A	A	A	A
Outside entertainment: commercial	N	N	N	N

<i>Use</i>	<i>District</i>			
	<i>Agricultural A-1</i>	<i>Residential R-1</i>	<i>Residential R-3</i>	<i>Commercial (RB)</i>

Parks - public	CP	CP	CP	CP
Photo, art studio	N	N	N	CP
Planned unit developments	...See §§ 159.060 through 159.068....			
Public enclosed rental storage or garages	N	N	N	CP
Race tracks	C	N	N	N
Railroad operations	C	N	N	N
Recreation areas - commercial	C	C	N	C
Recreation areas - private or semi-public	C	C	C	N
Recreation equipment storage - commercial	C	N	N	CP
Recreation equipment storage - private (side and rear yard only) (see § 159.087)	A	A	A	N
Reduction or processing of refuse, trash and garbage	C	N	N	N
Rental of cars, trailers, campers, trucks and similar	N	N	N	C
Repair garage	N	N	N	CP
Research	N	N	N	N
Residential - Multiple-Family (with central sewer) (see § 159.100) ---	N	C	C	N
Residential - Single-Family detached dwellings (see § 159.041)	P	P	P	N
Residential - Townhouse (see § 159.101) ---	C	C	C	N
Residential - 2-Family dwellings (duplex) (see § 159.041) ---	C	C	C	N
Residential waterfront uses	N	A	A	N
Resorts	C	C	C	N

Retail business	N	N	N	CP
Riding stables	C	C	N	N
Roadside sales stand (seasonally operated)	CP	CP	CP	CP

Use	District			
	Agricultural A-1	Residential R-1	Residential R-3	Commercial (RB)
Roads - private	....See § 159.159....			
Sales - open lot displays (auto see § 159.113)	N	N	N	C
Schools - public and private	CP	CP	CP	CP
Service station (see § 159.115)	N	N	N	CP
Shopping center	....See § 159.116....			
Signs (see §§ 159.180 through 159.205) ---	N	N	N	C
Single-family detached dwellings	P	P	P	N
Storage - as a principal use (see § 159.087)	CP	CP	N	CP
Storage - hazardous materials	....See § 159.151....			
Storage, highway construction equipment during construction	C	C	C	N
Storage - normally incidental to the principal use (see § 159.087)	A	A	N	N
Storage - not accessory to a permitted principal use (see § 159.087) ---	C	C	N	N
Storage - open (see § 159.087)	CP	CP	N	N
Structure - historic, scenic, and the like	CP	CP	CP	CP
	CP	CP	CP	CP

Structure - temporary or interim use (see § 159.090)				
Supper club	N	N	N	C
Swimming pool - commercial (see § 159.112)	N	N	N	C
Swimming pool - residential (see § 159.112)	CP	CP	CP	N
Temporary farm dwelling (see § 159.130)	C	N	N	N
Terminal - transportation or motor freight	N	N	N	N
Theater	N	N	N	C
Theater - drive-in	C	N	N	N
Townhouse (see § 159.101) ---	C	C	C	N

<i>Use</i>	<i>District</i>			
	<i>Agricultural A-1</i>	<i>Residential R-1</i>	<i>Residential R-3</i>	<i>Commercial (RB)</i>
Trailer/recreation vehicle (see § 159.132)	CP	CP	CP	N
Trailer/recreation vehicle parks - seasonal use (see § 159.133)	C	N	N	N
Truck and automobile service station (see § 159.115)	N	N	N	CP
Used auto parts	N	N	N	N
Utility substations	CP	CP	CP	CP
Vegetative cutting	....See § 159.156....			
Vehicle sales (enclosed) (see § 159.113)	N	N	N	C
Vehicle sales (exterior)				C
Veterinary clinic	C	N	N	CP
Warehousing	N	N	N	N

Waterfront uses - industrial, shipping, and the like	N	N	N	N
Waterfront uses - residential	A	A	A	N
Wholesale business	N	N	N	N
Wildlife reserve - private or public	P	P	P	N

(Prior Code, Ch. 300 §§ 604, 604.01) (Am. Ord. 7496, passed 10- -2001; Am. Ord. 7501, passed 2-17-2004; Am. Ord. 7539, passed 5-21-2013; Am. Ord. 7538, passed 6-21-2013)

#### § 159.044 FLOODPLAIN OVERLAY DISTRICT.

(A) *Permitted uses.* As permitted and regulated under the City Floodplain Regulations set forth in Chapter 154.

(Prior Code, Ch. 300 § 605.01)

(B) *Accessory uses.* As permitted and regulated under the City Floodplain Regulations.

(Prior Code, Ch. 300 § 605.02)

#### § 159.045 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT.

(A) *Permitted uses.* Any and all uses subject to the conditions of a planned unit development permit under planned unit development regulations of this chapter, §§ 159.060 through 159.068.

(Prior Code, Ch. 300 § 606.01)

(B) *Accessory uses.* As permitted by conditions of a planned unit development conditional use permit under planned unit development regulations of this chapter, §§ 159.060 through 159.068.

(Prior Code, Ch. 300 § 606.02)

#### § 159.046 ST. CROIX OVERLAY DISTRICT.

(A) *Permitted uses.* As permitted and regulated under the City St. Croix River District Regulations set forth in Chapter 155.

(Prior Code, Ch. 300 § 608.01)

(B) *Accessory uses.* As permitted and regulated under the City St. Croix River District Regulations.

(Prior Code, Ch. 300 § 608.02)

**§ 159.047 LAKE AND SHORELAND MANAGEMENT OVERLAY DISTRICT.**

(A) *Permitted uses.* As permitted and regulated under the City Lake and Shoreland Management Regulations.

(B) *Accessory uses.* As permitted and regulated under the City Lake and Shoreland Management Regulations.

(Prior Code, Ch. 300 § 609.01)

**PLANNED UNIT DEVELOPMENTS****§ 159.060 INTENT.**

It is the intent of this subchapter to provide design flexibility by allowing substantial variances from the provisions of the city ordinances relating to district dimensional requirements, subdivision, and development, including similar regulations, but not parking requirements, off-street loading, or necessary screening. The variances, if granted, shall be fully consistent with the general intent and purpose of the city ordinances relating to land use, subdivision and development, including the provisions of this chapter. It is not the intent of this section to increase overall density beyond the limits imposed by the other sections of this chapter.

(Prior Code, Ch. 300 § 507.01)

**§ 159.061 DEFINITIONS.**

Planned unit developments shall include all developments having 2 or more principal uses or structures on a single parcel of land; and may include townhouses, apartment projects involving more than 1 building, residential subdivision submitted under cluster zoning provisions, multi-use structures such as an apartment building with retail at ground floor level, commercial type developments, industrial type developments, mixed residential and commercial type developments and similar projects.

(Prior Code, Ch. 300 § 507.02)

**§ 159.062 EXCLUSIONS.**

Planned unit developments may be excluded from certain requirements of the city ordinances relating to land use, subdivision, and development, including the provisions of this chapter, providing:

(A) A general development plan as provided by § 159.065 or § 159.066 is approved by the City Council;

(B) The City Council shall find that the proposed development is fully consistent with the purposes of the city ordinances relating to land use, subdivision, and development, including the provisions of this chapter and in conformity to the Comprehensive Plan;

exceed 4 inches. Existing pools not presently in compliance with this provision shall comply prior to any water being allowed in pool.

(2) Drainage of pools into public streets or other public drainage ways shall require written permission of the appropriate local public officials.

(Prior Code, Ch. 300 § 726.04)

### § 159.113 AUTOMOBILE SALES AND SHOWROOMS.

The building and premises for automobile sales and showrooms shall meet the following requirements:

(A) *Setback and lot requirements.*

(1) *Parking.* A minimum of 25-foot wide landscaped yard shall be required and maintained between any public street right-of-way and parking lots or buildings.

(2) *Contiguous site.* Motor vehicle sales shall be on 1 lot or contiguous lots not separated by a public street, alley, or other use.

(3) *Lot width.* The minimum lot width shall be 150 feet at the minimum required front yard setback.

(4) *Lot area.* A minimum lot area of 2 acres shall be required.

(Prior Code, Ch. 300 § 729.01)

(B) *Access driveways.*

(1) *Distance of driveway from street intersection.* The distance of the driveway from the street intersection shall not be less than 5 feet, provided, however, greater distances may be required to avoid reasonably anticipated traffic hazards.

(2) *Minimum distance between driveways.* Minimum distance between driveways shall be 25 feet at the curb cut.

(3) *Minimum driveway angle to street.* Minimum driveway angle to street shall be 60 degrees, unless otherwise approved by the City Engineer.

(4) *Distance between driveway and adjacent property.* Minimum distance between driveway and adjacent property shall be 5 feet at the curb cut.

(5) *Maximum dimensions.* No driveway shall exceed 25 feet in width and no curb cut shall exceed 32 feet in width.

(Prior Code, Ch. 300 § 729.02)

(C) *Screening.* A screen shall be erected and maintained along all property lines separating institutional, residential dwelling or business and professional office districts or uses. The screening required in this section shall be not less than 5 feet in height.

(Prior Code, Ch. 300 § 729.03)

(D) *Landscaping.* A landscaped yard shall be constructed and maintained on all areas of the site not devoted to the building or parking area.

(Prior Code, Ch. 300 § 729.04)

(E) *Curbing.* Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curbs required by this section shall be a nominal 6 inches in height.

(Prior Code, Ch. 300 § 729.05)

(F) *Surfacing.* The entire site on which motor vehicle sales is located, other than that devoted to buildings and structures or landscaped areas, shall be hard surfaced and maintained to control dust, erosion, and drainage, before operation of the business begins.

(Prior Code, Ch. 300 § 729.06)

(G) *Parking.* The following required parking spaces shall be shown and designated on the site plan.

(1) *Customer parking.* A minimum of 16 customer parking spaces shall be provided for every acre of total site area in a commercial or business district, and in addition, 3 spaces for each 1,000 square feet of gross sales floor area.

(2) *Employee parking.* A minimum of 2 employee parking spaces shall be provided for every 3 employees.

(Prior Code, Ch. 300 § 729.07)

(H) *Parking for outside sales and storage.* The maximum area permitted for outside storage of automobiles, new and used, shall not exceed 5 square feet of outside storage area to each 1 square foot of enclosed ground floor area. No more than 1 automobile shall be stored on each 300 square feet of outside paved storage area. No rooftop parking shall be permitted.

(Prior Code, Ch. 300 § 729.08)

(I) *Surface drainage plan and improvements.* A drainage plan shall illustrate all paved area surface drainage flows. Catch basins and/or settling ponds shall be required to dispose of interior parking or display area drainage.

(Prior Code, Ch. 300 § 729.09)

### § 159.114 LIVESTOCK.

(A) *Prohibition of manure deposition without safeguards.* No manure or livestock waste shall be deposited, stored, kept or allowed to remain in or upon any storage site or feedlot without reasonable safeguards adequate to prevent the escape or movement of the manure or waste or a solution thereof from the site which may result in pollution of any public waters or any health hazard.

(Prior Code, Ch. 300 § 730.01)

exceed 4 inches. Existing pools not presently in compliance with this provision shall comply prior to any water being allowed in pool.

(2) Drainage of pools into public streets or other public drainage ways shall require written permission of the appropriate local public officials.

(Prior Code, Ch. 300 § 726.04)

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(Prior Code, Ch. 300 § 729.02)

(C) *Screening.* A screen shall be erected and maintained along all property lines separating institutional, residential dwelling or business and professional office districts or uses. The screening required in this section shall be not less than 5 feet in height.

(Prior Code, Ch. 300 § 729.03)

(D) *Landscaping.* A landscaped yard shall be constructed and maintained on all areas of the site not devoted to the building or parking area.

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(E) *Curbing.* Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curbs required by this section shall be a nominal 6 inches in height.

(Prior Code, Ch. 300 § 729.05)

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(Prior Code, Ch. 300 § 729.07)

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(Prior Code, Ch. 300 § 729.08)

(I) *Surface drainage plan and improvements.* A drainage plan shall illustrate all paved area surface drainage flows. Catch basins and/or settling ponds shall be required to dispose of interior parking or display area drainage.

(Prior Code, Ch. 300 § 729.09)

### § 159.114 LIVESTOCK.

(A) *Prohibition of manure deposition without safeguards.* No manure or livestock waste shall be deposited, stored, kept or allowed to remain in or upon any storage site or feedlot without reasonable safeguards adequate to prevent the escape or movement of the manure or waste or a solution thereof from the site which may result in pollution of any public waters or any health hazard.

(Prior Code, Ch. 300 § 730.01)

permit is reinstated. Operation during a period of suspension or revocation shall be deemed to be an additional violation of the terms of the permit or license.

(Prior Code, § 1103.060) (Ord. 7473, passed 1-21-1997)

## **USED CAR DEALERS**

### **§ 110.20 LICENSE REQUIRED.**

It shall be unlawful to sell or offer for sale a used car within the city limits without first obtaining a license as a used car dealer. This regulation shall not apply to the sale of a used car by its owner when that car has been owned by that owner and registered in the owner's name for a period of at least 6 months prior to the time it is offered for sale; however, no owner may offer for sale or display more than 1 car within each month period.

(Prior Code, § 1102.010) Penalty, see § 10.99

### **§ 110.21 FEES.**

A used car dealer license may be obtained from the City Clerk upon payment of a fee as set forth in § 33.01 and these licenses shall run from the date issued until the last day of the same year.

(Prior Code, § 1102.020)

### **§ 110.22 RESTRICTIONS.**

No unlicensed motor vehicle of the type requiring a license under state law to operate on the public highway, nor any part or remnant of any such vehicle, shall be kept or suffered to remain on any public or private land in the city unless kept in a garage. The owner or occupant of any land on which the motor vehicle or part or remnant there is kept or suffered to remain in violation of the provisions of this section shall be deemed to have violated the provisions of this section if the motor vehicle or a part or remnant thereof remains on the land owned or occupied by him or her in violation of the provisions of this section after 30 days from the date on which the owner or occupant is given written notice by the city of the specific violation.

(Prior Code, § 1102.030)

## **CHAPTER 111: PAWNBROKERS**

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### Section

#### 111.01 Purpose



MINNESOTA DEPARTMENT OF PUBLIC SAFETY  
 DRIVER AND VEHICLE SERVICES  
 445 Minnesota Street  
 Saint Paul, MN 55101-5186  
 Phone: (651) 296-2977 Fax: (651) 297-1480  
 Web: dvs.dps.mn.gov Email: DVS.DealerQuestion@state.mn.us

OFFICE USE ONLY	
DEALER NUMBER:	_____
DATE RECEIVED:	_____
COUNTY:	_____
AREA:	_____
INITIALS:	_____

**Minnesota Vehicle Dealer License - Zoning Verification**

The Zoning Official for the jurisdiction in which the dealership resides must complete form.

Zoning District: RB

This form is for (check one):  Primary Location  Additional Location (Attach a separate Commercial Checklist Form (PS2410) for each location)

DEALER NAME Bonsai Motors  
 Street 484 St. Croix Trail  
 City Lakeland State MN Zip 55043 County Washington

Type of Dealer's License (check one):

NEW  USED  LESSOR  D.S.B.  WHOLESALER  BROKER  AUCTIONEER  SALVAGE POOL  LIMITED USE VEHICLE

**Please Check Appropriate Statement:**

This dealership is permitted use within the above zoning district for the type of business indicated above and there are no zoning complaints or enforcement actions pending at this time.  
*This location complies with local sanitation codes, or otherwise complies with local ordinances.*

This dealership is permitted **conditional use** within the above zoning district for the type of business indicated above and there are no zoning complaints or enforcement actions pending at this time  
**(Must attach a copy of the conditional use permit).**  
*This location complies with local sanitation codes, or otherwise complies with local ordinances.*

Printed Name of Zoning Authority: \_\_\_\_\_

Zoning Authority Phone Number: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

X \_\_\_\_\_  
 (Signature of Zoning Authority)

NOTARY PUBLIC \_\_\_\_\_

COUNTY: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_



## GENERAL APPLICATION FOR MUNICIPAL LICENSE

Type of License	Used Car Dealer License	License Fee	\$ 25.00
Minnesota Sales Tax ID Number, Social Security Number, or Individual Tax ID Number 1742931			
Legal Corporate Name of Business	Trade Name (DBA)	Business Telephone Number	
BONSAI MOTORS LLC	SAME	651-255-2500	
Business Address/Location	City	State	Zip Code
404 <del>ST. CROIX</del> ST. CROIX TRAIL	Lakeland	MN	
Mailing Address (if Different than Business Address)	City	State	Zip Code
1			
Name of Person Filling out this Application	Title	Telephone Number	
RICHARD SWANSON	OWNER	651-255-2500	
E-mail Address	Fax Number	Cell Phone Number	
Rick Swanson@BONSAI MOTORS.COM		651-255-2500	
Name of Manager and Home Address	Date of Birth		
Rick Swanson 620 MAIN ST. 112 STILLWATER MN 55092	11-1-62		
I, <u>Richard Swanson</u> , certify or declare under penalty of perjury under the laws of the State of Minnesota that the foregoing is true and correct. All information given is subject to verification by the State of Minnesota. The undersigned hereby applies for a license to carry on the aforementioned business in the City of Lakeland of Washington County, Minnesota. This business is subject to the laws of Minnesota and ordinances enforced by the City of Lakeland. This business agrees to tender all applicable licensing fees to the City of Lakeland.			
SIGNATURE OF APPLICANT			DATE
			4-15-15
TITLE			
owner/President			

**A SIGNATURE IS REQUIRED IN ORDER TO PROCESS THIS APPLICATION**

Please return to:

City of Lakeland  
690 Quinnell Ave N.  
Lakeland, MN 55043

# Zoning Map

R-1

SCRD

LAKE ST. CROIX

INTERSTATE 94

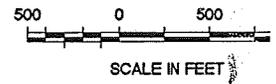
R-3

WEST LAKELAND TOWNSHIP

AFTON

MINNESOTA TRUNK HIGHWAY N. 95

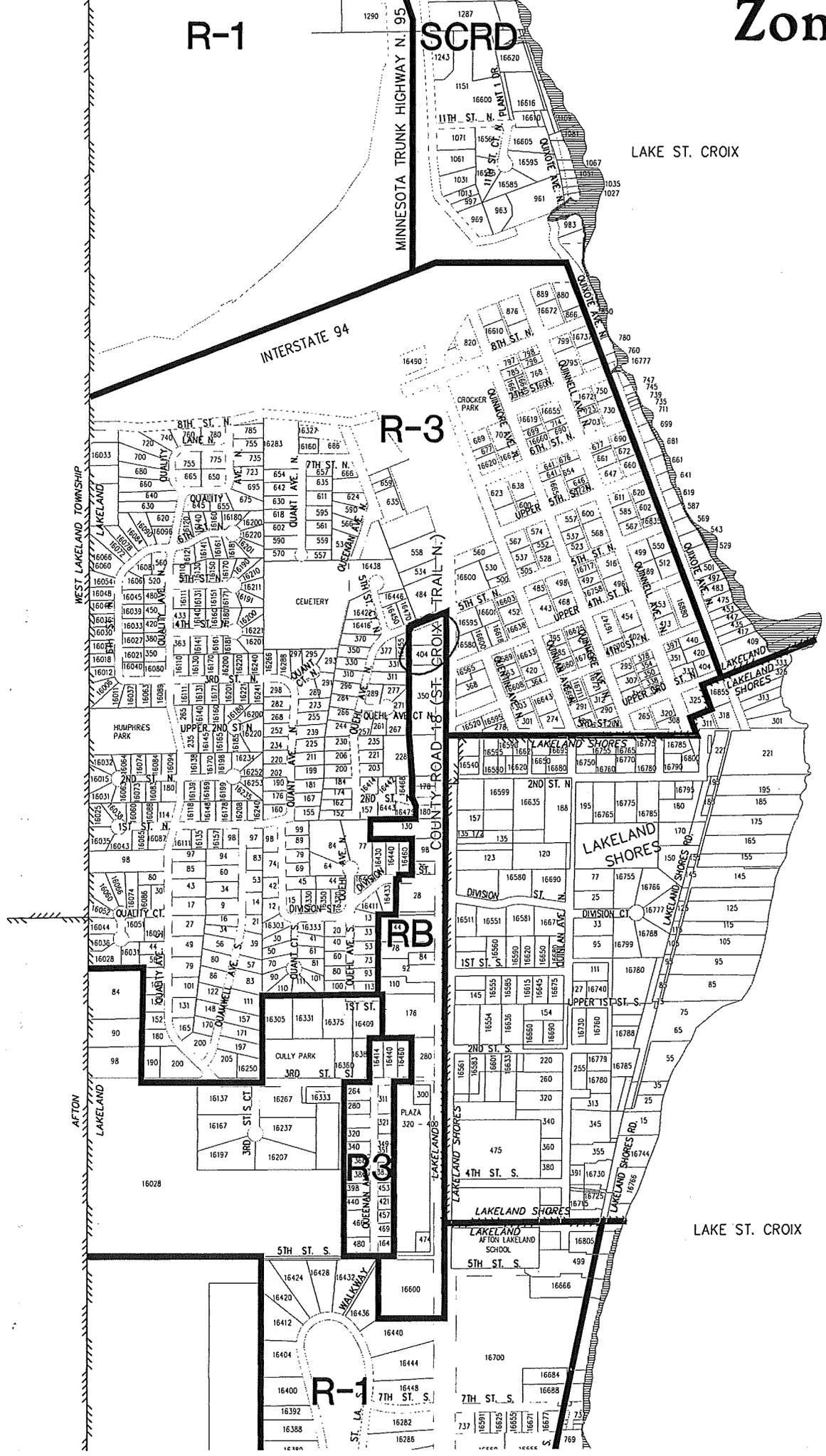
COUNTY ROAD 16 (ST. CROIX TRAIL N.)



zoning

- SCRD saint croix river district
- RB retail business
- A-2 agricultural
- R-1 residential

- floc
- st. crc
- regit
- 10
- 5f
- f.l.a.
- flood i
- 1c





TO: Mayor and City Council

FROM: Sandie Thone, City Administrator/Clerk

RE: Northland Securities Bond Refunding Overview and Trigger Resolution 2015-19

DATE: May 19, 2015

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#### Background

The call date regarding \$650,000 General Obligation Improvements Bond, Series 2007A of 2/1/2016 and the call date regarding General Obligation Water Revenue Refunding Bonds, Series 2010A of 2/1/2017 has prompted staff to consider the possible refunding of the two aforementioned existing bond issues.

#### Discussion

George Eilertson of Northland Securities, Inc. is in attendance at tonight's meeting to provide the council an overview of the recommendations and answer any questions council may have. Please find attached an Overview of the proposed General Obligation Refunding Bonds, Series 2015A based on preliminary interest rates on May 12, 2015. In addition, please find attached the Trigger Resolution 2015-19 Approving the Issuance of General Obligation Refunding Bonds, Series 2015A.

City Treasurer Tom Niedzwiecki is in support of the proposal to refund the two existing bonds provided it offers the city a significant savings as determined by the council in said resolution and motion. Treasurer Niedzwiecki is available for questions as well.

#### Recommendation

Staff is requesting the City Council consider approval of the proposed Refunding of the Two Existing Bonds; \$650,000 General Obligation Improvements Bond, Series 2007A with a call date of 2/1/2016 and \$1,310,000 General Obligation Water Revenue Refunding Bonds, Series 2010A with a call date of 2/1/2017 with Northland Securities, Inc., as General Obligation Refunding Bonds, Series 2015A in a total aggregate principal amount not to exceed \$1,300,000 provided the total net savings is at least \$ \_\_\_\_\_, and the refunding meets the 3% savings test as set forth in MN Statutes 475.67, subdivision 12.

Motion, Second and Majority vote required.

**CERTIFICATION OF MINUTES  
RELATING TO GENERAL OBLIGATION REFUNDING BONDS,  
SERIES 2015A**

ISSUER: City of Lakeland, Minnesota

BODY: City Council

KIND, DATE, TIME AND PLACE OF MEETING:

A regular meeting held on Tuesday, May 19, 2015, at 6:00 p.m., at City Hall, 690 Quinnell Avenue North, Lakeland, MN 55043

MEMBERS PRESENT:

MEMBERS ABSENT:

Documents Attached: Extract of Minutes of said meeting.

**RESOLUTION 2015-19  
APPROVING THE ISSUANCE OF  
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015A**

I, the undersigned, being the duly qualified and acting recording officer of the public corporation issuing the obligations referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of said corporation in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the governing body of said corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at said meeting, so far as they relate to said obligations; and that said meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS MY HAND officially as such recording officer on May 19, 2015.

\_\_\_\_\_  
Administrator

EXTRACT OF MINUTES OF A MEETING  
OF THE CITY COUNCIL OF THE CITY OF LAKELAND, MINNESOTA

HELD: Tuesday, May 19, 2015

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Lakeland, Minnesota, was duly held on Tuesday, May 19 at 6:00 p.m.

Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION 2015-19 APPROVING THE ISSUANCE OF  
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015A**

BE IT RESOLVED by the City Council of the City of Lakeland, Minnesota (herein, the "City"), as follows:

1. The City Council hereby finds and declares that it is necessary and expedient for the City to sell and issue its fully registered general obligation refunding bonds in the total aggregate principal amount of not to exceed \$1,300,000 (herein, the "Bonds"). The proceeds of the Bonds will be used, together with any additional funds of the City which might be required for:
  - (i) a crossover refunding of all or a portion of the February 1, 2017 through 2030 maturities, aggregating up to \$510,000 in principal amount, of the City's General Obligation Improvement Bonds, Series 2008A, dated November 1, 2008 as date of original issue;
  - (ii) a crossover refunding of all or a portion of the February 1, 2018 through 2025 maturities, aggregating up to \$700,000 in principal amount, of the City's General Obligation Water Revenue Bonds, Series 2010A, dated January 1, 2010 as date of original issue; and
  - (iii) to pay the costs associated with issuing the Series 2015A Bonds.
2. The City Council desires to proceed with the sale of the Bonds by direct negotiation with Northland Securities, Inc. ("NSI"). NSI will purchase the Bonds in an arm's-length commercial transaction with the City.
3. The Mayor and the Administrator are hereby authorized to approve the sale of the Bonds in an aggregate principal amount of not to exceed \$1,300,000 and to execute a bond purchase agreement for the purchase of the Bonds with NSI, to refund all or some of the issues listed in paragraph 1. (i) through (ii), provided the total net savings is at least \$ \_\_\_\_\_ and the refunding meets the 3% savings test as set forth in Minnesota Statutes 475.67, subdivision 12.
4. Upon approval of the sale of the Bonds by the Mayor and the Administrator, the City Council will take action at its next regularly scheduled or special meeting thereafter to adopt the necessary approving resolutions as prepared by the City's bond counsel.

5. NSI is authorized to prepare an Official Statement related to the sale of the Bonds.
6. If the Mayor and Administrator have not approved the sale of the bonds to NSI and executed the related bond purchase agreement by September 30, 2015, this resolution shall expire.

The motion for the adoption of the foregoing resolution was duly seconded by Member \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

**BY ORDER OF THE LAKELAND CITY COUNCIL**

Adopted this nineteenth day of May 2015.

\_\_\_\_\_  
Richard Glasgow, Acting Mayor

\_\_\_\_\_  
Sandie Thone, City Administrator/Clerk

**City of Lakeland, Minnesota**  
**Overview of General Obligation Refunding Bonds, Series 2015A**  
**(S&P "AAA" bond rating assumed / based upon preliminary interest rates on 5/12/15)**

Following is a summary of the possible advance refunding of the following two existing bond issues:

1. \$650,000 General Obligation Improvement Bonds, Series 2007A (call date 2/1/16)
2. \$1,310,000 General Obligation Water Revenue Refunding Bonds, Series 2010A (call date 2/1/17)

	\$650,000 General Obligation Improvement Bonds, Series 2008A	\$1,300,000 General Obligation Water Revenue Refunding Bonds, Series 2010A	TOTAL
New Bond Size	\$ 550,000.00	\$ 725,000.00	\$ 1,275,000.00
Call Date ORIGINAL Bonds	2/1/2016	2/1/2017	
Final Maturity ORIGINAL Bonds	2030	2025	
Final Maturity NEW Bonds	2030	2025	
Avg. Remaining Interest Rate ORIGINAL Bonds	5.78%	3.63%	
Avg. Interest Rate NEW Bonds	2.35%	1.74%	2.05%
Net Debt Service Reduction	\$ 105,110.00	\$ 33,950.00	\$ 139,060.00
Present Value Savings	\$ 91,434.00	\$ 30,329.00	\$ 121,763.00
Annual Debt Service Savings	\$ 7,507.86	\$ 4,243.75	\$ 11,751.61
Net Present Value Savings %	14.14%	4.17%	8.86%



*Public Works*

690 Quinnell Avenue North  
Lakeland, MN 55043-9463  
Voice: (651) 436-8044  
Fax: (651) 436-3949  
E-mail: lakelandwater@comcast.net

To: Lakeland City Council  
From: Matt Kline | Director of Public Works  
Date: May 11, 2015  
RE: Employee Resignation

Rick Regnier has submitted his resignation letter effective June 1<sup>st</sup>, 2015.

City staff is seeking direction on options moving forward. Staff is in the beginning stages of a surrounding cities salary survey and the possible implementation of a steps program for public works staff. Preliminary indications from observing starting salaries on the LMC website and salaries from surrounding communities indicate that we are on the low end of salaries. Hiring and training new staff is costly and time consuming and not to be taken lightly.

With the timing of the resignation, staff is requesting the city council to approve the hiring of a temporary public works employee to achieve the minimum work requirements associated with public works and parks. Staff also requests the city council to hire Rick on a contract basis as needed during weekends where current staff were scheduled to be off.

A full time hiring proposal will be presented at the next council meeting along with the results of the salary survey.

Rick Regnier  
1811 Quello Ave So  
Lakeland, MN 55043

Dear Mathew Kline,

I, Rick Regnier, regret to inform you that I have agreed to take on a new position with the City of Scandia. Please accept my resignation for the date of June 1<sup>st</sup>, 2015.

Sincerely,



Rick Regnier

Position: Seasonal Maintenance Worker (Public Works)  
 Posted: May 20, 2015  
 Application Deadline: Applications accepted until position is filled  
 Status: Summer Seasonal  
 Compensation Range: \$10.75 to \$11.85 (DOQ)

This seasonal position reports to the Public Works Director and performs landscape and routine grounds care of city parks, city property and trail system. Assists with streets maintenance and repairs. Assists with traffic signs. Assists with general building maintenance, locates and water department duties. Assists with painting and flushing of hydrants.

**Essential Job Functions:**

- 1) Responsible for performing landscape and routine grounds care of city parks, city property and trail system.
- 2) Assists with streets maintenance and repairs.
- 3) Assists with traffic and road sign installation and maintenance.
- 4) Assists with general building maintenance, locates and water department duties.
- 5) Assists with painting and flushing of hydrants.
- 6) Maintains facilities and ball fields.
- 7) Performs other general labor duties as assigned.

**Required Qualifications:**

- High School graduate or equivalent.
- Valid driver's license with satisfactory driving record.
- Must be 18 years of age or older.
- Ability to frequently lift/move 50 pounds.

Please submit your application to:

Human Resources at [city@ci.lakeland.mn.us](mailto:city@ci.lakeland.mn.us)  
 City of Lakeland  
 1190 Saint Croix Trail  
 Lakeland, MN 55043 / Phone: 651.436.4430

Thank you for your interest in the City of Lakeland. City of Lakeland is a drug free, EO, AA Employer.