

SPECIAL CITY COUNCIL MEETING
Tuesday, March 25, 2014

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

STAFF PRESENT: Chris Wallberg, Steve Iverson, Dave Snyder

OTHERS PRESENT: Brian Zeller, Bill Francel, Josh Brekken, Rod Burt

1. **CALL TO ORDER** by Mayor Livingston at 6:04 p.m.
2. **PLEDGE OF ALLEGIENCE** *was recited.*
3. **S.F. 2272 CERTIFICATION OF LOCAL ZONING DECISIONS** – Livingston stated the bill was introduced to Committee on March 21 and was substantially changed. Brian Zeller, 16616 11th St, stated the amended bill has a hearing scheduled at the Senate Finance Committee on March 28 at 9 a.m. He stated the bill was amended and a majority of the language that he found personally concerning was removed; the bill seems to reaffirm the DNR has oversight over changes in the River District zoning. He stated line 1.31 could potentially set a new standard but without the ability to enforce it the impact would likely be minimal. He feels it “opens the door” for the DNR to create other minor text amendments that may be more harmful to the authority of local units of government. The bill has not yet been scheduled for review in the House. Williams stated the “door was open” a number of years ago when River District overlay was instituted. She added she was pleased with the amendments to the bill. Glasgow stated he attended the Senate hearing. He feels it is a shame that local government must be weary of State government. He takes issue with the process regarding the bill and does not feel it is a bad bill in its amended form. He also feels it is a shame when a bill is introduced and local government is not notified or involved. He also stated displeasure that the City was not notified by our local Senator or Representative. He feels the City Council is transparent and State government should be held to the same standard. Paiement questioned what content remained in the amended bill. Williams stated the bill effectively does nothing and it reiterates that any changes to Zoning Ordinance must be approved by the DNR if it’s in the Lower St. Croix Valley River District. The original bill included language that would’ve required the DNR to certify variances in the St. Croix River Valley Bluffland/Shoreland District. She stated she spoke to Jenny Shillcox of the DNR, who indicated she was in favor of the bill because it established the role of the DNR in counseling and working directly with the cities. The bill would provide statute that clearly spells out the DNR’s role in working with cities. She stated it also provides the DNR justification for a new hiring, which is part of the reason why it is front of the Finance Committee. She stated Craig Johnson informed her that the statute would allow the DNR to make an expenditure of \$40,000 per year on a part-time liaison. She stated she has no significant concerns and she spoke to Senator Katie Sieben, Senator Karen Housley, and Craig Johnson who stated Lakeland will be informed of anything that arises with the bill. Zeller stated he would like the Council to request a legal opinion on line 1.31 of the bill. A current copy of the bill was not available to examine line 1.31. Williams stated she would keep abreast on information coming forward and inform the Council of any new developments. Livingston stated he would like to have a report from elected officials regarding progress of the bill. Zeller questioned if Attorney Snyder has had an opportunity to review the language in the bill. Snyder stated he had examined the bill. He stated the statute as proposed purports to establish a DNR representative to coordinate with municipalities to communicate regarding variances. He stated the current language is an improvement from the standpoint of retaining City involvement and administering ordinances. He stated this is a policy question regarding what the Council desires to be able to do in terms of jurisdiction. If the Council wished to retain jurisdiction the amended bill is favorable. He added the new language is sufficiently restrictive. He stated the Council has to make a policy decision on where to have regulatory role. There are three options to the Council’s next step which include taking a position, taking no position or communicating with representatives. He added that if communicating with representatives is the path chosen, in his opinion, incorporation of reasonableness standards should be included in the statute. He stated the current statute indicates that it would require the applicant to provide reasoning that no other option other than variance exists for the proposed development. He stated it is unrealistic to expect this of applicants, which is why reasonableness standards are necessary in the statute. He suggested that the Council consider requesting the DNR notify the City very early in the process if there are legislative initiatives. He feels the insinuation may be that local units of governments have not been active. He stated that no other cities have been as active as Lakeland in terms of enforcing ordinances. He added he believes Lakeland has an outstanding track record regarding variance requests and ordinance enforcement. He stated the Council ultimately needs to decide a course of action but a letter would be the most effective means if communication is the chosen path. He suggested that if a letter is sent the City insist on the incorporation of reasonableness standards. Secondly, he suggested to note the record of the City of Lakeland in regard to variance requests in terms of enforcement efforts which come at great effort and cost to the City. Lastly, he suggested the letter requests the DNR notify the City early of any regulatory efforts. **M/S/P(Williams/Livingston)**

authorizing the City Attorney Dave Snyder to compose a letter to the DNR covering points indicated by Dave Snyder during workshop discussion - including the incorporation of reasonableness standards, noting the record of the City of Lakeland in regard to variance requests in terms of enforcement, and requesting the DNR notify the City of any regulatory efforts early in the process – with a draft provided to the Mayor for review prior to submission and signed by the Mayor after approval. It was agreed upon to send the letter to Senator Housley, Senator Sieben, and the Environmental subcommittees in the Minnesota Senate and House. Snyder stated he would work with Mayor to ensure the letter is reflective of the Council's opinion. Livingston stated he would like the Council to review the draft letter and provide commentary so he is not the only Councilmember reviewing the letter. He added he would like the review to be limited in timeframe and would like the letter sent by the end of the current week. **Passed Unanimously.** Livingston stated he would like to continue to explore the concept of representation in the press and to other groups; requested to have the item added to the May workshop agenda.

4. **PURCHASE OF STRUCTURE AT HUMPHRIES PARK** – Bednar stated the proposed structure at Humphries Park has been on every agenda since October 2013, other than December. She added that all members of the Council weren't present at previous meeting so she desired to re-address the issue to reach a decision. Livingston stated usually Special Council Meetings are for urgent and time sensitive items but he understood the exception for this issue. Bednar stated the proposal had not changed since the previous meeting. She reiterated for the Councilmembers that were not present at the March 18 meeting that a Public Meeting took place for residents to voice their opinions. The residents indicated they would like to see an additional play structure at Humphries Park. They would like the new structure to include a crawl through tunnel, a hang and slide apparatus, one large slide and one small slide. Residents stated they were not in favor of adding a grill. They were in favor of lowering the existing swings, adding additional benches near the proposed structure and in the northern section of the park. They added they would like the proposed structure to be adequate for children ranging from 2 years old to approximately 4th grade. There are daycares located directly by the park, which would lead to heavy use of the equipment. She stated she is seeking approval to move forward with the purchase. Williams enquired if the placement of the new structure would allow for picnic area or gazebo to be added to Humphries Park in the future. She said the feedback she received indicated gazebo or expanded picnic would be desired as none of the parks in Lakeland have a good picnic facility. Bednar stated there would be adequate space in the northern section of the park for a future picnic structure. Bednar suggested that money saved by City employees placing mulch at the new structure at Crocker Park, potentially could be used for the purchase of additional picnic tables. Bednar explained that she is seeking a not to exceed amount of \$45,000 for the expenditure on the new structure. **M/S/P(Williams/Livingston) to authorize Councilmember Bednar to purchase playground equipment for Humphries Park, with the price not to exceed \$45,000.** Williams stated concern about road deficits and she stated there is about a \$200,000 deficit in 2018. She added that since residents are in favor of adding the structure now, she is willing to relent on her previous stance objecting to the purchase. She stated the desire to exercise caution on elective spending until the road shortfall has been addressed. Livingston stated he does not want to go into major budget cutting because of roads, after a lot of progress in repairs and maintenance. He stated roads were a major point of contention for residents in years past, but complaints have subsided due to recent repairs and maintenance. Livingston stated the projected shortfall will have to be examined in detail and discussed with the Public Works Director. There was discussion regarding seeking volunteers or residents to construct the new play structure. Livingston suggested checking the City's insurance for liability when using volunteers. **Passed Unanimously.**
5. **ADJOURN – M/S/P(Williams/Bednar) to adjourn meeting at 6:38 p.m. Passed unanimously.**

Bob Livingston, Mayor

Steve Iverson, Deputy Clerk/Recorder

