

SPECIAL CITY COUNCIL MEETING
Tuesday, August 27, 2013

CITY COUNCIL PRESENT: Amy Williams, Richard Glasgow, Asia Bednar, Joe Paiement, Bob Livingston
STAFF PRESENT: Matt Kline, Chris Wallberg, Tom Niedzwiecki, Steve Iverson, Josh Brekken, Ron Moore
OTHERS PRESENT: Leah Stanton, Tom McCarthy, Mike Maroney, Randy Kopesky, Diane Wirth, Kregg Wespfranning, Pat Cody

City Council Workshop on the 2014 Preliminary Budget/Levy took place prior to the Council Meeting

1. **CALL TO ORDER** by Mayor Livingston at 6:00 p.m.
2. **PLEDGE OF ALLEGIENCE** was recited.
3. **CONSENT AGENDA** – Glasgow requested that the Mayor pull item G from the Consent Agenda which was granted. Williams requested that the Mayor pull item H from the Consent Agenda which was granted. **M/S/P(Glasgow/Williams) to approve the Consent Agenda items A-F with items G and H pulled. Passed Unanimously.**
 - A. Minutes of the July 16, 2013 Regular City Council Meeting
 - B. Treasurer's Report – June 2013
 - C. Treasurer's Report – July 2013
 - D. Bills to be Approved
 - E. Resolution appointing Richard Glasgow as LSCV Fire District Representative
 - F. Sidewalk Sale to be held at Lakeland Village
 - G. Ordinance re: Keeping Chickens \$ Resolution Authorizing Summary Publication
 - H. Ordinance re: Exterior Storage

Glasgow stated he would like to see ordinances on the regular Agenda as opposed to the Consent Agenda. He stated he asked residents for opinions regarding the ordinance amendment for the Keeping of Chickens and received mostly negative feedback. He would like the item to be moved to regular agenda or tabled until the September meeting for additional discussion. There was discussion regarding tabling of the item. The consensus of Council was to table the Keeping of Chickens until the September meeting.

Williams stated she desired to pull item H because she has reservations about the way it is written as well as the spirit of the amendment. She is not in favor of being intrusive of people personal property rights. She is not in favor of allowing the City to access resident's back yards for personal property storage or accessory building inspections. She feels it overlaps with regulations that are already articulated by public health. Bednar questioned if Williams was mistaking the language in the Keeping of Chickens ordinance amendment with language in the Exterior Storage amendment. Bednar stated she did not see anything in the Exterior Storage ordinance amendment that indicated inspections would be allowed. Wallberg explained that the ordinance amendment would allow the City to enforce ordinance violations that are visible from adjoining properties but not from the public streets or lands; as the ordinance is currently worded it only allows violations to be addressed if they are visible from public streets and lands; would not afford the City any additional inspection rights. Williams stated that her interpretation of the current ordinance enforcement process allows the City to enter the property after a letter has been sent to ensure compliance. She stated she takes issue with the way the ordinance amendment is written with ambiguity and doesn't agree with its intent. Livingston stated that most exterior storage violations reach the point of impasse and very rarely are permanently adhered to after letters are sent. He feels inspections should be allowed to some degree by a City Official. Bednar stated she would not be comfortable with inspections by the City but does not see anything suggesting inspections would take place in the ordinance amendment. Wallberg stated the only item that went to public hearing was the language adding "adjoining properties"; it in no way addressed any of the other language in the ordinance. Williams again questioned if this would allow inspections. Wallberg clarified that the point is to allow ordinance enforcement when the violation is visible from an adjoining property and inspections would not take place. Glasgow stated his opinion is the amendment is written in a negative fashion and believes it could cause tension between neighbors as Lakeland is complaint driven. He stated the City is bound by the current wording of the ordinance and suggested removing "from public streets and lands" as opposed to adding "from adjoining properties". He also feels this whole ordinance needs to be addressed and reviewed in terms of content. He stated he believes

this item should also be tabled and revisited at a later time. Paiement stated he feels the ordinance amendment should be adopted; an ordinance violation is an ordinance violation from wherever it is visible and properties as a whole should be held to the ordinance standard. He stated the ordinance has no language regarding inspections and it makes sense to pass it as presented. Josh Brekken stated that the only item that could have action taken tonight was the "adjoining properties" piece of the ordinance and that any other sections would have to be addressed at a public hearing. He also noted the language in the amendment should read "adjoining property or public streets" instead of "adjoining property and public streets" as it was presented. By making the ordinance amendment "adjoining property and public streets" it becomes more restrictive to the City as opposed to less as was desired. Livingston stated he would like an informal vote. Paiement stated he thinks the amendment should be revised to read correctly and brought back to Council. Brekken stated the Council could presently take action on the ordinance amendment with corrected language. **M/S/P(Glasgow/Williams) to table the ordinance amendment regarding Exterior Storage until the September City Council meeting.** Moose stated that Wallberg had put together the ordinance amendment to present to the Planning Commission who has recommended its adoption. He stated that the spirit of the discussion with the Planning Commission was the amendment should read from "adjoining properties or public streets". Livingston stated he would be in favor of adopting Glasgow's motion so that the language could be amended and brought back to Council. **Passed Unanimously.** Moose requested input from Council on what would need to be added or changed. There was discussion regarding whether additional discussion should be at the City Council or Planning Commission level. Williams volunteered to work with Moose on any additional amendments to the ordinance. Paiement stated he would like to know what the Planning Commission's reasoning for recommending the amendment was. The Council agreed that they would like to see the language amended from "adjoining property and public streets" to "adjoining property or public streets" and have it brought back to Council at September's meeting. Planning Commissioner Diane Wirth provided an explanation of the reasoning from the Planning Commission's recommendation.

4. **LAW ENFORCEMENT REPORT-** Williams agreed to postpone the report until later time in the event a Deputy arrived.
5. **PETITIONS TO THE COUNCIL** – Livingston requested that Lakeland Shores receives a key for the Audio/Video equipment room. Wallberg stated that the knob would need to be rekeyed. It was stated that a new doorknob may be purchased as opposed to rekeying. The consensus of the Council was to allow access to Lakeland Shores via rekeying the current doorknob or installing a new doorknob.
6. **LSCV VETERAN'S MEMORIAL PARK IN LAKE ST. CROIX BEACH** – Lake St. Croix Beach Mayor Tom McCarthy introduced a request for support for a Veterans Memorial Park located in Lake St. Croix Beach. He stated he was not seeking monetary backing but requesting Lakeland's support in the creation of the Veteran's Memorial. He stated the other cities in the Lower St. Croix Valley, Yellow Ribbon Society, and the Lower St. Croix Valley Foundation have pledged support to the memorial. He stated a grant from the St. Croix Foundation for land design and a memorial bench had been applied for and is pending. He also met with the Lower St. Croix Valley Foundation regarding setting up an application to receive and hold to tax exempt donations. The Conditional Use Permit has been amended and the infrastructure has been completed. By offering support any resident from Lakeland would be able to buy a brick, tree, or bench for the memorial. Glasgow stated he would like to act as a liason for the endeavor and he is a supporter of the project. Livingston stated he is against the memorial due the fact that other memorials in the area are lacking necessary funds to complete and are also being neglected. He would like more information on it including specific financial figures. McCarthy stated he has viewed other memorials and doesn't want it to be very large as he doesn't want to see it to fail. Williams stated the resolution that was presented is specifically asking for funding for the memorial. Livingston stated displeasure with having a resolution presented for the first time at a meeting. Williams stated she would like more information presented and doesn't want to put the reputation of Council behind something she knows nothing about. Wallberg stated the resolution was drafted from a copy of Lakeland Shores' resolution in support of the memorial. Bednar stated she is in favor of the memorial and feels it is a perfect location. Lakeland Shores Mayor Randy Kopesky stated he was present representing both Lakeland Shores and the Yellow Ribbon Society and is supporting the memorial in both capacities. He stated he does not think it will fail due to its small size. He stated that Lakeland Shores would only consider monetarily funding the memorial if a request was brought forward and approved by their Council. Williams questioned to what extent it would be detrimental to delay adopting a resolution; she supports the idea but feels it would be irresponsible to vote with no information. **M/S/P(Glasgow/Bednar) to adopt Resolution 2013-16, supporting the creation of the Lower St. Croix Valley Veterans Memorial park in Lake St. Croix Beach. Williams voted aye, Paiement voted aye, Glasgow voted aye, Bednar voted aye and Livingston abstained.**

7. **MARONEY'S RECYCLING PROPOSAL** – Mike Maroney of Maroney's Sanitation introduced himself and stated he is present because his organization is proposing switching from dual sort to single sort recycling. He believes that more participation would take place if a switch over to single stream recycling took place. All of the other cities to which Maroney's provides services have switched to single stream. He stated that it would be very likely that new larger recycling carts would be provided and that pickup would switch from every week to every other week. He stated Maroney's would provide a 96 gallon cart but residents could get a smaller one if desired. He also noted the current recycling contract needs to be examined due to expiration. He stated that by switching from dual stream to single stream the processor would be switched from Eureka to Recycle USA. Washington County is examining how more recycling tonnage can be achieved and switching to single stream was suggested as a potential option. Livingston questioned what the potential timing for making the switch to single stream would be. Maroney stated the switch could take place relatively quickly. He stated Maroney's may be open to removing the old carts but would have to look into the cost of disposal or recycling. He stated providing news of the switch in the newsletter would be beneficial and Maroney's would also provide instructions with the new carts. A multi-year contract would be requested if carts were provided. He stated the recycling material refund that is currently being received from Eureka would be discontinued if the switch was made. Maroney stated he would potentially be willing to reduce the rate to make up for lost revenue from discontinuing the rebate. Niedzwiecki stated Lakeland is currently receiving between six and eight thousand per year in rebates. Maroney stated single sort costs more but he has noticed an increase in participation. Wallberg stated that the Clerk's Office would work with Maroney's to form details and present them to the council at a later date. She also suggested that the Recycling Committee could meet to form opinions. Kopesky questioned the current recycling agreement with Lakeland Shores and stated he would like to have it examined. Maroney stated he believes Eureka is moving toward single stream but does not offer it at this point. Maroney would like to extend the current contract while new arrangements are being examined and Livingston stated he would be open to that. The consensus of the council was to have recycling options examined and convene the Recycling Committee.
8. **2014 PROPOSED BUDGET & LEVY RESOLUTIONS** – Niedzwiecki stated that the changes that were made at the workshop did not affect the total budget. **M/S/P(Williams/Glasgow) to adopt Resolution 2013-17 adopting the proposed 2014 budget. Passed Unanimously. M/S/P(Williams/Glasgow) to adopt Resolution 2013-18 adopting the proposed 2014 property tax levy. Passed Unanimously.**
9. **STAFF REPORT**
- Attorney** – None.
- City Clerk** – Wallberg stated that the Planning Commission meeting will be on September 10 instead of September 3. Glasgow enquired if Planning Commission meetings are recorded and if the recordings would be available if requested which they are.
- City Engineer** – None.
- Public Works Director** – Kline stated the 2013 Streets Project has begun and will be completed by September 27. John Parotti and Kline toured Lakeland and rated the current state of the streets. A report on the streets will be provided in the near future as he is working on a 5 year capital improvement plan. He stated there will not be a 2014 Street Project but seal coat and crack sealing will take place. Kline met with Deputies and speed limit signs were examined. It was determined additional signs aren't needed on the east side of St. Croix Trail. They are recommended on the west side of St. Croix Trail at Quality and 8th Street and one by the Freedom station on 3rd Street. The signs have been received and will be placed. He stated that there will be work done to improve sign visibility and reminded residents to trim their trees to make signs visible.
- Zoning** – None.
- Treasurer** – Niedzwiecki stated the report was a combination of June and July financials. The first half of property taxes was received and essentially 50% of the levy was collected. He stated that legal and engineering are \$10,000 over the annual budget due to litigation issues. Livingston spoke about recovering legal fees. Brekken stated he would consult with Dave Snyder regarding recovering legal fees.
10. **COUNCIL MEMBER REPORT/** Bednar requested consistency in meeting process. She stated she spoke to Moose on finalizing the park rental document. She stated she examined the ordinances and found that a special alcohol consumption permit is already in place which she asked Mr. Moose to examine further. She has examined parks and

equipment improvement. She also requested Mr. Moose examine the residential sign ordinance to allow the hanging of advertising banners at Crocker park. She also asked Moose to examine the ordinance allowing dogs on a leash at the beach. Bednar feels the rain gardens are in poor condition and intends to speak to Kline about them.

11. **COUNCIL MEMBER REPORT/** Glasgow reported on the most recent Alliance Meeting. Items included a presentation by American Segway and installation of alert signs on County 18 to alert drivers when fire trucks are on an active call. He stated they are also examining adding a digital sign at the Fire Hall alerting residents of active fire calls, burning bans, and other community messages. He stated obtaining an intern to examine how the five cities can work together was discussed. Items suggested included examining a unified public works department for the Lower St. Croix Valley and a building with shared services for the whole valley. The keeping of chickens was briefly discussed. He participated in a boat ride which viewed the new St. Croix River crossing.
12. **COUNCIL MEMBER REPORT/** Williams reported that police calls were up in general. She reported there were 106 ICR's in July. She stated many calls were regarding loose pets and reminded residents to keep pets in yards or on leashes. The Gateway Corridor Commission appointed members to Community Advisory Council. She attended a boat cruise on the St. Croix River regarding water quality. Glasgow stated the Sheriff's have advised not to leave personal property in vehicles as there has been an increase in non-forceable entry vehicle thefts. Williams reminded residents to lock doors and windows at night.
13. **COUNCIL MEMBER REPORT/** Paiement reported the Personnel Committee met and discussed potential problems with overtime compensation. The item was resolved by pulling past minutes and resolutions to review. The Committee will begin reviewing job descriptions at their next meeting.
14. **MAYOR'S REPORT/** Livingston reported on the St. Croix River boat cruise regarding water quality. The main topic was causes of pollution in St. Croix River. Industrial waste is main pollutant and agricultural runoff is the second largest pollutant. The DNR is doing everything possible to reduce agricultural runoff. Home fertilization is also a cause for pollution. Phosphorus in residential fertilizer is a major pollutant despite its use being illegal. He reported the attendees were able to view the new St. Croix River crossing and was impressed with the quality of the project. The Yellow Ribbon Society was recognized by the Minnesota Twins at Target Field, which he attended.
15. **ADJOURN – M/S/P (Glasgow/Williams) to adjourn meeting at 7:58. Passed unanimously.**

Robert Livingston, Mayor

Steve Iverson, Deputy Clerk/Recorder