

LAKELAND CITY COUNCIL MEETING MINUTES

LAKELAND CITY COUNCIL MEETING MINUTES / October 17, 2017

OFFICIAL RECORDED MINUTES OF LAKELAND CITY COUNCIL MEETING TUESDAY, OCTOBER 17, 2017

WORKSHOP: 5:05 P.M. - 5:23 P.M.

CITY COUNCIL PRESENT: Mayor Richard Glasgow, Council Member James Stanton, Council Member Tami Fahey, Council Member Shayne Orning / ABSENT: Council Member Joe Paiement

STAFF PRESENT: City Clerk Jennifer Hutchins Farrell, Utility Billing & Office Clerk Andy Erickson

OTHERS PRESENT: Chris White, Ariana Slagle, Brad Lahr

OPEN DISCUSSION ON LAKELAND CITY CODE CHAPTER 71: PARKING REGULATIONS

City Clerk Jennifer Hutchins Farrell referred to the questions stated in the memo provided in the packet from the September City Council meeting to begin the discussion. Mayor Glasgow and Council Member Stanton spoke to the parking issues that has lent to increased safety concerns and other public nuisances in certain areas of the city, and where [no] parking regulations may be a solution for such areas or even throughout. Ariana Slagle, 404 Quixote Avenue North inquired as to what research was done that shows eliminating on-street parking would be the best solution. She noted that none of the Lower Saint Croix Valley communities have such a restriction and the only city provided for such was in Maplewood. She offered a possible solution was to alternate even and odd days to one side of the road. Mayor Glasgow stated more discussions would follow to allow for public input, but there was no pressing need to look to change anything given the no parking regulations for winter go into effect next month. Council consensus was to table any further workshops or related discussions on the parking ordinance until next year.

VARIANCE INVOICING

City Clerk Jennifer Hutchins Farrell provided a background report to council on a variance invoice for property site: 16032 2nd Street North which was paid in full, but for which for the additional payment (in excess of the application fee and escrow) in the amount of \$55.00 was requested to be reimbursed due to a scheduling conflict experienced with the City Planner. She noted it is on the consent agenda tonight for council approval.

CITY COUNCIL PRESENT: Mayor Richard Glasgow, Council Member James Stanton, Council Member Tami Fahey, Council Member Shayne Orning / ABSENT: Council Member Joe Paiement

STAFF PRESENT: City Attorney Dave Snyder, City Treasurer Tom Niedzwiecki, City Clerk Jennifer Hutchins Farrell, Utility Billing & Office Clerk Andy Erickson, Building Inspector Scott Qualle

OTHERS: Deputy Tanner VanSomeren

1. CALL TO ORDER by Mayor Glasgow at 6:02 p.m.

2. PLEDGE OF ALLEGIENCE was recited.

3. ADOPT AGENDA

Motion: Council Member Fahey / Second: Council Member Orning to approve the Agenda as presented. All Ayes (4-0). Motion carried. Time Stamp 01:31

4. CONSENT AGENDA

- A. Approve September 19, 2017 City Council Meeting Minutes
- B. League of Minnesota Cities Training
- C. Variance Reimbursement
- D. Resolution 2017-34 Conveyance of Forfeited Lands (to form)
- E. Resolution 2017-35 Approve Acquisition of Tax Forfeited Property at 876 Quinnell Avenue North (to form)
- F. Monthly List of Claims
- G. City Treasurer's Report

Motion: Council Member Fahey / Second: Council Member Orning to approve Consent Agenda as presented. All Ayes (4-0). Motion carried. Time Stamp 01:49

5. AGENCY REPORTS

A. LAW ENFORCEMENT REPORT

Deputy Tanner VanSomeren introduced himself as serving fulltime in the Valley for the afternoon shift; there were 80 ICRs and 7 citations issued in September. Mayor Glasgow highlighted positive responses by emergency personnel in the area.

B. FIRE DEPARTMENT REPORT

Council Member Stanton reported nothing outstanding, but noted an incident was filed by the Washington County Sheriff's office involving the LSCV Fire Chief; the Lower St. Croix District Board retained an independent investigator who made a report that has been filed; the District Board will issue a statement about the investigation in the near future.

C. GOVERNMENT AFFAIRS REPORT - [report in meeting packet]

D. ANIMAL CONTROL REPORT –

City Clerk Jennifer Hutchins Farrell reported no warnings issued; 1 dog and 1 cat lost and 4 dogs and 1 cat found.

E. BUILDING PERMIT REPORT – [report in meeting packet]

F. ENGINEERING REPORT – [report in meeting packet]

Council Member Stanton added to report provided in the packet that Engineer Dave Simons would like to begin survey and preliminary work on the first phase of Quality/3rd Street South between now and December.

G. PERSONNEL COMMITTEE REPORT

Council Member/Personnel Committee Chair Fahey noted that they are continuing to review and update job descriptions for positions of a deputy clerk and water utility clerk. **Time Stamp 07:05**

6. OPEN FORUM (Public comments, presentations and petitions)

[see meeting video recording on the Lakeland website for individual comments]

*Public Comments; Tim Wirth, 16160 4th Street North noted the one-year anniversary of the City Hall arson was approaching and asked for council to consider extending the reward and in perpetuity as investigators do. Mayor Glasgow stated it would be reviewed by the expiration date. Brad Lahr, 681 Quixote Avenue North stated he did not receive the public hearing notice via mail and expressed concern as to whether or not others hadn't received notice either. **Time Stamp 09:11***

7. PUBLIC HEARINGS

[see meeting video recording on the Lakeland website for individual comments]

AMENDMENTS TO LAKELAND CITY CODE CHAPTER 150: GENERAL REGULATIONS AS PERTAINING TO BUILDING CODE

Motion: Mayor Glasgow / Second: Council Member Orning to open the Public Hearing at 6:15 p.m. All Ayes (4-0). Motion carried. Time Stamp 09:41

City Clerk Jennifer Hutchins Farrell introduced the item stating that City Council discussed amending Lakeland City Code Chapter 150: General Regulations in relation to plumbing plans reviewed; drafted a proposed ordinance amendment to Lakeland City Code 150 which was reviewed by the City Attorney; requesting the City Council adopt Ordinance 7558 with revisions as presented. Building Official Scott Qualle noted the review process for commercial plumbing plans through the State is very lengthy; with MNSPECT performing the plan reviews the turn-around time would be much quicker, he further clarified the State still has final approval to accept the Ordinance change. No written comments received.

Motion: Council Member Stanton / Second: Council Member Fahey to close the Public Hearing at 6:19 p.m. All Ayes (4-0). Motion carried. Time Stamp 13:17

[See Item 8C]

Motion: Mayor Glasgow / Second Council Member Stanton to adopt the Ordinance 7558 with the revisions and amendments as proposed to Lakeland City Code Chapter 150: General Regulations as pertaining to the Building Code as presented. All Ayes (4-0). Resolution adopted. Time Stamp 14:26

CONDITIONAL USE PERMIT AMENDMENT: 130 SAINT CROIX TRAIL SOUTH

Motion: Council Member Stanton/ Second: Council Member Fahey to open the Public Hearing at 6:21 p.m. for Conditional Use Permit Amendment for 130 St. Croix Trail South. All Ayes (4-0). Motion carried. Time Stamp 14:52

City Planning Consultant Kurt Bearinger introduced the conditional use permit amendment application for 130 St. Croix Trail South from George Garrison of Garrison Auto Repair;; request includes increasing of on-site parking space from twenty up to forty-three parking areas –parking area indicated capacity to hold only 34 parking spaces based on the 20' x 10' requirement and requirement for each individual parking space needs at least 5' from residential property and 10' from buildings, as per fire code

Public Comments; George Garrison, Garrison Auto – Has been in Lakeland for 8 years and with happy customers; now there is an issue; plans to comply with amendment requirement.

[Secretary's note: Short pause in meeting / Time Stamp 22:24 to 24:43]

Bradley Lahr, 681 Quixote Avenue North Appreciates business located in the area.

John McKenna, 157 Quehl Avenue Never had complaint until mosquito issue related to improper storage of tires; affects his use of his property; doesn't seem they have ever been in compliance with Conditional Use Permit.

George Garrison, Garrison Auto Tire problem taken care of July 2016; have been no tires since that period; went to great lengths to get internal tire storage; cars in back due to special customer who wanted AAA coverage; won't happen again; small business person trying to accommodate people.

Gary Huston, 16460 Division Noted problem with horns honking, alarms going off; has dog who barks at any noise.

John McKenna, 157 Quehl Avenue Had pictures of cars on property and asked if Council would like to view; knows they are unloading cars late at night.

Robert Bearl, 228 St. Croix Trail Personally witnessed carrier unloading cars and parking on subject property late at night; added a personal experience he had with the business.

City Attorney asked they keep comments related to the business; suggested appointment of a City Council liaison to work with Mr. Garrison to identify problems; made suggestion of withdrawing application and revisiting in 6 months.

Written Comments; Todd Doerr, 16430 Division [read into record by City Clerk/ Addendum 7B]

Motion: Council Member Stanton / Second: Council Member Fahey to close the Public Hearing at 6:48 p.m. All Ayes (4-0). Motion carried. Time Stamp 43:11

[See Item 8A]

Mayor Glasgow has been watching this the last couple of years; comments made by residents is also what he observed at the business, and there have been more than 20 cars there ongoing until late.

Public comments; George Garrison, Garrison Auto. Council Member Stanton voiced perhaps a miscommunication and asked Mr. Garrison how he intends to remedy. City Attorney Snyder suggested Council evaluate whether for or against, and if denied, reapplication of same; either way screening would be needed. *Public comments;* Elizabeth Weiderkehr, Weiderkehr Balloons. Discussion ensued (City Attorney Snyder, City Clerk Hutchins Farrell). Mayor Glasgow volunteered to serve as a liaison for Garrison's Auto Repair.

Motion: Mayor Glasgow / Second: Council Member Fahey to accept the extension request for Garrison Auto to revisit his application request provided the City Council receives Statutory extension of the deadline, arrears are paid in full and that Mr. Garrison and others keep open communication lines with the appointed liaison. Time Stamp 1:11:23

VARIANCE APPLICATION: 661 QUIXOTE AVENUE NORTH

Motion: Mayor Glasgow / Second: Council Member Fahey to open the Public Hearing at 7:18 p.m. for Variance Application for 661 Quixote Avenue North. All Ayes (4-0). Motion carried. Time Stamp 1:12:45

Zoning and Planning Head (and Council Member) Jim Stanton noted that the previous owner applied for a variance to turn a garage into a second dwelling unit which was denied. His recommendation would be that the property be vacated, until the needed corrections are made to bring it into compliance. Building Official Scott Qualle stated that he met on 3/31/17 with Mr. Billig for inspection of the property; City septic upgrade required; owner intended to rezone to resolve; issue is with previous owner who built garage and added septic system; suggests septic issue be addressed and property unsafe until in compliance. *Public Comments; Thomas C. Billig IV, 661 Quixote Avenue North* [written statement provided in meeting packet]. Mayor Glasgow inquired about the septic issue, and Mr. Billig said they hoped to update it in the spring or as soon as the ground thaws. *Public Comments; Bradley Lahr, 681 Quixote Avenue North, Chris White, 311 Queenan Avenue South*. City Attorney Snyder confirmed all that is required is to that notice was sent. No written comments received.

Motion: Mayor Glasgow / Second: Council Member Fahey to close the Public Hearing at 7:44 p.m. on pending applications for 661 Quixote Avenue North. All Ayes (4-0). Motion carried.

Time Stamp 1:38:34

[See Item 8B]

Discussion was held on various violations needing to be addressed and timelines. *Public Comments; Thomas C. Billig IV, 661 Quixote Avenue North*. City Attorney Snyder cited concept of the law that the purchaser of a property is responsible for all belongs to that property, regardless if found or noted in records or not; suggested request to Washington County for additional information of fact gathering; if City Council was amenable to this as an alternate route, they would need more information from Washington County on the status of the guesthouse and septic system.

A motion was made by Mayor Glasgow, seconded by Council Member Fahey to table application for variance application to enable City to do additional fact gathering. City Attorney noted that the motion should include all applications submitted. Motion was amended as follows:

Motion: Mayor Glasgow / Second: Council Member Fahey to table all applications pertaining to property site: 661 Quixote Avenue North to allow for additional fact gathering and revisit at the City Council meeting in November. All Ayes (4-0). Motion carried.

Time Stamp 2:02:48

Public Comments; Bradley Lahr, 681 Quixote Avenue North. Discussion ensued [City Attorney Snyder, Mayor Glasgow, City Clerk Hutchins Farrell, Council Member Stanton]. City Clerk confirmed that a public hearing notice would be published and mailed out again, for the November meeting.

**Mayor Glasgow asked for a brief recess
City Council Meeting resumed**

Time Stamp 2:04:11

Time Stamp 2:11:54

8. CITY BUSINESS

A. Discussion and Action Resolution 2017:38 Conditional Use Permit Amendment for 130 Saint Croix Trail South – [refer to Item 7B]

B. Discussion and possible Action of a Variance Application for 661 Quixote Avenue North – [refer to Item 7C]

C. Discussion and Action on Amendments to Lakeland City Code Chapter 150: General Regulations [Ordinance 7558] – [refer to Item 7A]

Discussion and possible Action on Employee Handbook Revisions to Section 3.7

City Clerk Jennifer Hutchins Farrell noted revisions presented for Section 3.7 of the Employee Handbook – keys and security in place for Council's review and approval.

Motion: Mayor Glasgow / Second: Council Member Fahey to adopt Resolution 2017-36 Establishing a Policy Governing Access to Security Video Footage of the Water Utility Plants and appointing Mayor Glasgow as a designee for unrestricted access to monitor security camera footage for water utility plants as presented. No discussion. Roll Call; Aye: Council Member Stanton, Council Member Fahey, Mayor Glasgow. Abstained: Shayne Orning. (3-1) Resolution 2017-36 adopted.

Time Stamp 2:15:20

Motion: Mayor Glasgow / Second: Council Member Fahey to adopt Resolution 2017-37 Establishing a Policy Governing Access to Security Video Footage of the City Offices and authorizing the City Clerk to update Section 3.7 of the Employee Handbook as presented, and further direct the City Clerk to research options for a monitoring company for the City Hall. All Ayes (4-0). Resolution 2017-37 adopted.

Time Stamp 2:16:46

Discussion and Possible Action on Purchasing a Truck for Public Works

City Treasurer Tom Niedzwiecki indicated funds available in the Vehicle Replacement Fund to purchase a truck for Public Works. Council Member Stanton advised the 1 ton F450 has one payment outstanding of \$10,800; can be sold to Tri-County for \$35,000 as they will need a truck to plow both sides of the trail; he and Jim Nordstrom are currently using their own vehicles for service calls, and since this truck is 4-door, could also be used as a transport for certain City events. Keeping older truck for normal city business. Truck is a mid-sized pick up that would be purchased from Minnesota Coop from a GMC dealer in Hibbing. Public Works would make the purchase and the Water Department will reimburse costs as used by the city, and City Treasurer Tom Niedzwiecki will track usage.

Motion: Council Member Stanton / Second: Council Member Orning to accept the bid of \$30,070.75 from Hibbing GMC Chevrolet dealer under State Contract #118148. All Ayes (4-0). Motion carried.

Time Stamp 2:21:47

Public Comments; Patrick Wilke.

Update on Code Violations at Property Site 552 Quinmore Avenue North

Council Member Stanton provided an update on existing issues at 552 Quinmore Avenue North; existing fence at rear is allowable; the noncompliant shed will be allowed as it is less than 200 sq.ft.; unpermitted deck determined to be unattached to home and needs fill brought in to bring grade to less than 30"; 2 car ports need to be verified (anchored to grade); need to be able to confirm that the 4-season porch was constructed to Code; variance or a similar application is required for the carport and shed as they currently sit on the property line; looking for Council to set a timeline for completion. Mayor Glasgow indicated 60-days without construction; if construction needs to be done, he needs to provide completed applications and associated documents. City Attorney Snyder indicated that litigation is on hold to allow for another compliance to be achieved; question if they can provide a hard deadline.

Motion: Mayor Glasgow / Second: Council Member Fahey to provide property owner Ronald Shaleen of 552 Quinmore Avenue North, a period of 30-days to provide all information required to proceed forward in bringing the property into compliance. All Ayes (4-0). Motion carried.

Time Stamp 2:29:06

Remaining Code Violations: 16078 6th Street North

City Clerk Jennifer Hutchins Farrell provided an update on an official complaint received regarding multiple code violations for property located at 16078 6th Street North; follow-up letters were also sent but property remains in violation of Lakeland City Codes 93.01 Public Nuisance and 159.146 Drainage; Staff provided two options to resolve; allow the property owner additional time to come into compliance or immediately proceed forward with an administrative citation or similar civil penalty. Written comments from the property owner Dan Gedatus were received and read into the record.

Motion: Mayor Glasgow / Second: Fahey to allow the owner of the property located at 16078 6th Street North a period of 30-days to submit applications to correct the violations with a timeline of June 1, 2018 to have all proposed work completed and in the meantime the property owner will be responsible for keeping the street clean. Discussion ensued [Mayor Glasgow, Council Member Fahey, Council Member Stanton]. All Ayes (4-0). Motion carried.

Time Stamp 2:38:18

Water Utility Account Reconciliation

Utility Billing & Office Clerk Andy Erickson reported that City Staff began replacing non-functioning water meters in July 2017. During the process, it became clear that many properties had not been billed for their water usage for multiple billing cycles; asked if the Public Works Commissioner and himself could be granted authority to write-off outstanding bills currently estimated to be in the amount of \$9,000-\$10,000. City Attorney Snyder noted the aggregate total is substantial and requested a written summary be submitted to the Council to be reviewed and approved by the City Council, on a case-by-case basis instead of granting any one person(s) authority to do so. Council directed the Utility Billing & Office Clerk to prepare a list of each of the properties along with the amounts owed to present back to the council for review and action in November. Public Works Commissioner Stanton noted the new system will be able to hold usage reads every month.

Time Stamp 2:50:30

Approve Engagement Letter with Insight Realty Advisors Incorporated (insurance claim)

The City Attorney was asked by the City Council to contact an appraiser related to recovery to the City for the burned city hall; phase 1 for a cost of \$2,500 would include review of documents provided that they could work with the League of Minnesota Cities; phase 2 at a cost of \$1,500 to conduct an appraisal of the property in an Appraisal Report format that provides sufficient information for a negotiation of settlement.

Motion: Mayor Glasgow / Second: Council Member Stanton to authorize the City Attorney the authority to approve the Proposal for Appraisal Services with Insight Realty Advisors, Inc. and the City of Lakeland. All Ayes (4-0). Motion carried. Time Stamp 2:52:27

Discussion and Action on Amendments to Lakeland City Code Chapter 159: Zoning Regulations

City Clerk Jennifer Hutchins Farrell introduced the item for discussion noting some inconsistencies were noted by the former City Planner in Lakeland City Code Chapter 159: Zoning Regulations; and the City Clerk reviewed the section to present text amendments to (1) Section 159.193 (H) combined with (J) to increase order to allow for ease in following along, (2) Section 159.200 (B) the word 'message' was exchanged with 'language' to more applicably address what is being reviewed in context of, and (3) Section 159-205 (C) all changes made to reference the correct permit required.

Motion: Council Member Stanton / Second: Mayor Glasgow to approve the amendment to Lakeland City Code Chapter 159: Zoning Regulations and direct the City Clerk to publish notice to hold a public hearing to amend the ordinance as required by law. Discussion ensued [Mayor Glasgow, City Clerk Hutchins Farrell, Council Member Stanton]. All Ayes (4-0). Motion carried. Time Stamp 2:57:13

Discussion and possible Action on a Credit Card Policy for the City

City Treasurer Tom Niedzwiecki provided background information in establishing a credit card use policy; City Staff at times requires use of a credit card for certain purchases; City Treasurer would be the primary contact for the bank and approved for \$5,000; Public Works Commissioner James Stanton \$10,000, City Clerk Jennifer Hutchins Farrell \$10,000, and Utility Billing and Office Clerk Andy Erickson \$5,000; card would be through US Bank.

Motion: Mayor Glasgow / Second: Council Member Fahey to adopt Resolution 2017-39 establishing a Credit Card Use Policy as presented. Discussion ensued [Council Member Stanton, Mayor Glasgow]. All Ayes (4-0). Resolution 2017-39 adopted. Time Stamp 3:00:47

Discussion and possible Action on a Newsletter Policy as related to Advertising

City Clerk Jennifer Hutchins Farrell met with Personnel Committee member Chris White to begin the process of drafting a newsletter policy and discussed beginning with advertising; Staff recommendations from that meeting include the Council discuss and, as appropriate, approve the recommendation to allow for continued free advertising to local businesses only and at no cost publish notice, and to go to a list of said businesses versus the business card size currently allowed as the participation increases and to provide an opt-in submission system for local business articles only. Mayor Glasgow stated how important it is for the City to support the business community as much as possible. The costs of the newsletter was also, discussed and was noted by the City Clerk and City Treasurer that any additional costs could be incurred by Cable funds. Discussion ensued [Mayor Glasgow, Council Member Stanton, City Treasurer Tom Niedzwiecki]. Consensus of City Council to go with recommendations as presented by the City Clerk. Time Stamp 3:09:19

Discussion and possible Action on Furniture Purchases for the (new) City Offices at the City Hall

Council Member Stanton discussed the request to purchase uniform furniture for the renovated City Offices, to include; new desks, shelving, etc. City Treasurer Tom Niedzwiecki inquired whether or not \$10,000 would cover the needed purchases. Council Member Stanton wasn't certain that \$10K would cover all that is needed, as new countertops would be needed, as well.

Motion: Council Member Stanton / Second: Council Member Fahey to allow a budget of up to \$25,000 to purchase new furniture for the renovated City Offices. All Ayes (4-0). Motion carried. Time Stamp 3:12:51

9. CITY STAFF REPORTS

City Attorney Dave Snyder

Continues to work on ongoing code compliant issues for the City.

City Treasurer Tom Niedzwiecki

Noted City is currently on budget with a favorable variance of \$7,000; one issue outstanding are outstanding escrows and would like to have Council review & discuss a write-off of approximately \$14,000 that the City has reserve for.

City Clerk Hutchins Farrell

Referred to the City Clerk's Report provided in the packet.

- CenterPoint Energy Community Partnership Grant Update; letters to neighboring cities requesting support were sent at the end of August with a deadline of October 9; inquiries on the letter have been received from two cities; a meeting has been scheduled with school officials in Washington County for November 6, 2017 which should offer more information to report back to neighboring cities with more specifics.
- Recycling Grant Projects – Since approval of Simple Recycling, the City Clerk has been working with the City Attorney in finalizing the contract as well as other City documents and information required to move forward; mailer proofs have been drafted and launch date looking to November.
- The Joint RFP Proposal closed on October 6, 2017 with submissions received from Republic, Advanced Disposal, Waste Management, Highland, and Maroney's; the next meeting to review the contracts is set for October 26, 2017 at 4 p.m. at Lake St. Croix Beach. Mayor Glasgow agreed to represent the City as the JPA Representative to review said contracts with the City Clerk.
- Will be meeting with Council Member Stanton on October 23, 2017 to discuss options for the City Council to go paperless at City Council meetings and hopes to bring back for Council review in November.

Time Stamp 3:18:54

10. CITY COUNCIL AND MAYOR REPORTS

Council Member Orning – No Report

Council Member Fahey – No Report

Council Member Stanton - Provided update on remodeling of the City Offices and upgrading/replacing of water meters.

Mayor Glasgow - Noted he attended a one-day Adobe training with Utility Billing & Office Clerk Andy Erickson and thanked City Staff for their work.

Time Stamp 3:24:30

11. ADJOURN

Motion: Council Member Stanton / Second: Council Member Orning to adjourn the October 2017 City Council Meeting at 9:27 p.m. All Ayes (4-0). Motion carried.

Respectfully Submitted by Kate Piscitello and
City Clerk Jennifer Hutchins Farrell

Richard Glasgow, Mayor

Jennifer Hutchins Farrell, City Clerk