

LAKELAND CITY COUNCIL MEETING MINUTES

LAKELAND CITY COUNCIL MEETING MINUTES / November 21, 2017

REGULAR CITY COUNCIL MEETING AGENDA

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

STAFF PRESENT: City Attorney Dave Snyder, City Treasurer Tom Niedzwiecki, City Clerk Jennifer Hutchins Farrell, Utility Billing and Office Clerk Andy Erickson

1. CALL TO ORDER by Mayor Glasgow at 6:00 p.m.

2. PLEDGE OF ALLEGIENCE was recited.

3. ADOPT AGENDA

Mayor Glasgow suggested amending the agenda to move the public hearing for 661 Quixote Avenue North from 7C to 7A and to move discussion and action taken to immediately follow each public hearing.

Motion: Council Member Fahey / Second: Council Member Paiement to approve the Agenda as amended. All Ayes (5-0). Motion carried. Time Stamp 2:08

4. CONSENT AGENDA

- A. Approve October 17, 2017 City Council Meeting Minutes
- B. Resolution 2017-38 Establishing a Newsletter Policy as Related to Advertising (to form)
- C. Approve 2018 Tobacco License Renewals
- D. Approve Holiday Party Expenditure
- F. Approve SEH Engineering to begin Survey and Planning for the Street Project of Quality Avenue and 3rd Street North
- G. Approve MOTG Maintenance and Lease Agreements for a Copier
- H. Monthly List of Claims
- I. City Treasurer's Report
- J. Approve a Fire and Intrusion Alarm System for the City Hall

Council Member Paiement requested Consent Agenda Item E (Approving Sale of 2014 1-Ton Ford Plow Vehicle) be pulled for discussion.

Motion: Mayor Glasgow / Second: Council Member Fahey to approve Consent Agenda Items A-D and F-J as presented. All Ayes (5-0). Motion carried. Time Stamp 02:48

Council Member Paiement inquired if there was any use for the truck noting it was a relatively new purchase. Public Works Commissioner Stanton stated that Tri-County was purchasing the truck in order to clear walking paths and narrower streets since the Council expanded their contract earlier this year. He also, noted that the vehicle is being sold above the appraisal value. City Attorney Snyder recommended an addendum be made to Tri-County's contract stating Lakeland will be given priority use of said truck for service.

Motion: Council Member Paiement / Second: Council Member Fahey to Approve Consent Agenda Item E Sale of 2014 1-Ton Ford Plow Vehicle. All Ayes (5-0). Motion Carried. Time Stamp 04:37

5. AGENCY REPORTS

A. LAW ENFORCEMENT REPORT

For the month of October, there were 89 ICRs processed with 3 citations issued. Deputy reported no additional report. Mayor Glasgow referred to an email he received regarding stolen mail by Beanie's. Deputy indicated this is an ongoing problem in Washington County and suggested placing all outgoing mail directly in the post office box.

B. FIRE DEPARTMENT REPORT

Council Member Stanton reported a total of 400 runs so far this year, that is average of past; Department is receiving a \$150,000 grant from FEMA to purchase air packs up to OSHA standards; investigation taken under advisement by Fire District with no wrongdoing found results.

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

City Clerk Hutchins Farrell directed attention to the report in the packet, #8, regarding the Valley Branch Library in Lakeland Village; Washington County Board has approved the replacement of libraries in both Cottage Grove and Mahtomedi; it has been suggested a change in location, and Gov't Affairs Mark Nagel recommended contacting Commissioner Kriesel, the City's Library Board Member and the Library Director Keith Ryskoski to communicate the City's support and desire to keep the library in Lakeland noting there is additional space available at Lakeland Village that could be used. *Public Comments*; Chris White, 311 Queenan Avenue South suggested the City send a formal letter stating such support.

D. ANIMAL CONTROL REPORT –

City Clerk Hutchins Farrell reported 2 dogs and 4 cats lost, and 3 dogs and 2 cats found.

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

F. ENGINEERING REPORT – [report in meeting packet]

Council Member Stanton reported City Engineer Dave Simons quoted \$20,000 for planning and surveying up front for Quality/3rd Street; this will also cover a drainage issue, possible walking path, etc.; meetings will be held for resident's input in January and February 2018.

G. PERSONNEL COMMITTEE REPORT

Council Member Fahey reported they had one meeting held since the last Council meeting and continue to work on job descriptions for the Utility Billing Clerk and a Deputy Clerk; planned to finalize at their next meeting.

Time Stamp 11:10

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

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

Public Comments; Brad Lahr, 681 Quixote Avenue North. Suggested beginning the research and implementation for ADU (accessory dwelling units) to meet unmet needs for housing in the City's Comprehensive Plan. Tim Wirth, 16160 4th Street North. Recommended the Council consider extending the reward for City Hall arson and didn't see it addressed. City Clerk Hutchins Farrell stated it is on the agenda for the December City Council meeting.

Time Stamp 15:05

7. PUBLIC HEARINGS

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

VARIANCE, CONDITIONAL USE PERMIT AND CERTIFICATE OF COMPLIANCE APPLICATIONS FOR 661 QUIXOTE AVENUE NORTH

Motion: Council Member Stanton / Second: Council Member Paiement to open the Public Hearing for Applications for 661 Quixote Avenue North at 6:16 p.m. All Ayes (5-0). Motion carried.

Time Stamp 15:28

City Attorney Snyder provided a background summary and status of property at 661 Quixote Avenue North beginning noting unpermitted changes made to the garage by previous owners. The garage was modified into a structure that included sleeping quarters, a stove, kitchen sink, bathroom, etc. and not constructed or approved according to building codes (egress/ingress noted); previous owner or bank put property up for sale and it was purchased by the current owner. Mr. Billig's family expanded and as such naturally moved to the *garage*; City Staff previously contacted Mr. Billig, who in turn responded, regarding the septic system in need of correction; reality for Staff is that a garage is being used for habitation and requires attention in bringing into compliance; land uses requested (variance, conditional use permit, certificate of compliance) in reality are limited legally; in efforts to identify existing issues the City discussed with legal and Mr. Billig further. It appeared continued coordination and cooperation between said parties could lend to a possible resolution of stipulating an expansion of the septic system to correct documented concerns, as well as continued work towards a solution that is as amenable as legally possible to all parties. *Public Comments*; Steven Zigan, 301 Quentin Avenue South suggested that an egress window in the *garage* should be part of the said stipulations for safety reasons. Larry Nielson, Legal Attorney [for Property Owner of 661 Quixote Avenue North] expressed appreciation to City Attorney Snyder for working with himself and the Billigs and sees an amicable win-win solution would be possible. He noted Mr. Billig's intent would be to sell this property after correcting the septic and for which loan approval has already been obtained.

The family would just like to continue to temporarily reside on the property and garage; asking (1) opportunity to fix septic and put property up for sale, and (2) identifying the garage as a guest house to allow the family to temporarily reside. Larry Nielson noted that the situation was not one made by the current owner and for which he was not fully aware of. Brad Lahr, 681 Quixote Avenue North read into record an advertisement for said property found on Zillow which noted a guest house in the listing. He also, shared that Washington County property tax appraisal shows two lots. Brad Lahr noted he saw the Mayor campaigning for negative feedback from surrounding property owners on the matter. Mayor Glasgow stated his interpretation of the situation was out of context and he only listened to a resident on the issue, but did not campaign. City Attorney Snyder stated such comments could be misinterpreted and mischaracterize the situation as for or against the family when in reality the situation is not as simple when tasked with the responsibility of ensuring compliance or further when there is a public health safety issue indicated--noting there are 2 cesspools – one that leaks and has no conventional drain field; and the needed question to answer is how best to provide a short and long-term resolution. Larry Nielson, Legal Attorney [for Property Owner of 661 Quixote Avenue North], indicated the opening of the window is large enough for ingress/egress; they were unaware of this issue. David Radtke, 620 Quixote Avenue North stated he was glad to hear the City is working towards a practical sensible solution on the matter as he has personally lived in the area for 30 years and knew the previous owners and that the garage was always noncompliant in use; believes it was general knowledge in the neighborhood that it was an illegal property.

City Clerk Hutchins Farrell read into the record written comments received from Mike Quinn of 641 Quixote Avenue North in support of the Billig family and asked that a common ground be reached. Mayor Glasgow referred to the comments provided in packet, as well as available at the city offices for inspection and asked that for the sake of time the remaining comments not be read. Additional written comments were received and provided in the packets from the following persons noted below expressing their support in the City granting the needed applications in regards to property site 661 Quixote Avenue North.

Maurice Newell, 587 Quixote Avenue North
Kyle Pryce, 660 Quixote Avenue North
Amy Lahr, 681 Quixote Avenue North

Jena Lyden, 619 Quixote Avenue North
Paula Pryce, 660 Quixote Avenue North
Mark Swanson, 619 Quixote Avenue North

Motion: Council Member Fahey / Second: Council Member Paiement to close the Public Hearing on Variance Application for 661 Quixote Ave. N. at 6:59 p.m. All Ayes (5-0). Motion carried.
Time Stamp 58:28

[Recess 58:44; Meeting resumed]

Time Stamp 1:05:45

Discussion and possible Action on Applications for 661 Quixote Avenue North

Mayor Glasgow asked for City Attorney Snyder's guidance on how to proceed forward. City Attorney Snyder asked that the issue be tabled pending continued discussion and review between the City and the property owner until at least the December 2017 City Council meeting.

Motion: Mayor Glasgow / Second: Council Member Orning to table all pending applications for 661 Quixote Avenue North until the December City Council meeting in order to continue discussion between the City and Property Owner. All Ayes (5-0). Motion carried.

Time Stamp 1:07:35

WATER UTILITY UNPAID ASSESSMENTS

Motion: Council Member Stanton / Second: Council Member Orning to open the Public Hearing at 7:09 p.m. All Ayes (5-0). Motion carried.
Time Stamp 1:08:27

Utility Billing and Office Clerk Andy Erickson presented the assessments and Resolution 2017-40 for Council review in assessing property taxes of delinquent customers. No public comments. No written comments received.

Motion: Council Member Stanton / Second: Council Member Fahey to close the Public Hearing at 7:12 p.m. All Ayes (5-0). Motion carried.
Time Stamp 1:11:08

Approve Water Utility Unpaid Assessment to County Tax Rolls

Mayor Glasgow asked for the total amount of assessments. UB/C Andy Erickson reported \$7,800.23; noting the amount has the potential to adjust downward as there is a 30-day window once approved for delinquent customers to resolve.

Motion: Council Member Stanton / Second: Mayor Glasgow to adopt Resolution 2017-40 Adopting Assessments for Unpaid Water Utility Charges. All Ayes (5-0). Motion carried.

Time Stamp 1:16:39

LIQUOR LICENSE RENEWALS

Motion: Mayor Glasgow / Second: Council Member Stanton to open the Public Hearing for Liquor License Renewals at 7:17 p.m. All Ayes (5-0). Motion carried. Time Stamp 1:17:02

City Clerk Hutchins Farrell introduced the item stating applications for renewals were received from Village Wine & Spirits LLC for an Off-Sale and Sunday Liquor License and Bungalow Liquors, Incorporated for an On-Sale, Off-Sale and Sunday Liquor License contingent on City Clerk receiving all materials necessary from Bungalow Liquors, Inc. No public comments. No written comments received.

Motion: Council Member Stanton / Second: Council Member Fahey to close the Public Hearing at 7:19 p.m. All Ayes (5-0). Motion carried. Time Stamp 1:18:10

Approve 2017 Liquor License Renewals

Motion: Mayor Glasgow / Second: Council Member Fahey to approve the 2018 liquor licenses for an Off-Sale and Sunday Liquor License for Village Wine and Spirits at 370 St. Croix Trail South, and an On-Sale, Off-Sale and Sunday Liquor License for Bungalow Inn at 1151 Rivercrest Road North in Lakeland contingent on the City Clerk receiving all materials necessary from Bungalow Liquors. All Ayes (5-0). Motion carried. Time Stamp 1:19:23

AMENDMENTS TO LAKELAND CITY CODE CHAPTER 159: ZONING REGULATIONS AS PERTAINING TO SIGN PERMITS

Motion: Mayor Glasgow / Second: Council Member Paiement to open the Public Hearing for Amendments to Lakeland City Code Chapter 159: Zoning Regulations as pertaining to Sign Permits at 7:20 p.m. All Ayes (5-0). Motion carried. Time Stamp 1:19:45

City Clerk Hutchins Farrell introduced at the October 17, 2017 meeting, the City Council reviewed and discussed amending Lakeland City Code Chapter 159: Zoning Regulations in relation to sign permits; at council's direction, City Staff appropriately published notice to hold a public hearing on the ordinance amendments proposed that was reviewed by the City Attorney; recommendation that City Council adopt Ordinance 7559 with the revisions as presented and direct the City Clerk to publish a summary publication of the amended notice as according to law. No public comments. No written comments received.

Motion: Council Member Paiement / Second: Mayor Glasgow to close the Public Hearing on Amendments to Lakeland City Code Chapter 159: Zoning Regulations as pertaining to Sign Permits at 7:22 p.m. All Ayes (5-0). Motion carried. Time Stamp 1:21:16

Discussion and Action on Ordinance 7559: Amendments to Lakeland City Code Chapter 159: Zoning Regulations as Pertaining to Sign Permits

Motion: Mayor Glasgow / Second: Council Member Fahey to adopt Ordinance 7559 with the revisions as presented to Lakeland City Code Chapter 159: Zoning Regulations, and to direct the City Clerk to publish a summary publication of the amended notice as according to law. All Ayes (5-0). Motion carried. Time Stamp 1:22:31

8. CITY BUSINESS

Approve Water Utility Unpaid Assessment to County Tax Rolls (see above under "Public Hearings")

Approve 2017 Liquor License Renewals (see above under "Public Hearings")

Discussion and Possible Action on Applications for 661 Quixote Avenue North (see above under "Public Hearings")

Discussion and Action on Ordinance 7559: Amendments to Lakeland City Code Chapter 159: Zoning Regulations as Pertaining to Sign Permits (see above under "Public Hearings")

Water Utility Account Reconciliation

Utility Billing and Office Clerk Andy Erickson provided background that on October 17, 2017, Council was advised about defunct water meters resulting in some properties not receiving a bill for water usage in over a year; Council directed Staff to bring the matter back for review with a detailed report for each affected property and amount due for water usage. After discussion why the meters weren't read and noting 88 meters have been replaced with 18 more scheduled for replacement, it was consensus of Council to forgive the entire amount of unbilled water usage.

Motion: Council Member Stanton / Second: Mayor Glasgow to pardon the 20 properties identified as not having had their meter read in over a year their entire unbilled water usage, with a combined usage cost of \$4,822.56. All Ayes (5-0). Motion carried. Time Stamp 1:43:44

Update on Code Violations at Property Site 552 Quinmore Avenue North

Council Member Stanton reported resident has turned in everything asked for; believes footing is not the right size, but he hasn't seen the full list yet; once received, he will be working with the building inspector to approve with no liability in the future for the City if he can; resident is paying for permits and fines. City Attorney noted they could issue permit with a disclaimer for liability.

Time Stamp 1:46:09

Remaining Code Violations: 16078 6th Street North

City Clerk Hutchins Farrell reported site visits have been made by MNSPECT and to date nothing has improved; deadline was yesterday for the property owner to bring in plans for Certificate of Compliance to begin work in spring, but nothing received. City Clerk Hutchins Farrell noted that the property owner has stated he does not have the finances currently to allow for a permanent solution to ensure no runoff; had completed some improvements. City Attorney Snyder will send a letter encouraging compliance.

Time Stamp 1:50:51

Discussion and possible Action on Total Control Systems, Incorporated for the Water Utility

Council Member Stanton requested approval of bid from Total Control Systems, Inc. to install and furnish equipment and services for Pump House 1 as equipment is needed to get the generator online with other systems; the ATS is the same manufacturer as the unit in Pump House 2; total price of bid \$12,783.00.

Motion: Council Member Stanton / Second: Council Member Fahey to approve the proposal from Total Control Systems, Inc. to put in automatic and ancillary items needed to get generator online with other systems at a cost of \$12,783.00. All Ayes (5-0). Motion carried.

Time Stamp 1:54:36

Discussion and possible Action on Waiving of Special Investigation Fee

Council Member Stanton reviewed Garry Huston, 16460 Division, applied for a building permit to add a detached garage on October 12, 2017; application was forwarded to him from MNSPECT for zoning approval as no drawings or a certificate of survey was submitted showing what the setbacks for the garage were; because of miscommunication, the property owner was given misinformation and given verbal approval to begin his project prior to permit being issued; a special investigation fee applies if work started prior to permit being issued - \$518.85. Discussion continued on waiving all or a portion of fee.

Motion: Mayor Glasgow / Second: Council Member Fahey to waive the investigation fee, less \$1, to the owner of 16460 Division St. [Permit 17-31], as the homeowner should have waited until building permit was issued from MNSPECT prior to commencing work on adding a detached garage. All Ayes (5-0). Motion carried.

Time Stamp 2:03:43

Discussion and possible Action on Water Department Improvements

Council Member Stanton advised updating a new filter system for the Water Department decreasing chemicals, change in backwashing, and media filter for both plants; John Thom, SEH, can install in January/February; in answer to Chris White, 311 Queenan Avenue South, pumps being purchased are for different chemicals, 3 in each plant with regular chemicals (6 pumps) and other 2 with caustic chemicals. Council Member Paiement noted he thought a future workshop was in order to discuss the water rate increase with neighboring cities. Discussion ensued [Council Member Stanton, Paiement and Mayor Glasgow]. Mayor Glasgow reported that he had invited both mayors to tonight's meeting for their input, and City Clerk Hutchins Farrell had sent out notice via email to the city mayors, city council members, and staff that an increase in the water rate would be discussed and action at tonight's meeting, as well.

Motion: Council Member Stanton / Second: Mayor Glasgow to approve the estimated proposals for equipment for the Water Department at both Pump House 1 and Pump House 2 as presented at a total cost of \$69,538.02. All Ayes (5-0). Motion carried. Time Stamp 2:23:29

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

Council Member Stanton requested funds for purchase of furniture for Chambers that includes new tables and 30 new chairs; tables will accommodate plans to go paperless in the future; present chairs will go downstairs for future community room. Council Member Paiement asked if everyone comfortable with not seeing an actual proposal or sample. Treasurer Tom Niedzwiecki asked about carpeting. Council Member Stanton thought this didn't include carpeting, but noted he was approved to expend up to \$25,000 for office furniture and cost was actually less than that.

Motion: Council Member Stanton / Second: Council Member Fahey to approve an expenditure of up to \$25,000 to purchase furniture for the City Hall Council Chambers. All Ayes (5-0). Motion carried. Time Stamp 2:29:11

Discussion and possible Action on a Temporary Increase in Contract Employee Hours

City Clerk Hutchins Farrell provided background. *Public Comments*; Chris White, 311 Queenan Avenue South, asked for clarification as to how a contract employee was defined. City Treasurer Tom Niedzwiecki said contract employees are not considered actual employees of the City; no benefits and 1099 provided at year end.

Motion: Council Member Orning / Second: Council Member Stanton to approve an increase in hours for a contract employee assisting in office duties from 8 hours weekly up to 30 hours a week for a period of at least 3 months. All Ayes (5-0). Motion carried. Time Stamp 2:36:37

Discussion and possible Action on Resolution 2017-41 implementing an Increase in Water Rates and Charges for Use of the Lakeland Municipal Water Service

City Treasurer Tom Niedzwiecki noted the Lakeland Water Utility Ten Year Financial Plan has been updated through 2027 and continuing into 2018 is proving to be transitional years as the Water Utility is getting a variety of upgrades as well as previously deferred maintenance and upkeep being paid from existing fund balances which will need to be replenished.

Motion: Mayor Glasgow / Second: Council Member Fahey to adopt Resolution 2017-41, a Resolution Implementing an Increase in Water Rates and Charges for Use of the Lakeland Municipal Water Service. All Ayes (5-0). Motion carried. Time Stamp 2:44:13

Update on the Washington County Recycling Grant Project: Joint RFP for Recycling Services

City Clerk Hutchins Farrell provided background and discussion on the item which was first introduced at the February 21, 2017 Lakeland City Council meeting. The next step is to review responses and determine which proposal to present and consider as part of a Joint Powers Agreement for recycling services; a Joint RFP with other cities was anticipated to be at a much lower cost with the next meeting scheduled for November 30, 2017 at 4 p.m. at the Lake St. Croix Beach City Hall. Mayor Glasgow felt there was no advantage combining with the other cities, as the set-up has worked well in the past with just Lakeland and Lakeland Shores. He agreed to attend the upcoming meeting as the JBA representative along with UB/C Erickson. **Time Stamp 2:52:45**

Discussion and possible Action to Replace the Heating System at 1190 Saint Croix Trail South

Council Member Stanton recommended need for a new furnace in Pump House 2; has had a difficult time obtaining parts and wants to avoid a malfunction. City Treasurer Niedzwiecki advised this part of contingency and cost applied to City offices.

Motion: Council Member Stanton / Second: Council Member Orning to replace the heating system at 1190 Saint Croix Trail South, Pump House 2, at a cost of \$7,850. All Ayes (5-0). Motion carried. Time Stamp 2:54:12

9. CITY STAFF REPORTS

City Attorney Dave Snyder

Continues to work on routine matters; appraisal underway on the former City Hall with results received in the next couple of weeks; will be used for the League of Minnesota Cities valuation and resolution of that claim.

City Treasurer Tom Niedzwiecki

Still seeing favorable variance in the General Fund but less than last month due to incurring added cost of city planner, MNSPECT, and Council Member Stanton; doesn't look like they will have to use the budget reserve to supplement the General Fund.

City Clerk Jennifer Hutchins Farrell [full report in packet]

- Meeting was held with Council Member Stanton on October 23, 2017 regarding the City going paperless; City would purchase laptops and issue to council members to use during their term in office. The recycling grant incentives through Washington County for such projects will reopen January 2019 with open ideas related to recycling. Asked for council members to forward suggestions and recycling improvement ideas as this would be one-time funding.
- Tax forfeited land at 876 Quinnell Avenue – Washington County Board notified they would be putting up for sale on 11/18, but since has moved it forward to January 2018; they have received an additional application from a family member, but Washington County Board has option to deny family member request. Council noted interest remains and to continue with application for purchase of.
- Utility Billing and Office Clerk Erickson's six-month probation period ends December 6th with an anticipated satisfactory review this will also, include an increase in pay effective the same date as stipulated per his hiring.

10. CITY COUNCIL AND MAYOR REPORTS

Council Member Shayne Orning – No report.

Council Member Tami Fahey – No report.

Council Member Joe Paiement – Attended WMO meeting; WMO budget well-funded for next year with grants.

Council Member James Stanton – Had many presentations tonight, but received much help from Staff Andy and Jennifer; Jennifer has been retrieving and organizing information for him to help with Planning and Zoning; appreciates all of the assistance.

Mayor Glasgow – Provided a table from the League of Minnesota Cities reflecting proposed 2018 property tax levies and change from 2017 certified amounts for all property tax authorities; Lakeland's adopted total budget for 2018 was decreased by \$100,000 or a ten-percent.

11. ADJOURN

Motion: Council Member Stanton / Second: Council Member Orning to adjourn the November 21, 2017 City Council Meeting at 9:06 p.m. All Ayes (5-0). Motion Passed. Time Stamp 3:04:57

Respectfully Submitted by Kate Piscitello
and City Clerk Jennifer Hutchins Farrell

Richard Glasgow, Mayor

Jennifer Hutchins Farrell, City Clerk