

SPECIAL CITY COUNCIL MINUTES

City of Lakeland, Minnesota  
May 31, 2019

CITY COUNCIL PRESENT: Council Member Joe Paiement, Council Member Shayne Orning

ABSENT: Mayor Richard Glasgow

STAFF PRESENT: City Attorney David Snyder, City Treasurer Tom Niedzwiecki

OTHERS: Chris White, Lisa Williams, Jill Tammen, Connie Paiement, Julie Thron, Mike Thron, Christine DeRose, Lisa LaRoque Williams, Marcia Olson

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1. **CALL TO ORDER** by Council Member Joe Paiement at 4:00 p.m.

2. **PLEDGE OF ALLEGIENCE** was recited.

3. **ADOPT AGENDA**

**Motion: Council Member Orning / Second: Council Member Paiement to approve the Agenda. All Ayes (2-0). Motion Passed. Time Stamp 02:02**

4. **CITY BUSINESS**

A. Address Monthly List of Claims (Item 4B from the May 21, 2019 Regular Meeting)

**Motion: Council Member Orning / Second: Council Member Paiement to approve the monthly list of claims from the May 21, 2019 regular City Council meeting. All Ayes (2-0). Motion Passed. Time Stamp 03:01**

B. Accept Tami Fahey's Resignation from the Council and Declare a Vacancy

Council Member Paiement reviewed the process outlined by the League of Minnesota Cities to fill vacancies on the Council due to the resignations of Jim Stanton on February 19, 2019 and of Tami Fahey on May 27, 2019, recommended that vacancies be declared and utilizing the appointment procedure outlined by the League of Minnesota Cities to avoid expense to the City of holding a special election; according to MN Statute, there can be appointment for Tami Fahey' seat and Jim Stanton's seat doesn't need to be filed by a special election. City Attorney Snyder recommended that appointments be held for both seats with rationale Stanton's seat has been open for a period of time and it is up to the Council to get the seat filed; at minimum suggesting an appointment go forward with election for one seat by Council discretion; scenario would be to collect applications, rank using established criteria, and judgments based on that; need to fill vacancies as quickly as possible. Council Member Paiement informed mediation was conducted with the League of Minnesota Cities who suggested setting up a cut-off date for public forum and opportunity for residents to ask questions with vote of existing Council to fill; theoretically the same process could be used.

After additional discussion with residents and Council, the following procedure was suggested:

- Inviting residents interested in being appointed to fill the vacancies on the Council to apply to the City Clerk no later than 5:00 p.m. on Tuesday, June 11, 2019 for the two vacancies – (1) Jim Stanton's 4-year term ending 12.31.20, and (2) Tami Fahey's Council Vacancy for a 4-year term ending 12.31.22 with a special Election held in 2020 for the remaining two years;
- Applicants will be asked to participate during a candidate forum in front of the Council at 4:00 p.m. with each candidate having an opportunity to respond to questions prepared by Council and residents;
- Candidates will be ranked by the Council by their discretion and a selection will be made based on scoring results (League has provided criteria);
- Should the number of eligible applicants be greater than five, the Mayor, Council Member Paiement, and Council Member Orning shall review all applications together and provide a recommendation of no more than five applicants and no less than three applicants to proceed to the candidate forum phase with the full Council at a workshop scheduled at 5:00 p.m. The

Council reserves the right to request further information from applicants, to re-open the application process, and to extend the time for a decision;

- The results of the candidate forum phase will be discussed during City Business at the June 18, 2019 Regular City Council Meeting with Oath of Office taking place after the meeting is adjourned.

City Attorney Dave Snyder provided for the record for purposes of the tape and proceedings that he considers the attempt to appoint Doug Sand as a member of the Council invalid and that two members of a three member Council is a functioning City Council; among the basis - this was an invalid appointment citing MN Statute 412.02 Sub. 2a, that the Mayor can appoint to fill a vacant City Council seat; however, to this day no vote or tie vote was conducted and there was no effort to bring the Council to an appointment proceeding by identification of one candidate solicited when numerous candidates should be put in a pool and voted on; Mayor Glasgow further stated in another email that he didn't consider two members as a quorum - City Attorney's view is that the City has a five member Council with two vacancies making a three person Council - two members constitute a viable quorum especially based on City bills that need to be paid and other business regarding vacant City Council seats - necessity to attend to City matters; his recommendation is to proceed in this fashion and takes responsibility for these actions asking Council to go forward with these recommendations; also suggesting having a Council liaison to collect and compile Council and other questions submitted for interested applicants. Council Member Orning volunteered to collection questions. In answer to scoring, Council Member Paiement suggested following the LMC process wherein the three Council members will score individually and provide to the City Clerk; scores will be tabulated and highest score will fill Jim Stanton's vacant seat, next highest Tami Fahey's with Oath of Office administered after adjournment of the City Council meeting.

**Motion: Council Member Paiement / Second: Council Member Orning to Adopt Resolution 2019-11, a Resolution Accepting the Resignation and Declaring a Vacancy of Jim Stanton effective on February 18, 2019. All Ayes (2-0). Resolution 2019-11 Adopted. Time Stamp 37:56**

**Motion: Council Member Paiement / Second: Council Member Orning to Adopt Resolution 2019-12, a Resolution Accepting the Resignation and Declaring a Vacancy of Tami Fahey effective May 28, 2019. All Ayes (2-0). Resolution 2019-12 Adopted. Time Stamp 38:15**

**Motion: Council Member Paiement / Second: Council Member Orning to accept the Recommendation of the City Attorney to adopt the League of Minnesota Cities Format for Filling the Vacancies of Jim Stanton and Tami Fahey Using a Forum Process; Deadline for Interested Applicant City Council Appointment Interest Forms and Questions to Ask Applicants to be Received no Later than 5 pm on Tuesday, June 11, 2019, with the Understanding that by Law the Viability of a Public Caveat. All Ayes (2-0). Motion Passed. Time Stamp 45:29**

**C. Consider Retention of a Zoning Administrator Effective June 1, 2019**

Council Member Paiement expressed by way of background the existing Zoning Administrator contract has no renewal, is currently filled by Jim Stanton, and will be expiring on June 1, 2019; technically the City has no Zoning Administrator as of June 1; have had discussion with the DNR on the status of a number of different properties on the St. Croix River and based on discussion, the City Council and City Attorney recommend the need to consider retaining another Zoning Administrator; has heard nothing from Jim Stanton as to his interest for considering renewal of the contract, and with lack of participation and his not being in attendance, suggests he is not interested in renewal. Treasurer Tom Niedzwiecki noted Jim Stanton might be interested in a 2-3 month extension, but he couldn't speak for him. Council Member Paiement continued he has spoken with a couple of other firms, and one firm has worked with a number of communities and could step in immediately; inclined to retain the firm on an interim basis as the properties need to be addressed right away. City Attorney Snyder suggested short term interim agreement to fill Jim Stanton's role as Zoning Administrator that would retain until the next Council meeting; suggested negotiating letter of agreement with mutual cancellation features for June CC as Swanson Haskamp Consulting, LLC of St. Paul has capability of working with similar communities and will charge a comparable market rate.

**Motion: Council Member Paiement / Second: Council Member Orning to authorize the City Attorney to negotiate an agreement for Zoning Administrator with the firm recommended, Swanson Haskamp Consulting, LLC, effective immediately. All Ayes (2-0). Motion Passed.**

**Time Stamp 54:30**

**5. ADJOURN**

**Motion: Council Member Paiement / Second: Council Member Orning to adjourn the Special City Council Meeting. All Ayes (2-0). Meeting adjourned.**

**Time Stamp 54:42**

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Kate Piscitello, City Clerk

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Joe Paiement, Council Member