

CITY COUNCIL MINUTES

City of Lakeland, Minnesota
June 18, 2019

CITY COUNCIL PRESENT: Council Member Joe Paiement, Council Member Shayne Orning, Council Member Mike Thron, Council Member Lisa Williams

ABSENT: Mayor Richard Glasgow

STAFF PRESENT: City Attorney David Snyder, City Treasurer Tom Niedzwiecki, City Clerk Kate Piscitello

OTHERS: Chris White, Lisa Williams, Jill Tammen, Connie Paiement, Julie Thron, Mike Thron, Julie Schultz, Doug Long, Mary Miller, Julie Orning, Ann Jacobs, Tim Wirth, Elaine Murray, Mary Miller, Michael Miller, Nancy Millard, Butch Edberg, Bruce Edberg, Zane Tuenge, Bob Sherman [Youth Service Bureau], Kathy Laur and Richard Thron [Lower St. Croix Valley Veterans Memorial Park]

A Candidate Forum was held, using the League of Minnesota Model, to fill two vacancies on the Council. Beginning at 4 p.m. each candidate had an opportunity to respond to questions prepared by Council and residents, followed by a candidate forum phase with full Council at a workshop scheduled at 5 p.m. The results of the candidate forum phase were determined by count of Panel Rating Sheets (LMC model) by the City Clerk and Treasurer and announced to Council Members and residents present.

1. **CALL TO ORDER** by Council Member Joe Paiement at 6:10 p.m.
2. **PLEDGE OF ALLEGIENCE** was recited.

3. ADOPT AGENDA

Council Member Paiement requested that City Business Agenda Items 7J and 7K be moved to 3a, and that hiring of a City Planner be placed at 5I Agency Reports/Personnel Report.

Motion: Council Member Paiement / Second: Council Member Orning to approve the July Agenda as amended. All Ayes (2-0). Motion Passed. Time Stamp 01:56

3a. OATH OF OFFICE administered by City Clerk to Mike Thron and Lisa LaRoque Williams who will fill the two vacant City Council seats of Jim Stanton and Tami Fahey respectively.

Agenda Item 7J

Resolution 2019-13 – Resolution Appointing a New Member to the City Council [Jim Stanton's Vacant Seat]

Motion: Council Member Paiement / Second: Council Member Orning to Adopt Resolution 2019-13, a Resolution Appointing Mike Thron for Jim Stanton's Council Vacancy for the remainder of his 4-year term ending 12.31.20. All Aye (4-0). Resolution 2019-13 Adopted. Time Stamp 03:39

Agenda Item 7K

Resolution Appointing a New Member to the City Council [Tami Fahey's Vacant Seat]

Motion: Council Member Paiement / Second: Council Member Orning to Adopt Resolution 2019-14, a Resolution Appointing Lisa LaRoque Williams for Tami Fahey's Council Vacancy ending 12.31.22 [Special Election will be held in 2020 for remaining two years]. All Aye (4-0). Resolution 2019-14 Adopted. **Time Stamp 03:56**

Council Member Paiement appreciated everyone's interest, hoping they would join the Planning Commission should it be started again.

4. CONSENT AGENDA

- A. Approve May 31, 2019 SCC Meeting Minutes / May 2, 2019 SCC Minutes**
- B. Monthly List of Claims**
- C. City Treasurer's Report for May 2019**

Motion: Council Member Paiement / Second: Council Member Orning to approve the Consent Agenda. All Ayes (4-0). Motion Passed **Time Stamp 07:53**

5. AGENCY REPORTS

A. Law Enforcement Report (on file at City Hall)

There were 61 ICRs in May, with 4 citations issued; the deputy advised there has been a rash of burglaries and vehicle break-in's; hit Hugo last week and Cottage Grove last night; reminder to lock doors and cars where they can gain entry with the garage door opener.

B. Fire Department Report (on file at City Hall)

Tom Niedzwiecki reported the overall increase in the Operating Tax Levy is 2.45%. Individual City percentage may vary depending on change in population and tax capacity; Debt Service Tax Levy is \$96,000.

C. Animal Control Report (on file at City Hall)

There were 2 dogs lost, 0 found.

D. Building Permit Report (on file at City Hall)

It was noted many permits being issued for reroofs.

E. Engineering Report (on file at City Hall)

- City Engineer attended two City Council meetings to discuss options for 2019 Streets Project
- Staked proposed soil boring locations in the Outlot A drainage basin
- Held discussions with the contractor, City staff and City Council on options for moving forward with the 2019 Streets Project
- Checked in with the WMO regarding the 2019 Streets Project
- Reviewed and discussed Dewall storm water plans with City Attorney and Dewall's engineer
- Reviewed plan for development at 1635 Rivercrest Drive
- Installed new water filtration media in Plant 2 and test run Plant 2
- Prepare to install media in Plant 1, participate in a call with the MPCA's consultant on the East Metro Groundwater Study forwarding additional information to MPCA's consultant

F. Public Works/Water Department Report – Water Utility Financials 2014-2018 (on file at City Hall)

- Treasurer Tom Niedzwiecki reported on 5-year Water Utility Financials from 2014-2018 originally scheduled for the February 19, 2019 meeting.

- Craig Morris, former Lakeland Mayor, provided update on contamination resulting from perfluorochemicals (PFCs) disposed by the 3M Company; presently representing Lakeland and Lakeland Shores on a Task Force; has drafted a policy ordinance that has been reviewed by the Mayor and Jim Stanton; would like to present to Council at the July meeting.
- The City Clerk read the Public Works report into the record regarding Parks:
 - Cully Park - basketball court closed due to vandalism of the surface material in fall of 2018. Would like Council's direction on repair (material not available to make repair of broken area.) Options: all new surface as before, remove existing surface and return to blacktop, or convert to pickle ball courts.
 Tim Wirth, 16160 4th Street North. Noted there is one piece missing and wondering if City could replace.
 Michael Miller, 30 Quality Avenue North. Advised it is not patchable estimating \$30-80,000 to replace.
 City Attorney noted concern of injuries and suggested using ½ of court.
 Consensus to direct Jim Stanton to facilitate using only one-half portion of court, unlock the fence, and look at chain options for hoop.
 - Crocker Park - VAA again maintaining and using the field for baseball; resident would like platform under monkey bars so smaller/shorter kids can use them.
 - Humphries Park - New cedar mulch in play area that has been neglected in the past; repaired slide that was vandalized last year.
 - Streets.
 Filled many pot holes this spring, with a few more need to be filled yet.
 Repaired broken septic line in Quixote Street.
 Worked with CenterPoint Energy for installation of new natural gas lines along Quality Ave and 3rd St in preparation of future street project.
 - Water Department.
 - ✓ Finishing installation of replacing filter media in Pumphouse 1. Pumphouse 2 filter media is completed and functioning online.
 - ✓ Installed new water check valve and 2 new gate valves that were not functioning.
 - ✓ Note a large turnover of new residents moving in.
 - ✓ Need to hire new billing clerk.
 - ✓ 3M Fund/ Contaminated Wells
 - ✓ MDH is still identifying which wells are below PFAS standards.
 - ✓ Represent Lakeland Water system on research group and have secured costs for new city water connections as contamination is identified at each home. A community information meeting will soon be scheduled to inform the specifics of their testing.

G. Zoning Report – No Report

H. Treasurer Report – 2018 Full Year Financial Summary & QuickBooks Documentation / Annual Spring Cleanup

Tom Niedzwiecki reviewed the City Financial Statement for Year Ended December 31, 2018 and financial reports for May 2019

I. Personnel Report

City Attorney Snyder directed Council to two page Master Services Agreement for Interim Professional Planning Services from Jennifer Haskamp from Swanson Haskamp Consulting, LLC

(SHC); hourly rates are comparable to other contracts with cities they work for; they are prepared to address a backlog of issues both simple and complex for the City, as they extensive experience working with communities in Washington County and are able to step in immediately and assist with our land use and zoning related projects; assistant Julia Paulsen Mullin who was also present will be assisting her with the interim zoning administration and professional planning services

Motion: Council Member Paiement / Second: Council Member Orning to approve Resolution 2019-15, a resolution approving the Master Services Agreement for Interim Professional Planning Services from Jennifer Haskamp from Swanson Haskamp Consulting, LLC effective immediately. All Ayes (4-0). Resolution adopted. **Time Stamp 1:06:17**

Jennifer Haskamp introduced herself and her assistant Julia informing their goal is to serve the residents and they were looking forward to working with the City. **Time Stamp 1:38:28**

6. PUBLIC HEARING *[Discussion and Action by the City Council will follow Public Hearing]*

A. Public Hearing on an Application for a 3.2 Off-Sale Liquor License at 280 St. Croix Trail South

Motion: Council Member Paiement / Second: Council Member Orning to open the Public Hearing. All Ayes (4-0). Motion Passed. **Time Stamp 1:39:02**

Introduction

City Clerk introduced application for a 3.2 off-sale license for Holiday Stationstores, LLC at 280 St. Croix Trail South, formerly Freedom Valu Center #71;

There were no Written comments

There were no Public comments

Motion: Council Member Paiement / Second: Council Member Orning to close the Public Hearing. All Aye (4-0). Public Hearing. **Time Stamp 1:41:14**

7. CITY BUSINESS

A. Discussion and Action on an Application for a 3.2 Off-Sale Liquor License at 280 St. Croix Trail South

Discussion on application and requirements for selling Off-Sale Liquor at this new location was held.

Motion: Council Member Joe Paiement / Second: Council Member Thron to approve the Application for a 3.2 Off-Sale Liquor License for Holiday Stationstores, LLC at 280 St. Croix Trail South Subject to Zoning Administration Review. All Aye (4-0). Motion Passed.

Time Stamp 1:42:55

7. CITY BUSINESS

B. Quality Avenue / 3rd Street South Project

City Engineer, Dave Simons, was present to discuss options for the 2019 Streets project; on March 27, 2019, a low bid was submitted by Hardrives, Inc. located in Lakeland and Rogers, Minnesota; based on Hardrives, Inc. low bid, an updated projection of costs to complete the project was submitted as \$1,404,000; in May, Council Member Paiement expressed concern about the overall cost of the Quality Ave. project and requested more information to make an informed decision on its status at the May City Council Meeting that was cancelled when agenda was not approved. The Engineer indicated he was not considering drafting of new plans regarding the pipe and culverts, and that contingencies were built into the bid (\$25,000); suggested doing Humphries Park in 2019, stormwater basin in 2020

and 3rd Street in 2021 for total of \$72,000; each year \$50,000 is set aside for street repair. Treasurer Niedzwiecki indicated they had \$1.1M in fund with revenue of \$2.4 and reserve of \$1.3 and City will be receiving the first half property taxes next month. Additional discussion held on increasing the levy, redesigning Humphries Park after some concern raised, feasibility of not rebidding contract and if contractor will honor bid, it was decided that the engineer will regroup with the contractor regarding revised construction dates in view of delay

Motion: Council Member Paiement / Second: Council Member Livingston to award the entire Quality Avenue / 3rd Street contract to Hard Drives, Inc. at a total estimated cost of \$1,404,000, to be constructed over a period of 3 years to match availability of City funds, subject to the City Engineer's approval of an acceptable construction schedule to be worked out with Hard Drives. All Ayes (4-0). Motion Passed **Time Stamp: 2:52:09**

- C. Approve Current City Clerk as a City Employee.
- D. Approve M-Files Clerk Contract
- E. Approve Interim Utility Clerk Contract

City Clerk asked that Item 7C) Approve Current City Clerk as a City Employee; 7D) Approve M-Files Clerk Contract; and 7E) Approve Interim Utility Clerk Contract be delayed in approving as the M-Files Clerk submitted an alternate contract, without Public Works or Clerk's knowledge or involvement, changing the M-Files/Utility Billing Clerk position to reporting to the City Council with an hourly wage increase to \$30/hour provided to the Clerk after the June CC packets were distributed.

Consensus among Council was need to document City Staff duties with job descriptions, and correlation of immediate needs in long term staffing. Council Member Paiement asked the City Clerk for a summary and scope of duties of all City positions to be presented at the July meeting. Discussion on M-Files Clerk contract reviewed whether scanning on M-Files should be continued at this time with no Utility Billing Clerk hired; currently working without a contract. Understanding is to have M-Files Clerk delay all M-Files scanning and all efforts be directed on Utility Billing, 20 hours/week, at \$25/hour effective immediately. It was suggested that a workshop be held prior to the July meeting on City Staffing.

F. Process to Replace the City Treasurer

Treasurer Tom Niedzwiecki reported he had secured another bid for City Treasurer. Council Member Paiement said he is getting another bid.

Motion: Council Member Paiement / Second: Council Member Williams to table Agenda Items 7D, 7E, and 7F. All Ayes (4-0). Motion Passed. **Time Stamp 3:07:53**

G. Resolution 2019-08 – Resolution to not Waive Statutory Tort Limits Regarding Liability Coverage from LMCIT

Motion: Council Member Paiement / Second: Council Member Orning to Adopt Resolution 2019-08, a Resolution to not Waive Statutory Tort Limits Regarding Liability Coverage from LMCIT. All Aye. Resolution adopted. **Time Stamp 3:09:19**

H. Resolution 2019-09 – Resolution Adopting General Records Retention Schedule

Because of concern of shredding and/or destroying City documents, it was consensus of Council to not adopt the General Records Retention Schedule. The General Records Retention Schedule for Minnesota Cities purpose is to provide a plan for managing government records by giving continuing authority to dispose of records under Minnesota Statutes Section 138.17.

Motion: Council Member Paiement / Second: Council Member Orning to not adopt the General Records Retention Schedule. All Ayes (4-0). Motion Passed **Time Stamp 3:11:33**

I. Resolution 2019-10 – Resolution Accepting Treasurer’s Termination and Retraction of Newsletter Statement

Council Member Paiement conveyed Tom has submitted his resignation and the City accepted, but he was not in favor of issuing a retraction of the statement, “If Tom Niedzwiecki is your Treasurer, you don’t need an Audit!” that was published in the newsletter as he never agreed or affirmed the statement that was published. City Attorney Snyder asked if Council Member Paiement and Orning, as previous members of Council when this occurred, would consider a statement they did not adopt, publicize, or endorse in any way the statement that was made and they also reject the suggestion that Tom Niedzwiecki identifies with that newsletter; he would also recommend direct, complete, and exclusive control of the newsletter be provided to the City Clerk immediately and further that no City resources be utilized until control is given.

Motion: Council Member Paiement / Second: Council Member Orning to move both the newsletter and City website to the City Clerk’s control solely and exclusively effective immediately. All Aye (4-0). Motion Passed. **Time Stamp 3:16:29**

Motion: Council Member Paiement / Second: Council Member Orning to direct all Lakeland websites to ci.lakeland.mn.us, the City’s historical website, with any unauthorized websites forwarded to the City Attorney for appropriate action. All Aye (4-0). Motion Passed. **Time Stamp 3:18:09**

Motion: Council Member Paiement / Second: Council Member Orning to adopt Resolution No. 2019-10 to accept notification of Tom Niedzwiecki’s resignation and 90 day notice effective July 31, 2019 with Council consensus they do not want to issue a retraction, but instead repudiates any implication of the Treasurer and the audit and further that they respect and appreciate Tom’s service to the City. All Aye (4-0). Motion Passed. **Time Stamp 3:18:52**

J. [Moved to 3a]

Resolution 2019-13 – Resolution Appointing a New Member to the City Council [Jim Stanton’s Vacant Seat]

K. [Moved to 3a]

Resolution 2019-14 – Resolution Appointing a New Member to the City Council [Tami Fahey’s Vacant Seat]

8. CITY COUNCIL AND MAYOR REPORTS

It was noted City Appointments that were made in January need to be updated [Deputy Mayor] and that date for workshop will be before the next Council meeting.

9. OPEN FORUM (Public Comments, Presentation, and Petitions)

Kathy Laur / Richard Thron – Donation from Charitable Gaming Funds for LSCV Memorial Park

Motion: Council Member Paiement / Second: Council Member Williams to approve a donation from Lakeland’s Charitable Funds to the Lower St. Croix Valley Veterans Memorial Park in the amount of \$2,000. All Ayes (4-0). Motion Passed. **Time Stamp 3:29:07**

Bob Sherman – Youth Service Bureau

Motion: Council Member Paiement / Second: Council Member Thron to enter into a Service Contract between the City of Lakeland and Youth Service Bureau, Inc. for the period from May 15, 2019 to May 14, 2020 for in the amount of services \$5,200. All Ayes (4-0). Motion Passed.

Time Stamp 3:34:24

Tim Wirth, 16160 4th Street North

- 1) Request to place Open Forum earlier in the meeting
- 2) Provide new Council Members with information regarding their new positions
- 3) Comments about beach

10. ADJOURN

Motion: Council Member Paiement / Second: Council Member Orning to adjourn the meeting. All Ayes (4-0). Meeting adjourned.

Time Stamp 3:37:24

Joe Paiement, Council Member

Shayne Orning, Council Member

Kate Piscitello, City Clerk