

**LAKELAND CITY COUNCIL MEETING MINUTES 2017**

**CITY COUNCIL MEETING MINUTES / JUNE 20, 2017**

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OFFICIAL RECORDED MINUTES OF LAKELAND CITY COUNCIL MEETING  
TUESDAY, JUNE 20, 2017

WORKSHOP: 5:00 p.m.

Jackson Farms Discussion / Public Works Commissioner Jim Stanton  
Full Frame Media Service Videographer Audio Visual Equipment – Dietrich Wilke

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

STAFF PRESENT: City Attorney Dave Snyder, City Treasurer Tom Niedzwiecki, City Clerk Jennifer Hutchins Farrell

OTHERS PRESENT: Deputy Tanner VanSomeren

1. **CALL TO ORDER** by Mayor Glasgow at 6:05 p.m.

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

**3. ADOPT AGENDA**

Mayor Glasgow asked City Clerk Jennifer Hutchins Farrell to note changes to the Agenda--who reported Agenda Items 8B Appeal of Nonconforming Fence Complaint Decision (property owners rescinded appeal) and 8I Discussion of Water Conservation should be removed.

**Motion/Second: Orning/Glasgow. To Adopt the Agenda of the June 20, 2017 Regular City Council Meeting as amended. All Ayes (5-0). Motion carried.** **Time Stamp 1:39**

**4. CONSENT AGENDA**

- A. Approve May 16, 2017 City Council Meeting Minutes
- B. Resolution 2017-17: Simple Recycling Free Curbside Soft Textiles Program Agreement
- C. Resolution 2017-19: To Adopt Ordinance 7557 Amending Chapter 50: Garbage and Solid Waste (to form)
- D. Resolution 2017-20: Repeal [portions of] Resolution 2015-16 Designating No Parking Regulations on Center Portion of Cul-de-Sacs located on 4<sup>th</sup> Street North, 5<sup>th</sup> Street North, and 6<sup>th</sup> Street North (to form)
- E. Resolution 2017-21: Updated Annual Appointments
- F. Resolution 2017-23: State of Minnesota Master Partnership Contract
- G. Resolution 2017-24: Washington County Recycling Grant
- H. Monthly List of Claims
- I. City Treasurer's Report

**Motion/Second: Glasgow/Paiement. To approve Consent Agenda Items A - I as presented. All Ayes (5-0). Motion carried.** **Time Stamp 1:47**

**5. AGENCY REPORTS**

**A. LAW ENFORCEMENT REPORT**

Deputy Tanner VanSomeren reported 103 ICRs for the month of May 2017 and 4 citations issued; no items to report of significance. Mayor Glasgow thanked law enforcement for extra patrolling of Lakeland Beach and advised they have been closing gates at 10:00 p.m. Deputy VanSomeren noted a parking issue on 8<sup>th</sup> Street North by Crocker Park; resident complaint received on illegally parked cars when games are held. He stated there are currently no signs designating 'no parking' in the area making it difficult to enforce the parking ordinance. Mayor Glasgow noted the city was aware of the issue and would be installing updated signs

**B. FIRE DEPARTMENT REPORT**

Council Member Stanton reported that next month, as District Chair, he will be presenting a review of the 2018 budget to all 5-city councils to obtain approval; packets will include two sets of district minutes next month; Chief Kris Peterson is set to retire July 15, 2017, and a reception will be scheduled with more information to follow.

**C. GOVERNMENT AFFAIRS REPORT**

Mayor Glasgow noted the report in the packet.

D. ANIMAL CONTROL REPORT

No report received for the month, two reports will be included in the July packets.

E. BUILDING PERMIT REPORT

Mayor Glasgow noted the report in the packet.

F. ENGINEERING REPORT

Mayor Glasgow noted the report in the packet.

G. PERSONNEL COMMITTEE REPORT

Council Member Fahey reported the committee to have met on three separate occasions and working on finalizing an accurate position description for the City Clerk position.

**Time Stamp 7:26**

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

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

Dottie Mau [of Beanies at Maui's Landing], 16777 7<sup>th</sup> Street North

Marcia Wilmes, 16392 7<sup>th</sup> Street Lane South Written comment read into the record by City Clerk Hutchins Farrell stating support of the sale of Jackson Farms pathways to Dave and Linda McConnell.

**Time Stamp 13:35**

7. **PUBLIC HEARING**

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

Street Vacation: 1145 Quentin Avenue South

**Motion: Mayor Glasgow / Second: Council Member Paiement to open the public hearing. All Ayes (5-0).**

**Motion carried. / Opened at 6:18 p.m.**

City Planner Kurt Bearinger introduced a street vacation request from property owner Marjorie Ross of 1145 Quentin Avenue South; in its current state the said property is divided by multiple parcels of the city's land, and the request would expand Marjorie Ross' property into a uniform shape.

*Public Comments; Milo Horak of Horak, LLC*

Surveyor noted Quentin Avenue South has no formal right-of-way access issues and upon review appeared to be a reasonable request.

Robert and Heidi Hubbard, 1175 Quinlan Avenue South – Written statement of support received read into record by City Clerk Hutchins Farrell.

**Motion: Mayor Glasgow / Second: Council Member Paiement to close the public hearing. All Ayes (5-0).**

**Motion carried. / Closed at 6:26 p.m.**

**Time Stamp 20:28**

8. **CITY BUSINESS**

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

Resolution 2017-25: Street Vacation of 1145 Quentin Avenue South

Discussion ensued (Mayor Glasgow, Council Members Paiement and Stanton, Surveyor Milo Horak). Council Member Stanton stated if the vacation was approved, he would be unable to access Quentin from his property; it benefits him personally to have access to Quentin and he would abstain from voting. Surveyor Milo Horak noted that the property is a private access road. *Public Comments; Marjorie Ross, 1145 Quentin Avenue South and Kathy Madore, 413 Lake Avenue in Birchwood [Edina Reality]*. City Attorney Snyder posed two options for Council: (1) Make a decision based on staff recommendation contingent on a full review of any utility company input and all documents, or (2) Table the decision until the next council meeting to allow for full review of all documents by the City Attorney and to receive response from the utility companies. Consensus to have City Attorney look into the matter as he personally had a couple of questions; would also like to verify legal description to insure accuracy.

**Motion/Second: Glasgow/Paiement. To table the request for Street Vacation of 1145 Quentin Avenue South to allow the City Attorney additional time for background review and evaluation with title examiner. Motion passed 4-0-1 (Council Member Stanton abstained).**

**Time Stamp 41:37**

Multiple Code Violations: 16610 8<sup>th</sup> Street North

City Clerk Hutchins Farrell introduced the item, stating the City received two official complaints regarding multiple code violations on the property; items needing to be addressed include nuisance parking and storage as related to exterior storage, screening, and inoperable motor vehicles; multiple correspondence sent and received over the years, but to date, the code violations remain. Staff recommended the City Council review the multiple violations

and as warranted allow the property owner additional time to come into compliance (up to 45 days) with strict adherence to the proposed timeline before additional action would be taken. Mayor Glasgow reported to have established open lines of communication with the property owner; will need a walk-through with the building inspector to accompany him, and if no improvement, council would proceed to legal litigation. Council directed the City Clerk to notify the homeowner of such by certified letter; if no response, they will forward to the City Attorney for legal action.

**Motion/Second: Glasgow/Paiement. To notify, by certified letter, the property owner at 16610 8<sup>th</sup> Street North of the official complaints received regarding multiple code violations at his property allowing him up to 45 days to come into compliance, and if no action is taken, council will defer to legal. All Ayes (5-0). Motion carried. Time Stamp 47:12**

#### Code Red Call-out Updates

Council Member Stanton stated the goal of Washington County was to streamline the Public Works CodeRed Emergency Call-out process. Consensus of the Council to notify all members of the City Council Members, as well as City Clerk Hutchins Farrell for phone calls and text messages to be sent simultaneously. Time Stamp 50:58

#### Water Utility Updates

Council Member Stanton reported the following updates:

- The city is essentially running with a 27-year old compressor running the water system; compressor in Pump House 1 has been repaired and they will be shutting down Pump House 2 soon, so it was necessary to order another air compressor so if one fails, they have back-up; cost less than \$10,000; SEH suggested purchasing a compressor with two motors.
- Have generator on wheels at Pump House 2 but bearings are frozen and tires rotted; asked City Council if they should put additional funds into the generator they have, or purchase a new generator so they have a generator in each of the pump houses; doesn't have a cost figure for a new generator (estimated at \$50,000), but they can get one that is used. City Attorney noted because of the purchase amount, it would be subject to bidding and they would need two competitive quotes.
- He has received an estimated cost for a filter media conversion from John Thom, Senior Water Specialist at SEH; the filters hold approximately 210 cubic feet of media each, and he estimated cost of the media at \$125/cubic foot for a total cost of \$53,000, plus the pilots for each plant at \$18,000, for a total estimate of \$71,000; change of media will reduce the cost of chemical by reducing the amount of chlorine by about 2/3 eliminating need for sulfur dioxide, plus less loss of backwash water due to longer filter runs.

Council Member Paiement inquired about the comprehensive cost of all of the water utility upgrades. Council Member Stanton confirmed SEH should have an accurate estimate by the July meeting, but they are looking at a much smaller cost than previously mentioned. Speaking on a cost basis, Treasurer Niedzwiecki agreed with installation of the filter media conversion, but suggested delaying purchase of a generator and considering a rental; as the current system is running efficiently.

**Motion/Second: Glasgow/Fahey. To approve \$71,000 for the filter media conversion of the Water Utility System, authorize bids on the generator for approval.** Discussion ensued (Mayor Glasgow, Council Members Stanton and Paiement, City Treasurer Tom Niedzwiecki). Mayor Glasgow noted that when bids are received, a Special City Council Meeting could be called to approve the expenditure of the generator. *Public Comments; Chris White, 311 Queenan Avenue South.* Council Member Stanton stated he would look into warranty options for both a used and new generator. **All Ayes (5-0). Motion carried. Time Stamp 1:10:31**

#### CenterPoint Energy Community Partnership Grant

City Clerk Hutchins Farrell referred to supplementary information on pedestrian lights and introduced background of grant; staff had presented a viable option to be used for installing traffic control equipment in the form of flashing LED sign systems at the intersections by Afton-Lakeland Elementary School and the Lakeland Plaza. On May 22, 2017 a grant was confirmed in the amount of \$2,500 [matching grant] to the City of Lakeland for flashing LED sign systems for the roundabout near the school. CenterPoint Energy wishes to have a representative attend and present the Community Partnership Grant check to the City at an upcoming City Council meeting, either in July or August. Staff requested the City Council approve the invitation of a CenterPoint Energy representative to attend and present the Community Partnership Grant at the July or August City Council Meeting, and also Council direction on how to proceed forward on the project--the grant would cover the cost of 2 flashing lights, but not the installation of. Mayor Glasgow suggested Staff reach out to Cory Slagle with Washington County involved and that lights must be used at roundabout; considers them good investment. Council Member Stanton questioned the two different quotes. City Clerk Hutchins Farrell stated the pedestrian has a cost-savings incentive with more lights

purchased (quote of \$4,110 for 2 lights at \$1,910/each + \$145/each installation; \$15,960 is for 8 flashing lights at \$1,850/each + \$145/each installation). *Public Comments; Tim Wirth, 16160 4<sup>th</sup> Street North.* City Council directed staff to check for interest of other affected parties to contribute to the project (Afton-Lakeland Elementary School, Washington County Public Works, and other cities in area) and to allow CenterPoint Energy to present the grant at an upcoming city council meeting. **Time Stamp 1:21:15**

Discuss and take possible action on Resolution 2017-22: To Participate in the Performance Measurement Program

Mayor Glasgow introduced the item noting that the city would receive negligible funds compared to any benefit to the city. The City can elect to opt-out of the program each year, but does not receive additional LGA funds or an exemption for levy limits. City Clerk Hutchins Farrell noted that the participation in the program would not be a monetary benefit to the City based on the amount of funds that would be received (approximately \$0.14 per resident for a total of \$257), but would allow another way for the City to track how it is doing. Discussion ensued (Treasurer Niedzwiecki, Mayor Glasgow). Council consensus was to opt-out. **Time Stamp 1:26:25**

Jackson Farms Discussion and Take Possible Action

Mayor Glasgow noted that good discussion occurred at the workshop and obtained multiple options on how to move forward; suggested Jackson Farms Association poll their residents on the use and ownership of the pathways. Council Member Stanton reported on the security and safety issues related to the Jackson Farms pathways. **Time Stamp 1:27:52**

Discussion on Parking Restrictions of 8<sup>th</sup> Street to Upper 5<sup>th</sup> Street

Mayor Glasgow opened discussion; parking spaces are being lost during the July 4<sup>th</sup> holiday and he proposed allowing cars without trailers to park at City Hall Friday – Tuesday; concern boaters stopping to rig and feels this reasonable request; lacking signs in Lakeland, proposed using temporary signs with no parking or stopping to improve traffic to and from Beanie’s efficiently. *Public Comments; Gary and Dottie Mau, 16777 7<sup>th</sup> Street North, Chris White, 311 Queenan Avenue South.* Mayor Glasgow agreed to work with the Mau’s on any additional issues; another other option would be to hire a deputy for the July 4<sup>th</sup> holiday, but would like to try posting temporary signs to allow for a less costly parking arrangement. Council Member Stanton voiced concern in notifying the residents in a timely manner. Mayor Glasgow and Council Member Fahey agreed to distribute newsletters notifying residents in the nearby area of the parking situation. Discussion ensued (Mayor Glasgow, Council Member Stanton, City Clerk Hutchins Farrell).

**Motion/Second: Glasgow/Fahey. To approve temporary event parking at the former City Hall location for Beanie’s at Maui’s Landing for the 4<sup>th</sup> of July holiday, to post temporary “no parking” signs to reinforce the no parking ordinance in the residential area near Beanie’s at Maui’s Landing and to cover the no parking signs at the trail side of 7<sup>th</sup> Street North to alleviate any additional traffic or safety issues. All Ayes (5-0). Motion carried.** **Time Stamp 1:48:10**

Discussion on Lakeland Beach Uses

Mayor Glasgow proposed opening up the Lakeland Beach for multi-uses such as; fishing, fire pits, dogs, and a smaller swimming area from now until August. Council Member Paiement would like to see the beach used more; has no problem with fishing but suggested they look at insurance coverage. Council Member Stanton noted he would like to look into other city’s policies regarding beach use. Discussion ensued (Mayor Glasgow, Council Member Fahey and Stanton, City Clerk Hutchins Farrell). Consensus to have the City Clerk check into insurance coverage, to request resident input via newsletter, and to discuss at the July City Council meeting. *Public Comments; Tim Wirth, 16160 4<sup>th</sup> Street North.* **Time Stamp 2:04:24**

League of Minnesota Cities Insurance Trust Claim No. CP23816 Settlement

City Treasurer Niedzwiecki reported that himself, City Attorney Dave Snyder, and Public Works Commissioner Jim Stanton met with LMCIT Representatives Jim Boonstra (Claim Supervisor) and Carol Geiger (Senior Property Adjuster) on Friday, May 5, 2017; primary purpose of meeting was to discuss City’s claim for the fire loss incurred for the new City Hall; LMCIT representatives indicated the maximum claim amount they would consider is the 5/03/17 replacement cost estimate of \$100,517, plus a previously determined ‘demo/clean-up fire damages’ cost of \$2,852.80, for a total claim of \$103,369.80. City Treasurer’s reconciliation of claim to actual costs incurred as follows:

\$269,545	Actual costs incurred on the new City Hall project
(\$13,416)	Legal, Building Permit, and other administrative expenses not covered by insurance
(\$48,913)	Architect, Engineering and other ‘soft’ technical costs not covered by insurance
(\$96,912)	Excavation/Site Utilities, Asphalt, Concrete and Overhead/Profit not covered by insurance
(\$8,112)	Windows retained by city
\$102,192	‘Allowable’ costs covered by insurance

Recommendation that given the allowable costs are close to estimated replacement costs, notifying LMCIT that the City will settle Claim CP23816 for a net amount of \$103,119.80. Council Member Paiement noted this does not make sense to him; additional costs covered by insurance should apply to fair market value basis determined under policy that would be \$269,000 total for actual costs incurred. City Attorney Snyder noted after having discussed with the League how fair market value was determined and he is, now comfortable with the number provided. City Treasurer Niedzwiecki accepted the claim check. Council Member Stanton also, agreed with the final number. Council Member Paiement noted the City would be taking a \$170,000 loss by accepting the settlement as is, and important to know how *fair market value* was calculated. Council Member Orning said he would be interested in having the League present to the council on the matter. Mayor Glasgow suggested Council Member Paiement set up a meeting with the League of Minnesota Cities for further discussion and possible dispute of, and he would accompany him to that meeting. Council Member Paiement agreed that he would schedule a meeting for himself and Mayor Glasgow to attend with the League. Discussion ensued (Council Members Stanton, Orning and Paiement, Mayor Glasgow). *Public Comments; Tim Wirth, 16160 4<sup>th</sup> Street North.*

**Time Stamp 2:30:54**

## 9. CITY STAFF REPORTS

### City Treasurer/Tom Niedzwiecki

General Fund doing fine and on budget; finance watch on Parks for current mowing expenses of \$4,800 (55 hours mowing at \$85/hour); insurance over budget due to different format; Special Parks Fund 10% of City share of bike trail paid; Public Works fund – 5<sup>th</sup> payout of 6 payments made for F450 Ford Truck; water utility fund is reviewed on a quarterly basis with \$25,000 average expense for the month of July; advised Public Works Commissioner has base pay of \$750 that has been going over budget so some fees charged to Streets/Parks

### City Attorney Dave Snyder

No additional report.

### City Clerk Hutchins Farrell

Has a newsletter sponsor who would like their sponsorship fee refunded since the City Newsletter now allows a free advertisement for Lakeland businesses. Consensus from council was to refund the payment from the Cable fund. Andy Erickson has been working on utility billing - quarterly billing at the end of this month; official start date at the City was June 7, 2017. Continuing work on City files and purging obsolete records with contract help.

## 10. CITY COUNCIL AND MAYOR REPORTS

### Council Member Shayne Orning

No report.

### Council Member Tami Fahey

Gateway Corridor meeting was cancelled – regrouping mode/no funds.

### Council Member Joe Paiement

No report.

### Council Member James Stanton

Spoke with an excavator in Afton who is willing to bring dirt to Pump House 2 at no cost [to fill].

### Mayor Glasgow

Happy with progress on clean-up efforts.

## 11. ADJOURN

**Motion/Second: Fahey/Stanton. To adjourn the June 20, 2017 City Council at 8:48 p.m. Motion Carried 5-0.**

**Time Stamp 2:43:32**

Respectfully Submitted by Kate Piscitello