

**LAKELAND CITY COUNCIL MEETING MINUTES**

July 16, 2019

**WORKSHOP to Discuss Employee Contracts**

5:00 p.m.

**REGULAR CITY COUNCIL MEETING**

6:00 p.m.

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

STAFF PRESENT: City Clerk Kate Piscitello, City Treasurer Tom Niedzwiecki, City Engineer Dave Simons, City Attorney Dave Snyder, Public Works/Water Utility Jim Stanton, Planner Jennifer Haskamp and Planner Julia Paulson Mullin

OTHERS: Julie Orning, Chris White, Zane Tuenge, Bryon Kruzer, Brian Beske, Elizabeth Beske,

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

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

**3. ADOPT AGENDA**

Council Member Orning requested the addition of three business items, (8J) discussion of offsite security camera, (8K) discussion of offsite server, and (8L) discussion of Personnel Committee. **Motion: Council Member Orning / Second: Council Member Paiement to approve July 16, 2019 Agenda as amended. All Ayes (5-0). Motion Passed.** **Time Stamp 03:09**

**4. CONSENT AGENDA**

Council Member Williams requested Consent Agenda Items D and E pulled for discussion. Council Member Orning requested Item A be pulled.

**Motion: Council Member Glasgow / Second: Council Member Orning to approve Consent Agenda Items B and C. All Ayes (5-0). Motion Passed.**

**B. Monthly List of Claims**

**Time Stamp 03:56**

Consent Agenda Item A. Council Member Orning brought attention to page 5 the name of Livingston noted; Council Member Williams pointed out on page 5 the motion regarding the Streets Project was approved pending report by the City Engineer, and page 4 the public hearing motion was made pending zoning review.

*Secretary's Note: The motion was recorded as stated; subsidiary motions apply directly to a pending main motion (or pending secondary motion) and helps Council arrive at a final decision on the main motion.*

**Motion: Council Member Thron / Second: Council Member Orning to approve Consent Agenda Item A with corrections. All Ayes (5-0). Motion Passed.**

**A. Approve June 18, 2019 CC Minutes**

**Time Stamp 05:27**

Consent Agenda Item D. Council Member Williams directed attention to the 2019 Appointments, Resolution 2019-01; she requested being a member of the Personnel Committee along with appointing Council Member Mike Thron; with his mechanical background believes he would be good liaison for Mr. Stanton to work with and could understand what some of the challenges he is facing; as well as serving the City in the Public Works Commissioner appointment. Council Member Orning suggested that Council Member Mike Thron be appointed for the Emergency Response appointment.

**Motion: Council Member Williams / Second: Council Member Orning to move Resolution 2019-01 to City Business (8M) for discussion. Ayes (4-0). Nay (1-Mayor Glasgow). Motion Passed.**

**Time Stamp 10:29**

Consent Agenda Item E. Council Member Williams requested that Jim Stanton be removed as the City's Representative for FEMA, appointing the new planning and zoning administrator recently hired. After additional discussion. **Motion: Council Member Williams / Second: Council Member Orning to remove Jim Stanton as a representative for FEMA. Council Member Orning called the question.**

**Motion: Mayor Glasgow / Second Williams to move to City Business (8N) the appointment of the City FEMA representative. All Ayes (5-0). Motion Passed.** **Time Stamp 13:14**

## **5. AGENCY REPORTS**

### **A. Law Enforcement Report [Report on File at City Hall]**

There were 91 ICRs for the month of June.

### **B. Fire Department Report**

Kevin Johnson, 34 year firefighter and treasurer of Relief Association, provided a copy of their audit that was recently done.

### **C. Animal Control Report [Report on File at City Hall]**

No warning letters were sent; 2 dogs and 1 cat were lost, and 2 dogs found.

### **D. Building Permit Report [Report on File at City Hall]**

There were 14 new building projects applied for, with 6 projects closed.

### **E. Engineering Report [Report on File at City Hall]**

Dave Simons reported at the last meeting the City Council authorized moving forward with the Quality Avenue/3<sup>rd</sup> Street Road Project contingent on ability to move the schedule; he has spoken with the contractor and their crew and their subcontractors cannot start on project until spring 2020 so plans are to now have Quality Avenue to 3<sup>rd</sup> Street and Humphreys Park in 2020 and doing the rest and outlet drain basin in 2021 that will involve mobilization twice increasing the labor and fuel to \$47,000; contingencies have been built in to the project that will likely cover that and 1.4M is a valid cost estimate [based on unit-price contract]; they won't know total final cost until the total project is complete; the delay in schedule will allow additional meetings with residents regarding Humphries Park in late summer or early fall. CenterPoint Energy will be returning to restore and grade and seed areas they disturbed and they are planning to start later this week. The Contract has not been awarded. Additional discussion was held on need for mobilizations, to rebid, and other options available to the City. Mayor Glasgow asked that it be added to agenda next month for approval or other options.

### **F. Public Works/Water Department Report**

The Engineer installed new water filtration media in Plant 1 and test run Plant 1; replacement of the media will save annual chemical costs for the City. A new printer is needed for billing; they have on trial for a month; consensus of Council for approval. Basketball court repair will be started; was installed after 2006 and contractor can't be identified. Public Works would like to have a policy regarding trees in the right of way that need removal. Resolution to be adopted that if a tree falls within the ROW that Public Works will clear the obstruction from the road, if Public Works deems that tree is a hazard, a letter be sent to the homeowner to remove within 5-7 days and adjacent debris will be placed in the ROW or yard and it is the homeowner's responsibility to remove limbs and brush.

**Motion: Mayor Glasgow / Second: Council Member Orning to adopt Resolution 2019-16 a Resolution Addressing the Removal of Trees in the City Right of Way by the City's Public Works Department and with the Homeowner Responsible for Clearing Accompanying Limbs and Debris. All Ayes (5-0). Resolution adopted.** **Time Stamp 57:53**

Public Works Jim Stanton asked for approval to hire seasonal help; 3 months ago asked for cleaning help for Pump House 1, Pump House 2, and City Hall; heard nothing from Council. Council Member Williams believes that can be addressed during the Personnel Report. Council Member Williams asked about utility billing and vendor billings from the City Treasurer; wants to know how vendors are being metered. Public Works Stanton noted Hardrives uses the hydrant by the Bungalow that is metered; Chlorinated Water emails what they take and they are metered; verified there is a contract in place for both and is a permit that is applied for; on our City Fee Permit.

Paul Christensen, PeopleService, Inc. Contract water provider that operates the 2 water treatment plants; is down in the City for 2 days a week, 365 days a year monitors remotely; PeopleService works as contract operators, hired by the City as an alternative to hiring and retaining increasingly scarce personnel with the right licensure and experience to manage and maintain the water infrastructure; they take care of the management, operations, and maintenance of the water plants

**Motion: Mayor Glasgow / Second Williams to move to City Business (8N) the appointment of the City FEMA representative. All Ayes (5-0). Motion Passed. Time Stamp 13:14**

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that also provides regulatory compliance; will provide Council the preventative work maintenance report with his quarterly report. Additional discussion was held regarding water testing, water quality, vendor contracts and associated costs for vendors. Council Member Thron will call neighboring communities regarding their water rates. It was also reported that Jim Stanton received his Class D Water Operators License.

#### **G. Zoning Report**

Jennifer Haskamp, Consulting City Planner/Zoning Administrator. No formal report in packets; various residents calling about process with permits; tonight will have two agenda items coming up - one a public hearing and other is a discussion item. In answer to invoice questions, various fees were confirmed to Council in terms of processes. Pre-Application Fee discussed; policy discussion for City. City Treasurer suggested setting it up as an escrow. Mayor Glasgow asked that Jennifer work with the City Clerk to establish a separate line escrow.

#### **H. Treasurer Report [Report on File at City Hall]**

General Fund Balance for June 30, 2019 is \$274,854.60; Statement of Operations by Fund reviewed [E1]; 32240 Dog License should be removed. City Treasurer suggested meeting prior to the August meeting to review the Preliminary Budget; provided comments on budget

#### **I. Personnel Report**

**Time Stamp 2:09:40**

### **6. OPEN FORUM (Public Comments, Presentation, and Petitions)**

Chris White, 311 Queenan Avenue South. Would like to know if Beanie's has been changed to a group home, would like to be resident member of Personnel Committee, would like to the Planning Commission brought back and Diane Wirth invited back.

Mary Miller, 16087 1<sup>st</sup> St. N. Point of process appointing Jim Stanton as representative for FEMA; work should be done after the appointment; would request some clarification. **Time Stamp 2:11:18**

### **7. PUBLIC HEARING**

**A.** Public Hearing on an Application from Matt and Shannon Stordahl, 1635 Rivercrest Road North, for Variance from permitted height of an enlargement and expansion to a standard structure, per chapter 155.040 in Lakeland's Code of Ordinances (Parcel ID #26.029.20.24.0004).

**Motion: Mayor Glasgow / Second: Council Member Orning to open the Public Hearing. All Ayes (5-0). Motion Passed. Time Stamp 2:12:44**

#### *Introduction*

Julie Paulsen Mullin introduced the application, an application for variance that includes a variance to height; criteria has been reviewed and practical difficulties identified.

#### *Public Comments*

Chris White, 311 Queenan Avenue South  
Mary Miller, 16087 1<sup>st</sup> Street North  
Larry Bettenhause, 1583 Rivercrest Road.  
Peter Schaubach, 1615 Rivercrest Road  
Connie Bettenhause, 1583 Rivercrest Road  
Jim Stanton, 27 Quality Ave. S.

*There were no Written Comments*

**Mayor Glasgow closed the Public Hearing.**

**Time Stamp 2:21:11**

### **8. CITY BUSINESS**

#### **A. Discussion and Action Regarding the Application for Variance at 1635 Rivercrest Road North**

City Planner stated this is a two acre property, heavily wooded, built in 1964; proposed structure will use same foundation with new attached garage to the west, new septic system; currently undergoing DNR review; many conditions to be met prior to approval.

**Motion: Mayor Glasgow / Second: Joe Paiement to Approve the Application by Matt and Shannon Stordahl, 1635 Rivercrest Road North for a variance from Permitted Height of an enlargement and expansion to a substandard structure, per Chapter 155.040 in Lakeland's Code of Ordinances based on all conditions as stated being met. All Ayes (5-0). Motion Passed.** Time Stamp 2:45:07

**B. Introduction to Variance Request for 1699 Rivercrest Road North**

Planner Jennifer Haskamp provided introduction to variances requested by Brian and Elizabeth Beske for two variances from the permitted height and bluffline setback of an enlargement or expansion of a substandard structure located at 1699 Rivercrest; this is a new home using the same foundation with different topography; pre-application was started in 2017; project was discussed with a Public Hearing scheduled for the August CC Meeting.

Time Stamp 3:05:35

**C. Moratorium on Car Dealerships Update**

City Planner Jennifer Haskamp provided background on Interim Ordinance Placing a Temporary Moratorium on the Establishment of Car Sales in the City and directing a study be conducted; planning staff conducted review of Lakeland's Ordinance regarding automobile sales, identified existing automobile sales (car lots) in Lakeland and lot standards, reviewed comparable cities' Ordinances and how they address auto related uses, and initial considerations to address concerns as stated within the moratorium; staff did not request formal action at this meeting but is requesting discussion and direction regarding possible ordinance revisions that could be brought back to the August CC meeting for consideration. Council Member Orning interested in extending the moratorium [an additional 90 days] and it was consensus of Council to direct staff to prepare a moratorium extension, hold a Public Hearing in August, and bring back performance standards for Council's review.

Time Stamp 3:44:19

**D. Quality Avenue / 3<sup>rd</sup> Street Project Update** *(covered in Agenda Item 5E)*

**E. City Staffing & Employee Contracts**

Motion made by Council Member Orning / Seconded by Council Member Paiement to terminate the staff employment of the Public Works/Water Utility contractor providing a 60-day notice. Mayor Glasgow vehemently spoke Council was making a big mistake and left saying he could no longer be a part of this meeting.

**Motion: Council Member Williams / Second: Council Member Thron to appoint Council Member Paiement the Acting Mayor. All Ayes (4-0). Motion Passed.** Time Stamp 4:08:58

Acting Mayor Paiement asked a friendly amendment to the motion terminating the Public Works indicating the 60 day notice was a condition within his contract the City was following. City Attorney verified that staff will issue a written notice to this effect.

**Motion: Council Member Orning / Second: Council Member Paiement to terminate the Employment Contract of Jim Stanton, the City Public Works and Water Department Utility Director providing a 60-day notice as stated in his Contract. All Ayes (4-0). Motion Passed.**

Time Stamp 4:10:18

**F. Quixote Avenue North Road to Beach Discussion**

James Space, 1109 Quixote Avenue North, was present to discuss maintenance of the road down to the Beach that has a City road easement; the road north of the bridge does need maintenance but it hasn't been determined whether the property owners or the City should maintain; Mr. Space noted four issues to discuss (1) whether or not the City owns the road, (2) whether the City owns the park, (3) who should maintain the road, and (4) installing 6" drain tile.

**Motion: Council Member Orning / Second: Council Member Paiement to table the issue at this time for further research to include ownership of the road and if maintenance needed. All Ayes (5-0). Motion Passed.** Time Stamp 4:04:44

**G. Cully Park – Basketball Courts – *discussed earlier***

**H. Discussion on Chickens / Ordinance**

**Motion: Council Member Paiement / Second: Council Member Williams to table discussion on an Ordinance Allowing Chickens until the August Meeting. All Ayes (4-0). Motion Passed.**  
Time Stamp 4:11:06

**I. Sale of Land – 1190 St. Croix Trail South**

Council Member Williams requested the sale of land be discontinued. Council Member Paiement noted the City authorized bids to be received.

**Motion: Council Member Williams / Second Council Member Orning to table the opening of bids on the sale of land at 1190 St. Croix Trail South until the Special City Council Meeting when a new treasurer will be interviewed and discussed. Council Member Thron indicated he would be abstaining from any discussion. All Ayes (4-0). Motion Passed.**

Time Stamp: 4:13:39

**J. Discussion on Offsite Security Camera (Added from Agenda Item 3)**

**K. Discussion on Offsite Server (Added from Agenda Item 3)**

Council Member Orning had requested all offsite servers and equipment be returned to the City Hall. Treasurer Niedzwiecki confirmed there was monitoring access.

**Motion: Council Member Williams / Second: Council Member Paiement to request all electronic property owned by the City, along with cameras providing remote access, be returned to the City Hall and confirmation be provided that it has been returned. All Ayes (4-0). Motion Passed.**

Time Stamp 4:18:53

**L. Discussion on Personnel Committee (Added from Agenda Item 3)**

Discussion held to reappoint a Personnel Committee. Council Member Williams expressed an interest in being part of the Committee as well as Council Member Thron. Chris White will be contacted for a resident member as well as Diane Wirth. Establishing a Personnel Committee will be placed on agenda for SCC to be held soon.

Time Stamp 4:19:56

M. Amendments to City Appointments – Resolution 2019-01 (from Agenda Item 4D)

N. FEMA Representative (from Agenda Item 4E)

**9. CITY COUNCIL AND MAYOR REPORTS**

**10. CITY STAFF REPORTS**

**11. ADJOURN**

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

Time Stamp 4:21:15

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