



Regular City Council Meeting 6:00 p.m.
Tuesday, February 15, 2022
Lakeland City Hall

REGULAR CITY COUNCIL MEETING MINUTES

City Council Present: Council Member Robert Craggs, & Council Member Pat Rivers

City Staff Present: Acting City Clerk Michelle Elsner,

Via Zoom: Mayor Joe Paiement, Council Member Mike Thron, Council Member Doug Sand, Financial Consultants Kim Guyer, Roger Schanus, City Engineer Erik Henningsgard, Zoning Administrator Jennifer Haskamp, & City Attorney Dave Snyder

1. **CALL TO ORDER – 6:00 PM**
2. **PLEDGE OF ALLEGIANCE - Recited**
3. **ADOPT AGENDA – Council Member Craggs made a motion to add a summary of the listening session to the agenda, seconded by Council Member Rivers, followed by a motion to adopt the agenda. Seconded by Council Member Rivers, all ayes motion carried**
4. **CONSENT AGENDA – Council Member Craggs requested to pull item C for discussion Council Member Rivers made a motion to adopt items A, B & D on the consent agenda. Seconded by Mayor Paiement all ayes motion carried.**
 - A. Approve January 18, 2022, City Council Meeting Minutes
 - B. Monthly List of Claims
 - C. Resolution 2022-03 Approving State of MN. Joint Powers Agreements with the City of Lakeland on behalf of its City Attorney and Arresting Agency – The request was made to pull this item for a summary of this item and asked City Attorney Dave Snyder if a resolution was needed. The state because of the sensitive nature of the possible accessed data for prosecution the state asks that the terms and conditions of the agreement be clarified. It protects against for example arbitrary license looks up or just looking into the BCA website to check out people’s backgrounds which would be used only for prosecution purposes. Council Member Rivers asked who has access to the BCA database. Attorney Snyder stated that only people in Johnson Turner offices that handle prosecution matters and that no one at the city level has any access. Council Member Craggs made a motion to approve the agreement between the City of Lakeland and the Department of Public Safety to appoint Johnson Turner as the legal counsel and to have access to the BCA database. Seconded by Council Member Rivers, all ayes motion carries.
 - D. TruGreen 2022 Service Agreement
5. **AGENCY REPORTS**
 - A. Law Enforcement Report
 - B. Fire Department Report
 - C. Animal Control Report
 - D. Building Permit Report
 - E. Engineering Report – Erik Henningsgard – SEH Engineering – Council Member Craggs thanked the representatives from SEH for the presentation and for answering the resident question at the listening session in January. Erik gave a brief update of the FEMA grant and a brief timeline as to where in the process the City is at.

F. Public Works/Water Department Report – People Service – Simon spoke with Kodiak in mid-January about the new generator for PH 1 we expect delivery to take about 33 weeks and in May we can begin preparing the slab and piping for the gas line

G. Zoning Report – Jennifer Haskamp – Swanson Haskamp Consulting, LLC -

H. Financial Report – Roger Schanus – Carlson SV – Roger Carlson pointed out that things are still held open from 2021 for bills that did not arrive before the 1st of January. I will make recommendations for the carryover from 2021 at the next meeting

6. OPEN FORUM (Public Comments, Presentations, and Petitions)

Chris White – 311 Queenan Ave S – I am looking forward to the discussion on the newsletter and the update from the Personnel Committee. I was hoping for an update on the 303 Quentin Ave Impervious violation and the recent breach with the email system. It would be really great to have an update on City Hall

Mary Maloney Miller – I second the discussion about the newsletter, the website, and the personnel committee. I just want to talk about a couple of things about our website. The first one is Cyber security on January 25th I received an email that appeared it was from the interim City Clerk requesting I review a document by clicking a link I did not I called her and I gave her a call and it was a phishing email and it was disbursed to 200 other people and I hope no one clicked on it and was harmed by this email. I recently found that the website Ci.Lakeland.mn.us can be accessed with either an HTTP or an HTTPS the difference is one is secure and the other isn't. I would like to request that the City remove access to the website using the HTTP. A couple of years ago there was an article written by Mary Devine and she wrote about Lakeland dueling websites that once used ci.lakeland.mn.us and the other used the Cityoflakeland, within a couple of weeks of that article the City ordered Mayor Glasgow to take down the Cityoflakeland site and return full control of the website to the City hall staff. I find it curious that the city still owns both city names the domain name is set to expire in October of this year the ci.lakeland.mn.us is set to expire until 2025 it was shared with me that letting those domains expire could set us up to lose years of city records. Since January 2021 to date, the City has paid our vendor 16,000.00 I am concerned that we might be taking a band-aid approach to the security on our website when it might need some surgery

Julie Thron – 16411 Division St I would really like it if there was a workshop for City Hall I don't know if anyone is aware that there is a cleaning crew that they clean twice a month for 200.00. I see the newsletter is on tonight this newsletter just keeps cycling so often on the agenda and I think that needs a policy so that it is made clear as to what is wanted on the website.

7. PUBLIC HEARING (Discussion and Action by the City Council will follow each Public Hearing after closing)

8. CITY BUSINESS

A. Discussion and Action on Resolution 2022-04 - 2022 Fee Schedule/Tiered water rate – Carri Levitski from Rum River Construction Consultants is in-house to address any questions with the building permit changes. What you have before you is the draft of the 2022 Fee Schedule we have gone through and broken it down by section. Starting on page 3 is the building section we updated the schedule that was adopted in 1997 we have updated it to the new schedule that the state of MN uses and many jurisdictions in MN use. The new schedule is inflationary in nature but some of the fees have been lowered. We are just bringing up to speed with what the state of MN is in line with the statutes. Mayor Paiement asked Carri about the escrow amounts and how are they determined? The explanation of that will be currently on page 3 of the new schedule - **The ESCROW deposit is used to pay expenses incurred by the City related to the permit. Any excess funds remaining after the matter has been concluded shall be refunded to the applicant. No interest shall accrue on any deposit. If expenses, in excess of the refundable deposit are incurred, the applicant will be billed for the excess.** Julie Thron asked if there is a fee for a certificate of compliance it is 50.00 for the application and 500.00 for the escrow.

The other proposed change is the water rates and usage we asked Simon to help us think about how to come up with rates to encourage water conservation. Simon put together a memo on factually put

together facts on water usage and how much the average house uses regularly and what other communities are doing as far as tiered water rates. To clarify the proposal in the packet is since the average household uses 20,000 a month it is proposed that once you go over the 60,000 gallons a quarter that the water rates go up from 3.00 per 1000 gallons up to 60,000 gallons a quarter to 6.00 per 1000 gallons at the point of 60,001 gallons of usage per quarter. This would for the vast majority of people that don't use a lot of water won't see a change to their water bills every quarter. Lisa Williams reminded the council that there is a joint powers agreement with other cities. Council Member Thron pointed out that the City of Lakeland is responsible for the water infrastructure. Mayor Paiement asked that we work with Dave Snyder to assure that we are within the constraints of the Joint Powers Agreement when discussing any changes to the pricing of the water rates and the possibility of moving to a tiered system for billing. I think we need to use a 2 step approach to decide on the changes we want to make and then decide how to go about implementing that information. Council Member Thron is interested in knowing how many homes are going to surpass the 60,000 gallons per quarter. Council Member Craggs made a motion to accept the building schedule fees and hold on the water usage amounts that are currently in place. Attorney Snyder recommended modification of the resolution tonight and move forward. Seconded by Mayor r Paiement, all ayes motion carries

B. Discussion on 2040 Comp Plan – Transportation Chapter & Natural Resources, Open Space & Resiliency – Jennifer Haskamp - The last chapter ties to the land use zones, the parks, and trails system. The 2 chapters that are in front of you this evening do not reflect a whole lot of change and not much is planned to change. This chapter is more about regional roadways and mass transit. I don't think there is anything that is too surprising in the transportation chapter. Council Member Craggs commented that I appreciate that you put in the chapter that Co Rd 18 and 8th street north, that it was not reconstructed 10 years ago and it does have an increased traffic flow and is an area of concern as far as traffic flow and safety for the residents. The second chapter that is in front of you is the open space, natural resources. This chapter is about maintaining the park and trail system it also points out that you are in the St. Croix River district which adds to the uniqueness of your community. The new piece is the regional bicycle transportation network. This is a regional concept coming from the Met Council and it states that in the future people might use their bicycles more as an option of transportation. This is when you start thinking about possibly adding our community and where those connections might be and how it might look in the future. The last piece is the solar capacity map and the solar kilowatt-hours that are at the back of the chapter. This completes all of the checkmarks that needed to be checked off per the Met Council. The goal is at your next meeting we will have the last couple of chapters left. We need to have it submitted by June to the Met Council so we should be able to do a public comment on the 2040 Comp plan and have it back to the Met Council by the deadline in June.

C. Discussion and Action on Funds for 2022 Street Project – Erik Henningsgard last month the council approved the list of maintenance projects for 2022. The question was are we doing enough should we be doing more with what is suggested for 2022 in the list we had a reconstruction of Quinnell Ave in 2025 Roger helped do a review of what we have outlined so we are not asking to increase the amount for the street projects and not do additional work this season but use some of the additional funds to go towards the Quinnell Ave project along with other maintenance on the other planned streets for 2025.

D. Discussion on Newsletter/Website – Council has requested that someone from CIT come to speak to the security of our entire IT system. Is the website meeting the needs of the residents of Lakeland?

E. Update from Personnel Committee – We posted a position called City Clerk treasurer we had 5 resumes and interviewed 3 to interview we worked with Dave Snyder and his Assistant. We interviewed 2 candidates for the position. Mayor Paiement, Council Member Craggs, and Cindie Reiter did the interviewing for the position. The personnel committee recommended that Michelle Elsner be transitioned into the permanent City Clerk Position, and we would be moving her to a Salary position. We would use Mary Moeller as a deputy clerk/treasurer we feel that what would be important is to provide both coaching and mentoring for both employees. We have had an initial discussion with an independent consultant to provide services. The benefits we see are flexibility with staff, we also see that by recommending this as a whole we can meet the statutory requirements. We are recommending a special session so that the rest of the council can ask

questions of both candidates and hope to move promptly since this has been such a drawn-out process. Council Member Sand is concerned about the location of the Clerk and the additional employee being outside of City Hall. I would prefer to settle that issue before we make any offers of employment. Council Member Rivers appreciates the approach that was taken in handling these issues and I agree that the space will need to be figured out.

Council Member Thron pointed out that we are confusing 2 issues we are talking about employment and location of offices and I believe that we should figure out the staff piece first. We have a lot to discuss as far as City Hall and I don't think we should mix the 2 issues.

It has been suggested that we hold a special meeting on a weeknight. Council Member Rivers proposed the 22nd of February at 6:00 PM the agenda will be the personnel committee recommendation

F. Listening Session Summary The Listening session was recorded, SEH provided an overview of the meeting, both listening sessions are available to be viewed on the website. We had good feedback with diverse views explored many options, the concerns are the supply chain issues and the ADA compliance issues. There was a lot of discussion about leasing space in the community or possibly leasing some space from other cities. It was suggested that we retain a consultant to help evaluate the circumstance. Questions were raised about the slab at the City Hall that was burned down. There was a discussion about rehabilitating the current building and the concerns about using that avenue. Council Member Thron - One of the takeaways was not to rush the decision and take the time to make sure that it is done right. We need to evaluate the foundation of the other building to find out what we have down there. Council Member Sand thinks we need to develop the ideas and we are not at the point where any of them have enough information about the ideas that have been discussed. Attorney Snyder says that with all the options it pays at this point to get something from the attorney and engineer in how to go about narrowing those items down and outline all the options that have been put in front of you and allowing the council to discuss them at a workshop so that you can have a chance to discuss and possibly narrow down the ideas.

9. CITY STAFF REPORTS City Attorney Dave Snyder gave an update on 303 Quentin Ave N that staff will proceed forward in a formal sense.

The second is 1109 Quixote Avenue was litigated through district court several years ago it ordered the removal of a pier that was poured into the St. Croix River, it ordered the correction of impervious space violations, it ordered a cabin structure that houses a hot tub to be removed from the property. Through the actions of the City Engineer and Staff at the time the property was brought into compliance since then the hot tub and the cabin structure around it has reappeared on a trailer, the restored northern parking area had once again reverted to a parking area, after asking the owner to make the corrections a week later we received correspondence from the owner that he no longer owned the property however, the reported sale was an effort to avoid the communication with the City and the request to comply. This a situation of resistance to comply with the court orders. I just wanted to let you know this was going to be the focus of city staff time and great expense to the City

10. CITY COUNCIL AND MAYOR REPORTS – Mayor Paiement met with a resident of West Lakeland township, and they could be interested in Lakeland possibly renting meeting space from them. I will keep council up to speed as I get further information on this.

Council Member Rivers I received a call about a very icy street and Council Member Thron helped me to get the assistance needed for the resident. I think it would be very helpful to have a emergency phone listing so we can avoid things like this in the future

11. ADJOURN Council Member Rivers made a motion to adjourn. Mayor Paiement seconded, all ayes meeting was adjourned at 8:19 PM