



Regular City Council Meeting 6:00 p.m.
Tuesday, February 20, 2024
Lakeland City Hall

REGULAR CITY COUNCIL MEETING MINUTES

City Council Present: Mayor Joe Paiement, Council Member Robert Craggs, Council Member Mike Thron, Council Member David Millard

City Staff Present: City Clerk Michelle Elsner, Treasurer Kristen Hoheisel

Via Zoom: City Attorney Dave Snyder, Engineer Erik Henningsgard, Public Works Shane Jacks & Zoning Consultant Kate Eiyneck

1. **CALL TO ORDER – 6:00 PM**
2. **PLEDGE OF ALLEGIANCE - Recited**
3. **ADOPT AGENDA – Council Member Sand made a motion to assign Council Member Craggs as the acting Mayor. Seconded by Council Member Thron, all ayes motion carried. A motion was made by Acting Mayor Craggs to add an update on 44 St Croix Trail to the agenda as item B under City business. Seconded by Council Member Millard all ayes motion carried. The Agenda was adopted with that change**
4. **CONSENT AGENDA – Acting Mayor Craggs requested that items F & G get pulled, Council Member Thron requested items C & D get pulled. Council Member Millard made a motion to approve items A, B, & E. Seconded by Council Member Thron, all ayes motion carried.**
 - A. Approve January 16, 2024 City Council Meeting Minutes
 - B. Monthly List of Claims
 - C. Resolution 2024 – 06 RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR 1035 Quixote Ave N
 - D. Resolution No. 2024 – 07 RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR 1081 Quixote Ave N – After some discussion with zoning about the resolutions and the conditions in items C & D, Council Member Sand made a motion to approve the resolutions. Seconded by Council Member Millard, all ayes motion carried.
 - E. Revised Resolution 2024-01 Annual Appointments
 - F. Annual Weather Siren Maintenance Contract with MNS Notification Solutions LLC – Acting Mayor Craggs made a motion that the 3-year provision be changed to 1 year. Seconded by Council Member Thron, all ayes motion carried
 - G. Approve the costs of a New Server for the City & migration to.gov website and email - Acting Mayor Craggs made a motion to add to the March agenda as city business when a representative from CIT is available. Seconded by Council Member Sand, all ayes motion carried.
5. **AGENCY REPORTS**
 - A. Law Enforcement Report
 - B. Fire Department Report
 - C. Financial Report – Kristen Hoheisel
 - D. Building Permit Report –
 - E. Engineering Report – Erik Henningsgard – SEH Engineering
 - F. Public Works/Water Department Report – People Service
 - G. Zoning Report – MSA Professionals – Chris Jansen from MSA gave up update on the 2040 Comp Plan update that the local watershed management plan needs to be updated and it is being worked on by SEH.
 - H. Animal Control Report
6. **OPEN FORUM (Public Comments, Presentations and Petitions)**

PLEASE KEEP COMMENTS TO LESS THAN 5 MINUTES

Lee Rosow 4416 River Road S Afton, MN. – I would like to introduce myself I am purchasing 44 St Croix Trail. I have been a resident of Afton for 42 years, I own other commercial properties, but no residential property. I own Centerline Charter Corp bus company. The most important project I have been involved in is to develop Halcion cemetery in Lake Elmo. I intend to occupy some space for myself as a shop making the things that I manufacture for the cemetery and other projects I am involved in.

Julie Thron 16411 Division St. – I am disappointed that the item of 44 St Croix Trail was a last-minute addition to the agenda. Conditions have not been addressed including the site plan, stormwater drainage plan, and the fence. The longevity of a cedar fence is 20 years if this fence has not been properly maintained over the years. The old portion of the fence was stained when constructed and then again last July, recently there were boards replaced on the fence so it has outlived its expected life span. As the fence stands today after an independent inspection that was completed it has been recommended it be looked at by a structural engineer. This fence violates MN state building codes and violates MN. Statutes. At the time of the amendment to the CUP, there were multiple meetings held that I attended and there were many discussions over the fence, there was never a point that we were given the impression that it was not going to be a new fence installed on the property it was never discussed that an addition of 4' to the 6' fence instead of a new complete 10' fence as an acceptable option to the adjacent homeowners. The shoddy construction was done by a roofing and gutter company, not an accredited fence company. It was clearly constructed as a spite fence to annoy the neighbors, our options are trying to negotiate with the neighbor to rectify the issue or take the neighbor to court.

Nancy Millard 16051 Quality Court – I know that there has been a lot of work done and we have to come up with a plan to get out of this building, listening to the truth in taxation it is clear that property values are going up and the longer we wait to do anything the more it is going to cost. We were told that this building needs to be regularly inspected, this building is not ADA-accessible. You should probably consider putting some money in this building and getting better inspections.

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 2022 and 2023 Audit - Brad Falteysek went over the Audit findings the complete Audits and Executive Governance findings are posted under financial documents on the website. Council Member Thron made a motion to accept the audit findings for 2022. Seconded by Council Member Millard, all ayes motion carried.

Council Member Thron made a motion to accept the 2023 Audit findings. Seconded by Acting Mayor Craggs, all ayes motion carried.

B. Discussion on 44 St Croix Trail – Attorney Dave Snyder gave an overview of the situation at 44 St. Croix Trail S. The issues are a lack of site and drainage plan for the property and the second issue is the fence around the perimeter of the property. Council Member Thron voiced his concerns about the fence and the long-term effects for the new owner and the neighbors with the age of the bottom fences age and the sleeving that is holding up the new addition. Council Member Millard referenced the agreement terms at the time of the amendment to the CUP with the 10' fence and the arborvitaes that were made a condition of the amendment.

Acting Mayor Craggs spoke about the missing site plan and the missing stormwater drainage plan for the property. Mayor Paiement spoke to his disappointment in the current property owner and the inability to work together in good faith on the fence and the stormwater pond that was a condition of the amendment.

Council Member Sand spoke about the money spent on the addition to that fence and he feels it is too late to violate the CUP over the fence because it was approved by zoning and building. He also spoke about the retention pond and that nothing has changed at the site since it was constructed.

Chad Lemmons – Representative to Ms. Aldridge. He stated that the site plan and the drainage plan had been sent to the city. A professional engineer was hired and wrote a report on the drainage pond, that issue needs to be worked out between the engineers. It is my understanding that a building permit was pulled and that the fence was approved by the building official. We can get a structural engineer out to speak to the safety of the fence. It will be power washed and stained as soon as possible once the weather conditions allow. The fascia board was designed to make it uniform to the tops of the fence. It will be moved for a more appealing look for the neighbors.

Council Member Thron asked about the power washing of the fence and the staining and pointed out that the fence is over 20 years of age and the wood that was existing has deteriorated. Acting Mayor Craggs spoke about the retention pond and the City Engineer's recommendations. Mr. Lemmons suggested a maintenance agreement as a solution to that issue. Mr. Lemmons spoke to the fact that it would be at the cost of \$95,000 to replace the fence with a new 10' fence.

Council Member Thron spoke to the original conversations and agreement on the fence, moving the old fence to the auxiliary lot and putting up a 10' fence around the perimeter of the property.

Mayor Paiement said yes, he wants to set a violation hearing and he hopes that between tonight and the violation hearing things continue to move forward trying to work with the neighbors over the ongoing issues with the property.

The basis for the hearing will allow the owner to convey how they are in compliance with the CUP and for the council to further assess the situation and make their final judgments.

Mr. Rossow spoke about how he hates wooden fences he prefers a more secure chain link fence. He would like to work with the neighbors and the city to solve this issue.

Acting Mayor Craggs made a motion to schedule a violation hearing at 4:30 on the 19th of March. Seconded by Council Member Millard.

Council Member Millard – Aye

Council Member Sand – Nay

Mayor Paiement – Aye

Council Member Thron – Aye

Acting Mayor Craggs - Aye

C. Discussion and Action on request from Afton Lakeland Parents Group for funds for the school carnival – The request was for \$2000.00 for the school carnival. Acting Mayor Craggs stated that historically the carnival had always been a fundraiser for the school, so he has some questions about this request. A representative from the parents group was not present. Council Member Sand made a motion to reject this request. Seconded by Acting Mayor Craggs, all ayes motion carried.

D. Discussion and Action on city-wide speed reduction for residential streets – Mayor Paiement suggested possibly a workshop if there was interest. Council Member Thron asked if it is enforceable. Council Member Sand has the same concerns. The Acting Mayor Craggs suggested asking the Washington County Deputy about enforcing the stop signs more. No further action was taken at this time.

E. Discussion and Action on Well #1 Maintenance proposal – water operator Paul Simonsen gave an explanation for this needing to be done, Acting Mayor Craggs made a motion requesting an updated quote from Traut. Seconded by Council Member Sand all ayes motion carried.

F. Discussion on New City Hall – Mayor Paiement -, “PORTIONS OF THIS MEETING MAY BE CLOSED PURSUANT TO Minn. Stat. 13D.05Subd. 33) To develop or consider offers or counteroffers for the purchase or sale of Real Property located at 177 St Croix Trail S Lakeland Shores, MN. 55043 – Attorney Snyder explained the process for going into a closed session. Noted that Brian Zeller will be in the closed meeting as the city advisor on this matter. Acting Mayor Craggs made a motion to go into executive Session. Seconded by Council Member Thron, all ayes motion carried.

Council Snyder summarized the Executive Session by stating that himself the entire council, the city clerk, the city treasurer, and Brian Zeller was in attendance. The purpose of the session was to discuss potential offers of property. Acting Maory made a motion to make an offer on the property consistent with the recommendations made in the executive session. Seconded by Council Member Sand, all ayes motion carried.

9. CITY STAFF REPORTS

10. CITY COUNCIL AND MAYOR REPORTS

11. ADJOURN – Acting Mayor Craggs adjourned the meeting at 10:05 PM