



Regular City Council Meeting 6:00 p.m.
Tuesday, October 18, 2022
Lakeland City Hall

REGULAR CITY COUNCIL MEETING MINUTES

City Council Present: Council Member Mike Thron, Council Member Doug Sand, Council Member Pat Rivers, & Council Member Robert Craggs

City Staff Present: City Clerk Michelle Elsner, Financial Consultant Kim Guyer, City Attorney Dave Snyder

Via Zoom: City Engineer Erik Henningsgard, & Zoning Administrator Kate Eiyneck, & Planner Emily Herold

1. CALL TO ORDER – 6:01 PM

2. PLEDGE OF ALLEGIANCE Recited

A motion was made by Council Member Rivers to appoint Acting Mayor Craggs as the Acting Mayor. Motion was seconded by Council Member Thron, all ayes motion carried

3. ADOPT AGENDA – Council Member Rivers made a motion to adopt the agenda. Seconded by Council Member Thron, all ayes motion carried.

4. CONSENT AGENDA – Acting Mayor Craggs requested to have item C pulled for discussion. Council Member Sand moved to accept the other 2 items on the consent agenda. Seconded by Council Member Rivers, all ayes motion carried.

A. Approve September 20, 2022 City Council Meeting Minutes

B. Monthly List of Claims

C. Approve SavATree Quote for General Tree Care at Crocker and Humphries Parks – After discussion over the general tree care Acting Mayor moved to accept the quote from SavATree. Seconded by Council Member Thron, all ayes motion carried.

5. AGENCY REPORTS

A. Law Enforcement Report –

B. Fire Department Report – Mike Thron Volunteered for the remainder of 2022 to be the second Representative for the Fire Relief Board and will keep the spot filled for the next 2 years if he is reelected

C. Animal Control Report – In Packet

D. Building Permit Report – In Packet

E. Engineering Report – Erik Henningsgard – SEH Engineering

F. Public Works/Water Department Report – People Service

G. Zoning Report – MSA–

H. Financial Report – Roger Schanus – Carlson SV -Council asked Carlson SV to work with City staff to do an RFP for an audit to be completed.

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

Please keep comments to less than 5 minutes

Mary Maloney Miller 16087 1st St N – By not doing the audit the City will lose their local government aid did we lose our LGA for this year as a result of not doing the audit.?

Are there written employment agreements for the City Clerk and Deputy Clerk positions?

What are the next steps forward as the City Clerk's probationary period comes to an end?

Chris White 311 Queenan Ave S – I appreciate that in the Newsletter there was election information. Now for my disappointment with the newsletter that there are no background pieces on the candidates. It would sure be nice to have a City Council update in the newsletter

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

8. CITY BUSINESS

A. Discussion and Action regarding 44 St Croix Trail CUP Violations – Kate Eiyneck General background about Conditional Use Permits. A Conditional Use Permit cannot allow or authorize a use that is not allowed in the district or according to the ordinances. A CUP is not an approval of approval or compliance with all other state

regulations. The business owner must maintain compliance with the zoning ordinances. A violation of any term of the Conditional Use Permit shall be a violation of the ordinance and cause for revocation of the Conditional Use Permit. In my opinion, we have outlined a number of inconsistencies with the Conditional Use Permit we are making a recommendation that in order to get on the same page with the building owner we update the entire CUP following an application made to the council for an amended CUP to address any of the inconsistencies and eliminate all confusion over what is and what is not allowed at the St Croix Business Center. It was summarized that Zoning and the City have met with the property owner and their representative about the alleged violations there were several it appears that no steps have been taken to come into compliance at this time. In addition, it is now suspected that they are now hosting a lumber processing or manufacturing at this time. It would be a use that is not permitted with the current CUP nor is it allowed in the zoning district per the city code. Council Member Sand asked for a listing of the violations, Zoning responded that there is diminishing returns on each violation. Zoning referred to the zoning violations letter that went out on the 3rd of October this year. Each business in the center needs to have a conformance certificate for each of the businesses. Dave Snyder stated that the thing that brought it to us tonight is that a new business was brought in during a weekend evening. The conditional use permit does not allow for the use. Dave Snyder recommends setting this on for a full violation hearing at the next Council meeting. The Council could choose to do nothing, give some direction to the applicant, set it on for a violation hearing, or give staff some direction to move in a manner that makes sense in this situation. Council Member Sand stated that it seems that the council is picking on this business. Council Member Thron pointed out that earlier this year a resolution was signed stating that there would be no changes to the outside of the building. Council Member Rivers pointed out that the delays earlier this year was to give the applicant and the landowners nearby to work out things like hours of operation and fencing, so it was to the advantage of the applicant to use that time to work with the other property owners. So we tried to give them the opportunity in a business-friendly environment to work out those details on their own. It was encouraged by City Staff 2 months ago that if they wanted to add a different usage to the property to speak with City and see if it did or did not trigger an amendment to the CUP in an upfront discussion. 2 weeks ago late in the afternoon on a weekend semi's start arriving to unload timbers to the outer perimeters of the property which from an enforcement standpoint that there is a refusal to have the upfront communication with the City and a decision has been made to defy requests for cooperation. The CUP defines what can and cannot be done at this property and maybe it should change but until the property owner moves forward it can't be changed. The recommendation from staff is to proceed to a violation hearing in November with the hopes that a new leaf gets turned over here and the property owner opens a dialogue with the City before that point to see what changes could be done to the CUP. Council Member Craggs reiterated what Council Member Rivers stated about the reason that this was in front of the council for many months prior to this so that the Council could give the appropriate review of the situation and that we didn't have adequate information for the site. For 20 years this property had clear communication with the neighbors along with a basic understanding of what to expect from both parties. The Council doesn't understand what has changed but we need to find a means to have some communication which is the fundamental problem.

Mr. Gasperini (on behalf of MDA properties and the St Croix Business Center) In August after the first meeting we made a request that City staff and the St. Croix Business Center come together to update the CUP. Right now the only document in the city files is the CUP from 2004 which does not reflect any of the changes made in the last 30 years. I don't know if Council is aware of this but the entire file is missing and we have asked that the file be recreated so that we can move forward with an update to the CUP we need to figure out what is the current CUP. It would be unfair to request an amendment to the CUP without knowing what the correct and current CUP is. Dave Snyder stated that there is no contention that a lumbar processing facility is allowed by any iteration of the CUP. The reality is conventionally the property owner wants to broaden the CUP they don't do that without the consent of the City. Instead, they do it with communication coordination and cooperation with the City. No one should be surprised that after 20 years a CUP might need to be updated. Would our energies not be better used doing the necessary updates to the CUP so that everyone does know what is and what is not allowed at this property? It is recommended that the applicant stop violative activity, don't inflame the neighborhood without advance discussion. Come in with an application to broaden or strengthen the CUP based on the business plans. Council Member Sand requested a description of what type of operations the Tennant in question does. Mr. Gasperini said to the best of his knowledge it is a woodworker that takes logs and turns them into pieces of art. Council Member Thron asked Mr. Gasperini if he is aware that there is a scheduled open house at this business scheduled to happen soon. They haven't followed any procedures they just moved in and that was it. The City had no awareness of what type of business was being moved into the SCBC. There is a history of this business in Denmark Township of issues. I was making a statement that they are inviting customers into the building after you stated that there will be no customer traffic.

Council Member Craggs made a motion to schedule a revocation hearing We will work with the representative of the business center to begin discussions around amending the CUP with the hope that we will not need to go through with the revocation of the CUP. Seconded by Council Member Rivers, ayes from Council Member Rivers, Council Member Thron, Acting Mayor Craggs and Council Member Sand Nay. Motion carries 3 – 1
The Council requested that the Clerk mail out a notice to all of the residents within 500' of the SCBC

B. Discussion and Action regarding a benefit increase for the Lower St. Croix Valley Fire Department Relief – A motion was made by Council Member Craggs to raise the benefit level per year of service from \$4350 per year to \$4775.00 per year. Seconded by Council Member Rivers, all ayes motion carried.

C. Discussion on City Hall Options – Erik Henningsgard put together a memo on the costs of a scaled-down building the projection was about 1.4 million the buildings would be similar in size to the size of what you are sitting in today. We decided to keep it where it is for discussion purposes. We used 350.00 to 375.00 per square foot in today's market this is a fair range. The council asked that the projection be revised to match the chamber size of the current council chamber. The council made the decision to schedule a workshop at 6:00 PM on November 3rd

9. CITY STAFF REPORTS The City Clerk read into record the thank you note from the family of Kate Piscitello for the donation from the City.

10. CITY COUNCIL AND MAYOR REPORTS

11. ADJOURN 8:06 PM