

LAKELAND CITY COUNCIL MEETING MINUTES 2017

SPECIAL CITY COUNCIL MEETING MINUTES / APRIL 11, 2017

OFFICIAL RECORDED MINUTES OF LAKELAND CITY COUNCIL MEETING TUESDAY, APRIL 11, 2017

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

CITY COUNCIL ABSENT: Council Member Shayne Orning

STAFF PRESENT: City Attorney Dave Snyder, City Treasurer Tom Niedzwiecki

STAFF ABSENT: City Clerk Jennifer Hutchins Farrell

OTHERS PRESENT: Tim Wirth, John Dresler, Dave Simons (SEH), John Thom (SEH)

1. CALL TO ORDER by Mayor Glasgow at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE was recited.

3. ADOPT AGENDA:

Motion/Second: Stanton/Fahey. To Adopt the Agenda of the April 11, 2017 Special City Council Meeting as presented. Motion carried 4-0.

4. PUBLIC WORKS COMMISSIONER AGREEMENT

The Public Works Commissioner Agreement listed desire to retain the services of a Public Works Commissioner to perform certain duties, mutually agreed upon as determined by the City Council; terms of Agreement remain in effect until terminated and may be terminated at any time upon mutual agreement of the City and the Public Works Commissioner by providing a sixty (60) day advance written notice; Public Works Commissioner will be paid a monthly rate of \$750 for 40 hours of service with additional hours over the monthly retainer billed at \$50/hour with the prior approval of the Mayor or designee.

Motion/Second: Glasgow/Fahey. To execute the Public Works Commissioner Agreement between the City of Lakeland and James R. Stanton, with duties including oversight of all Public Works Department operations, and with authority to negotiate and enter into contracts or agreements not to exceed two-thousand dollars (\$2,500) in total for contemplated services and/or goods. Counsel asked for friendly amendment recommending increase to \$2,500 as \$1,000 too low. Both Glasgow and Fahey agreed to amend. Motion passed 3-0-1 [Council Member Stanton abstained]

Discussion followed. Council Member Joe Paiement posed any conflicts of interest or ethical implications with the Agreement with a city council member working for the City; Lakeland has never done this before and he would like to make sure all precautions taken; asked counsel if this occurs in similar cities with other per functionary tasks; that said, issue for city council (1) refrain from any involvement; (2) city council feels free to treat Commissioner as employee with compensation, and (3) approve or disapprove publically and check back in couple of months; potential conflicts/public notice. Mayor Glasgow explained this is a month to month contract with 60 day notice of termination as opposed to independent contractor; city council obligated to evaluate options and this is the best one as they need someone between SEH and city council; will be much more efficient working with Council Member Stanton. Dave Simons, SEH, noted it important for them at this interim phase; can provide staff to do this but much more efficient utilizing Council Member Stanton; PeopleService, Inc., a vendor, has been contacted to run water system; still looking at different ideas and concepts; SEH, in his opinion isn't as cost effective as he would like; would like to get an outside vendor for day to day operation, hired separately, with Council Member Stanton filling in on an interim basis before bringing in someone else; outsourcing running of this and Council Member Stanton will work himself out of a job; thinks vendor they have been exploring has other communities in the area where they could have a person here to share with another community; if they can figure out what they need, vendor will do for them; at present, looking at what exactly needs repair or upgrading as City Engineer has not participated in review of the operation; finding some things not working as they should – need to assess what they have and match up with vendor; presently working on itemized list of options and another month out contract with People Service, Inc. Council Member Stanton noted he has talked with someone from PeopleService and would like to see some items repaired; need to define scope and assess what is needed for the system. Joe Paiement expressed skepticism; SEH initially designed the system 20 years ago but hasn't kept them in the loop to update; employee left and suddenly they need a \$1 million upgrade to water system; someone should have told city council this wasn't a part of SEH's role. Simons apologized if they dropped the ball; they were not invited by the Water Utility to oversee any of the operation; however, stated an outdated water system is not unusual – it was state of the art when put in, but they could have used upgrades in past 10 years; they were not called upon and actually insulated from the water system. Council Member Paiement noted trust level is not good when assessing SEH; need assessment prior to spending any more money on this system and feels SEH had an obligation to inform city council that needed upgrades were not being made. Simons would like to go forward; City duties involved roads with a capital improvement program; city staff was the only one involved with water utility; some things needing repair include meter/valve not working – other things still working

with control system but new technology available they could consider; suggested working together and moving forward as they want to be part of solution. Discussion of hiring staff or outside vendor and allowing engineer to be more involved in water system; they should come in yearly to review day to day operation with a report they can discuss as a city council; important that city council evaluates what it is they are dealing with; water system needs to be updated with some changes that may/may not be optional; analysis of this should evaluate and understand what is required – what needs to be done now – and what can wait until later. Council Member Stanton noted that John Thom was independent – and first time he has also been allowed to see the system; has spent much time identifying nuances of system; possible new control system / new technology you can save cost on chemicals; have other vendors coming in to look at system and also getting their recommendations. Public Comments; John Dressler, 623 Quinlan Avenue North-Thought SEH should be held liable; even if not given access to Utility, they were paying SEH for City engineering services. Counsel noted it didn't matter if water utility was run by an employee; city council manages water utility; they didn't ask that SEH was engineer - blame won't solve problem with the water utility; recommendations were not planned out as they were not given access to facilities; analysis of what needs to be repaired – how much it will cost is significant for general public to know. Mayor Glasgow made note that Treasurer Tom Niedzwiecki will help them with funding options when they are needed. Also, noted keys have been changed in Public Works building and Water Tower 1 & 2 that can be accessed by fob.

5. TREASURER'S CONTRACT

Tom Niedzwiecki summarized contract for 3 year term – April 1, 2017 to March 31, 2020 as he bills in arrears; noted #3 is 90 day no cause needed to terminate contract; compensation is \$2,000/month effective 4/01/17 in comparison to previous \$1,905, a 5% increase; agreement standard.

Motion/Second: Stanton/Fahey. To approve the Treasurer Agreement by and between the City of Lakeland and Thomas H. Niedzwiecki effective April 11, 2017. Motion passed 4-0.

6. LMCIT CITY HALL FIRE CLAIM SETTLEMENT

City Attorney Snyder advised the League of Minnesota Cities has forwarded a check in the amount of \$100,265.54, an estimated value of City Hall improvements as they existed as settlement; League's first offer was \$85,000; recommendation they can (1) accept LMC check of \$100,265; (2) seek to generate City's own professional analysis from a construction professional in attempt to see if number could be driven higher; the League will be summarizing their settlement amount and will be forwarding to the City; part of their explanation was \$X were put into the structure doesn't necessarily tie to fair market value. Discussion on rationale of fair market value; City had hard cost of \$270,000 [plans, geo. report, building permit, SEH review, attorney fees, etc.] – that was provided the League. Council Member Paiement's suggestion is to get their own appraisal; site work preparation still there and feels cost for favorable appraisal worth it; need to see what League analysis is in writing and assumptions that were made. Public Comments; Tim Wirth, 16160 4th St. N. Asked when decision was made not to rebuild, as he doesn't remember being informed of decision. Decision was made in January – Minutes of Special City Council Meeting 01/06/17 on website. City Treasurer Niedzwiecki said check received for \$100,265.54 good for at least another 60 days; issued March 10 for 90 days. Consensus reached to assign the City Attorney Snyder and Council Member Joe Paiement to resolve issue and explore modifications to proposal to provide the League as justified dispute [resolution/arbitration/mediation].

7. SECURITY SYSTEM FOR WATER PLANT TREATMENT FACILITIES - Tabled

Mayor Glasgow recommended security system be installed in pump houses so they can monitor who has access; provided two bids for cameras and alarms noting a key fob would be used for security purposes. Item was tabled until next Tuesday in order to check on applicable grants with Mark Nagel. [Homeland Security] as a grant could cover the total cost estimated at \$18,356.

8. TRI-COUNTY SERVICES CONTRACT AMENDMENT

Council Member Jim Stanton reviewed Tri-County Services contract amendment that lays out expanded duties for hourly wage, including cutting grass and maintaining bike path, of \$85/hour.

Motion/Second: Paiement/Stanton. To approve the Tri-County Services Contract Amendment as presented adding the additional scope of services to be provided 'Grass cutting worker and mower and/or grass trimming worker and trimmer.'
Motion passed 4-0.

Council Member Stanton asked Counsel of established method for selling surplus items no longer being used by the City, such as trucks, etc. Counsel advised there is a State list of surplus and they could also post on Craigslist; items should be exposed to market; suggested making list of items and resolution compiled for their next meeting.

9. ADJOURN

Motion/Second: Fahey/Stanton. To adjourn the April 11, 2017 City Council at 7:43 p.m. Motion Carried 4-0.

Respectfully submitted by Kate Piscitello