

CITY COUNCIL MEETING
Tuesday, November 17, 2009

CITY COUNCIL PRESENT: Bob Craggs, Richard Glasgow, Peg Larsen (arrived later in meeting), Bob Livingston, Brian Zeller

STAFF PRESENT: Jim Gilles, Matt Kline, Mark Nagel, Tom Niedzwiecki, Amy Schmidt, Nick Vivian, Chris Wallberg

OTHERS PRESENT: Chris White, Kathy Widin, Diane Wirth

1. **CALL TO ORDER** by Mayor Zeller at 7:02 p.m.

2. **PLEDGE OF ALLEGIENCE** was said.

3. **CONSENT AGENDA** – Mayor Zeller stated that Items D & E should be pulled. **M/S/P (Craggs/Livingston) to approve Consent Agenda Items A – C. Craggs, Glasgow, Livingston, and Zeller voted aye. Motion passed.**

A. Minutes of the October 20, 2009 Regular City Council Meeting

B. Treasurer's Report

C. Bills to be Approved

Agenda Item D. Glasgow read over agreement and asked the City Attorney if this was just intended for contractors and utility companies. City Attorney noted that last month this Ordinance adopted; Ordinance is about 30 pages long, so this Resolution allows to publish a summary of the ordinance since passed by 4/5 vote. Glasgow missed this last month; just wanted to clarify this is in regard to utility work in the right of way and not resident right of way. **M/S/P (Glasgow/Craggs) to adopt Resolution 2009-34, a Resolution directing summary publication of Ordinance 7517. By roll call, Craggs, Glasgow, Livingston, and Zeller voted aye. Resolution adopted.**

D. Resolution directing summary publication of Ordinance 7517

Agenda Item E. Livingston referred to the Lakeland/Lakeland Shores Building Use Agreement; questions why on Consent Agenda since it is a draft; this list assumes that Lakeland Shores is not a particularly responsible tenant and doesn't know if that is true or not; asked Administrator yesterday if this had been discussed with Lakeland Shores in terms of why this was added, and the Administrator said no; if he was looking from Lakeland Shores on their past agreement, he would really be annoyed; in the best interests of the City, he would propose eliminating 4 altogether and discussion held with Lakeland Shores to work out any of the issues or problems; this is something you would have for a junior high dance. Nagel's intent was simply to get something done on the use of City Hall; agrees with Item B; thinks idea was formed by the League when discussing insurance issues and who might use the City Hall; Lakeland Shores stores their files in the basement and were they to have a fire, he wants to make sure Lakeland Shores has them covered because right now Lakeland doesn't have that coverage; concurred with Livingston, this boilerplate from another area. Livingston has no issues except for #4 and doubts boilerplate from another agreement with the specific items listed. Administrator said this template is for anyone else who wants to use the area. Zeller appreciates this item pulled from Consent; in regard to them picking up a key and returning it, asked if they didn't have a key. Nagel said Staff has discussed rekeying the City Hall and he hasn't had time to talk with the Mayor about it yet; Hall hasn't been rekeyed for years, so they really don't know who has a key at this time. Zeller said it is unfortunate, but reading this he would also consider an insult since Lakeland Shores was not contacted for discussion; if they rekey, thinks they should number with *do not duplicate* and provide to person in charge from Lakeland Shores. Nagel will walk through the entire agreement with Lakeland Shores. Mayor Zeller also asked that he gain feedback from them so we get an agreement that works for them and the City and protects them from an insurance point. Livingston thinks they are very restrictive who they allow to use the City Hall; wondering why they need a template when they always have had an agreement with one other [Cable] essentially and they do have an unwritten policy of not allowing; would like it to be looked over by all parties. Craggs understands the fee is presently \$50 and they are proposing an increase to \$100; is there a basis for fee. Administrator said nominal fee and reason for increase the increase in utility costs and they can use at any time. Livingston stated they can only use it for their meeting and for storage of records. Niedzwiecki said fee was last raised January 1, 2004 from \$25 - \$50. Glasgow suggested a digital lock; would be onetime fee and they could do either the front or back door; as City Council members and Staff change, they can change code; one digital lock would be more economical also; Lakeland Shores is already upset about newsletter and this is just another thing. Craggs believes an agreement is needed – however needs changes in terms of content. Nagel summarized they had no problem with added insurance on back; can live without #4; he will meet with mayor Kopesky and get his concerns; never his intent to implement this agreement without the CC's discussion and input; correct word is this is a draft and should have been an agenda item; his intent always to get their changes and then meet with Lakeland Shores on it. Zeller said he doesn't feel they need to eliminate #4 altogether; technically if they

don't have everything down in writing, it can be misconstrued; Lakeland Shores has always been a good neighbor; asked Nagel to meet with them to obtain their questions and concerns, and then to bring a revised draft back to CC for review.

4. LAW ENFORCEMENT REPORT

Livingston reported in the month of October there were 84 incident call reports and 9 citations issued; all but 2 were issued in one location, so decrease from normal; shooting in Lakeland Shores; thinks press has provided all information available so nothing else will be coming from the City; wanted to acknowledge it happened and it is out and has been out of their hands. Craggs noted that the last citation listed is not in their area and Livingston concurred and noted that additionally decreased citations issued in City.

5. PETITIONS TO THE COUNCIL - none

6. PUBLIC HEARING ON VARIANCE BY PETER OLSON TO REPLACE THE SEPTIC SYSTEM AT 180 ST. CROIX TRAIL NORTH

A. Public Hearing on Variances for 180 St. Croix Trail North

1. **Call to Order** at 7:15 p.m.
2. **Introduction of Application** – Wallberg introduced application to install a new septic system at 180 St. Croix Trail; current system failing; representative from County has been at site and agrees this is the only place with room for any system; has been posted and published; WMO Staff also saw no issue but provided a short list they typically provide for erosion prevention; like other applications they have had recently for failed septic systems; has WMO take a look at the application before issuing permit; WMO looks at quickly so as to not hold up application.
3. **Public Comments** – none
4. **Written Comments** – none
5. **Hearing Closed** at 7:20 p.m.

B. Discussion & Recommendation

Craggs asked City Attorney Vivian, as they grant variances routinely, wanted to make sure language met requirement. Vivian said it did. Craggs also noticed that Wallberg had added WMO comments in item 4. **M/S/P (Craggs/Zeller) to adopt Resolution 2009-35, a Resolution Granting Variance Application by Peter Olson for sideyard setback and setback to the principal structure to locate a septic and drainfield system on the property located at 180 St. Croix Trail North. By roll call, Craggs, Glasgow, Livingston, and Zeller voted aye. Resolution adopted.**

7. EMERALD ASH BORER PLAN

Kathy Widin, City Arborist. Emerald Ash Borer is an exotic insect from Asia that has been found feeding on ash trees in St. Paul; this insect, the emerald ash borer (EAB), feeds on all ash species, and can kill trees in 1-3 years; the presence of this insect has not yet been confirmed in Washington County; Widin will be doing educational seminars where residents from the five communities can access presentations on Emerald Ash Borer; probably will be in Oak Park Heights/Stillwater area; thinks important for people to be educated, and maybe one of the most important reasons is that once you know what is out there and what to look for and the problem it can pose, that is really powerful; in some places it has been found by residents wondering why flying insects are coming off their ash trees, and they happen to mention it to someone or they see something on TV; in Saint Paul, it was noticed by a trained arborist or professional tree service who knew that the symptoms were unusual enough that it caused him to stop and look at these trees that were along the street; education hugely important; what she is recommending to most of the communities is education on the resources they have and what their window of exposure is; recommending they plan, budget some dollars, and maybe begin treating some ash if they want to structure removal; in this Community, with many ash on private property and ash along the River and hills, there is a relatively small number of ash that exists on public property; maybe option where they have a construction project and there are two trees where they have an option to save an oak or saving an ash, they would choose the other tree species; doing some planting to diversify the Community forest is really good idea, and diversity with native species and not just planting all the same thing. Craggs noted Diseased Tree Fund that has been partially used for years - so at least they have thought about this particular issue; having the resources to fund it appropriately is really challenging; wanted her assessment how they sit with other communities, as the mayor said, education is certainly important. Widin said continued working with other communities will be important as far as when it is found; one thing she would say to anyone watching is to keep an eye on their ash trees; if you have a tree thinning out and there is sprouting at the base, or the tree dies for unknown reasons, certainly call the City; she can come out and take a look; also be aware of companies who might be coming through and indicating they have emerald ash borer and must be removed; get a second opinion, there is time to do that; if you take an ash tree out, don't move that bark intact anywhere. Jim Gilles, Public

Works, said he is trying to get in touch with Stillwater; they are looking at doing their own insecticide of trees and possibly training someone; was looking at estimating what the cost would be; one of the things he would suggest for next summer is to go through and actually do a better physical inventory and determine if there is actually any trees that are worth saving before they go any farther; at least they would have those documented so they know if something does happen, this is what they should be doing; thought they only wanted to take them down during certain parts of the year. Widin said at this point ash trees, and certainly once Emerald Ash Boher is identified, they are saying not to take those trees down and move the wood during the growing season, but from September 1 to May 1, those trees can be removed; wood can be left and dealt with later as long as it is processed in some way, bark peeled off; usually the processing of these trees is to chip to small dimension and those chips can be either used to generate energy or in landscape; should not doing any pruning of ash trees from May 1 to September 1. Zeller asked balance in Diseased Tree Fund. Niedzwiecki said there is a public portion and a private portion; total balance is about \$4,000 and in the public portion there is only about \$500. Craggs said \$4,305.07 combined; spent \$2,422.50 this year. Gilles said that was all diseased trees in private right of way they had taken down. Nagel was going to concur with Gilles and thinks the next step for them is to try to stay ahead of this and identify what trees they want to keep and which ones they could take down of these 231 trees; probably makes most sense; they get the feel for which ones they want to keep so they can get an estimate on that as well too; thinks that probably the next step for them; they have many small ones there on the boulevard; maybe they can take care of that and if they probably need to identify as soon as they possibly can the ones they want to keep in the parks and get back to them with the things Gilles has done and show them which ones they feel should be kept and where they ought to be kept as well as public education. Zeller asked if they are doing some of that work in Public Works - are there special training or safety procedures. Gilles said they have to go through the training and need to have the right equipment; reason they will take certain trees down, but there are other trees they will hire out. Nagel said he thinks that is exactly right; do what they can with what they have; identify the trees they want to keep and get that started, and then they will just have to leave the rest until they can budget for it a little bit better. Zeller thinks it an item for discussion and future budget. Gilles said one of the things they want to do, is every tree you take down you want to replant one or two; need to figure that into their budget. Nagel asked what they are going to plant. Widin said every tree species has a problem of some kind; if they don't have it now, invasive are here to stay, invasive plants, insects, diseases - all imported; lesson here is to plant a diversity of species - diversity as to sustainability; that is really what they need to do. Nagel noted they will back to the CC with some idea of which ones they can handle and which ones they can't; will let her know what the effort might be. Zeller thanked Widin and appreciates information.

8. 2009 BUDGET UPDATE

Nagel updated in July, and they updated with the 2010 Budget; Niedzwiecki and he have been keeping their eye on it; just wanted to update and doesn't need any action tonight; things have changed significantly since they started looking at this back in July; as they can see a lot of the things they talked about in July that they might cut by December, they either have or they weren't able to; replaced quite a few things; they will see some of the things were under budget; they are under budget in the police department, for example in the general government budget by \$5,000; elections \$3,000 since they didn't have them this year, buildings and plants \$3,000 as well too; City Engineer's budget is under budget by approximately \$3,000 that he feels really the effect of the elimination of the Staff meeting earlier this year; other than that, they actually have \$38,000 there instead of \$36,000; thinks as some of them know it looks like the Governor will be taken to court over his unallotment power, so who knows at this point; Niedzwiecki and his recommendation here is this is what they have identified, they have enough to cover it plus a couple of thousand; his thought is they will see how they are and he and the City Treasurer will meet again the first or second week of December when he has the November financials and they will see if anything changes there as well too; prioritized them in a sense that if it looks like it will be \$36,000 and they have \$2,000 extra they will probably keep City Hall open and pay everyone instead of having Staff take days off or not paying the CC effectively keeping City Hall running the way it has in the past. Zeller asked what the Bike Trail Long Term Improvement fund balance present was. Niedzwiecki said balance is \$16,537; about \$1,000 short of that grant match. Nagel said they really can't cut that. Treasurer continued that is not including the additional \$5,000 like they had planned. Zeller referred to grant application, they are talking about the trail, but a section of that runs through Lakeland Shores; are they a co-applicant with them in this grant application. Gilles said none of that runs through Lakeland Shores; Lakeland Shores is all done with CSAH 18; grant takes care of everything in Lakeland. Nagel doesn't know if the Governor will unallot them prior to December 31 or not; may have to come back to them during the holiday season and let them know what they need to do. Craggs wanted to compliment Nagel and Staff for effectively making these cuts and implementing them; thinks it is quite a challenge because they are very lean already so these particular things that have been done have in fact been a team effort. Nagel appreciates that; he went through this in 1991 and 1993 and has never seen anything like this in his 25 years as a City Manager; this late, this is unbelievable, and not knowing where the heck you are is in his opinion unprecedented here in the State. Zeller only notices one upside in that before long their dependence on LGA will be eliminated. Nagel confirmed and by the time they approve that 2010 Budget, they will be down to somewhere in the neighborhood under about \$25-26,000 in LGA. Zeller sees that as a positive. Nagel concurs with him

at that point; many cities have asked once the LGA is gone what can the State do to them. Zeller said unfunded mandates – they can continue to do that; Nagel can only say he is sure they will find out another way now that they have taken all their LGA to take some other things as well too; in any case, they are \$2,000 behind in 2010 and they stand in pretty good shape at this point in terms of where they are; will be back December 15 to see if there is anything else to give them. Glasgow asked if they were going to have another workshop before December 15; they still have reorganization they are looking at. Zeller said that is for 2010; this is 2009. Nagel confirmed direction at the worksession was for him to figure out the amount of personnel salaries in the General Fund and then come back with 5 - 10% cuts which he will do December 15. Zeller said they will have an opportunity to review that prior to taking any final action. Nagel said on December 15, they will have at least three options, to leave it the way it was that they approved in the Preliminary levy, another one would be with 5% of personnel salaries, and then another one with a 10% of the personnel salaries cut. Glasgow asked if they would have to approve that day; he would like to see another workshop before they have to approve; these are some big items they are talking about and if they come down at the eleventh hour, there isn't much room for discussion at that point. Nagel said whatever levy they approve doesn't necessarily mean they make those expenditures; this is his point; whatever that number is that is finally approved is not necessarily a spending plan. Zeller said beyond just the restructure because he thinks they all agree that one is a challenging item that is going to take a bit of time but there was some other discussion perhaps pulling back a little bit from the Parks budget or temporary delay. Nagel will have that December 15. Zeller continued they are looking at the Cable funds and whether they should spend that balance down a little bit or not; thinks couple of other items as well that Nagel is working on that would decrease their levy amount but specifically to the restructuring, that is where in all likelihood they won't be making a decision on December 15; that decision would come at a later date. Nagel said they have a lot of discussion to do on that; his point is they need to take care of the 2009-2010 Budget and then get to the rest of it. Zeller noted they are going to try to get the Levy down as low as absolutely possible because to Glasgow's point, even if they underspend it, you have still levied for it; they will try to get the levy down as low as possible prior to passing it December 15 but then they will make additional effort to under spend. Nagel's point is he cautions them that by reducing that Levy too much they are taking away any room they have if they get unallotted again; they have to remember that they are already \$256M less in revenues in the State; he doesn't know about them, but he knows where some of that might come from; if they do that now, they have no wiggle room coming up – nothing; would just use caution. Zeller appreciates that comment. Livingston said the way they are now, the uncertainty that may still hang over their heads after December 15, he would second Nagel and say they need to be extraordinarily conservative in making sure that they can cover essential services and make sure they have the wherewithal to do so; nice to want to lower taxes but if the economy improves, if some of the State arguments between Legislature and Executive branch get worked out in this last session, he looks forward to the time when they can do a Levy decrease or no increase in the very near future; same thing he feels about ashtrays and just about everything else is this isn't the time to tie their hands. Nagel said with that said, he has direction and the City Treasurer and he are looking at the General Fund personnel salaries and they will do the 5% and 10% cut based on what those personnel salaries are and then get that back to them; that is what they asked for in the worksession and that is what they will get. Livingston noted one of the things Nagel and he discussed was having trigger points; thinks that is a very good idea that if forecast revenues are down they might have a trigger point what additional cuts it may affect; once they are aware of them in advance, that is prudent management as much as they can be aware; doesn't think this is over yet, especially in the effect that the collection of taxes on real estate lags by 15-18 months on the way down because it takes into the next year after that the assessment is going to have impact on taxes; they haven't seen the bottom of that yet in terms of impact on revenue; that will really impact the total revenue. Glasgow asked the medium value of the housing in Lakeland. Niedzwiecki doesn't know off the top of his head; thinks closer to \$200,000. Glasgow continued on a 4.8% levy increase, what that would mean for a homeowner. Niedzwiecki would say it is the value of the house [\$200,000] times 1% to get the tax capacity times the tax rate – increase about \$96/year – 700 households. Nagel said it is about \$38,000 altogether; again as long as they are on camera, he wants to reiterate the fact that the budget is actually down this year by .5-1%; also wanted to reiterate the problem they have in Lakeland was lack of revenues and lack of revenue diversity; they are paying more for their fire pension, they are paying more for police, they are losing interest revenue and they have gravel tax payment they have to start paying back in addition to \$86,000 of local government aid and the loss of gravel tax income; total of \$103,000 – about 2/3 of that were actual cuts, things they just cut; he will show them that again in December; the only other 1/3, the \$38,000 was in tax; he has nothing else to do other than that; when they talk about it, yes the taxes are up about \$38,000 for the entire community, but they did make an additional \$70,000 in expenditure cuts; as they have all requested, he will keep his nose to the grindstone and give them another 5 - 10% based on their personnel costs; what Livingston and Glasgow said is that no one is more aware of the fact of the effect on individual taxpayers; just wants everybody to understand that as Glasgow says, it is very difficult when they are not quite sure what they are aiming for; doesn't know what the unallotment will be; will happen on December 28 maybe so they will need to deal with it very quickly for 2009; they get into 2010 and the very first quarter they will need to look at it - whether or not they need a trigger point or not, they are going to have them; 2011 will not be much better than 2010. Zeller requested he continue to turn over rocks; important for people to understand that the unallotment that they are anticipating at the end of

December impacts this year's budget; budgets that were approved in 2008; that happened to them last year to the tune of \$42,000 which, through their fiscal planning, they were able to absorb that loss and they are anticipating having to do that again as well as in all likelihood having to do it again next year; not anything they can plan for in their budget or spending a year and a half in advance; it is something that they tell you the last week of that year. Livingston said they get two payments a year and the second payment comes in that last week of December; it is that second payment that has been anticipated and budgeted for, promised to them, that can be drastically cut and once drastically cut is not something they can go forward into 2010 and 2011 and rebudget and do more cuts; worried it is going backwards; extraordinarily unfair way of doing business and to him it is an absolute disgrace that small cities tend to suffer more from these cuts than their fair share; these are not little knife cuts that build up in the future until they realize that they are really hemorrhaging; this is stuff that is going backwards for things they budgeted; what this is the best judgment of Staff as to how they will meet that 2009 conflict. Glasgow said the rate they are asking about, the impact to the homeowner, when they talk about 4.8% they are going to look at their property taxes and say it is going up 4.8%; it is not; it is their local taxes going up \$8/month which is very reasonable in this time so they are not asking a lot, they are doing a lot; this City is very responsible with their tax dollars. Nagel said that is a good point when they come to December 15 and look at the budget one more time, that tax can't go up; it maxed out in September.

9. CITY STAFF REPORTS

Administrator

- Advisory Committee Options/PC Structure Options. Nagel was asked to look at this at the October meeting; did a cursory look as to some of the ways they could do it, and to be honest with them, he thinks they would be doing something a little bit different than any other city out there; he has looked at two different things – went through his city manager's association and requested information on different ways that PC and Citizens Advisory Commissions are structured, and it seems as if they are either one or the other or both; also asked his fellow managers in Minnesota how they derive citizen input; thinks after all of this in terms of conclusions, he thinks a couple of options just for consideration or to brainstorm a little bit with them would be to just take the planning commission they have in terms of structure and add additional items into their purview so to speak that they might give them; positive side of this is they wouldn't have to go through an \$18/page change of their Code because as they know if they change the name, they have a number of places the planning commission is mentioned in there as well too; those would all have to be changed; in looking at it he believes they could make some minor changes to their present Code and simply give them more to do; he can bring some of those changes back to them so they can take a look at them; knows there was the thought that they would want to call them a citizens advisory committee; they could also do that; just wanted to warn them there would be some expense to changing the Code by ordinances to do that. Zeller wanted clarification asking that he is suggesting that they would continue to call it a planning commission but they would modify their ordinances to redefine what their role is or scope; what would their scope be – some of the areas where they talked about potential savings are having to post notice for meetings and having to prepare minutes; if they change or modify their ordinance and their role and function would those two things still need to occur. Nagel would have to defer to Wallberg, but he would say that if in fact they hold the public hearings during CC meetings and just ask for their advice on it, he doesn't know that they would need to do that. Wallberg doesn't think it would be necessary to make any changes to their scope; it requires that if they are part of the variance or conditional use permit, if there is a formal public hearing held, yes they do have to observe those regulations; clerks do not post when other committees, including the planning commission, meet unless they conduct public hearing; if they decide to get together and have a meeting, those requirements are just not there so she isn't sure there would be need to change their scope. Zeller said if CC dealt with variances and public hearings, then the posting requirement they don't need to be concerned with that and then it is a policy decision if they want to keep minutes on those meetings; payment of PC members as well is an issue. Nagel reminded in October they made the change to just pay them when they met. Craggs said the other part of the discussion just to follow up is the language in the Code because when he looked it up before the meeting it is very broad; thinks that is what Nagel is suggesting; seems to him they could do as the Mayor suggested and vary the issues that they would address in terms of providing input without having to change the Code; he would be an advocate for that and would be comfortable with that. Zeller asked if he would be comfortable if some of the purview included Parks issues and things of that nature. Craggs would. Zeller said they have all talked about the value of it and doesn't think there is any question or debate about that; they are just trying to streamline that and find a cost effective way to maintain the citizen involvement at that level. Nagel said that if Staff simply took notes on those meetings, they could save a lot by not having minutes. Zeller said they can do that at the CC level; noted Wallberg and he talked about that a number of years ago where they wouldn't do word for word minutes but consolidated minutes and keep a copy of their video and audio for the City files and there is a savings there as well. Wallberg said she urges them to remember in doing that that they would want to do what would be absolutely base bones required by Law; she spent a lot of years doing meeting minutes and it is not only in the best interest for him or Kate or any of them to decide what is meaningful to minutes; just so they would understand it would be what is absolutely required by Law so it is very clear what is included in the minutes. Nagel thought if that were the case he thinks that would save significantly on what they

do in terms of minutes preparation, in terms of Kate and terms of the part time – has been a little higher this year because she did their Comp Plan; if they went to abbreviated minutes as Wallberg is suggesting, they could cut certainly some dollars out of that and if they didn't have to take anything other than abbreviated notes from the PC then they would save additional from there as well too. Craggs thought he would be in favor as long as they meet the legal requirements. Nagel said what they could do is try one and see what it looks like. Zeller thinks it redundant to him especially since they now have the audio and videotape.

Chris White, PC. One of the reasons a few of them were interested in retaining the PC is for the variance requests because it gives them a second set of reviewing items, of really looking at the Codes and making sure everything is being met; with that said, if they want to do all of that, good for them; big time commitment she thinks and she really enjoys doing it but she would hope they do look at the Codes and use those new books and don't just go by what they think it should be; whole idea behind a variance request is to follow the rules; curious if they take that away what other pieces they are going to put in there to even make it a PC; what she feels she is hearing here is not what she thought she heard before. Nagel said intent there was not that they wouldn't comment on the variance request, just that they would comment on it and pass their recommendations to them much like any other commission would, like a Parks Commission; for example, a Parks Commission simply passes on recommendations to the CC; they listen to everything and then pass on the recommendation; they just don't hold public hearings in general; idea was to basically do that and have the hearings there but still get the comments on each request from the PC as well; just wouldn't be the official public hearing. Zeller thinks he mentioned this, but if they look at the way Stillwater conducts their planning commission, he likes the way they format that; the applicant sits at the table and they have a discussion; not as intimidating of a process; doesn't know if they have seen that on Cable, but it is a rectangular table and everybody sits at the table together and they work through the application together; just likes that format. Wallberg said it is a policy matter on how they want to conduct and certainly ordinances encourage that. Nagel said he and Wallberg could put together something and bring it back to them in December/January and get that to them so they can look at it in terms of changes and what they would include in terms of what they might take a look at as well too.

- Community Access Preservation Act Resolution

Wanted to just let them know, particularly Glasgow, that they did get an email appeal from MACTA [Minnesota Association of Community Telecommunications Administrators]; Glasgow might be able to explain a little bit better but basically thinks there is a movement afoot to take away their access channels and have the Cable companies for initially ESPN channels, Shopping Network, etc.; not sure where the Cable Commission is on this but he would like to get a resolution to them in December on the Consent Agenda and get something into their legislatures indicating that they really would like to keep their Community Access channels, and not only that, they would like to enforce the franchise fee as well; they are constantly looking to take away that franchise fee every year. Glasgow said what they are doing is the franchise fee would be paid to the State and the State would unallot them once again. Zeller asked gross revenues for the Valley. Glasgow has those figures at home. Nagel said it is \$8 - 9,000 for them alone per year; they wouldn't be able to watch the video of this meeting tonight. Livingston wanted to say that anyone watching this meeting thinks they want to be involved in the process also in terms of contacting; will try to get more detailed information to them. Zeller said there are a number of channels that are allocated that are not used; Washington County has a library channel for example that has never to his knowledge had library material on it; probably fair that they are looking at it and they can probably pick up a handful of channels that aren't being utilized, but their channel, and none of them wanted to be on Cable and it wasn't an easy decision for any of them, but it has been effective and amazing how many people get their information about what is happening in the City through Cable.

- Met Council Dialogue

Dialogue occurred November 4 at Woodbury City Hall; only reason he mentions it is there will be another one coming up in a couple of months and he would encourage people to get over there; Metropolitan Council is an organization that does a heck of a lot of things and not many people know what they do; has as much an effect on them as well too; they talked a little about water and quite a bit about stormwater and additional regulations as far as that goes and transportation as it affects Washington County; thinks Peter Bell, the Met chair, is out here about every 3-6 months and he just encourages them to stop by; always a bit of information there. Zeller asked if they paid water access charges to the Met Council. Gilles said the Met Council does not have anything to do with water right now; water is still under the purview of the City; sewer that the Met Council is on. Nagel said in answer to Zeller that they were in Bayport because involvement in water planning and who could use the aquifers and who can't.

- Water Bond Refunding

As they know they haven't pulled the trigger on that one yet; they are anywhere between \$18 - 38,000 according to David Drown; they are getting closer; if interest rates slip a little bit more, they will probably go ahead and do it; if over \$45,000, the Mayor and he can go down and sign it immediately so they get the best rate; wanted to let them know that hadn't been done yet.

- Audio Visual Equipment

Received the three bids and Glasgow and he will go over Fixmer's at some point and at least see how they are on it; plan at this point, since Lakeland Shores didn't approve it, doesn't mean they can't take a closer look at it; they have the bids so they might as well look at them and see what they have; some spent much time on it and he thinks did a pretty nice job of doing it; his thought is at this point to at least get back to them to let them know they have some budget concerns at this point but they will continue to take a look at that; understands the prices might go up, but still thinks they should get back to them and at least take a look at it; if Fixmer's is the best bid, then fine; they will note in there pieces of equipment that Don had they don't make anymore and some thoughts that they had; Glasgow and he should probably get together in the next couple of weeks to do that.

Attorney

- Report of 10/20/09 Closed Session

The only item on which to report is the closed session from the October 20 meeting; CC went into closed session for the purpose of discussing legal strategy pursuant to the attorney client privilege, and in that closed session, they discussed pending litigation involving the City, Rob Hubbard, the Department of Natural Resources and the Sierra Club which is presently pending and up before the Minnesota Supreme Court. Zeller noted it has been a little over a month since that case was heard, so in all likelihood, it will be a couple of months before they hear anything. Glasgow asked if any litigation going on now. City Attorney said they have another one through the League.

City Clerk – no report

Engineer – no report

Public Works

Gilles said it was funny they talk about regulations; there have been two meetings he attended over the last week and a half and regulations train is on the track and headed their way; security issues is one of the big things; one of the things they were talking this weekend was chlorine; movement out there to get rid of gaseous chlorine and subversively below that they want to get rid of chlorine altogether, even liquid chlorine; no one knows what they are going to do in the interest of security issues; if that happens, costs will go up and skyrocket for water systems; 9-11 is what is pushing the chlorine all of a sudden; they figure it is dangerous, but there are very few problems with it; very little problems with water systems but there are people out there who think chlorine is bad; they don't know what will happen with that but there is talk that in five or ten years it may be gone; Federal level. Zeller thinks it is worth contacting representatives as they are very fortunate having area representatives down here that are accessible; hasn't reached out to their Federal reps as much but thinks the sooner they can communicate the concern whether by letters or phone calls, they might as well do that and let them know this is an area of concern for them; argument they always make is it has been in front of four or five committees and nobody objected; usually has to go through four or five before they are even aware it is being discussed; would rather get out in front of it and make their opinion known early. Gilles said the City of Lakeland is one step ahead; he meets with the Federal people once a year; usually they get one of the senators and one or two of representatives out there. Zeller asked Gilles to proceed and draft a letter or work with Nagel drafting a letter if CC is comfortable with him signing that type of a letter they will go ahead and send it; just doesn't see any harm in doing it. Gilles will try to get more information; just had the meeting; sustainability of water systems is a hot item; climate change is on the top of the list; they have to look at flooding - too much water, draught - not enough water, or is the water going to stay the same EPA just came out with their CCL list; 104 different contaminants on that that could be regulated; thinks about 30 different types of bacteria that could be regulated; some may affect them, a lot they haven't even test for yet; lot going on especially at the Federal level. Zeller also noted they are providing water to two other communities so maybe they can reach out to their mayors as well and ask they send out a letter. Nagel asked what good news Gilles picked up. Gilles said actually the meeting he was at today was something new the Met Council is starting – it is the East Metro Water Supply Work Group; this was the second meeting of it; he found out they are pretty good down here; they don't have as many problems as Woodbury, Cottage Grove, Oakdale, Lake Elmo; feels pretty good about that. Larsen thinks it has something to do with their Staff too. Gilles continued Cottage Grove, right now PCA will be putting in five high capacity wells to work on the 3M chemicals down there and they will be dumping that on the ground; that could affect their aquifers; Oakdale has one the PCA has running right now at 5 million gallons a year that they are just dumping on the ground, putting into the rivers; they have to be careful with what they do with the water. Nagel wanted something to brighten up the evening; they talked about pestilent and no money to fight it, and water regulations. Gilles said if the regulations are coming down, one of the things they talked about is what they could do to stop them or slow them down; not much they can really do; Bobcat issue not looking good; been calling around – they pushed it off too long and nobody has any or if you want to pay double what he was paying half price for; still working with Hudson to see if they can come up with something.

Treasurer

October was a quiet month financially and guesses that is good news because nothing came up in terms of actual dollars or unusual expenses that would cause a problem going forward.

10. COUNCIL MEMBER REPORT/Craggs

In conjunction with the Parks, he would like to volunteer to work with Nagel relative to defining the Citizen's Advisory Commission role if that is alright with the rest of the CC; will also give him a chance to talk with the PC a little bit in terms of acting as liaison.

11. COUNCIL MEMBER REPORT/Glasgow

- LSCV Alliance

Had an Alliance meeting on October 26; Kathy Widin gave a nice presentation on the Ash Borer; Valerie Jones talked about Community Thread and Mr. Kriesel and Mike Johnson talked about the Yellow Ribbon; the next meeting they were going to go down to the recycling center and tour that, but Mr. Kriesel has asked him to have another meeting at the Fire Hall as they are breaking out the Yellow Ribbon; asked for a half hour to do that and then the mayor of Lake Elmo asked him for some time to talk about NSP again [fly ash]; will be having a meeting next Monday down at the Fire Hall at 4:30 once again.

- LSCV Cable Commission

Had meeting and adopting a general policy of the use of the Cable funds just to get some guidelines of what the intent of the funds are for; other thing is they renewed their contract with Valley Access to keep their channels for another year; with this incident they had down in Lakeland Shores, thinks it is important that the Lakeland CC is notified when City Hall is notified; he received many calls from residents asking what was going on and he couldn't tell them anything. Wallberg said City Hall wasn't notified either; they would absolutely communicate if they had received notification. Glasgow talked with the Sheriff's office and they were surprised because they updated the City of Lakeland and they were surprised he didn't get a call. Wallberg said that notification did not come through City Hall. Zeller said they left a message for him at his office; candidly, there wasn't anything to disclose; there was a suspicious incident and that was it; doesn't know if they know more from what was published in the newspaper a week after the incident than what they did at the time. Wallberg reiterated they certainly would be on the phone with them if they received any communication. Glasgow said again he placed a call to the Sheriff's Department and they got back to him later in the day and provided a brief update on what was going on; had quite a few residents who were concerned especially with that level of incident. Livingston said unfortunately sometimes they have to say they don't know; thinks this incident and he was annoyed also because this thing happened in their backyard and he didn't know anything about it; nobody knew anything about it; they were keeping it so incredibly quiet; they were not privy to this information and one of those things. Zeller did stop down there and provided his card but was quick to say he was sure there was anything he could do to help them but here is his information and feel free to contact him if there is and he left because he wanted them to be able to do their job. Wallberg said it was clear to the people involved in that from the beginning that it was Lakeland Shores. Zeller, Livingston, and Glasgow thought there was some confusion on that. Zeller said they initially thought it happened in Lakeland; thinks it wasn't until Mayor Kopesky contacted them that they realized it was Lakeland Shores. Livingston said Kopesky contacted them, not the other way around. Zeller said again, there wasn't anything to report; shut down. Glasgow again stated the residents look to them because they are the City leaders and so they would naturally call them; got quite a few calls waking him up. Craggs said as a follow up then is it fair to expect they would contact them directly. Livingston said they could contact any of them; this is something they discussed; he received calls but thinks what they have to do as a policy is not to guess, give out information, bug the Sheriff's Department when they are in the middle of something, and as soon as they receive information, if they are going to get information on an incident; communication on most of the major incidents in the City have been prompt and proper both from the Sheriff's office and from City Staff; in this case and his strong recommendation to people is if you don't know say you don't know or say you will try to find out; the people in the City to contact first of all would be the City Hall because much of the information goes there first; Mayor and he usually get a call on major incidents. Zeller noted a deputy made a statement to him about the incident and he doesn't know if the Sheriff's Department has released that detail; he is glad he didn't say anything to anyone about that because apparently that is a key detail for them in their investigation; the method by which he died; he wouldn't have thought twice about whether that was critical or not critical so again, he provided his contact information and said if they needed to reach him this is how you reach him; otherwise he was leaving so they could continue their job; thinks there was a minor bungle there in terms of if it was Lakeland Shores or Lakeland; thinks they could send a survey crew down there and he doesn't know if they would still resolve that one; it was right on the line. Livingston said beyond that, there were no expectations; this thing it was turned over to the BCA very early in the day; BCA put a lid on it; that lid is still on; he worked on a State task force for the BCA and they don't screw around; there are essentially FBI in the State and they will release information when they feel it is in the best interests of the case to release the information; they will probably read it in the paper; Kopesky will probably read it in the paper; just not going to happen; he was down getting a haircut this morning and everyone was talking about this detail and that detail and everything else and a couple people looked at him and he went out the door; rumors all over the place anytime anything like this happens especially if there are news conferences and communications from the City to Council and communication to residents; they have none of that in this case and they are going to have none of that in this case; it is out of their hands and Lakeland Shores hands. Craggs understands that but just the fact that the incident took place; he had people come up to him as it happened the same day as an event at the

school and they inquired if he was aware of what took place today; all he is suggesting is shouldn't they have the expectation they would have been notified of the incident; thinks that is what Glasgow is getting at and that is all he is asking too. Livingston asked who would notify them. Craggs said someone from the Sheriff's Department. Zeller asked Craggs if he is saying when it came to Zeller's attention that they would send out a notice there was an incident. Craggs said yes. Glasgow agreed that it makes the CC look better. Craggs reiterated not any of the details but just the fact it occurred; people asked him whether he was aware of it and he said no; wondering if a reasonable expectation they would have some notification that it happened by the Sheriff's Department. Zeller said they could do that. Glasgow said when he called the Sheriff he asked why he didn't call his cell phone and Glasgow said because he was busy enough and the reason he left it on his office phone because he just wanted to know. Zeller asked if Glasgow had called City Hall to ask. Glasgow said no. Zeller suggested that probably would be the better rather than calling the Sheriff's Office. Wallberg thinks that is a reasonable expectation and she thinks they would call City Hall. Glasgow said it was after 3:00 when he called the Sheriff's Department

12. COUNCIL MEMBER REPORT/Larsen

Wanted to apologize for being late for the meeting; her plane was delayed but she arrived safely; she has been asked to be on the Yellow Ribbon Task Force for Women in Government in Washington County by Senator Saltzman; they will be meeting the first week in December and try to put something together.

13. COUNCIL MEMBER REPORT/Livingston

Thinks the women's program, Women in Office essentially, the movers in the community is going to be very good because it is all about City, County, State; Senator Saltzman has been a tremendous asset to their military families in this whole process of trying to take something that didn't exist ten months ago and make something out of it; they are making progress on that; there was a meeting about 10 days ago with a representative of the guard, two representatives of the network and Washington County Yellow Ribbon Network has now been tasked with doing some of the work previously done by staff of the guard; Washington County is the leader in this; they made an awful lot of mistakes, so has the guard and so has the County as they create something out of nothing but the fact of the matter is they now have at least three cities who have active, very active city networks going reaching out into the communities; Cottage Grove and Lower St. Croix Valley are next on the list and it is hoped that with five political entities in the Lower Valley they can maintain their autonomy as cities as far as recognition is concerned but cooperate and work together in terms of putting a network together down here; really turned into an important program; Washington County is being looked at, not only by the State, but by the Guard and Guard officials in Washington and both Senate staff and Department of Defense staff out in Washington. Zeller thinks it is worth mentioning it is bipartisan. Livingston thinks this is where Saltzman has been wonderful is they have tried to keep this nonpartisan and keep party politics at the door; Kathy has really stepped back from an official leadership position which she certainly richly earned in order to do that and they are asking their elected officials to work from the County to give them better representation at the Legislature and that is one thing certainly that the Women's Group will be working on; other thing is within city or area organization and networks, if there is a candidate for office, political manager or something like that wants to be a part of it, that is absolutely fine; if that manager or candidate brings the candidacy into it, they will be asked not to do that anymore; too sensitive a situation right now because it is so new; easiest thing that could happen is for somebody to use it for partisan political purposes in order to get a candidate some brownie points; as the Executive Director in Washington County they are not going to allow that to happen and whatever they have to do to keep the focus on the mission and the mission is to provide services to military families pre, during, and post deployment; that is the only mission. Glasgow asked how Chris White would get involved in it. Livingston said one of the things they can do if they wish they can come to the Alliance meeting next Monday; they have a development committee and that is what is going to happen next Monday; what will happen next Monday is that development committee is going to start to work with Lower St. Croix Valley people to get a steering committee together of people in the Community who will simply come together and act as an ad hoc committee as they are trying to get things more formally organized down here and work closely with them and closely with the Guard; someone with Chris White's state and local credentials would be most welcome and appreciated on that type of committee.

14. MAYOR'S REPORT

There was another I-94 Corridor Commission; next stage is they are preparing a request for proposals for engineers to do a feasibility study on the needs of transportation in the I-94 corridor; funded \$.5M by Ramsey County, \$.5M by Washington County, and \$200,000 by Met Council; that is the next step is those are the fees that are going out and that work will begin; Nagel facilitated setting up two meetings that they have had regarding senior housing in Lakeland; next step there is a grant out there that the City would need to be the applicant for a \$4,400 grant; Matt Klein has already taken the liberty of preparing the grant request and if they are granted that, they would go ahead and do a needs study for the Lower Valley here to determine what area of senior housing there is a need for, if any; thought is that is a tool that they could provide to potential project coordinators or developers to demonstrate what that need is; would like to see the City

go ahead, take that lead at no cost to the City, and it is a tool they can use to attract that type of a project. Craggs asked if this would be limited just to Lakeland. Zeller said they would be the grant applicant but the study would incorporate the whole Lower Valley; another thing the City can do where they take the lead in an effort to help make something happen; their local representatives have encouraged them to think about what issues they might have as a municipality at the Legislature and the earlier they can identify those and communicate with them, the better off they all are; if there are issues they are aware of or that they should discuss with their area reps. they have both extended that courtesy to them that they will meet with them early and they can ask them to work on those issues for the City; not just a Lakeland issue but thinks it is Lower Valley as well; that would have to occur within the next two months; if they have anything, they should contact Nagel; if they end up developing a short list, they can see if they can set up some type of a workshop with their local reps.

15. ADJOURN – (M/S/P Larsen/Craggs) to adjourn the meeting at 9:06 p.m.

Brian Zeller, Mayor

Kate Piscitello, Recording Secretary

**CITY COUNCIL MEETING
Tuesday, November 17, 2009**

CITY COUNCIL PRESENT: Bob Craggs, Richard Glasgow, Peg Larsen (arrived later in meeting), Bob Livingston, Brian Zeller

STAFF PRESENT: Jim Gilles, Matt Kline, Mark Nagel, Tom Niedzwiecki, Amy Schmidt, Nick Vivian, Chris Wallberg

OTHERS PRESENT: Chris White, Kathy Widin, Diane Wirth

1. CALL TO ORDER by Mayor Zeller at 7:02 p.m.

2. PLEDGE OF ALLEGIANCE was said.

3. CONSENT AGENDA – Mayor Zeller stated that Items D & E should be pulled. **M/S/P (Craggs/Livingston) to approve Consent Agenda Items A – C. Craggs, Glasgow, Livingston, and Zeller voted aye. Motion passed.**

A. Minutes of the October 20, 2009 Regular City Council Meeting

B. Treasurer’s Report

C. Bills to be Approved

Agenda Item D. Glasgow read over agreement and asked the City Attorney if this was just intended for contractors and utility companies. City Attorney noted that last month this Ordinance adopted; Ordinance is about 30 pages long, so this Resolution allows to publish a summary of the ordinance since passed by 4/5 vote. Glasgow missed this last month; just wanted to clarify this is in regard to utility work in the right of way and not resident right of way. **M/S/P (Glasgow/Craggs) to adopt Resolution 2009-34, a Resolution directing summary publication of Ordinance 7517. By roll call, Craggs, Glasgow, Livingston, and Zeller voted aye. Resolution adopted.**

D. Resolution directing summary publication of Ordinance 7517

Agenda Item E. Livingston referred to the Lakeland/Lakeland Shores Building Use Agreement; questions why on Consent Agenda since it is a draft; this list assumes that Lakeland Shores is not a particularly responsible tenant and doesn’t know if that is true or not; asked Administrator yesterday if this had been discussed with Lakeland Shores in terms of why this was added, and the Administrator said no; if he was looking from Lakeland Shores on their past agreement, he would really be annoyed; in the best interests of the City, he would propose eliminating 4 altogether and discussion held with Lakeland Shores to work out any of the issues or problems; this is something you would have for a junior high dance.

Nagel's intent was simply to get something done on the use of City Hall; agrees with Item B; thinks idea was formed by the League when discussing insurance issues and who might use the City Hall; Lakeland Shores stores their files in the basement and were they to have a fire, he wants to make sure Lakeland Shores has them covered because right now Lakeland doesn't have that coverage; concurred with Livingston, this boilerplate from another area. Livingston has no issues except for #4 and doubts boilerplate from another agreement with the specific items listed. Administrator said this template is for anyone else who wants to use the area. Zeller appreciates this item pulled from Consent; in regard to them picking up a key and returning it, asked if they didn't have a key. Nagel said Staff has discussed rekeying the City Hall and he hasn't had time to talk with the Mayor about it yet; Hall hasn't been rekeyed for years, so they really don't know who has a key at this time. Zeller said it is unfortunate, but reading this he would also consider an insult since Lakeland Shores was not contacted for discussion; if they rekey, thinks they should number with *do not duplicate* and provide to person in charge from Lakeland Shores. Nagel will walk through the entire agreement with Lakeland Shores. Mayor Zeller also asked that he gain feedback from them so we get an agreement that works for them and the City and protects them from an insurance point. Livingston thinks they are very restrictive who they allow to use the City Hall; wondering why they need a template when they always have had an agreement with one other [Cable] essentially and they do have an unwritten policy of not allowing; would like it to be looked over by all parties. Craggs understands the fee is presently \$50 and they are proposing an increase to \$100; is there a basis for fee. Administrator said nominal fee and reason for increase the increase in utility costs and they can use at any time. Livingston stated they can only use it for their meeting and for storage of records. Niedzwiecki said fee was last raised January 1, 2004 from \$25 - \$50. Glasgow suggested a digital lock; would be onetime fee and they could do either the front or back door; as City Council members and Staff change, they can change code; one digital lock would be more economical also; Lakeland Shores is already upset about newsletter and this is just another thing. Craggs believes an agreement is needed – however needs changes in terms of content. Nagel summarized they had no problem with added insurance on back; can live without #4; he will meet with mayor Kopesky and get his concerns; never his intent to implement this agreement without the CC's discussion and input; correct word is this is a draft and should have been an agenda item; his intent always to get their changes and then meet with Lakeland Shores on it. Zeller said he doesn't feel they need to eliminate #4 altogether; technically if they don't have everything down in writing, it can be misconstrued; Lakeland Shores has always been a good neighbor; asked Nagel to meet with them to obtain their questions and concerns, and then to bring a revised draft back to CC for review.

4. LAW ENFORCEMENT REPORT

Livingston reported in the month of October there were 84 incident call reports and 9 citations issued; all but 2 were issued in one location, so decrease from normal; shooting in Lakeland Shores; thinks press has provided all information available so nothing else will be coming from the City; wanted to acknowledge it happened and it is out and has been out of their hands. Craggs noted that the last citation listed is not in their area and Livingston concurred and noted that additionally decreased citations issued in City.

5. PETITIONS TO THE COUNCIL - none

6. PUBLIC HEARING ON VARIANCE BY PETER OLSON TO REPLACE THE SEPTIC SYSTEM AT 180 ST. CROIX TRAIL NORTH

C. Public Hearing on Variances for 180 St. Croix Trail North

6. Call to Order at 7:15 p.m.

7. Introduction of Application – Wallberg introduced application to install a new septic system at 180 St. Croix Trail; current system failing; representative from County has been at site and agrees this is the only place with room for any system; has been posted and published; WMO Staff also saw no issue but provided a short list they typically provide for erosion prevention; like other applications they have had recently for failed septic systems; has WMO take a look at the application before issuing permit; WMO looks at quickly so as to not hold up application.

8. Public Comments – none

9. Written Comments – none

10. Hearing Closed at 7:20 p.m.

D. Discussion & Recommendation

Craggs asked City Attorney Vivian, as they grant variances routinely, wanted to make sure language met requirement. Vivian said it did. Craggs also noticed that Wallberg had added WMO comments in item 4. **M/S/P (Craggs/Zeller) to adopt Resolution 2009-35, a Resolution Granting Variance Application by Peter Olson for backyard setback and setback to the principal structure to locate a septic and drainfield system on the property located at 180 St. Croix Trail North. By roll call, Craggs, Glasgow, Livingston, and Zeller voted aye. Resolution adopted.**

7. EMERALD ASH BORER PLAN

Kathy Widin, City Arborist. Emerald Ash Borer is an exotic insect from Asia that has been found feeding on ash trees in St. Paul; this insect, the emerald ash borer (EAB), feeds on all ash species, and can kill trees in 1-3 years; the presence of this insect has not yet been confirmed in Washington County; Widin will be doing educational seminars where residents from the five communities can access presentations on Emerald Ash Borer; probably will be in Oak Park Heights/Stillwater area; thinks important for people to be educated, and maybe one of the most important reasons is that once you know what is out there and what to look for and the problem it can pose, that is really powerful; in some places it has been found by residents wondering why flying insects are coming off their ash trees, and they happen to mention it to someone or they see something on TV; in Saint Paul, it was noticed by a trained arborist or professional tree service who knew that the symptoms were unusual enough that it caused him to stop and look at these trees that were along the street; education hugely important; what she is recommending to most of the communities is education on the resources they have and what their window of exposure is; recommending they plan, budget some dollars, and maybe begin treating some ash if they want to structure removal; in this Community, with many ash on private property and ash along the River and hills, there is a relatively small number of ash that exists on public property; maybe option where they have a construction project and there are two trees where they have an option to save an oak or saving an ash, they would choose the other tree species; doing some planting to diversify the Community forest is really good idea, and diversity with native species and not just planting all the same thing. Craggs noted Diseased Tree Fund that has been partially used for years - so at least they have thought about this particular issue; having the resources to fund it appropriately is really challenging; wanted her assessment how they sit with other communities, as the mayor said, education is certainly important. Widin said continued working with other communities will be important as far as when it is found; one thing she would say to anyone watching is to keep an eye on their ash trees; if you have a tree thinning out and there is sprouting at the base, or the tree dies for unknown reasons, certainly call the City; she can come out and take a look; also be aware of companies who might be coming through and indicating they have emerald ash borer and must be removed; get a second opinion, there is time to do that; if you take an ash tree out, don't move that bark intact anywhere. Jim Gilles, Public Works, said he is trying to get in touch with Stillwater; they are looking at doing their own insecticide of trees and possibly training someone; was looking at estimating what the cost would be; one of the things he would suggest for next summer is to go through and actually do a better physical inventory and determine if there is actually any trees that are worth saving before they go any farther; at least they would have those documented so they know if something does happen, this is what they should be doing; thought they only wanted to take them down during certain parts of the year. Widin said at this point ash trees, and certainly once Emerald Ash Borer is identified, they are saying not to take those trees down and move the wood during the growing season, but from September 1 to May 1, those trees can be removed; wood can be left and dealt with later as long as it is processed in some way, bark peeled off; usually the processing of these trees is to chip to small dimension and those chips can be either used to generate energy or in landscape; should not doing any pruning of ash trees from May 1 to September 1. Zeller asked balance in Diseased Tree Fund. Niedzwiecki said there is a public portion and a private portion; total balance is about \$4,000 and in the public portion there is only about \$500. Craggs said \$4,305.07 combined; spent \$2,422.50 this year. Gilles said that was all diseased trees in private right of way they had taken down. Nagel was going to concur with Gilles and thinks the next step for them is to try to stay ahead of this and identify what trees they want to keep and which ones they could take down of these 231 trees; probably makes most sense; they get the feel for which ones they want to keep so they can get an estimate on that as well too; thinks that probably the next step for them; they have many small ones there on the boulevard; maybe they can take care of that and if they probably need to identify as soon as they possibly can the ones they want to keep in the parks and get back to them with the things Gilles has done and show them which ones they feel should be kept and where they ought to be kept as well as public education. Zeller asked if they are doing some of that work in Public Works - are there special training or safety procedures. Gilles said they have to go through the training and need to have the right equipment; reason they will take certain trees down, but there are other trees they will hire out. Nagel said he thinks that is exactly right; do what they can with what they have; identify the trees they want to keep and get that started, and then they will just have to leave the rest until they can budget for it a little bit better. Zeller thinks it an item for discussion and future budget. Gilles said one of the things they want to do, is every tree you take down you want to replant one or two; need to figure that into their budget. Nagel asked what they are going to plant. Widin said every tree species has a problem of some kind; if they don't have it now, invasive are here to stay, invasive plants, insects, diseases - all imported; lesson here is to plant a diversity of species - diversity as to sustainability; that is really what they need to do. Nagel noted they will back to the CC with some idea of which ones they can handle and which ones they can't; will let her know what the effort might be. Zeller thanked Widin and appreciates information.

8. 2009 BUDGET UPDATE

Nagel updated in July, and they updated with the 2010 Budget; Niedzwiecki and he have been keeping their eye on it; just wanted to update and doesn't need any action tonight; things have changed significantly since they started looking at this

back in July; as they can see a lot of the things they talked about in July that they might cut by December, they either have or they weren't able to; replaced quite a few things; they will see some of the things were under budget; they are under budget in the police department, for example in the general government budget by \$5,000; elections \$3,000 since they didn't have them this year, buildings and plants \$3,000 as well too; City Engineer's budget is under budget by approximately \$3,000 that he feels really the effect of the elimination of the Staff meeting earlier this year; other than that, they actually have \$38,000 there instead of \$36,000; thinks as some of them know it looks like the Governor will be taken to court over his unallotment power, so who knows at this point; Niedzwiecki and his recommendation here is this is what they have identified, they have enough to cover it plus a couple of thousand; his thought is they will see how they are and he and the City Treasurer will meet again the first or second week of December when he has the November financials and they will see if anything changes there as well too; prioritized them in a sense that if it looks like it will be \$36,000 and they have \$2,000 extra they will probably keep City Hall open and pay everyone instead of having Staff take days off or not paying the CC effectively keeping City Hall running the way it has in the past. Zeller asked what the Bike Trail Long Term Improvement fund balance present was. Niedzwiecki said balance is \$16,537; about \$1,000 short of that grant match. Nagel said they really can't cut that. Treasurer continued that is not including the additional \$5,000 like they had planned. Zeller referred to grant application, they are talking about the trail, but a section of that runs through Lakeland Shores; are they a co-applicant with them in this grant application. Gilles said none of that runs through Lakeland Shores; Lakeland Shores is all done with CSAH 18; grant takes care of everything in Lakeland. Nagel doesn't know if the Governor will unallot them prior to December 31 or not; may have to come back to them during the holiday season and let them know what they need to do. Craggs wanted to compliment Nagel and Staff for effectively making these cuts and implementing them; thinks it is quite a challenge because they are very lean already so these particular things that have been done have in fact been a team effort. Nagel appreciates that; he went through this in 1991 and 1993 and has never seen anything like this in his 25 years as a City Manager; this late, this is unbelievable, and not knowing where the heck you are is in his opinion unprecedented here in the State. Zeller only notices one upside in that before long their dependence on LGA will be eliminated. Nagel confirmed and by the time they approve that 2010 Budget, they will be down to somewhere in the neighborhood under about \$25-26,000 in LGA. Zeller sees that as a positive. Nagel concurs with him at that point; many cities have asked once the LGA is gone what can the State do to them. Zeller said unfunded mandates – they can continue to do that; Nagel can only say he is sure they will find out another way now that they have taken all their LGA to take some other things as well too; in any case, they are \$2,000 behind in 2010 and they stand in pretty good shape at this point in terms of where they are; will be back December 15 to see if there is anything else to give them. Glasgow asked if they were going to have another workshop before December 15; they still have reorganization they are looking at. Zeller said that is for 2010; this is 2009. Nagel confirmed direction at the worksession was for him to figure out the amount of personnel salaries in the General Fund and then come back with 5 - 10% cuts which he will do December 15. Zeller said they will have an opportunity to review that prior to taking any final action. Nagel said on December 15, they will have at least three options, to leave it the way it was that they approved in the Preliminary levy, another one would be with 5% of personnel salaries, and then another one with a 10% of the personnel salaries cut. Glasgow asked if they would have to approve that day; he would like to see another workshop before they have to approve; these are some big items they are talking about and if they come down at the eleventh hour, there isn't much room for discussion at that point. Nagel said whatever levy they approve doesn't necessarily mean they make those expenditures; this is his point; whatever that number is that is finally approved is not necessarily a spending plan. Zeller said beyond just the restructure because he thinks they all agree that one is a challenging item that is going to take a bit of time but there was some other discussion perhaps pulling back a little bit from the Parks budget or temporary delay. Nagel will have that December 15. Zeller continued they are looking at the Cable funds and whether they should spend that balance down a little bit or not; thinks couple of other items as well that Nagel is working on that would decrease their levy amount but specifically to the restructuring, that is where in all likelihood they won't be making a decision on December 15; that decision would come at a later date. Nagel said they have a lot of discussion to do on that; his point is they need to take care of the 2009-2010 Budget and then get to the rest of it. Zeller noted they are going to try to get the Levy down as low as absolutely possible because to Glasgow's point, even if they underspend it, you have still levied for it; they will try to get the levy down as low as possible prior to passing it December 15 but then they will make additional effort to under spend. Nagel's point is he cautions them that by reducing that Levy too much they are taking away any room they have if they get unallotted again; they have to remember that they are already \$256M less in revenues in the State; he doesn't know about them, but he knows where some of that might come from; if they do that now, they have no wiggle room coming up – nothing; would just use caution. Zeller appreciates that comment. Livingston said the way they are now, the uncertainty that may still hang over their heads after December 15, he would second Nagel and say they need to be extraordinarily conservative in making sure that they can cover essential services and make sure they have the wherewithal to do so; nice to want to lower taxes but if the economy improves, if some of the State arguments between Legislature and Executive branch get worked out in this last session, he looks forward to the time when they can do a Levy decrease or no increase in the very near future; same thing he feels about ashtrays and just about everything else is this isn't the time to tie their hands. Nagel said with that said, he has direction and the City Treasurer and he are

looking at the General Fund personnel salaries and they will do the 5% and 10% cut based on what those personnel salaries are and then get that back to them; that is what they asked for in the worksession and that is what they will get. Livingston noted one of the things Nagel and he discussed was having trigger points; thinks that is a very good idea that if forecast revenues are down they might have a trigger point what additional cuts it may affect; once they are aware of them in advance, that is prudent management as much as they can be aware; doesn't think this is over yet, especially in the effect that the collection of taxes on real estate lags by 15-18 months on the way down because it takes into the next year after that the assessment is going to have impact on taxes; they haven't seen the bottom of that yet in terms of impact on revenue; that will really impact the total revenue. Glasgow asked the medium value of the housing in Lakeland. Niedzwiecki doesn't know off the top of his head; thinks closer to \$200,000. Glasgow continued on a 4.8% levy increase, what that would mean for a homeowner. Niedzwiecki would say it is the value of the house [\$200,000] times 1% to get the tax capacity times the tax rate – increase about \$96/year – 700 households. Nagel said it is about \$38,000 altogether; again as long as they are on camera, he wants to reiterate the fact that the budget is actually down this year by .5-1%; also wanted to reiterate the problem they have in Lakeland was lack of revenues and lack of revenue diversity; they are paying more for their fire pension, they are paying more for police, they are losing interest revenue and they have gravel tax payment they have to start paying back in addition to \$86,000 of local government aid and the loss of gravel tax income; total of \$103,000 – about 2/3 of that were actual cuts, things they just cut; he will show them that again in December; the only other 1/3, the \$38,000 was in tax; he has nothing else to do other than that; when they talk about it, yes the taxes are up about \$38,000 for the entire community, but they did make an additional \$70,000 in expenditure cuts; as they have all requested, he will keep his nose to the grindstone and give them another 5 - 10% based on their personnel costs; what Livingston and Glasgow said is that no one is more aware of the fact of the effect on individual taxpayers; just wants everybody to understand that as Glasgow says, it is very difficult when they are not quite sure what they are aiming for; doesn't know what the unallotment will be; will happen on December 28 maybe so they will need to deal with it very quickly for 2009; they get into 2010 and the very first quarter they will need to look at it - whether or not they need a trigger point or not, they are going to have them; 2011 will not be much better than 2010. Zeller requested he continue to turn over rocks; important for people to understand that the unallotment that they are anticipating at the end of December impacts this year's budget; budgets that were approved in 2008; that happened to them last year to the tune of \$42,000 which, through their fiscal planning, they were able to absorb that loss and they are anticipating having to do that again as well as in all likelihood having to do it again next year; not anything they can plan for in their budget or spending a year and a half in advance; it is something that they tell you the last week of that year. Livingston said they get two payments a year and the second payment comes in that last week of December; it is that second payment that has been anticipated and budgeted for, promised to them, that can be drastically cut and once drastically cut is not something they can go forward into 2010 and 2011 and rebudget and do more cuts; worried it is going backwards; extraordinarily unfair way of doing business and to him it is an absolute disgrace that small cities tend to suffer more from these cuts than their fair share; these are not little knife cuts that build up in the future until they realize that they are really hemorrhaging; this is stuff that is going backwards for things they budgeted; what this is the best judgment of Staff as to how they will meet that 2009 conflict. Glasgow said the rate they are asking about, the impact to the homeowner, when they talk about 4.8% they are going to look at their property taxes and say it is going up 4.8%; it is not; it is their local taxes going up \$8/month which is very reasonable in this time so they are not asking a lot, they are doing a lot; this City is very responsible with their tax dollars. Nagel said that is a good point when they come to December 15 and look at the budget one more time, that tax can't go up; it maxed out in September.

9. CITY STAFF REPORTS

Administrator

- Advisory Committee Options/PC Structure Options. Nagel was asked to look at this at the October meeting; did a cursory look as to some of the ways they could do it, and to be honest with them, he thinks they would be doing something a little bit different than any other city out there; he has looked at two different things – went through his city manager's association and requested information on different ways that PC and Citizens Advisory Commissions are structured, and it seems as if they are either one or the other or both; also asked his fellow managers in Minnesota how they derive citizen input; thinks after all of this in terms of conclusions, he thinks a couple of options just for consideration or to brainstorm a little bit with them would be to just take the planning commission they have in terms of structure and add additional items into their purview so to speak that they might give them; positive side of this is they wouldn't have to go through an \$18/page change of their Code because as they know if they change the name, they have a number of places the planning commission is mentioned in there as well too; those would all have to be changed; in looking at it he believes they could make some minor changes to their present Code and simply give them more to do; he can bring some of those changes back to them so they can take a look at them; knows there was the thought that they would want to call them a citizens advisory committee; they could also do that; just wanted to warn them there would be some expense to changing the Code by ordinances to do that. Zeller wanted clarification asking that he is suggesting that they would continue to call it a planning commission but they would modify their ordinances to redefine what their role is or scope;

what would their scope be – some of the areas where they talked about potential savings are having to post notice for meetings and having to prepare minutes; if they change or modify their ordinance and their role and function would those two things still need to occur. Nagel would have to defer to Wallberg, but he would say that if in fact they hold the public hearings during CC meetings and just ask for their advice on it, he doesn't know that they would need to do that. Wallberg doesn't think it would be necessary to make any changes to their scope; it requires that if they are part of the variance or conditional use permit, if there is a formal public hearing held, yes they do have to observe those regulations; clerks do not post when other committees, including the planning commission, meet unless they conduct public hearing; if they decide to get together and have a meeting, those requirements are just not there so she isn't sure there would be need to change their scope. Zeller said if CC dealt with variances and public hearings, then the posting requirement they don't need to be concerned with that and then it is a policy decision if they want to keep minutes on those meetings; payment of PC members as well is an issue. Nagel reminded in October they made the change to just pay them when they met. Craggs said the other part of the discussion just to follow up is the language in the Code because when he looked it up before the meeting it is very broad; thinks that is what Nagel is suggesting; seems to him they could do as the Mayor suggested and vary the issues that they would address in terms of providing input without having to change the Code; he would be an advocate for that and would be comfortable with that. Zeller asked if he would be comfortable if some of the purview included Parks issues and things of that nature. Craggs would. Zeller said they have all talked about the value of it and doesn't think there is any question or debate about that; they are just trying to streamline that and find a cost effective way to maintain the citizen involvement at that level. Nagel said that if Staff simply took notes on those meetings, they could save a lot by not having minutes. Zeller said they can do that at the CC level; noted Wallberg and he talked about that a number of years ago where they wouldn't do word for word minutes but consolidated minutes and keep a copy of their video and audio for the City files and there is a savings there as well. Wallberg said she urges them to remember in doing that that they would want to do what would be absolutely base bones required by Law; she spent a lot of years doing meeting minutes and it is not only in the best interest for him or Kate or any of them to decide what is meaningful to minutes; just so they would understand it would be what is absolutely required by Law so it is very clear what is included in the minutes. Nagel thought if that were the case he thinks that would save significantly on what they do in terms of minutes preparation, in terms of Kate and terms of the part time – has been a little higher this year because she did their Comp Plan; if they went to abbreviated minutes as Wallberg is suggesting, they could cut certainly some dollars out of that and if they didn't have to take anything other than abbreviated notes from the PC then they would save additional from there as well too. Craggs thought he would be in favor as long as they meet the legal requirements. Nagel said what they could do is try one and see what it looks like. Zeller thinks it redundant to him especially since they now have the audio and videotape.

Chris White, PC. One of the reasons a few of them were interested in retaining the PC is for the variance requests because it gives them a second set of reviewing items, of really looking at the Codes and making sure everything is being met; with that said, if they want to do all of that, good for them; big time commitment she thinks and she really enjoys doing it but she would hope they do look at the Codes and use those new books and don't just go by what they think it should be; whole idea behind a variance request is to follow the rules; curious if they take that away what other pieces they are going to put in there to even make it a PC; what she feels she is hearing here is not what she thought she heard before. Nagel said intent there was not that they wouldn't comment on the variance request, just that they would comment on it and pass their recommendations to them much like any other commission would, like a Parks Commission; for example, a Parks Commission simply passes on recommendations to the CC; they listen to everything and then pass on the recommendation; they just don't hold public hearings in general; idea was to basically do that and have the hearings there but still get the comments on each request from the PC as well; just wouldn't be the official public hearing. Zeller thinks he mentioned this, but if they look at the way Stillwater conducts their planning commission, he likes the way they format that; the applicant sits at the table and they have a discussion; not as intimidating of a process; doesn't know if they have seen that on Cable, but it is a rectangular table and everybody sits at the table together and they work through the application together; just likes that format. Wallberg said it is a policy matter on how they want to conduct and certainly ordinances encourage that. Nagel said he and Wallberg could put together something and bring it back to them in December/January and get that to them so they can look at it in terms of changes and what they would include in terms of what they might take a look at as well too.

- Community Access Preservation Act Resolution

Wanted to just let them know, particularly Glasgow, that they did get an email appeal from MACTA [Minnesota Association of Community Telecommunications Administrators]; Glasgow might be able to explain a little bit better but basically thinks there is a movement afoot to take away their access channels and have the Cable companies for initially ESPN channels, Shopping Network, etc.; not sure where the Cable Commission is on this but he would like to get a resolution to them in December on the Consent Agenda and get something into their legislatures indicating that they really would like to keep their Community Access channels, and not only that, they would like to enforce the franchise fee as well; they are constantly looking to take away that franchise fee every year. Glasgow said what they are doing is the franchise fee would be paid to the State and the State would unallot them once again. Zeller asked gross revenues for

the Valley. Glasgow has those figures at home. Nagel said it is \$8 - 9,000 for them alone per year; they wouldn't be able to watch the video of this meeting tonight. Livingston wanted to say that anyone watching this meeting thinks they want to be involved in the process also in terms of contacting; will try to get more detailed information to them. Zeller said there are a number of channels that are allocated that are not used; Washington County has a library channel for example that has never to his knowledge had library material on it; probably fair that they are looking at it and they can probably pick up a handful of channels that aren't being utilized, but their channel, and none of them wanted to be on Cable and it wasn't an easy decision for any of them, but it has been effective and amazing how many people get their information about what is happening in the City through Cable.

- Met Council Dialogue

Dialogue occurred November 4 at Woodbury City Hall; only reason he mentions it is there will be another one coming up in a couple of months and he would encourage people to get over there; Metropolitan Council is an organization that does a heck of a lot of things and not many people know what they do; has as much an effect on them as well too; they talked a little about water and quite a bit about stormwater and additional regulations as far as that goes and transportation as it affects Washington County; thinks Peter Bell, the Met chair, is out here about every 3-6 months and he just encourages them to stop by; always a bit of information there. Zeller asked if they paid water access charges to the Met Council. Gilles said the Met Council does not have anything to do with water right now; water is still under the purview of the City; sewer that the Met Council is on. Nagel said in answer to Zeller that they were in Bayport because involvement in water planning and who could use the aquifers and who can't.

- Water Bond Refunding

As they know they haven't pulled the trigger on that one yet; they are anywhere between \$18 - 38,000 according to David Drown; they are getting closer; if interest rates slip a little bit more, they will probably go ahead and do it; if over \$45,000, the Mayor and he can go down and sign it immediately so they get the best rate; wanted to let them know that hadn't been done yet.

- Audio Visual Equipment

Received the three bids and Glasgow and he will go over Fixmer's at some point and at least see how they are on it; plan at this point, since Lakeland Shores didn't approve it, doesn't mean they can't take a closer look at it; they have the bids so they might as well look at them and see what they have; some spent much time on it and he thinks did a pretty nice job of doing it; his thought is at this point to at least get back to them to let them know they have some budget concerns at this point but they will continue to take a look at that; understands the prices might go up, but still thinks they should get back to them and at least take a look at it; if Fixmer's is the best bid, then fine; they will note in there pieces of equipment that Don had they don't make anymore and some thoughts that they had; Glasgow and he should probably get together in the next couple of weeks to do that.

Attorney

- Report of 10/20/09 Closed Session

The only item on which to report is the closed session from the October 20 meeting; CC went into closed session for the purpose of discussing legal strategy pursuant to the attorney client privilege, and in that closed session, they discussed pending litigation involving the City, Rob Hubbard, the Department of Natural Resources and the Sierra Club which is presently pending and up before the Minnesota Supreme Court. Zeller noted it has been a little over a month since that case was heard, so in all likelihood, it will be a couple of months before they hear anything. Glasgow asked if any litigation going on now. City Attorney said they have another one through the League.

City Clerk – no report

Engineer – no report

Public Works

Gilles said it was funny they talk about regulations; there have been two meetings he attended over the last week and a half and regulations train is on the track and headed their way; security issues is one of the big things; one of the things they were talking this weekend was chlorine; movement out there to get rid of gaseous chlorine and subversively below that they want to get rid of chlorine altogether, even liquid chlorine; no one knows what they are going to do in the interest of security issues; if that happens, costs will go up and skyrocket for water systems; 9-11 is what is pushing the chlorine all of a sudden; they figure it is dangerous, but there are very few problems with it; very little problems with water systems but there are people out there who think chlorine is bad; they don't know what will happen with that but there is talk that in five or ten years it may be gone; Federal level. Zeller thinks it is worth contacting representatives as they are very fortunate having area representatives down here that are accessible; hasn't reached out to their Federal reps as much but thinks the sooner they can communicate the concern whether by letters or phone calls, they might as well do that and let them know this is an area of concern for them; argument they always make is it has been in front of four or five committees and nobody objected; usually has to go through four or five before they are even aware it is being discussed; would rather get out in front of it and make their opinion known early. Gilles said the City of Lakeland is one step ahead; he meets with the Federal people once a year; usually they get one of the senators and one or two of representatives out

there. Zeller asked Gilles to proceed and draft a letter or work with Nagel drafting a letter if CC is comfortable with him signing that type of a letter they will go ahead and send it; just doesn't see any harm in doing it. Gilles will try to get more information; just had the meeting; sustainability of water systems is a hot item; climate change is on the top of the list; they have to look at flooding - too much water, draught - not enough water, or is the water going to stay the same EPA just came out with their CCL list; 104 different contaminants on that that could be regulated; thinks about 30 different types of bacteria that could be regulated; some may affect them, a lot they haven't even test for yet; lot going on especially at the Federal level. Zeller also noted they are providing water to two other communities so maybe they can reach out to their mayors as well and ask they send out a letter. Nagel asked what good news Gilles picked up. Gilles said actually the meeting he was at today was something new the Met Council is starting - it is the East Metro Water Supply Work Group; this was the second meeting of it; he found out they are pretty good down here; they don't have as many problems as Woodbury, Cottage Grove, Oakdale, Lake Elmo; feels pretty good about that. Larsen thinks it has something to do with their Staff too. Gilles continued Cottage Grove, right now PCA will be putting in five high capacity wells to work on the 3M chemicals down there and they will be dumping that on the ground; that could affect their aquifers; Oakdale has one the PCA has running right now at 5 million gallons a year that they are just dumping on the ground, putting into the rivers; they have to be careful with what they do with the water. Nagel wanted something to brighten up the evening; they talked about pestilent and no money to fight it, and water regulations. Gilles said if the regulations are coming down, one of the things they talked about is what they could do to stop them or slow them down; not much they can really do; Bobcat issue not looking good; been calling around - they pushed it off too long and nobody has any or if you want to pay double what he was paying half price for; still working with Hudson to see if they can come up with something.

Treasurer

October was a quiet month financially and guesses that is good news because nothing came up in terms of actual dollars or unusual expenses that would cause a problem going forward.

10. COUNCIL MEMBER REPORT/Craggs

In conjunction with the Parks, he would like to volunteer to work with Nagel relative to defining the Citizen's Advisory Commission role if that is alright with the rest of the CC; will also give him a chance to talk with the PC a little bit in terms of acting as liaison.

11. COUNCIL MEMBER REPORT/Glasgow

- LSCV Alliance

Had an Alliance meeting on October 26; Kathy Widin gave a nice presentation on the Ash Borer; Valerie Jones talked about Community Thread and Mr. Kriesel and Mike Johnson talked about the Yellow Ribbon; the next meeting they were going to go down to the recycling center and tour that, but Mr. Kriesel has asked him to have another meeting at the Fire Hall as they are breaking out the Yellow Ribbon; asked for a half hour to do that and then the mayor of Lake Elmo asked him for some time to talk about NSP again [fly ash]; will be having a meeting next Monday down at the Fire Hall at 4:30 once again.

- LSCV Cable Commission

Had meeting and adopting a general policy of the use of the Cable funds just to get some guidelines of what the intent of the funds are for; other thing is they renewed their contract with Valley Access to keep their channels for another year; with this incident they had down in Lakeland Shores, thinks it is important that the Lakeland CC is notified when City Hall is notified; he received many calls from residents asking what was going on and he couldn't tell them anything. Wallberg said City Hall wasn't notified either; they would absolutely communicate if they had received notification. Glasgow talked with the Sheriff's office and they were surprised because they updated the City of Lakeland and they were surprised he didn't get a call. Wallberg said that notification did not come through City Hall. Zeller said they left a message for him at his office; candidly, there wasn't anything to disclose; there was a suspicious incident and that was it; doesn't know if they know more from what was published in the newspaper a week after the incident than what they did at the time. Wallberg reiterated they certainly would be on the phone with them if they received any communication. Glasgow said again he placed a call to the Sheriff's Department and they got back to him later in the day and provided a brief update on what was going on; had quite a few residents who were concerned especially with that level of incident. Livingston said unfortunately sometimes they have to say they don't know; thinks this incident and he was annoyed also because this thing happened in their backyard and he didn't know anything about it; nobody knew anything about it; they were keeping it so incredibly quiet; they were not privy to this information and one of those things. Zeller did stop down there and provided his card but was quick to say he was sure there was anything he could do to help them but here is his information and feel free to contact him if there is and he left because he wanted them to be able to do their job. Wallberg said it was clear to the people involved in that from the beginning that it was Lakeland Shores. Zeller, Livingston, and Glasgow thought there was some confusion on that. Zeller said they initially thought it happened in Lakeland; thinks it wasn't until Mayor Kopesky contacted them that they realized it was Lakeland Shores. Livingston said Kopesky contacted them, not the other way around. Zeller said again, there wasn't anything to report; shut down. Glasgow again stated the

residents look to them because they are the City leaders and so they would naturally call them; got quite a few calls waking him up. Craggs said as a follow up then is it fair to expect they would contact them directly. Livingston said they could contact any of them; this is something they discussed; he received calls but thinks what they have to do as a policy is not to guess, give out information, bug the Sheriff's Department when they are in the middle of something, and as soon as they receive information, if they are going to get information on an incident; communication on most of the major incidents in the City have been prompt and proper both from the Sheriff's office and from City Staff; in this case and his strong recommendation to people is if you don't know say you don't know or say you will try to find out; the people in the City to contact first of all would be the City Hall because much of the information goes there first; Mayor and he usually get a call on major incidents. Zeller noted a deputy made a statement to him about the incident and he doesn't know if the Sheriff's Department has released that detail; he is glad he didn't say anything to anyone about that because apparently that is a key detail for them in their investigation; the method by which he died; he wouldn't have thought twice about whether that was critical or not critical so again, he provided his contact information and said if they needed to reach him this is how you reach him; otherwise he was leaving so they could continue their job; thinks there was a minor bungle there in terms of if it was Lakeland Shores or Lakeland; thinks they could send a survey crew down there and he doesn't know if they would still resolve that one; it was right on the line. Livingston said beyond that, there were no expectations; this thing it was turned over to the BCA very early in the day; BCA put a lid on it; that lid is still on; he worked on a State task force for the BCA and they don't screw around; there are essentially FBI in the State and they will release information when they feel it is in the best interests of the case to release the information; they will probably read it in the paper; Kopesky will probably read it in the paper; just not going to happen; he was down getting a haircut this morning and everyone was talking about this detail and that detail and everything else and a couple people looked at him and he went out the door; rumors all over the place anytime anything like this happens especially if there are news conferences and communications from the City to Council and communication to residents; they have none of that in this case and they are going to have none of that in this case; it is out of their hands and Lakeland Shores hands. Craggs understands that but just the fact that the incident took place; he had people come up to him as it happened the same day as an event at the school and they inquired if he was aware of what took place today; all he is suggesting is shouldn't they have the expectation they would have been notified of the incident; thinks that is what Glasgow is getting at and that is all he is asking too. Livingston asked who would notify them. Craggs said someone from the Sheriff's Department. Zeller asked Craggs if he is saying when it came to Zeller's attention that they would send out a notice there was an incident. Craggs said yes. Glasgow agreed that it makes the CC look better. Craggs reiterated not any of the details but just the fact it occurred; people asked him whether he was aware of it and he said no; wondering if a reasonable expectation they would have some notification that it happened by the Sheriff's Department. Zeller said they could do that. Glasgow said when he called the Sheriff he asked why he didn't call his cell phone and Glasgow said because he was busy enough and the reason he left it on his office phone because he just wanted to know. Zeller asked if Glasgow had called City Hall to ask. Glasgow said no. Zeller suggested that probably would be the better rather than calling the Sheriff's Office. Wallberg thinks that is a reasonable expectation and she thinks they would call City Hall. Glasgow said it was after 3:00 when he called the Sheriff's Department

12. COUNCIL MEMBER REPORT/Larsen

Wanted to apologize for being late for the meeting; her plane was delayed but she arrived safely; she has been asked to be on the Yellow Ribbon Task Force for Women in Government in Washington County by Senator Saltzman; they will be meeting the first week in December and try to put something together.

13. COUNCIL MEMBER REPORT/Livingston

Thinks the women's program, Women in Office essentially, the movers in the community is going to be very good because it is all about City, County, State; Senator Saltzman has been a tremendous asset to their military families in this whole process of trying to take something that didn't exist ten months ago and make something out of it; they are making progress on that; there was a meeting about 10 days ago with a representative of the guard, two representatives of the network and Washington County Yellow Ribbon Network has now been tasked with doing some of the work previously done by staff of the guard; Washington County is the leader in this; they made an awful lot of mistakes, so has the guard and so has the County as they create something out of nothing but the fact of the matter is they now have at least three cities who have active, very active city networks going reaching out into the communities; Cottage Grove and Lower St. Croix Valley are next on the list and it is hoped that with five political entities in the Lower Valley they can maintain their autonomy as cities as far as recognition is concerned but cooperate and work together in terms of putting a network together down here; really turned into an important program; Washington County is being looked at, not only by the State, but by the Guard and Guard officials in Washington and both Senate staff and Department of Defense staff out in Washington. Zeller thinks it is worth mentioning it is bipartisan. Livingston thinks this is where Saltzman has been wonderful is they have tried to keep this nonpartisan and keep party politics at the door; Kathy has really stepped back from an official leadership position which she certainly richly earned in order to do that and they are asking their elected

officials to work from the County to give them better representation at the Legislature and that is one thing certainly that the Women's Group will be working on; other thing is within city or area organization and networks, if there is a candidate for office, political manager or something like that wants to be a part of it, that is absolutely fine; if that manager or candidate brings the candidacy into it, they will be asked not to do that anymore; too sensitive a situation right now because it is so new; easiest thing that could happen is for somebody to use it for partisan political purposes in order to get a candidate some brownie points; as the Executive Director in Washington County they are not going to allow that to happen and whatever they have to do to keep the focus on the mission and the mission is to provide services to military families pre, during, and post deployment; that is the only mission. Glasgow asked how Chris White would get involved in it. Livingston said one of the things they can do if they wish they can come to the Alliance meeting next Monday; they have a development committee and that is what is going to happen next Monday; what will happen next Monday is that development committee is going to start to work with Lower St. Croix Valley people to get a steering committee together of people in the Community who will simply come together and act as an ad hoc committee as they are trying to get things more formally organized down here and work closely with them and closely with the Guard; someone with Chris White's state and local credentials would be most welcome and appreciated on that type of committee.

14. MAYOR'S REPORT

There was another I-94 Corridor Commission; next stage is they are preparing a request for proposals for engineers to do a feasibility study on the needs of transportation in the I-94 corridor; funded \$.5M by Ramsey County, \$.5M by Washington County, and \$200,000 by Met Council; that is the next step is those are the fees that are going out and that work will begin; Nagel facilitated setting up two meetings that they have had regarding senior housing in Lakeland; next step there is a grant out there that the City would need to be the applicant for a \$4,400 grant; Matt Klein has already taken the liberty of preparing the grant request and if they are granted that, they would go ahead and do a needs study for the Lower Valley here to determine what area of senior housing there is a need for, if any; thought is that is a tool that they could provide to potential project coordinators or developers to demonstrate what that need is; would like to see the City go ahead, take that lead at no cost to the City, and it is a tool they can use to attract that type of a project. Craggs asked if this would be limited just to Lakeland. Zeller said they would be the grant applicant but the study would incorporate the whole Lower Valley; another thing the City can do where they take the lead in an effort to help make something happen; their local representatives have encouraged them to think about what issues they might have as a municipality at the Legislature and the earlier they can identify those and communicate with them, the better off they all are; if there are issues they are aware of or that they should discuss with their area reps. they have both extended that courtesy to them that they will meet with them early and they can ask them to work on those issues for the City; not just a Lakeland issue but thinks it is Lower Valley as well; that would have to occur within the next two months; if they have anything, they should contact Nagel; if they end up developing a short list, they can see if they can set up some type of a workshop with their local reps.

15. ADJOURN – (M/S/P Larsen/Craggs) to adjourn the meeting at 9:06 p.m.

Brian Zeller, Mayor

Kate Piscitello, Recording Secretary