

**CITY COUNCIL MEETING**  
**Tuesday, July 21, 2009**

**CITY COUNCIL PRESENT:** Bob Craggs, Richard Glasgow, Peg Larsen, Bob Livingston, Brian Zeller

**PLANNING COMMISSION PRESENT:** Chris White

**STAFF PRESENT:** Jim Gilles, Matt Kline, Mark Nagel, John Parotti, Nick Vivian, Chris Wallberg

**OTHERS PRESENT:** Al Bergevin, Colleen Danford (Belwin), Bruce Lenzen (Northa contractor), and representatives from LSCV Fire District – Burl Haar, Kris Peterson, Jim Stanley, Jim Stanton, Kevin Wall, Tom Wilson

*Work Session*

*2009-10 Budget – 5:30 p.m.*

*Fire Relief Association Presentation – 6:30 p.m.*

1. **CALL TO ORDER** by Mayor Zeller at 7:04 p.m.

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

3. **CONSENT AGENDA** – Livingston requested Agenda Items F and I be pulled. Glasgow requested Item C be pulled. **M/S/P (Craggs/Larsen) to approve Consent Agenda Items A, B, D, E, G, and H. Craggs, Glasgow, Larsen, Livingston, and Zeller voted aye. Motion passed.**

**A. Minutes of the May 19, 2009 and June 16, 2009 Regular City Council meetings**

**B. Treasurer's Report**

**D. Resolution supporting the Yellow Ribbon Network of Washington County**

**E. Resolution approving variances requested by Eric and Kathryn Northa to expand the existing home at 1747 Rivercrest Road/as recommended by the Planning Commission**

**G. Lakeland Surface Water Management Plan as presented**

**H. Resolution to forward the draft Lakeland Comprehensive Plan as presented to the Metropolitan Council for final review/approval**

Agenda Item C. Glasgow inquired if report of Bills to be Approved was complete. Niedzwiecki said total bills are \$164,390; he had not received statement they were looking at that was emailed; when he did his financial reports this weekend, he reviewed this very thoroughly; does make some reallocations to different funds/accounts, but there were no changes in dollar amounts; no additional invoices. Glasgow had one item in question – check 12838 – asked the City Administrator for mileage logs for Jim Gilles for his use of his personal vehicle; hasn't seen any reports although he has asked for them; since he can't verify the mileage, he can't approve that check until he sees the mileage records; as a CC, they shouldn't be approving expenditures that they can't verify; he asked and they promised he would see those records. City Administrator said what he thought Glasgow said was to check with Niedzwiecki to make sure the mileage was being accumulated correctly; he didn't hear him say that he wanted a copy of Gilles' mileage every month; if he is wrong on that, it is certainly public information; believes miscommunication between him and Glasgow, but he was never told to send him the mileage; confirmed with the Treasurer that it was being done correctly; provided him a copy last month, but didn't know he wanted it every month. Glasgow doesn't want to make it a big issue, but this is one of the problems he has been having, asking for information and not receiving it on a timely manner; will forego this.

**M/S/P (Livingston/Larsen) to approve Consent Agenda Item C. Craggs, Glasgow, Larsen, Livingston, and Zeller voted aye. Motion passed.**

**C. Bills to be Approved**

Agenda Item F. Livingston said just before the PC when they received the packets, he noticed the dugout length proposed at Crocker Park was such that a team of 6 year olds might be able to get a full team on the bench, but not much beyond that 15' of bench; mentioned concern to Craggs and he got on it right away; they went to the PC and the length of the dugouts was extended; what concerns him is that they seem to be not using the correct or available resources when they plan to do improvements to fields; those resources are easily available and they are very detailed; what he would like to suggest is he would like Staff to please realize that when they are dealing with fields where teams belonging to leagues that are multi-city, multi-state, that you are best off going through and looking at facility planning guides for leagues of the age groups you will be dealing with; those are available and he would like to strongly suggest they be used in the future. Zeller said baseball is something near and dear to Livingston's heart, so he has a very firm understanding of it; he is absolutely amazed at how complicated it is; would imagine it true in other areas as well; should remove them from baseball because the City has him as a resource who can point them in the right direction regarding that; what about other issues in their other parks where they are talking about soccer fields - if they are talking about a soccer or volleyball field. Livingston understands what he is saying; there are soccer leagues and soccer national associations for age groups and everything else; one of the very important things is the distance of the out-of-bounds line and the benches so they don't

have people running into the benches or opportunity to get hurt; you want adequate dimensions for chain link fences; his whole point is they don't have Livingston as a resource, they have national associations for each and every age group and they are all available online with incredible detail. Zeller said it sounds like he might be disagreeing, but he is actually agreeing with him; he can just see himself being online trying to make this educated decision and trying to make themselves compliant and picking one of those and it isn't the fit for their clientele; his point is taken that they need to make sure they are making detailed conscious decisions. Livingston suggests every sport he knows has national associations for each age group; they all do; thinks it would behoove Staff to perhaps have a list of those, and if they are going to put up volleyball courts and want them to be able to be used by adults or older youth, that they go and either call or go online and get dimensions; doesn't think it is rocket science but maybe in baseball because baseball is an arcane and nitpicky game; doesn't think they are doing what they need to do to insure - first of all the maximum safety for the kids and the spectators. Zeller asked if part of the CC decision then to say they are going to build that park or that field to such and such a spec. Livingston thinks it behooves Staff to come to them and let them know they are going to do a 60' field and they checked with Little League and they are short on this dimension because they don't have enough room such as in the case of Crocker; at least at that point with that information they have enough information, especially if it is soccer, that they have checked it out. Craggs said to date the approach they have taken is they have a core set of teams and they have had dialogue with those teams to determine the scope of their needs; consequently once they made determination for example, the staff added another set of bases that was on concert with insuring that this group of teams were accommodated; not necessarily a bad thing but just the approach they have taken; thinks Livingston suggesting that they have a more long term plan in terms of what they are going to develop the field to and who they will accommodate; would argue this is the first year they have tried to accommodate a multiple set of teams with different needs; knows Gilles has had several discussions with them to try to address that; thinks they can get there, but as Livingston said, it is a matter of what their plans are in the long term; dugouts are a great step, and they have had good dialogue to make sure the safety has been addressed. Livingston said the multiple benches and bases that are available at Crocker now is really an excellent job; what stuck out as a sore thumb was the length of the dugout and the first thing that triggered him to ask if they are looking at the safety elements that are suggested by national groups. Glasgow asked if they are moving closer to the street then. Livingston said the dugout will be behind where the fence line is right now; bench now is back from the fence. Kline said about where the bench is now on the east side, the fence will probably be a foot closer to the road than the bench is. Glasgow's reason for asking is he questions as they move closer to the road they incur car traffic; worried if a car does go off the road and goes into that dugout is there any protection – do they have just a fence and nowhere for the kids to run; have they considered a safety post at least at the two corners. Kline said conceivably they could. Craggs said the fence is in the right of way and certainly the dugout will be in the right of way so the reason for the variance; to him having a dugout is enhancing the safety versus what they presently have; has two exits and part of the rationale.

**M/S/P (Livingston/Craggs) to approve Consent Agenda Item F. By roll call, Craggs, Glasgow, Larsen, Livingston, and Zeller voted aye. Resolution adopted.**

**F. Resolution approving variance requested by Public Works Department to construct a dugout in the right-of-way adjacent to Crocker Park/as recommended by the Planning Commission**

*[Secretaries Note: roll call was taken at this time on previous Consent Agenda Items approved above.]*

Agenda Item 1. Livingston just wanted to confirm that they have now separated, for purposes of the resolution, the past action of the board approving that and future action; requests that in order to facilitate that on the draft resolution that the 3<sup>rd</sup> and 4<sup>th</sup> WHEREAS deal with current economic conditions and benefit shortage and are therefore not germane to what happened two years ago; thinks they should be modified or eliminated. Zeller clarified that Livingston wants resolution to address the single item of this one year commitment of funding the shortfall. Livingston said what he is asking for is a resolution that approves of what the Fire District and pension association and fire board did two years ago; that is what the State Auditor wants; when they went to \$3,100, they did it without councils' approvals; the State Auditor has now said they need to go back and get those approvals; that is what apparently is needed by one party or another by August 1 and the rest of it is part of their budgeting process; as to where they are going to get the \$7,200 next year from, that they can do in August/September as to how they do it. City Attorney said resolution drafted based on information they had this morning; that information has been changed slightly, but not considerably so they can go back to reflect the fact that the Relief Association previously approved a increase in the benefit level and that the City is ratifying that increase which was the \$3,100; thinks that is what they were asking for is the ratification of the current benefit level of \$3,100. Zeller asked how that changed the draft resolution they have before them. Livingston said the NOW THEREFORE BE IT RESOLVED is absolutely correct; suggesting they might want to remove or modify WHEREAS 3 and WHEREAS 4 because of 'past economic conditions' as they will talk about in the \$7,200 going forward; would like to keep those two tracks separate. City Attorney suggested third WHEREAS, economic conditions *that* have affected Relief Association funds such that there *has not been* adequate money available to meet the needs of retired firefighters, and fourth WHEREAS, the Relief Association has approached Joint Powers municipalities *for the purpose of ratifying the previous decision of increase at benefit level to \$3,100 per year of service for firefighter*, NOW THEREFORE BE IT RESOLVED that the City Council for

the City of Lakeland *ratified* the Lower St. Croix Fire Department Relief Association retirement benefit level for firefighters of \$3,100 per year of service. Livingston said economic conditions two years ago was such that the fire association and fire board which ratified it believed it was in everyone's best interest to raise the contribution level; doesn't have anything to do with inadequate funding, but very adequate funding due to excellent results of investments; that is what he doesn't want to get mixed up – the fact that the economy tagged this past year caused a shortfall; he wants to keep very separate to when the economy was robust and they went to \$3,100. City Attorney will revise resolution to reflect that past economic conditions have led the Relief Association to increase the net benefit level to \$3,100 per year of service to firefighters with some notation in there that they didn't obtain joint power municipality consent at the time and they are now ratifying that decision; can modify the language if that is will of the CC. **M/S/P (Livingston/Larsen) to approve Consent Agenda Item I, a Resolution approving the Fire Relief Association benefit in the amount of \$3,100 per year of service, with changes as discussed with the City Attorney.** Niedzwiecki had a question in the last WHEREAS where it indicates 28 firefighters; there is a new firefighter tomorrow. Wallberg said that was only the basis to the decisions they made to come up with the \$3,100. **By roll call, Craggs, Glasgow, Larsen, Livingston, and Zeller voted aye. Resolution adopted.**

**I. Fire Relief Association benefit in the amount of \$3,100 per year of service**

**4. LAW ENFORCEMENT REPORT**

Livingston reported there were a total of 98 incident call reports in the month of June; obvious that summer had started that month and there were more outside activities than in previous months; more alcohol issues and more domestics; as far as citations issued, there were a total of 24, which is a very high number of citations; thinks a lot of it on internal streets and Sheriff's Department understanding there are issues of speed and safety on City streets and their presence has been increased as well; department does have several unmarked vehicles and they are using them. Larsen asked what a 1050 is and man down. Gilles said accident, no injuries. Livingston continued man down is simply there is a citizen out or on the ground and requires assistance. Glasgow asked where 7<sup>th</sup> Street Lane was and it was answered in Jackson Farms because a bear sighting was at that location. Craggs said this was the second month of bear sightings and should they be concerned; have they been able to confirm. Livingston said it is fine about now because it is the two year olds that the mother has kicked out in the spring that wander out into towns and either wander off or they don't make it by July/August. Craggs said, half seriously, there has been some discussion in his daughter's class about the bear sightings in Lakeland. **M/S/P (Craggs/Zeller) to approve the Law Enforcement Report as submitted. Craggs, Glasgow, Larsen, Livingston, and Zeller voted aye. Motion passed.**

**5. PETITIONS TO THE COUNCIL**

Al Bergevin, 737 Quinnell. Would like to regarding citations how many were parking citations. Livingston said within the 'no parking' area 5. Bergevin said there could have been about 20 more; need to get a sign on the corner as the past two weeks they have told folks if they park there that they will get a ticket and then they moved to where they could park; other day they had three parked there and all of a sudden someone else came and parked on his side in front of his car and he told him if he stayed there he would get a ticket and was told to 'go to hell'; he called a deputy who came down, drove by slowly and left; never bothered to stop or anything. Glasgow knows on July 4 all the cars were ticketed and Bergevin noticed that. Livingston said on Sunday there are sometimes vacation rotations; they discussed this before in the sense do they have to put signs every 10' and the answer has been no they don't. Gilles will take a look at signage on that side of street. Glasgow said they did have some discussion last year about having some A frame no parking signs and residents could set them out; knows Bergevin doesn't want signs around all of his property, but maybe some removable signs might help. Zeller would like to see them stay consistent with signs; asked Gilles to order a couple extra.

Colleen Danford, Belwin. From Lucy Winton Bell Athletic Fields and yes Mr. Livingston, people take their baseball fields as serious as a heart attack; also mentioned at Belwin in the educational center and thinks there are sightings of black bear there so probably back on the Belwin land; imagines parking is the most difficult thing you can do; people are lazy and very inconsiderate when it comes to parking; mentioned in the past she has come to talk to them about the Lucy Winton Bell facility and the building that they just completed 75% in the soccer complex area; wanted to invite them to come to visit and see the building and what they have done; note in doing that they have events coming up these next couple weekends along with getting into the fall football, so plenty of opportunity to come and see the building; would like to invite them to reconsider supporting their project there with the original proposal which was for the City of Lakeland 383 children of school age on the 2005 Census that they multiplied by \$8 a player and/or eligible student in the area which is approximately \$3,000/year for the next five years; wanted them to reconsider their support so they can finish the building; they are within budget and in fact under budget with the major part of the building being done; has about 25% of the \$200,000 that it cost to build that building and complete it raised, spent and all covered for that building; need balance of that to finish it out; any questions or if they want to meet her anytime - she is available. Zeller noted Danford had contacted him and he suggested she come to talk with CC; asked if everyone had her contact information; thinks invitation critical piece; always beneficial to see something to see what the progress and benefits are. Danford said the building is

up and the multipurpose area is being heavily used right now; especially with weather conditions and registration for tournaments, the tents are not needed anymore; huge benefit with that; everything is roughed in, the bathrooms and all of the concession areas; balance of this is to just finish those areas out so purchasing all the furnishings, septic and water, although she already has the septic and water to be run to the building. Craggs complimented Danford and the asset it does provides to the Lower St. Croix Valley area; his daughter participates in multiple programs and he spent most of the weekend at a softball tournament; wonderful asset and she does a wonderful job of operating it but unfortunately it is a difficult time for the City to be able to find funds to be able to support it to any greater length than she is asking; they are going through some of their own challenges and trying to fund their own parks; does want to support what is going on up there; they are trying to partner also with VAA to offer City parks for soccer practice which integrates with some of the activities they have going on; encourages all CC members to stop up there when they have multiple teams up there; great asset for the Valley. Danford said this past weekend had a couple of very long days and approximately 1,000 young children playing baseball with VAA and maybe 200-400 for the girl softball, so those are big numbers; challenge to accommodate all different groups; she goes around to the different municipalities and processes this whole Lucy Winton Bell partnership with the communities, and they are trying to service these local clubs as well; it is important that they work together as Lucy Winton Bell doesn't want to be independent of these locations and groups and really wants to work together; what she can do up there for a certain group, may be they can back it up on their fields as well; thanked everyone for their time. Larsen thought there was to be resolution for Friends of Washington County. Nagel said he has talked to them and they don't need it before September 1; in addition to the resolution they are asking for a contribution. Larsen said they *need* the resolution and *would like* a contribution. Nagel happy to add to August agenda if that is what they would like to do.

## **6. APPLICATION BY LAKELAND PLAZA LLC FOR VACATION OF A PORTION OF FIFTH STREET SOUTH & A PORTION OF PLAZA DRIVE**

City Attorney introduced this is listed as an application, but really an initiative by the CC to finish the process of vacating both the Plaza Drive easement and the remainder of 5th Street South; they will recall last year the CC had approved the vacation of the northern portion of Plaza Drive which is the easement that runs north and south along the Plaza; reason they vacated only a portion at the time was there was construction and remainder related to 5<sup>th</sup> Street South; they also vacated 5<sup>th</sup> Street South because of the continued construction; asked tonight to consider that the remainder vacation of Plaza Drive, the vacation of the old 5<sup>th</sup> Street South that the City doesn't use at this point all subject of course on the recording of Lakeland Plaza or Lakeland Village plat; this won't take effect until they record their plat, so everything lines up; the new dedicated roadway as it exists today is filed in accord with the County the old easements and rights of where distinguished and everything lines up and plats as it actually exists out there; requires 4/5 vote; hope for unanimous consent to move this project along; from his perspective, this will eliminate a significant hurdle or one additional piece of the puzzle that needs to be completed moving the plat forward and will leave only the County's review of the plat for any final issues; have Development Agreement 90% complete and waiting for the County to finish its review of the plat in order to finish the Development Agreement and hopefully will be done with the process; this is the last action required by the CC.

### **A. Public Hearing on Application by Lakeland Plaza LLC**

1. **Call to Order** at 7:49 p.m.
2. **Introduction of Application** – see above comments by City Attorney
3. **Public Comments** – none
4. **Written Comments** – none
5. **Hearing Closed** at 7:50 p.m.

### **B. Discussion & Recommendation**

Craggs had a question on page 2 BE IT FURTHER RESOLVED to confirm Gilles has looked at language concerning the reference to the rights for the maintenance and the placement of private utilities; knows more than once having discussion about wanting to insure they covered that so they have the flexibility to address utilities. **M/S/P (Craggs/Larsen) to adopt Resolution 2009-19, a Resolution vacating the southern portion of Plaza Drive and a portion of 5<sup>th</sup> Street South. By roll call, Craggs, Glasgow, Larsen, Livingston, and Zeller voted aye. Resolution adopted.**

## **7. 2009 GOALS – FIRST HALF PROGRESS REPORT**

City Administrator provided support material independent of Mayor's request; candidly he thinks this is somewhat similar to what discussed earlier; it was feeling to him they had a lot on their plate and weren't getting enough off their plate; when he requested this item, he identified three key goals he thought were top priority; having said that, he thinks beneficial to see Nagel's memorandum and revisit the fact they had 26 goals established in January and look at how many of those they completed.

*(Secretaries Note: Craggs left meeting at 7:58 p.m.)*

Zeller continued it is pretty significant; of those 26 he would argue they have completed probably 70-75% of those; even though he is personally feeling they have to cross a few things off the list, they have probably crossed off quite a few things off the list; would like to prioritize three specific goals (1) recodification, (2) web site, and (3) restructuring; didn't want to provide that direction on his own but wanted to introduce the idea to the CC; thinks helpful if they prioritize and establish goals for completion; if there is anything they need to do in terms of support or dedicating resources, he would like it to be a conscious decision the CC makes and see what they can do to move forward. City Attorney noted first draft books of recodification have been received and will be distributed to the CC; had discussions with Administrator and Mayor about the process in moving forward; various thoughts on how they do it; one thought was to codify what they have, be done with it, adopt the books, and then go chapter by chapter, section by section, and make changes as they do; second thought is to give CC the books, make all changes and go through lengthy process of making all the changes they want to see, and then adopt all changes as part of the codification; third option for the CC to take 30-60 days, make any changes it wants to adopt, and after they have books that are codified within a relatively short period of time the CC can appoint a committee to go through and make or consider additional changes; concept there is to take the books home, take 30-60 days, and recommend changes they want to make in codification. Zeller said all work done years ago, Livingston did a lot of that work, those comments were incorporated in the draft; he will want to confirm that, but that should be what he sees; likes third option and wants to be done with this; haunted the City for at least 5 years and tremendous amount of work has been put into this. Administrator noted for benefit of Livingston and Craggs who worked with Wallberg on this that if they like, they will take the time to go through and show them where it all went; different in terms of terminology. Wallberg would like everyone to know that at no point were they not working on codification; not only the City Attorney but the attorneys at American Legal; this process is very long but never was it just sitting not in the process. City Attorney said to be very honest was the Code as it existed prior to the draft they will see was in poor shape, some of which outdated, some ordinances came from the County and weren't tailored to a City form of government; much had to be weeded out; it's all compiled; there are issues that CC members have raised along the way and they haven't made those changes as they are leaving those changes for the CC to say during the codification 'we want to see those changes'; those will be the issues they will tackle in the next 30-60 days; they would appreciate their comments as soon as possible but also want to provide the CC time it needs to make sure they have incorporated all of the immediate changes that they want to see with the codification; after Code is adopted, the CC can establish a standing committee who goes chapter by chapter; thinks important that they move forward getting the books in final form with whatever revisions they want to see immediately so they can start working with the newly codified Code; will be benefit to everyone. Zeller asked if available now. City Administrator said they would pass it out at the end of the meeting. Zeller would like them to set a workshop prior to the September CC meeting giving them 45 days for review and comment; would like to see at September meeting they set goal to codify and any changes after that can either be done on the committee system they talked about or on a case by case basis. Administrator said Wallberg and he will try to get in touch with Craggs and Livingston and walk them through it on where all the ideas went. City Attorney said if they are going to codify in September, they will need to hold a public hearing and publish at least a summary of the changes and make those available so will be some significant work that leads up to that September meeting; will need their comments likely by the August meeting; would suggest if they want to do the workshop in September that the goal would be to codify at the October meeting, just to give Staff the time necessary to do everything that needs to be done. Zeller asked if they wanted to have the workshop similar to this evening, prior to a CC meeting; knows his review will be closer to the deadline. Wallberg said it hasn't gotten smaller, so they need to give themselves enough time. Zeller thinks they all have their areas of interest; he will be looking at certain areas they have struggled with in the past; CC is September 18; suggested they have open house workshop so if they don't have issues or have gotten their comments to Staff prior to that they don't have to attend; codification workshop would be at 5 to 6 and budgets from 6 to 7. Administrator said they will have to set a special meeting because preliminary budget has to be in by September 15; they can always move the September meeting back but suggested they wait until August and if they need to set up a meeting, they will do it by September 15. Glasgow would prefer an electronic version – Zeller hardcopy. Glasgow asked if appropriate if members of the PC wanted to look at it previously. Zeller suggested they make it available and the people who are interested can look at it. Administrator said website is his fault; they started work on it and they just haven't been back to it. Zeller was on North Hudson's website the other night and thought one of the nicest he has seen; wondering if someone could call them, find out who/how/cost; would sure make their job a lot easier if they found a model they like. Glasgow thinks other problem with website is updating. Zeller said they would address that; asked Nagel on agenda for next month he provide what he found out from North Hudson; asked if achievable to have a new site up by the end of the year. Nagel said that should be achievable by the end of the year. Zeller suggested they meet on restructuring and provide feedback to CC by a week from Friday; thinks it relative to budget and other things that have come up; clearly understands it relates to budget and an important issue; no deadline on that but they know what their next action item is on it. Larsen asked Gilles about water tower 1. Gilles said that was to be done last winter, but with snowplowing, it was put off; hopefully by this fall with things slowing down they will have time; payment options not selected. Zeller's understanding is they would not have to go out for bid but they decided they wanted to go out for proposals.

## **8. COMPLAINT PROCEDURE**

Zeller said this gets back to utilizing their resources to the maximum; complaint procedure is complaint driven and he would like to be very clear that a complaint should be in writing, signed, and should be from a Lakeland resident; have had a couple of instances where they receive complaints from someone outside the area and some have merit and some don't but do take a significant amount of Staff time; frustrating to him to be aware of how much time and energy that can take; they have talked about if they want to remain complaint driven or be more proactive; when thinking of the complaint procedure, they could easily pick one or two areas they want to work on, notify the residents, and work on compliance on that issue; right away what he thinks is an issue they run into frequently in the City is items in the City right of way; now that they are doing their own snowplowing, they are aware of those violations more than ever; introduced two ideas – that they tighten their complaint policy, that it be in writing, signed, and electronic email he would consider signed because they know who the complainant is; complainant is always kept confidential, and he thinks they should be from Lakeland residents. Glasgow didn't know if they could do that and doesn't think emails confidential. Zeller said they are as confidential as receiving a letter via mail to City Hall. Glasgow believes Livingston could tell him, and he has also received email from people who weren't those people; thinks email inappropriate; should be in writing either mailed or hand delivered; doesn't know how they can stop people from outside the City complaining about things in the City; complaint driven, if they go with safety issues, they should always be proactive. Zeller asked what Glasgow's concern would be in limiting to Lakeland residents. Glasgow said what would happen if a resident of Lakeland Shores had a complaint and lives across the street from Lakeland. Zeller would ask that they complain to their city and their city bring the complaint to them. Glasgow thinks worth discussion, but to limit it to Lakeland, how do they verify it. Larsen wanted specifics of 'outside the City'; asked for example. Zeller would defer to Wallberg; point is the challenge with it being with someone outside the City is that when they are spending the time, energy, and resources, if it turns out it is not a valid complaint; at some point there are people who just like to complain and it takes a lot of energy to chase those down. Larsen thought if they require complaints to be signed and anonymous, thinks it gives it more validity having complaints signed. Nagel said they do get phone calls from all over. Glasgow thought easy method to have City complaint form and have them fill that out. Wallberg said they do have a complaint form and they do require complaints in writing; does from time to time get one by email and she can verify mostly because she knows who the people are; considers that to be signed; would not take telephone call; often has people come in and offer very rigid complaints but they don't want to write it down so she doesn't take action on those; she tries to address the complaint rather than the complainant so tends to go out and look and see if they have an issue; City has forms and it does not to be in writing; also have policy of vexation complaints and have not had that recently where they were contacted by the same person over and over. Zeller not looking at making the complaint procedure more cumbersome; looking at narrowing the number of complaints; if there are legitimate complaints or if they are done in a vindictive or habitual way, he would like to prevent some of that. Livingston thinks frustrating part of City life but thinks the people have a right to petition their government for redress in respect to some document; restricting that in any way is essentially confining the ability to carry out that right which is given to their people; what he doesn't like is a true and honest complaint; Wallberg has withheld the name and does withhold the name but that doesn't make it anonymous; sensitive to that because he got nailed on it a couple of years ago and it was blasted all over the City; because they didn't have a policy where they don't blast anonymous complaints around; haven't had any of those for quite awhile; from outside the City, frustrating as it might be he thinks they have to accept them. Wallberg confirmed they do have a policy of habitual complaints probably two years old. City Attorney noted they ran into a circumstance last year. Zeller aware of that situation. Wallberg reviewed that the other day, and it would be fairly simple because it has specific steps that the zoning administrator is suppose to take; would be fairly simple if there was someone who was issuing more than three complaints during a short period of time, but she thinks that particular policy would be a step by step easy thing to address what Zeller is concerned about. Zeller would like a copy of that policy. Glasgow asked how many complaints the City receives a month. Wallberg said about 8; complaints usually ordinance violations. Nagel said they would get a copy of that to everyone and also a copy of the complaint procedure. City Attorney said on October 21, 2008, the CC adopted a revised complaint investigation policy procedure to be drafted; two separate policies but they work together; relatively straightforward steps that provide the Zoning Administrator the authority she needs to address the compliance; can get those copies out to them. Nagel said for the vast majority of those complaints you never hear about them; they get taken care of; difficult ones are the ones they have to take to court; those are the 10-20% where people don't want to comply for various reasons; every one is an arduous process trying to get them to do things but still seek compliance too.

## **9. CITY STAFF REPORTS**

### **- Administrator**

- Friends of Washington County resolution he will be happy to add to Consent Agenda next month; only reason he put those two things on there is because he has been seeing a lot coming through, i.e. Community Thread and Lucy Winton Bell; seeing many requests from non profits wanting cash; can bring them in to them for their decision or can simply refer

to the previous policy which is they respect the work they do but they don't have the cash this year to do it. Zeller thought, and Livingston agrees, the quicker they can get back to them the better served they both are.

- Lakeland Shores has asked the City for a proposal for snowplowing this winter; Gilles and he have talked about it and thought they would start at \$88/hour, drop the mobilization from \$1200 to \$700, and offer them that; thinks that will be a good starting point for them as well too; either Gilles or he will have to attend that meeting in August when they discuss that. Zeller noticed that Lake St. Croix Beach in particular has certain criteria before mobilization occurred; seemed from the comments he heard where they ran into quite a few of their problems; residents didn't understand that the trucks didn't come out unless there was a 3" event; to avoid problems for themselves, he would want to make sure there was communication. Gilles will work with their public works person and have it set up so he calls them out; let their city make that decision – that way it is on their shoulders and not on Lakeland's; also the other thing is they need to have all their streets trimmed back like Lakeland has done and they are going to do again this fall before they plow so they don't damage their trucks; potentially could do that for them. Nagel said is that is okay, he will make that proposal to them.

- Multi-jurisdictional Washington County Mitigation Plan essentially FEMA approved Washington County's all hazardous mitigation plan and they have to submit another grant application; determine hazard mitigation status, self assessment of hazards and vulnerabilities, list of potential litigation projects, facilitate business and resident input; thinks all they are asking for is a signed statement of interest that they would essentially participate when and if they get that grant application; doesn't think it is such a bad idea for them to do that as part of the FEMA stuff, but is up to them if they would like him to sign a statement of interest; doesn't mean financial participation; all they are asking is that the City is interested in participating so they can get the grant. Livingston would be in favor of that; done superb job in emergency management and thinks they should support them. Nagel said they are also looking for a CC representative and since Livingston spoke so strongly, he would be perfect choice; thinks good to get budget comments to him or Niedzwiecki within the next couple of weeks; City Treasurer and he will send them an email; other issue they will need to cash flow the tax increment part; they will get assessment in there but will be couple of years to build; they knew that and the faster it develops the better they will be but they just need to make accommodations in the budget to do that; had talked about cash flowing it, but doesn't think that will work very well; they just need to make sure they cover in budget in case they need to cash flow it for a period of time; will send them details on how they want to do that; total would eventually be \$20-25,000 [reimbursable]; City Attorney will file the assessment agreement by September; timing problem in essence; they will get the assessments paid and will get their money here but the payment is due in August and the tax increment stuff doesn't come until the end of the year.

**- Attorney**

Already discussed codification; Washington County gravel tax agreement is in hands of County; incorporated comments from last CC meeting and he thinks Nagel had one other comment as well. Zeller said Commissioner Kriesel had asked him specifically as there was concern on their part that they were changing the terms of what they had fundamentally agreed to; assured him that wasn't the case but was misunderstanding of deal structure, so the reason they had to redraft the agreement. City Attorney will send an email with the document attached that Zeller can forward to Commissioner Kriesel; they clarified language that essentially provided for a better outline of the process; payment made immediately with the money being recouped over time; pleased to inform CC they completed process with Gary and Dottie Mau; patio as of 7/14/09 has been removed and has been reinstalled according to specs approved by the City Engineer; Parotti re-inspected the patio late in the day of 7/14/09 and they received confirmation everything was installed according to plan; in process of finalizing the documents to dismiss; he will be providing them with a confidential letter summarizing the claims and allegations made regarding another case; have taken the summons and complaint to the League of Minnesota Cities Trust and have been advised by the League that they will undertake representation and that the Jardine, Logan & O'Brien firm will be appointed to represent the City; worked with them in the past and their firm does a good job; all discussion with the CC will be shared confidentially and they will likely have a closed session meeting in the future to discuss the matter.

**- City Clerk**

Received notice – running and racing season; one group that does let them know has race on August 22; not exactly sure what route they will take; expect runners to come through town; also if they have anything for the newsletter, she needs to have all articles by tomorrow; will get ordinance books for them when they adjourn, so they will have the books to look over.

- Engineer - absent

**- Public Works Director**

2009 Streets Project is ¾ of the way done; had to move an electrical line; hopefully by August will be done; raingardens working good; couple spots they need to fix up. Zeller asked about issues on Quixote northbound given the elevation of the road significant. Gilles doesn't think any problems. Nagel said he came in with the thunder storm and it actually pooled pretty nicely in there and looked like it took quite a bit of the runoff; for the public, it is not designed to take all of it; really did take the water very nicely and as Gilles said in about 1-1.5 hours it had all gone down; sure it is taking some of the runoff but certainly not all; Gilles and he talked about some bio-logs which they can use against the side, the steeper side there and they need to talk about installation at some point but wanted to see if any obvious areas of problem runoff;

will have to keep on working on it to see how it performs. Glasgow noticed on CSAH 18 there was quite a bit of water in the road, east side by Division; just north of the roundabout he went through and there was a big puddle. Gilles said they always have problems in that area; doesn't know what they will do about that. Zeller asked about mowing where seed coming in. Gilles said County actually doesn't want them to mow it and if they mow it is once a year; short grass and designed to be left un-mowed. Glasgow noticed there is still a telephone pole and light laying on Upper 4<sup>th</sup>. Gilles said there is still a light on 5<sup>th</sup> Street; talking to Xcel about once a month and they tell him they will get to it; don't have equipment to move a telephone pole; beach light was out last night; tree fell on it across the road and took out the power about 6:15 p.m. last night; fire department and he got called by Washington County; will get down there when it is dark because there are three lights. Glasgow noticed right before the gate someone dumped oil on the road. Gilles had problem with transmission system in one of the trucks; had problem with their Water Department water reader.

**-Treasurer**

Now that they have reviewed the 2009 budget cuts, he will be working on a good estimate for 2009 so they know where they are at; when they get closer to year end they will know where they are at so they can make adjustments and decisions accordingly.

**10. COUNCIL MEMBER REPORT/Craggs**

Nagel reported that the St. Croix Valley Athletic Association is asking to reserve Cully Park for their fall soccer season; they would reserve from Monday through Thursday evenings and then Saturday 8 a.m. to 2:30 p.m. August 17 through October 10; will be working getting couple soccer goals and line the fields and they will see more action at Cully; thinks they will want a paved parking lot at some point; thinks it all gets back to everyone's efforts and funds from City and thinks everything has to do with it is looking better out there. Zeller definitely receiving positive comments.

**11. COUNCIL MEMBER REPORT/Glasgow**

Had an Alliance meeting; will cancel Monday's Alliance due to lack of items; were going to discuss RA but they got that solved today since all cities were there except St. Mary's Point; have some nice Yellow Ribbon information and deferred to Lieutenant Colonel to let him handle that in his report.

**12. COUNCIL MEMBER REPORT/Larsen**

Good comments about the water department especially Gilles and the excellent service they provide; asked about the pile of rocks. Gilles said there is only one person who has an okay to take rock; has long white hair and drives a white pickup; asked the Mayor if he wanted to talk with the County to alleviate pile before snow season.

**13. COUNCIL MEMBER REPORT/Livingston**

Some of them know and he has blasted this far and wide the use of the park off 8<sup>th</sup> Street; enthusiasm really helps make a program and really great to see so many cars and people; real bad week for eastern metro area; had six service members, five were killed in action and one died from wounds received on July 10; Sunday night on two days notice, the Yellow Ribbon Network put on a vigil at the Veteran's Memorial in Stillwater; well done and one of the great sites he saw was the brass of the County Sheriff's Department from the old Court House with their dress whites which you never see – the formal hat; were groups from veterans organizations, people from one of the family of one deceased present; Blue Star Mothers did an incredible job; were bouquets that were appropriate for the four they knew about then; spontaneous walk down to the armory; very moving occasion; yesterday at 5, the 34<sup>th</sup> Combat Brigade had their memorial service led by Chaplain John Morris; makes you realize whether you are for their political process of being there or against it that these young people do go out there in harm's way. Glasgow added the Lakeland is represented in Yellow Ribbon Network by both himself and Livingston; quarter of an inch away from being a first Yellow Ribbon county in the State of Minnesota.

**14. MAYOR'S REPORT**

Attended the I-94 Corridor Commission; believes they provide agendas to everyone; making great progress there and impressive to see the local units of government including Ramsey and Washington County working together; received call from Jim Stanton after the Fire District Open House and he was concerned wanting to confirm they are getting from him what they need; indicated there was a comment or question about how frequently they were hearing from him; wanted to confirm he is available at any time; Lakeland's representative and takes pride in that; from his point of view, thinks he has done a nice job communicating with them; at the last Water Management Organization meeting Great River Greening has apparently contacted the local branch and they now have an additional \$20,000 available for a year end project and they are looking for projects after they cancelled Lakeland's Beach Project; looking at two boat launch projects as possible contenders and they have to spend the money by year end; this project they awarded to them and took from them for some reason and candidly thinks it is because they pushed back on the raingarden issue when they were billing them too much and all of a sudden they lost their grant; here they are looking for a new project to allocate by year end; new grant

program that the beach may qualify for and the fact they have money set aside for that, Amy will include their project in that grant application; asked Nagel to put on this list. Wallberg asked Gilles to update on Ray's Truck Stop. Gilles said basically nothing has changed since his email; still working with MPCA who is going out for bids to get the whole area basically sonared to find out if there are any more tanks up there. Zeller backed up that there was obvious a problem there years ago that led to ground water contamination; MPCA came in and thought they had cleaned up; they have monitoring wells in place. Gilles said they tore down the building that was to take the product out of the ground and when they did that they found two new tanks in the ground; went through all paperwork so now will sonar the whole area. Zeller said again, they do have monitoring wells in place and thinks it probably embarrassing for them they missed them but somewhat understandable; they still have wells in place and no additional leak or spill has been detected. City Attorney asked that Gilles keep him in the loop on that; received message from a lawyer at the Attorney General's office wanting to discuss the site.

**15. ADJOURN – M/S/P (Larsen/Craggs) to adjourn the meeting at 8:58 p.m.**

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Brian Zeller, Mayor

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Kate Piscitello, Recording Secretary