

CITY COUNCIL MEETING
Tuesday, February 16, 2010

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

STAFF PRESENT: Jim Gilles, Mark Nagel, Tom Niedzwiecki, Nick Vivian, Chris Wallberg

OTHERS PRESENT: Chris White, Diane Wirth

1. **CALL TO ORDER** by Acting Mayor Livingston at 7:01 p.m.

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

3. **CONSENT AGENDA** – Craggs requested Consent Agenda Item A pulled. **M/S/P (Glasgow/Livingston) to approve Consent Agenda Items B - D. Craggs, Glasgow, Larsen, and Livingston voted aye. Consent Agenda Items B – D approved.**

B. Treasurer’s Report

C. Bills to be Approved

D. Final 2010 Goals

Consent Agenda Item A. Craggs requested January 19, 2010 City Council Meeting Minutes, Agenda Item 11, corrected to ‘Listed accomplishments concerning Parks upgrade in 2010.’ **M/S/P (Glasgow/Craggs) to approve Consent Agenda Item A. Craggs, Glasgow, Larsen, and Livingston voted aye. Consent Agenda Item A approved.**

A. Minutes of the January 19, 2010 Regular city Council meeting

4. **LAW ENFORCEMENT REPORT -**

69 ICRs in January, with 6 citations issued – all but one traffic related.

5. **PETITIONS TO THE COUNCIL -**

Acting Chair Livingston asked the City Administrator to provide brief discussion of governor’s message this morning on unallotment as part of Administrator Report.

6. **PUBLIC HEARING ON PROPOSED SEPTIC ORDINANCE**

A. Public Hearing

1. **Call to Order** at 7:10 p.m.

2. **Introduction of Application** – Wallberg explained Gilles has worked through Washington County on sub surface septic treatment system regulations ordinance; reviewed by Gilles and Amy Schmidt; action tonight is resolution adopting the ordinance and summary application.

3. **Public Comments** – none

4. **Written Comments** – none

5. **Hearing Closed** at 7:15 p.m.

B. Discussion & Recommendation

No additional discussion.

M/S/P (Livingston/Craggs) to adopt Resolution 2010-03, a resolution adopting Ordinance No. 7519, an ordinance enacted to administer and regulate subsurface sewage treatment systems within the City. By roll call, Craggs, Glasgow, Larsen, and Livingston voted aye. Resolution 2010-03 adopted.

M/S/P (Livingston/Craggs) to adopt Resolution 2010-04, a resolution providing for the summary publication of Ordinance No. 7519, an ordinance amending Title XV, Chapter 157, subsurface septic treatment system regulations of the Lakeland City Code. By roll call, Craggs, Glasgow, Larsen, and Livingston voted aye. Resolution 2010-04 adopted.

7. **PLANNING COMMISSION REVISIONS**

Craggs recommended clarification of duties under direction of City Council. Chris White and Diane Wirth who were present were asked for comment. Gilles asked on Codes clarification. Consensus to approve as the ordinance stands.

M/S/P (Craggs/Livingston) to adopt Resolution 2010-05, a resolution adopting Ordinance No. 7520 amending Chapter 31 of the Code of Ordinances of the City of Lakeland relative to the duties and compensation of the Planning Commission. By roll call, Craggs, Glasgow, Larsen, and Livingston voted aye. Resolution 2010-05 adopted.

8. **SMOKE FREE PARKS**

Nagel indicated this has come up the past couple of years; Wallberg put together a policy from another city. Discussion continued on cigarette smoke and smoking as a legal act. Livingston saw as freedom of expression issue. Consensus to have Wallberg check with other cities and to table until March meeting. Craggs asked the City Attorney for his legal opinion. Vivian responded he hasn't seen it in any other communities; enforcing only viable under ordinance, rather than resolution, if penalty proposed.

M/S/P (Livingston/Craggs) to table discussion on resolution establishing policy prohibiting use of tobacco products in City parks. Craggs, Glasgow, Larsen, and Livingston voted aye. Motion approved.

9. YELLOW RIBBON ALLIANCE

Livingston reported first meeting held for five cities; represented by 3 of the 5; agreement to go ahead; Randy Kopesky appointed community chair; meeting scheduled for March 8 at 7 p.m.; consensus to pass resolution that would establish the Yellow Ribbon Alliance in the St. Croix Valley drafted by Amy Schmidt, City Attorney. Craggs very supportive of this; asked clarification of resolution and what specifically they are authorizing.

M/S/P (Glasgow/Livingston to adopt Resolution 2010-06, a Resolution establishing the "Yellow Ribbon Alliance of the Lower St. Croix Valley" in support of the Yellow Ribbon Network of Washington County. By roll call, Craggs, Glasgow, Larsen, and Livingston voted aye. Resolution 2010-06 adopted.

10. CHARITABLE GAMBLING ORDINANCE DISCUSSION

Resolution approving Premises Permit for American Legion Post 491 pull tabs at Bungalow Inn was approved in Consent Agenda last month. Consensus to inquire receipts going forward asking staff to investigate and draft charitable ordinance.

11. CITY STAFF REPORTS

- Administrator

Discussed headlines today regarding State deficit; local government aid completely gone in 2010 under governor's proposal; restructuring committee continued discussion started last month prior to meeting tonight.

- City Attorney

Reported on Supreme Court decision February 11, 2010 issued on behalf of Hubbard and City of Lakeland; pleased to learn the Court found in favor; every issue raised in litigation – City's role versus agency's role; end result it is City's decision if hardship met for final authorization.

- City Clerk

Wallberg indicated new camera equipment ordered and equipment will be in place for March meeting.

- City Engineer

Gilles asked if coordination could be held for bid opening for all cities at Lakeland City Hall and received approval.

- Public Works

Gilles noted RFP for Tower 1 included in packet. Craggs had comments in regard to schedule of payments and insurance requirements. Gilles advised RFP has not been reviewed by the City Attorney yet; tower will be down 30-60 days; in bond with Tower 2 – long term improvement fund – 5 year contract; RFP ultimately CC decision; needs approval to send out for proposal, back 3/30/10 to return April to CC for recommendation

M/S/P (Larsen/Glasgow) to authorize Public Works Director to send 2010 RFP – Tower 1 out for bid. Craggs, Glasgow, Larsen, and Livingston voted aye. Motion passed.

- City Treasurer

Niedzwiecki reported on year ending December 31, 2009 financials and new activity that occurred; in response to Glasgow, snow budget okay and rated City B+.

12. COUNCIL MEMBER REPORT/Craggs

Asked they review Long Term Improvement Fund as to what makes sense for balances; suggested meeting with City Administrator, Gilles, and Kline to compile Park Use Policy as guidelines for groups using park; since last meeting, Afton-Lakeland PTA asked that bike path policies be revisited and that the City look at grant request and agreement; would like to have particular language that precludes uses; anticipated additional letters to the City in request for waiver of agreement. Livingston would like the City Attorney to look at policy and not complicate with other entities (such as Snowmobile Club).

13 COUNCIL MEMBER REPORT/Glasgow

Cable Commission paid some bills and he was reappointed chair; next meeting February 22, at 4:30 at the fire hall.

14. COUNCIL MEMBER REPORT/Larsen – no report

15. COUNCIL MEMBER REPORT/Livingston – no additional report

16. MAYOR'S REPORT

Livingston reported on behalf of the Mayor; Nagel already discussed restructuring and asked for additional ideas to fill budget gap; another meeting in two weeks; moving forward with a very unpleasant difficult task.

17. CLOSED SESSION REGARDING ONGOING LITIGATION

M/S/P (Livingston/Glasgow) to go to Closed Session at 8:53 p.m. Craggs, Glasgow, Larsen, and Livingston voted aye. Motion passed.

18. ADJOURN – (M/S/P Larsen/Glasgow) to come out of Closed Session and adjourn the meeting at 9:19 p.m. Craggs, Glasgow, Larsen, and Livingston voted aye. Meeting adjourned.

Robert Livingston, Acting Mayor

Kate Piscitello, Recording Secretary