

CITY COUNCIL MEETING
Tuesday, July 19, 2011

CITY COUNCIL PRESENT: Richard Glasgow, Bob Livingston, Joe Paiement, Brian Zeller
STAFF PRESENT: Jim Gilles, Tom Niedzwiecki, Kevin Sandstrom, Chris Wallberg
OTHERS PRESENT: Mitchell Berg (Bayport), Cory Slagle (Washington County), Chris White

Workshop – 5:00 p.m.
Long Term Public Works Plan

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

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

2a. **CONSENT AGENDA** – see Agenda Item 4 below.

M/S/P (Glasgow/Paiement) to approve Consent Agenda Items A – D. Glasgow, Livingston, Paiement, and Zeller voted aye. Consent Agenda approved.

- A. **Minutes June 21, 2011 City Council meeting**
- B. **Treasurer's Report**
- C. **Bills to be Approved**
- D. **2011 Street Improvements AFP No. 1 in the amount \$106,949.14**

2b. **LAW ENFORCEMENT REPORT** (see Agenda Item 5 below)

Livingston reported, on Larsen's behalf, a total of 87 calls for service during June 2011 most the typical summer incidents; several deer incidents will be reported in early July report; 7 citations issued, all but two seatbelt and proof of insurance related; a total of 5,791 miles were driven in the City [Beach Bar incident will be removed].

2c. **PETITIONS TO THE COUNCIL** – NONE (see Agenda Item 6 below)

2d. **APPLICATION FOR VARIANCE/ERIC BAUER TO BUILD A GARAGE** (see Agenda Item 7 below)

The City Clerk introduced the application for variance made by Eric Bauer to build a new garage that would be larger than the 720 sq. ft. maximum allowed by Ordinance and noted the recommendation of the Planning Commission to deny this variance as City ordinances, following Minnesota State Statues, define an undue hardship requires circumstances unique to the property and this application does not meet that factor. Chris White, PC Chair, was present but had no additional comments.

Eric Bauer, 298 Quant Avenue North. Mr. Bauer introduced his wife, Tanya, and two neighbors who were present; listed his hardship with decline in home value and single stall tuck under garage with the Minnesota weather destroying his personal property; has accessed the Washington County website and found 57 locations in Lakeland with garages above the maximum allowed, 17 within .5 mile of his home. Glasgow expressed that he would personally like to find a way to help grant this variance and in favor of find a way. Livingston noted a practical situation de facto freeze on variances that ended a month ago with slightly revised law; running out of space is not a hardship and other properties isn't germane to this conversation; the City has a complaint driven process; trying to think of a way to move forward and is all for looking at the Code of Ordinances – however, process takes awhile and it may not pass. Paiement in favor of variance and stated the two issues of hardship are met; 3rd in regard to uniqueness has not been met; asked about adding to existing house with Bauer explaining the septic is in the way. Mayor Zeller see this as problematic; would like to see Bauer build a garage, but against variance and suggested they review the size, deny the variance, or proceed to change ordinances; open to go through process; PC conducted public hearing and he is comfortable having the discussion. Discussion continued with Paiement in favor of variance and changing ordinance, Glasgow willing to table, Livingston's desire to vote on tonight or applicant withdraw. It was the decision of the applicant to withdraw the application; a breakdown of the escrow will be generated and sent to applicant; commitment of PC to review square footage requirements in ordinance so variance would not be needed.

[As City Attorney Sandstrom arrived during application review, Mayor Zeller returned to Agenda Item 3 above at this time]

3. SUMMARY OF JUNE 21, 2011 CLOSED SESSION

City Attorney Sandstrom, in Vivian's absence, reported the City Council went into Closed Session at their June 21, 2011 meeting for the purpose of conferring with legal counsel; during this closed session, direction was offered to legal counsel; no official action was taken.

4. CONSENT AGENDA (See Agenda Item 2a above)
5. LAW ENFORCEMENT REPORT (see Agenda Item 2b above)
6. PETITONS TO THE COUNCIL (see Agenda Item 2c above)
7. APPLICATION FOR VARIANCE/ERIC BAUER TO BUILD A GARAGE (see Agenda Item 2d above)

8. LANDSCAPING MAINTENANCE AGREEMENT BETWEEN WASHINGTON COUNTY AND THE CITY OF LAKELAND FOR COUNTY STATE AID HIGHWAY (CSAH) 18 (ST. CROIX TRAIL)

Jim Gilles reviewed contract with Washington County to maintain landscaping on CSAH 18. City Attorney thought agreement well drafted.

Cory Slagle, Washington County. Introduced the agreement; was at Lakeland Shores earlier in the week with same agreement; not asking for agreement tonight, but would like signed at August meeting; suggested that Lakeland have a joint workshop with Lakeland Shores regarding this agreement. Zeller asked about weed control and spraying on concrete/cracks. Slagle advised the County is spraying for noxious weeds – no plantings. Zeller asked Gilles to work on formula based on linear foot – willing to meet with Lakeland Shores, but thinks meeting won't be necessary. **M/S/P (Zeller/Livingston) to accept the Landscaping Maintenance Agreement between the County of Washington and the City of Lakeland for County State Aid Highway (CSAH) 18 (St. Croix Trail South. Glasgow, Livingston, Paiement, and Zeller voted aye. Motion passed.** Zeller brought up issue brought to Wayne Sandberg's attention last summer to look at the eastbound movement options of weigh station and ramp. Slagle will look into and report back.

9. BUILDING INSPECTION SERVICES

- Bayport request for fee increase

Letter provided by Mitch Berg, City Administrator of Bayport, with request to amend the building inspection service agreement to help Bayport offset some of the city's increased costs. Tom Niedzwiecki, City Treasurer, reported as of July 1, 2007, \$90,000 has been paid out to Bayport; volume driven fee; City has experienced decline in building permits with difficulty raising fees because of State regulation. Zeller asked that Jim Gilles, Mitch Berg, and he if available meet to come to fair solution and report back to CC next month. Jim Gilles will do building department review and touch base with other communities.

10. ELECTRICAL INSPECTION CONTRACT

An Agreement for Electrical Inspection Services between the City of Lakeland and Joseph Wheaton (Department of Labor Employee) providing service on a private basis during the shutdown was discussed by the City Attorney; City would be required to enact an ordinance where the City would grant authority to conduct electrical services; costs involved in publication process; 75%/25% split fee. Zeller suggesting keeping on file and not taking action tonight.

11. MPCA UPPER ELEVATION WATER SYSTEM

Jim Gilles provided an update on the MPCA Upper Elevation Water System and need to sign with timetable of 2-4 weeks to get contracts going, 2 weeks to obtain Health Department permit and another week for MNDOT permit; Federal funds expire at end of calendar year. Zeller had suggested that the City could call an emergency meeting and in the meantime negotiate payment made when received from the Government so that the contractor accepts part of the risk. However, there was a misunderstanding and that meeting was not held. Livingston noted many negatives in addition to positives; his inclination to go ahead and sign. Glasgow also in favor of accepting contract. **M/S/P (Glasgow/Livingston) M/S/P (Glasgow/Livingston) to authorize awarding the contract for the Upper Elevation Water System Improvements Project to Magney Construction, Inc. in the amount of \$388,785 in order to comply with caveat of acceptance within 60 days of bid opening [May 16, 2011]. Glasgow, Livingston, Paiement, and Zeller voted aye. Motion passed.**

12. CITY STAFF REPORTS

Attorney – No additional report.

City Clerk – Reviewed ordinance amendment that requires PC discussion and review. Secondary issue is septic site.

Engineer – absent

GA Consultant – report on file at City Hall

Public Works – Jim Gilles reported in engineer's absence on Quixote, Upper 5th Street and 4th Street – letting set for a couple of days to dry up; beach road also needs to dry up - potholes are huge; beach isn't open; waiting for FEMA outcome on beach, parking lot, and road flooding.

Treasurer – Based on direction given at the June meeting, levies for each fund based only on the net amount budgeted/levied were recorded; for all funds combined, general property taxes collected in the first half 2011 was \$463,454 that is 48.8% of the 2011 local levy of \$949,708; \$2,535 in delinquent taxes was also collected which is 52.4% of the \$4,836 outstanding at 12/31/10. Budget was discussed at the workshop and he will begin work on preliminary budget as directed.

13. COUNCIL MEMBER REPORT/Paiement – advised someone from the Lakeland Garden Club supportive of recycling in Parks but not interested in funding project. At Mayor Zeller's request, he will review trash recycling contract; consumer single sort as having financial value to the City was also discussed as well as contract Bob Craggs set up. Livingston suggested they look into team use and recycling as it pertains to Parks.

12. COUNCIL MEMBER REPORT/Glasgow – Met with Senator Ted Lillie yesterday; had Cable Commission quarter meeting to pay bills; next meeting will be in three months; Alliance will meet on August 25 at 4:30 p.m. – one agenda item identify theft; received some complaints in regard to speeding on residential streets; attended Fire Board meeting – they are still working on Relief Association non-profit status

13. COUNCIL MEMBER REPORT/Larsen – absent

14. COUNCIL MEMBER REPORT/Livingston – Spoke to efforts regarding FEMA; have six different projects; total without riprap \$121,600 – with \$243,000; will be meeting with them tomorrow at 10:00 a.m.; made dent on weed situation in parks by contracting lawn maintenance.

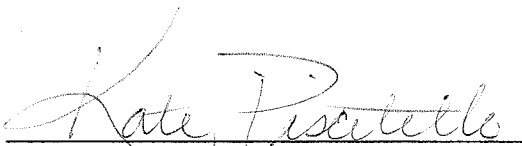
15. MAYOR'S REPORT –

- CSAH Landscape Update – discussed earlier
- Gateway Corridor – continues to meet
- LSCWMO – meeting was held Thursday, but he was not able to attend; preliminary budget of \$10,000 increase will be proposed/discussed.
- Debbie Erickson has brought up concept of a carnival/event at Lakeland Village Center to benefit the Lower Valley and associated permit process; hopeful she pursues that.

16. ADJOURN – M/S/P (Livingston/Glasgow) to adjourn meeting at 8:00 p.m. Glasgow, Livingston, Paiement, and Zeller voted aye. Meeting adjourned



Brian Zeller, Mayor



Kate Piscitelle, Recording Secretary