

CITY COUNCIL MEETING
Tuesday, October 18, 2011

CITY COUNCIL PRESENT: Richard Glasgow, Peg Larsen, Bob Livingston, Joe Paiement, Brian Zeller
STAFF PRESENT: Matt Kline, Nick Vivian, Chris Wallberg
OTHERS PRESENT: Lynn Robson, Chris White

Personnel Committee Meeting – 5:00 p.m.
Public Works Department Hiring

Regular City Council Meeting – 6:00 p.m.

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

2. **PLEDGE OF ALLEGIANCE** was said.

3. **SUMMARY OF SEPTEMBER 20, 2011 CLOSED SESSION**

City Attorney Vivian reported a Closed Session was held at the September 20, 2011 meeting on pending litigation of a zoning issue at 1109 Quixote Avenue North; advisement provided – no formal action taken; another Closed Session of the CC will be held tonight at the end of the agenda.

3. **CONSENT AGENDA – M/S/P (Glasgow/Larsen) to approve Consent Agenda Items A-K. Glasgow, Larsen, Livingston, Paiement, and Zeller voted aye. Consent Agenda Items approved.**

- A. **Minutes of the September 13, 2011 City Council meeting**
- B. **Minutes of the September 20, 2011 Regular City Council meeting**
- C. **Treasurer's Report**
- D. **Bills to be Approved**
- E. **Resolution approving State of Minnesota Joint Powers Agreements on behalf of the City's Prosecuting Attorney and Law Enforcement**
- F. **Ordinance 7530 amending Chapter 114 regarding Tobacco**
- G. **Resolution authorizing Summary of Ordinance 7530**
- H. **AFP for Upper Elevation Water System Improvements to Magney Construction in the amount of \$101,049.75**
- I. **AFP for 2011 Street Improvements to Hardrives, Inc. in the amount of \$56,216.72**
- J. **Resolution Extend Conditional Use Permits/Certificates of Compliance for 60 days**
- K. **Confirm Truth in Taxation Hearing as part of December 20, 2011 Regular City Council Meeting**

5. **LAW ENFORCEMENT REPORT**

Angela Hanson, WA County Sheriff's Department, was present; reported acts of vandalism that occurred in Lakeland – Lake St. Croix Beach the weekend before; provided patrol at one year anniversary of suicides by Humphries Park, and all youth left by dark. The Department was commended and thanked for everything they did to facilitate the memorial. For the month of September 2011, there were 76 ICRs processed, 19 citations issued, and 5,728 miles driven in Lakeland.

6. **TAX INCREMENT FINANCING DISTRICT**

Mayor Zeller handed chair to Livingston due to conflict of interest.

David Drown, David Drown Associates, Inc. was present regarding establishment of a Tax Increment Financing District No. 1-2 and the adoption of Tax Increment Finance Plan relating thereto; subject in question is redevelopment of an office building that will bring five jobs to town with potential for future; represents increase in property taxes of about \$3,500 – modest project. Drown provided brief explanation of establishing a TIF District, an agreement that provides for the City's willingness to finance all the increments around the building and to basically share costs with the developer; hope is the redevelopment of the building in that area will generate tax increments; much of the property taxes paid by the business will be taxed as increment; City has a revenue sharing agreement with the business that they get a certain percentage to reimburse the cost of redeveloping the business, the City gets to keep a certain percentage of that increment to cover the City's costs; property taxes will increase \$3,500, with increment ½ of that; expense is associated with this – a plan needs to be written and Public Hearing held; his suggestion is this is less risky to do a small project, but there is a time urgency for developer [cost amending the older TIF same as establishing a new one]. City Attorney suggested his colleague who accompanied him to September's CC provide legal assistance.

Lynn Robson, 1274 Highway 35, Hudson. Commercial Management presently has a business in Bayport serving the St. Croix Valley, eastern Minnesota and western Wisconsin; this project is located at 84 St. Croix Trail South and \$100,000 investment; need to expedite construction having County and School District to accommodate TIF; handed out copies of architect's plan.

David Drown continued that a public hearing is scheduled November 4, 2011 with hopes building permit can be issued before the end of November. City Attorney Vivian suggested having an alternate date, so they are not locked in for November 4, or at least indicate that an alternate date will be set by the City Clerk [should all paperwork not be received timely]. **M/S/P (Glasgow/Larsen) to adopt Resolution 2011-28, a Resolution to call a Public Hearing on the establishment of a Tax Increment Financing District No. 1-2, and the adoption of Tax Increment Finance Plan relating thereto for Friday, November 4, 2011 at 3:00 p.m., or alternate date as set by the City Clerk. By roll call, Glasgow, Larsen, Livingston and Paiement voted aye. Mayor Zeller abstained. Resolution 2011-28 adopted.**

7. PUBLIC WORKS STAFFING

Chris White, PC Chair, spoke on behalf of the City Personnel Committee.

M/S/P (Paiement/Livingston) to accept the Personnel Committee recommendation and direct the Public Works Director to hire Mike Bodlovich for the position of posted PW1 with salary of \$15/hour plus benefits, and reevaluation of compensation based on performance in six months. Glasgow, Larsen, Livingston, Paiement, and Zeller voted aye. Motion passed.

M/S/P (Livingston/Larsen) to approve Personnel Committee recommendation to create a position of PW II/Water Operator. Glasgow, Larsen, Livingston, Paiement, and Zeller voted aye. Motion passed.

M/S/P (Zeller/Livingston) to authorize that if the PW II/Water position is not immediately filled from available applicants, the position be re-posted as a PW1/Water position that would require a valid MN Class D Water Operator's License or equivalent; and that a candidate have the ability to obtain a Class B Commercial Driver's License within three months of hire. Glasgow, Larsen, Livingston, Paiement, and Zeller voted aye. Motion passed.

There was review and discussion about the Public Works position and salary. After discussion about awkwardness discussing personnel matters in open forum [City Attorney noted job performance can be discussed in closed session], Livingston noted he was unhappy with the work of Personnel Committee that included intense lobbying. After further discussion, Livingston apologized and withdrew his statement. **M/S/P (Zeller/Paiement) to accept the Personnel Committee's recommendation and direct the Personnel Chair to offer the position of Public Works Director for the City of Lakeland to Matt Kline effective 10/15/11 as a salaried position with an annual salary of \$55,500, and reevaluation of compensation based on performance in six months. Glasgow, Larsen, Paiement, and Zeller voted aye. Livingston nay. Motion passed.**

8. CITY STAFF REPORTS

Attorney – The information he has will be discussed during Closed Session.

City Clerk –

- The School Board of Stillwater Area Public Schools is asking residents to vote on three levy questions designed to support Vision 2014; election will be held at Afton-Lakeland School Tuesday, November 8, 2011 from 7 a.m. to 8 p.m. Zeller asked that notice also be included in Newsletter and informed he had asked Richard Glasgow to compile Mayor's Column for the November Newsletter to include Public Works changes.
- TIF Public Hearing on November 4, 2011 at 3:00 p.m.
- Truth in Taxation hearing will be part of the December 20, 2011 meeting.

GA Consultant – Mark's update report in packets.

Engineer – In City Engineer's absence, Matt Kline reported the following:

- Payment for Upper Elevation Water System Improvements was made to Magney Construction in the amount of \$101,049.75.
- Payment for 2011 Street Improvements Project issued to Hardrives, Inc. in the amount of \$56,216.72.
- 2012 Streets Proposal – preliminary surveys and design proposal. Quixote was bid as alternate and discussion included meeting with the property owners of Quixote regarding the unpaved private road – if agreed public road, the City may or may not incur cost to improve [Glasgow will chair meeting with neighbors how to proceed]. **M/S/P (Zeller/Larsen) to approve the estimated engineering costs on the 2012 Street Improvements that include base project of 8th Street North, Quality Ct., Quant Ct., and Quamwell Avenue, as well as Alternate Project of 8th Street North from Quinnell to Quixote and Quixote Avenue North from 8th Street to the City Beach at a cost of \$57,640. Glasgow, Larsen, Livingston, Paiement, and Zeller voted aye. Motion passed. Zeller noted update on beach that Army Corp of Engineers will need a permit.**

Public Works –

- Kline referred to contract for snow plowing in Lakeland Shores; recommends they go ahead with a person on board as it only encompasses about 3 miles overall. Zeller suggested they look at contract earlier to give them time to react to any increase/decrease. Kline noted contract does include 3.50 fuel surcharge. **M/S/P Zeller/Livingston) to accept the contract with Lakeland Shores for snowplowing for 2011/2012. Glasgow, Larsen, Livingston, Paiement, and Zeller voted aye. Motion passed.**

Beach meeting held with FEMA. Friday City was notified of meeting on Monday at 10 a.m. to review mussels identified as endangered by an environmental division of FEMA at Lakeland Beach; questions arose on completion of beach project but required copies of notes will be provided to the Army Corp of Engineers. Trees have fallen on southern beach parking lot – Mayor requested they inquire whether City or Mr. Space property.

Treasurer – in packets (on vacation)

9. COUNCIL MEMBER REPORT/Paiement – no additional report

10. COUNCIL MEMBER REPORT/Glasgow –

- Fire Board completed audit, and repair for fire truck and increase in ambulance was approved; they also demonstrated a new power cot purchased for ambulance; had 28 runs with 3 in Lakeland.
- Alliance Meeting included Senator Lillie discussing homestead credit; will bring forward in November additional information.
- No Cable meeting, but they will meet next month to pay bills.

11. COUNCIL MEMBER REPORT/Larsen – reviewed homestead credit and its impact on commercial properties.

12. COUNCIL MEMBER REPORT/Livingston – no report

13. MAYOR'S REPORT –

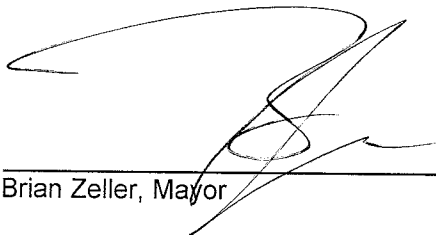
- The Gateway Corridor continues to meet; had 1.2M feasibility study and feels money well spent; new \$2M environmental impact statement he questions; asked them to educate him and invited anyone interested to attend; open to public.
- WMO met; nothing significant; \$100,000 to update plan.
- Christmas/Holiday Gathering set for Tuesday, December 20, 2011 from 4 to 5:45; Truth in Taxation will be held at 6:00 p.m. with CC to follow.

14. CLOSED SESSION REGARDING PENDING LEGAL MATTERS

M/S/P (Larsen/Livingston) to go into Closed Session at 7:45 p.m. Glasgow, Larsen, Livingston, Paiement, and Zeller voted aye. Motion passed.

M/S/P (Livingston/Glasgow) to reconvene the regular CC meeting at 8:11 p.m. Glasgow, Larsen Livingston, Paiement, and Zeller voted aye. Meeting reconvened.

15. ADJOURN – M/S/P (Livingston/Glasgow) to adjourn meeting at 8:11 p.m. Glasgow, Livingston, Paiement, and Zeller voted aye. Meeting adjourned



Brian Zeller, Mayor



Kate Piscitello, Recording Secretary