

**REGULAR MEETING OF THE CITY COUNCIL
CITY OF LAKE ST CROIX BEACH
16455 20th STREET SOUTH
WASHINGTON COUNTY, MINNESOTA**

CITY COUNCIL MEETING MINUTES

October 17, 2016

MEMBERS PRESENT: Tom McCarthy, Charles W. Brown, Michelle Kline, Cindie Reiter, Jim Unker

STAFF PRESENT: John Parotti, Kevin Sandstrom, Andrew Brunick, Sue Schuler

OTHERS PRESENT: Mike Bubany, Sonya Bubany, Ron Carlson, Joy Carlson, Bill Glampe, Patrice Nerad,

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

PLEDGE OF ALLEGIANCE was said.

APPROVE AGENDA Agenda item 3.

Mayor McCarthy requested that “8A” be moved up to “7C”.

MOTION BY MAYOR MCCARHTY, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE THE AGENDA AS AMENDED. MOTION PASSED, 5 AYES, 0 NAYS.

CONSENT AGENDA Agenda item 4.

No items for approval.

OPEN COMMENTS FROM THE PUBLIC Agenda item 5.

No comments given.

PUBLIC COMMENTS (Agenda Items) Agenda item 6.

Ron Carlson, 1241 Quinlan Avenue had the following comments on agenda item 7.C.2. Mr. Carlson stated that his neighbor built a fence on the property line in violation of the following zoning ordinance standards; setback, height, and open construction. Mr. Carlson stated that he submitted a formal complaint six weeks ago and requests sufficient attention from City staff. Mr. Carlson then read a timeline of events regarding the fence in question and stated that City staff has done little to resolve his complaint.

Joy Carlson, 1241 Quinlan Avenue stated that their neighbor’s fence is in violation of the City’s zoning ordinance and that she wants a fair and honest application of the City’s zoning ordinance. Mrs. Carlson stated that the City was in error when it issued this fence permit.

PUBLIC SAFETY REPORTS Agenda item 7.

Law Enforcement

Deputy Sullivan reported that September was pretty quiet and stated that residents should be aware of front door package theft in the upcoming months.

Councilmember Unker asked who the deputies were currently assigned to the area. Deputy Sullivan stated that they are himself on the afternoon shift, Katie Manis on day shift, Laura Jackson on afternoon shift, and Donavon Bump on day shift. Deputy Sullivan ended by saying that he will be starting a new job on January 1.

Emergency Response and Fire

Chris Peterson, Fire Chief, reported 35 calls in September, 4 in LSCB. Mr. Peterson commented on the Carlson fence situation by stating that the new fence does not limit access for emergency vehicles.

Animal Control

Councilmember Brown reported 0 warning letters, 0 calls, 1 report of a stray cat sighting, 1 lost dog, 1 lost cat, and 1 found cat.

CITY STAFF REPORTS Agenda item 8.

City Engineer Parotti

Engineer Parotti reported that the culvert televising that was approved by Council was completed in September and that the payment is a part of the October claims up for approval at tonight's meeting. Engineer Parotti stated that he received the reports from the televising and it showed that the culvert is clean and in relatively good shape and that he will evaluate those reports in the coming weeks and turn them over to the Army Corps. Of Engineers.

City Attorney Sandstrom

Shoreland Park Legal Determination

City Attorney Sandstrom stated that his legal determination regarding the type of land contained within Shoreland Park is that it should be considered public.

Councilmember Reiter brought up the community of North Oaks and how they were able to "gate" their community. Councilmember Reiter and City Attorney Sandstrom both agreed that something similar is no longer feasible in Minnesota because of laws that have been passed since.

Councilmember Unker asked what was considered "beach" in the deed. City Attorney Sandstrom stated that the entire beach is considered "beach" in the deed.

Service Agreement – Building Official

City Attorney Sandstrom stated that he sent a draft service agreement to Clerk-Admin. Schuler and to Peter Kulczyk, Building Official just a few hours prior to the council meeting. City Attorney Sandstrom said that the city council had the option of approving the contract or waiting until it has been reviewed further.

Peter Kulczyk, Building Official stated that he found many errors in the agreement and thought that it could be shortened.

Complaints – Code Enforcement

Councilmember Kline asked City Attorney Sandstrom and Clerk-Admin. Schuler what the current process is for responding to complaints and stated that multiple complaints had been submitted regarding a house boat in the front yard of a residence and nothing had been done.

Clerk-Admin. Schuler responded stating that she had only known about the house boat for a week and had not received any complaints prior. City Attorney Sandstrom stated that the City could take a number of different actions to remedy the situation.

Councilmember Reiter suggested that the City hire another staff member to handle code violations.

Mike Bubany, Financial Advisor, David Drown and Associates, Inc. (Street bonding information)

Mr. Bubany presented on some bonding options for the proposed street project and the need to maintain the City's streets to avoid higher costs later.

Councilmember Reiter asked if the City could extend the term of a special assessment to bring down the yearly cost to residents that are assessed.

Mr. Bubany stated that this would be possible but the levy would have to be increased to offset the difference.

Clerk Admin. Schuler asked if cities ever assess crack sealing or seal coating. Mr. Bubany stated that most cities do not assess these things but do sometimes assess partial reconstructions like mill and overlay.

Councilmember Unker asked if there was a plan that could be presented to residents that would be assessed and if these residents could have input.

Mr. Bubany stated that there is no requirement for a plan and just two public hearings are required. The first public hearing is called an "improvement hearing" where generalized estimates are provided to those who will be assessed. At the second public hearing, the City should have the exact amounts residents will be assessed.

Mr. Bubany that the City was not required to have a plan but would be good policy for the City to do so. Mr. Bubany also went on to explain the advantages of special assessments when doing street projects.

Councilmember Reiter stated that she felt strange about assessing affected residents because of a paperwork error.

City Attorney Sandstrom explained that homeowners can only be assessed a certain amount that relates to the amount of property appreciation they would see with a new street.

Mr. Bubany and City Engineer Parotti recommended to the council that they make a decision soon regarding the street project and a funding mechanism if the council were to go ahead with the street project.

Master Subscriber Agreement

MOTION BY COUNCILMEMBER BROWN, SECONDED BY COUNCILMEMBER REITER, TO APPROVE RESOLUTION 2016-NEXT AVAILABLE NUMBER APPROVING MASTER SUBSCRIBER AGREEMENT FOR MINNESOTA COURT DATA SERVICES FOR GOVERNMENTAL AGENCIES. THE FOLLOWING ROLL CALL VOTE WAS TAKEN: UNKER – AYE, KLINE – AYE, BROWN – AYE, REITER – AYE, MCCARTHY – AYE.

City Clerk-Administrator Schuler

Candidate Forum

Clerk-Admin. Schuler provided a description of the upcoming candidate forum on Saturday, October 22 from 2 – 3:30 pm.

Update from Building Official, Peter Kulczyk

Building Official Kulczyk gave a rundown of the activities in the Building Inspection Dept. and recommended changing the fee schedule to include fixed fees for some permits and making some changes to the current permit process.

Building Official Kulczyk then provided his determination regarding the newly installed fence at 1265 Quinlan Avenue stating that he believed it should be considered a “side yard” fence that is in compliance with the city’s zoning code. Mr. Kulczyk stated that there may be something in the Planned Unit Development that says something differently but he has been unable to find a copy of the Planned Unit Development.

Discussion occurred regarding the fence at 1265 Quinlan Avenue.

Washington County Septic Ordinance

Clerk-Admin. Schuler stated that she was approached by Washington County regarding the LSCB septic ordinance. The county stated that their contract with the city regarding septic was expiring at the end of the year. Clerk-Admin. Schuler stated that the city has 2 options; one option is to repeal the city’s septic ordinance and give full authority to the county for issuing septic permits and the other option is to update the city’s ordinance and renew the contract with the county.

Clerk-Admin. Schuler stated that by giving authority back to the county, the city could avoid having to update their septic ordinance every 2 years. Clerk-Admin. Schuler also stated that the county told her that most cities in the county have repealed their ordinances and given full authority to the county.

Councilmember Reiter stated that she felt the county is in a better position to spell out the requirements than the city and believes it should be in the county’s hands.

City Attorney Sandstrom stated that a public hearing will need to be held before the septic ordinance can be repealed from the city code and a new ordinance must be approved to repeal the current septic ordinance.

Fund Accounting Software

Clerk-Admin. Schuler discussed the city’s need for a new fund accounting software and talked about the Intacct accounting software program as a possible solution.

Councilmember Reiter spoke out against changing accounting software programs and believes that the current software program works well.

Codification update

Clerk-Admin. Schuler that she is working with the codification person and will get a draft to City Attorney Sandstrom within 30 days.

CRS Update

Deputy Clerk Brunick stated that he is working on gathering all of the building permits issued in the last year for updating the CRS.

Bluff Restoration update

Clerk-Admin. Schuler that the Administrator of the Middle St. Croix Watershed District suggested planting trees on the bluff next spring. Clerk-Admin. Schuler stated that the city has until June 2017 to finish the bluff restoration project which the city will be reimbursed 100% for.

Web site update

Clerk-Admin. Schuler stated that Deputy Clerk Brunick has been updating the website with information on building inspections and floodplain/riverway information.

Councilmembers Brown and Unker stated that they thought the information on the Afton Septic Project could be put on the left side of the website.

Parks workshop/administrative process

Clerk-Admin. Schuler thanked Mrs. Runge for all the work she's done with updating the boat permit brochures. Clerk-Admin. Schuler stated that city staff will no longer be attending Park Board meetings.

Minutes (council)

Clerk-Admin. Schuler asked the council if they wanted verbatim minutes or just bullet points on their minutes. Clerk-Admin. Schuler stated that staff has hired a company off-site to transcribe the minutes as a test. Clerk-Admin. Schuler stated that the last meeting's minutes were done verbatim by this company and were 76 pages long costing \$167.00.

Budget workshop

The budget work session was scheduled for November 14, 2016 at 5:00 p.m.

- **October Claims: \$47,413.02**, Check Numbers 17338 thru 17368

MOTION BY COUNCILMEMBER REITER, SECONDED BY MAYOR MCCARTHY, TO APPROVE CHECK NUMBER 17338 THROUGH 17368 IN THE AMOUNT OF \$47,413.02. MOTION PASSED, 5 AYES, 0 NAYS.

Deputy Clerk Andrew Brunick

Deputy Clerk Brunick reported that the new street signs arrived and that they are being installed.

NEW BUSINESS Agenda item 9.

UNFINISHED BUSINESS Agenda item 10.

Minutes from July

The July minutes were not included in the packet.

Clerk-Administrator Performance Review

The council agreed to table the performance review for Clerk-Admin. Schuler.

Councilmember Reiter stated that she would like Clerk-Admin. Schuler to get an increase in pay.

MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER KLINE, TO INCREASE THE CITY CLERK-ADMINISTRATOR'S WAGE BY 3% EFFECTIVE JULY 1, 2016. MOTION PASSED, 5 AYES, 0 NAYS.

OTHER BUSINESS Agenda item 11.

COUNCIL/STAFF REPORTS Agenda item 12.

Councilmember Brown

Cable Commission

Councilmember Brown stated that there was no cable commission meeting and that he will not be in attendance at the November City Council meeting.

Councilmember Reiter asked Councilmember Brown to confirm that there will not be a cable commission meeting for the rest of the year.

Councilmember Brown confirmed that there would not be a cable commission meeting for the rest of the year.

Councilmember Reiter stated that without having a meeting, the four education channels are going to go by the wayside.

Councilmember Browns stated that he would take that concern up with the chairman of the cable commission.

Councilmember Kline

Nothing to report.

Councilmember Reiter

Councilmember Reiter stated that she attended the Sheriff's Department's "Elected Official Officer Training" that went over NIMS, incident command, and the role of elected officials during emergencies. Councilmember Reiter stated that there is another one of these trainings scheduled after the election and encouraged newly elected councilmembers to attend.

Councilmember Reiter read an apology letter to the residents of LSCB regarding the recently discovered paperwork error in the budget and the need to re-examine the streets project. The letter reads as follows, "Recently, the City Council met with our City Auditor and it was explained to us that due to paperwork error that occurred at least two years ago and was duplicated, the appropriate amount of tax levy dollars was not allocated to property owners. Actually, it comes to be that the property owners were undertaxed. Now on the face of it that sounds like not a bad thing but as you know taxes pay for the services and infrastructure of our

city, therefore, we have a shortfall. As it was explained, this shortfall impacts our road and street fund. What this means is we (Council and staff) will need to seriously look at the road street projects that we had planned to do and resolve the issue by possibly delaying the project, starting over to replenish the funds, bonding for street and road projects the city had planned to do in the coming year, and to continue to research any other solutions. In the immediate time, if you follow City Council Meetings or minutes you will know that we (City Council) approved a 10% increase in the preliminary levy. A final levy will be approved after a public hearing in December per state statute. Also included in the statute is a provision that states that a levy cannot go up from the preliminary levy except for very specific and limited cause. Therefore, with the combined increase in the housing market and the levy, it will be very likely that you will see a noticeable tax increase for 2017. I just want to let you know that I take this very seriously and in my e-mail I said thank you for taking the time to read this.”

Environmental Advisory Board

No recent Environmental Advisory Board meetings.

Councilmember Unker

Afton Wastewater Treatment System

Councilmember Unker stated that during the federal review process for the Afton Wastewater Treatment System, the surrounding Indian communities raised concerns about the process and stated that he and City Attorney Sandstrom sent in their objections to the project as well.

Mayor McCarthy

Veterans' memorial

Mayor McCarthy reported that the steel brick holders are up and mounted and for laser named bricks to be placed in them. Mayor McCarthy also reported that he is making arrangements to have the next flagpole put up.

Sentence -To- Serve (STS)

STS has not been to the city recently.

Middle St Croix Water Management Organization

Mayor McCarthy stated that he attended the recent MSCWMO meeting

Lower St Croix Valley Partnership Team

Mayor McCarthy stated that he attended the recent LSCV Partnership Team meeting.

ADJOURNMENT Agenda item 12.

MOTION BY COUNCILMEMBER BROWN, SECONDED BY MAYOR MCCARTHY, TO ADJOURN THE MEETING. MOTION PASSED UNANIMOUSLY.

Tom McCarthy, Mayor

Susan Schuler, Clerk-Administrator