

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

**JANUARY 9, 2016
9:00 a.m.**

WORKSESSION AGENDA

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **LEGAL ISSUES**
4. **CITY COUNCIL DUTIES AND RESPONSIBILITIES**
5. **COMMITTEE AND COMMISSION APPOINTMENTS**
6. **2016 CITY FEES**
7. **LEAGUE OF MINNESOTA CITIES CONFERENCES**
 - **Leadership Conference for Experienced Officials – January 22-23, 2016**
8. **ADJOURNMENT**

ECKBERG LAMMERS
MEMORANDUM

TO: City Council

FROM: Kevin Sandstrom

DATE: January 6, 2016

RE: Lake St. Croix Beach, City of - General
01701-00589

Open Meeting Law (OML)

1. Minnesota Statutes §§ 13D.01 – 13D.08
2. All meetings of public bodies must be open to the public
 - a. Regular Council meetings
 - b. Special council meetings
 - c. Council workshops
 - d. Planning commissions, park commission and other advisory committees to the Council must hold open meetings as well.
3. Exceptions:
 - a. Initial consideration of Employee charges of misconduct
 - b. Employee performance reviews (but open if employee chooses)
 - c. Discussion of litigation strategy with City Attorney
 - d. Considering price for buying or selling City real estate or personal property (including review of appraisals)
 - e. Discussion of educational data, health data, medical data, welfare data, or mental health data regarding particular individuals that are not public data.
4. Even for exceptions, meeting must start out public, and be properly be transferred into closed session with announcement of the reason why.
 - a. Closed meeting generally must be tape recorded and tape preserved for future reference
5. Serialized Communications
 - a. Law prohibits “serial meetings” or “serial communications” designed to avoid public disclosure and intended to forge a majority decision.
 - b. Sequential contact among a number of council members sufficient to constitute a majority.
 - i. Example 1: A talks solely to B about an issue. That is ok.

- ii. Example 2: A talks to B, and then B later talks to C about the same issue. That is a violation of OML, because three councilmembers (a majority) have now all discussed the same issue with each other.
 - c. **Discussions and emails among three or more councilmembers to discuss city business must be avoided.**
 - i. **Avoid a “reply all” to any communication directed to multiple city council members.**
- 6. Social Gatherings, community events, or chance meetings where no city business is discussed are OK.
 - a. Be careful to avoid talking about city business in social gatherings.
- 7. Violations
 - a. \$300.00 fine payable by the involved official, not the City
 - b. Three intentional violations = removal from the position
 - c. Liable for up to \$13,000.00 worth of attorneys fees for any lawsuit commenced

Minnesota Government Data Practices Act

- 1. Minnesota Statutes §§ 13.01 to 13.99
- 2. Complicated set of laws
- 3. Classifies documents as “public, private, confidential, or nonpublic.”
- 4. General rule is that all data created by public entities, public employees, and public officials is public data subject to public disclosure
- 5. If involves a person’s educational data, health data, medical data, welfare data, or mental health data, then it may be private or nonpublic.
- 6. Any member of the public can send written request to City Hall to obtain public data
- 7. **Emails and documents created by Councilmembers:**
 - a. Consider all emails, notes and documents relating to city business to be public data subject to disclosure. **In other words, be careful what you put in writing!**
 - b. Recommend council having a separate, dedicated email for city business purposes

Gift Law

- 1. Minnesota Statutes § 471.895
- 2. Elected officials may not accept gifts from any “interested person” or entity who may have a decision come directly before the City.
- 3. Exceptions
 - a. Services of insignificant value
 - b. Plaques
 - c. Trinkets or mementos of less than \$5.00.
 - d. Meals provided at a reception at which you are a speaker
- 4. Exception: if councilmember is a member of another organization or group, a majority of which are not elected officials, and everyone is offered an equivalent gift.
- 5. Gifts or donations directed to the City as a whole are ok, but must be received by resolution and affirmative 2/3 vote of council.

Contracts with City

1. Minn. Stat. § 412.311
2. Conflict of interest for City to enter into a contract with a public official or their business.
 - a. No direct or indirect interest in any contract entered into by the City.
3. Anything that will have a personal or financial benefit to the council member

Code Enforcement

1. Nuisances:
 - a. As defined by statute, a nuisance is anything injurious to health, indecent or offensive to the senses, or that obstructs the free use and comfortable use of life or property. Minn. Stat. § 561.01.
 - b. Examples of nuisances include:
 - i. Accumulation of filth.
 - ii. Noise.
 - iii. Offensive odors.
 - iv. Automobile wrecking.
 - v. Houses of prostitution.
 - vi. Gambling houses
 - vii. Drug houses
 - viii. Excess/noxious weeds, long grass (Minn. Stat. §§ 18.75-.91)
 - ix. Junk vehicles (Minn. Stat. 168B.04)
 - x. Dogs running at large (Minn. Stat. § 347.04)
 - xi. The operation of steam shovels.
 - xii. Hazardous buildings (Minn. Stat. § 463.15-.26)
 - xiii. Three or more people obstructing the free passage of sidewalk traffic.
 - xiv. Icy sidewalks or driveways.
 - xv. A building overhanging a public street.
 - xvi. Stockyards, slaughtering houses, and rendering works.
 - xvii. Gases and gas odors, including those emanating from gas plants, petroleum tanks, and engines
 - xviii. Smoke, dirt, and cinders emitted from chimneys and smoke stacks.
 - xix. Obstructions or pollution of public streets or waters.
 - xx. Discharge of water and sewage unto adjacent lands.
 - xxi. Cesspools.
2. City Code § 1501 et seq. contains descriptions of various specific nuisances.
 - a. §1503.060—Calls for city council by majority vote to declare a nuisance and order the owner to remedy it within 10 days after service.
 - b. § 1503.070—Gives city the authority to enter property and abate the problem if not remedied by the owner within 10 days,
 - c. City authorized to assess the cost against the property by civil action.
3. Hazardous Buildings under Code Chapter 502.
 - a. City issues an order that the problem be remedied.

- b. If not remedied in 90 days or less, city can seek a summary order from the Court and then the City is authorized to remedy the issue itself.

4. Code Enforcement Remedies

a. Request for voluntary compliance

- i. Letter from City Clerk or City Attorney
 - 1. May include multiple letters and attempts at voluntary compliance

b. Administrative Enforcement

- i. City has enacted a new administrative enforcement ordinance
- ii. City can issue administrative citations
- iii. Investigation and hearing completed entirely by the City.
- iv. Hire a neutral administrative hearing officer to hear evidence
- v. Less formal, less costly, and much faster
- vi. Still must provide full notice, right to a hearing, and right to present evidence to comply with due process.

c. Civil Action

- i. Court Lawsuit started by serving summons and complaint
- ii. Can be used to seek court ordered relief from any code violations
- iii. Relief may include:
 - 1. Injunction
 - 2. Abatement Order
 - 3. Declaratory Relief
 - 4. Assessment of costs
- iv. Generally takes 6 months+ to get all the way through trial, but can be settled sooner than that.
- v. Preliminary or permanent injunction orders may be sought shortly after case is commenced.
- vi. Burden of proof is a “preponderance of the evidence” (i.e. 51% or more)

d. Criminal Prosecution

- i. All code violations are, by definition, a misdemeanor.
- ii. Code § 104.010—any person violating any provision of code is guilty of a misdemeanor and punishable by up to \$1,000 fine, 90 days in jail, or both.
- iii. Code enforcement officer issues a citation
 - 1. Enforcement officer or other witness will need to testify in court if it gets that far.
- iv. Sherriff can also issue a citation.
- v. Generally a Six month or longer process
- vi. Must prove guilt “beyond a reasonable doubt”
- vii. Goal is generally compliance, not jail time.
- viii. A portion of any Fines collected go to the city (roughly 1/3)

2016 COUNCILMEMBER DUTIES & RESPONSIBILITIES

Approved: January ____, 2016

	<u>Primary</u>	<u>Alternate</u>
<u>GENERAL ADMINISTRATION</u>	Mayor*	
Office and Support Staff	Mayor	
Budget & Finance	Mayor	
Intergovernmental Relations	Mayor	
Personnel	Mayor	

**The Deputy Mayor will be alternate to Mayor in the area of General Administration & Public Safety.*

<u>PUBLIC SAFETY</u>	Mayor*	
Police, Fire, and Emergency Management	Mayor	

<u>NATURAL RESOURCES/PARKLAND</u>		
Parks Liaison		
Bluffland		
Shoreland/Recreational Land (Beach Administration)		
Trees and Other Vegetation		
<i>(Mayor is Ex Officio member of Park Commission per City Organization)</i>		

<u>PUBLIC FACILITIES</u>		
Streets, Signs, and Lighting		
Municipal Water System		
Public Buildings		

<u>PHYSICAL DEVELOPMENT</u>		
Planning Commission Liaison		
Building & Zoning Controls		
Soils & Waters – Infrastructure and Residential Property (Drainage, Erosion, and Flooding)		
Comprehensive Plan		

<u>SPECIAL FUNCTIONS</u>		
Animal Control		
Cable Television		
Public Nuisances/Health		
Solid Waste/Recycling		
Ordinance Recodification		

2015 COUNCILMEMBER DUTIES & RESPONSIBILITIES

Approved: January 20, 2015

	<u>Primary</u>	<u>Alternate</u>
<u>GENERAL ADMINISTRATION</u>	Mayor*	
Office and Support Staff	Mayor	Brown
Budget & Finance	Mayor	Reiter
Intergovernmental Relations	Mayor	Reiter
Personnel	Mayor	Brown
<i>*The Deputy Mayor will be alternate to Mayor in the area of General Administration & Public Safety.</i>		
<u>PUBLIC SAFETY</u>	Mayor*	
Police, Fire, and Emergency Management	Mayor	Brown
<u>NATURAL RESOURCES/PARKLAND</u>		
Parks Liaison	Kline	Brown
Bluffland	Kline	Reiter
Shoreland/Recreational Land (Beach Administration)	Kline	Reiter
Trees and Other Vegetation	Kline	Reiter
<i>(Mayor is Ex Officio member of Park Commission per City Organization)</i>		
<u>PUBLIC FACILITIES</u>		
Streets, Signs, and Lighting	McCarthy	Reiter
Municipal Water System	McCarthy	Brown
Public Buildings	McCarthy	Brown
<u>PHYSICAL DEVELOPMENT</u>		
Planning Commission Liaison	Reiter	Kline
Building & Zoning Controls	Reiter	Kline
Soils & Waters – Infrastructure and Residential Property (Drainage, Erosion, and Flooding)	Reiter	Kline
Comprehensive Plan	Brown	Reiter
<u>SPECIAL FUNCTIONS</u>		
Animal Control	Brown	Unker
Cable Television	Brown	McCarthy
Public Nuisances/Health	McCarthy	Reiter
Solid Waste/Recycling	Reiter	Unker
Ordinance Recodification	Reiter	Brown

2015 APPOINTMENTS

(Representative listed first, alternate second, when appropriate.)

GENERAL ADMINISTRATION

(Contact Individuals Through City Hall At 651- 436-7031)

Mayor Tom McCarthy
 Deputy Mayor Charles Brown
 City Clerk-Administrator Sue Schuler
 Treasurer Amy Truhlar
 Deputy Clerk Amy Truhlar
 City Attorney (Retainer Agreement With Firm – Eckberg Lammers) Kevin Sandstrom
 City Engineer (Short Elliott Hendrickson) John Parotti
 Zoning Administrator Sue Schuler
 Building Inspector (Contract with City of Lakeland, 651-436-1405) John Buckley
 Assessor (Contract with Washington County) Curt Piepenburg (Residential), Robin Swanson (Commercial)
 Official Depository U. S. Bank, LMC 4-M Fund
 Official Posting Place City Hall, 16455 20th Street South
 Official Publication Stillwater Gazette
 Newsletter Editor Sue Schuler
 Tree Inspector Dave Witzel, Mike Simonson
 City Forester Dave Witzel
 Weed Inspector Tom McCarthy
 Emergency Preparedness (Emergency Mgmt Director) Tom McCarthy, Brad Peters, Sue Schuler
 LSCV Alliance City Council/Staff
 LSCV Partnership Team Tom McCarthy, Cindie J. Reiter
 Lower St. Croix Valley Fire Protection District
 Representatives (2 residents): Pete Granat(6/30/16), Sally Thompson (6/30/17)
 Alternates (Councilmember): Tom McCarthy, Charles Brown
 Middle St. Croix Water Management Organization Cindie Reiter, Michelle Kline
 Cable Television Board Charles Brown, Tom McCarthy
 Police (Agreement with Washington County Sheriff's Department) Non-emergency 651-439-9381 911
 Fire (Agreement with Lower St. Croix Valley Fire Protection District) Non-emergency 651-436-7033 911
 Animal Control Officer (By Contract) 715-386-7789 Kathi Pelnar
 Animal Shelter 651-730-6008, Woodbury Location Humane Society For Companion Animals
 Yellow Ribbon Alliance Mary Parr, Charles Brown, Tom McCarthy
 Veterans Memorial Representative Tom McCarthy, Charles Brown
 Information Technology Coordinator Joe Connor

Planning Commission

Meets: 1st Wednesday

Mary Ashby
 Linda O'Donnell
 Nancy Truax
 Mary Yanchar
 Steve Zigan

Alternates

Marilyn Siebenaler
 Kelly Wood

Council Liaison

~~Cindie Reiter~~
 Michelle Kline

Park Commission

Meets: 2nd Tuesday

Becky Brewster
 Bill Glampe
 Joe Riley
 Tom Runge
 Lyle Sorenson

Alternates

Bruce Albrecht
 Dave Witzel

Council Liaison

Michelle Kline
 Charles Brown

Park Manager

Bob Shearer
Ex Officio
 Tom McCarthy

Environmental Advisory Commission

Meets: As needed

Bruce Albrecht
 Becky Brewster
 Marilyn Siebenaler

Alternates

Council Liaison

Cindie Reiter
 Jim Unker

Floodplain Advisory Commission

Meets: As Needed

Gina Allen (100 yr)
 Bill Carlson (100 yr)
 Tom Kingston (500 yr)
 Linda O'Donnell (at large)
 Joe Riley (at large)
 John Sievert (at large)
 Todd Streeter (100 yr)
 Paul Vielhaber (500 yr)
 Brad Peters

Codification Committee

Sue Schuler
 Cindie J. Reiter
 Linda O'Donnell
 Nancy Truax
 Kevin Sandstrom

Personnel Committee

Meets: As needed

Tom McCarthy
 Charles Brown
 Karen Riley
 John Sievert

City Council

Meets: 3rd Monday
 Tom McCarthy, Mayor
 Charles Brown
 Michelle Kline
 Cindie Reiter
 Jim Unker

Please Keep For Future Reference

LAKE ST. CROIX BEACH	CITY FEES	2016	
Animal Impound		\$75	
Animal License			
Sterilized Animal		\$10	
Unsterilized Animal		\$25	
Following Impound		\$50	
Kennel (More than three animals. Council Approval Required)		\$50	
Replacement Tag		\$2	
Assessment Search		\$20	
Beach Parking Permit			
Daily		\$5	
Holiday Parking		\$7	
Motorcycle Parking		\$3	
Weekend Parking		\$6	
Seasonal - Residents		\$15	
Seasonal - Residents (Senior Citizens)		Free	
Boat Permit (Sailboat or Powerboat)		\$110	
Boat Permit (Shoreboat)		\$25	
City Boat Decals		\$10	
City Hall Rental Fee		\$25	
City Hall Rental Deposit (Refundable)		\$100	
Commercial Vehicle Permit		\$100	
Conditional Use Permit Annual Renewals		\$80	
Copies - Black & White		\$.25	
Copies - Color		\$.50	
Comprehensive Plan		\$30	
Facsimile			
First page		\$1	
Additional page		\$0.25	
Municipal Water Main Tap (Includes \$300 to LWU)		\$5,227	
Newsletter Sponsor		\$175	
Ordinance Book		\$200	
Zoning Code (2/29/1980)		\$41.75	
Sub-division Code (4-27-1971)		\$11	
Bluffland/Shoreland Code (8/24/76)		\$6.50	
Floodplain (2/2010)		\$14.25	
Septic systems (3/2010)		\$15.75	
Riverfront Park Pavilion Rental Fee - Residents		Free	
Riverfront Park Pavilion Rental Fee - Non Residents		\$25/side	
Riverfront Park Pavilion Rental Deposit (Refundable)		\$50/side	
Pettitt Park Pavilion Rental - Residents		Free	
Pettitt Park Pavilion Rental - Non Residents		\$25	
Pettitt Park Pavilion Rental Deposit (Refundable)		\$100	
Postage/Envelopes for Public Hearing Notices		\$0.60	
Property owner Search (Follow Washington County)			
First 25		\$50	
Each additional		\$0.50	
Research		\$32.50/Hr	
(Hourly Fee Formula: Clerk pay rate + 30% of pay rate for overhead/fringe benefits)			
Utility Permit (R.O.W) (Bond/Security - \$5,000)		\$75	
Zoning			
Amendment (Zoning Code)	Filing Fee	plus Deposit*	(*Covers some of other expenses incurred, but not necessarily all)
Appeals	\$200	\$500	
Certificates of Compliance	\$75	\$400	
C of C Home Occupation	\$75	\$400	
Conditional Use Permits-New	\$25	\$350	
Conditional Use Permits-Amend	\$75	\$425	
Interim Use Permits	\$50	\$400	
MSCWMO Application Review	\$75	\$425	
Planned Unit Development-Major	\$250		
Planned Unit Development-Minor	\$200	\$1,500	
Special Use Permit (w/Pub Hear)	\$200	\$400	
Sub-Division-Major	\$75	\$425	
Sub-Division-Minor (3 lots)	\$200	\$1,500	
Variances (Floodplain & Riverway Zones)	\$200	\$350	
Variances (All other zones)	\$250	\$1,500	
Not Specified	\$75	\$750	
	\$75	\$525	

City Compensation

Meeting Per Diem \$10

Mileage (See current IRS allowable rates) IRS

Other

Reimbursement for expenses must be accompanied by a signed request for reimbursement form and valid receipt for the expenditures.