CITY OF LAKE ST. CROIX BEACH
16455 20TH STREET SOUTH
WASHINGTON COUNTY, MINNESOTA

CITY COUNCIL MEETING

November 16, 2015

MEMBERS PRESENT:	Tom McCarthy, Charles W. Brown, Michelle Kline, Cindie Reiter, Jim Unker
STAFF PRESENT:	John Parotti, Kevin Sandstrom, Susan Schuler, Amy Truhlar
OTHERS PRESENT:	Mary Parr, Dolly Burns, Jon Place, Bill Glampe, Curt Hanson, Lyle Sorenson, Curt Hanson, Jim Golden, Karen Riley, Crystal Howard, Tammy Landsberger

CALL TO ORDER by Mayor McCarthy at 7:04 p.m.

PLEDGE OF ALLEGIANCE was said.

APPROVE AGENDA Agenda Item 3

Mayor McCarthy asked to insert New Business Item 8B, Curt Hanson Property, and move each subsequent item under New Business down.

MOTION BY COUNCILMEMBER BROWN, SECONDED BY COUNCILMEMBER KLINE, TO APPROVE THE AGENDA AS AMENDED. MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA Agenda Item 4

MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE FOLLOWING ROLL CALL VOTE WAS TAKEN: UNKER – AYE, REITER – AYE, KLINE – AYE, BROWN – AYE, MCCARTHY – AYE.

MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON OCTOBER 19, 2015 AS PRESENTED. MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING/WORKSESSION ON NOVEMBER 9, 2015 AS PRESENTED. MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO ACCEPT THE GAMBLING DONATION

FROM BAYPORT AMERICAN LEGION POST 491. MOTION PASSED UNANIMOUSLY.

PUBLIC COMMENTS Agenda Item 5

Jim Golden, 1920 Quarry Avenue South, submitted a letter he had written to Rachel Olmanson of the Minnesota Pollution Control Agency (MPCA) for the City Council's review and for the record. He then read another letter, which he also submitted for the record, to Ms. Olmanson from Ryan J. Howell, Tribal Historic Preservation Officer for the Prairie Island Indian Community. This letter stated that the Prairie Island Indian Community Tribal Historic Preservation Office felt that there was a high probability that Dakota-related cultural resources, archaeological sites, or human burials may be present in the Valley Branch Watershed. Therefore they were requesting to be a stakeholder and as a consulting partner under the auspices of Section 106. They also requested a public informational meeting regarding the Watershed Restoration and Protection Strategies Report (WRAPS) with the MPCA Commissioner.

Tamra Landsberger, 1380 Riviera Avenue South, felt that separating the parking lots of the Beach Bar and Pettitt Park, would separate the community. She noted that the parking lot is a gathering area for Pettitt Park and for the Beach Bar. There have been no accidents. She pointed out that cutting the parking lots off from each other will cause a lack of parking for events at the Beach Bar, such as the walleye tournament, and events at Pettitt Park, such as baseball games. Ms. Landsberger suggested alternatives to address safety concerns such as speed limit signs or signs saying children at play. She also stated that the city should lead by example and should obtain building permits like any resident would need to. She stated that many residents are unhappy with recent events.

Jon Place, owner of the Beach Bar, stated that he tries to listen to everyone and address all concerns. He noted that guests use both parking lots all the time for their trailers and snowmobiles. Delivery trucks also make use of the two entrances for safer deliveries. If the parking lots are separated, the delivery trucks will need to back out onto CSAH 18 (St. Croix Trail) or stop on CSAH 18 and back into the parking lot. Mr. Place noted that years ago, there was a plan to eliminate the entrance/exit into Petttitt Park, which he fought against for the same reasons. He asked everyone to consider all issues regarding this plan.

PUBLIC SAFETY REPORTS Agenda Item 6

Councilmember Brown reported 32 calls to law enforcement in the month of October. There were no citations issued. The animal report for October listed 4 lost dogs, 1 lost cat, 1 dog found, and 1 cat found.

Councilmember Reiter added that there were 4 calls to law enforcement regarding ordinance violations. She asked why there was a reference to Mr. Glasgow signing a release for checks to the cities from the Cable Commission and why this was being reported at the fire district meeting. Councilmember Unker stated he was interested in that answer as well.

Mayor McCarthy reported that the fire department and law enforcement representatives were on a call and would give their report when they returned.

CITY STAFF REPORTS Agenda Item 7

CITY ENGINEER PAROTTI (7A)

John Parotti, City Engineer with SEH, reported that the fall street sweeping was completed in early November. The invoice was for the same amount as the quote, which is the same cost as the past several years.

Drainage structure cleaning has been completed. Engineer Parotti performed some spot checks to confirm the work was completed.

Regarding the 21st Street Levy easement issue, staff has been successful in locating some easement documents for the property, and they are now trying to determine if the drawings resulted in legal documents and easements recorded with Washington County.

Zappa Brothers has been working on the Bluff Repair Site #2. They are doing the seeding now, but have been stopped by weather a few times. Weather permitting, they expect to be done with the work by November 23, 2015. The city received a matching grant for the work, and they must have the work completed by November 30, 2015. The invoice will be presented at the December City Council meeting. Councilmember Brown noted that Stairway #8, the pathway, has been covered over during the repair work and asked whether that would be uncovered. City Engineer Parotti explained that it was not part of the bid to reopen that path, and he would not recommend using it.

Mayor McCarthy noted that he had seen many of the city's French drains with white circles painted on them. Engineer Parotti stated that this meant that the contractor had been there and presumably had cleaned them. He added that the paint will fade quickly.

CITY ATTORNEY SANDSTROM (7B)

City Attorney Kevin Sandstrom stated that he was going to provide a status update regarding Mr. Curt Hanson's criminal prosecution, but since the item has been added to the agenda, he would give his report at that time.

CITY CLERK-ADMINISTRATOR SCHULER (7C)

City Clerk-Administrator Susan Schuler reported that she obtained a quote for alarms from CWS Security. The city is not currently under contract with Trans-Alarm, and the city owns the equipment. She noted there were two quotes: one for service with new and updated equipment, and one for service with the current equipment. CWS recommended new equipment as that will provide better service. Even with new equipment, there will be approximately $900 of savings each year. With new equipment, employees will not need to reset the alarm with every light flicker or surge. Councilmember Unker noted that with this system, there was redundancy and stated the city may be able to eliminate the need for the landline that is only used for the alarm system with the new service provider.

MOTION BY COUNCILMEMBER BROWN, SECONDED BY COUNCILMEMBER REITER, TO ACCEPT THE PROPOSAL FROM CWS SECURITY TO REPLACE THE EXISTING ALARM EQUIPMENT AND ADD A CELLULAR UNIT AT A COST OF $358.75 AND A $31 PER MONTH MONITORING RATE. MOTION PASSED UNANIMOUSLY.

City Clerk-Administrator Schuler reported that the city has switched from using CenturyLink to Comcast for phone service, saving approximately $1,200 per year. No equipment is being rented.

The draft ordinance from the Middle St. Croix Water Management Organization (WMO) incorporating Minimal Impact Design Standards (MIDS) has been received. City Clerk-Administrator Schuler has sent a copy to City Attorney Sandstrom and City

Engineer Parotti for review. Copies of the ordinance are available at City Hall for anyone interested in seeing it.

The city has also switched copier service companies from Loffler to Metro Sales. Metro Sales will buy out the remaining contract the city has with Loffler. Metro Sales has sent a check to the city for the buy-out cost, and the city will then pay Loffler.

MOTION BY COUNCILMEMBER BROWN, SECONDED BY COUNCILMEMBER REITER, TO ISSUE A CHECK TO LOFFLER IN THE AMOUNT OF $3,524.31 TO BUY OUT THE REMAINING CONTRACT WITH LOFFLER FOR THE PRINTER/COPIER. MOTION PASSED UNANIMOUSLY.

City Clerk-Administrator Schuler explained that she had spoken with Ben Thurmes from Tri-County about a bid for trimming trees in the right-of-way (ROW). He asked for more time, and the bid will be submitted before the December City Council meeting. She also obtained the Tri-County contracts for services with the City of Lakeland and the City of Afton.

The application for the credit card has been signed at the bank. It is expected that it will be processed soon.

Sentenced-To-Service (STS) crews were at City Hall on Thursday, November 12. They removed and replaced some outside lightbulbs at City Hall, cleaned gutters, and began winterizing City Hall. They will complete the winterizing of windows, replacing lightbulbs, and painting when they are in the city again on Thursday, November 19. Mayor McCarthy asked that they move the flower pots outside the front doors into the garage and remove the dead plants. Councilmember Reiter asked that they remove the Siberian Elm growing west of the parking curbs in front of the Old City Hall and along the south side of 19th Street South east of CSAH 18.

City Clerk-Administrator Schuler reminded everyone that the Truth-In-Taxation Public Hearing will be held at the start of the December City Council meeting, December 21, 2015. There was discussion regarding having another budget workshop before the December City Council meeting when the final budget will be approved. One additional budget workshop will be held at 6:00 p.m. on December 21, 2015. Staff will send the City Council the preliminary budget, and the City Councilmembers should review and bring any changes to the worksession.

Metro Cities will be hosting a meeting regarding Legislative Policies on Wednesday, November 18, 2015. City Clerk-Administrator Schuler will be attending this meeting to vote on the policies. She will be out of the office the entire day.

The Park Commission is hosting a League of Minnesota Cities Loss Control presentation "Crime Prevention Through Environmental Design" on Wednesday, November 18, 2015 at 7:00 p.m. at City Hall. Everyone is welcome and encouraged to attend.

Councilmember Unker asked whether the check from the Cable Commission with the memo "Fire Hall Sign" had been returned and whether a response had been received. Ms. Schuler reported that the check had been returned, but she had heard nothing further.

PUBLIC SAFETY REPORTS

Jim Stanley, Deputy Fire Chief of the Lower St. Croix Valley Fire Department, reported there were 363 runs in October, 6 of which were in Lake St. Croix Beach. City Clerk-Administrator Schuler noted that there has been miscommunication regarding the fire department's role in the conditional use permit (CUP) inspections. It is the business's responsibility to contact the fire department to schedule that inspection, which is required for the CUP renewal. Mr. Stanley explained that he can not go unannounced for the inspections, so none of the CUP locations have been inspected at this time. Mr. Stanley stated that he is willing to contact businesses to schedule the inspections.

Councilmember Reiter noted that the minutes from the September Fire District meeting reported that Mr. Glasgow stated that he had signed a release for the cable commission disbursements to the cities. Mr. Stanley stated this was just an announcement. He stated that the report was about donating money to the fire department for the sign, but the fire department is not related to the Cable Commission.

CITY STAFF REPORTS Agenda Item 7

DEPUTY CLERK-TREASURER TRUHLAR (7D)

Deputy Clerk-Treasurer Amy Truhlar presented the bills for the month totaling $26,255.64. She was not aware of any unusual end-of-year payments.

MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE THE DISBURSEMENTS IN THE AMOUNT OF $26,255.64. MOTION PASSED UNANIMOUSLY.

Deputy Clerk-Treasurer Truhlar asked the City Council to consider when they would like to schedule the January and February City Council meetings in 2016 as the third Mondays of the month were holidays. Last year, the City Council held their meetings on the Tuesday following the third Monday, but in previous years, the City Council held their meetings on the second Mondays of January and February. This will be on the agenda for the December City Council meeting.

NEW BUSINESS Agenda Item 8

LED ILLUMINATED SIGN AT FIRE DEPARTMENT (8A)

City Clerk-Administrator Schuler explained that the Planning Commission held a Public Hearing regarding an LED sign at the Fire Department on November 4, 2015. The current sign is 11 feet X 5 feet, and the proposed sign is 10 feet X 5 feet. She noted that a concern of the Planning Commission and many others is the brightness of the sign. At night, a brighter sign is harder to read, so the brightness will be turned down at night for easier reading as well as to be less intrusive. The Planning Commission recommended that the City retain the right to monitor the brightness of the sign.

MOTION BY MAYOR MCCARTHY, SECONDED BY COUNCILMEMBER BROWN, TO AMEND THE LOWER ST. CROIX VALLEY FIRE PROTECTION DISTRICT CONDITIONAL USE PERMIT TO ALLOW AN ILLUMINATED SIGN WITH THE CONDITIONS THAT THE SIGN BRIGHTNESS BE CONTROLLABLE, THAT THE NEW SIGN BE THE SAME OR SIMLAR IN SIZE TO THE CURRENT SIGN, AND

THAT THE SIGN ONLY BE USED FOR PUBLIC SERVICE ANNOUNCEMENTS.

City Clerk-Administrator Schuler noted that the Planning Commission also discussed allowing no other signs and not allowing anything offensive to be displayed on the sign. Councilmember Reiter stated that she was not in favor of the sign, but asked the City Council to consider a condition that initially, the sign be set at the lowest intensity from sunset to sunrise. She also asked the City Council to consider a condition that the City of Lake St. Croix Beach have first option of information on the sign since it is in Lake St. Croix Beach. The other City Councilmembers were against that condition since the sign will belong to the Fire Department, not the city. Mr. Stanley stated that the ambient lighting can be adjusted to cut down on the intensity, and there are over 100 settings for the lumen brightness. The words can either be scrolling or set in a block. The letters will only be in one color – red. There was discussion regarding what color was the easiest to read and which color allowed for the best retention.

MOTION PASSED, 4 AYES, 1 NAY (REITER).

CURT HANSON PROPERTY (8B)

City Attorney Sandstrom provided an update regarding Mr. Curt Hanson and the criminal prosecution process for addressing the code violation on his property. A guilty plea was entered for the misdemeanor charge, but the sentence hearing will not take place until late January, 2016. He noted that the ultimate goal of the city was compliance, not necessarily jail time if the property is in compliance. There are still items being stored on the property, which is an otherwise vacant lot, so the property is still not in compliance.

Curt Hanson expressed his opinion that the ordinance violation being discussed now is not what he was charged with and is being held over his head. He stated that he felt that the City Council was trying to take his property away from him so he can not use it. He asked why he was being threatened with jail time and a large fine for storing items on his property. Mayor McCarthy pointed out that ordinances require a principle structure on the property in order to store items there, and Mr. Hanson's property has no structure. Mr. Hanson asked for the ordinance number for this requirement.

Jim Gasperini, Curt Hanson's attorney, asked if there was any compromise that could be reached to allow the items to be stored on the property such as a barrier to block the items from view. Mayor McCarthy stated that this is not allowed on other properties. Mr. Hanson stated that the items have always been there, including when the property was owned by the same owners as the property directly to the west. He stated that this use should be grandfathered because of this. He asked why a CUP could not be issued or a variance approved. Mr. Gasperini asked if Mr. Hanson could build an attractive fence with a gate on the east and north side of the property, which would block the items from view.

City Attorney Sandstrom stated that the storage of items on an otherwise vacant lot is a use that is not allowed. A variance, by statute, can not be granted for a use that is otherwise not allowed. Councilmember Reiter pointed out that the City Council recently approved a use that was not allowed and noted that she expressed concern at that time about allowing a use that was not permitted. She stated that in her opinion, Mr. Hanson was asking for the same consideration. Councilmember Unker disagreed, stating that

each property is unique in its own way, and Mr. Hanson had been living on the property in a tent, which is what started the whole thing. Mr. Gasperini pointed out that Mr. Hanson is no longer living on the property, and he is now asking for a way to use the property.

Councilmember Reiter asked if he could submit an application. City Attorney Sandstrom stated that Mr. Hanson could submit an application for a variance or a CUP if he wished to do so. Mr. Hanson asked if he could get a portable shed large enough to store everything. Mayor McCarthy noted that the property is not a storage space. Mr. Gasperini asked if he could apply for a variance to build a home on the property. Mayor McCarthy pointed out that there is no water stop at the property and it is too small to meet all the setbacks. Mr. Gasperini asked if there were any other suggestions. Councilmember Unker stated he would take advice from the city attorney.

Mayor McCarthy stated he would agree to allow a shed holding other items if the car and boats were removed, but he did not know how the rest of the City Council felt about the issue. Mr. Hanson told him that Mitch Berg, Interim City Clerk-Administrator told him he could keep the car and boats on the property as long as they were licensed. Mayor McCarthy noted that Mr. Berg was not in attendance to defend or explain his statements. Mr. Gasperini stated they would be back at the January City Council meeting with a proposal. City Attorney Sandstrom suggested submitting a proposal in writing with an application. The city is required to process an application within 60 days for a land use application.

ANNUAL RENEWAL OF CONDITIONAL USE PERMITS AND CERTIFICATE OF COMPLIANCE (8C)

Lower St. Croix Valley Fire Department

City Clerk-Administrator Schuler explained that this CUP needed to be amended because the size of the sign was wrong.

MOTION BY COUNCILMEMBER BROWN, SECONDED BY MAYOR MCCARTHY, TO APPROVE THE ANNUAL RENEWAL OF THE CONDITIONAL USE PERMIT FOR THE LOWER ST. CROIX VALLEY FIRE PROTECTION DISTRICT AS AMENDED (WITH CORRECTED SIGN SIZE). MOTION PASSED UNANIMOUSLY.

1770 St. Croix Trail South

City Clerk-Administrator Schuler reviewed some changes the Planning Commission had recommended including the title of the permit, the general description, and the requirement of a landscaping plan.

MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE THE ANNUAL RENEWAL OF THE CONDITIONAL USE PERMIT FOR 1770 ST. CROIX TRAIL SOUTH AS AMENDED.

There was discussion that the CUP renewals should be contingent upon each location passing the fire inspection.

FRIENDLY AMENDMENT BY COUNCILMEMBER REITER, AGREED TO BY COUNCILMEMBER BROWN, TO AMEND THE MOTION TO INCLUDE THE CONTINGENCY OF PASSING THE FIRE INSPECTION. AMENDMENT APPROVED UNANIMOUSLY.

MOTION PASSED UNANIMOUSLY.

Beach Bar

City Clerk-Administrator Schuler explained that the Planning Commission had recommended adding the premise description to the CUP. After considering the issue, she now recommended that the premise description should be in the license, not the CUP. Councilmember Unker asked why the description would not also be on the CUP, she noted that premise descriptions are on most liquor licenses. Councilmember Unker suggested that the premise description should also be on the CUP as it is a city document, while the liquor license is a state document. City Attorney Sandstrom stated that it would not be harmful for the city if the description was on the CUP or if it was not on the CUP.

Mayor McCarthy asked whether drinking alcohol was supposed to be a certain distance from a property line or from a park. City Attorney Sandstrom was not aware of any restrictions of this kind. Mr. Place stated that it must be 1,000 feet from a church or from a school.

MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER UNKER, TO APPROVE THE ANNUAL RENEWAL OF THE CONDITIONAL USE PERMIT FOR THE BEACH BAR AS AMENDED (WITH THE PREMISE DESCRIPTION).

Mayor McCarthy noted that the premise description says 12 feet from the back deck. He stated that this is city property. It was explained that the drinking was allowed on the back deck, not 12 feet from the deck. Mr. Place stated he was not making modifications to the building or remodeling.

MOTION PASSED, 4 AYES, 1 NAY (MCCARTHY).

Birdseye Properties d/b/a Wood Wonders Supply and Design, Inc.

MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE THE ANNUAL RENEWAL OF THE CONDITIONAL USE PERMIT FOR WOOD WONDERS SUPPLY AND DESIGN, INC. CONTINGENT UPON A SATISFACTORY FIRE INSPECTION, WHICH IS A CONTINGENCY FOR ALL CONDITIONAL USE PERMITS. MOTION PASSED UNANIMOUSLY.

City of Lake St. Croix Beach

City Clerk-Administrator Schuler noted that some changes were made to the City's CUP but not discussed at the Planning Commission. These changes included fencing replacements at Pettitt Park, bluff repairs on Site #1 and Site #2, and the Veterans Memorial.

MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE THE ANNUAL RENEWAL OF THE CONDITIONAL USE PERMIT FOR THE CITY OF LAKE ST. CROIX BEACH, CONTINGENT UPON THE CHANGES FOR PETTITT PARK, THE BLUFF REPAIRS, AND THE VETERANS MEMORIAL AND CONTINGENT UPON A SATISFACTORY FIRE INSPECTION. MOTION PASSED UNANIMOUSLY.

Duplex, 1936 Racine Avenue South

City Clerk-Administrator Schuler reported that she has not received the paperwork or fee from the owner of the duplex at 1936 Racine Avenue South.

MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER UNKER, TO TABLE THE ANNUAL RENEWAL OF THE CONDITIONAL USE PERMIT FOR 1936 RACINE AVENUE SOUTH UNTIL THE PAPERWORK AND FEES HAVE BEEN SUBMITTED. MOTION PASSED UNANIMOUSLY.

Duplex, 16360 – 13670 18th Street South

MOTION BY COUNCILMEMBER REITER, SECONDED BY MAYOR MCCARTHY, TO APPROVE THE ANNUAL RENEWAL OF THE CONDITIONAL USE PERMIT FOR THE DUPLEX LOCATION AT 16360-16370 18TH STREET SOUTH CONTINGENT UPON A SATISFACTORY FIRE INSPECTION. MOTION PASSED UNANIMOUSLY.

Erickson Oil d/b/a Freedom

MOTION BY MAYOR MCCARTHY, SECONDED BY COUNCILMEMBER REITER, TO APPROVE THE ANNUAL RENEWAL OF THE CONDITIONAL USE PERMIT FOR FREEDOM CONTINGENT UPON A SATISFACTORY FIRE INSPECTION.

Councilmember Unker stated he was concerned about the fumes inside the building and asked whether commercial properties needed to have their septic systems pumped every three years like residential properties. Councilmember Reiter suggested that Washington County should be asked about this.

MOTION PASSED, 4 AYES, 1 NAY (UNKER).

Kopp Sign Service

MOTION BY COUNCILMEMBER REITER, SECONDED BY MAYOR MCCARTHY, TO APPROVE THE ANNUAL RENEWAL OF THE CONDITIONAL USE PERMIT FOR KOPP SIGN SERVICE CONTINGENT UPON A SATISFACTORY FIRE INSPECTION.

Councilmember Unker asked if a CUP could be approved for an owner who was deceased. City Attorney Sandstrom pointed out that a CUP is for the property and not a particular person. Staff will update the CUP to the current owner.

MOTION PASSED UNANIMOUSLY.

Nails, Etc.

City Clerk-Administrator Schuler reported that she has not received any paperwork or fees for Nails, Etc.

MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO TABLE THE ANNUAL RENEWAL OF THE CONDITIONAL USE PERMIT FOR NAILS, ETC. UNTIL THE PAPERWORK AND FEES HAVE BEEN SUBMITTED.

Mayor McCarthy asked if all the CUP applicants had submitted paperwork and fees last year. City Clerk-Administrator Schuler reported that they had all paid last year. Only two had not paid this year.

MOTION PASSED UNANIMOUSLY.

Old Fire Barn

MOTION BY COUNCILMEMBER REITER, SECONDED BY MAYOR MCCARTHY, TO APPROVE THE ANNUAL RENEWAL OF THE CONDITIONAL USE PERMIT FOR THE OLD FIRE BARN CONTINGENT UPON A SATISFACTORY FIRE INSPECTION. MOTION PASSED UNANIMOUSLY.

Scenic Hills Alternative Care

City Clerk-Administrator Schuler explained that the Planning Commission had asked her to confirm there were no violations reported for Scenic Hills Alternative Care. She had checked with Washington County, and there were no violations.

MOTION BY COUNCILMEMBER REITER, SECONDED BY MAYOR MCCARTHY, TO APPROVE THE ANNUAL RENEWAL OF THE CONDITIONAL USE PERMIT FOR SCENIC HILLS ALTERNATIVE CARE CONTINGEN UPON A SATISFACTORY FIRE INSPECTION.

Councilmember Reiter suggested they check on the maples, which have started sprouting from the bottom, before they create a line-of-sight issue.

MOTION PASSED UNANIMOUSLY.

Church of St. Francis of Assisi

City Clerk-Administrator Schuler reported she had made some changes as recommended by the Planning Commission, including red tiles on the roof and the addition of the storage shed.

MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE THE ANNUAL RENEWAL

OF THE CERTIFICATE OF COMPLIANCE FOR THE CHURCH OF ST. FRANCIS OF ASSIS CONTINGENT UPON A SATISFACTORY FIRE INSPECTION.

Councilmember Unker asked that the approval of the variance for the shed be added to the CUP.

MOTION PASSED UNANIMOUSLY.

Boat Art

City Clerk-Administrator Schuler reported that the Interim City Clerk-Administrator had not changed the CUP for this property when the use and IUP were approved.

MOTION BY COUNCILMEMBER REITER, SECONDED BY MAYOR MCCARTHY, TO TABLE THE ANNUAL RENEWAL OF THE CONDITIONAL USE PERMIT FOR BOAT ART UNTIL THE PAPERWORK HAS BEEN UPDATED. MOTION PASSED UNANIMOUSLY.

PETTITT PARK PARKING LOT PROPOSAL (8D)

Councilmember Reiter suggested tabling this issue or denying the proposal because they were provided updated information to consider right before the meeting.

MOTION BY COUNCILMEMBER UNKER, SECONDED BY COUNCILMEMBER REITER, TO DECLINE THE PROPOSAL FOR THE PETTITT PARK PARKING LOT FROM THE PARK COMMISSION.

Lyle Sorenson, Chair of the Park Commission, reported that this proposal was made because it was a recommendation from the League of Minnesota Cities Loss Control Representative. The Park Commission was concerned only with safety in the parking lot. He noted that speed bumps were originally proposed, but the City Council had denied that recommendation. Parents have expressed concerns about the safety of children in the parking lot. Therefore, the Park Commission felt a responsibility to respond to those safety concerns. Park Commission Chair Sorenson stated that the discussion at the Park Commission was always in regards to safety; there was no finger-pointing.

Mr. Place stated that he has owned the bar for 10 years, and there has never been an accident in that parking lot. He noted that this was just a recommendation, not a requirement to do anything. Councilmember Reiter pointed out that this issue has been discussed in the past, as a concern from the League of Minnesota Cities, and there was more concern regarding safety from cars pulling out from the county ROW than from the parking lot.

City Clerk-Administrator Schuler suggested a survey to determine where property lines end in the parking lot. Councilmember Unker expressed concern about possible easements on this land.

MOTION FAILED, 2 AYES, 3 NAYS (BROWN, KLINE, MCCARTHY).

There was discussion regarding different sizes of speed bumps.

MOTION BY MAYOR MCCARTHY, SECONDED BY COUNCILMEMBER BROWN, TO INSTALL ONE ROW OF LOW PROFILE SPEED BUMPS IN SPRING 2016 (MEMORIAL DAY) THE SAME TIME THE SPEED BUMPS ARE INSTALLED AT RIVERFRONT PARK, INSTALL A SIGN THAT SAYS CHILDREN AT PLAY, AND A SIGN THAT SAYS SPEED BUMPS FOR A TRIAL PERIOD OF ONE YEAR AND SPEND UP TO $800. MOTION PASSED, 3 AYES, 2 NAYS (REITER, UNKER).

REMNANT PRAIRIE BURN (8E)

City Clerk-Administrator Schuler explained that the cost for the remnant prairie burn will be $1,500. There are no grants available from Great River Greening for this burn. She is researching other possible grant sources. It was noted that this was included in the preliminary budget, but it could not be remembered how much was budgeted.

MOTION BY COUNCILMEMBER BROWN, SECONDED BY MAYOR MCCARTHY, TO TABLE THIS ISSUE UNTIL SPRING 2016.

Councilmember Reiter stated she would like a report on the remnant prairie plants that are growing in the area.

MOTION PASSED UNANIMOUSLY.

1300 RIVIERA AVENUE SOUTH ACCESSORY STRUCTURE PROJECT (8F)

City Clerk-Administrator Schuler explained that earlier in the year, the City Council approved a variance for a garage at 1300 Riviera Avenue South. The garage was to be built within one year. Mr. and Mrs. Riley have asked for a one-year extension for the building of the garage due to the discovery of a water line and utility easement running in the property where the garage had been planned. The water line and easement have made the original plan not feasible, so they need further time for research.

MOTION BY COUNCILMEMBER REITER, SECONDED BY MAYOR MCCARTHY, TO APPROVE RESOLUTION 2015-22, A RESOLUTION GRANTING EXTENSION TO VARIANCE 2015-06 TO BUILD A NEW GARAGE AND ALLOWING FOR A SECOND DRIVEWAY ACCESS AT 1300 RIVIERA AVENUE SOUTH.

Mayor McCarthy asked whether the fee could be waived if Mr. and Mrs. Riley needed to apply for a new variance for a new plan. Councilmember Reiter stated she would agree to waiving the fee, but not the expenses for mailings or if the city attorney and city engineer needed to be consulted.

Karen Riley reported that they discovered late that the water line ran crooked on the property and was under the location they had planned to build the garage. She asked if they could skip a second public hearing if they kept the same location but smaller dimensions to avoid the easement. They would still meet the same conditions. If their plan becomes substantially different, then they would re-apply. The City Council agreed

that using the same space, but smaller footprint to avoid the easement would not be a substantial difference, and Mr. and Mrs. Riley would not need to re-apply for a variance.

THE FOLLOWING ROLL CALL VOTE WAS TAKEN: UNKER – AYE, REITER – AYE, KLINE – AYE, BROWN – AYE, MCCARTHY – AYE.

Councilmember Unker asked that the Joint Powers Agreement for the Cable Commission be printed and have the issue on the December City Council meeting agenda.

COUNCIL/STAFF REPORTS Agenda Item 11

COUNCILMEMBER BROWN (11A)
Nothing further to report.

COUNCILMEMBER KLINE (11B)
Nothing further to report.

COUNCILMEMBER REITER (11C)
The WMO reviewed the Minimal Impact Design Standards (MIDS) ordinance. In 2016, they will be holding their meetings on the second Thursday of the month at 6:00 p.m.

COUNCILMEMBER UNKER (11D)
Jim Golden asked whether City Attorney Sandstrom could draft a letter inquiring about the status of meetings following Section 106. After a discussion regarding attorney fees, Councilmember Unker stated he would write a letter himself.

MAYOR MCCARTHY (11E)
Nothing further to report.

ADJOURNMENT Agenda Item 12

MOTION BY COUNCILMEMBER BROWN, SECONDED BY COUNCILMEMBER UNKER, TO ADJOURN THE CITY COUNCIL MEETING AT 9:45 P.M. MOTION PASSED UNANIMOUSLY.

Thomas McCarthy, Mayor

Susan Schuler, City Clerk-Administrator