

**CITY OF LAKE ST. CROIX BEACH  
16455 20<sup>TH</sup> STREET SOUTH  
WASHINGTON COUNTY, MINNESOTA**

**CITY COUNCIL MEETING**

**December 21, 2015**

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

**MEMBERS ABSENT:** Michelle Kline

**STAFF PRESENT:** John Parotti, Kevin Sandstrom, Susan Schuler, Amy Truhlar

**OTHERS PRESENT:** Becky Brewster, Mary Ashby, Mary Parr, Dolly Burns, Jon Place, Richard Glasgow, Lyle Merriman, Bob Swenson

**CALL TO ORDER** by Mayor McCarthy at 7:07

**PLEDGE OF ALLEGIANCE** was said.

**PUBLIC HEARING – TRUTH IN TAXATION**

**OPEN PUBLIC HEARING** by Mayor McCarthy at 7:08 p.m.

**RECEIVE COMMENTS FROM THE PUBLIC**

Lyle Merriman, 1281 Quinlan Avenue South, explained that he owns three lots, and his home sits on two of those lots. The third lot is to the west of the other two and is not buildable because it is too small for the zoning district. He noted that the vacant lot is taxed separately and is not homesteaded. The lot is being taxed at a very high value for a non-buildable lot. Councilmember Reiter suggested he contact City Hall to obtain the name and contact information for the assessor from Washington County for this area.

City Clerk-Administrator Susan Schuler pointed out that the preliminary levy was set with a 3.3% increase. The City Council has brought the levy down to a 0% increase. She noted that the city will be paying for tree trimming in the right-of-ways (ROW) this year. The cost for this, which was lower than anticipated, has been included in the budget. Although the city's levy was held to a 0% increase, the county's levy may increase causing resident's taxes to increase. Councilmember Reiter explained that a resident's taxes may also increase if the property value has increased. Mary Parr, a resident, noted that vacant lot values have seemed to increase at a very high rate for this year.

**CLOSE HEARING**

**MOTION BY COUNCILMEMBER BROWN, SECONDED BY  
COUNCILMEMBER REITER, TO CLOSE THE TRUTH IN TAXATION**

HEARING AT 7:18 P.M. MOTION PASSED, 4 AYES, 1 ABSENT (KLINE).

**REGULAR CITY COUNCIL MEETING**

**APPROVE AGENDA** Agenda Item 3

Councilmember Reiter asked to add Item 9A, Quote for Right-Of-Way Work.

**MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE THE AGENDA WITH THE ADDITION OF ITEM 9A, QUOTE FOR RIGHT-OF-WAY WORK. MOTION PASSED, 4 AYES, 1 ABSENT (KLINE).**

**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: REITER – AYE, BROWN – AYE, UNKER – AYE, KLINE – ABSENT, MCCARTHY – AYE.**

**MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON NOVEMBER 16, 2015 AS PRESENTED. MOTION PASSED, 4 AYES, 1 ABSENT (KLINE).**

**MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE THE FOLLOWING LICENSES FOR 2016: MARONEY SANITATION, INC.: GENERAL CORPORATION – GARBAGE HAULING; WASTE MANAGEMENT OF MINNESOTA: GENERAL CORPORATION – GARBAGE AND RECYCLE HAULING; HIGHLAND SANITATION: GENERAL CORPORATION – GARBAGE HAULING; BEACH BAR: LIQUOR ON-SALE, LIQUOR OFF-SALE, LIQUOR ON-SALE SUNDAY, OPTIONAL LIQUOR 2:00 A.M., CIGARETTE; FREEDOM STATION (ERICKSON OIL PRODUCTS): CIGARETTE. MOTION PASSED, 4 AYES, 1 ABSENT (KLINE).**

**MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE A CITY COUNCIL WORKSESSION TO BE HELD ON JANUARY 9, 2016 AT 9:00 A.M. MOTION PASSED, 4 AYES, 1 ABSENT (KLINE).**

**PUBLIC COMMENTS** Agenda Item 5

City Clerk-Administrator Schuler reported that she had received one written comment from Cricket Kohl, 1941 Quentin Avenue South, to be read into the record. Ms. Kohl complained that Councilmember Kline was using an electronic device during the November City Council meeting and not paying attention to the issues being discussed and voted upon. She suggested that the City Council should all put away their electronic devices during City Council meetings.

Mary Parr, 1430 Quasar Court South, noted that there are many houses in the city with missing or unreadable addresses. She pointed out that there is an ordinance regarding visibility of addresses, and the ordinance should be enforced. It was noted that this can also be a safety issue. City Attorney Kevin Sandstrom advised that it would be acceptable to use an administrative citation for these violations. A reminder of the requirements for addresses is included in most city newsletters. Deputy Fire Chief Jim Stanley added that when they have trouble reading addresses, he sends the homeowners reminders. He then checks on these addresses in approximately 30 days. If, after 30 days, there is still no fix, he will submit those addresses to city staff.

#### **PUBLIC SAFETY REPORTS** Agenda Item 6

Councilmember Brown reported 40 calls to law enforcement in the month of November. There were three citations issued. The animal report for November listed no calls, no warning letters sent, 2 lost dogs, 1 lost cat, and 0 animals found. Councilmember Unker noted all the calls to law enforcement for deer accidents. He asked if a "Deer Crossing" sign could be installed on St. Croix Trail South (CSAH 18). Possible locations for this type of sign were discussed. Mr. Stanley suggested that city staff contact the Washington County to determine who installs those signs. Mayor McCarthy noted that carcasses are left on the sides of roads for scavenging animals if there is not public safety issue.

Jim Stanley, Deputy Chief of the Lower St. Croix Valley Fire Department, reported 29 calls in November, 5 of which were in Lake St. Croix Beach. The new LED Fire Department sign is scheduled to be delivered approximately December 29, 2015. He will do the installation, and a licensed electrician will hook it up to the power which is already out to the sign. Schedules for CPR classes available to residents will be included in newsletters. Classes will be offered for free or for a small charge to cover expenses depending on which class is taken. Pete Granat, 17-year Fire District Board member and a 21-year firefighter, has retired effective immediately due to health issues.

City Clerk-Administrator Schuler asked if any fire inspections had been performed for the conditional use permits (CUPs). Mr. Stanley stated that no businesses have yet contacted him to schedule their inspections, but a successful fire inspection is a requirement of the CUP renewal. He will begin contacting the businesses soon.

There is no burn ban on recreational fires, which are fires that have logs at least 3 inches in diameter.

#### **CITY STAFF REPORTS** Agenda Item 7

##### **CITY ENGINEER PAROTTI (7A)**

John Parotti, City Engineer with SEH, reported that an application for payment was submitted by Zappa Brothers, Inc. for the work performed on the flood-damaged restoration Site #2. The work has been inspected and is completed. The application is for the exact amount as the bid stated, and City Engineer Parotti recommended payment as requested. Councilmember Reiter asked whether a portion of the payment should be withheld to ensure all work is completed correctly. Engineer Parotti explained that he is not recommending withholding any portion of payment as there are no future items to be completed by Zappa Brothers, Inc. He noted that the work must be completed in order to receive the reimbursement from the State of Minnesota.

**MOTION BY COUNCILMEMBER REITER, SECONDED BY MAYOR MCCARTHY, TO APPROVE PAYMENT IN THE AMOUNT OF \$84,381.60 TO ZAPPA BROTHERS, INC. FOR WORK PERFORMED ON RESTORATION SITE #2. MOTION PASSED, 4 AYES, 1 ABSENT (KLINE).**

City Engineer Parotti reminded everyone that planting work will be completed in the spring for an estimated cost of \$3,000 - \$4,000.

Mr. Parotti reported that he is working with staff regarding easements for the 22<sup>nd</sup> Street levee, and they have been making some progress. He sent a letter to Xcel Energy to schedule a meeting in January to discuss levee pole relocation.

**CITY ATTORNEY SANDSTROM (7B)**

Nothing further to report.

**CITY CLERK-ADMINISTRATOR SCHULER (7C)**

City Clerk-Administrator Schuler reported that there was a meeting to discuss changes to the draft ordinances for minimal impact design standards (MIDS). A list of building permits issued was included in the City Council meeting packets and will be included in the next newsletter. The city's phone lines have been switched over to Comcast, and the alarm system has been switched to CWS Securities. Applications for reimbursement for the grants for the restoration sites on the bluff will be submitted. Mayor McCarthy thanked everyone involved in the restoration projects on the bluff.

**DEPUTY CLERK-TREASURER TRUHLAR (7D)**

Deputy Clerk-Treasurer Amy Truhlar presented the bills for the month totaling \$132,917.91.64. This total included the annual payment for the fire department building and the payment to Zappa Brothers, Inc.

**MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE THE DISBURSEMENTS IN THE AMOUNT OF \$132,917.91 AND APPROVE ANY ADDITIONAL CLAIMS FOR 2015 THAT ARE RECEIVED BETWEEN NOW AND DECEMBER 31, 2015.**

Councilmember Unker asked about a receipt from John Bohnhoff for his CUP. City Clerk-Administrator Schuler reported that the city had received his payment, but had not received his paperwork. Councilmember Unker suggested the check should not have been cashed without the accompanying paperwork. It was noted that Mr. Bohnhoff has been deployed again and is currently not in the United States. Councilmember Unker noted that responsibilities at home for a rental property still need to be taken care of. Deputy Fire Chief Stanley reported that he has not inspected the property for at least 5 years, so he can not say whether the structure is suitable for rent. City staff added that the last report they had was that the property was not being rented as a duplex, but the owner wanted to keep the CUP in place to rent it in the future. Councilmember Brown stated he had contact information for Mr. Bohnhoff and would contact him. Councilmember Unker stated that the check has been cashed, so the city had 60 days. If paperwork is not

submitted within that time period and a fire inspection is not performed, the city should revoke his CUP and refund his money.

**MOTION PASSED, 3 AYES, 1 NAY (UNKER), 1 ABSENT (KLINE).**

City Clerk-Administrator Schuler reported that she had received a submission for per diem for 2014. Since she was not here in 2014, she did not feel comfortable approving this payment without City Council approval. The City Council agreed that it was owed and should be paid.

**NEW BUSINESS** Agenda Item 8

**2016 REGULAR CITY COUNCIL MEETING DATES (8A)**

Deputy Clerk-Treasurer Truhlar explained that the regular City Council meetings in 2016 would be held on the third Monday of the month except in January and February when the third Monday of the month falls on a holiday when no business may be conducted. She asked the City Council to determine whether to hold the January and February regular City Council meetings on the second Monday as they have done in most years or on the third Tuesday as they did last year. It was noted that videographer Don Fixmer is available on the second Monday of the month, but not on the third Tuesday.

**MOTION BY MAYOR MCCARTHY, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE THE SCHEDULE OF REGULAR CITY COUNCIL MEETINGS AS PRESENTED WITH THE JANUARY AND FEBRUARY MEETINGS BEING HELD ON THE SECOND MONDAYS OF THE MONTH. MOTION PASSED, 4 AYES, 1 ABSENT (KLINE).**

**2016 CITY LEVY AND BUDGET (8B)**

**MOTION BY COUNCILMEMBER REITER, SECONDED BY MAYOR MCCARTHY, TO APPROVE RESOLUTION 2015-23, A RESOLUTION APPROVING THE 2016 CITY TAX LEVY IN THE AMOUNT OF \$472,519. THE FOLLOWING ROLL CALL VOTE WAS TAKEN: REITER – AYE, BROWN – AYE, UNKER – AYE, KLINE – ABSENT, MCCARTHY – AYE.**

**MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE RESOLUTION 2015-24, A RESOLUTION APPROVING THE 2016 CITY BUDGET IN THE AMOUNT OF \$606,846. THE FOLLOWING ROLL CALL VOTE WAS TAKEN: REITER – AYE, BROWN – AYE, UNKER – AYE, KLINE – ABSENT, MCCARTHY – AYE.**

**UNFINISHED BUSINESS** Agenda Item 9

**QUOTE FOR RIGHT-OF-WAY TREE TRIMMING (9A)**

City Clerk-Administrator Schuler noted that this issue was tabled at the November City Council meeting to allow for another bid to be submitted. That bid was not submitted. One bid was submitted for the right-of-way (ROW) tree trimming from

Sav-A-Tree in the amount of \$17,759. It was noted that this amount was used for 2016 budgeting purposes.

**MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO ACCEPT THE BID FROM SAV-A-TREE FOR RIGHT-OF-WAY TREE TRIMMING IN THE AMOUNT OF \$18,000. MOTION PASSED, 4 AYES, 1 ABSENT (KLINE).**

**OTHER BUSINESS** Agenda Item 10

**CABLE COMMISSION** (10A)

**MOTION BY COUNCILMEMBER UNKER, SECONDED BY COUNCILMEMBER REITER, TO WITHDRAW FROM THE CABLE COMMISSION SO THE CITY CAN BECOME ITS OWN AUTHORITY TO ADMINISTER AND ENFORCE THE CABLE FRANCHISE AGREEMENT.**

Councilmember Unker stated he was unhappy with the Cable Commission and wanted to go in a different direction. He stated that he was very frustrated when he was on the Cable Commission. He noted that the Cable Commission can not appropriate funds before they are received by the city, and it is up to the City Council to determine how to use those funds. Councilmember Reiter asked when the current franchise agreement went into effect as she did not remember it being brought to the City Council for review with the City Attorney and approval.

Richard Glasgow, Chair of the Cable Commission, explained that the Cable Commission used to have an attorney, but they felt he was taking too large a portion of the money. Mr. Glasgow and Randy Kopesky, Co-Chair of the Cable Commission, negotiated the terms of the franchise agreement with Comcast.

Councilmember Unker noted that the city representative and city staff do not receive notifications of meetings or minutes of the meetings. He noted Councilmember Brown, the Cable Commission representative for the city, stated that there had been no meeting to approve the check issued to the city with the memo line: for fire sign. Mr. Glasgow stated the check was approved at a meeting early in the year, when all normal expenses for the entire year are approved. It was noted that this was a special disbursement, not a normal expense.

Councilmember Unker pointed out that the letter sent from the city when the check was returned asked for the minutes of the meeting when the disbursement was approved. Mr. Glasgow, who whited out the memo line on the check and then initialed it, stated that he did not see the letter. He reported that he was only told that the check was returned because the city was not happy with the memo on the check. Councilmember Reiter stated that the City Council was unhappy with the whole process of the disbursement, not just the memo line because there was no action to allow the special disbursement. Mr. Glasgow stated that meetings were held regarding this disbursement, and Councilmember Brown must not have been in attendance.

Councilmember Unker stated he still does not like the direction of the Cable Commission and thinks the city should withdraw. Mr. Glasgow stated that the city has the right to withdraw from the Cable Commission. He stated that the city is bound to the

franchise agreement, but if they want to withdraw from the Cable Commission, a letter should be sent to the commission stating the intent to withdraw. 18 months after the letter is sent, the withdrawal will become effective. He stated there were no advantages to withdrawing. Councilmember Reiter reported that the City Council should hear all the advantages and disadvantages to withdrawing before making the decision to do so. Mr. Glasgow then stated he did not like to be chastised. He felt that the City Council was bashing the Cable Commission and him, but he felt he had a good relationship with Mayor McCarthy, who he talks to often. He also felt that Councilmember Brown did a good job as a member of the Cable Commission.

**MOTION WITHDRAWN.**

City Clerk-Administrator Schuler asked what the City Council would like her to do with the check that was returned to the city with the memo line whited out. Councilmember Unker noted that Mayor McCarthy should not have brought the check back with the whited out memo line and told Clerk-Administrator Schuler to cash it. It was noted that a new check should have been issued. Mayor McCarthy stated that he thought the best thing to do was to white out the memo line and give the check back for the city to cash. Councilmember Unker stated that was not a decision for the mayor alone, but should have been decided upon by the entire City Council. Mayor McCarthy stated that he thought the best thing would be for the money to be deposited before the end of the year. Councilmember Reiter pointed out that those types of decisions can not be made by one member of the City Council alone. Mayor McCarthy stated that in order to get the money in the bank, he made the decision to have the memo line whited out. Councilmember Brown pointed out that the check is null and void at this point because it was issued over 90 days ago. Mayor McCarthy stated that the check belongs to the city and it should be deposited in the city's account. Mr. Glasgow stated that the check was not a special disbursement, but Councilmember Reiter noted that there was a statement with a column that showed it as a special disbursement, and Councilmember Unker asked why the city was not getting its entire funds. Mr. Glasgow stated that every check issued from the Cable Commission has preferred uses, but those uses are not binding. Mayor McCarthy asked if the check could be re-issued since it was already approved through the Cable Commission. Mr. Glasgow suggested the City Council direct the City Clerk-Administrator to send the check back with a letter requesting a new check, and it would be issued. Mayor McCarthy stated that the City Council could hold a meeting in January or February to discuss the advantages and disadvantages to remaining in the Cable Commission.

**COUNCIL/STAFF REPORTS** Agenda Item 11

**COUNCILMEMBER BROWN** (11A)

Nothing further to report.

**COUNCILMEMBER KLINE** (11B)

Absent.

**COUNCILMEMBER REITER** (11C)

Councilmember Reiter reported that the Middle St. Croix Water Management Organization did not meet, but there was a meeting regarding the draft MIDS ordinance at City Hall earlier in the month. After discussed changes are made, the draft ordinance will be sent to the Planning Commission for review. Councilmember Reiter reviewed some items that can now be recycled through Washington County at the Environmental Center including grocery, retail, and dry cleaning plastic bags; cereal and bread bags; holiday lights; extension cords; campaign and real estate signs with metal stands; and scrap metal such as pots and pans. Brochures are available at City Hall listing all these items. She noted that the hauler decides what they will accept, so Washington County is now accepting these items to help boost recycling rates.

**COUNCILMEMBER UNKER** (11D)

Nothing further to report.

**MAYOR MCCARTHY** (11E)

Nothing further to report.

**ADJOURNMENT** Agenda Item 12

**MOTION BY COUNCILMEMBER UNKER, SECONDED BY MAYOR MCCARTHY, TO ADJOURN THE CITY COUNCIL MEETING AT 8:22 P.M. MOTION PASSED, 4 AYES, 1 ABSENT (KLINE).**

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Thomas McCarthy, Mayor

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Susan Schuler, City Clerk-Administrator