

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

**CITY COUNCIL MEETING**

**February 8, 2016**

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

**MEMBERS ABSENT:** Cindie Reiter

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

**OTHERS PRESENT:** Mary Parr, Barb Kopp, Dolly Burns, Jennifer Sorenson

**CALL TO ORDER** by Mayor McCarthy at 7:40 p.m.

**PLEDGE OF ALLEGIANCE** was said at the Economic Development Authority meeting.

**APPROVE AGENDA** Agenda Item 3

**MOTION BY COUNCILMEMBER BROWN, SECONDED BY COUNCILMEMBER KLINE, TO APPROVE THE AGENDA AS PRESENTED. MOTION PASSED, 4 AYES, 1 ABSENT (REITER).**

**CONSENT AGENDA** Agenda Item 4

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

**MOTION BY COUNCILMEMBER KLINE, SECONDED BY MAYOR MCCARTHY, TO APPROVE THE MINUTES OF THE CITY COUNCIL WORKSESSION ON JANUARY 9, 2016 AS PRESENTED. MOTION PASSED, 4 AYES, 1 ABSENT (REITER).**

**MOTION BY COUNCILMEMBER KLINE, SECONDED BY MAYOR MCCARTHY, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON JANUARY 11, 2016 AS PRESENTED. MOTION PASSED, 4 AYES, 1 ABSENT (REITER).**

**MOTION BY COUNCILMEMBER KLINE, SECONDED BY MAYOR MCCARTHY, TO APPROVE THE EXPENDITURE OF \$485 FOR DEPUTY CLERK-TREASURER AMY TRUHLAR AND CITY CLERK-ADMINISTRATOR SUSAN SCHULER TO ATTEND THE MCFOA ANNUAL CONFERENCE (MARCH 15-18, 2016 IN ST. CLOUD) AND THE EXPENDITURE FOR THE**

**COST OF HOTEL ACCOMODATIONS. MOTION PASSED, 4 AYES, 1 ABSENT (REITER).**

**MOTION BY COUNCILMEMBER KLINE, SECONDED BY MAYOR MCCARTHY, TO APPROVE THE DONATION FROM AMERICAN LEGION POST 491 BAYPORT FOR GAMBLING PROCEEDS IN THE AMOUNT OF \$444.19. MOTION PASSED, 4 AYES, 1 ABSENT (REITER).**

**PUBLIC COMMENTS** Agenda Item 5

Jennifer Sorenson, area hydrologist for the Department of Natural Resources (DNR), noted that as part of her duties, she works with the St. Croix Riverway Land Use Program. She explained that she is a source of information, and a support for city staff to work with through variance applications and coordination of events. The DNR does conduct water monitoring projects, but they are not running the nitrate monitoring in Washington County. She suggested this could be the conservation or watershed district, and Washington County may be involved in monitoring the ground water. The local governmental units make the final determinations regarding land use, but the DNR's role is to comment and help the cities follow their ordinances.

**PUBLIC SAFETY REPORTS** Agenda Item 6

Councilmember Brown reported there were 29 calls to law enforcement in the month of January, and no citations were issued. The animal control report for January listed no calls and no warning letters sent. 4 dogs were reported lost, and 2 cats were reported found.

Jim Stanley, Deputy Chief of the Lower St. Croix Valley Fire Department, reported 31 calls in January. In 2015, Lake St. Croix Beach had 74 calls. 80% of those calls were medical calls, which is the national average. The Mason Trust was donated by an individual in Afton for education. Any surplus is to be used for unbudgeted items, and using this surplus, the fire department was able to purchase a battery-powered rescue tool (a battery-powered jaws of life). The current tool is operated with a hydraulic pump.

Mr. Stanley reported that the Washington County HRA helped them through the entire process of financing the new fire hall. With the help of the HRA, the fire department was able to secure a lower interest rate, saving approximately \$85,000 in interest over the life of the loan.

**CITY STAFF REPORTS** Agenda Item 7

**CITY ENGINEER PAROTTI** (7A)

John Parotti, City Engineer with SEH, reported that he met with city staff to review existing easement documents for the work that must be performed on the levees. They were able to locate draft easement documents from the 1990's. However, they were never fully executed or recorded. He also met with staff and representatives from Xcel Energy regarding utility pole relocation. Indications are that Xcel Energy will be willing to replace the poles due to the age of them. When replacing the poles, they will relocate them to the other side of the street. They will report back to the city by the end of February with a plan for relocation, an approximate cost, and how Xcel proposes those costs to be shared. Councilmembers expressed concern that the lights located on the east side of Riviera Avenue South help with the safety of the beach. It was noted that the poles that must be relocated are only on the Riviera Avenue levee (17<sup>th</sup> Street South to 19<sup>th</sup> Street South). There was discussion regarding underground lines. This option, however, can be quite costly. Overhead lines are easier to inspect, maintain, and replace.

City Engineer Parotti reminded the City Council of the Streets Capital Improvement Plan (CIP). He reported that St. Mary's Point is interested in reconstructing the roads that Lake St. Croix Beach has scheduled for reconstruction in 2016. These roads are shared with St. Mary's Point. If Lake St. Croix Beach is interested in reconstruction, St. Mary's Point is also ready to move forward. Lakeland Shores also has some reconstruction work planned, and the work could be bid together to obtain a better price because it will be a larger project. Mr. Parotti asked the City Council to provide him direction as to whether they would like to move forward with the reconstruction projects scheduled for 2016. Estimated cost is \$134,000. City Clerk-Administrator Susan Schuler noted that although the total amount in the Streets CIP fund will not be known until after the audit is performed, the City Council should make a decision on whether to obtain bids, as they can always decline to perform the work if the funds are not available. City Engineer Parotti explained that if the City Council authorized him to move forward, they would be authorizing approximately \$20,000 - \$25,000 in surveying work to be performed. The surveying would be done after the snow has melted. Even if the projects are combined, each city will be billed separately for the work done on their portion of the streets.

**MOTION BY COUNCILMEMBER KLINE, SECONDED BY COUNCILMEMBER BROWN, TO AUTHORIZE SEH TO PROCEED WITH SURVEYS AND BID DOCUMENT PREPARATION FOR THE 2016 AND 2017 STREETS CAPITAL IMPROVEMENT PLAN PROJECTS. MOTION PASSED, 4 AYES, 1 ABSENT (REITER).**

City Engineer Parotti stated he would provide regular updates as the project moved forward. He noted that there will be several times the City Council will be able to stop work or decide not to move forward.

The Valley Branch Watershed District has been working on the process of making adjustments to their hydrologic and jurisdictional boundaries. They have been coordinating with the Middle St. Croix Water Management Organization (WMO). The Valley Branch Watershed District has finalized their hydrologic boundary and agreed to this with the adjacent watershed districts and WMOs. They will use the hydrologic boundary to define and agree to the legal boundaries. The process will take several more months to complete.

**CITY ATTORNEY SANDSTROM (7B)**

City Attorney Kevin Sandstrom apologized for his tardiness. The criminal prosecution case of Mr. Curtis Hanson is wrapped up. Mr. Hanson is essentially on probation at this time. A court order is in place requiring him to remain code-compliant and law-abiding as part of his sentence. City Attorney Sandstrom will make contact with Mr. Hanson's attorney to ensure compliance.

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

City Clerk-Administrator Schuler reported that the tree trimming in the right-of-ways has been started. Line-of-sight issues are being addressed first. The work will continue as weather permits. She reviewed some goals that she has established for 2016 including completion of bluff restoration site #2, completion of recodification, lower the community rating system point total for the city (which will lower residents' flood

insurance rates), information packets for new residents, a complete inventory of city-owned items, update property files, and identify and apply for grants for various items for the city. The Planning Commission has been sworn in and will hold a workshop on Wednesday, February 17, 2016 at 5:00 p.m. to discuss the Riverway ordinance. A worksession will be held on Monday, February 29, 2016 with the City Council and Planning Commission at 5:00 p.m. to discuss the proposed minimal impact design standards (MIDS) ordinance amendments.

City Clerk/Administrator Schuler asked to have a worksession with the City Council and the Cable Commission to discuss the proposed channel changes and get City Councilmember questions answered. Councilmember Kline suggested that if members had questions for the Cable Commission, they should attend the meeting rather than hold a worksession here. If people are unable to attend the meeting, she suggested they put the questions in writing and submit them to the Cable Commission. Councilmember Brown stated he could take the questions to the Cable Commission.

City Clerk-Administrator Schuler requested a worksession for the City Council to review all the Joint Powers Agreements (JPAs) in which the city is involved. This will help all City Councilmembers understand the city's responsibility in each JPA. She suggested possibly April or May for this worksession.

There was discussion regarding the fire inspection for the conditional use permits (CUPs), and the CUP for 1936 Racine Avenue South. There has been no communication from the property owner regarding the CUP. City Attorney Sandstrom pointed out that generally a CUP remains in place unless there is a violation causing the city to revoke it. Since the city requires properties to be inspected every year, it could be considered not in compliance, but formal action would need to be taken to revoke the CUP.

Mayor McCarthy stated that there is no business operating at Nails, Etc. (1980 Quasar Avenue South), but the sign is still there, and vehicles are being parked at the property. He asked whether this was still allowed. City Attorney Sandstrom cited a court case concerning a business with a sign that was allowed by variance, a CUP, and was grandfathered. The business closed for a period of time, and the court needed to determine whether that sign could continue being used because of the business closure. Mayor McCarthy stated he was not concerned with the main business sign, but he wondered if the city could require the temporary banners on the property to be removed.

**MOTION BY COUNCILMEMBER UNKER, SECONDED BY COUNCILMEMBER KLINE, TO REVOKE THE CONDITIONAL USE PERMIT FOR 1936 RACINE AVENUE SOUTH DUE TO NON-COMPLIANCE WITH THE CITY'S FIRE INSPECTION REQUIREMENTS. MOTION PASSED, 3 AYES, 1 NAY (BROWN), 1 ABSENT (REITER).**

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

Deputy Clerk-Treasurer Amy Truhlar was not in attendance at the meeting due to an out-of-town funeral of a family member. City Clerk-Administrator Schuler gave the treasurer report in her absence. The disbursements for February totaled \$57,090.30. This total included \$13,768.75 for fire protection services for the first quarter of 2016 and \$31,033.92 for law enforcement services for July – December of 2015. City Hall will be closed Monday, February 15, 2016 in observance of Presidents' Day.

Councilmember Unker noted that there was a claim for a locksmith and asked what that was for. City Clerk-Administrator Schuler explained that a key was found for her office in the City Council chambers. Therefore, the lock was rekeyed. All other locks were rekeyed when she started.

Councilmember Unker stated that he had spoken with someone from the League of Minnesota Cities because he had a general concern about a person becoming injured while volunteering for the city. The city's insurance coverage does now cover that type of injury so the city is not liable if someone were to be injured while performing volunteer work for the city.

**MOTION BY COUNCILMEMBER BROWN, SECONDED BY COUNCILMEMBER KLINE, TO APPROVE THE BILLS AS PRESENTED IN THE AMOUNT OF \$57,090.30. MOTION PASSED, 4 AYES, 1 ABSENT (REITER).**

**NEW BUSINESS** Agenda Item 8

**RESOLUTION 2016-04, A RESOLUTION SUPPORTING PROPOSED LEGISLATION TO AUTHORIZE THE COUNTY OF WASHINGTON TO CONFER ECONOMIC DEVELOPMENT POWERS UPON THE WASHINGTON COUNTY HOUSING AND REDEVELOPMENT AUTHORITY (8A)**

**MOTION BY COUNCILMEMBER BROWN, SECONDED BY MAYOR MCCARTHY, TO APPROVE RESOLUTION 2016-04, A RESOLUTION SUPPORTING PROPOSED LEGISLATION TO AUTHORIZE THE COUNTY OF WASHINGTON TO CONFER ECONOMIC DEVELOPMENT POWERS UPON THE WASHINGTON COUNTY HOUSING AND REDEVELOPMENT AUTHORITY. THE FOLLOWING ROLL CALL VOTE WAS TAKEN: UNKER – AYE, KLINE – AYE, BROWN – AYE, REITER – ABSENT, MCCARTHY – AYE.**

**AGREEMENT BETWEEN WASHINGTON CONSERVATION DISTRICT AND THE CITY OF LAKE ST. CROIX BEACH (8B)**

City Clerk-Administrator Schuler explained that some additional funding is coming from a grant for the bluffland. Mike Isensee, administrator for the WMO, suggested creating a betterment and maintenance plan for planting on the bluff. The agreement sets forth the work to be performed under the plan. The source of the funding is also laid out in the agreement.

**MOTION BY COUNCILMEMBER KLINE, SECONDED BY MAYOR MCCARTHY, TO APPROVE THE AGREEMENT BETWEEN THE WASHINGTON CONSERVATION DISTRICT AND THE CITY OF LAKE ST. CROIX BEACH TO MAINTAIN NATIVE VEGETATION ON THE LAKE ST. CROIX BEACH SHORELINE STABILIZATION AND RESTORATION PROJECT. MOTION PASSED, 4 AYES, 1 ABSENT (REITER).**

**CITY COUNCIL MEETING PROTOCOL AND CITY COUNCIL CODE OF CONDUCT (8C & 8D)**

**MOTION BY COUNCILMEMBER BROWN, SECONDED BY MAYOR MCCARTHY, TO TABLE THE CITY COUNCIL MEETING PROTOCOL AND CITY COUNCIL CODE OF CONDUCT UNTIL A WORKSHOP CAN BE HELD TO DISCUSS THESE ITEMS. MOTION PASSED, 4 AYES, 1 ABSENT (REITER).**

**UNFINISHED BUSINESS** Agenda Item 9

**CABLE COMMISSION (9A)**

Councilmember Unker noted that the city received information requested from the Cable Commission. He stated that it was reassuring to hear that the Cable Commission is holding meetings again, but it was not reassuring that not everyone was notified of the meetings. He echoed Councilmember Reiter's suggestion that all committee/commission minutes be submitted for the City Council packets. It was reported that the next meeting will be held on March 2, 2016 at 6:00 p.m. at Lakeland City Hall.

**MOTION BY COUNCILMEMBER UNKER, SECONDED BY MAYOR MCCARTHY, TO TABLE THIS AGENDA ITEM UNTIL THE NEXT MEETING. MOTION PASSED, 4 AYES, 1 ABSENT (REITER).**

**COUNCIL/STAFF REPORTS** Agenda Item 11

**COUNCILMEMBER BROWN (11A)**

Councilmember Brown attended the Cable Commission on February 3, 2016. The Cable Commission has come up with four options for the 4 cable channels currently operating: cancel the agreement saving the five cities \$16,000 - \$21,000 per year; continue with the agreement costing \$16,000 - \$21,000 per year; institute a peg fee of approximately \$1.50 per cable subscriber per month which would cover the \$16,000 - \$21,000 per year; or attempt to negotiate a lower agreement fee. Nothing has been decided at this time.

**COUNCILMEMBER KLINE (11B)**

The Park Commission will meet on Tuesday, February 9, 2016.

**COUNCILMEMBER REITER (11C)**

Absent.

**COUNCILMEMBER UNKER (11D)**

Nothing further to report.

**MAYOR MCCARTHY (11E)**

There is enough money saved from donations to purchase another flagpole for the Veterans' Memorial. Sentenced-To-Service (STS) shoveled out all the fire hydrants last week when they were here. He attended the Planning Commission meeting and the January WMO meeting.

Mary Parr, representative to the Yellow Ribbon Alliance of the Lower Sr. Croix Valley, reported that the Yellow Ribbon Alliance is trying to get their own non-profit

status from the Internal Revenue Service (IRS). In order to use any donated funds at this time, the donation must come through Washington County Yellow Ribbon. The first step in the process has been completed. Their next meeting will be held on Tuesday, February 9, 2016.

**ADJOURNMENT** Agenda Item 12

**MOTION BY COUNCILMEMBER BROWN, SECONDED BY COUNCILMEMBER KLINE, TO ADJOURN THE CITY COUNCIL MEETING AT 9:20 P.M. MOTION PASSED, 4 AYES, 1 ABSENT (REITER).**

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Thomas McCarthy, Mayor

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Susan Schuler, City Clerk-Administrator