

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

**CITY COUNCIL MEETING**

**September 21, 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:** Dolly Burns, Kris Peterson, Nancy Truax, Jim Golden, Jon Place, Bob Swenson

**CALL TO ORDER** by Mayor McCarthy at 7:05 p.m.

**PLEDGE OF ALLEGIANCE** was said.

**APPROVE AGENDA** Agenda Item 3

Councilmember Unker asked to add Item 9A, Afton Wastewater Treatment System to the agenda.

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

**CONSENT AGENDA** Agenda Item 4

Councilmember Reiter asked to remove Item A, approval of the August 17, 2015 City Council meeting minutes from the Consent Agenda, and move it to Item 9B. Councilmember Unker asked whether this could be changed when the agenda was already approved. City Attorney Sandstrom explained that items from the Consent Agenda could be moved after the agenda was approved.

Councilmember Reiter asked whether the city had been approached by someone from Great River Greening about the native prairie burn that was discussed at the Special City Council meeting on September 8, 2015. It was reported that Bruce Albrecht had been at the meeting and had asked that the item be added to the budget.

**MOTION BY COUNCILMEMBER REITER, SECONDED BY  
COUNCILMEMBER BROWN, TO APPROVE THE CONSENT AGENDA AS  
AMENDED, WITHOUT ITEM A. THE FOLLOWING ROLL CALL VOTE WAS  
TAKEN: BROWN – AYE, KLINE – AYE, REITER – AYE, UNKER – AYE,  
MCCARTHY – AYE.**

**MOTION BY COUNCILMEMBER REITER, SECONDED BY  
COUNCILMEMBER BROWN, TO APPROVE THE MINUTES OF THE**

**SPECIAL CITY COUNCIL MEETING ON SEPTEMBER 8, 2015 AS PRESENTED. MOTION PASSED UNANIMOUSLY.**

**MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPOINT BECKY BREWSTER TO THE ENVIRONMENTAL ADVISORY COMMISSION. MOTION PASSED UNANIMOUSLY.**

**PUBLIC COMMENTS** Agenda Item 5

There were no comments from the public.

**PUBLIC SAFETY REPORTS** Agenda Item 6

Councilmember Brown reported there were 47 calls to law enforcement in the month of August, and 6 citations were issued. The animal control report for the month of August listed one warning letter sent. 1 dog was reported lost, and 1 cat was reported found.

Kris Peterson, Chief of the Lower St. Croix Valley Fire Protection District, reported 47 calls in August, 13 of which were in Lake St. Croix Beach. He stated that in October, fall burn restrictions are usually put in place. The fire department will keep the city informed of any restrictions.

**CITY STAFF REPORTS** Agenda Item 7

**CITY ENGINEER PAROTTI** (7A)

John Parotti, City Engineer with SEH, reported that of 4 requests for bids he sent, he only received one response for the work on Flood Damage Restoration on Site #2. The bid was from the Zappa Brothers, who performed the work on Site #1. Although the bid was for \$84,381.60, City Engineer Parotti recommended adding 10% for possible unforeseen expenditures so work can continue without interruption. He suggested approving a total amount of \$103,300.

**MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER KLINE, TO APPROVE THE BID FROM ZAPPA BROTHERS IN THE AMOUNT OF \$84,381.60 PLUS 10% FOR POTENTIAL CONSTRUCTION OVERRUNS FOR A TOTAL OF \$92,819.76 AND THAT THE CONTRACT BE DRAFTED BY CITY STAFF.**

City Engineer Parotti pointed out that in the spring of 2016, additional plantings will need to be done on the site to complete the project. The estimated amount for these plantings is approximately \$3,000. This is not included in the bid by Zappa Brothers.

**MOTION PASSED UNANIMOUSLY.**

**CITY ATTORNEY SANDSTROM**(7B)

City Attorney Sandstrom provided an update on the resident living in an RV on a vacant lot in the city. A September court date was set and missed by the resident. A new hearing has been set for October. In August, discussions with the resident's attorney suggested that the resident would clear the property by September. New discussions with the resident's attorney indicate that the resident is working on a plan for himself and for

the property, which include moving to an RV park. He wanted to know if belongings could be temporarily stored on the property with screening. City Attorney Sandstrom recommended not allowing this.

Councilmember Brown noted that the City Council did not owe this resident anything and was concerned that belongings left on the property would be a permanent refuse pile. Councilmember Reiter agreed and stated that the resident should try to sell the property to an adjoining neighbor. Something could possibly be worked out with the buyer of the property for the storage of items properly screened.

It was noted that there were two boats being stored on the property, and Councilmember Unker asked if they had current licenses. City ordinances allow for the storage of two boats on a property as long as they have current licenses.

Councilmember Unker reported that he attended St. Mary's Point City Council meeting and asked them to consider covering half of the costs incurred to fight the Afton Wastewater Treatment System project when City Attorney Sandstrom prepared for and attended the Citizens' Board Meeting. He stated that they seemed inclined to pay for half of those costs. City Attorney Sandstrom stated he would have the additional costs totaled before the next St. Mary's Point City Council meeting. He added that costs had been billed to both cities on an equal basis up until the past few months when he started preparing for and attending the hearing. He pointed out that he had been directed by the Lake St. Croix Beach City Council to do that work, but not by the St. Mary's Point City Council.

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

City Clerk-Administrator Susan Schuler reported that she had sent the City Council a letter received from the Met Council regarding their Thrive MSP 2040. The city now has nine months to file for an amendment to their policies. City Engineer Parotti noted that the last update to the Comprehensive (Comp) Plan was in 2008. The City Council took the lead on the majority of the Comp Plan writing. City Engineer Parotti helped with some map preparation and with the local surface water management plan. Councilmember Reiter noted that there was a committee set up for the last Comp Plan update. The committee consisted of two City Councilmembers, Linda O'Donnell, as the former City Clerk-Administrator, the City Clerk-Administrator, and Nancy Truax. Janet Simonson, a City Councilmember at the time, had a significant role in the creation of the local surface water management plan. City Clerk-Administrator Schuler suggested contacting the previous committee members to gauge interest in assistance this time. Ms. Truax noted that the Planning Commission should be involved in the process as well.

Ms. Schuler reported that she has meetings set up with Waste Management and Maroney's Sanitation representatives to discuss options for Clean-Up Day. She will also be meeting with Matt Kline, Lakeland Water Utility, to discuss how Lakeland's Clean-Up Day is run. Councilmember Reiter noted that the Environmental Advisory Commission had discussed a 4-city Joint Powers Agreement for recycling and a 4-city Clean-Up Day.

City Clerk-Administrator Schuler explained that she met with the animal control officer, Kathi Pelnar. The city's annual retainer fee for animal control is \$600. There is a \$50 per call charge plus expenses. Ms. Pelnar has been the animal control officer for Lake St. Croix Beach and neighboring cities for over 20 years. She uses her own equipment for calls, carries her own insurance, and attends trainings at her cost. She

attends trainings annually as required by law and to retain her animal control officer certification. Her posted office hours are 7:30 a.m. – 7:30 p.m., but she is available 24 hours per day for emergency calls. Ms. Schuler would like to adopt an animal control policy and reconsider the licensing process. She suggested changing the licensing process so that a pet would keep the same tag throughout its lifetime with an annual fee and proof of rabies vaccination required. There was discussion regarding costs for this and the process.

At the August City Council meeting, responsibility for inspections of stormwater ponds and other drainage structures was discussed. City Clerk-Administrator Schuler asked how it was handled when SEH performed the inspections in the past. City Engineer Parotti explained that the inspections were done annually in the spring. A report would be given to the City Clerk-Administrator noting any maintenance needed. Usually the work needed would include mowing and small tree removal. Not a lot of work was done on the culverts by the city engineer. He stated that inspection forms were created when the City Council took over the inspections in 2008 or 2009. At the time, it was the intent of the City Council to assign the duty to a City Councilmember or a volunteer using the forms. City Engineer Parotti reported that he had contacted the city's contractor, Miller Excavating, about cleaning out the drainage structures. The work has still not been performed. He also stated that logs of inspections performed should be kept annually.

When trying to notify residents of non-compliance with right-of-way (ROW) ordinances, City Clerk-Administrator Schuler has run into a problem of not knowing mailing addresses when residents have post office boxes. Due to privacy issues, there is no way to get those addresses. She has a meeting with Washington County Sheriff's Department to discuss code enforcement duties. They may be able to help notify residents. She noted that the post office also can not give mailing addresses. The cost to clear vegetation from the ROWs can be assessed, but residents must first be notified that they will be assessed the cost before the assessment can take place.

City Clerk-Administrator Schuler recommended appointing Nancy Truax as a back-up for the Middle St. Croix Water Management Organization (WMO) when City Councilmembers are not available for the meeting. She explained that as an employee of the city, she is not allowed to vote on matters before the WMO. It was noted that appointments are made by the Mayor and approved by the City Council. Mayor McCarthy recommended appointing Nancy Truax as an alternate to the WMO if a Councilmember is unable to attend.

**MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER KLINE, TO APPROVE MAYOR MCCARTHY'S RECOMMENDATION TO APPOINT NANCY TRUAX AS AN ALTERNATE TO THE WMO. MOTION PASSED UNANIMOUSLY.**

There are requirements for levee work that need to be considered in the budget. City Engineer Parotti noted that one more easement needs to be obtained, and some routine maintenance needs to be done. The light poles on the Riviera Avenue levee need to be moved. Conversations will need to be held with Xcel Energy and the City Attorney regarding who will have the responsibility to cover the costs of the relocation. In most cases, the light poles will be moved to the west side of Riviera Avenue South.

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

Deputy Clerk-Treasurer Amy Truhlar explained that there were some printer problems at City Hall earlier, and she had not been able to print checks or updated disbursements lists. She noted that by taking the disbursement list (a list of bills paid so far in the month) provided to the City Council last week and the claims list (a list of bills still needing to be paid), they could arrive at a total of \$55,839.09 for the monthly bills.

**MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE THE BILLS AS PRESENTED IN THE AMOUNT OF \$55,839.09.**

Councilmember Reiter asked whether the Ludwig's project was completed, as a reimbursement to them was listed on the claims list. This project has not been completed, and she suggested that in the future, reimbursements should be held until the project is completed in case extra City Engineer or City Attorney work is needed.

**MOTION PASSED UNANIMOUSLY.**

**NEW BUSINESS** Agenda Item 8

**LICENSES FOR ST. FRANCIS OF ASSISI CHURCH (8A)**

It was noted that a license for lawful gambling and for a temporary liquor license was for the Fall Festival held at St. Francis of Assisi Church.

**MOTION BY COUNCILMEMBER BROWN, SECONDED BY COUNCILMEMBER REITER, TO APPROVE THE APPLICATION AND PERMIT FOR A 1 DAY TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE FOR ST. FRANCIS OF ASSISI CATHOLIC CHURCH. MOTION PASSED UNANIMOUSLY.**

**MOTION BY COUNCILMEMBER BROWN, SECONDED BY COUNCILMEMBER REITER, TO APPROVE THE APPLICATION FOR EXEMPT PERMIT FOR RAFFLES AND BINGO FOR ST. FRANCIS OF ASSISI CATHOLIC CHURCH. MOTION PASSED UNANIMOUSLY.**

**LITTLE FREE LIBRARY PROPOSAL – NANCY TRUAX(8B)**

Nancy Truax, Planning Commission member, explained that she would like to donate a free, little library to the city. The free little library program was created by an alumni of Stillwater Area High School, who now lives in Hudson, Wisconsin. In order to be listed on the official website and a directory of the libraries, someone must be listed as the steward of the library. She was willing to be that person. Ms. Truax explained that she would donate the free little library, and it would be painted by Kopp Sign. It is a "take a book, leave a book" program. One of the steward's jobs is to monitor the books to ensure nothing controversial is left. She asked permission to place the free little library outside of City Hall next to the tree at the end of the front parking lot.

**MOTION BY MAYOR MCCARTHY, SECONDED BY COUNCILMEMBER KLINE, TO APPROVE THE PLANNING COMMISSION RECOMMENDATION TO ALLOW NANCY TRUAX TO**

**PLACE A LITTLE FREE LIBRARY ON CITY PROPERTY OUTSIDE OF CITY HALL NEXT TO THE TREE AT THE WEST END OF THE FRONT PARKING LOT. MOTION PASSED UNANIMOUSLY.**

City Clerk-Administrator Schuler asked if a resolution needed to be approved as this would be accepting a donation. City Attorney Sandstrom stated that it would be appropriate to have a written resolution to have a written record of the donation. The resolution should also lay out the terms and expectations for the library.

**2016 BUDGET (8C)**

City Clerk-Administrator Schuler reported that after the Special City Council meeting, with the changes made to the preliminary budget, there was a 4% increase to the levy. Councilmember Reiter noted that in the event of a flood, any money the city budgets for floods must be used before the city can receive any reimbursements. She expressed concern that the levee maintenance line, with \$8,000, would fall under that category. The city would then need to use not only the \$5,000 budget for erosion and flood control, but also the \$8,000 for levee maintenance. She proposed increasing the erosion and flood control line-item to \$8,000 and eliminating the levee maintenance line. It was noted that the \$8,000 was budgeted for removing stumps on the levee as required by the Army Corps of Engineers (ACOE). The money can be used for levee maintenance and still be considered money spent in flood control. City Clerk-Administrator Schuler reported this change would drop the preliminary levy to an increase of 3%. She pointed out that the City Council could continue to lower the budget until the city certified the final budget in December.

City Clerk-Administrator Schuler noted that she would have a more accurate number for ROW issues once she obtains bids. She will be meeting with contractors later this week.

Rather than a separate line-item of \$10,000 for park improvements, which was intended to be used for items such as new swim buoys, a new roof for the city garage, and replacement of the drinking fountain, the park maintenance and supplies line-item was increased to \$20,000. Councilmember Reiter asked for an itemized list for which the additional money would be used.

After changes, the preliminary levy was \$485,369, and the preliminary budget was \$619,696.

**MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER BROWN, TO APPROVE RESOLUTION 2015-21, A RESOLUTION APPROVING THE PROPOSED 2016 CITY BUDGET AND TAX LEVY. THE FOLLOWING ROLL CALL VOTE WAS TAKEN: BROWN – AYE, KLINE – AYE, REITER – AYE, UNKER – AYE, MCCARTHY – AYE.**

**FLEX TIME POLICY – CHANGE TO PERSONNEL POLICY (8D)**

Councilmember Brown explained that the Flex Time Policy in the Personnel Policy was not clear. Proposed language was brought to the Personnel Committee for clarity. It was noted that this portion of the Personnel Policy was in regards to salaried workers when they worked over 40 hours per week. Councilmember Reiter reported that in 2016, laws will change so that any salaried worker will be clipped at 50 hours per

week. Another section was suggested stating that the City Clerk-Administrator and the Mayor will write procedures regarding how absences and time off will be communicated. The procedures will be provided to the City Council for approval.

There was discussion regarding a time clock and how employee hours are tracked.

City Attorney Sandstrom stated that the statement regarding the procedures for flex time did not need to be included in the Personnel Policy. When the policy is written and approved by the City Council, the policy will be included in the Personnel Policy.

#### **BLACKTOPPING QUOTE** (8E)

Mayor McCarthy explained that he had received some complaints that the blacktopping around the City Hall building was not level. He obtained a quote for leveling it out. However there was not agreement that this was needed, so the quote was not voted upon.

### **UNFINISHED BUSINESS** Agenda Item 9

#### **AFTON WASTEWATER TREATMENT SYSTEM** (9A)

Jim Golden asked that Lake St. Croix Beach and St. Mary's Point send letters to the Minnesota Pollution Control Agency (MPCA) requesting to participate as consulting parties under the Section 106 review for the City of Afton Wastewater Collection and Treatment System. This will keep the cities in the loop for information regarding findings and determinations made during the Section 106 process. He explained that since Afton has received federal money for the project, they must follow federal guidelines. The Section 106 process is one of those guidelines. Usually the MPCA would be undertaking the Section 106 review, but the MPCA has handed that responsibility off to the City of Afton. They must still report their findings to the MPCA. Mr. Golden reported that since the City of Lake St. Croix Beach and the City of St. Mary's Point have a record of interest in the project, they can be consulting parties in the Section 106 review.

He provided the City Council with information regarding the kinds of artifacts that have been found in the downtown Afton area where the pipes will be laid. City Attorney Sandstrom stated that he was not an expert on this law, but the city could appoint someone to be its representative for this purpose. Councilmember Unker agreed to be the representative for the city. City Attorney Sandstrom explained that the City of Afton must consult with the Indian tribes and any other party considered to be a consulting party in the process. When Afton meets with the Indian tribes all consulting parties would be involved in the meeting. The City would not be representing the tribes, but the city would be involved in the meeting to ensure that the process is being completed correctly. Local governments have the right to be involved as consulting parties. If the City decides it would like to be a consulting party, the City Attorney would draft a letter to the MPCA and the City of Afton requesting this status.

City Clerk-Administrator Schuler reported that she received an update from Afton City Administrator Ron Morse on the project. The Department of Natural Resources (DNR) has approved a permit to the City of Afton to cross Valley Creek which allows a wastewater force main, a pipe that will transport wastewater from the downtown Afton area to the Wastewater Treatment System, to be directionally drilled 7 – 10 feet under the bed of Valley Creek. The City of Afton has submitted final documentation necessary to

enable the MPCA to issue the permit for the Facility Plan for the wastewater collection and treatment system. The State Archeologist has provided final approval of the City's revised plan to avoid impacts to an effigy mound in the Afton downtown area.

Jon Place stated that the drilling through the effigy mound was not revealed until after the Citizens' Board Meeting. He felt this was not ethical, and that is why it is important to continue to gather information. Mr. Golden stated the information provided by Mr. Morse was not complete information. He also stated that the City of Afton does not have final approval, but only one signature. The Section 106 review has not been completed. There was discussion of where the effigy mound is located, which is in downtown Afton.

**MOTION BY COUNCILMEMBER UNKER, SECONDED BY COUNCILMEMBER KLINE, TO DIRECT THE CITY ATTORNEY TO DRAFT A LETTER REQUESTING THE CITY OF LAKE ST. CROIX BEACH TO PARTICIPATE AS A CONSULTING PARTY UNDER THE SECTION 106 REVIEW FOR THE CITY OF AFTON WASTEWATER COLLECTION AND TREATMENT SYSTEM AND DESIGNATE COUNCILMEMBER UNKER AS THE CITY'S REPRESENTATIVE FOR THIS PURPOSE.**

City Attorney Sandstrom estimated that it would take approximately one half to three quarters of an hour to draft the letter. He did not know what to expect after the letter was submitted. Mr. Golden asked if City Attorney Sandstrom could draft a letter like this for St. Mary's Point as well. Councilmember Unker stated he would attend the next St. Mary's Point City Council Meeting and ask them to become a consulting party as well. Councilmembers Reiter and Brown had concerns regarding this because this relates to Afton City property. None of the pipes will be crossing through Lake St. Croix Beach. Mr. Golden stated that the Section 106 review is not just for the effigy mound area, but for the entire system. He urged the City Council to be involved in the process so they can learn the real facts, not just what the City of Afton says. He also stated that the City of Afton has not notified any of the Indian tribes as they were supposed to do, so the tribes are not aware of the fact that the work will be done so close to the effigy mound.

**MOTION PASSED UNANIMOUSLY.**

**AUGUST 17, 2015 CITY COUNCIL MINUTES (9B)**

Councilmember Reiter asked for clarity regarding Mr. Peters' statement that the flood damage repair would only be reimbursed at completion of the project. She pointed out that when Mr. Peters first reported to the City Council on this reimbursement program, he had told them that they would be reimbursed for Site #1 before moving on to Site #2. She expressed concern that they were not given the correct information. City Clerk-Administrator Schuler reported that she had been told that the reimbursement had been applied for. Councilmember Reiter also stated that complaints should be handled uniformly regardless of who complained or who was complained about.

**MOTION BY COUNCILMEMBER REITER, SECONDED BY COUNCILMEMBER UNKER, TO APPROVE THE MINUTES OF THE**

**REGULAR CITY COUNCIL MEETING ON AUGUST 17, 2015. MOTION PASSED UNANIMOUSLY.**

**OTHER BUSINESS** Agenda Item 10

**CITY CLERK-ADMINISTRATOR PERFORMANCE EVALUATION** (10A)

City Clerk-Administrator Schuler explained that the Personnel Committee had reviewed and recommended an evaluation form for the City Clerk-Administrator's performance evaluation. Committee member Sievert provided materials giving recommendations on creating measurable goals that the Personnel Committee wanted the City Council to have. These materials were included in the City Council meeting packets. Short and long-term goals were recommended to help the City Council determine whether goals were met and to include priority-based goals. Councilmember Reiter asked whether statutory duties were included in the goals, as they could be considered requirements, not goals. She asked whether the goals were on top of the statutory functions of the position. City Clerk-Administrator Schuler stated goals would include both goals and statutory duties. Councilmember Reiter left the meeting after this discussion.

It was noted that when scoring, specific examples should be used to explain the reason a score was given. The City Council will fill out the forms individually, and then meet to come to a consensus on the scoring.

**MOTION BY COUNCILMEMBER BROWN, SECONDED BY COUNCILMEMBER KLINE, THAT THE CITY COUNCIL USE THE EVALUATION FORM AS RECOMMENDED BY THE PERSONNEL COMMITTEE. MOTION PASSED, 4 AYES, 1 ABSENT (REITER).**

**COUNCIL/STAFF REPORTS** Agenda Item 11

**COUNCILMEMBER BROWN** (11A)

Nothing further to report.

**COUNCILMEMBER KLINE** (11B)

Nothing further to report.

**COUNCILMEMBER REITER** (11C)

Absent.

**COUNCILMEMBER UNKER** (11D)

Nothing further to report.

**MAYOR MCCARTHY** (11E)

Mayor McCarthy reminded everyone that there will be a Flea Market at Pettitt Park on Saturday, September 26, 2015. Proceeds from the booth rental fees will benefit the Playground Fund. Brush Day is Saturday, October 3, 2015.

**ADJOURNMENT** Agenda Item 12

**MOTION BY COUNCILMEMBER UNKER, SECONDED BY MAYOR MCCARTHY, TO ADJOURN THE CITY COUNCIL MEETING AT 9:44 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