



City of Medicine Lake

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July 1, 2019

City of Medicine Lake Council Minutes

Present: Mayor Scott Marks; Councilors Jack Garberg, Ron Tomczik, Chris Heim and Stephen Anderson; Treasurer Craig Kile; City Clerk Nancy Pauly; Fire Chief Rich Halvorsen; Public Works Superintendent Chris Klar; Bassett Creek Watershed Commissioner Clint Carlson; City Planner Brad Scheib.

Absent: no one.

Miscellaneous attendees: Susan Wiese, Bert and Gail Martinez, Sue Enright, Paul Samson, Gary Holter, Kari Hawkins, Les and Mary Anne Young, Larry Berger, Beth Marks.

Mayor Marks called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

Minutes and Agenda

- **Motion to approve the agenda as presented forwarded by Councilmember Garberg and seconded by Councilmember Anderson. With all in favor, the motion carried.**
- **Motion to approve the June 3, 2019 minutes forwarded by Councilmember Anderson and seconded by Councilmember Heim. With all in favor, the motion carried.**

Open Forum

- 75th Anniversary Committee:
 - Beth Marks distributed a budget and asked for \$7,000 for the 75th anniversary. She asked that the City authorize expenses of \$7,000. The committee's recommendation is to provide free food for people who attend. In discussions with the city attorney, cities are authorized to spend money for public events for the public benefit. Advanced registration will be required to get a food ticket. Beer, wine, water and soda will be available for a charge. The Hutton house will sell alcohol at a reduced cost and they would return the differential to the city as a donation. This would help offset the cost of the event. The committee also will ask for business sponsorship in exchange for advertising and will have a jar available for donations. Also, she asked that the City allow the committee to use its intellectual property as requested by the city attorney.
 - **Motion to authorize the 75th Anniversary Committee to negotiate on behalf of the City of Medicine Lake a contract with The Hutton House to host the anniversary event forwarded by Mayor Marks and seconded by Councilmember Garberg. With all in favor, the motion carried.**
 - **Motion to approve the 75th Anniversary Committee to use the Medicine Lake brand on their t-shirts and advertising forwarded by Councilmember Heim and seconded by Mayor Marks. With all in favor, the motion carried.**
 - **Motion to approve a budget up to \$7,000 for the 75th anniversary forwarded by Mayor Marks and seconded by Councilmember Anderson. With all in favor, the motion carried.**
 - Councilmember Garberg said the Hennepin County Sheriff's Office is not in favor of closing South Shore Drive.

Fire Department Report – Rich Halvorsen

- Reported there were nine calls last month.

Bassett Creek Watershed Management Commission Report – Clint Carlson

- Reported the BCWMC assessment will increase from \$3,846 this year to \$4,000 next year. Most of the increase is to accommodate the 10 year plan.
- Reported they met with SEH regarding the Jevne Park project RFP. It will be sent to several firms. Brad Scheib said it's important to understand the implications of the project because it will have to be maintained. He said it would be advisable for the city to have our own engineer provide a review and critical assessment of the final design. The city would incur costs for this. The city does not need to accept the feasibility study but it would be good if we said we were onboard with the study and there are questions about some of the maintenance costs. The city needs to enter into an agreement with BCWMC and there is some language that needs to be worked through and needs to be completed by the end of July. A BCWMC public hearing would occur in September and then the agreement would be approved at the September BCWMC meeting. The city then needs to sign the agreement and execute contracts. The plan lists maintenance costs of \$3,000 per year, primarily to maintain wetland buffers. It needs to be determined whether this number is accurate or if it should be higher. Councilmember Heim said he thinks there is generally support for the project but the unanswered question is the maintenance cost. Councilmember Tomczik asked about damage to the road that may occur during the project. Mr. Scheib said the road issue will be handled through the contract and there will be a stipulation that if the contractor damages the road then they need to fix it. Susan Wiese said in its 50-year history, the BCWMC has studied, designed and constructed 33 water quality and flood control CIP projects. Thirteen of these projects dealt with stormwater retention ponds. She also said there are three institutes that could help maintain the ponds if we are unable to get volunteers. They are the Fresh Water Institute, Conservation Corps, and Green Corps. Mr. Scheib said the next step is to issue the RFP and to make sure we understand the maintenance cost. The contract will be brought before City Council in August.

Planning Commission Report – Jon Pettengill (Presented by Brad Scheib)

- **Motion to approve Ordinance No. 122 an ordinance limiting the time allowed to complete exterior work after the issuance of a building permit and Resolution 19-09 authorizing publication of Ordinance 122 by title and summary forwarded by Councilmember Heim and seconded by Councilmember Anderson. With all in favor, the motion carried.**
- Zoning code changes were discussed. Public hearings have been held and Planning Commission recommends approval. One of the changes is front yard setbacks. Line of sight will now also apply to street side and will be the greater of 50 feet or the line of sight line. It will create some additional variances, but not many. Councilmember Heim asked to see a list of houses impacted by this change in order to understand the magnitude of the issue. Tabled the zoning ordinance and driveway ordinance.
- **Motion to adopt the construction management plan process as a policy of the City of Medicine Lake forwarded by Mayor Marks and seconded by Councilmember Heim. With all in favor, the motion carried.**
- **Motion to approve Ordinance No. 123 an ordinance adopting a schedule for the collection of land use related fees for 2019 and Resolution 19-10 authorizing publication of Ordinance 123 by title and summary forwarded by Councilmember Garberg and seconded by Councilmember Anderson. With all in favor, the motion carried.**
- Reported the Planning Commission recommended denial of a variance request for a fence to be closer to the high water line and vary in height because it didn't meet the practical difficulties test. Subsequent to that the requestor withdrew the request.
- Reported there will be two more ordinances that are a response to the local water management plan that was approved. We need to update our shore land ordinance and address wetland buffers.

- Reported the comp plan was approved by Met Council and will need to be formally adopted by City Council in August.

Public Works Superintendent Report – Chris Klar

- Reported he will perform maintenance on the tennis court.
- Reported several culverts need to be replaced. He'll replace several every year.

Treasurer's Report – Craig Kile

- Receipts in reporting period: \$1,439
- Receipts year to date: \$15,368
- Disbursements in reporting period: \$27,594
- Disbursements year to date: \$215,839
- **Motion to approve the summary spending, receipts and cash balances through June 30, 2019 forwarded by Councilmember Heim and seconded by Councilmember Anderson. Mayor Marks; Councilmembers Tomczik, Heim and Anderson in favor. Councilmember Garberg absent. The motion carried.**

Officer Reports:

Councilmember Garberg

- Reported the geese should be rounded up soon.
- Inquired about the status of the new city web site. Nancy Pauly reported that the web master is working on installing a search engine.

Councilmember Tomczik

- Reported he contacted the DNR and other organizations about wake boats damaging shoreline. The DNR told him it's a huge issue in the state and across the country and it's unsustainable. The technology is ahead of the law and it's in the discussion stage.

Councilmember Heim

- Reported he looked into no wake buoys that can be deployed when the no wake ordinance is invoked. He would like to purchase four of them for a total of \$1,200. No decision was made.

Councilmember Anderson

- Reported nothing to report.

Mayor Marks

- Reported the hard cover needs to be brought into compliance with State code.
- Reported the real estate agent interested in 6 Colonial Avenue asked what a reasonable offer would be for the property. Councilmember Garberg recommended getting a second appraisal. Larry Berger said he is interested in the property. Councilmember Heim said the City needs to decide if the property is officially for sale. Councilmember Heim suggested engaging the Planning Commission.
- Reported City Attorney Wynn Curtis investigated the dog issue and talked with the Sheriff. Mr. Curtis has the Sheriff's report and has started the process of having a citation issued regarding the dog. City Council could review the matter and if they chose to could declare a dangerous dog. It's a little unclear where it goes from there based on State law and our ordinances. Once a determination is made, the dog owner has a right to appear before council. If it's declared a dangerous dog then there is another step of enforcement and determining whether we want the dog removed. It will be on the City Council August agenda.

July 1, 2019

New Business

- **Motion to approve resolution 19-11 accepting a monetary gift of \$1,000 from Anonymous to benefit the City of Medicine Lake Fire Department forwarded by Mayor Marks and seconded by Councilmember Tomczik. With all in favor, the motion carried.**

Motion to adjourn forwarded by Councilmember Tomczik and seconded by Councilmember Anderson. With all in favor, the motion carried at 8:01 p.m.

Respectfully submitted,

Nancy Pauly
City Clerk

Approved on August 5, 2019