



City of Medicine Lake

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August 5, 2019

City of Medicine Lake Council Minutes

Present: Mayor Scott Marks; Councilors Jack Garberg, Ron Tomczik, Chris Heim (departed 7:15 p.m.) 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, Paul Samson, Les and Mary Anne Young, Ted Hoshal, Bert Martinez, Gary Holter, Laura Jester (BCWMC), Connie Shaffer, Tom Roess, Lieutenant Patty Strongitharm.

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 July 1, 2019 minutes forwarded by Councilmember Anderson and seconded by Councilmember Garberg. With all in favor, the motion carried.**

Open Forum

- Mary Anne Young said she has been the city contact for the Minnesota Pollution Control Agency's Municipal Separate Storm Sewer System (MS4) program. This year we are being audited and she will be meeting with the representative from the State.
- Bert Martinez said he contacted the city attorney about the dangerous dog issue and Mr. Curtiss said the Minnesota statute does not apply because the City of Medicine Lake has its own ordinance. Mr. Martinez further said he contacted a state attorney who said a city cannot exclude itself from a statute that deals with public safety unless it's stricter. Mayor Marks said it will continue to be discussed and materials will be sent prior to the meeting.
- Ted Hoshal said he is working on the 75th Anniversary Committee and needs access to the city office to do research and get items for a display. Councilmember Garberg said he can assist with access.

Action to move forward with Jevne Park Project

- Mayor Marks said there has been a lot of time and money put into this project and we need to get answers to some questions so that we can commit fully or back out. One of his biggest concerns is the contract, which he has not seen, but feels the City of Medicine Lake cannot be on the hook for any overages if the project is not scoped out properly.
- Mr. Scheib said we're here today to decide whether to move forward with the project based on the level of benefits and risks as we understand them today and knowing that when we get into the next level of design work and things become clearer we still have the potential to pull out. As far as process, BCWMC has a public hearing scheduled for September 19th. After that the City enters into a contract with BCWMC that describes how the project is going to be bid, designed, managed, etc... Next a design firm is hired and then the project is bid with construction beginning the end of next year. After that, the City maintains the project going forward.

- Mr. Scheib said we're trying to filter pollutants out of the water that runs off the street and yards by increasing the storage capacity of the pond and having a wetland buffer area. The other objective is to reduce flood impact. The project as proposed has some benefit for the 1 and 2 year flood events but doesn't offer any relief from the larger events because during larger events when the lake fills up the water comes back through the lake. The 1 and 2 year flood event is helped by .2 feet. No change to 10 year and 100 year events. Phosphorus removal is increased 2.9 – 7 pounds per year. During the next phase of design we can look at the benefit of the pond in terms of flood level as well as phosphorous removal. The depth of the pond would change from 3.5' to 5'. There is a question about whether the benefit is real when the lake is over the normal high water line and the water is backing up. Project costs are reimbursable to the City.
- Mr. Scheib said non-project costs are not reimbursable. Road damage would be reimbursable through the contract via warranty or contractor insurance. But if road damage is not noticed for 5 years, then it's hard to equate it to the construction project. The project budget is \$500,000. If partway through the project and if the costs are running high, then a contract amendment could be made or the project stopped. Estimate is \$3,000 - \$9,000/year to maintain the wetland.
- Councilmember Heim said he's been a supporter of the concept of the project and supports the project but is concerned about the financial costs to the City as every \$5,000 matters. He's also concerned about the road damage with 200-300 trucks on the road accelerating the replacement of the road. He proposed that 10 years of maintenance is built into the scope of the project as well as some sort of mitigation as it's going to accelerate the damage to the roads.
- Laura Jester said it would be precedent setting for BCWMC to pay for maintenance past a couple of years or pay for road damage. Also, BCWMC has already submitted their levy request to the county and can't go higher.
- Councilmember Anderson asked about the impact of 4 pounds of phosphorus. Ms. Jester said it's not significant, but each city has to reduce TMDL. Councilmember Anderson also asked what impact does .2 feet have in flood reduction. One resident who lives in the area said 2.4 inches is meaningful. Mr. Klar said the 2.4 inches would only be helpful during a 2 year event.
- Susan Wiese said any extra room to take off some of the water would be beneficial.
- Mayor Marks said the priority of the project is phosphorous and not flooding and he asked whether there is any ability to improve flooding. Mr. Scheib said during the final design there is an opportunity for improvements beyond the feasibility study but not a guarantee.
- Mr. Hoshal said 5 bags of leaves equates to 1 pound of phosphorous.
- Connie Shaffer said she would like to see the project address the flooding issue better. She also said she's had sinkholes in front of her mailbox and asked if after the retention pond is dug out we discover that the road is on questionable soil and everything starts sinking or collapsing would BCWMC repair the roads? Mr. Scheib said we don't know the answer to that question.
- Mr. Garberg said the lake is 900+ acres and when we get an inch of rain the lake goes up. If the retention pond is 1/4 to 3/8 of an acre of land we can't control flooding. He also said putting the city in a position to pay \$3,000 - \$9,000/year will probably end up being more expensive because costs rise. He said he is not in favor of this grandiose of a project. He said we can fix the problem with the road and water runoff with a less costly solution.
- Clint Carlson said he's in favor of doing what's best for the city.
- Councilmember Heim said he supports the project if it's a cost neutral for the City but it doesn't have his support if there will be costs to the City.
- Tom Roess said the water flows fast through the low area of the peninsula and thinks it would be more valuable to control the lake level during high rain events.
- Councilmember Tomczik said he needs to understand the maintenance cost.

- Mr. Roess said the weight of the pond will push the road. He said more information is needed, including additional borings.
- Councilmember Garberg said he's not in favor of the project because of the impact to road on the south side of the park as well as the unknown ongoing maintenance costs.
- Mr. Scheib suggested working with Ms. Jester to get the items discussed into the contract and bring up these issues at the public hearing. If BCWMC doesn't agree to the conditions then the project doesn't go forward.
- Councilmember Anderson asked whether the road issue can be reviewed. Ms. Jester said BCWMC has already approved the feasibility study and it would require an amendment to the feasibility study. Mr. Scheib recommended doing the review during the 50-90% review.
- Ms. Jester said paying for 10 years maintenance is not something the commission does but she will ask the commission.
- **Motion to proceed with the negotiation of a contract for the Jevne Park Project with the aim of being cost neutral forwarded by Mayor Marks and seconded by Councilmember Tomczik. Mayor Marks; Councilmembers Tomczik and Anderson in favor. Councilmember Garberg opposed. Councilmember Heim absent. Motion passed.**

Hennepin County Sheriff – Lieutenant Strongitharm

- Asked whether the City is set for National Night Out. Mayor Marks responded that arrangements have been made with the Sheriff's Office.
- Councilmember Tomczik asked about what can be done about wake boats. Lt Strongitharm responded that she will contact Lt Magnuson from water patrol.

Fire Department Report – Rich Halvorsen

- Reported one call in July.
- Reported one standby with Hamel.
- Reported they will be at National Night Out.
- Reported they will manage the corner at South Shore Drive and Peninsula Road for the 75th Anniversary.
- Reported he is trying to increase the department's presence within the city.

Planning Commission Report – Jon Pettengill

- Mr. Scheib reported there was not a meeting last month.

Public Works Superintendent Report – Chris Klar

- Reported he will set up tables for National Night Out.
- Mr. Scheib reported he and Mr. Klar are looking for a new city engineer because the Sambatek engineer has moved on.

Treasurer's Report – Craig Kile

- Receipts in reporting period: \$239,517
- Receipts year to date: \$263,394
- Disbursements in reporting period: \$30,220
- Disbursements year to date: \$178,059
- **Motion to approve the summary spending, receipts and cash balances through August 4, 2019 forwarded by Mayor Marks and seconded by Councilmember Garberg. Mayor Marks; Councilmembers Garberg, Tomczik and Anderson in favor. Councilmember Heim absent. Motion passed.**

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Officer Reports:

Councilmember Garberg

- Reported 100 geese were rounded up.
- Reported most of the pot holes have been fixed. The cracks will be fixed in the fall.

Councilmember Tomczik

- Reported nothing to report.

Councilmember Heim

- No report.

Councilmember Anderson

- Reported nothing to report.

Mayor Marks

- Reported nothing to report.

Motion to adjourn forwarded by Mayor Marks and seconded by Councilmember Garberg. Mayor Marks; Councilmembers Garberg, Tomczik and Anderson in favor. Councilmember Heim absent. Motion carried at 8:17 p.m.

Respectfully submitted,

Nancy Pauly
City Clerk

Approved on September 9, 2019