



City of Medicine Lake

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October 7, 2019

City of Medicine Lake Council Minutes

Present: Mayor Scott Marks; Councilors Jack Garberg, Ron Tomczik, and Connie Shaffer; Treasurer Craig Kile; City Clerk Nancy Pauly; Public Works Superintendent Chris Klar; Bassett Creek Watershed Commissioner Clint Carlson; City Planner Brad Scheib.

Absent: Councilmember Heim.

Miscellaneous attendees: Hennepin County Sheriff Lieutenant Shane Magnuson, Susan Wiese, Bill Leonard, Paul Samson, Mary Anne and Les Young, Joyce Meyer, Tom Roess, Connie and Carl Shaffer, David Ward, John O'Toole, Gary Holter, Shaun Kennedy, Scott Newland, Matthew Zimmerman.

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 Mayor Marks and seconded by Councilmember Garberg. Mayor Marks, Councilmembers Garberg and Tomczik in favor. Councilmember Heim absent. Motion passed.**
- **Motion to approve the September 9, 2019 minutes forwarded by Mayor Marks and seconded by Councilmember Garberg. Mayor Marks, Councilmembers Garberg and Tomczik in favor. Councilmember Heim absent. Motion passed.**

Open Forum

- Bert Martinez said he expected to see the dangerous dog issue on the October 7th City Council agenda and when he followed up last week with Mayor Marks he was informed that the Hawkins would be out of town October 7th. He said it's a public safety issue and it should have been taken care of in 2018 when the pedestrian was injured. He requested a special meeting to address the issue.
- Bill Leonard said he sent a note to Mayor Marks and the Council regarding the property for sale on South Shore Drive. Mayor Marks said it is two lots. Both lots are under a requirement to have a 15' green space around the perimeter. Brad Scheib said it's a question whether the lot is buildable. There is a shared driveway.
- David Ward asked about the ditch between 13 Kaiser Avenue and 15 Kaiser Avenue. The ditch no longer exists and he now has water issues every time it rains. He said it needs drain tile. Councilmember Garberg said the contractor who worked on the sewer filled it in at the request of the previous property owner when Met Council did the road project on Kaiser Avenue. Brad Scheib said there probably is an engineering solution but it's a question of who pays for it. Mr. Ward said he's looking for a survey. Mayor Marks and Mr. Scheib said it needs to be looked into.

Oath of Office

- Acting Mayor Garberg invited councilmember appointee Connie Shaffer to take the oath of office.

Hennepin County Sheriff – Lieutenant Magnuson

- Reported nothing to report.
- Mayor Marks reported he will be meeting with the Sheriff tomorrow to discuss flow of traffic and information during emergency events.

Fire Department Report – Rich Halvorsen (reported by Councilmember Garberg)

- Reported three calls for the month.
- Reported they be taking the boat out of the water on October 15th.

Public Works Superintendent Report – Chris Klar

- Reported the parks will close in 2 weeks.
- Reported trees will be planted on October 19th.
- Reported a pavement analysis was performed on all the streets. Findings were as expected. On the scale 100 represents a perfect road and zero is terrible. Peninsula Road averages 61 with big stretches at 50. Mr. Klar will get three bids to find out what it costs to redo the roads.

Bassett Creek Watershed Management Commission Report – Clint Carlson

- Jevne Park Contract
 - Mr. Scheib said BCWMC had a public hearing last month for all of the capital improvement projects proposed for the next calendar year. The Jevne Park project was included and it was approved conditioned upon entering into a contract with the City of Medicine Lake. The next step is to negotiate the contract, which is currently in draft. He’s looking for direction. BCWMC wants the contract back next week.
 - Mayor Marks said he is not in favor of signing the contract because there is not a clear out for the City. The contract can only be terminated on unforeseen circumstances or unmanageable costs.
 - Ted Hoshal said he sent a five page letter to Council with his comments. He’s against the project given the little value it provides to the watershed for the \$300K - \$500K cost. He believes the projects created by the watershed have already met the limits for TMDL for Medicine Lake. As part of the project, we risk reducing part of the park aesthetic. We lose the canopy of trees as the project calls for the removal of at least 8 mature trees. There is risk to the road cracking and settling. The road in that area has 7 feet of different road pieces.
 - Susan Wiese said all the projects going forward are low hanging fruit and we can’t do much better. BCWMC has faith in the outcomes of this project as the feasibility has demonstrated. She suggested Council move forward and see if we can iron out the contracts.
 - Mayor Marks and Councilmember Garberg said many people reached out to them and none of them was in favor of the project.
 - Mr. Scheib said it’s a marginal project but it’s not out of the question. We won’t know the answers unless we move forward but moving forward will cost money.
 - Matthew Zimmerman said we can’t cut down trees. Need the trees to soak up the water.
 - John O’Toole asked how Plymouth voted on this at the BCWMC meeting. Mr. Scheib said Plymouth and Minneapolis voted no on the BCWMC resolution, which included all projects. Mr. O’Toole furthermore said the soils in the park are notoriously unstable and he has his reservation on what it’s going to look like in 5 years. He said he’s against the project.
 - Bill Leonard said he’s concerned because of the potential risk to the roads and that his concerns are validated by what Mr. Klar had to say about the current state of the roads. He feels there could be hidden costs that we’re not prepared for with 200-300 loads of fill.
 - Councilmember Garberg said we’re talking about one acre and it will not have any impact on the flooding issues.
 - Mr. Klar said he’d like to see 10 more years of life on the roads but is very concerned about the impact this project will have on the streets.
 - Councilmember Tomczik said he’s concerned about the risks versus the rewards.
 - Clint Carlson said BCWMC has been good to work with and helpful in working through issues. He strongly recommends taking the next step and believes we can walk away if it isn’t good. He disagrees that the risks are too big for the benefits. We’d be turning down BCWMC and its

funding to help pay for early stage evaluation of the road situation. There is little to no cost to continue reviewing this.

- Councilmember Shaffer said the cost doesn't compensate for the damage and there is limited benefit.
- **Motion to discontinue the Jevne Park project forwarded by Councilmember Garberg and seconded by Councilmember Shaffer. Mayor Marks; Councilmembers Garberg, Tomczik and Shaffer in favor. Councilmember Heim absent. Motion passed.**

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

- Variance request for 215 Peninsula Road
 - Mr. Scheib said the property at 215 Peninsula Road has many physical challenges, including the channel, flood plain, line of sight on the lake side, and sanitary sewer line. The channel is not public waters. Both next door neighbors were present at the public hearing and were in favor of the variance. The second story will be pushed back to be equal to the setback of the Holter residence. The overall structure is pushed back 8-10 feet from where the current structure sits. The total hardcover will be reduced. Planning Commission recommended approval. BCWMC will perform a review.
 - **Motion to approve resolution 19-15 a RESOLUTION APPROVING A VARIANCE FROM SECTION 3100.5 OF THE ZONING CODE TO ALLOW CONSTRUCTION OF NEW HOME WITHIN THE LAKE SIDE SETBACK AT 215 PENINSULA ROAD forwarded by Mayor Marks and seconded by Councilmember Shaffer. Mayor Marks; Councilmembers Garberg, Tomczik and Shaffer in favor. Councilmember Heim absent. Motion passed.**

Treasurer's Report – Craig Kile

- Receipts in reporting period: \$13,510
- Receipts year to date: \$277,249
- Disbursements in reporting period: \$47,853
- Disbursements year to date: \$269,255
- **Motion to approve the summary spending, receipts and cash balances through October 6, 2019 forwarded by Councilmember Garberg and seconded by Councilmember Shaffer. Mayor Marks; Councilmembers Garberg, Tomczik and Shaffer in favor. Councilmember Heim absent. Motion passed.**

Officer Reports:

Councilmember Garberg

- Reported nothing to report.

Councilmember Tomczik

- Reported nothing to report.

Councilmember Heim

- No report.

Councilmember Shaffer

- Reported nothing to report.

Mayor Marks

- Reported he is unavailable for the November meeting. Councilmember Shaffer is also not available. November meeting will be Wednesday, November 6th. Zoning will be discussed.

October 7, 2019

- Reported MN Department of Health tested the water at City Hall. It is fine.
- A special council meeting will be held on Wednesday, October 23rd at 6 pm to determine the remedy for the dangerous dog.

New Business

- **Motion to approve resolution 19-16 a RESOLUTION DESIGNATING A POLLING PLACE forwarded by Councilmember Garberg and seconded by Councilmember Tomczik. Mayor Marks; Councilmembers Garberg, Tomczik and Shaffer in favor. Councilmember Heim absent. Motion passed.**
- Nancy Pauly reported that she forwarded to Council an email from Congressman Dean Phillip's chief of staff detailing websites that focus on federal, state, corporate, and private grants.

Old Business

- Councilmember Garberg said the fire chief is looking at another vehicle. He recommended not making the purchase and Mayor Marks was in agreement.

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

Respectfully submitted,

Nancy Pauly
City Clerk

Approved on November 6, 2019