



# City of Medicine Lake

10609 South Shore Drive • Medicine Lake, Minnesota 55441 • (763) 542-9701 • (763) 746-0142 fax

November 6, 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:** Susan Wiese, Ted Hoshal.

Mayor Marks called the meeting to order at 6:01 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 Shaffer. Mayor Marks; Councilmembers Garberg, Tomczik and Shaffer in favor. Councilmember Heim absent. Motion passed.**
- **Motion to approve the October 7, 2019 minutes forwarded by Councilmember Garberg and seconded by Councilmember Shaffer. Mayor Marks; Councilmembers Garberg, Tomczik and Shaffer in favor. Councilmember Heim absent. Motion passed.**
- **Motion to approve the October 23, 2019 Special City Council Meeting minutes forwarded by Councilmember Garberg and seconded by Councilmember Tomczik. Mayor Marks; Councilmembers Garberg, Tomczik and Shaffer in favor. Councilmember Heim absent. Motion passed.**

### Open Forum

- None

### Fire Department Report – Rich Halvorsen (Reported by Councilmember Garberg)

- Reported 2 calls in the past month.
- Reported there will be a Relief Association meeting on November 19<sup>th</sup> at 7:00 p.m. at City Hall to revise the pension vesting years from 20 years to 10 years to follow State of Minnesota guidelines.
- Reported the department has been approached by Toys for Tots to put a drop off box at City Hall from November 22<sup>nd</sup> to December 13<sup>th</sup>. Council didn't have any issues with it.
- Mayor Marks said he had a meeting with Sheriff Hutchinson and if there are any situations of significance in the City then the Sheriff's department will call the Mayor and the Fire Chief.

### Bassett Creek Watershed Management Commission Report – Clint Carlson

- Reported the flood plain ordinance and shoreline ordinance are on the radar.
- Reported the relationship with BCWMC remains excellent.

### Planning Commission Report – Jon Pettengill (Reported by Brad Scheib)

- Mr. Scheib said there were a number of recommendations from the Ordinance Advisory Committee and Council moved forward on several of the recommendations but held off on adopting the broader amendments to the zoning code. There are two outstanding items. One is a new ordinance for driveways and it has been updated and should be good. The other item is a clarification of the code to

establish the street side set back as the line of sight or 50' from the right of way, whichever is greater. The last time this was discussed at City Council the question of impact was raised. All properties were looked at and he doesn't have all the analysis done because it's tricky to assume the size of house, etc. But roughly 70% of residential parcels would be held to the line of sight setback. About half of those would have to require a variance. About 20% are clearly the 50' set back requirement. The remaining 10% are the same either way.

- Councilmember Garberg said he looked into it and he is not in favor of the line of sight street side because we have numerous configurations of structures in the city and it started as a cabin neighborhood so a lot of houses were built next to the street and other houses were advanced towards the lake. He's opposed to restricting future development with the sight line street side. He thinks it affects 80% of the properties. Furthermore he said a lot of people have spoken negatively on the line of sight street side and no one has been in favor of it.
- Mr. Scheib responded that Planning Commission's discussion was to let them go through the variance process.
- Mayor Marks said he's not in favor of street side line of sight. Lake side line of sight makes sense. Street side puts on too much restriction and binds both sides. People want to build a reasonable sized house and he recommends 50' from the road.
- Mr. Scheib said guidelines were adopted as policy and they have been used in the variance process. The architectural style cannot be controlled for properties that do not have a variance. Mr. Scheib said as a next step we need to look at adopting design/character guidelines, if that's what we want.
- **Motion to approve Ordinance 124 an ordinance amending Ordinance 112 zoning regulations for the City of Medicine Lake as modified to eliminate the street side line of sight requirement forwarded by Mayor Marks and seconded by Councilmember Garberg. Mayor Marks; Councilmembers Garberg, Tomczik and Shaffer in favor. Councilmember Heim absent. Motion passed.**
- **Motion to approve Resolution 19-17 authorizing publication of Ordinance No. 124 by title and summary forwarded by Mayor Marks and seconded by Councilmember Shaffer. Mayor Marks; Councilmembers Garberg, Tomczik and Shaffer in favor. Councilmember Heim absent. Motion passed.**
- **Motion to approve Ordinance No. 125 an ordinance creating section 1300 of the zoning code regulating residential driveways and off street parking area for the City of Medicine Lake and Resolution 19-18 authorizing publication of Ordinance No. 125 by title and summary forwarded by Mayor Marks and seconded by Councilmember Shaffer. Mayor Marks; Councilmembers Garberg, Tomczik and Shaffer in favor. Councilmember Heim absent. Motion passed.**

#### Parks and Public Works Superintendent Report – Chris Klar

- Reported parks are closed.
- Reported tree planting went well.
- Reported road cracks were filled.
- Reported he received information from Met Council regarding limits for inflow and infiltration. In the past if we were fined we could offset the fine by spending money on infrastructure fixes. Now there are not a lot of things we could do to offset the cost. Met Council says 80% of I/I is from residential laterals. Brad Scheib said there are a number of things the City could do but they are not popular, similar to what Golden Valley did with an ordinance that requires the lateral to be televised when the house is sold and problems need to be fixed before the house can be sold. Mr. Scheib further said that our sewer code contains the requirement that sump pumps cannot be connected to the sewer and it's required to be disconnect if it's connected. Will need to look at survey data from 15 years ago.
- Reported the battery barrel has been removed by Hennepin County because of a fire hazard related to lithium batteries.

Treasurer's Report – Craig Kile

- Receipts in reporting period: \$3,604
- Receipts year to date: \$280,853
- Disbursements in reporting period: \$38,443
- Disbursements year to date: \$307,698
- **Motion to approve the summary spending, receipts and cash balances through November 6, 2019 forwarded by Councilmember Garberg and seconded by Mayor Marks. Mayor Marks; Councilmembers Garberg, Tomczik and Shaffer in favor. Councilmember Heim absent. Motion passed.**

Officer Reports:

Councilmember Garberg

- Asked whether 13 and 13 1/2 Kaiser Avenues have been addressed. Mr. Scheib said it has not yet been resolved.
- Reported the road is sinking at 13 Kaiser where the work was done.
- Reported Three Rivers Park District 1 representative would like to attend one of the council meetings. Recommendation is for early next year.
- Reported will continue with 80% sand and 20% salt mix on the road this winter.
- Reported there have been several comments about rental of city hall. The rental contact will be added to the bulletin board.

Councilmember Tomczik

- Reported he received a check for about \$1,000 for recycling.

Councilmember Heim

- No report.

Councilmember Shaffer

- Reported she's been meeting with Brad Scheib and Chris Klar about construction/building. She's working on having information posted on the website with the goal of limiting excessive use of Mr. Scheib. The Advisory Committee recommended a pre-application escrow. She asked how much time the City is willing to pay Mr. Scheib for random questions and assistance prior to building.
- Mr. Scheib said we're looking at switching our building inspector to the City of Plymouth. There are several issues that need to be resolved, including how to resolve issues that are brought forward before the permit is submitted.
- Reported she will be sending out emails this month for rental licenses. She will be looking at doing inspections every 3 years, like Plymouth, and having the rental license fee due at that time. She asked whether there is interest in going with every 2 years or every 3 years. A new ordinance will be brought forward next month.

Mayor Marks

- Reported nothing to report.

New Business

- Nancy Pauly reported a search engine has been installed on the new city website. Councilmember Garberg will follow up with Hennepin County Sheriff to confirm they have the new URL before the old site is turned off.
- **Motion to approve Resolution 19-19 a resolution establishing conditions for retention and control of dangerous animal forwarded by Councilmember Garberg and seconded by**

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**Councilmember Shaffer. Mayor Marks; Councilmembers Garberg, Tomczik and Shaffer in favor. Councilmember Heim absent. Motion passed.**

- Mr. Klar reported a dock was donated to the City.

**Motion to adjourn forwarded by Councilmember Tomczik and seconded by Councilmember Shaffer. Mayor Marks; Councilmembers Garberg, Tomczik and Shaffer in favor. Councilmember Heim absent. Motion carried at 7:43 p.m.**

Respectfully submitted,

Nancy Pauly  
City Clerk

Approved on December 2, 2019