



City of Medicine Lake

October 3, 2022

City of Medicine Lake Council Minutes

Present: Mayor Scott Marks; Councilors Jo Meyer, Ron Tomczik, Connie Shaffer; Treasurer Gary Englert, City Clerk Therese Polum, BCWMC Commissioner Clint Carlson, Planning Commissioner Jesse Swanson, Fire Chief Rich Halvorson, Public Works Superintendent Chris Klar

Council and Staff Absent: Councilor Heim,

Other attendees: Hennepin County Sergeant Nelson, Tom and Dee Schrader, Les and MaryAnne Young, MJ Zappa, Grant Carlson, Janet Carlson

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 forwarded by Councilmember Marks and seconded by Councilmember Shaffer. Councilmembers Mayor Marks, Meyer, Tomczik, Shaffer in favor. Councilmember Heim absent. Motion passed.**
- **Motion to approve the September 12, 2022 city council minutes forwarded by Councilmember Shaffer and seconded by Councilmember Meyer. Councilmembers Mayor Marks, Meyer, Tomczik, Shaffer in favor. Councilmember Heim absent. Motion passed.**

Open Forum

- None

Hennepin County Sheriff –Sergeant Nelson (arrived around 7pm)

- Reported he has received traffic complaints
- Discussion on rifle use in the City was discussed; Sheriff checked his reports and he does not have a report on the duck shot. This would be a city ordinance for bb guns and pellet guns; discharge of a rifle use (including 22 caliber) is a criminal statute requiring an investigation
- Reported he agrees to develop a channel for residents for reporting escalating complaints

Fire Department Report – Rich Halvorsen

- Reported no calls
- Reported multiagency drill successful
- Reported Live burn trailer instruction happening October 4, 2022.

Public Works Superintendent Report – Chris Klar

- Reported update on lift station; backup generator will be installed this week
- Reported gas project installation including hook-ups should be finished this week
- Reported gas project restoration will be continuing
- Reported FLARE roof unit contract work happening this month

- Reported 201P work ongoing and 186P work starting - summary lots of trucks on the road
- Parks closing end of month
- Reported someone was cited for shooting geese – Hennepin County Sheriff/DNR responded
- Reported Michaels gas contractor found a live duck that was shot and reported it to DNR/Sheriff

Bassett Creek Watershed Management Commission Report – Clint Carlson

- Reported on the BCWMC regular monthly meeting including numerous cost overruns

Planning Commission Report – Jesse Swanson

- Reported DNR formally approved shoreland ordinance

Treasurer’s Report – Gary Englert

- Receipts in reporting period: \$2,317
- Receipts year to date: \$405,059
- Disbursements in reporting period: \$60,805
- Disbursements year to date: \$473,794
- Capital Project Reserve Balance: \$798,697
- Debt Service Reserve Balance: \$21,771
- Reported on lift station construction payments
- Reported on I&I grant and SEH is tracking this with Treasurer and Councilor Heim
- Reported Republic services and payments for Park Apartments properties at 138/150/156P

Motion to approve the summary spending, receipts and cash balances through September 30th, 2022 forwarded by Councilmember Shaffer and seconded by Councilmember Tomczik. Mayor Marks, Councilmembers Meyer, Tomczik, Shaffer in favor. Councilmember Heim absent. Motion carried.

Motion to approve the preliminary budget in the amount of \$655,574 for 2023 forwarded by Councilmember Meyer and seconded by Councilmember Shaffer. Mayor Marks, Councilmembers Meyer, Tomczik, Shaffer in favor. Councilmember Heim absent. Motion carried.

Officer Reports:

Councilmember Heim report given by Mayor Marks (Heim absent)

- Reported on lift station project mitigation requirements resulting from fill of 81cy below the FEMA regulatory floodplain elevation. This was previously approved to resolved with the road project construction and City is asking for a temporary variance from BCWMC to allow us to continue to resolve the mitigation with the road project construction.

Motion to approve spending of \$3500 for application to the BCWMC for temporary variance request for compensatory storage resulting from lift station build forwarded by Councilmember Mayor Marks and seconded by Councilmember Meyer. Mayor Marks, Councilmembers Meyer, Tomczik, Shaffer in favor. Councilmember Heim absent. Motion carried.

- Reported on contract with SEH; proposed to close out current contract that is/was for road project inspection/administration; and execute a new contract to tie us through to our next bidding effort.

Motion to approve the Agreement for Professional services between the City and SEH dated October 1, 2022 not to exceed \$20,000 forwarded by Councilmember Meyer and seconded by

Councilmember Mayor Marks. Mayor Marks, Councilmembers Meyer, Tomczik, Shaffer in favor. Councilmember Heim absent. Motion carried.

- Reported on his discussions with 1340 south shore drive topic.

Councilmember Meyer

- No report

Councilmember Tomczik

- Reported on trash contract, specifically with regards to Park Place Apartments residential service

Councilmember Shaffer

Reported on Proposed Rental Ordinance

- Reported on updates to proposed rental ordinances
 - Reported Council is planning for a resolution on the rental ordinance at December council meeting (12/5, 6pm).
 - Reported on Brad Scheib's response to council reports from the public hearing
 - Reported on proposed definitions to be added: Rental Dwelling/Let or Rent/Owner/Person/Qualifying relative.
 - Reported on how and why these definitions are proposed to be included
 - Reported today is a discussion only
 - Councilmember Shaffer asked for questions and comments:
 - Councilor Meyer asked if let or rent assumes payment in kind or specifically money transactions. Councilor Shaffer said exchange of money
- Reported on the proposed License requirements: let/rent whole house or part of a house requires a license
- Reported on the proposed exceptions
- Reported on proposed rental dwelling licenses time and proposed is 180 consecutive days
 - Councilmember Shaffer asked for questions and comments:
 - Councilor Meyer asked about month to month extensions. Shaffer reported any rental agreement may be extended month to month or even extended week by week after the 180 consecutive days is fulfilled.
 - Reported on proposed revocation, suspension, or probation updates
 - No other comments from council.

Grant Carlson commented that he is encouraging more discussion on short term rentals, he is available for a phone call anytime. He encourages a solution that keeps neighbors rights and property rights in mind. He submitted a written response via email to Council, which is included in minutes as attachment.

Public Works Superintendent Chris Klar asked if council is going to have discussions on building permits with neighbor complaints regarding parking, noise, street blocking, harassment etc...complaints come in at all hours of the day and night. Residents are sometimes reaching out excessively to the City of Plymouth permitting department. A question is what action should council take when repeat complaints/harassments arise. Council recommends council engages our Attorney and take action. Document everything.

For trespassing or other similar items, the City asks residents to contract Sheriff's department.

Sheriff Sergeant Nelson is present at meeting and reported on this topic; noise, civil liability, criminal aspect, roles on who would enforce what, etc... Sheriff recognizes this is a large and broad topic, Sheriff

recommends City and Sheriff craft a organized response. Sheriff is reinforcement with regards to a criminal matter. Trespassing: notice must be posted, must be witnessed by police officer. Sheriff recommends City creates an escalation/reporting pattern flowchart/definition for consequences.

Discussion pursued. Attorney will be contacted for further action.

Mayor Marks

- No report

New Business

French Regional Park Master Plan

- Councilor Tomczik is wondering about water quality and the lake is not addressed in the report
- Councilor Shaffer reported this is on use of French Park land, not the lake
- Discussion continued
- Discussion continued on Three Rivers management of the boat launch
- Three Rivers refuses to dredge the boat launch per page 24 of report
- Mayor Marks will craft a response to the Master Plan
- City Clerk Polum will invite our Three Rivers representative to our next council meeting.

Met Council 2022 System Standards

- Mayor Marks discussed the system statement and at this time no action is required for the City. In the future this may require us to update our comprehensive plan.

Motion to approve Resolution 22-23 a Resolution appointing election judges for the November 8, 2022 General Election forwarded by Councilmember Shaffer and seconded by Councilmember Tomczik. Mayor Marks, Councilmembers Meyer, Tomczik, Shaffer in favor. Councilmember Heim absent. Motion carried.

Motion to adjourn forwarded by Councilmember Meyer and seconded by Councilmember Tomczik. Mayor Marks, Councilmembers Meyer, Tomczik, Shaffer in favor. Councilmember Heim absent. Motion carried at 8:09 p.m.

Respectfully submitted,

Therese Polum
City Clerk

Approved on: November 7, 2022

Attachments: Rental Ordinance comments submitted via email

From: Grant Carlson <grant@bluelim.com>

Sent: Monday, October 3, 2022 5:27:53 PM

To: cheim@cityofmedicinelaqke.com <cheim@cityofmedicinelaqke.com>; Connie Shaffer <cshaffer@cityofmedicinelaqke.com>; Jo Meyer <jomeyer@cityofmedicinelaqke.com>; Mayor <mayor@cityofmedicinelaqke.com>; Ron Tomczik <rtomczik@cityofmedicinelaqke.com>

Subject: Proposed Rental Ordinance

Grant Carlson
204 Peninsula Rd
Medicine Lake, MN 55441

October 3rd, 2022

City of Medicine Lake
10609 South Shore Drive
Medicine Lake, MN 55441

Dear Council Members,

Thank you for making some changes in the more recent ordinance draft included in tonight's council packet. It does concern me how in-depth some definitions are becoming for what are historically simple definitions. To that point, I am confused as to whether I, as a "qualified relative", can have a non-romantic housemate, without a rental license. It is common for single adults to have housemates. I propose adding "non-romantic housemate of a qualified relative may share a dwelling unit" to the end of section 2.QR I would also propose adding "non-related live-in care taker(s)" to the list of occupants that do not require a rental license.

We all know the other ongoing conversation in this ordinance is the minimum lease length. Municipalities next to and surrounding Medicine Lake all have much shorter allowable lease terms than 180 days. Even cities who have eliminated STR's allow for 30 day rentals. The ML STR survey showed us that only a small number of the roughly 212 adults in Medicine Lake are against STR's. Roughly 30 voters are proposing to take away the right to host STR's from the other 182 adult residents. As a qualified resident living in a house owned by my family, who started a rental application in spring of 2021, specifically to host occasional STR's, these draft ordinances have read discriminative to someone like me. Even more so considering, there have been little/no STR's in the city to date, and hence no STR problems. Nor does the survey suggest that there will ever be many STRs, nor likely problems.

Comparing problems from long term renters is in no way applicable to STRs which have barely existed in Medicine Lake. As a long term and short term landlord in several communities, I have found that short term renters are historically more respectful to the rental unit than long term renters. This is in part due to successful management and more strict rules for STRs. My management company implements several rules, that will also be implemented at 204 Peninsula, including:

Background check of potential guests
Guest sign in and vehicle sign in
No unregistered guests or visitors without host permission
No parties or events

No street parking

Quiet hours are from 10pm - 8am

No Smoking or Vaping any substances in the space

Pets must not be left alone in rooms

Pets must be leashed at all times if there is not a fence

Host property and liability insurance

Air BnB (or other host site) blanket insurance

Deposit or credit card on hold

Minimum 3 night stay - I highlight this because a person renting for 3 nights is a very different person with a different budget than someone renting for only 1 night.

Between my downtown Minneapolis residence, work travel, and extended vacations during winter months, I would like to keep my right to rent 204 Peninsula out as a short term rental. My intention is not to run this as a business, but instead rent it on occasion to help pay for taxes and utilities. It is extremely common for a 2nd house to be rented during certain seasons, particularly if the house is located on a body of water.

As I previously stated at the 9/13/22 council meeting, I strongly encourage the city to find a middle ground that governs STR's rather than eliminates them. Some strategies that have been adopted by other cities, that I propose the city of Medicine Lake implement are:

Required management and safety plan

Minimum 3 night stay

Insurance requirements by the host

5% city tax

Max number of rentals per year

STR's are only allowed by owners/qualified relatives that live in the house. *This means that hospitality companies (like mine) can't buy houses in Medicine lake specifically for STR's.*

Copied to this letter are my attorneys that helped me navigate and successfully maintain STR license(s) in the city of Minneapolis, despite its new more rigid STR code. As someone born and raised in Medicine Lake, and now lives here nearly 40 years later, I hope my comments are considered by the council.

Sincerely,

A handwritten signature in black ink, appearing to read 'Grant Carlson'. The signature is fluid and cursive, with a large 'G' and 'C' at the beginning and a long horizontal stroke at the end.

Grant Carlson
204 Peninsula Rd
Medicine Lake, MN 55441

Copied:

John Neve, Cory Whiting
Neve Webb
6800 France Ave South, Suite 405
Edina, MN 55435

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Grant Carlson
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