



## City Council Minutes

Madison Lake City Council

Monday September 18, 2017

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### 1) Call Meeting to Order

Mayor Reichel called the regular meeting to order at 7:04 pm.

### 2) Roll Call

**Council Members Present:** Mayor Ken Reichel, Carolyn Hiniker, Laurinda Sohre, Pat Burt, and Kent Hoehn

**Members Absent:** None

Mayor Ken Reichel left the council meeting at 8:30pm.

**Staff Present:** City Attorney Jason Moran, Interim City Administrator Curt Kephart, Administrative Assistant Allison Polsfuss, Public Works Supervisor Adam Fennell, City Engineer Chris Larson.

### 3) Approval of Agenda

**A motion by Burt**, seconded by **Hoehn**, to approve the agenda with additions.

Roll Call: Ayes: Reichel, Hiniker, Sohre, Burt, and Hoehn

Nays: None

Motion carried.

### 4) Approval of Vendor Claims in the amount of \$31,353.16.

**A motion by Sohre**, seconded by **Hiniker**, to approve vendor claims in the amount of \$31,353.16, upon reimbursement from Jeff Marx for the Verizon purchase.

Roll Call: Ayes: Reichel, Hiniker, Sohre, Burt, and Hoehn

Nays: None

Motion carried.

### 5) Consent Agenda

- a) Approval of minutes from regular meeting of September 5, 2017.

**A motion by Burt**, seconded by **Hoehn**, to approve the consent agenda including the approval of minutes from the regular meeting of September 5, 2017.

Roll Call: Ayes: Reichel, Hiniker, Sohre, Burt, and Hoehn

Nays: None

Motion carried.

### 6) Open Public Comments

**(1) Mark Bisch of 805 Main Street- The Landing**

- a) Mr. Bisch is concerned with who is to maintain the hillside next to the landing.
- b) Mr. Bisch also stated that in the past, he was given a key to this public access by the landing, but he no longer does.
- c) The city owns public access for emergency use, to be accessible by the Fire Department.
- d) In the past, Mr. Bisch had been maintaining this public access.
- e) Mr. Bisch is no longer maintaining this access, and city staff are taking care of the city owned property and the gate will remain locked.

**7) Appearances & Presentation**

**a) Three Lakes Development**

- (1) KJ Walk (developer of Three Lakes Development) is looking to pull a building permit on one of the properties in the development. Although the land is platted, the punch list is not yet complete and the parcel identified has not had a street address assigned yet.
- (2) KJ Walk the developer is also serving as a builder and is now requesting to pull a building permit prior to the sub-division acceptance.
- (3) The city council and attorney stated that the city is not legally able to accept this development until the punch list is completed and the improvements acceptable to the City. Although the majority of the punch list is complete, the city is still waiting for KJ Walk to complete a chip-seal coat on the street
- (4) Because this development has sat for 11 years, the street has deteriorated, and the city is requiring crack filling and chip seal be completed before acceptance and before anyone can pull a building permit.
- (5) KJ Walk has made an official request that the city accept the development as is.
- (6) KJ Walk and their attorney stated that page 8 of the development agreement does not say that all the improvements have to be done before a building permit can be pulled. It is their interpretation that the development agreement states that anyone can get a building permit before the development is accepted.
- (7) Jason Moran, city attorney, stated that there is a statute of limitations for the PUD of 6 years. Because the development began in 2006, it has now been 11 years.
- (8) Mr. Moran believes that the city cannot issue a building permit, because we have not accepted the improvements made, therefore, these properties will not be able to be connected to public sewer and water until accepted.
- (9) If the city had accepted the development, KJ Walker would've been able to pull a permit.
- (10) The city wants to accommodate the Three Lakes Development and does not want to act as a barrier to this development however, at the present time the City is not able to legally comply with the permit request.
  - a) The City is asking KJ Walk to come up with remedies to this situation that include bring the street up to city specs. Although it does not have to be an immediate fix, the city is requiring that KJ Walk come up with a plan for solutions to this road.
- (11) The City Attorney, KJ Walker, and City Engineer will discuss a plan to move forward with completing this development so it can be accepted by the city.

**b) Fire Chief Kevin Kennedy**

- (1) The rescue boat purchase has been finalized; the motor will come from Dale's Marine and they are asking that we pay for it before the end of the year.
- (2) Relief Association will cover the purchase of the boat with donation dollars.
- (3) Discussion of who we should add as another name to this account included Bill Ward or Adam Morsching.

**8) Ordinances & Resolutions**

a) Consideration of **Resolution # 2017 - 22** Adoption of Comprehensive Plan Update

**A motion by Sohre**, seconded by **Hoehn**, to approve Resolution #2017-22 Adoption of Comprehensive Plan Update as presented and recommended by the Planning Commission.

Roll Call: Ayes: Reichel, Hiniker, Sohre, Burt, and Hoehn

Nays: None

Motion carried.

b) **Resolution # 2017 - 23** Setting Preliminary 2018 Tax Levy and Proposed 2018 Budget

**A motion by Burt**, seconded by **Sohre**, to approve Resolution #2017-23 Setting the Preliminary 2018 Tax Levy:

General Fund	\$492,372
Diamond Drive Bond	\$ 14,319
Duck & Ballantyne Annexation Project	\$ 24,029
Main Street Project	\$ 10,000
4th and 5th Street	\$ 73,000
Public Works Facility	\$ 25,000
<b>TOTAL PRELIMINARY 2018 TAX LEVY</b>	<b>\$ 638,720</b>

Roll Call: Ayes: Reichel, Hiniker, Sohre, Burt, and Hoehn

Nays: None

Motion carried.

c) **Resolution #2017-24** Vacating a Roadway

**A motion by Hoehn**, seconded by **Hiniker**, to approve Resolution #2017-24 Vacating an abandoned Roadway along Doran Road.

Roll Call: Ayes: Reichel, Hiniker, Sohre, Burt, and Hoehn

Nays: None

Motion carried.

d) **Resolution #2017-25** Authorizing and Confirming Sale of Real Estate along Doran Road

**A motion by Hoehn**, seconded by **Burt**, to approve Resolution #2017-25 Authorizing and Confirming Sale of Real Estate along Doran Road.

Roll Call: Ayes: Reichel, Hiniker, Sohre, Burt, and Hoehn

Nays: None

Motion carried.

- e) **Resolution #2017-26** Ordering Feasibility Report
  - (1) This feasibility report cost is \$24,000.00 which can be phased in overtime
  - (2) ISG anticipates this could be done with the HWY 60 project in 2019.

**A motion by Burt**, seconded by **Hoehn**, to approve Resolution #2017-26 Ordering Feasibility Report on scheduling future Capital Improvements.

Roll Call: Ayes: Reichel, Hiniker, Sohre, Burt, and Hoehn  
Nays: None  
Motion carried.

## 9) Unfinished Business

### a) **Salonek Litigation Settlement**

- (1) City Attorney Jason Moran shared that Salonek Construction agreed to a \$35,000.00 credit toward the final billing of the Public Works Facility.
- (2) We will explore a grind/hardening proposed solution.
- (3) The city is not fully ready to make a final decision, because City Attorney Moran's concern is whether this is going to resolve this issue. City needs to be sure that this approach will completely resolve the issue.
- (4) There will be a test to grind, and we will learn if this could be a viable approach or not to address the concrete concerns
- (5) Brunton and Albertson's opinion is that grinding down 1/8 of an inch will resolve the problem.

### b) **Salonek Payment Held Over From Last Meeting**

- (1) Jason Moran advised the city to continue to hold this payment.

### c) **Department of Transportation Proposed Options on State Highway 60 and alternatives**

- (1) MNDOT is coming for another public discussion on October 2<sup>nd</sup> at 6:00pm
- (2) a possible option of pedestrian sidewalk/crossing flashing lights was discussed. The city would own these signs and it may add to pedestrian safety. MNDOT is trying to nail down the Final design.
  - a) What is the best mechanism for slower traffic?
- b) The council consensus appeared to support a turn lane by Casey's, and 10' parking & 11' driving.

## 10) New Business

- a) Proposed Changes to Waste Hauler License Agreement (Contract) with LJP Enterprises3
  - (1) This was supposed to be handled in July. Are we satisfied and think we should continue the contract with LJP.
  - (2) An escalation clause added to the contract.

**A motion by Hoehn**, seconded by **Sohre**, to approve the consent agenda.

Roll Call: Ayes: Reichel, Hiniker, Sohre, Burt, and Hoehn  
Nays: None  
Motion carried.

**b) Fire Relief Association**

- 1) This is a rebalancing of accounts. State auditors wanted this.
- 2) Bill Ward request is to take benefit from \$1,500 to \$1,700. These funds are in investment accounts. This was the recommendation from the board of trustees.
- 3) The Fire Department is requesting approval from council.
- 4) These funds are an investment in the future and liability is included.
- 5) If this was approved, we would still have a \$50,000 surplus.

**A motion by Sohre** seconded by **Hoehn**, to approve changing the annual benefit level from \$1,500 to \$1,700 beginning January 1, 2018.

Roll Call: Ayes: Reichel, Sohre, and Hoehn

Nays: Burt

Hiniker abstained

Motion carried.

**11) Staff Reports**

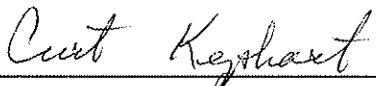
- a) Update from the Interim Administrator

- 12) A motion made by Hoehn**, seconded by **Burt** to adjourn meeting at 8:52 pm.



Mayor, Kenneth Reichel

Attest:



Interim City Administrator, Curt Kephart

