

City of Madison Lake
City Council Minutes
Monday, June 3, 2013

Call to Order

Mayor Reichel called the regular Council meeting to order at 7:00 pm.

Pledge of Allegiance

Roll Call

Members Present: Mayor Ken Reichel, Chuck Ries, Kent Hoehn, John Howard, and Carolyn Hiniker

Members Absent: None

Staff Present: City Administrator Kelly Steele, Deputy Clerk AmberRose Brudelic, Police Chief Dan Bunde, Public Works Supervisor Chris Roemhildt, Fire Chief Kevin Kennedy, City Engineer Chris Larson, Building Inspector Ron Voth, and Planning Commission Chair Mike Klassen.

Others Present: Mary Robin of 605 Colorado Lane, Eagle Lake; Melissa Farniok of 111 Connie Lane, Eagle Lake; Stephanie Arndt of 501 Park Road, Madison Lake; Brianna Kloss of 301 Chestnut Avenue, Madison Lake; Jon and Nancy Tatarak of 439 Lilac Lane, Madison Lake; Frank Tiemann of 1020 Park Road, Madison Lake.

Consent Agenda

3A) Approval of Agenda

A motion by Howard, seconded by Hoehn, to approve the agenda with the addition of 9I) Boat House.

Roll Call: Ayes: Reichel, Ries, Hiniker, Howard, and Hoehn
Nays: None
Motion carried.

3B) Accepting of Minutes from Regular Meeting of May 20, 2013

A motion by Hiniker, seconded by Ries, to accept the minutes from the May 20, 2013 regular meeting removing the fourth bullet under 9D) Lake Washington Fire Contract.

Roll Call: Ayes: Reichel, Ries, Hiniker, and Hoehn
Nays: None
Abstained: Howard
Motion carried.

3C) Approval of Vendor Claims Totaling \$21,861.06.

A motion by Howard, seconded by Hiniker, to approve vendor claims in the amount of \$21,861.06.

Roll Call: Ayes: Reichel, Ries, Hiniker, Howard, and Hoehn
Nays: None
Motion carried.

Open Public Comments

4A) Jon Tatarak of 439 Lilac Lane, Madison Lake

- Jon Tatarak is requesting permission to build a six foot tall wooden privacy fence less than three feet from his property line. The City owns the adjacent property.
- Mr. Tatarak planted apple trees three feet from his property line sixteen years ago.
- Children that are playing on the park equipment have been climbing the apple tree which is a safety issue as Mr. Tatarak would be liable if something happened to the children when they are climbing the trees on his property.
- Mr. Tatarak would like to build the fence six inches from the property line or would be willing to purchase three feet of land from the City.
- Council discussed the fence ordinance.
- Council discussed a past request from a resident to place a fence on the property line adjacent to a City park.
- Council directed Ms. Steele and Mr. Klassen to examine the property and make a recommendation.

Appearances and Presentations

Ordinances and Resolutions

Reports of Staff, Officers, Boards, and Committees

7A) Building Official

- Mr. Voth stated that seven permits were issued in May.

7B) City Administrator

- Ms. Steele stated that AT & T contacted her and would like to install additional equipment on the water tower.
- Council discussed the AT & T contract and directed Mr. Larson to review the request and provide a recommendation.
- Ms. Steele stated that she will look into how the annexation will affect our population estimate.
- The Personnel Committee is looking at updates to the Employee Handbook as well as a contract for commercial building inspections.
- Ms. Steele spoke with the City of Cleveland regarding their fire contracts.
- The City of Cleveland charges \$1,100.00 per section and will be discussing Washington Township's request at their next meeting.
- Council discussed the Washington Township Fire Contract.
- Ms. Steele will follow up with the City of Cleveland's Mayor.

7C) City Council Member

- Ms. Hiniker asked the Council for permission to post the minutes of the Madison Lake Community Foundation on the City of Madison Lake's website, to store files at city hall, and to have mail delivered to city hall.
- Ms. Hiniker stated that she and Mayor Reichel are on the foundation.
- Council was okay with the Ms. Hiniker's requests.

7D) City Engineer

- Mr. Larson stated that bids could possibly go out this week for the Main Street project. The bids would then be opened the end of June with construction beginning in July.
- At this time, one property owner has not agreed to the County's offer for right-of-way.
- Mr. Larson stated that Main Street will be available for Paddlefish Days.

- Mr. Larson stated that for \$5,300.00 soil borings can be completed at the following areas: annexed areas (\$3,500.00), Cherry Avenue (\$200.00), Fourth Street, and Fifth Street (\$400.00).
- Council directed Mr. Larson to have all of the soil borings completed.

7E) Fire Chief

- Chief Kennedy stated that there were eleven calls (eight medical, one grass fire, and two false alarms) in May.
- Chief Kennedy stated that the fire department is a finalist for a FEMA grant to purchase of Hurst tools.

7F) Mayor

- None

7G) Planning Commission Chair

- None

7H) Police Chief

- Chief Bunde stated that there were ninety-two contacts in May.
- Of the ninety-two contact, thirty were for traffic violations which resulted in four administrative citations, thirteen warnings, and thirteen state citations.
- The Police Department has been very busy with calls.

7I) Public Works Supervisor

- Mr. Roemhildt stated that he is working on a well head protection plan as well as writing a safety grant for explosion proof cabinets.
- The Public Works department was called out on Memorial Day for a problem at the north duck lift station. The pump was clogged with rags.
- There was pipe that broke at the point lift station. Dakota Pump will be providing a quote to re-pipe the lift station with stainless steel pipes.

Unfinished Business

8A) Annexation

- Ms. Steele stated that the Annexation Committee met on Friday.
- Council discussed the recommendations made by the Annexation Committee regarding: existing wells, property acquisitions for road realignments, right-of-way purchases, and easements, a financial package for plumbing improvements, the Doran Drive addresses, obtaining information from property owners of undeveloped land regarding future development, installing the sanitary line along Doran Drive at a deeper depth, providing an end of August deadline for splitting or combing lots, and installing remote water meters on the newly annexed properties.
- Council is okay with the recommendations of the Annexation Committee.

New Business

9A) 4th Street Patching

- Council discussed who is responsible for the work that was previously done.
- Council discussed requiring contractors to come in to city hall before they are allowed to dig in the road.
- Mr. Larson will find out what other cities require before digging in the road.
- Council discussed the cost of the repair.
- The Fourth and Fifth Street reconstruction project was discussed.
- Council discussed who is responsible for the completing and funding the repair.

- Council discussed how the repair should be completed.
- Mr. Roemhildt stated that City staff could patch the street when they complete other patching or when the City contracts for blacktop work we could have them provide a quote for the repair.
- Mr. Larson stated that most of the settling has probably occurred.
- Mayor Reichel will talk to the homeowners and offer to charge them the City's hourly rate plus materials to repair the patch.

A motion by Hoehn, seconded by Hiniker, to bill the homeowner the hourly rate and for the cost of the materials with city staff patching the road.

Roll Call: Ayes: Reichel, Ries, Hiniker Howard, and Hoehn
 Nays: None
 Motion carried.

9B) Phoenix Request for Payment #12

- Mr. Larson stated that there will be a change order coming for not installing the hydrant.
- The City still has approximately \$14,000.00 retained.

A motion by Ries, seconded by Hoehn, to approve Phoenix Request for Payment #12.

Roll Call: Ayes: Reichel, Ries, Hiniker, Howard, and Hoehn
 Nays: None
 Motion carried.

9C) Open and Award Snow Plow Bids

- Ms. Steele stated that three bids were received.
- The first bid is from Steve Lamont for \$559.29.
- The second bid is from Corey Domas for \$800.00.
- The third bid is from Brad Schnepf for \$909.00.

A motion by Ries, seconded by Howard, to accepted the bid for \$909.00.

Roll Call: Ayes: Reichel, Ries, Hiniker, Howard, and Hoehn
 Nays: None
 Motion carried.

9D) Appoint Richard Fasnacht to the EDA

- The EDA met and is recommending Richard Fasnacht be appointed to the EDA.

A motion by Ries, seconded by Hoehn, to appoint Richard Fasnacht to the EDA.

Roll Call: Ayes: Reichel, Ries, Howard, Hiniker and Hoehn
 Nays: None
 Motion carried.

9E) Conditional Use Permit Request for a Duplex at 53 Balsam Lane

- The Planning Commission held a public hearing and heard the Conditional Use Permit request.
- There were comments from the public in opposition to the request as residents did not realize that a duplex could exist in an R1 district.
- Council discussed the location of the property.
- Mr. Voth stated that the home could be turned into a single family home and does not look different than the other single family homes in the area.
- The Planning Commission recommends approval of the conditional use permit.

A motion by Ries, seconded by Howard, to approve the Conditional Use Permit Request for a Duplex at 53 Balsam Lane with the limited conditions that were recommend by the Planning Commission.

Roll Call: Ayes: Reichel, Ries, Howard, Hiniker and Hoehn
Nays: None
Motion carried.

9F) Conditional Use Permit Request for a Daycare Center at 608 Walnut Avenue

- The Planning Commission held a public hearing and heard the Conditional Use Permit request.
- The Planning Commission is recommending denial of the Conditional Use Permit and approval of an Interim Use Permit for one year with twelve conditions.
- The issuance of the Interim Use Permit will provide the Planning Commission and City Council an opportunity to review the ordinances to determine if a daycare center should be an allowable use.
- At this time daycare centers are not an allowable use in any district.
- Council discussed how an interim use permit differs from a conditional use permit and whether they are able to issue either in this situation.

A motion by Ries, seconded by Hoehn, in recognition that the present zoning does not incorporate what was the Councils' understanding that a daycare center was a conditional use in a B1 district and also in recognition that one daycare center is currently operating in the City and under current zoning, a daycare center is not a conditional use in any zone. The Council moves to deny Pitter Patters Early Learning Center's application for a Conditional Use Permit but pursuant to the recommendation of the Planning Commission, Pitter Patters Early Learning Center be granted an Interim Use Permit until June 3, 2014 according to the terms and conditions set out in their Conditional Use Permit Application dated May 7, 2013 and further subject to the following conditions:

1. All pick-up and drop-off and parking for the child care facility shall occur on-site and off the adjacent public streets. Safe walking areas in front of vehicle parking shall be identified.
2. All children must be accompanied into and out of the center by an adult.
3. All necessary State and local licenses shall be properly obtained and maintained.
4. Food service facilities are subject to approval by the State of MN Environmental Health Department.
5. No increase in license capacity during the permit period without the review and approval by the Fire Marshal.
6. The proposed daycare center must conform to all applicable City of Madison Lake Ordinances and State of Minnesota Statutes, Rules and Regulations.
7. Outside garbage must be screened from residential areas.
8. The property must be fenced as showed on the map submitted with the application, in addition to a fence between the front of the building and highway 60.
9. This interim use Permit shall expire on June 3, 2014.
10. The City reserves the right to terminate the Permit at any time if Pitter Patter's violates or fails to meet any of the terms and conditions set out in this Permit.
11. Nothing contained herein shall be construed as prohibiting Pitter Patter's from applying for an additional permit upon the expiration of the current Permit, nor shall it be construed as a presumption the City will issue an additional permit upon the expiration of the current Permit.
12. The interim use permit is issued to Pitter Patters Early Learning Center, LLC and cannot be assigned.

Roll Call: Ayes: Reichel, Ries, Hiniker, Howard, and Hoehn
Nays: None
Motion carried.

9G) Lawn Mower Purchase

- Council discussed the bids that were obtained.

- Mr. Romehildt recommends purchasing the Kubota Twenty-Six Horse Power Diesel Engine Mower with Sixty Inch Side Discharge Deck.
- Council discussed the benefits of the new mower.
- Mr. Hoehn stated that the Toro mower is nineteen years old.

A motion by Hoehn, seconded by Reichel, to purchase the Kubota Twenty-Six Horse Power Diesel Engine Mower with Sixty Inch Side Discharge Deck and trading in the Toro.

Roll Call: Ayes: Reichel, Ries, Hiniker, Howard, and Hoehn
Nays: None
Motion carried.

9H) Closed Meeting MN Statute 13D.05, Subd. 1 (d), 3 (a)

- The Council closed the meeting at 9:18 pm under MN Statute 13D.05, subd. 1 (d), 3 (a) to discuss the performance of Chris Roemhildt.
- The regular meeting was opened at 10:04 pm.
- The Council discussed Mr. Roemhildt's performance. No action was taken.

9I) Boat House

- There has been a trailer on levelers at the Boat House for a week.
- Council discussed the history of the Boat House.
- Ms. Steele stated that the League of Minnesota Cities represents many cities in land use cases.

Adjournment

A motion by Ries, seconded by Hoehn, to adjourn the meeting at 10:05 pm.

Roll Call: Ayes: Reichel, Ries, Howard, Hiniker and Hoehn
Nays: None
Motion carried.



Ken Reichel, Mayor

Attest:



Kelly Steele, City Administrator-Clerk