



City Council Minutes
Madison Lake City Council
Monday, August 15, 2016

1) Call Meeting to Order

Mayor Reichel called the regular meeting to order at 7:08 pm.

2) Roll Call

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

Members Absent: None

Staff Present: City Administrator Michael Hanson, Deputy City Clerk AmberRose Brudelic, City Attorney Jason Moran, Fire Chief Kevin Kennedy, City Engineer Chris Larson, and Planning Commission Chair Mike Klassen.

3) Approval of Agenda

A motion by Sohre, seconded by **Hiniker**, to approve the agenda with the addition of 9C) City Hall Parking Lot.

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

4) Approval of Vendor Claims

A motion by Hoehn, seconded by **Burt**, to approve vendor claims in the amount of \$42,241.73.

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

5) Consent Agenda

a) Approval of minutes from regular meeting of July 11, 2016

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

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

6) Open Public Comments

- Kevin Johnson of 512 Point Avenue
 - (1) Kevin Johnson stated that he received a letter from City Attorney Moran regarding legal action for forcing the removal of the shed.
 - (2) City Attorney Moran stated that the City has attempted to work with Mr. Johnson and will be petitioning the court for an injunction to have the shed removed.
 - (3) Mr. Johnson wants to know why the Council did not grant the variance.

- (4) City Attorney Moran stated that the violations are extensive and there was not anything that could have been done to grant it.
- (5) Mr. Johnson stated that they have a pending complaint with HUD and have not heard back from them.
- (6) Council discussed the history of the project and the timeline.

7) Appearances & Presentations

8) Ordinances & Resolutions

- a) Resolution #2016-40 Contracting with Councilmember Hoehn

A motion by Sohre, seconded by **Hiniker**, to approve Resolution #2016-40 Contracting with Councilmember Hoehn.

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

- b) Ordinance #2016-07 Opting-Out of the Requirements of Minnesota Statutes, Section 462.3593.
 - City Attorney Moran recommends that the City pass this ordinance opting-out.
 - The League of Minnesota Cities has put out a number of publications regarding this and are also recommending that councils opt out.
 - City Attorney Moran stated that due to blight and sanitary concerns cities should opt out.
 - Cities are required to opt-out before September 1, 2016.
 - Greg Asher of Lot 63 at Pleasant Hill Manor
 - (1) Mr. Asher provided Council with information on other cities that are opting out of the statute that have ordinances in place for temporary dwellings.
 - (2) Mr. Asher stated that the City does not have an ordinance currently allowing temporary dwellings and suggested that the Council look into allowing accessory dwellings.

A motion by Sohre, seconded by **Burt**, to approve Ordinance #2016-07 Opting-Out of the Requirements of Minnesota Statutes, Section 462.3593.

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

9) Unfinished Business

- a) 4th and 5th Street Project Update
 - City Engineer Larson stated that the payment request is for \$244,781.40 and the City is still withholding 5% of the work completed.
 - City Engineer Larson recommends approval of payment, contingent on payroll paperwork being received.
 - Curb and gutter are scheduled for tomorrow but it depends on the rain.
 - The remaining items are more sensitive to rain and work may be delayed.

A motion by Sohre, seconded by **Hiniker**, to approve Contractor's Request for Payment No. 4 for \$244,781.40 contingent on payroll paperwork being received.

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

Nays: None

Abstained: Hoehn

Motion carried.

b) Conditional Use Permit for 1185 Park Road

- Brad Radichel requested a conditional use permit be approved for construction of a tennis court.
- The Planning Commission recommends that since the lots are contiguous, they be combined and no conditional use permit would be required at that time.
- Mr. Radichel does not want to combine the lots and is not interested in moving the lot line of his property to the other side of the tennis court.
- The City's ordinance does not allow for an accessory use on a lot where there is not a primary structure.
- City Attorney Moran recommends denial of the conditional use permit request.
- Lee Thurman of 22357 Lakewood Drive
(1) Mr. Thurman stated that he owns the neighboring property and has no objections to the tennis court.
- Mr. Radichel discussed his liability concerns.
- City Administrator Hanson provided different options such as building a primary structure or attaching the land to your primary residence.
- Council directed the Planning Commission to discuss accessory uses at their next meeting.

A motion by Hiniker, seconded by **Hoehn**, to deny the conditional use permit for 1185 Park Road.

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

Nays: None

Abstained: Hoehn

Motion carried.

c) City Hall Parking Lot

- Council discussed burying the electric cable in the parking lot for \$2,100.00 more.
- Council stepped outside to look at the cable.

A motion by Sohre, seconded by **Hoehn**, to bury the electrical line for \$2,900.00.

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

Nays: None

Abstained: Hoehn

Motion carried.

10) New Business

11) Staff Reports

a) City Administrator

- City Administrator Hanson stated that September 15, 2016 is the deadline for the preliminary levy.
- Council will hold a special meeting on August 31, 2016 at 6:00 pm to discuss the budget.

12) Mayor & Council Reports

13) Closed session

- a) Discussion of pending litigation regarding special assessments (Closed Session under MN Statute 13D.05, subd. 3(b))

A motion by Hoehn, seconded by **Sohre**, to close the open meeting under MN Statute 135.05, subd. 3(b) at 8:20 pm.

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

A motion by Hoehn, seconded by **Sohre**, to open the meeting at 8:25 pm.

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

A motion by Sohre, seconded by **Hoehn**, to allow City Attorney Moran to draft an agreement reducing the original assessment for 501 Main Street from \$14,300.00 to \$9,500.00.

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

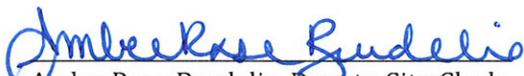
14) Adjournment

A motion by Hoehn, seconded by **Sohre**, to adjourn the meeting 8:26

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


Kenneth Reichel, Mayor

Attest:


AmberRose Brudellie, Deputy City Clerk