

**MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF EAST GULL LAKE, COUNTY OF CASS, STATE OF MINNESOTA**

REGULAR SESSION

**February 3, 2015
6:30 PM**

CALL TO ORDER

The East Gull Lake City Council met in Regular Session at 6:30 P.M. and was called to order by Mayor Kavanaugh.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor Kavanaugh, Councilors Ruttger, Demgen and Hoffman

Absent: Councilor Lang

ADOPTION OF AGENDA

4a. Additions: None

4b. Deletions: None

M/S/P, all ayes, Hoffman, Demgen, to approve the agenda as presented

ADOPTION OF CONSENT AGENDA*

M/S/P, all ayes, Councilors Demgen, Ruttger; to approve the following Consent Agenda items:

5a. January 2015 City Council Meeting Minutes

5b. Financial Report

- December 2014 bank statement
- Trial Balance, Monthly Budget Report, Delinquent WW Customers Report

5c. Approved January 2015 AP claims 18569 to 18593 for total amount of \$354,592.72

- January Check Register

5d. Gambling Permit – Ducks Unlimited, Raffle at Madden's, April 24, 2015

5e. Gambling Permit – Nisswa Women's Club, Raffle at Madden's, May 26, 2015

OPEN FORUM**

None

PLANNING & ZONING

7a. Administrator's Report

Councilor Demgen requested discussion on the Bob Johnson property newly reconstructed fence. It was noted that the City Ordinance states that a fence cannot be six (6) feet tall and Johnson's is six and one half (6.5) feet. It was also noted that it may be too close to the road and the question was asked if he obtained a land use permit to construct the fence in the first place. Administrator Mason will follow up with the matter and talk to Mr. Johnson.

7b. Review of Comprehensive Plan, Zoning Map and City Ordinance regarding Cell Towers

Administrator Mason noted that the Planning Commission will be reviewing the documents and presenting changes to the Council.

- The Comprehensive Plan will be completed a portion at a time, with Kathy Schack and Administrator Mason outlining changes that need reviewing. It was noted that it

hasn't been updated in 10 years. Mayor Kavanaugh noted that all the information in the Comprehensive Plan is not Planning Commission related and that the Council should be looking at some of the changes that need to be made. It was noted that Kathy Schack removed the Comprehensive Plan from the city website until updates are completed. It was noted that the CGI name/logo needs to be removed.

- The Zoning Map has many incorrect markings and needs to be reviewed. It was noted that there were changes made to the original mapping without Council approval or public hearing. It was also noted that the original map that was approved can no longer be found.
- City Ordinance changes regarding Cell Tower language was discussed. Administrator Mason noted that there is nothing in the City Ordinance regarding Cell Towers. Discussion ensued regarding the situation of the owners of the property not receiving any compensation in regards to the cell tower being situated on their property. Administrator Mason noted that the owners will be contacting their lawyer to pursue the matter.

WASTEWATER & ROAD REPORT

- 8a. Superintendent Jasmer reported the freeze-up issues. He also discussed the ferric level. He noted that the aerators are in, but he is waiting for WW Goetsch to come and wire them. The cables will be hooked up once the weather warms up.
- 8b. The driver feedback road sign was discussed. Highway 77 speed issue was discussed. Councilor Demgen noted there were residents that asked about a way to slow traffic on Green Gables road and she stated that this would be a good solution. It was noted that the smart sign would give the City information regarding the number of cars that speed and how fast they are going. Superintendent Jasmer is to contact the company to find out about availability and delivery time.
- 8c. Green Gables road had some road heaves and cracks that need to be repaired. It was noted that the road is still under warranty.

PUBLIC SAFETY

No Report

PARK & TRAILS

No Report

PERSONNEL COMMITTEE

No Report

BUDGET COMMITTEE

No Report

MAYOR'S REPORT

13a. Mayor Kavanaugh noted that he is still considering having a Community Day at City Hall inviting the First Responders and Fire Fighters. It was noted that invitees should be contacted with the next month or so if it is being planned for June 2015.

CITY ADMINISTRATOR REPORT

14a. Kavanaugh sewer easement issue

Mayor Kavanaugh excused himself for this portion of the meeting and Councilor Ruttger took over presiding the meeting.

- Administrator Mason noted that he discussed the upcoming meeting tonight with the City Attorney. The City Attorney stated that the Council should be aware that up to this point there has not been a proposal formally submitted to Kavanaugh's Resort regarding the sewer easement issue.
- There have been discussions between the City, Kavanaugh's, their attorney and the City Attorney. He noted that Kavanaugh's built the sewer line, costing approximately \$100,000.00, for the 23 units of their development. It was not originally intended for the City's usage. The City ended up using that sewer line. He noted that there is a liability for the City as well as Kavanaugh's Resort. He noted that the sewer system was designed to go through Kavanaugh's Resort right from the beginning. He noted that Kavanaugh's was reluctant to allow the City sewer to go through due to the odor issue that had occurred at Cragun's Resort. So as part of the PUD, no easements for utilities were conveyed, and Kavanaugh's built their own sewer line. It was put in as a temporary trial in 2008 and was never changed.
- It was noted that the past is not what needs to be discussed. A solution to the issue needs to be determined.
- It was discussed in the past to settle the issue by paying Kavanaugh's \$30,000.00 to transfer the easements over to the City. The amount was determined by quoting how much it would cost the City to directional bore the pipeline circumventing the Kavanaugh line. It has come to be a contentious issue and now is into the attorney stage to settle.
- Administrator Mason stated that the City is now at the point of submitting a proposal to Kavanaugh's Resort.
- At this point in time both the City and Kavanaugh's are concerned with the attorney fees.
- Discussion ensued regarding the situation with Cragun's and Madden's and their purchase of future use ERC's.
- Waiving the late fee was discussed because Kavanaugh's chooses to pay their bills during their open season and holding off for the winter months, during which time late fees are being applied to their accounts. Superintendent Jasmer noted that the City should not consider waiving late fees for one resident/user because it opens it up to others.
- It was decided that the City would like to offer credit for 18 connections with an option to sell up to eight (8) and cover the cost of any legal documentation that needs to be prepared, and cover the cost of any easement preparation.
- Councilor Ruttger noted that the Memo from City Attorney Pearson be on record as rationale for the conclusion reached by the Council stated in the motion.
- It was noted that the attorney may have other specifics that needed to be added to the documentation.

Ayes, Councilors Hoffman, Demgen, Ruttger, Absent Mayor Kavanaugh, Councilor Lang to agree to [offer credit for] 18 connections that specifies the City be responsible for the attorneys fees involved in preparation of [legal documents for] this agreement, and the City be responsible for the [cost] for the defining of the easements and the mapping, paying the City Engineer for preparing those [easements] and that [Kavanaugh's] has the ability [option] to sell up to 18 connection.

14b. Pay Equity Report

Administrator Mason noted that the report needs to be sent in every three years. He noted that he used the State point system. He kept the points relatively the same for Joel, Joe and Gregg. He noted that he met with the staff, excluding Gregg, and discussed the points for each position. The staff came to an agreement with Administrator Mason and he sent the report to the State. He was notified that they received the report and it is now under review. He also noted that he plans on comparing our wages with other cities in the state through the League of MN Cities.

14c. Board of Appeal & Equalization (BOAE)

Administrator Mason stated that the City received notice regarding the meeting for the BOAE which will be held at City Hall on Thursday, April 23, 2015 at 10:00 am. It was noted that three councilors need to be in attendance, including Councilor Demgen, who is trained purposely for this meeting.

OLD BUSINESS

None

NEW BUSINESS

None

NEXT REGULAR SESSIONS OF CITY COUNCIL/OTHER MEETINGS

- Planning and Zoning Meeting Tuesday, February 03, 2015 at 6:30pm
- City Council Meeting Tuesday, March 03, 2015 at 6:30pm
- Wastewater & Road Committee Meeting Wednesday, February 18, 2015 at 3:00pm
- Budget Committee Meeting Day, Date at 7:00pm
- Park & Trails Committee Meeting Tuesday, Date at 7:00pm
- Public Safety Meeting Day, Date at 7:00pm

M/S/P, all ayes, Demgen, Hoffmann, to adjourn the meeting

Respectfully submitted,

Rob Mason
City Administrator/Planning & Zoning Administrator
RM/kas

These minutes are paraphrased and are not written word for word.

***CONSENT AGENDA ITEMS** are considered to be routine and noncontroversial by the Council and will be approved by one motion. There will be no separate discussion for decision of these items unless a Councilmember, staff member, or citizen so requests due to a speculative controversy, in which case the item will be removed from the consent agenda and considered under the regular agenda.

****OPEN FORUM** allows the public to speak to the Council regarding issues that are not on the agenda.