

**CITY OF BEAVER BAY
BEAVER BAY, MN 55601
December 13, 2012, MEETING OF THE COUNCIL**

Present: Kent Shamblin, Tom Harris, Linda Malzac, Steve Nazian

Absent: Marc Huss

Agenda:

1. Call to Order
2. Approval or Changes to Agenda
3. Approval of Minutes: November 20, 2012, and December 11, 2012
4. Council member reports
5. Communications
6. Old Business
 - a. Review and approval of registered land survey, Beaver Bay Club
 - b. Confirm or cancel 12/27 city council meeting
 - c. Reorganization of city administration (tabled from 12/11)
 - d. Lake County Human Services letter regarding Green Door violations
7. New Business
 - a. Fire Relief Association annual report
 - b. Petition to pave East-West Towne Road
 - c. Approve renewal of tobacco license for Beaver Bay Mobil
 - d. Approve 2013 council meeting schedule
 - e. Approval of plumbing repairs for Dugas home
 - f. Bank signatory
 - g. Letter from auditors
 - h. Fire Hall contractor
8. Public comment
9. Approval of claims
10. Adjournment

Meeting Minutes:

1. Call to Order

Mayor Shamblin called the meeting to order at 7:00 p.m.

Shamblin reported that with John McCurtain no longer the city administrator, members of the council would for the time being assume responsibilities for various functions. He asked for patience by the public.

2. Approval or Changes to Agenda

The following changes and additions were made to the agenda:

- One item was added under Old Business, shown as item d. on the above agenda.

- Three items were added under New Business, shown as items f., g. and h. on the above agenda.
- Harris asked that agenda items for which members of the public were present be handled first.

Motion: Approve the agenda with the changes noted.

Passed: Harris moved. Malzac second. All in favor. None opposed.

3. Approval of Minutes: November 20, 2012, and December 11, 2012

Motion: Approve the minutes of the November 20 and December 11 meetings.

Passed: Harris moved. Nazian second. All in favor. None opposed.

4. Council Member Reports

Tom Harris

- The culvert project by Camp 61 ran into a problem with a buried power cable. The project has been shut down because of weather but will resume in the spring at which time the city will pay for repair of the power cable.
- Harris and Shamblin met with the city public works staff to clarify responsibilities and establish priorities.
- MSA has not yet received state approval on the plan of action to remedy the issue of fuel oil in the water.
- Brandon Olson's company completed work to fill the inside edges of the skating rink to hold water. The work was done significantly under budget.
- The gutter over the Town Hall is leaking again. The city will likely need to engage a gutter expert to resolve the issue.
- City office locks have been changed.
- Procedures have been established among city staff for handling water shut-offs.
- With assistance from Nazian, Linda Holden will be preparing a list of past due water and sewer accounts for the council to take action.

Kent Shamblin

- Shamblin asked for Council input on getting a second phone line for the city offices. He reported that with one phone line, when that line is in use the public isn't well served because they can't get through to the city office. The Council supported getting a second phone line.

Steve Nazian

- Accounts and records are getting set up for 2013.
- The 2012 second half tax payment was received from the Lake County.

5. Communications

- Shamblin reported that the city received a letter from Merlon Maynard with two issues:
 - Maynard objects to water bills being sent out in envelopes and thinks the city should go back to postcards. The council agreed that generally the water bills did not need to go out in envelopes.
 - Maynard noted a speed problem on McDonald Avenue and requested speed bumps be installed. Shamblin had done some research and determined speed bumps are not recommended.
- Nazian noted the Council received a report from Janet Stand of the Parks and Recreation Committee. Despite being the only committee member, Janet continues to move projects forward. The Council used this opportunity to ask Beaver Bay residents to considering joining the Parks and Recreation Committee.

6. Old Business

a. Review and approval of registered land survey, Beaver Bay Club

Charles Andresen, Andresen & Butterworth, P.A., Duluth, MN, was present representing the Beaver Bay Club to ask the City to approve the registered land survey of Beaver Bay which was commissioned by the Beaver Bay Club and completed over the past couple of years. Mr. Andresen reviewed the land survey maps and answered questions from the Council and public.

Motion: Approve Resolution 2012-1006 to adopt and approve the registered land survey.

Passed: Shamblin moved. (Didn't ask for a second.) Roll Call Vote: Harris, Malzac, Nazian, and Shamblin in favor. None opposed.

b. Confirm or cancel 12/27 city council meeting

Harris, Malzac and Nazian will be available for the regularly scheduled council meeting on 12/27. For now the council agreed to leave the 12/27 meeting on the schedule. If there isn't a need for the meeting, it will be canceled 72 hours in advance.

c. Reorganization of city administration (tabled from 12/11)

The Council continued its discussion from the 12/11 meeting regarding reorganizing city administration.

Harris has identified the need for a Public Works Advisory Committee and asked that it be added to the list of Commissions and Boards in the proposed reorganization of City of Beaver Bay administration document

Harris reported Mary Jane VanDenHeuvel, Beaver Bay Township clerk and former City of Beaver Bay employee, was willing to help in the City Offices with any 2012 year-end state or federal reporting that may need to be done.

Motion: Abolish the Beaver Bay city administrator position and establish a part-time city clerk position.

Passed: Harris moved. Malzac second. All in favor. None opposed.

Action: Shamblin and Nazian were asked to finalize the job description and benefit package for a city clerk position and then bring that back to the whole Council.

d. Lake County Human Services letter regarding Green Door violations

An inspection of the Green Door on May 2, 2011, found the Green Door out of compliance with Lake County Food and Beverage Service Ordinance #7. The compliance schedule and notice of violation letter that were sent to the Green Door from Lake County Human Services on January 13, 2012, stated that all existing violations must be addressed by January 13, 2013, or additional enforcement action would be taken.

Lake County Human Services has requested an updated compliance schedule detailing the plan to bring the business into full compliance with the Lake County ordinance, and has indicated the response may affect Lake County's decision whether to take further enforcement action.

Malzac expressed frustration that to-date the Liquor Advisory Committee has not been successful in developing and executing a plan to address these violations.

The Council directed the Liquor Advisory Committee to present a plan of action, with cost estimates, at the City Council meeting on January 10, 2013.

Motion: Linda Malzac chair the Liquor Advisory Committee.

Passed: Nazian moved. Harris second. All in favor. None opposed.

Shamblin will write a letter to Lake County Human Services advising them of the Council's planned actions.

7. New Business

a. Fire Relief Association annual report

This item was tabled as the Fire Chief was not in attendance as planned.

b. Petition to pave East-West Towne Road

The Council discussed a petition to pave the East-West Towne Road in 2013. Petitioner Rev. Lance K. Beachem from the Assembly of God Church spoke for the four petitioners citing (1) maintenance issues when the road is washed away every time there is large rain and during spring run-off; (2) the strategic location of this street; (3) the high pedestrian usage; and (4) the back door entrance to the Fire Hall.

Camp 61 petitioners Todd and Carol Krynski were also present. Carol noted that the condition of East-West Towne Road as it bisects Camp 61's parking lot is noted as a hazard by Camp 61's insurance carrier each renewal.

The Council thanked the petitioners and noted the case for action, but indicated they could not make a decision at the meeting because of the need for a more comprehensive street maintenance plan.

Street maintenance was a topic at the November 17 planning session. There is a lot of work to do with ditches, culverts, manholes, and building up of road beds. The City will prioritize and develop a schedule, looking at all the street needs across Beaver Bay. The City would like to be in a position to have the preparation work done on streets that need paving so the paving could occur when other paving projects are done in the area.

c. Approve renewal of tobacco license for Beaver Bay Mobil

Motion: Approve the renewal of tobacco license for Beaver Bay Mobil.

Passed: Nazian moved. Harris second. All in favor. None opposed.

d. Approve 2013 council meeting schedule

The Council agreed to continue to meet the 2nd and 4th Thursdays of the month in 2013, with adjustments for holidays.

e. Approval of plumbing repairs for Dugas home

The City needs to repair pipes for the Dugas home because the City did not shut off the water and the pipes burst. Harris has gotten one bid but indicated the need for a second bid.

Motion: The City of Beaver Bay recognizes its obligation for plumbing repairs to the Dugas home and will solicit a second bid.

Passed: Harris moved. Nazian second. All in favor. None opposed.

f. Bank signatory

All City checks require two authorized signatures. Nazian recommended that all Council members be authorized to sign checks, and indicated he would handle the paperwork for Malzac, Harris, and councilor-elect Larson to be set up as valid signatories

Motion: Authorize all City Council members to sign bank checks.

Passed: Nazian moved. Malzac second. All in favor. None opposed.

g. Letter from auditors

Nazian reported the City received a letter from the auditors Walker, Giroux, & Hahne Ltd. about scheduling the year-end inventory of the Green Door and the status of the engagement letter for the 2012 audit. Fees for services to be performed in 2013 are not to exceed \$18,000.

Nazian recommended the City contract for audit services with Walker, Giroux, & Hahne in 2013, but asked for approval from the Council to discuss the fee structure with Walker, Giroux, & Hahne.

Motion: Authorize Nazian to retain the audit firm of Walker, Giroux, & Hahne LTD and negotiate more reasonable fee structure.

Passed: Shamblin moved. Malzac second. All in favor. None opposed.

h. Fire Hall contractor

Harris reported that the contractor for the Fire Hall project ran into some unforeseen issues that required additional material and labor beyond the original estimate. Harris had approved additional work as it was critical to the infrastructure of the building.

Marv Morrison of Lakeside Masonry, the contractor on the project, was in the audience and outlined the unanticipated problems they encountered and the work that was done. He also reported that based on what he found the Fire Hall still needs a new roof and insulation in the ceiling.

The Council and public commented on how nice the Fire Hall looks.

Motion: Approve an additional payment of \$191.00 to Lakeside Masonry.

Passed: Harris moved. Nazian second. All in favor. None opposed.

8. Public Comments

Erv Johnson expressed doubt the water meter for his apartments is working because his water bill was \$900. He also reported that a claim he'd made against the City for damage from water had been denied by the City's insurance carrier. He was looking for the City to do something. Shamblin responded that the City needed documentation from Mr. Johnson in order to review the issue.

9. Approval of Claims

Motion: Approve the claims list, holding one check until Nazian confirms the invoice amount.

Passed: Harris moved. Malzac second. All in favor. None opposed.

10. Adjournment

Motion: Adjourn

Passed: Harris moved. Nazian second. All in favor. None opposed.

City Council Meeting adjourned at 9:03 p.m.