

MINUTES OF THE REGULAR MONTHLY MEETING
OF THE MANHATTAN BEACH CITY COUNCIL
June 6th, 2017

The regular Monthly Meeting of the Manhattan Beach City Council was held on Tuesday June 6th, 2017 in the City Hall at 7:07pm. The following officers were present: Paul Allen-Mayor; Janis Allen, Marlene Yurek, Barb Hanson-Wannebo-Council Members; Amy Wannebo-Clerk-Treasurer; Andrew Kalis-City Attorney; Chris Clasen-Justin Clasen & Co. ; 2 members of the press and approximately 6 citizens.

The Pledge of Allegiance was recited.

Agenda Amendments: Add to New Business: Soil & Water Conservation- to use City Hall on June 16th at 10am for bids. Strike: Open Forum for Consideration-as it doubles the By-Laws Order of Business agenda item.

Approval of Meeting Minutes May 2nd, 2017: Mayor Allen stated that the reference to MOU needed to be spelled out to Memorandum of Understanding and to make the correction that Mayor Allen did not vote on the motion to remove comments from open forum. MOTION MADE BY MARLENE AND SECONDED BY JANIS TO MAKE CORRECTIONS AS STATED TO MAY MINUTES. MOTION CARRIED.

Clerk-Treasurer's Report: Audit Findings Chris Clasen; Justin, Clasen & Co.; Read the Communications Letter for the 2016 Audit to the council. (Audit is posted on the website). He stated that there were not any financial discrepancies. He said the Justin, Clasen & Co. would be able to assist the council, if they so choose to address the following; creating policies and procedures where needed, and looking at listing all council members as city employees as opposed to sub contractors. Mayor Allen stated that the council should consider having Chris back or to send a memo as to how to address the items listed above. MOTION MADE BY JANIS AND SECONDED BY MARLENE THAT THE COUNCIL ACCEPT THE AUDIT REPORT FROM CHRIS CLASEN AS STATED. MOTION CARRIED. **Claims & Receipts List:** Attached. Amy explained that there were two claims lists because two invoices were stuck together and she didn't realize it until the claims list was printed. The twenty five dollar charge for the missing safe deposit box key was not showing up in the cash control statement. But it is showing up in the bank statement and the accounting program. MOTION WAS MADE BY BARB AND SECONDED BY MARLENE TO ACCEPT CLAIMS AS PRINTED INCLUDING CROW WING POWER, ADD A 'BUILDING FUND' TO THE ACCOUNTING PROGRAM, REMOVE 'PHONE' FROM THE DESCRIPTION FOR CROSSLAKE COMMUNICATIONS, FIND OUT IF AMY SHOULD BE PUT UNDER 'CLAIMS LIST' AS OPPOSED TO PAYROLL SINCE NO TAXES ARE TAKEN OUT, MOVE FUNDS INTO THE 'ROAD & BRIDGE FUND' AND 'BUILDING FUND' AND DO NOT DO ANYTHING ABOUT THE TWENTY FIVE DOLLAR FEE AS LONG AS IT BALANCED IN THE BANK ACCOUNT AND THE ACCOUNTING PROGRAM. MOTION CARRIED.

Planning & Zoning Report:Darrin Welle was unable to attend, P&Z Report attached. Mayor Allen read the report to the council.

OPEN FORUM:

Unfinished Business: Memorandum of Understanding: update regarding Big Trout Lake Project-City Attorney Andrew Kalis- As far as he knows it is moving forward. **Fee Schedule Ordinance:** Attached. Mayor Allen read the ordinance. Zoning Permit Fee Schedule-attached. Andrew Kalis read the

“Findings of Fact”-attached. MOTION MADE BY MARLENE AND SECONDED BY JANIS TO ACCEPT THE FEE SCHEDULE ORDINANCE & THE FINDINGS AS PRINTED. MOTION CARRIED UNANIMOUSLY. MOTION WAS MADE BY MARLENE AND SECONDED BY JANIS THAT THE ORDINANCE NUMBER FOR THE FEE SCHEDULE BE 0617. MOTION CARRIED UNANIMOUSLY. Flood Plain Ordinance; Attached. The reading was waived. Mayor Allen read the “Findings” for the Flood Plain Ordinance aloud-attached. MOTION MADE BY JANIS AND SECONDED BY MARLENE TO ACCEPT THE FLOOD PLAIN ORDINANCE & THE FINDINGS AS PRINTED AND TO NUMBER THE ORDINANCE 06A17. MOTION CARRIED UNANIMOUSLY. MOTION MADE BY JANIS AND SECONDED BY MARLENE TO APPROVE AND ADOPT THE RESOLUTION TO APPLY TO PARTICIPATE IN THE NATIONAL FLOODPLAIN INSURANCE PROGRAM. AND TO HAVE DARRIN WELLE FILL OUT AND FILE THE APPLICATION FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM. MOTION CARRIED. Summary Publication; Attached. The reading was waived. MOTION MADE BY JANIS AND SECONDED BY MARLENE FOR THE SUMMARY TO BE PUBLISHED FOR ORDINANCES 0617 & 06A17. MOTION CARRIED BY A 4/5THS VOTE. Manhattan Beach Lodge; Liquor Lis. Renewal-Amy stated that the 2am license is just a renewal and not a new application. Barb stated that the license should be approved and sent into the state. MOTION MADE BY BARB AND SECONDED BY JANIS TO APPROVE THE APPLICATION FOR THE LIQUOR LICENSE. BARB, JANIS & AMY- AYE. MARLENE-OPPOSED. MOTION CARRIED.

OPEN FORUM:

New Business: Elected Official being zoning administrator; Mayor Allen said that the P&Z took this up at their last meeting. And although he didn't have the minutes to support it, there was no motion to change. Mayor Allen said that he would let the council decide what to do. Mayor Allen said that some comments that have been made are somewhat non-factual. The council, at the time that Mayor Allen was appointed to Zoning Administrator, chose to act quickly to prevent development. It was not illegal for the council to appoint Mayor Allen. Someone was hired for the position and he took another position before he started. The city attorney at the time suggested that the city hire LouAnn Maschler. The city did and LouAnn did the job until NJPA was hired. NJPA is doing an outstanding job. Mayor Allen didn't see any reason why if Darrin Welle left NJPA that they wouldn't bring someone else in to replace him. There was some council discussion. MOTION MADE BY MARLENE AND SECONDED BY BARB TO KEEP AS IS, IN THE EVENT THAT THERE WAS AN ISSUE NJPA CAN BACK THE CITY UP AND TO KEEP MAYOR ALLEN AS DEPUTY ZONING ADMINISTRATOR. MOTION CARRIED. By-Laws order of business; Mayor Allen stated that the Order of Business was established in 2010. They were created by resolution to keep order. He stated that there seems to be an issue about the timing of the open forum. He went on, the city is not legally bound to hold open forums and that open forum is a privilege that is exercised by the council. On occasion I (Mayor Allen) did change the timing of open forum, sometimes an extra open forum was added. There can be varying order of 'order of business'. The council has great latitude in changing the agenda or order of business. Mayor Allen read MN Statute 412.191 Sub 2. The city does not do 'Robert's Rules' because it gets quite complicated. I think we have pretty good rules of how we conduct. My problem with open forum is that we are here to discuss agenda items. In open forum you can get tricked into voting on something that's not on the agenda. That's the danger. The liability that it can create if you do. Or if someone gets misquoted. Andrew Kalis stated that if open forum comments are in the minutes that the council be cautious of data practices. Marlene stated that what she didn't like about open forum, was when people

throw rocks at the Mayor. Amy stated that she researched other Minnesota cities. And that a large majority of cities include different variations of including comments from the public in their minutes. Such as sign in sheets, name and topic or name and a summary of what the person said. Amy stated she agreed that misquoting someone would be bad for the city. To avoid that a sign in sheet should avoid that conflict. Janis said that people would do it to just get their name in the paper. Barb suggested that if someone wants to speak that they call the week before and ask to be put on the agenda. Memorandum from Andrew Kalis-city attorney; Attached. Andy summarized his memo to council. Mayor Allen expressed his offense and that the memorandum was painting the council in a bad light and that it was making it look like the council had actually violated the open meeting law. Mayor Allen referenced case law to open meeting laws and read from the League of Minnesota Cities; Information Memo-Meetings of City Councils page 20, printed on 11/09/2015. Attached. Barb suggested that before the city's money is wasted, that a formal complaint be filed. Andy recommended that the city create a complaint form and have a procedure in place for how to handle complaints. Mayor Allen suggested adding this topic to the July agenda. And to instruct the attorney on how to handle future complaints and creating a form. Barb brought to the attention of the council that the July meeting falls on 4th of July. She thought that a notice should be put in the paper stating the date change. Janis agreed. Soil & Water; use of city hall- MOTION WAS MADE BY JANIS AND SECONDED BY MARLENE TO ALLOW SOIL & WATER USE OF THE CITY HALL ON JUNE 16TH AT 10AM AND THAT JANIS OR MARLENE WOULD BE AVAILABLE TO LET THEM IN. MOTION CARRIED.

MOTION MADE BY MARLENE AND SECONDED BY JANIS TO ADJOURN THE MEETING. MOTION CARRIED. MAYOR ALLEN DECLARED THE MEETING ADJOURNED AT 9PM.

Amy Wannebo Clerk-Treasurer

Mayor/Council Member