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MINUTES OF THE REGULAR MONTHLY MEETING
OF THE MANHATTAN BEACH CITY COUNCIL

October 3rd, 2017

The Regular Monthly Meeting of Manhattan Beach City Council was held on Tuesday October 3rd, 2017 in the City Hall at 7pm. The following officers were present: Paul Allen-Mayor; Janis Allen, Marlene Yurek, Barb Hanson-Wannebo-Council Members; Amy Wannebo-Clerk-Treasurer; Chris Clasen-Justin, Clasen & Co.; Andrew Kalis-City Attorney; 1 member of the press and approximately 6 residents.

The Pledge of Allegiance was recited.

Agenda Amendments: Mayor Allen stated that there was a discrepancy about setting the agenda. I'll leave it up to the council to decide on the agenda. I had suggested that since the city tax levy was thoroughly discussed and the levy set, that I didn't feel it was necessary to be heard again. Our By-Laws say that the Clerk and the Mayor set the agenda. Andrew Kalis said that the council has wide discretion on setting the agenda and since it couldn't be agreed upon, I think its best to leave it up to the council to decide whether or not to hear this. **A motion was made by Marlene and seconded by Janis that we don't discuss the tax levy because it's been decided and discussed at a previous meeting. Barb, Janis and Marlene-Aye. Amy=Opposed. Motion carried 3-1.**

A motion was made by Janis and seconded by Barb to add Building Fund and Road Fund to unfinished business. Motion carried.

A motion was made by Marlene and seconded by Janis to approve the agenda as stated. Motion carried.

Approval of September Minutes: Marlene stated that the date needed to be corrected and three spelling errors.

A motion was made by Marlene and seconded by Janis to make corrections and accept the minutes as printed. Motion carried.

Clerk/Treasurer's Report: Claims & Receipts Lists-attached. Amy asked if anyone had any questions. Janis asked if the city had received all the tax money yet. Amy said the city had received two partial payments, both in July. Amy stated that she and Janis had gone over the budget and entering it into the CTAS program. We had to change some of the "Accounts" and "Object Codes" from the way that Barb had entered them into the old CTAS system in 2016. There were some changes from the old system to the new system that would not allow the use of some of the accounts and object codes that Barb had previously used. We had to add some items and others, Janis and I just chose what we thought made the most sense for that particular budget item. There are some items in the disbursements ledger that I need to know how the council would like items to be listed in reference to what has been budgeted. Chris Clasen stated that the

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city doesn't need to budget Road Fund items or Building Fund items. Amy asked if home owners should be paying Martin Joyce bills? Mayor Allen stated that when we lowered that fee on the fee schedule, it was decided that Martin Joyce should bill home owners directly.

A motion was made by Janis and seconded by Marlene that Amy make the changes discussed to the Disbursements Ledger. Motion carried.

Check numbers 3069 through 3076 have been paid for a total amount of \$1,478.28.

Communications: Emails From Residents;attached. Mayor Allen stated that he disputed this category unless it pertains to the agenda. Basically to summarize, the communications are requests to be put on the agenda. Andrew Kalis read the By-Laws regarding the agenda and communications. Attached By-Laws. I think these emails are undisputable communications and should be included in the minutes. I think that everyone should take a few minutes to read over the communications and then they can read aloud or the readings can be waived.

A motion was made by Janis and seconded by Marlene to waive the readings of the communications and that they be recorded with the minutes. Motion carried.

Planning & Zoning: Darrin Welle's Report-attached. Mayor Allen read aloud the report from Darrin Welle.

A motion was made by Marlene and seconded by Janis to accept Darrin's report and make part of the minutes. Motion carried.

OPEN FORUM:

Employee vs. Contractor: Chris Clasen-Our recommendation to re-evaluate and go over Employee vs. Contractor and I am here to answer any questions you may have. We are asking you to support our recommendation to switch the city council and planning and zoning from contractors to employees. The city will be required to match social security and medicare. To start out we are happy to help out with payroll. We are your independent auditor so we need to maintain our independence. Mayor Allen read aloud an email from Mikael Christensen regarding workers comp.-attached.

A motion was made by Janis and seconded by Marlene that the city change from contractors to employees for tax purposes and to include the \$200 for workers comp.

Mayor Allen- What would the ramifications be if we didn't comply? Chris Clasen-The IRS could come back and reclassify for the city and make you pay back taxes.

Motion carried.

Payroll Services: Mayor Allen stated that there was no need for this to be discussed.

Request for Donations: Crosslake Fire Dept., Paul Bunyan Scenic By-Way, Crow Wing County Historical Society and the Initiative Foundation are requesting donations. Andrew Kalis stated that the city should ask Chris Clasen if we can make these donations. Chris Clasen stated

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that the city does not have the authority to take public funds and donate those to non-profits. There is some lee-way with the Initiative Foundation. There is not much gray area with the IRS.

A motion was made by Janis and seconded by Marlene to pay \$100 to the Initiative Foundation. Motion carried.

Complaint Form: Mayor Allen said that Darrin and P&Z Commission were asked to review the form, however since they have not had a meeting this has not happened. It would be appropriate for the council to accept the changes recommended by the city attorney and approve the form so that it can be used. Recommendations from city attorney-attached.

A motion was made by Marlene and seconded by Janis to make changes to form to say “Alleged Violation” then to adopt the form and put into use and then Planning & Zoning can review for changes at the next P & Z Meeting. Motion carried.

Building Fund & Road Fund: Janis went through every month for ten years. Her sheets for each fund are attached. The year to date balance for the Building fund is \$8,004.46. The year to date balance for the Road Fund is \$10,712.62. These balances will be what we put into the CTAS funds. Mayor Allen stated that he wanted the amount from the state of \$7,500.00 verified.

A motion was made by Janis and seconded by Marlene to accept the balances as printed with changes for Building Fund & Road Fund. Motion carried.

OPEN FORUM:

Communications in By-Laws: Larry Wannebo stated that he feels that communications are a really important part of our public policy process and that these things should show up in the agenda. Mayor Allen said that prior to 2007 the city didn't have any By-Laws and the city created them at the recommendation of the League of Minnesota Cities. Larry Wannebo said that we've received a lot of good professional advice. We need to understand where the city is coming from with these policies. I'd like to hear from the council. Janis said that we've never received any communications and that's why they've never been brought up before. Larry disputed that claim and said that he had the paperwork to prove otherwise. Mayor Allen stated the By-Laws obviously need cleaning up. I didn't receive these communications prior to this meeting. Amy stated the Mayor Allen instructed her not to send him and the council these communications. Mayor Allen also asked why the communications weren't forwarded to him. Amy said that she was not aware that she should forward those emails to him. Andrew Kalis said need a policy on how to put items on the agenda. Something that respects every ones time. The By-Laws need to be followed. Mayor Allen said that he thought open forum should be about agenda items and that the city does not have to have an open forum. Marilyn Wannebo expressed her concern of the Mayor's comments and concern that the city was squelching public requests. Andrew Kalis said that if someone sends something in, in accordance with the By-Laws, they need to be included in recorded minutes.

Recorded Minutes on City Website: Larry Wannebo said that he was glad that the city has agreed to purchase a recording device but didn't agree to keep those recordings off the city website. We need answers as to why the city doesn't want these recordings on the website.

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Doug Wannebo said that he personally knows a part time resident that had been asking for meetings to be recorded and posted to the city website for years now. It would be good for people to know what is going on in the city. Marilyn Wannebo said that she couldn't understand why the recordings couldn't be posted on the city website. Janis said that she was tired of the council being attacked and constantly badgered. We can't rebut against the derogatory comments and misinformation. Mayor Allen said that he was tired of hearing the word "transparency". We are transparent. It has not yet been decided if the recorded meetings will be posted on the website. Andrew Kalis said that the Mayor has the authority to keep order. If personal attacks come up, he can call for order and if those people don't comply they can be removed from the meeting.

Paperless & Website Update: Price breakdown sheet attached. Amy explained the price break down sheet and the benefits of paperless. She also explained why the single page scanner that the city currently has is not practical. Mayor Allen expressed concern of hacking and cyber attacks. Janis agreed that the website needs updating and a new all-in-one, printer/scanner was necessary along with training for the website. She also suggested looking into buying the all-in-one locally so that if it were to break, that it could be serviced. Marlene said that the all-in-one was a good idea. Barb thought that these items should be budgeted for.

A motion was made by Janis and seconded by Marlene to table website update until the next meeting, get more information from a local retailer for the all-in-one printer/scanner and see if Paul Davis could attend a meeting to discuss a website update. Motion carried.

Recorded Minutes Policy: Sample Draft attached. Amy explained that the sample draft tells how you would operate the recorder during meetings but mainly if the council so chooses, how those recordings would be posted and stored. If the council chooses to not post, then I'd recommend purchasing an external hard drive to store the recordings. Mayor Allen asked if the city could shut off the recorder during open forum. Andrew Kalis said that if you are going to record that you should record everything, that would be the best practice. You could make a statement like "we are now going into open forum and the views expressed here are the views solely of the person expressing them." Mayor Allen said he wanted the following questions answered. 1. Should the recordings be on the website? 2. Ability of the city to copy recordings 3. Do we have the ability to put recordings on the website with it the way it is today? Janis asked if the recorder had a USB and Amy stated that it did.

A motion was made by Barb and seconded by Marlene to table Recorded Minutes Policy until we get more information. Motion carried.

A motion was made by Marlene and seconded by Janis to adjourn the meeting. Motion carried.

The meeting was adjourned at 9:15pm.

Amy Wannebo Clerk-Treasurer

Mayor/Council Member