

Breezy Point City Council
May 6, 2024 - 6:30 pm
Regular Meeting Minutes

The meeting of the Breezy Point City Council was called to order by Mayor Angel Zierden at 6:30 p.m. Roll Call was taken by City Administrator Chanski. Councilmembers present were Rebecca Ball, Michael Moroni, and Brad Scott. Steve Jensen was absent. Staff present included City Administrator/Clerk David Chanski, Assistant City Administrator Daniel Eick, Deputy Clerk Deb Runksmeier, Police Chief Brian Sandel, Planning & Zoning Administrator Peter Gansen, and Public Works Supervisor Joe Zierden. City Engineer Nick Peterson with Widseth was also present. All stood for the pledge of allegiance.

Approval/Amendment of the Agenda

MOTION MORONI/BALL TO APPROVE THE AGENDA, MOTION CARRIED 4-0

MOTION MORONI/SCOTT TO MOVE TO CLOSED SESSION PURSUANT TO MN STATUTE 13D.05 SUBD. 3(B) ATTORNEY-CLIENT PRIVILEGE TO DISCUSS LITIGATION CITY OF BREEZY POINT VS RIEBER, MOTION CARRIED 4-0

Closed session began at 6:32 pm.

Closed session concluded and open session resumed at 6:52 pm.

Open Forum

Bill Toft, 31877 Green Scene Drive
Jerry Schroden, Breezy Point Timeshare
Bill Juntunen, 29572 Percheron Drive

Consent Agenda

- A. April 1, 2024 Regular City Council Meeting Minutes
- B. April 24, 2024 City Council Workshop Minutes
- C. Approval of Claims Totaling \$106,689.15
- D. Sale of Surplus Property
- E. The North Star 2024 Liquor License
- F. Resolution 11-2024: Sourcewell Community Impact Funding
- G. Resolution 12-2024: Cemetery Commission Membership

MOTION MORONI/BALL TO APPROVE THE CONSENT AGENDA,
MOTION CARRIED 4-0

Effluent Turbine Replacement

Public Works Supervisor Joe Zierden explained that the City replaced one of the effluent turbines at the Wastewater Treatment Facility in 2023, but a recent inspection showed that the second turbine is also in need of to be replacement.

MOTION BALL/MORONI TO APPROVE PURCHASE OF QUALITY FLOW SYSTEMS PUMP AT \$29,792.00, MOTION CARRIED 4-0

Public Safety Building Furnace Replacement

Police Chief Sandel explained that the Public Safety Building is served by 3 furnace units. One unit failed in 2023 and was replaced. At that time, Chief Sandell told the City Council that his plan was to replace the remaining units (which are original to the building) over the following two years. The replacement of the furnace was budgeted in the facility maintenance budget.

MOTION MORONI/BALL TO APPROVE FURNACE PURCHASE FROM THELEN HEATING FOR \$11,825.00, MOTION CARRIED 4-0

Police Department Rifles and Optics Purchase

Chief Sandel gave an overview of the request for new rifles and optics with accessories for the Police Department.

MOTION BALL/MORONI APPROVE PURCHASE OF POLICE RIFLES OF \$7,551.30 AND OPTIC SUPPLIES OF \$10,831.88, MOTION CARRIED 4-0

LMCIT Collaboration Services Proposal

Mayor Zierden shared her request for training on parliamentary procedure and Robert's Rules of Order and spoke to the proposal from League of Minnesota Cities Collaboration Services Manager Aimee Gourley. She stated that she wants to make sure that everyone is on the same page for how a meeting should be ran.

City Administrator Chanski shared written comments submitted by Councilmember Jensen which stated "I do not support having the proposed facilitated workshop."

Councilmember Moroni stated that he is always in favor of further educational opportunities and asked about opening up the service to other municipalities just as was done in 2023 when the City hosted land use training. Administrator Chanski shared that this kind of training is really specific to individual communities.

Councilmember Ball said she would be interested in learning more about what the training would look like. Councilmember Scott agreed, stating that it would be a good workshop topic.

Mayor Zierden said the training would be for all committees in addition to the City Council, which would help everyone be on the same page. Councilmember Scott stated he doesn't understand why the rest of the councilmembers need to be involved if it is the responsibility of the Mayor and committee chairs to run meetings. He also asked what issues need to be addressed.

Councilmember Ball mentioned asking the other committees and commissions if they would like the training and desired to leave it up to them to decide if they want to hold the training on their own.

MOTION MORONI/BALL TO DISCUSS LMCIT TRAINING AT A FUTURE WORKSHOP,
MOTION CARRIED 3-1, SCOTT OPPOSED

Shoreview Lake Damage Assessment Report

City Administrator Chanski spoke on why the damage assessment on Shoreview Lane was conducted. City Engineer Nick Peterson with Widseth then walked the City Council through his report and recommendations.

Councilmember Scott asked about the optional guardrail. Public Works Supervisor Joe Zierden explained the benefit of having a guardrail, which stemmed from a concern of the public using the section of roadway to access Pelican Lake during the winter.

Administrator Chanski read written comments from Councilmember Jensen, which stated "The damage caused by ice this past winter to Shoreview Lane bank and road need to be repaired. I support approving Widseth's damage assessment." Specifically, to the question of the proposed guardrail, Councilmember Jensen wrote "Fisherman use snowmobiles, ATVs, and side by sides to haul equipment for ice fishing in addition to walking. I asked Administrator Chanski with 9' to 12' of large boulders used for rip-rap if the city has any liability for someone falling on the boulders when accessing the lake or damage to snowmobiles, ATVs, and side by side vehicles? I asked that the City Attorney be consulted. Also, ask the City Attorney's opinion if signage should be placed along the east side of the road warning of potential danger? Guardrail installation is expensive and can be damaged by ice. If the city is not liable for injuries or damage to recreational vehicles, I think an option for this year would be to not install the guardrail and monitor throughout the winter 2024/2025 to see if any issues occur. Address installing a guardrail in 2025 if needed."

Administrator Chanski shared that the City Attorney believed there was no more liability to the City than any other road project if a guardrail is not installed.

Public Works Supervisor Zierden stated that a guardrail would help identify the shoulder but could be damaged by future ice pushes. City Engineer Peterson stated

that delineators could be installed at very little cost to help identify the shoulder in the winter. Councilmember Moroni said that the City should start with delineators and add a guardrail later if needed. Mayor Zierden and Councilmember Ball agreed.

Councilmember Scott asked about the damage history along Shoreview Lane. Public Works Supervisor Zierden spoke to the history, and Scott stated that this is just one of those roads that gets damaged.

MOTION BALL/MORONI TO APPROVE WIDSETH DAMAGE ASSESSMENT TO DETERMINE REPAIR OPTION WITHOUT GUARDRAIL BUT WITH DELINEATORS, MOTION CARRIED 4-0

Streets CIP Request for Proposals

City Administrator Chanski stated that the Streets CIP RFP document has been updated as discussed during the Council Workshop on April 24th. He then read Councilmember Jensen's written comments, which read "I support authorizing staff to issue the Streets CIP RFP."

MOTION MORONI/BALL TO APPROVE RFP FOR DEVELOPMENT OF STREETS CAPITAL IMPROVEMENT PLAN, MOTION CARRIED 4-0

City Administrator Chanski also requested that the City Council discuss the recreation of a Streets Committee, which was brought up during the April 24 workshops. He shared his recommendation that such a committee be an Ad Hoc committee that is solely focused on the Streets CIP project. After the project is concluded, the committee would either be disbanded or given a new task by the City Council. Administrator Chanski explained the reason for this approach is that he's seen many standing committees created for one task flounder after completing that task because they haven't been given further direction or a new task.

Administrator Chanski read Councilmember Jensen's written comments, which stated "The Planning & Zoning and Parks & Rec committees have been very successful. The City of Breezy Point has very talented residents that bring a great deal of experience and expertise to the table for our committees. I fully support Resolution 13-2024 having community member participation in the streets capital plan development process and formation of an AD HOC Street Committee. I am volunteering to be the council liaison for the Ad Hoc Streets Committee."

Councilmember Scott request more discussion at workshop for Streets Committee.

MOTION MORONI/BALL TO APPROVE RESOLUTION 13-2024 TO ESTABISH AD HOC STREETS COMMITTEE, NO VOTE WAS TAKEN AS MOTION WAS WITHDRAWN

MOTION MORONI/BALL TO DISCUSS STREET COMMITTEE AT NEXT COUNCIL

WORKSHOP, MOTION CARRIED 4-0

Disc Golf Course Event Permit

Assistant Administrator Eick explained the updated Event Permit Form as provided by the Parks & Recreation Committee.

Administrator Chanski read Councilmember Jensen's written comments, which stated "I only support two events between May 15th and September 30th of the calendar year. I only support a maximum of 90 participants per event. Also, with approximately 50 parking spaces in the Agate Pass (New Course) parking lot no parking be allowed on city streets. Overflow parking could be City Hall, vacant lot used for overflow parking for boat ramp. Also, Pelican Woods Cemetery vacant lot could be used. Tournament organizer is responsible for shuttling participants to the Agate Pass (New Course) parking lot."

Councilmember Scott spoke to his provided written comments, which asked the Council to, before approving the proposed permit, consider obtaining the City Attorney's opinion on the City's duty to enforce City Ordinances, especially violations resulting in a nuisance. Councilmember Jensen provided written comments that stated "I fully agree with Councilmembers Scott's request."

Councilmember Moroni asked if Councilmember Scott is saying the City is not enforcing ordinances. Scott said yes, but he's saying it is not staff's fault as the responsibility lies with the Council.

Councilmember Ball said the City is having extra patrols and the PD is responding. Scott responded that the issues still continue, and the Council needs to figure something out.

Mayor Zierden spoke to her experience attending previous disc golf tournaments, and the permit needs to move forward. She stated tournaments haven't been a problem on the old course.

Councilmember Scott said what he's hearing is the Council would rather have people move than address issues and is embarrassed to be on the Council.

Councilmember Ball said she has no issue with the permit and feels the Council has tried to address issues.

Councilmember Moroni spoke to the 180-person limit being excessive. He agrees with Councilmember Jensen's proposed reduction to 90 people. He also asked staff about the 40-person minimum. Staff stated that the 40-person minimum is a trigger that requires a group to get a permit.

Moroni also stated that the permit is a living document that can be amended, and Ball said the first tournament that could occur would not be until June.

Scott asked again what steps have been taken into account to resolve issues. Ball said the PD has been responsive, but Scott responded by asking how long is the City Council going to allow violations to occur even with PD enforcement.

MOTION MORONI/BALL TO APPROVE DISC GOLF COURSE EVENT PERMIT WITH CHANGE OF MAXIMUM PARTICIPANT AT 90, MOTION CARRIED 3-1, SCOTT OPPOSED

Parks and Recreations Committee Appointment

Mayor Zierden spoke to the applicant's background.

MOTION MORONI/BALL TO APPROVE THE APPOINTMENT OF PARKS AND RECREATION COMMITTEE MEMBER KIMBERLY SLIPY WITH TERM ENDING 12/31/25, MOTION CARRIED 4-0

Staff Reports

City Administrator Chanski notified the Council of Special Planning Commission Meeting May 7 for interviewing consultants for the zoning code update project.

Agenda Forecast

City Administrator Chanski shared proposed workshop topics and dates for workshops in May, June, July, and August. The Council had consensus that they were not ready to schedule workshops beyond may and instructed staff to schedule a workshop for May 21 at 6:00 pm to receive the final report on the Wastewater Treatment Facility and potential sewer expansion from Airport Road to Terminal Road and Red Oak Lane.

Adjourn

MOTION MORONI/BALL TO ADJOURN, CARRIED 4-0

Meeting ended at 8:23 p.m.

David C. Chanski, City Administrator/Clerk