

**CITY OF SKYLINE
CITY COUNCIL MEETING MINUTES
January 12, 2015**

Present: Mayor & Fire Chief Travis Javens; City Clerk Cathy Dahl; Treasurer Lon Whitehead; Council Members, Wayne Bishop, Samantha Erickson, Dean Rengstorf, Hans Schwanke; retired Fire Chief Roger Hermanson; residents Wanda Hofmeyer, Gil Harrison, Kathy Whitehead, Debra Kohriat, Mike Erickson, Chris Heimer, City Attorney Ken White; Guest, Tim Zinniel

Meeting called to order at 6:45 PM.

Pledge of Allegiance

Approval of minutes and agenda. Addition of solar equipment proposal to public forum. Motion to approve, Wayne Bishop, Samantha Erickson, 2nd. Approved unanimously.

Swearing in of Council Members – Council members - Wayne Bishop, Hans Schwanke, Mayor - Travis Javens. Paperwork was signed.

15-Minute Public Open Forum –

Continuation of discussion with Gil Harrison about solar energy on his home. Tim Zinniel presented information on community-shared solar in MN. Tim Zinniel is with Zinniel Electric & MN Renewable Energy Society. Located in Sleepy Eye since 1978. He left brochures. There is low maintenance on solar. Community solar makes solar power available to homes without space to have their own. To work, it needs a solar system host site such as top of buildings. The power is sold to electric company and then city will receive a credit back towards power bills. Host sites are less expensive than individual house installations. More information is available online. All panel costs are per watt, approx. \$4 per watt for end product. Larger installations may be less approx. \$3 with 25 year warranty, expected 40-50 year life span. State of MN offers rebates on this - communities submit applications which are chosen on a lottery system. There is a 12-15 year payback. 1 megawatt system takes about an acre to an acre and a half. Roger Hermanson voiced an opinion against trying this because of the cost of the system and he didn't feel there would be enough benefit.

Council meeting ended to convene public hearing; will reconvene after public hearing.

7:05 PM - Public Hearing on Conditional Use Permit for 136 S. Skyline Drive –

Inspections will be done after use permit if approved. Resident wondered how many rentals would be approved if this goes through. Mayor Javens said it would not be for entire house rental, only partial use. If this moves forward there will be an inspection process. Inspections would be paid for by home owner. We don't know the cost of inspections because we aren't to that point yet. Resident said that he moved to Skyline because there would be no rentals. Homeowner read coop information about situation. Mayor Javens explained we are being careful to obey both coop rules and city rules. Wanda Hoffmeyer asked for clarification of snow bird effect. Mayor Javens said that the City gives people the opportunity to have house-sitters while gone for the winter without a conditional use permit. Samantha Erickson asked for clarification of rules differing between city and coop. Ken White said to think about it like county laws and

state laws. You must comply with both. Skyline zoning says Skyline homes must be owner-occupied and there is a limit on how many non-related people are living in the house. If unrelated individuals are living together they must live as a family unit – not separate as in separate levels each independent of the other. Must share kitchen, etc. A 2nd ordinance says that no basement apartments are allowed. Homeowners Association has different rules. One is that all homes must be owner-occupied. Theoretically, the City can bring a lawsuit for violation. In theory, the homeowners association could also bring suit. But they are completely separate entities. Wanda asked about having a bad renter. Mayor Javens said that would be between homeowner and renter and has nothing to do with the City.

Mayor Javens restated that we have a homeowner in violation of this ordinance and she was sent a letter to stop the rental activity from the City. She is going through the process to attempt to bypass ordinance to have a renter in her home. A conditional use permit has a time limit set to it. A variance is permanent.

Lon Whitehead asked what benefit there is for the City to do this. Ken White explained –If City denies permit and homeowner goes ahead with rental, then it may go to court. Lon asked would allowing this set a precedent for other homes. Ken White answered no. Each conditional use permit is granted on its own merits. If use permit is granted, but homeowner stops renting for a period of time, the permit is done and must be reapplied for to start again. Lon Whitehead asked about change of ownership of property. Ken answered the conditional use permit could be annual and for existing ownership only. Samantha Erickson suggested the city should have a cap on this, if we allow it, so we don't end up with several more residents looking for conditional use permits. Ken White replied it must be on case-to-case basis. He also said it could be difficult to deny rental use to people who rented prior to ordinance. Wanda Hoffmeyer told realtor 33 years ago she needed to be able to rent to be able to purchase her home. Resident asked if this would be up to the City Council only or if residents can vote on it. Mayor Javens answered it is up to the Council. Roger Hermanson said he feels it's needed to clarify that Skyline is not for rental property. Mayor Javens said we are only considering 136 S. Skyline at this time. Wanda Hoffmeyer brought up Willard Vetter telling her that she is grandfathered in. Mayor Javens reminded her that Willard Vetter is not a lawyer. A resident said she believes homes need inspections to be considered for conditional use permit.

Council discussion. Dean Rengstorf said, "What if someone else comes to next meeting and is denied? Would we be in court over it?" Ken White said that can never be assured but chances are slim. Wayne Bishop asked if Wanda Hoffmeyer's rental area is in lower level. She said it is below ground but has big windows. Mayor Javens asked Ken White for a legal opinion because it is a basement. Ken said it would have to be worded as a use for walk-out basement. Wayne was not opposed if inspections are done. Dean Rengstorf asked for time limits. Mayor Javens said next step for Council is to approve going forward with inspection process. Wanda Hoffmeyer's renter complained about not being able to take a shower. Mayor said their issues are between landlord and renter; it has nothing to do with City. Renter just moved in on January 1st. Mayor Javens stopped discussion between Wanda and renter. Samantha Erickson said she would like to see no rental in Skyline period. Hans Schwanke believes the same – no rental at all. Hans said he believes in a 3-strike rule if this moves forward. Wayne Bishop said there was a valid reason that the basement provision was put in and he is torn because this has been ignored for many years. It's unfortunate that it has been going on but he has a problem with it. Wanda said her home has lots of windows in basement. Ken White thinks the no-basement rental situation is

probably due to fire and safety concerns. The Council tonight must say either no or maybe. If maybe, then inspections must be done and permit needs to be written up with conditions. Samantha said that then we need a way to follow up on this and we don't have the means to do that. Mayor closed time for public comment at 7:58 pm.

Vote on moving forward on conditional use permit to inspection process or deny conditional use permit.

Motion to move forward with conditional use permit by starting with inspection and decision will be made later, after inspection, Dean Rengstorf, Wayne Bishop, 2nd. In favor 2, Opposed 2.

Motion to deny conditional use permit, Samantha Erickson, Hans Schwanke, 2nd. In favor 3. Opposed 2. Motion carried. Conditional use permit denied.

Mayor Javens told Wanda the conditional use permit is denied. The City will decide whether or not to take legal action to make her cease and desist.

Council meeting reconvened at 8:02 PM.

Ken White informed council that the fire/police agreement between Skyline and Mankato will hopefully be agreed on and ready for the next council meeting.

City Clerk's Report - Cathy Dahl reported good progress on sorting out old papers in office last Monday. If others would like to help the Monday before City Council meeting next month, please let Clerk know. Two council members may help at a time. The only items that were recycled were things like old business advertisements and envelopes, etc. Nothing that needs to be reported to the State of MN has been disposed of at this time. That will be done according to state statutes when ready. Clerk can scan and put copies away. Lon Whitehead will ask auditor his opinion. Mayor Javens will put in future newsletter to find other city records in homes. Samantha Erickson mentioned water record papers in pump house.

Two newsletters were returned – 236 W. Skyline Ct. and 46 Skyline Drive – 46 gone for winter. Clerk received PERA report form. She will need salaries from treasurer to complete and return this.

Receipt card from certified letter to Chuck Breisner was returned without a signature. Hopefully he received the paperwork.

Clerk shared Christmas card from Charter.

Report of outstanding indebtedness from Blue Earth County was given to Lon Whitehead.

City Treasurer's Report – Lon Whitehead reported for December. He gave bond certificate to clerk to file and gave fire dept report to Chief Javens to fill out. Council approved paying for plant to deceased firefighter. Discussion of overdue water bills. One resident is going in for more surgery and Mayor Javens wondered if utilities can be stopped at her residence since she is far behind on bills. Lon thinks LJP pays for whole area pickup and can't get reduced rate for one home. 3 people called Lon to have garbage billing stopped while gone for the winter. Wayne Bishop would like to revisit issue. Lon suggests taking it up in summer so people can prepare. One resident, 3 Skyline Drive, will be sent notice of water bill being late.

There is a old check from Kevin Hermanson from 3 years ago that has never been cashed. Kevin says he never got it. Lon wrote check out to replace it to get it off the books. Lon wrote new check for \$73.88 to pay him.

Approval of city clerk's report and treasurer's report and to pay bills, motion Wayne Bishop, Dean Rengstorf, 2nd. Passed unanimously.

DEPARTMENTAL REPORTS

Water Department - Samantha Erickson reported Terry Estenson from NWPECO who is able to calibrate our water flow. He will coordinate with City of Mankato when they visit monthly. Meters will be read again soon. Sartel residence meter needs to be looked at. Hood residence is reading low. Samantha asked if she should have MRI come to check them out. Letter should be written to residents to tell them MRI will be contacting them to check meter. Mayor thinks if resident wants meter checked it should be billed to them; if City wants meter checked City pays. 203, vacant. 217 needs physical reading. 61 meter not working and needs replacing. 111 very low usage but resident not there much.

Lon Whitehead talked to a retired plumber who said he would be willing to do inspections to see if homes are in compliance with not running water into sewer system.

Street Department - Dean Rengstorf reported not much going on. He is hoping for thaw to get snow pack off streets. Signs will wait until spring. Snow plow people need to check city hall to keep it shoveled out. Dean will inform them.

Parks & Playgrounds Department - Wayne Bishop reported about construction trucks parking in the grounds of the park. There are no 'no parking' signs in the park. Mayor not too concerned because ground is frozen. He commented that LJP drives into Eckert's driveway and comes out very fast.

Public Safety Department – Hans Schwanke is at his first meeting.

Fire Department Chief Travis Javens – nothing to discuss.

Motion to approve departmental reports, Samantha Erickson, Hans Schwanke, 2nd. Passed unanimously.

OLD BUSINESS

Mankato Fire and Police Department service to Skyline – discussed earlier.

Skyline sewer/storm water code – Mayor Javens asked if we found anything when filing through office papers. Someone needs to look to see if other earlier ordinance exists, possibly from 2004. Samantha Erickson will check.

NEW BUSINESS

Mayor pro tempore for 2015 – Motion to appoint Samantha Erickson as mayor pro tempore for 2015 to serve if Travis Javens is unavailable, Wayne Bishop, Dean Rengstorf, 2nd. Passed unanimously.

Dean Rengstorf asked who lives in former Timm house. Two trailers and a boat have been parked in front since they moved in. He thinks they need to get a letter from the coop assn. about it. Dean will talk to Wally Gates, president of Skyline Coop Association.

Mayor wants council members to consider how to redistribute roles between council members when public safety position duties decrease after fire and police service switches to Mankato. Hans Schwanke asked for a copy of contract with Mankato to look over. Mayor Javens will email it to all council members when he gets the final copy from Ken White. Lon Whitehead will also set up Hans as new public safety email contact.

Motion to adjourn, Wayne Bishop, Samantha Erickson, 2nd. Passed unanimously.

Meeting adjourned at 9:01 PM.

Cathy Dahl
Skyline City Clerk

Mayor

date

City Clerk

date