

City of Minnetonka Beach
REGULAR CITY COUNCIL MEETING
Monday, May 10, 2010
MINUTES

Roll Call

Mayor Joann Anderson, Council Members: Jill Bartel, Michelle Kroll, Linn Ferguson, Mike Taylor and Treasurer Dennis Fischer.

1. Call to Order

Mayor Joann Anderson called the meeting to order at 7:02 p.m.

2. Approve Agenda

2.1 Council Meeting Action Notes

Mayor Anderson set a work session date of June 8th for Council, Utilities Committee, Planning Commission, city engineers, and a financial firm for Water Delivery System Improvements for the east side of the city. It will be confirmed once it is known the date will work for all of the Council members.

Council Member Bartel asked for staff to check into whether a referendum on a pedestrian tunnel would be possible.

Mayor Anderson spoke regarding the stamping of the Lafayette Club tennis court parking area. She said it is believed there was discussion at a Council meeting about whether asphalt stamping was necessary. It was originally required in the Lafayette Club's Conditional Use Permit (CUP) that the tennis parking lot would be stamped. Boe Carlson, Three Rivers Park District (TRPD), has said that due to the expense TRPD would not have the money for the stamping. Boe Carlson was going to speak with Planning and Zoning Administrator Dick Krier about starting the process to amend the CUP to not require stamping. Administrator Griffin has sent a form to the Lafayette Club for making the amendment.

Administrator Griffin requested an addition to the consent agenda; Item 6.3, Priority 5 Dock Permit for Dock 16. The agenda was approved as amended (**Ferguson motion, Kroll second; all ayes**).

3. Approve Minutes

3.1. Regular Meeting of April 12, 2010

(Bartel motion, Taylor second to approve the minutes of April 12, 2010 as written; all ayes).

4. Open Forum

Civic Co-Chair Betsy Taylor reported on the drug education event for teenagers held in April. She said it was one of the better attended Minnetonka Beach teenage activities, with about 20 students attending. There were two college aged presenters; one met with middle school students, and one with high school students. Comments from the students included they felt it was good to attend, they learned something, and one high school student commented it was stuff they have heard before.

5. Police Report

5.1 Police Report – April

Sergeant Tony Wittke reported it was pretty quiet in April in Minnetonka Beach; he noted traffic stops, animal complaints, and that the police provided more coverage in the city due to district policing. He said there haven't been any problems noted at Ray Peters Park. There was a bicycle traffic citation listed in April and Mayor Anderson said we appreciate help from the Orono Police for enforcement on the trail. It was noted the Lafayette Club is now placing a boot on non-member vehicles that have parked in their tennis court parking lot. The car's owners are using the trail even though the lot is marked for use by members only. There needs to be a Lafayette Club membership sticker posted in the window. Staff will get information for the Beachcomber regarding the Lafayette Club's procedures for those vehicles parked in those restricted spots.

6. Consent Agenda

6.1. Fire Report – April

6.2. Safe Assure Contract Renewal

6.3 Dock Application for Dock 16-1 – Middendorf

(Bartel motion, Taylor second to approve the consent agenda items 6.1-6.3; all ayes).

7. Treasurer's Report

7.1 Approve Checks

Treasurer Dennis Fischer asked for approval of the checks being issued.

(Taylor motion, Bartel second to approve check numbers 12204-12252 in the total amount of \$44,812.42; all ayes).

7.2. 2010 Year-to-Date Budget Report

Administrator Griffin prepared an actual to budget expenditures comparison for the same time in 2009. Council discussed some of the expense amounts and revenue. She will prepare the comparison report on a quarterly basis. Expenses are lower so far this year, but new water meters were purchased last year in the first quarter. Revenue is down \$30,000, mostly due to lack of building permits.

7.3. Reserve Fund Rates

Treasurer Fischer noted our current money market rate is less than ½ percent due to very conservative investments by the 4M Fund managers. Certificate of Deposit rates for six months currently range from 1 – 1.25%. In order to receive higher rates it would require investment changes. He will investigate Bank of the Lakes regarding what they offer for

investments and he said we need to check the city's investment policy. Bruce Kimmel with Ehlers & Assoc. was in attendance and he said he has colleges who could help with investments through their subsidiary. There would be no cost initially, but they would bill a flat monthly management fee. Treasurer Fischer and staff will do more research and come back with a recommendation at next month's meeting.

8. Planning and Zoning

There were no Planning and Zoning items.

9. Old Business

9.1. Trail Safety Task Force Recommendations

Council received a copy of the letter prepared for the Three Rivers Park District (TRPD) with recommendations for trail safety prepared by the Trail Safety Task Force which included:

1. Leaving the stop signs at driveways and streets and removing other signs
2. Place speed tables on the trail at 2633 Woodbridge Rd., 2605 Woodbridge Rd. and 2554 Arcola Lane
3. A speed table on the trail at Woodbridge Rd. (where it goes through the Lafayette Club)
4. Speed tables on the trail at the Lafayette Club entrance and at Lake Rd.
5. The city along with TRPD's engineers and trail designers work together to improve the Lafayette Club intersection
6. In early spring and periodically throughout the year, TRPD and Orono police perform saturation on the trail to talk to users about safety and issue tickets, if necessary.
7. TRPD to research standards for reducing speed and improving safety on trails.
8. The city requests a report of crashes or other incidents occurring on the trail on a seasonal basis.

Ferguson also asked for the number of tickets issued monthly May – Sept. along the trail in Minnetonka Beach, including crashes and other incidents. Kroll requested in item 3 above, a specific location be listed on Woodbridge Rd. and (where it goes through the Lafayette Club) would be added. **(Taylor motion, Kroll second to send the letter to TRPD with the modification of reports of tickets, crashes and other incidents on a monthly basis, and clarification in item 3 regarding location through the golf course; all ayes).** Mayor Anderson thanked the Trail Safety Task Force for their time and effort working on the recommendations.

9.1.1. E-Bike Letter and Update

Council received a copy of an April 29, 2010 letter prepared by Mayor Anderson for TRPD opposing E-bikes on the Dakota Regional Trail. Mayor Anderson said the decision by TRPD whether to allow e-bikes has been tabled until TRPD has a meeting with city representatives along the trail to answer questions and hear concerns the cities have. A meeting will be held at Minnetonka Beach City Hall on May 24th at 3:00 p.m. Attending will be TRPD representatives, including Boe Carlson, along with representatives from other cities and police departments. The retailer of e-bikes at the

Wayzata Bay Center will attend and bring several of the bikes for people to see. Mayor Anderson recommended Council members go and see the e-bikes being sold at the Wayzata Bay Center.

Resident Ann Brilley said she has an e-bike and has ridden it on the trail. She said she thinks Minnetonka Beach is an environmentally conscientious community and that e-bikes are appropriate. Mayor Anderson said our ordinance does not allow motorized bicycles on the trail and Taylor said allowing them would create more problems for risky behavior. It was noted that there are a lot of people using the trail irresponsibly. Mayor Anderson said Spring Park, Minnetonka Beach and Mound have stated their opposition to e-bikes usage on the trail. She also noted Orono Police Corey Farniok is coming to the meeting on May 24th and he is also opposed to allowing e-bikes on the trail. Ferguson read from state regulations received in the Council packet on motorized bicycles; they are allowed on the streets and require the rider to be a licensed driver. Council wanted copies of the letter opposing e-bikes to also be sent to St. Bonifacius and the same people that received the first letter sent out.

9.2. Water Conservation Rate Study

Administrator Griffin reported it became Minnesota law effective on 1/1/2010 that cities over 1,000 in population are mandated to adopt a water rate structure that encourages water conservation. Although Minnetonka Beach's population is under 1,000, when the city has tried to have its DNR annual water volume permit increased from 31 million to 51 million gallons (closer to the amount we pump) the request has been denied. The DNR won't authorize an increase until the city commits to adopting water conservation programs. Our Comprehensive Plan states that the city will look at conservation rates.

City Clerk Marilyn Regnier reported instead of paying a yearly surcharge/fine of about \$300 because we have pumped more than our DNR permit states; the last couple of years the DNR has changed its fees based on amounts cities use in the summer months over and above what it used in January. A percent of that overage is then added to the annual fee.

Before the new meters were installed, the city was pumping about 20 million gallons more water than it was selling. Taylor said because the new meters have been in for a year, he would like to see a reading on the difference now for pumped verses sold. Mayor Anderson said she thinks the higher usage property owner should pay at rate higher than the lower usage property owner.

Bruce Kimmel, Ehlers & Assoc., said being out of compliance at 20 million gallons per year will, at sometime, start really costing the city. He said a utility rate study can help get into compliance, but can also balance the water fund for years for operating and maintaining the system. Conservation rates can also reduce water usage and cash flow can be affected so there is a need to hit the right balance for fiscal planning. A proposal for a Utility Rate Analysis performed by his company was received at a cost of \$7,000. He noted the fee could be reduced if some of the analysis components were not desired.

Resident Robb Ball asked if there would be an educational campaign approach regarding water conservation and Mr. Kimmel said that approach could be used. Mayor Anderson said there would be no decision tonight on whether to go forward with a water rate study analysis, but it may be discussed at the June 8th Water Delivery System Improvement study session. Administrator Griffin noted the budgeting process for 2011 would be take place soon since September would be the time for setting the preliminary budget and levy.

Mayor Anderson asked Mr. Kimmel how the city could pay for a study. Mr. Kimmel said sometimes cities use bond proceeds, reserves from water funds, or if no reserves are in a water fund, by moving funds into a rainy day fund to make payment.

10. New Business

There were no New Business items.

11. Staff Reports

11.1. Director of Public Works

Director of Public Works Ben Young reported:

- A storm knocked out the lift station at Lake Rd. and County Rd. 15. The circuit board was burnt black from the electrical storm costing \$600 to repair.
- The Lafayette Club lift station was clogged with grease and the cost was \$600 to clean it out.
- The water tower booster pump bearing was going out and motor, cost to repair \$1,200

Ferguson asked whether there would be insurance coverage on electrical damage to the lift station circuit board and Administrator Griffin will check the city's casualty insurance.

11.1.1. Brooks Lane Boring

Ben Young said the mainline boring work within the Ball property easement at 3011 Brooks Lane is ready to go. A permit from Hennepin County for catch basin work in the County 15 road right-of-way has been obtained. Two catch basins will be needed at the back of the Thompson property at 3012 Shoreline Drive to prevent future potential flooding. A utility easement will be needed from the Thompson family and Ben Young said he has called surveyor Mark Gronberg to have an easement survey prepared. The easement will need to be signed by Thompson family representatives. Wendy Williamson, 3012 Shoreline Drive, said they are still concerned about the trees the new line will be bored under. Robb Ball said he has spoken with his landscape contractor who said because of the depth of the boring, it will miss the tree roots by about 20 feet.

11.2. Clerk's Report

City Clerk Marilyn Regnier reported:

Last month Council approved a resolution authorizing applying for a \$3,113.00 grant application for an automatic door opener for election assistance for individuals with disabilities. We have received notification from the State that we have been awarded a

\$3,000.00 grant from the Federal Help America Vote Act funds. The automatic door opener will be installed on the rear post office door which will make the building more accessible for people with disabilities.

11.3. Administrator's Report

City Administrator Susanne Griffin reported:

The dock installation at the swimming beach is complete; all the docks are in for which we've received permit applications. Parts of one dock are in bad shape and are dangerous. The Dock Committee has put some caution tape by the deteriorated sections. The dock owner has been notified and advised to replace some of the boards.

A possible June Council agenda item will include discussion on setting a policy which would have the city recommend green canopies on boat houses at city dock sites where canopies are allowed. At their last meeting, the Dock Committee recommended Council encourage residents to purchase green canopies for all city docks for beautifying the lakeshore area.

There will be two fireworks displays for upcoming weddings; one on June 5th 9:15-10:00 pm, and another on July 3rd. Information will be in the Beachcomber to notify residents to expect the fireworks.

There is a Metropolitan Council Environmental Services (MCES) public hearing regarding their Service Availability Charge (SAC) on Wednesday, June 16th at 9:00 a.m. SAC charges are several thousand dollars and are assessed to new homes and developments without a previous sewer connection. Currently the city rarely has to charge a SAC fee due to being fully developed. At this time the MCES isn't receiving enough funding due to the down turn in the economy and they are looking for other sources of revenue by increasing the monthly municipal wastewater fees each city pays. This would impact and raise the cost for Minnetonka Beach. The city currently pays \$3,047 a month to the MCES for its wastewater service. Mayor Anderson and Administrator Griffin would like to attend the meeting.

The LMCD proposed budget for 2011 for Minnetonka Beach is \$6,152, which is actually lower than the 2010 amount of \$6,167. Their final budget will be decided in June.

A grant was received from the MN Office of Energy Security in the amount of \$6,760.00 for new lighting and a new furnace for city hall.

12. Council Reports

12.1. Mayor's Report

Council received excerpts from a meeting Mayor Anderson attended on how to run a city council meeting.

A Police Commission meeting was held this past week and Council received a report in their packets on the types of police calls, combined for all their contracted cities, for

years 2008-2009. Another report provided the 2010 first quarter calls. Mayor Anderson noted the police are in mediation at this time regarding their health care benefits.

12.2. Liaison Reports

Kroll talked about the police staff response times and said the response times are now quicker because of the new district policing.

Taylor reported on the Park Commission meeting; there is a broken basketball backboard at Ray Peter Park and it is speculated a rock was thrown at it. Ben Young wondered about replacing the backboard with ¼ inch Plexiglas to save spending the \$643 for a new one. Ferguson said he has a contact for Plexiglas and Ben said he will check with the local hardware store. Taylor said the bid for raking and cleaning of the beach by Dockside Services, came in more than last year, but will be negotiated. Park Commission Chair Patty Rezabek said Amy Johnson was able to purchase three new buoys for the swimming beach on Craig's List for a total of \$150.00.

The Park Commission discussed looking at web-based security cameras for the hockey rink, warming house and city hall. Installing cameras at Ray Peters Park was one of the suggestions by City Attorney Wally Hilke due to problems the city is having at the park. The estimated cost of \$6,000 was plugged into the 2011 Capital Improvement Program (CIP) which Council will review in July.

Patty Rezabek reported the CIP form lists trees as a capital item and the statement either needs to be removed, or the city should plan for funds to be proactive for starting to plant for replacing ash trees because of the Emerald Ash Borer. She also reported there is a lot of the invasive weed garlic mustard around the city and Parks is trying to remove it from city parkland first before attempting removal along the trail. She thanked the City of Minnetonka for their input and education on garlic mustard and buckthorn.

13. Adjournment

(Bartel motion, Taylor second to adjourn the meeting at 9:50 p.m.; all ayes).

Public Present:

Robb Ball, Bruce Kimmel, Wendy Williamson, Patty Rezabek, Ann Brilley and Betsy Taylor.

Note: The above list may not be a complete list as not everyone signs in.

Staff Present:

City Administrator Susanne Griffin, Public Works Director Ben Young, and City Clerk Marilyn Regnier. Minutes recorded by City Clerk Regnier.