

**City of Minnetonka Beach**  
**REGULAR CITY COUNCIL MEETING**  
**Wednesday, July 14, 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 7:15 p.m. after a closed meeting session with City Attorney Wally Hilke regarding the Gillum/Goodman litigation.

**2. Approve Agenda**

**2.1 Council Meeting Action Notes**

No comments were made.

**Approve Agenda**

Mayor Anderson pulled Item 7.3 Refunding of 2002 Bonds – Bill Fahey, Northland Securities from the agenda and added item 9.1 Approve Proposed Terms of the Gillum/Goodman Settlement. **(Taylor motion, Ferguson second to approve the agenda with the deletion and addition of the items listed above; all ayes).**

**3. Approve Minutes**

**3.1. Regular Meeting of June 14, 2010**

Kroll requested within item 2.1 Council Meeting Action Notes; to change Pedestrian Crossing/Soil Borings to Pedestrian Crossing Discussion as an agenda item for the August meeting. **(Bartel motion, Kroll second to approve the minutes of June 14, 2010 as amended; all ayes).**

**4. Open Forum**

No one spoke.

**5. Police Report**

**5.1 Police Report – June**

Sergeant Jim Cornick reported the police are issuing tickets at stop signs. Tickets are also being issued at the swimming beach. Cars are parking without a Minnetonka Beach parking sticker and Council wants the Beachcomber to notify residents that tickets are being issued.

The City of Long Lake has solicited bids for their policing and they have received bids from the Hennepin County Sheriffs Dept., City of Wayzata and City of Orono. If Long Lake were to select another department other than Orono for policing, the impact would

be one to two Orono police officers being laid off. It could also impact the cost of Minnetonka Beach's contract for policing by Orono.

## **6. Consent Agenda**

**6.1. Fire Report – September**

**6.2. City Assessor Contract Renewal, Rolf Erickson**

**6.3. LMCD 2011 Budget**

**6.4. LMCIT Tort Liability Waiver**

**6.5. Dock Committee Recommendation that Residents Purchase Green Boat Canopies for new or replaced canopies**

**6.6. Resolution 2010-28 Designating Hennepin County as Central Count Location for Absentee Ballots**

**6.8. Appeal Code Violation Notice – 2643 Arcola Lane**

Mayor Anderson pulled off the Consent Agenda Item **6.7 Resolution 2010-29 Consider Amendment to Lafayette Club CUP to Remove Requirement for Pavement Stamping at Tennis Court Parking Lot**. It was removed because Planning and Zoning Administrator Dick Krier is recommending Council authorize him to draft a resolution to remove the requirement; the resolution would be more detailed because it involves changing the Conditional Use Permit. **(Ferguson motion, Taylor second to authorize Planning and Zoning Administrator Dick Krier to draft a resolution to remove the stamping requirement for the Club tennis court parking lot; all ayes).**

Mayor Anderson gave clarification to item 6.8 on the consent agenda; by leaving it on the consent agenda Council would be tabling the Code Violation Appeal for 2643 Arcola Lane until the August meeting when Planning and Zoning Administrator Krier would be in attendance. **(Bartel motion, Kroll second to approve the consent agenda with item 6.7 Resolution 2010-09 pulled out; all ayes).**

### **6.8 Appeal to Code Violation Notice – 2643 Arcola Lane**

Mayor Anderson said Council was not going to act on the violation this evening. Nell Mathews and Max Hacker were in attendance regarding the code violation notice for their property because they may not be able to attend in August when Council will be making a decision on the violation.

Nell Mathews stated their position is the violation notice for tree removal in the bluff zone should be withdrawn once it is understood what took place. She said three trees were removed by a tree trimmer they had hired who said he wasn't aware of the 6-inch rule and he hasn't worked in the bluff area before in the city. Mathews provided a statement from the tree trimmer, Tom Houston, dated July 14, 2010. There were two hackberries and one ash tree removed which the tree trimmer said had been topped before and because of the way they had been topped, in his professional judgment the trees were unstable and created a hazard to drivers on County Rd. 15. The homeowners didn't direct the trees be removed. Max Hacker said they were concerned Planning and Zoning Administrator Dick Krier's findings were that the homeowners deliberately didn't get a

permit to remove the trees and they feel the implication was they were sneaking or defrauding, which wasn't the case.

Mayor Anderson asked if they would meet with Planning & Zoning Administrator Krier before the next Council meeting to discuss the issue. Max Hacker said they would be willing to meet, but feel they shouldn't have to replace the trees. He said they feel strongly that they shouldn't have to spend any money to put trees back in and that the ordinance only gives authority to punish the homeowners, but not the tree professional. Taylor said it was surprising that the tree trimmer would cut down trees without speaking to someone.

## **7. Treasurer's Report**

Treasurer Dennis Fischer reported he would not be seeking another term as Treasurer. He then asked Council to approve this month's checks.

### **7.1 Approve Checks**

**(Mike motion, Bartel second to approve 42 checks, numbers 12307-12348, in the total amount of \$87,455.05.**

### **7.2. Year to Date Budget Report**

Administrator Susanne Griffin noted the first half of the 2010 property taxes have arrived and were deposited. The amount is \$382,253.87, bringing the 4M fund balance as of 7/6/10 to \$812,788.83.

Taylor asked about other possible options for investing because of the very low rate currently being received. Treasurer Fischer said he is still looking at companies that would actively manage accounts. Our current rate for the month of June was .05 percent and he found out the Bank of the Lakes offers the same .05 percent on investments, so it is not worth changing. Treasurer Fischer requested adding Professional Fund Management Discussion as an agenda item to the action notes. Mayor Anderson will talk with Spring Park Mayor Sarah Reinhardt about the Ehlers firm who is managing their funds. Taylor said he will speak with his contact at the League of MN Cities (LMC). Council viewed a short video produced by the LMC on Minnesota Green regarding what is affecting cities.

### **7.3. Refunding of 2002 Bonds – Bill Fahey, Northland Securities**

This item was removed from agenda for the time being.

## **8. Planning and Zoning**

### **8.1. Resolution 2010-30 Consider Approval of 2011-2015 Capital Improvement Program**

Council discussed the paving of Lafayette Ridge Road scheduled for 2011; cost \$32,000. The paving project had been deferred from 2009. Public Works Director Ben Young said he has patched the road numerous times over the years and he recommended the paving project be completed. Council discussed replacing the Ford pickup in 2011 and talked

about leasing vs. purchasing. It was noted public works vehicles receive a lot of wear and tear, and the current truck has had a lot of wear. They requested adding to the action notes for Ben to check prices for a truck purchase in 2011; estimated cost \$34,000.

Council discussed the eastside water improvements costs. The Utility Committee is suggesting including partial funding in 2011 for engineering so the project could go out for bids in the slow season with a 2012 construction date however, Council decided to move forward in 2011 due to economic factors. The east side water project included in the approved CIP would still go through the 2011 budget process where the financial decisions would be made. **(Taylor motion, Kroll second to adopt Resolution 2010-30 to approve capital plan 2011-2015 as amended showing the east side water improvements at \$625,000 for 2011; all ayes).**

#### **8.1.1. Recommendations from Utilities Committee on East Side Water Improvements**

Councilor Kroll reported the Utilities Committee has been studying phases the city could implement for water improvements. The Committee is recommending the city go ahead with a looping plan on the east side of the city. The Utilities Committee made a motion at their meeting on July 13<sup>th</sup> recommending that Council proceed with Loop System 3A and for Council to find a way to proceed with financing. It was noted the costs for the project in the relatively near future would be lower because of the economy.

Resident Nancy Check said it doesn't look like the new line would go where the old line is now and there would be a huge distance to some of the homes. Ferguson clarified that the current 4 inch piping would remain, but they would loop into other new piping. Utilities Committee Chair Leonard MacKinnon said the objective for doing the project is for fire protection to bring hydrants up to performance standards and do looping of the water system. He said the looping may bring clearer water and could potentially increase water pressure to homes, but these are not promised. Some residents may need to replace the service to their homes which would be an expense to them. Some of the pipes will increase from 4 inch to 8 inch. Kroll said doing the project will increase the fire hydrant water pressure flows.

Ferguson said he thinks we have to continue to address our infrastructure, the cost for the bonding will never get lower and contractor bids would be very competitive at this time. He thinks there may be ways to combine the current bonds with new ones at a low rate.

Council talked about having a feasibility report completed. Tom Kellogg, Bonestroo, said a feasibility report would give more accurate estimates of costs and would be much more detailed. He recommended holding public hearings once a feasibility report is complete. Estimate cost of a feasibility report would be \$7,000 to \$10,000. A feasibility report would give Council a better scope of the project for making a decision on whether to move forward with the project. Kellogg said if the feasibility report were completed and Council chooses not to go forward at this time, the report could just be updated for costs in a future year.

Mayor Anderson said she feels we need to do the east side improvements, but is concerned about not knowing costs. She proposes doing the feasibility study so we have more information on what it is needed and at the August meeting a decision could be made how to pay for the project.

Taylor said for him it is not really a fire safety issue because pumper trucks can always be used for fighting fires, but the city needs to take care of its infrastructure investment.

Bartel said she agrees we need to do this project and thinks we should do the Loop System 3A and if the numbers aren't outrageous, wrap more into it such as the middle connection phase.

Treasurer Fisher said anything that improves fire safety is important to do. He lost his home in Minnetonka Beach to a fire. **(Bartel motion, Ferguson second to move ahead with a feasibility study to be completed; all ayes). (Bartel motion, Ferguson second to amend the motion to have the feasibility study completed by Bonestroo at a cost not to exceed \$12,000; all ayes).**

Mayor Anderson has prepared a paper for doing long range planning and she is recommending the Utilities Committee join with the Long Range Planning Committee over the next six months to study the long-term plan for Minnetonka Beach for water and sewer, equipment, road and other system maintenance, upgrades and alternatives. **(Taylor motion, Bartel second to set up a facilities joint task force comprised of current members of Utilities Committee and Long Range Planning Committee; all ayes).**

## **9. Old Business**

### **9.1. Approve Proposed Terms of Gillum/Goodman Settlement**

**(Kroll motion, Ferguson second to approve proposed settlement terms with the Goodman/Gillum lawsuit with the amendment of additions to item 7 of the John Goodman terms to include: Limited to landscaping. Compliance with existing ordinance with regard to dock storage; all ayes).**

## **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:

- He blacktopped last month and he is keeping up with maintenance.
- The new storm sewers at Brooks Lane and the Lafayette Rd. alley are in. More grass reseeded will be done in the alley.

Treasurer Fischer commented on the very large amount of brush being chipped by the city for new property owners at 2310 Huntington Pt. Rd. W. Administrator Griffin will look into it. Homeowners need to adhere to shoreline setback requirements regarding prohibition of clear cutting trees in the shoreline setback. Also, when residents hire someone to trim trees, the contractor should take the brush with them and not leave it out for the city to handle.

Ben Young said a garbage can is needed along the trail for trash and dog feces. Plastic bags with pet droppings are being left along the trail and even found secured to the fence near the trail by the Club. Although people are picking up after their dogs, they are leaving bags because they have nowhere to dispose of them. Council discussed location and would like to see two trash receptacles installed; one located on the south side of the trail by Lake Rd. by the stand of trees, and the near the side of Woodbridge Rd. by the start of the Lafayette Club safety fence. Council directed Administrator Griffin to contact TRPD and request the installation of two trash cans.

### **11.2. Clerk's Report**

City Clerk Marilyn Regnier reported:

Council was notified in June of the need to have the Canada goose population removed at the swimming beach. The round up did not take place because the geese kept on the move to other areas in the city, saving the city an estimated \$1,500 in removal cost. The geese had been fouling the swimming beach area where kids are swimming and Funday Monday events take place.

Filing for the November 2<sup>nd</sup> municipal elections opens August 3<sup>rd</sup> and closes August 17<sup>th</sup> at 5:00 p.m. Terms expiring and offices up for election are Mayor's office, 2-year term; Council Members Jill Bartel and Mike Taylor, 4-year terms; and Treasurer's office, a 2-year term.

Absentee voting for the August 10<sup>th</sup> primary election is currently happening. We have had three people vote absentee in person at city hall so far. City Hall will be open Saturday, August 7<sup>th</sup> from 10:00 a.m. to 3 p.m. for voting absentee and we will also be open until 5:00 p.m. on August 9<sup>th</sup> for voting absentee.

### **11.3. Administrator's Report**

City Administrator Susanne Griffin reported:

#### **13.1. St. Martin's Family Fun Day Event to be held on August 1<sup>st</sup>.**

Council received a letter agreement notification that staff approved for St. Martin's Church to hold a special event at the swimming beach on August 1<sup>st</sup> from 11:30 – 2 p.m. Parking will not be a problem because it is planned for attendees to be bused to the park.

Administrator Griffin also reported on two Planning Commission vacancies; Merrill Ayers is moving and Ann Brilley is not requesting reappointment. Planning Commission terms are three years, are staggered, and end August 31<sup>st</sup>. Advertising for replacements on the commission will be in the Beachcomber.

Administrator Griffin reminded Council members to bring their packet binders back to each meeting.

## **12. Council Reports**

### **12.1. Mayor's Report**

Mayor Anderson announced the Minnetonka Beach picnic is this Sunday, July 18<sup>th</sup> at 4:30 p.m. The kid's bike parade will be at about 4:15 to kick off the start of the picnic.

Mayor Anderson is planning to go to July 21<sup>st</sup> LMCD special meeting and to a July 26<sup>th</sup> meeting at Orono regarding Crystal Bay Rd.

Mayor Anderson thanked Councilor Kroll for leading the discussion on the east side water project, working with the Utilities Committee, and asked her to give some thought on how to proceed with the public hearing.

### **12.2. Liaison Reports**

Ferguson reported the Planning Commission worked on the 2011-2015 Capital Improvement Program and talked about historic preservation. He has been working with Administrator Griffin on health insurance coverage and will continue looking into insurance options.

## **13. Adjournment**

**(Bartel motion, Taylor second to adjourn the meeting at 10:24 p.m.; all ayes).**

Public Present:

Nancy Check, Boe Carlson, Scott Bremer, Nell Mathews and Max Hacker, Leonard MacKinnon, Frank Zelle, Betsy Taylor and Orono Police Sgt. Cornick.

Note: The above list is not a complete list as not everyone signed in.

Staff Present:

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