

Monday, January 11, 2021 7:00 PM
CITY OF MINNETONKA BEACH
CITY COUNCIL MEETING MINUTES

Mayor Lindstrom determined that an in-person Council meeting was not practical or prudent because of the COVID 19 health pandemic and that this Council meeting was held remotely using Zoom Teleconferencing. This was done in accordance with MN State 13D.02

1. Mayor Lindstrom called the meeting to order at 7:00 p.m.

2. Roll Call: Mayor Jaci Lindstrom; Council Members: Tracey Breazeale (late), Susan Enlow, Steve Howarth, Vibhu Sharma, and Treasurer Chris Zinn. Staff Members: City Administrator Pat Melvin, City Clerk Heidi Honey, Zoning Administrator Phil Carlson, Planning Commissioner Jim Haag. Absent: Public Works Superintendent Jason Hilgers
Guests: Hennepin County Sheriff Dave Hutchinson, Lt. Shane Magnuson – Hennepin County Water Patrol, Jens Undlin – Hennepin County Sheriff Office, Long Lake Fire Chief James Van Eyll, Orono Police Chief Correy Farniok

3. Approve Agenda for the January 11, 2021 City Council Meeting

Enlow asked to move item 4. State of the City Address to following current item 6. Guests.

Enlow motion, Howarth second to approve the January 11, 2021 agenda as amended. Roll Call Vote: Breazeale – (late), Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.

4. Approve Minutes –

4.1. Regular Meeting of December 14, 2020

Howarth motion, Enlow second to approve the December 14, 2020 Regular City Council meeting minutes. Roll Call Vote: Breazeale – aye, Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.

4.2. Special Meeting of December 22, 2020

Enlow asked to amend page four that she does not think the contingency is \$10,000 (not \$2,500).

Enlow motion, second to approve the December 22, 2020 Special City Council meeting minutes as amended. Roll Call Vote: Breazeale – aye, Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.

5. Guests

5.1. Dave Hutchinson, Hennepin County Sheriff

Sheriff Hutchinson was elected in 2018 and is proud of the Hennepin County Sheriff's Office and their relationship with Orono Police Department and Chief Farniok. They patrol 104 lakes and three rivers in the county and are one of the largest inland water patrols in the U.S. In 2020 they spent 50 hours in Minnetonka Beach on 31 traffic stops, 8 safety checks, 7 agency assists, water emergencies, and an impaired operator. Water Patrol has Lieutenant Shane Magnuson, 2 sergeants, 8 licensed deputies and 62 volunteer or special deputies and 13 Explorers. He discussed unrest in Minneapolis and said they support peaceful protests, but they do not tolerate violence and they will do whatever they can to stop it. He treats service to all cities equally. Lindstrom requested

additional patrols in Lafayette Bay because of safety concerns with the swim beach and increased boat traffic.

5.2. Chief James Van Eyll, Long Lake Fire Department

Chief Van Eyll stated they secured a supplemental Assistance to Firefighter Grant for personal protective equipment. Long Lake Fire had 30 calls to Minnetonka Beach in 2020 but no major incidents. Lindstrom commented that residents feel safe with Long Lake Fire serving the city and that they are very active with the communities they serve.

6. State of the City Address

Lindstrom reviewed her report in the packet reflecting on 2020 activities and looking forward to 2021 goals and challenges. She is proud that the city's 2020 goals align with its mission. She congratulated the newly elected officials. Lindstrom recognized Honey for organizing three exceptionally safe and efficient elections during the pandemic that drove 96% voter turnout on November 3. In March, the city Declared a Local State of Emergency; updated its emergency Continuity of Operations Plan; spent \$24,000 of Federal CARES Act funds for pandemic related items including unbudgeted improvements to technology at City Hall and for staff to work remotely; and held city meetings on Zoom. Despite the pandemic and intermittent closures of City Hall, the city continued to be extremely busy holding 21 Council meetings, adopting 62 resolutions, issuing building permits for \$7.3 million valuation, offering electronic payment services, and two vital hires in essential positions with City Administrator Pat Melvin and Public Works Superintendent Jason Hilgers. The city approved a joint agreement with Orono for winter plowing on the Dakota Trail, was awarded the Healthy Tree Canopy Grant, renovated and repaired the Dahl Library and Ray Peters warming house. City infrastructure highlights include final completion of the Country Road 15 pedestrian crosswalk and the 2019 Infrastructure project, city-wide seal coating, lift station technology upgrades, water treatment plant safety upgrades, water tower construction, and initial work on state funding for water system improvements. The city maintained its AAA bond rating and strong reserves, secured a water tower bond interest rate of 1.7% and adopted a 1.7% property tax increase for 2021. Lakeshore property valuations increased an average of 8.4%.

Lindstrom reviewed 2021 goals and objectives. The Park Commission plans to extend rip rap at the swim beach, execute the Tree Canopy grant, explore chemical free parks, purchase a new Half Moon Park sign, replace City Hall playground equipment, and potentially replace playground equipment at Half Moon Park. Their goal for 2021 is that all park assets will be at or above standard by year end. The Utilities Commission will focus on the aging city infrastructure specifically the water treatment plant, replacement of remaining 4" and 85-year-old water mains, Brooks Lane drainage solution, and street improvements. Financially, the city will continue to focus on fiscal responsibility, a balanced budget, and maintaining strong reserves. Planned for 2021 is a utility rate study and moving to fund accounting. The city also plans to increase resident engagement with the Be a Villager initiative. Lindstrom thanked staff, council, committee members and city volunteers. She envisions a well groomed community, a caring and collegial community, and functioning infrastructure where residents can simply enjoy their beautiful community without thinking about infrastructure.

7. Open Forum – Items not on the agenda - no discussion

8. Planning and Zoning

8.1. **Resolution 2021 – 08 – Approving Variance to the Side Yard Setback and the Hardcover in excess of 30% at 3126 Northview Road**

Carlson explained that Mike Steidle replaced his asphalt driveway with pavers. He received a variance after the fact on 10/13/2020 with the condition that he provide a full lot hardcover survey showing 30% or less hardcover. The survey dated 11/5/2020 showed 32.2% hardcover so he is requesting a variance to the 30% maximum hardcover to allow the existing lot to remain as legal non-conforming. Mr. Steidle acted in good faith, wishing only to replace the existing driveway and reduce it in size. Hardcover was added sometime after 2007 that was not approved by the city and that appears to have put it over 30%. The Planning Commission recommended approval of the variance request. Chair Haag stated there were concerns from some commission members regarding liability with the DNR. The DNR is responsible for everything up to the high water mark and the city enforces or works with owners to minimize encroachment to the water. City ordinance is based on a model DNR ordinance, but the city enforces it. Enlow stated that Steidle reduced hardcover slightly. Two planning commissioners expressed concerns about what happens when there is a violation of a rule and the city and new owner is not aware of it. Carlson explained that every variance has its own unique characteristics, and this would not set a precedence for the future. Sharma asked if they have looked at all options and if there could be a variance condition requiring hardcover removal to 30% if there is future improvement. Carlson said the condition must be what can be done today. Steidle discussed incomplete records at the city and stated the previous owner asserted that they did all improvements with permission from the city. He said there is a stop work order letter from June 17, 2009 but there was no follow up paperwork or hardcover survey. Enlow stated they want to follow the ordinance but also consider what is equitable for the homeowner. Enlow and Breazeale discussed a variance condition that if any modifications to hardcover are made, they must be done to reduce hardcover, and not expand or maintain it. Howarth stated the city holds hardcover sacrosanct and they should follow the ordinances.

Howarth motion, Sharma second to deny approval of the variance to exceed the 30% maximum hardcover limit at 3126 Northview Road and the reasons are that although the plight of the homeowner is recognized as being inherited, it is critical to maintain the city's ordinances and compliance to those ordinances with respect to hardcover limits.

Council discussed the side setback variance that was approved if the survey showed 30%. It is 32.2% so the homeowner needs to reduce hardcover to 30% or the prior variance request is not approved. Carlson stated if council denies the variance request, they are implying they want the homeowner to come back with proposed changes to get the hardcover to 30% and they could add that to the motion. Howarth stated he is willing to modify his motion to provide liberal opportunity for homeowner to remediate and respond back with a new survey.

Howarth amended his motion by adding an addendum that the city asks the homeowner to be in 30% compliance by end of October 2021 and to update the survey submitted to the Zoning Administrator indicates the 30% hardcover at 3126 Northview Road has been obtained. Sharma seconded the amendment.

Council had more discussion about feasibility of reducing hardcover to 30%. There was no survey for the 2009 work. There was a survey prior to the 2007 remodel showing a different stairway to lake. Breazeale would like to deny the current variance as it stands and have the homeowner come back with proposals to get to 30% to see if it is realistic or not. Howarth stated Steidle can come back before October 2021 with options for Council to reevaluate if there are hardships.

Roll Call Vote: Breazeale – aye, Enlow -nay, Howarth – aye, Sharma - aye. The motion carried.

9. Old Business

9.1. Public Works Update on water main break frequency, locations, costs and possible further discussion by Utilities Commission

Alan Carlson stated water main breaks had not been on their radar. Lindstrom said that Engineer Amundsen has stated that it is important to make a decision on the plant in 2021 and other infrastructure needs will fall into place after that.

Howarth motion, Sharma second to table agenda item 9.1 to the February 8, 2021 City Council meeting. Roll Call Vote: Breazeale – aye, Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.

10. Consent Agenda

10.1. Police Report – December

10.2. Fire Report – December

10.3. **Resolution 2021 – 01** Appoint Bridgewater Bank as Official Depository for 2021

10.4. **Resolution 2021 – 02** Designate the Laker Pioneer as the Official Newspaper for 2021

10.5. **Resolution 2021 – 03** Weight Restriction Exemptions

10.6. **Resolution 2021 – 04** Approve Employee Floating Holiday

10.7. **Resolution 2021 – 05** Set 2021 Board of Review Date for April 12, 2021

10.8. **Resolution 2021 – 06** Annual Appointments

10.9. **Resolution 2021 – 07** - 2021 Staff Wages (as approved in 2021 budget)

10.10. Update on 2020 CIP spending

10.11. **Resolution 2021 – 09** Appointment of Chip Zawislak to Dock Committee

10.12. **Resolution 2021 – 10** Appointment of Julia Sharma to Park Commission

Howarth motion, Enlow second to approve the Consent Agenda. Roll Call Vote: Breazeale – aye, Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.

11. Treasurer's Report

11.1. Consider motion to Approve Checks – Correction to November, Final December, January 2021
Zinn stated there were check numbers included but not the check amounts in the list approved December 14. Howarth expressed concerns that the truck will not be delivered for three months and asked if they are holding the check until it is procured. Zinn stated the truck was ordered and paid for upon order and they are waiting for delivery. The old truck will be traded in at that time.

Howarth motion, Breazeale second to utilize 2020 CIP funding for check #18186 to Robbs Electric for \$4,951 which was associated with Ray Peters Park matter that Council agreed to fund out of 2020 CIP and check #18110 to Dodge of Burnsville in the amount of \$15,141 which also should utilize 2020 CIP funding which was discussed and passed by resolution in 2020. Roll Call Vote: Breazeale – aye, Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.

Howarth motion, Enlow second to approve 27 checks numbered 18146 through 18172 in the amount of \$175,008.57 for final December 14 – 31, 2020. Roll Call Vote: Breazeale – aye, Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.

Enlow motion, Breazeale second to approve 16 checks numbered 18173 through 18188 in the amount of \$52,497.29 for January 2021. Roll Call Vote: Breazeale – aye, Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.

11.2. YTD Budget to Actual Report and Prior Year Comparison

Zinn stated the cash balance is close to where it was the end of 2019. CIP items were accelerated from 2021 and expenses were within budget. Net income for the year was \$53,000.

11.3. Outstanding Accounts Receivable

11.4. Closure of 4MFund 2019A Bond Fund with remaining funds distributed to 2021 bond payments

Zinn stated that after the project was completed, proceeds of \$206,000 remained in the fund. In consultation with Bruce Kimmel at Ehlers, the most efficient way to use the proceeds was to pay debt service for the 2012 bond and a portion of the 2019 bond. Howarth stated they did not underspend on the project and the city used general funds to pay for engineering and other activities prior to securing bond funding. This reimburses the city's general fund for those expenses.

12. Action Notes and Staff Reports

12.1. Council Meeting Action Notes

Council reviewed the Action Notes and made the following updates:

- State Funding – Kelly Morrison is drafting a bill for state funding assistance for the water treatment plant. Senator Dave Osmeck and Representative Dean Phillips are also involved.
- The City received CAM funds of \$2,027.41 for the truncated domes at the crossing.

1.1. Clerk's Report – In packet

1.2. Administrator's Report

Melvin is working on year end items, payroll updates, HSA updates, and 1099 forms. He worked with Kim Petersen on a Hennepin County on a Good Steward Grant. Although the city was not awarded the grant, the county will continue to work with the city for future funding.

1.3. Public Works Superintendent's Report – written report in packet

11. Council Reports

11.1. Mayor's Report

Lindstrom has been working on a number of items. She stated that additional CARES Act funding has been approved and it may be retroactive.

11.2. Liaison Reports (if necessary):

- Breazeale – Parks is very positive about all they achieved in 2020 and all they plan to achieve in 2021. Meetings are purposeful and commissioners do a lot of work behind the scenes in their specific area of responsibility. In 2021 they have many items to work on. Their goal is that all the city's assets will be at or better than standard by year end. They have received and will continue to seek grant funds.
- Enlow – Planning discussed the Steidle hardcover variance. She said Council needs to address the side setback. They created a list of issues for council to prioritize for them to discuss which are: policing and enforcing ordinances, AMLS clarifications/changes, grading and fill ordinances, and a tree preservation ordinance. Council will make this an agenda item at the February meeting to prioritize or provide guidance if they don't want changes.
- Howarth –Howarth discussed agenda items for Utilities: water filtration plant, replacement of water mains, and stormwater on Brooks Lane. Howarth will discuss with Hilgers.
- Sharma – no report
- Zinn – no report

Appointments in packet were incorrect. Council reviewed correct 2021 appointments.

Enlow motion, Sharma second to remove 2020 Annual Council Appointments and Staff Assignments inadvertently attached to Resolution 2021-06 and substitute the 2021 Annual Council Appointments and Staff Assignments and attach it to Resolution 2021 - 06 in the Consent Agenda. Roll Call Vote: Breazeale – aye, Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.

Honey will change Qwest to Centurylink in Resolution 2021-03.

12. Adjourn

Howarth motion, Breazeale second to adjourn the meeting. Roll Call Vote: Breazeale – aye, Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.

The meeting adjourned at 10:05 pm.

Roll Call Guests/Members of the Public: Nell Mathews, Patty Rezabek, Alan Carlson, Chip Zawislak, Gerald Anderson, Mike Steidle, Susan Carlson, and Judy Soukup

Respectfully submitted,

Heidi Honey, City Clerk