

Tuesday, February 15, 2022 6:00 PM via ZOOM
CITY OF MINNETONKA BEACH
CITY COUNCIL MEETING MINUTES

Roll Call: Mayor Jaci Lindstrom; Council Members: Tracey Breazeale, Susan Enlow, Steve Howarth, Vibhu Sharma and Treasurer Chris Zinn. Absent: none

Staff Present: City Administrator Heidi Honey, City Clerk Jane Burgess

Guests: none

1. Call to Order.

Mayor Lindstrom called the meeting to order at 6:00 p.m.

2. Approve Amended Agenda for February 15, 2022, City Council Meeting

Breazeale requested that Open Forum be added as Agenda Item Number 4.

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

3. Approve Minutes – Regular Meeting Minutes of January 10, 2022

Enlow motion, Sharma second to approve the January 10, 2022, Regular City Council meeting minutes. Roll Call Vote: Breazeale – aye, Enlow – aye, Howarth – aye, Sharma – aye. All ayes, the motion carried.

4. Open Forum: Opened and Closed at 6:03 pm

5. Finance – Treasurer Zinn Report

Zinn presented his Financial Dashboard reporting that building permit revenue is already at \$27,000 for the year which is high as expected with the amount of projects in the City. He added that as of February 1st the City has made principal payments on the bonds which is good. He worked with Honey so that City Council meeting packets include Financials on a fund basis and it is a work in progress.

Zinn stated that the City's cash balances are stable which he stated is good news. The water tower project came in under budget. Offerman's summary of water tower finances will be presented at the March 14, 2022, City Council meeting. Zinn stated that Debt Service for 2022 on 2012 Bonds was \$112,000. That will compare to 2023 Debt service for 2021 Bonds of \$128,000. Some of this money paid for the Brooks Lane/Westwood Rd Watermain Improvement project last fall.

Howarth asked about Restricted Use of Funds once bonding occurs. Howarth reminded Zinn of the restrictions regarding use of funds coming out of bonding. Zinn agreed and said he will reconcile accounts so that all is properly coded and in the reserve account.

Honey assured council that all water revenues are coded to the water fund. She added that the City Auditor tracks what is restricted and what is unrestricted so Honey and Zinn can compare what the City shows to what the City Auditor shows.

Lindstrom asked if the City is transitioning to Fund Accounting yet and asked that account code names be cleaned up in the process. Zinn said that so far they have transitioned the P&L to Fund Accounting

working with the City Auditor a month ago or so. He added that they need to make sure Quickbooks is producing the numbers they want and then hopefully what used to show as a cash basis will be eliminated. Zinn stated that they will clean up account code descriptions and complete both of the above tasks in the near term. Next year the balance sheet will be transitioned to a Fund Accounting basis to complete the full transition. Zinn concluded that then the City will match more what the audit looks like on an interim basis which is the goal.

6. Consent Agenda

- 6.1. Police Report – February
- 6.2. Fire Report – February
- 6.3. Tree Removal Permit Application – Lafayette Ridge Homeowners Association
- 6.4. Tree Removal Permit Application – 3034 Northview Rd.
- 6.5. Caldwell Tanks Pay Request No. 9
- 6.6. Approve Checks: February 2022

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.

7. Staff Reports – all reports in packet; Did not present at meeting.

- 6.1 Council Meeting Action Notes
- 6.2 Clerk’s Report
- 6.3 Administrator’s Report
- 6.4 Public Works Report

8. Council Reports – all reports in packet

7.1 Mayor’s Report

Lindstrom complimented City Staff especially Fawn Gage on the completion and mailing of the 2022 Resident/City Directory stating that it was exceptional from front to back. An updated City map was included.

She stated that the March 14th council meeting agenda will be very heavy with two variances, annual audit report, Sharma’s golf cart policy, plus usual business. She requested that council prepare by listening to the Planning Commission meeting recording. She added the Planning Commission did an exceptional job formulating their questions and comprehensive variance evaluations. This will help shorten the March council meeting held via Zoom.

Howarth asked if the March 14th meeting should have an earlier start time and Lindstrom said she will consider that once she reviews the final agenda.

Howarth motion, Enlow second to give Mayor Lindstrom the discretion to move the start time of the March 14, 2022, City Council meeting to 5:00 pm if necessary. Roll Call Vote: Breazeale – aye, Enlow – aye, Howarth – aye, Sharma – aye. All ayes, the motion carried.

Lindstrom stated that Planning Commission members created a priority list for future investigative projects ranking the items in order of importance. Honey will ask City Council members to rank this list in their order of importance. The results will be tabulated and discussed at the March 14, 2022, council meeting where council can reaffirm or modify the results at that time. They will also discuss Planning Commission’s proposal for referrals as well.

Lindstrom added that City Hall continues to be super busy and the list of construction projects is extraordinary for January as council members can see in their packet.

7.2 Liaison Reports (if necessary):

Enlow - reported that her Planning Commission Liaison Report from January 24th is in the council packet but wanted to mention that Planning reviewed two variances. They are now modified and going back to Planning Commission at the February 28, 2022 meeting for review. She stated that Planning Commission's priorities are ranked and listed in her report. They are 1. Enforcement 2. Code in Alignment with DNR 3. Grading and Filling tied with Review of Unused Street Rights of Way and 4. Landscaping. She added that two items are being referred to the Utilities Commission: 1. Bury utility lines for new construction and 2. Improve internet.

Enlow met with Honey, Burgess and Carlson to review the latest draft of the Tree Preservation Ordinance and brought their comments and revisions back to the task force. She said the group has made amazing progress, has a few pieces to iron out, and then they would like City Attorney Batty to give a final review. She said the task force would like to have a working session to educate both Planning Commission and City Council in May. Then the ordinance would be presented to Planning Commission in May and voted on by City Council in June. The task force is also working on a separate Landscaping Ordinance piece to go with the Tree Preservation Ordinance. She would like Council to approve at this meeting an hour of both Zoning Administrator Carlson and City Attorney Batty's time to review their draft Landscaping Ordinance.

Mayor Lindstrom questioned Enlow as to why the task force is including landscaping in the Tree Preservation Ordinance and Enlow responded that it's not in the City Code at this time. Lindstrom said that landscaping is ranked #4 of 4 in Planning Commission's priority list so she asked why it is now a top priority. Enlow said landscaping is part of grading and filling which was a high priority of the Planning Commission last year. Enlow suggested that it be done now as an efficient use of task force volunteers, would be code alignment with the DNR and ADU's which has a deadline of a year from September or October, and would be a logical extension of the Tree Preservation Ordinance. A number of the Planning Commission's priorities would be handled efficiently with minimal additional time now, Enlow added. Enlow confirmed that Carlson could review the draft Landscaping Ordinance in an hour.

Lindstrom stated that she thought the City had landscaping in the code. She asked why the City would connect it with the Tree Preservation Ordinance. Enlow answered that the City does not have a landscaping code at this time. She also referenced the priority ranking again and that Landscaping is last in the Planning Commission list. Lindstrom asked Enlow for clarification that she is asking to implement #3 and #4 on Planning Commission's priority list not #1 and #2. She also asked Enlow if she is asking the City to regulate landscaping on private land. Enlow said that landscaping would be regulated on both public and private land.

Enlow stated that the rules and policies of landscaping are currently in various places, but not in code in one place. This would put them in one place and adds language including right-of-way and regulating landscaping for both public and private. Enlow added that landscaping needs to address fences, patios or terraces in various places and policies in City policies. The task force feels that this should be in Section 4 of City Code and easily put it all together with tree removal and preservation.

Sharma asked how the City would enforce landscaping code and stated that he looks forward to seeing what is proposed. He added that telling residents how they can landscape should be thoughtful. Howarth agreed with Sharma.

Enlow stated they are recommending imposing regulations already in place but it's not in the code. She added that policies and rules have been adopted but are not in any one place and need codifying.

Honey stated that there is a resolution from 2008 that came about from the Dakota Trail development that specified City right-of-way landscaping regulations. There are other components of landscaping that are in the zoning code, she added.

Nell Mathews was asked to speak by Enlow. Mathews stated that she looked in the basement of City Hall researching tree preservation regulations. She looked at how the City historically wanted to preserve trees and found policies related to trees and softscape landscaping. The 2008 policy does deal with City right-of-way with trees, and other expectations with regards to how residents treat their property and how they landscape. She presented an example of a clear zone between a common property line and the side of a house. Historically, since 1946, the City has always required an 8 foot clear zone to prevent fire leap and emergency access to the lakeside of a property because it can't be accessed if the lake is not frozen. This was changed in the most recent code. She stated that in the City Zoning Code there are many places the City requires landscaping and there is an expectation of landscaping, but there are no landscaping standards because Mathews stated she believes that in section 4.1 (she thinks) there is a placeholder for landscaping just as there is a placeholder in Section 4.2 for tree preservation. She believes those standards were intended to be codified and put into the ordinance, but they were not. She concluded this will help with enforcement as it is difficult to enforce standards when the City does not know what they are.

Lindstrom stated that the Planning Commission has as their number one priority Enforcement not Landscaping.

Howarth asked Enlow if the task force is currently exploring these policies and procedures and looking for Batty's time for further evaluation for possible incorporation into an ordinance.

Enlow stated that since these other standards were uncovered while working on the tree preservation project. Because there is a section in the code that is currently not articulating these standards, the task force was willing to take on an additional responsibility because they are ideally suited for it. Enlow is asking for feedback from City experts to see if their language to be presented in their draft Landscape Ordinance is acceptable. She feels Carlson's input is most important at the preliminary level and she is willing to wait on Batty's input, but would like an hour from each of them.

Zinn stated that he and Honey are tracking expenses for zoning, engineering and legal projects that are not billable to residents to stay within the 2022 budget. He suggested that the task force vet the proposal at a high level, get the "buy in" from City Council first, and then get Carlson and Batty's input.

Lindstrom agreed stating this is off process and reiterated the importance of watching expenses that are not passed through to residents.

Breazeale stated that she is looking forward to the task force's presentation and then have Carlson review it. She recommended holding off on Batty's review until after City Council conducts their review. She added that it makes sense to do it all at once with one tree preservation ordinance, not several of them and be all inclusive. She stated that City Council may not want to regulate residents' landscaping.

Lindstrom suggested that this topic should be a future City Council agenda item for review and authorization as to how to proceed for maybe March or April. She stated that Sharma, Breazeale and Howarth want to know more about the Landscaping Ordinance before it goes to City experts. Enlow stated she is fine with this recommendation.

Lindstrom stated she is impressed with the changes in Planning Commission from their new chair to new members and their vetting process. Enlow agreed.

Howarth – reported good news from the LMCC – Mediacom completed negotiations with Tegna so subscribers can now watch KARE 11 after a long service disruption. He added that Mediacom provides internet to most Minnetonka Beach residents. LMCC franchise agreement is for Mediacom cable tv only not internet service. LMCC is not a regulator for internet. He added that Utilities Commission has not met for a long time.

Sharma – reported that he met with Honey to review proposed changes and updates to the ordinance which addresses golf carts, snowmobiles, ATV's, UTV's and more. Honey submitted it to City Attorney Batty for his review. They are working on an application and fee that would be valid for two years. They hope to present their recommendations at the March or April City Council meeting, and they request public input.

Lindstrom stated that although there was a placeholder for this at the March City Council meeting, the agenda is so large that this might be put off to the April meeting.

Breazeale – reported that there was no Civic meeting, but they are hopeful to have the Progressive Dinner and Newcomer's event this spring if COVID allows. Park Commission is hoping to give their council update at the 3/14 meeting. Parks continues to move ahead with two new co-chairs and has a commissioner opening. The Hennepin County Tree Canopy grant has money left over to spend in 2022 for tree removal and planting in the spring. They are working on keeping the swim beach clean although the weed removal company raised their rates a great deal so they are working on a solution. Lindstrom stated that since the March City Council meeting agenda is so large that Park Commission should wait until the April meeting to present their update.

9. Adjourn

Sharma motion, Howarth 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 6:52 pm.

PUBLIC IN ATTENDANCE – The following people were in attendance via Zoom: Nell Mathews.

Respectfully submitted,

Jane Burgess, City Clerk