

**Monday, March 8, 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, Susan Enlow, Steve Howarth, Vibhu Sharma, and Treasurer Chris Zinn. Staff Members: City Administrator Pat Melvin, City Clerk Heidi Honey, Utility/Office Clerk Jane Burgess, Public Works Superintendent Jason Hilgers, City Engineer Darren Amundsen, Stantec Engineer Tyler Johnson. Absent: none

**Guests:** Jim Lundberg, Operations Manager for Lake Minnetonka Cable Commission (LMCC), Park Commission Chair Joe Pagano, Scott Qualle (MNSPECT), Todd Geske (Metro West)

**3. Approve Agenda for the March 8, 2021 City Council Meeting**  
Howarth requested adding Old Business 7.4. Half Moon Park Playground Replacement Report and Update, and Consent Agenda Item 9.7. Water Tower Construction Update.

**Howarth motion, Sharma second to approve the March 8, 2021 agenda as amended. Roll Call Vote: Breazeale – aye, Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.**

**4. Approve Minutes –**

4.1. Regular Meeting of February 8, 2021

Sharma referred to Item 8.2 City Hall playground installation. He had suggested that if City Hall and Livingston playground work cannot be done prior to Memorial weekend, it should be done in the fall. Honey will review the audio and update the minutes as appropriate.

**Howarth motion, Enlow second to approve the February 8, 2021 Regular City Council meeting minutes as amended. Roll Call Vote: Breazeale – aye, Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.**

**5. Open Forum**

**6. Guest Speakers**

6.1. Lake Minnetonka Cable Commission (LMCC) Annual Report – Jim Lundberg  
Lundberg reviewed the history and work of the LMCC. In 2020, the LMCC recorded COVID-19 messaging, messages from mayors to their communities, and helped cities with Zoom for electronic meetings. The LMCC recorded videos for Minnetonka Beach regarding the water tower project, Be a Villager, and resident messages. Lindstrom said the LMCC has been very good to the city and they have a very professional team. Howarth thanked them for all the work they do for the 11 member cities. Residents can contact the LMCC for Mediacom issues.

**7. Old Business**

7.1. Cost Estimate to Update the Stantec Water Treatment Facility Report – from Feb. 8 meeting

Amundsen provided a proposal for three scenarios to update the Water Treatment Plant Condition Assessment Report: 1. Maintenance; 2. Demolish and replace the water treatment facility; and 3. Purchase water from Orono with associated water and infrastructure costs.

**Howarth motion, Sharma second to approve \$5,400 to Stantec for the proposal dated March 1, 2021 for engineering services to update scenarios for addressing water treatment plant. Roll Call Vote: Breazeale – aye, Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.**

7.2. Minnesota Pollution Control Agency MS4 Permit – Application and SWPP Update Proposal  
The city is a Municipal Separate Storm Sewer System (MS4) as determined by the MN Pollution Control Agency (MNPCHA). The city needs to update the Storm Water Pollution Prevention Program (SWPPP) to remain in compliance with the new MS4 General Permit which has many new requirements. Stantec will assist the city with updating the MS4 Permit application requirements including the SWPPP documents and implementing items to remain in compliance with the 2020 MS4 General Permit. The proposal is for Part 1 of the process. Stantec will come back with additional proposals as they go through the process.

**Howarth motion, Enlow second to approve the work outlined by Stantec regarding MPCA MS4 Permit – Application and SWPP Update Proposal for Engineering Services in an amount not to exceed \$10,000. Roll Call Vote: Breazeale – aye, Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.**

7.3. Consider proposal for City Hall Playground Equipment Replacement  
Melvin complimented the Park Commission on their process and work getting resident input. He reviewed quotes for the same or similar equipment ranging from \$35,649 to \$83,280 without demolition. MN WI Playground was the lowest quote and it included additional equipment of a track line, hanging bars and balance beam. Hilgers will do demolition, but the city will incur dumpster costs of \$1,000. Parks unanimously recommended Fun Zone equipment from GameTime and the color palette. Pagano stated that install is simply removing the old equipment and installing the new in the same location with no grading needed. Drainage will remain from the existing playground. Melvin and Hilgers will review labor exclusions in the contract. If the equipment order is placed by the March 11 deadline, it should be installed by Memorial weekend. Howarth stated this is within CIP and Park's budget, public input and Parks input has been received, and they are aligned on design, and he thinks it is a great plan. Breazeale commented on the thorough work from Melvin and Parks. Enlow stated it will be great for residents.

**Enlow motion, Howarth second to approve to accept the proposal from MN WI Playground in the amount of \$35,649.93 from the 2021 CIP and the remaining balance from a Park Commission budget allocation, excluding demolition which will be done by city staff. Roll Call Vote: Breazeale – aye, Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.**

Lindstrom acknowledged many individuals who participated in making this happen. She thanked Harlan Lehman from MN WI Playground for the equipment discount, and for being so responsive to staff and the mayor. She also thanked the resident task force, neighbors who provided input, Park Commission Chair Pagano, city staff and Jason Hilgers for his additional assistance with demolition. Harlan Lehman resigned from Parks in 2020 so there is no conflict of interest.

7.4. Half Moon Park Livingston Strong Playground Donation

Melvin stated the vendor is waiting to see how the winter thaw affects the area before they can determine their start date. Donation funds are in a separate 4M account. Contracts have been signed with Chad Simich from Flagship and Landscape Structures, and Bollig for excavation. Melvin stated if they cannot install in the spring, they may do it in the fall. Howarth asked that the next update include the procurement decisions that have been made and the next steps in the process. He also asked that Livingston financial transactions and payments be reported separately from city activities. Melvin will work with the accountant to determine how to segregate these out of the standard operating budget. Howarth asked for a proactive view of possible operational challenges in construction and cost overruns. He also asked that the gaga pit be the last consideration for the project. The gaga pit will not be ordered until all other expenses have been accounted for.

## 8. New Business

### 8.1. Review Building Official, Inspection and Related Services RFP responses

The City currently contracts with the City of Orono for building official services but Orono terminated their in-house building official and will contract these services with MNSPECT effective March 15, 2021. Both cities are currently using Metro West for these services and they have been providing inspections for the City through Orono for years. Minnetonka Beach is expected to transition with them to MNSPECT until the City's contract with Orono ends in July 2021, but they suggested Minnetonka Beach find their own provider. Melvin received responses to an RFP for these services from MNSPECT and Metro West. He stated both firms are qualified, of comparable size, and their references provided positive feedback. One reference expressed concerns about timeliness with MNSPECT. Melvin stated the City has worked with Metro West for years and they have firsthand knowledge of the city, processes, and residents. MNSPECT hourly rates are higher, and they take 75% of both the plan review and permit fees. Metro West would only take the plan review fee. Melvin's recommendation based on years of experience with the city and lower fees is to contract with Metro West. Scott Qualle (MNSPECT) and Todd Geske (Metro West) stated their qualifications and answered questions. Roger Peitso worked for Metro West prior to the City of Orono, and he was hired back. He can be designated as the City's building official. Council supported the contract with Metro West with an option to renew at the end of the year.

### 8.2. **Resolution 2021 – 14** Approving the Early Termination of an Agreement Between the City of the Village of Minnetonka Beach and the City of Orono for Building Inspection, Zoning Enforcement, and Other Related Services

Melvin stated the City of Orono is considering a similar resolution tonight.

**Howarth motion, Sharma second to adopt Resolution 2021 – 14 Approving the Early Termination of an Agreement Between the City of the Village of Minnetonka Beach and the City of Orono for Building Inspection, Zoning Enforcement, and Other Related Services. Roll Call Vote: Breazeale – aye, Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.**

### 8.3. Consider Professional Services Agreement for Building Official, Inspection and Related Services

Enlow stated that the professional insurance should be put into the agreement.

**Enlow motion, Sharma second to authorize the City of the Village of Minnetonka Beach to enter into the Professional Services Agreement with Metro West effective upon termination of the Agreement with the City of Orono and that the Professional Services Agreement be amended to require Errors and Omissions Insurance coverage.**

**Howarth asked to amend the motion to Metro West Inspection Services, Inc. Enlow agreed to the amendment. Sharma seconded the amendment. Roll Call Vote: Breazeale – aye, Enlow -aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.**

## **9. Consent Agenda**

- 9.1. Police Report – February
- 9.2. Fire Report – February
- 9.3. Update on Coronavirus Relief to Local Governments
- 9.4. Update on Drug Task Force Recognition Lunch
- 9.5. **Resolution 2021 – 15** - 2021 Dock Permit Applications
- 9.6. **Resolution 2021 – 16** - 2021 Dock Variances
- 9.7. Water Tower Update – Stantec Memo with schedule

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

## **10. Treasurer’s Report**

### 10.1. Approve Checks – March 2021

Zinn stated they met with the auditor, Abdo Eick and Meyers, and made her aware of the truck payment not in the same year it was received, and liquidation of proceeds in the 4M Account from the 2019 project. They are working on moving to fund accounting. The auditor will be doing a utility rates study. Melvin will provide the Visa statement in future packets. Zinn reviews statements when he signs the checks. Melvin will research if they can pay per service for drug testing instead of an annual fee.

**Howarth motion, Sharma second to approve 39 checks numbered 18222 through 18260 in the amount of \$40,417.84 for March 2021. Roll Call Vote: Breazeale – aye, Enlow – aye, Howarth – aye, Sharma - aye. All ayes, the motion carried.**

### 10.2. YTD Budget to Actual Report and Prior Year Comparison

Zinn stated they will work on reports separating projects from the operating budget. There was discussion about 2343 and 2352 fuel and mileage and concerns about the amount spent. Item 2352 was for license plates and tax which should have factored it into the CIP. Hilgers will determine if they need to adjust fuel for the 2022 budget. Howarth said they need to focus on AR aging, attorney usage and zoning administrator costs.

### 10.3. Outstanding Accounts Receivable

Council discussed considering late fees or interest charges. Breazeale stated residents sometimes dispute zoning and engineering fees because they don’t know what they will be up front. Melvin explains to residents at preconstruction meetings that they will be responsible for additional fees and they acknowledge this in the Performance Agreement. Enlow discussed looking at the Performance Agreement for a provision for late fees or interest.

## **11. Action Notes and Staff Reports**

- 11.1. Council Meeting Action Notes  
Melvin added the utility rate study and waste/recycling RFP.
- 11.2. Clerk’s Report – written report in packet
- 11.3. Administrator’s Report

Melvin has been working on an issue at Dock 8/9. Previously it encroached the neighboring dock use area and the new owner does not want the continued encroachment. They have a temporary solution for this year and will explore more options. The audit was completed. He has been working on maintenance agreements for properties as part of issuing final Certificates of Occupancy.

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

## 12. Council Reports

### 12.1. Mayor's Report

Lindstrom has been working on the Be a Villager initiative rollout, Adopt a Park, and a swim beach cleanup day. She will report back on the Lake Improvement District regarding weed treatment after her meeting. She also worked with Rep. Kelly Morrison on bill language for water treatment funding.

### 12.2. Liaison Reports (if necessary):

- Breazeale – Civic and Parks have not met. Parks is working on preparation for summer. Contracts are being finalized. Asset inspections will take place next month. Rezabek is working on the Forestry and Tree Canopy Management grant with tree inventory, tree treatments and replacements. Parks may need to do additional repairs due to motorized vehicles driving through parks over the winter. Howarth suggested publicizing photos of the damage to inhibit the behavior in the future.
- Enlow – Planning discussed AMLS definition using line of sight and they will start work on grading issues. Enlow, Nell Mathews, Patty Rezabek, and Kim Petersen are meeting to review other cities' tree ordinances. The Fire Commission is exploring creating a fire district.
- Howarth – Utilities will meet after they receive Stantec's study. Cable provider Metro Net may have an interest in providing service to five of the eleven LMCC member cities.
- Sharma – Docks met. They discussed dock masters at each dock who can help with repairs and cleanup of excess parts. Homeowners insurance can cover their docks also and that information will be communicated to residents with their dock application. Insurance is not required, and the renter signs an agreement acknowledging that the city is not responsible. Enlow suggested requiring renters to add dock insurance to their homeowner's insurance. Sharma and Melvin will work on this for next season.
- Zinn – no report

## 13. Adjourn

**Howarth motion, Enlow 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 10:07 pm.

Members of the Public: Nell Mathews, Joann Anderson, Patty Rezabek, Jill Bartel

**Respectfully submitted,**

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**Heidi Honey, City Clerk**