

**Monday, April 9, 2018 7:00 PM**  
**CITY OF MINNETONKA BEACH**  
**CITY COUNCIL MEETING MINUTES**

**Roll Call:** Mayor Pro Tem Jaci Lindstrom; Council Members: Jill Bartel, Paul Kozloski, and Andrew Myers; Treasurer Steve Howarth. Absent: Mayor Mike Taylor.

**Staff Present:** City Administrator Susanne Griffin, City Clerk Heidi Honey, and Public Works Superintendent Brian Berent

**Guests:** Police Sargent Boris; Planning Commission Chair Jim Haag; Mound Fire Chief Greg Pederson; Long Lake Fire Chief James Van Eyll.

- 1. Mayor Pro Tem Lindstrom called the meeting to order at 7:03 p.m.**
- 2. Clerk Honey led the Pledge of Allegiance.**
- 3. Approve Agenda for the April 9, 2018 City Council Meeting.**

**A motion was made by Council Member Bartel and seconded by Council Member Myers to approve the agenda. With all members voting in favor, the motion carried.**

- 4. Approve Minutes –**
  - 4.1. Regular Meeting of March 12, 2018

**A motion was made by Council Member Bartel and seconded by Council Member Myers to approve the March 12, 2018 Regular City Council meeting minutes as written. With all members voting in favor, the motion carried.**

**5. Police Report**

5.1. Police Report – March 2018

Sgt. Boris reviewed the activity report for March including someone who was using private property that they thought was public, a DUI, three administrative citations for overweight vehicles, and a possible burglary. The individual noticed coats missing in their closet but did not call police for two weeks and there were no signs of forced entry. Orono Police are hosting a civilian use of force class on May 12<sup>th</sup>. Sgt. Boris will check if any permits have been approved for events on the trail and get back to Griffin. Police will continue to enforce weight restrictions until they go off.

**6. Commission/ Staff Reports**

6.1. Planning – Chair Jim Haag

6.1.1. Planning Commission Recommendation of Outstanding Zoning Code Items

Chair Haag stated that some items were tabled for further discussion during the zoning code update. He reviewed the Planning Commission work plan priority list.

Priority 1: Patio Setbacks – Planning recommended tabling this until after litigation is resolved.

**A motion was made by Council Member Kozloski and seconded by Council Member Bartel to table the patio setback discussion until after litigation is resolved. With all members voting in favor, the motion carried.**

Priority 1: Detached Garages and Accessory Structures – height standards

Priority 2: Outdoor Storage - “beauty of city” in mind

Moderate to Low Priority:

1. Regulation around trail use
2. Minimum standards for floor area and width of dwellings
3. Planned Unit Developments
4. Gravel Driveways

No further action recommended:

1. Specialized Lakeshore Setbacks
2. Home Occupations
3. Fence Height

Referral to Park Commission:

1. Landscaping and tree preservation regulations may be examined in the future

In Progress:

1. Sign Ordinance – refer to city attorney for review to make as restrictive as possible for “advertising” signs.

Howarth and Myers explained Planning’s past discussions on specialized lakeshore setbacks. Bartel and Lindstrom were not interested in re-visiting the issue and prefer the individualized variance approach. Myers stated he would review Gozola’s memo regarding the impact on specific lots and report back if he thinks it should be discussed again. Gozola could attend a future meeting if needed. Council discussed Home Occupations and that the current code has restrictions. Council agreed on no action. The City can restrict the size of signs but not the message. Council agreed with the Planning Commission’s recommended work plan.

**A motion was made by Council Member Kozloski and seconded by Council Member Bartel to adopt the work plan as presented with the exception of the patio setbacks. With all members voting in favor, the motion carried.**

6.2. Director of Public Works – Brian Berent

Berent reported that the county will be repairing a large pothole on CSAH 15. He reviewed his report in the packet. The information he is gathering on a SCADA system will go to Utilities before Council. A chlorine booster pump was installed at the plant. He recommended having a leak survey done to listen for leaks in the system. He thought fixing those early could save on water loss and service breaks may be detected earlier. The cost is approximately \$725 and not in the budget.

**A motion was made by Council Member Myers and seconded by Council Member Kozloski to authorize Berent to have a water leak survey performed. With all members voting in favor, the motion carried.**

The MN Department of Health performed a sanitary water survey which is supposed to be done every 18 months and they found some issues at the plant. Berent will discuss the full report with the Utilities Commission when he receives it and Utilities will make a recommendation to Council. The issues do not affect the quality of the water. Berent and Myers discussed the pros and cons of listing the water tower

on the historic registry. Berent will research it more. He is getting street sweeping bids and he will have the manhole repaired at Cross Point and Huntington Pt Rd E. for \$500. Howarth asked Berent to review the long term capital projects to see if he has any changes or updates. At the next Park Commission meeting, Berent will talk with them about possibly applying for a grant for a utility vehicle.

## **7. Open Forum**

No comments.

## **8. Fire Services Contract**

Lindstrom stated that January 1, 2018, the contract with Mound Fire was due to be renewed. Two components of the contract, utilization and property values, affect the cost of service to the community and the City thought they were unfavorable compared with other cities in the contract. Mound Fire gave the City a contract renewal extension to June 1, 2018. Meanwhile, the City looked at other cities to provide fire service pricing. Lindstrom then stated Mound's level of service has been excellent and this is no reflection on their services.

### **8.1. Mound Fire Department Fire Contract Formula Proposal**

Mound Fire Chief Greg Pederson met with Kozloski and Myers to listen to concerns about the contract. The current contract involves five cities, including Mound, and changing the contract and formula is complicated. After listening to the concerns of the City, Pederson met with the Fire Commission and all five cities were represented. He sent a proposal to the other cities on March 13. The proposal represents requests by Kozloski and Myers, specifically eliminating land value from calculations and a specific cost "not to exceed" instead of a formula. The proposal includes an approximately \$15,000 per year reduction in costs, or \$74,000 over the five years. The City of Mound will cover the \$15,000 shortfall. He stated that Minnetonka Beach is an important customer to them. Myers asked if Minnetonka Beach would be part of the Fire Commission and if they would have a vote. Pederson would like them to be part of it but it is up to the City. Pederson sent the proposal to the other cities in the commission and they did not have any concerns. Pederson explained that the test formula in the packet is used to base fees on but the City has a fixed rate of \$86,213 for the first year with increases based on actual Consumer Price Index which are not to exceed 2.5%. Pederson suggested that medical auto starts be added for the City which would increase service levels. He then reviewed the proposal.

### **8.2. Long Lake Fire Department Proposal**

Long Lake Fire Chief Van Eyll gave background on the Long Lake Fire Department. He reviewed the equipment, number of fire fighters, call activity and estimated response times. The contracts with other cities are based on call hours and market value of the land. Minnetonka Beach would have a separate contract. They propose keeping the EMS responses as they currently are for Minnetonka Beach. They based the proposed price for service on 25 calls and 510 hours as follows:

Year 1 - \$50,000

Year 2 - \$50,000

Year 3 – previous year's price plus 1-5% increase based on CIP-U

Year 4 – previous year's price plus 1-5% increase based on CIP-U

Year 5 - average call hours from Years 1,2, and 3 multiplied by \$135 (min. \$45,000 to max. \$65,000).

Year 6 – previous year's price plus 1-5% increase based on CIP-U

Year 7 - previous year's price plus 1-5% increase based on CIP-U

Year 8 – average call hours from Years 4, 5 & 6 multiplied by \$135 plus the increase since Year 5. Minimum price \$45,000 plus the increases since Year 5 and a maximum of \$65,000 plus the increases since Year 5.

Year 9 – previous year's price plus 1-5% increase based on CIP-U

Year 10 – previous year's price plus 1-5% increase based on CIP-U

Howarth discussed the calculation of \$135 per hour and that the City averaged 510 call hours in the past. Long Lake anticipates 300 – 350 hours because their model is different and they would not call out as many hours. Howarth asked if they would consider maxing the increase at 3%. Van Eyll could ask the city administrators he works for but they probably would not agree to it. Service level commitments are not written into the contract but they could look into it. There will be no additional capital requirements because they are included in the \$135 per hour and additional fire fighters are not needed to cover calls to Minnetonka Beach. They do not foresee any additional equipment needing to be purchased to service the city. They would need to enlist mutual aid when a ladder truck is needed for building height. It would come from Mound, Wayzata or Excelsior. Van Eyll then gave a scenario of response to a call of a house fire.

Howarth asked if Long Lake would provide the same staffing, equipment and capabilities, and service levels as Mound. Bartel expressed concerns that Station Two only has one truck. Pederson stated the number of people is more important. Mound and Long Lake are ISO 4 rated. Mound response time, not including call processing time, is 8 minutes. Fire calls are 9 minutes. Long Lake estimates turnout time plus driving time at 5-7 minutes.

Lindstrom thanked them for coming and stated that discussion and a vote is not on tonight's agenda. She thought the next action would be to place it on the May meeting agenda. Myers expressed concerns about time constraints. Lindstrom asked Griffin the procedure because a discussion and vote was not specified on the agenda but some members of Council are ready to make a decision. Griffin stated that the information was that Council was going to hear two proposals tonight and Council could move to do something different. Kozloski wanted a discussion. Lindstrom asked Council if they were comfortable with a discussion and potential vote. Myers suggested discussing the pros and cons and see where it goes. Griffin stated it was noticed as a proposal but Council has the ability to make a motion. Council then discussed the proposals.

Kozloski stated it is a good financial decision. Lindstrom thought it was good that Mound calls out many firefighters for a call. Kozloski argued that's bad because it is a big expense and Long Lake's model with two stations will equate to less hours and cost savings. Howarth would like them to reconsider the cap and he does not like the increase of 66%. Howarth's concerns are staff, equipment capabilities, and service levels. Myers concerns are service equipment and proximity, especially for medical emergencies. Howarth asked Pederson about potential concerns if the City makes a change. Pederson suggested that Council ask the police chief that question at a Council meeting because he works with both organizations and could provide insight. Lindstrom thinks response time is important. Kozloski stated this has nothing to do with Mound's level of service and the City wants to be taken care of the way they have been taken care of in the past. Howarth said the City did not like the Mound formula and the financial impact of the Long Lake proposal is more what he was thinking. Bartel stated she does not feel she has enough information about the differences and she thinks it is valid to ask Orono Police Chief Farniok for his insight.

**A motion was made by Council Member Kozloski and seconded by Council Member Myers to move forward to work out the contract terms with Long Lake Fire Department to take over the City's fire services effective January 1, 2019, to work through the open items of considering a cap on the increase of 3% from 5% and adding service level commitments to the contract, to make it contingent upon the City Attorney's review and the City of Long Lake's approval, and to be presented to Council at the May meeting. Council Members Kozloski and Myers voted to approve. Council Member Bartel abstained. The motion carried.**

Lindstrom thanked Myers and Kozloski for their work with Long Lake Fire Department.

## **9. Consent Agenda**

- 9.1. Fire Report – March
- 9.2. **Resolution 2018-14** Consider Dock Applications for 2018 City Dock Program
- 9.3. **Resolution 2018-15** Consider Dock Variances
- 9.4. Consider Approval of Safe Assure Contract Renewal
- 9.5. Dock Reconfiguration Request – Dock 2 – Minor Reconfiguration

Griffin clarified that the Dock 2 request is to reconfigure the dock use area to allow for a wider lift. The applicant is moving from Dock 2-6 to 2-4 and making it wider. Nobody is in 2-6 so it does not impact anyone. Dock 2-6 will be 9'x20' and Dock 2-4 will be 11'x26'.

**A motion was made by Council Member Bartel and seconded by Council Member Myers to approve the Consent Agenda. With all members voting in favor, the motion carried**

## **10. Treasurer's Report**

- 10.1. Approve Checks: April 2018

**A motion was made by Council Member Myers and seconded by Council Member Kozloski to approve 46 checks numbered 16634 through 16679 in the amount of \$53,000.85 for April 2018 expenses. With all members voting in favor, the motion carried.**

- 10.2. YTD Budget and Prior Year Comparison report

Howarth noted line items 2726 and 2735, expenses related to repairs, and asked that Berent designate what is in and not in the budget in his report. Council discussed budgeting more for repairs.

- 10.3. Outstanding Accounts Receivable Report

Griffin is working on getting a credit from Sambatek for Sween.

## **11. New Business**

- 11.1. 2018 Capital Improvement Program – Bond Funded Projects – Finance Committee Recommendation

Darren Amundsen from Stantec and Bruce Kimmel from Ehlers attended the joint meeting between the Utilities Commission and Finance Committee where they discussed projects in the 2019 Capital Improvement Program and potential funding options for those projects. They prioritized the projects, which total \$2,224,000. Griffin will send the meeting packet to Council. An item not on the list was a water filtration system that may need to be replaced. Berent will get pricing for it. The proposed projects would complete all of the 4" pipe replacements but not replacement of all of the

old pipe in the city. There was discussion about street rebuilding after projects. Finance concluded that all of the projects are necessary and should be funded. Finance will review scenarios and make a recommendation to Council at the May meeting. The City needs to find out from Amundsen how much it would cost to replace the other remaining pipe in the city. Griffin suggested a study session with Amundsen and Kimmel so Council can understand the projects and funding. The work session could be around the Finance meeting. Howarth discussed bonding, reserves and that a \$100,000 tax levy would increase taxes on a \$1million residence by \$300 annually.

**11.2. Resolution 2018 – 16 – 2018 Comprehensive Plan Authorize Distribution to Affected Jurisdictions**

Griffin reviewed her memo in the packet and explained that affected jurisdictions are surrounding communities and overlapping jurisdictions. The draft Comprehensive Plan was reviewed by the Long Range Planning Commission and is a compilation of input from all City committees and commission. The engineering documents will be included as well. The intention is to submit the draft Plan to affected jurisdictions for review and the Metropolitan Council for preview. Council will ultimately make the final decision on the document which will be submitted to the Metropolitan Council no later than December 31, 2018.

**A motion was made by Council Member Bartel and seconded by Council Member Myers to authorize Submission of the 2018 Comprehensive Plan Amendment to Affected Jurisdictions. With all members voting in favor, the motion carried.**

Bartel acknowledged the hard work Griffin and Lindstrom put into the Plan. Lindstrom stated that Griffin went above and beyond doing the minimal requirements and worked very hard on simplifying, streamlining and updating the document. The Long Range Planning Committee also spent a lot of time thoroughly reviewing and updating the document.

**12. Action Notes and Staff Reports**

**12.1. Council Meeting Action Notes**

Mayor Taylor is reviewing Griffin's draft letter of appreciation for Wally Hilke. Griffin will forward it to Council when she gets back from him. The median refuge subcommittee was supposed to meet in April but nothing has been scheduled yet. Griffin has not received any input on the median refuge.

**12.2. Clerk's Report**

Honey attended the MCFOA conference in March. She has been working on fulfilling conservation requirements of the City's Water Supply Plan by adding a conservation section to the City website and also working on utility billing inserts.

**12.3. Administrator's Report**

Griffin stated that the City's insurance policy will be coming up for review soon.

**11. Council Reports**

**11.1.** Mayor's Report:

**11.2.** Liaison Reports (if necessary): Kozloski – Docks, Bartel – Planning, Lindstrom – Utilities/Civic, Kozloski – Parks

Lindstrom stated that Civic is meeting on Wednesday. The Newcomers Event was well attended and the Progressive Dinner is May 19<sup>th</sup>.

Myers thanked Administrator Griffin and Jennifer Halverson for submitting the trail grant. He will be researching grants for the water tower and pros and cons of listing it on the National Registry.

**A motion was made by Council Member Bartel and seconded by Council Member Kozloski to adjourn the meeting. With all members voting in favor, the motion carried.**

**The meeting adjourned at 10:25 pm.**

**PUBLIC IN ATTENDANCE** – The following people signed the attendance sheet: Nell Mathews, Sue Kozloski, Lilla Gidlow, Gregory Pederson (Mound Fire), Jim Haag, and James Van Eyll (Long Lake Fire).

**Respectfully submitted,**

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**Heidi Honey, City Clerk**