

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

Roll Call: Mayor Mike Taylor; Council Members: Jill Bartel, Paul Kozloski, Jaci Lindstrom, and Andrew Myers; Treasurer Steve Howarth. Absent: none.

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

Guests: Three Rivers Park District Sgt. Jurgensen, Hennepin County Commissioner Jan Callison; Planning Commission Chair Jim Haag; Park Commission Chair Dan Forbes;

- 1. Mayor Taylor called the meeting to order at 7:00 p.m.**
- 2. Clerk Honey led the Pledge of Allegiance.**
- 3. Approve Agenda for the July 9, 2018 City Council Meeting.**

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

4. Approve Minutes –

4.1. Regular Meeting of May 14, 2018

Bartel noted to add “if” to the 3rd line of the last paragraph on page 5.

A motion was made by Council Member Lindstrom and seconded by Council Member Kozloski to approve the May 14, 2018 Regular City Council meeting minutes as amended. With all members voting in favor, the motion carried.

5. Police Report

5.1. Police Report – May and June 2018

Sgt. Sonnek reviewed the police reports. There were 17 calls for service in May consisting of medicals, false alarms and found property. There were 13 calls for service in June consisting of false alarms, one warrant arrest, property damage, and found property. The police are checking on the water tower area regularly because there was evidence of people climbing it and also checking Ray Peters Park on a regular basis because of evidence of bonfires. Sgt. Sonnek then reported on a bear near Lord Fletchers. A bear cub sighting was also reported on the border of Navarre and Minnetonka Beach. Honey will notify residents about the possible bear sighting.

5.2. Three Rivers Park District – Dakota Trail – Sgt. Jurgenson

Three Rivers issued 11 administrative citations and two written warnings for stop sign violations between June 10 and July 8. Small stop signs at driveways are not as enforceable. Lindstrom stated that the city requests at least ten saturations each year. Jurgensen will request two additional saturations in September.

6. Guest Speaker – Hennepin County Commissioner Jan Callison

Commissioner Callison gave the annual Hennepin County update. Highlights include a new regional medical examiner's facility in Minnetonka, prevention and treatment efforts to combat a large increase in opioid deaths, organics recycling, and planning for future workforce needs at the county. They are employing people who had received public program services in the past to enable them to get off public assistance.

A county ordinance will require cities to offer organics recycling to residents. The idea is to encourage residents but not force them to do organics recycling. She personally uses Randy's Sanitation. Organics pickup is with regular trash pickup so no extra trucks are needed. She pays for bags and nearly everything goes into the organics bags including soiled food containers.

There is a bridge replacement planned for Tanager Bay in the future. Myers explained that the cones on the bridge are meant to keep drivers away from the sides.

Howarth wanted her to know that the citizens do not unanimously support the median project and he wants to make sure the minority voices of 24 homes impacted by this are heard related to pedestrian and vehicular safety. Callison stated that Bob Byers has done a good job of listening to all voices. She stated that Bob Byers will continue to listen to all voices and he will listen to input at the meeting on July 16th.

7. Open Forum

Resident Lilla Gidlow, Arcola Lane, read a statement and a copy of it was later added to the meeting packet. Gidlow expressed concerns about misinformation of the costs and reality of the crossing and the unfair characterization of residents with differing opinions. She stated that everyone is testing the crossing and they expect to be heard respectfully and not discounted or ignored, or their ideas rejected as not important or true without being considered. She doesn't believe the consequences of the crossing have been realistically looked at from all sides and how it relates to safety and the future economic burden on the city. She also discussed comments made about the Planning Commission meeting and comments heard prior to a Finance Committee meeting. She believes committee members should act in the best interest of the city, and be fair and respectful regardless of their position on the crossing. She discussed the vote at the February Council meeting and requested that Council have a final vote on the project after all opinions, tests, consequences, costs (including future development and maintenance on paths), and costs to usage percentage have been thoroughly and objectively considered.

Mayor Taylor stated he is hopeful that people will be respectful at the July 16 meeting. Taylor discussed the process and importance of comments being provided to Bob Byers in writing. Howarth said that they can provide comments at the meeting also.

Bartel stated the agenda for the July 16 meeting does not indicate a time for residents to speak. Taylor explained that the plan was for comments to be sent to Byers and Griffin prior to the meeting, but if there is input that has not been sent in already, it will be accepted. Byers will provide his recommendations at the July 16 meeting based on the input he received. It is important that he receives as many comments as possible prior to the meeting. Taylor went on to say that they want to give residents the opportunity to provide input if they have not done so already so there will be time for that on the agenda.

Griffin will forward all of the feedback emails with Byers' responses to Council. Rita Howarth asked if a facilitator will be at the meeting. Taylor said the county was going to provide a facilitator but the city wanted a facilitator who is an objective 3rd party. A facilitator would facilitate the discussion, ensure that

all people are heard, that people are respectful, that there are no personal attacks from those commenting on either side, and the meeting flows.

Davida Suiter, 3151 Lafayette Ridge Rd. – Suiter stated there have been comments that there are no residents in Lafayette Ridge who are supportive of the crossing and there are no children in Lafayette Ridge. She confirmed that there are Lafayette Ridge residents who are supportive of the crossing and Lafayette Ridge has 21 children under the age of 18.

8. Staff/Commission Reports

8.1. Public Works Superintendent

8.1.1. MN Department of Health Water Plant Survey Recommendations – Stantec report
Stantec divided the report into health and safety issues, things that should be reviewed sooner, and things that can be reviewed at a later date. The health and safety requests add up to about \$120,000 which includes a 40% overage because they did not have time to get hard numbers. The Utilities Commission will make a recommendation to Council after they review the report. Berent has received bids on some of the items and they were half the estimated costs. There are no specific deadlines but the MN Department of Health would probably want to see changes by the next inspection in 18 to 24 months. Council asked for a copy of the 2014 inspection to see how many items have carried over from the past. Kozloski and Howarth want a clear interpretation of the city's responsibilities and regulations.

City Engineer Amundsen stated that the plant is not out of compliance and the water is safe to consume. The Health Department compares everything to modern standards for a new water plant being built. The plant was built to the standards of the day. Immediate improvements are not mandated by the Health Department. They provide recommendations but are not mandating improvements. If the city was out of compliance, it would have received a letter with a deadline for compliance. Stantec reviewed the Dept. of Health Survey and explained that comments are categorized for safety, functionality and recommendation. The color coding helps explain the value of individual projects and if investments would be lost or not depending on extensive upgrades to the plant in the future. Amundsen then reviewed the typical design life of the water plant components. Amundsen stated that the information needs to be reviewed and the city needs to determine its responsibility to the operator of the plant. Council discussed that some health and safety items are more immediate than others and Amundsen said most of them revolve around the chlorine room or are related to disconnecting the older sewer services and floor drains from the building so gas can't get back in to the building from the sewer system. Council recommended that Amundsen take a harder look at the list of health and safety issues from an immediacy standpoint with Berent's input and then have Utilities review the list and make a recommendation on actions now and actions for the Capital Improvement Program (CIP).

A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to direct Amundsen take a harder look at the list for health and safety issues from an immediacy standpoint with Berent's input and then have Utilities review the list and make a recommendation on actions now and actions for the CIP. With all members voting in favor, the motion carried.

Griffin will send the 2014 MN Dept. of Health report and previous years reports to Council. Berent explained that some inspectors are more strict than others. He then discussed the KLM ground water storage tank inspection report which will be reviewed with the Utilities Commission. The estimated cost to repair is \$190,000 to \$210,000 and to replace is \$265,000 to \$300,000. The water

tower storage is 50,000 gallons and the ground tank is 60,000 gallons. The Department of Health recommends that the City have an average daily demand in storage and Berent is not sure if there are exceptions to that recommendation because of the Orono connection. Amundsen said this is a recommendation from the Department of Health and the city is not out of compliance. They are just pumping more than once per day in the summer. The city has the Orono connection for emergencies or water tower maintenance. Amundsen discussed the annual daily usage of water and that a decision was made sometime in the past to take the ground storage offline because it was not used in the winter and taking it on and off line seasonally was a lot of work. Howarth wants to know if the city gets an exemption because of the Orono connection. Council discussed having the Utilities Commission review the report for need and cost and make a recommendation to Council. Kozloski stated that they first need to determine the need, and, if there is a need, then figure out cost benefit factors and then search for options after a need is determined. Howarth discussed finding out if there are regulatory issues and safety issues that need immediate or longer term remediation. Council then discussed the bond referendum. Taylor requested that Utilities come back to Council with a recommendation with immediate health and safety issues at the August meeting and work on a plan for when the remaining issues will be reviewed.

Berent stated that someone has been switching street signs and asked for people to contact him if they see street signs have been switched so he can fix them. The Dock 2 steps will be replaced July 16. Honey will ask the building official, Roger Peitso, to inspect the steps at other city docks.

8.2. Planning Commission – Chair Haag

8.2.1. Speed Bump Recommendations – (Sambatek)

Chair Haag referred to the Sambatek proposal in the packet for installation of speed bumps on Lafayette Road not to exceed \$6,000. The proposal includes removable speed bumps with signs in five areas, and striping on one area of Lafayette Road. The bumps could be installed by Berent. Haag believes the cost will be less than \$6,000. Originally there was \$20,000 budgeted and approximately \$1,500 was used for the study. Speed bumps would be installed as soon as possible. Honey will put the maps showing the speed bump locations in the Beachcomber.

A motion was made by Council Member Myers and seconded by Council Member Lindstrom to approve the Planning Commission Recommendations for Installation of Speed Bumps pursuant to the June 22, 2018 Sambatek Memorandum entitled Lafayette Road Traffic Calming not to exceed \$6,000. With all members voting in favor, the motion carried.

Haag commented on the June 25th Planning Commission meeting and stated that he tries to ensure discussion is focused on the agenda items but he also tries to make sure that everyone has a voice and that both sides of issues are heard. Bartel stated that she did not think the meeting was a fiasco. Rita Howarth agreed it was not a fiasco. Lindstrom said he ran the meeting in a very diplomatic way. Haag agreed with the idea of having a facilitator at the July 16th meeting.

8.3. Park Commission – Chair Forbes

8.3.1. DNR EAB Grant Pre-Application

Chair Forbes updated Council on Park Commission spending. Most of their budget is spent in the last quarter of the year. Current spending is at 23% of their budget, but the remainder of the beach cleaning contract (\$2,500) will be paid in the next 6 weeks and the gardener has yet to bill \$3,000 for work already completed. Commissioner Rogers is planning tree trimming and planting for fall. They are on track to spend their entire budget this year. Garden maintenance at the library is not in

the current budget, so Commissioner Taylor has been caring for it this year and it will be added to the gardener contract in the future. Forbes stated that they completed a pre-application for a DNR grant for EAB treatment up to \$30,000. The city will be notified by July 13 if they will be able to move forward and apply for the grant. Forbes discussed Park Commission CIP requests. The library needs maintenance and repairs of things like broken windows. They listed a high ball park cost. They also requested an irrigation system at City Hall. Current estimates are around \$5,000.

9. Public Hearing

9.1. Stormwater Pollution Prevention Program

Mayor Taylor opened the public hearing at 8:58 pm.

Administrator Griffin stated that the city is required to hold an annual meeting and public hearing to take comment and to receive and file the MS4 SWPPP Implementation Report as part of the Stormwater Pollution Prevention Program. This is a requirement of the Minnesota Pollution Control Agency, the Federal Water Quality Act, and MPCA rules. It is also a requirement of the city's MS4 Permit. She also said that the city has completed most of the required items over the years and they will continue to work with the Minnehaha Creek Watershed District on open items.

Griffin explained that public education includes Save the Lake Beachcomber articles, utility billing inserts and employee training to help them identify and report illicit discharge.

Seeing no one wishing to speak, Mayor Taylor closed the public hearing at 9:00 pm.

10. Consent Agenda

10.1. Fire Report – May and June

10.2. League of MN Cities Insurance Trust Tort Liability Waiver

10.3. Special Event Permit – St. Martin's Church at the Swimming Beach – Sunday, August 19, 2018 (10 am – noon)

10.4. **Resolution 2018-23** – Appoint Election Judges, Designate Hennepin County as Central Count for Processing and Counting of Absentee Ballots, and Establishing Absentee ballot Board for the 2018 Primary and General Elections

10.5. Dock Permit Application (Dock 22-2) – Jim and Debra Jeronimus

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

11. New Business

11.1. Request to Amend Utility Billing Policy on Charging for Garbage and Recycling on vacant lots

Griffin received a request from a resident who has a lot for sale and would like the city to consider amending the policy to waive utility fees for vacant lots. The current policy states that the resident pays for these services regardless if a home is there or not because the city is required to pay the fees based on the number of households and not if the services are used. Changing the policy could be a slippery slope and those who go out of town for the winter may request to have their fees waived as well. Council decided they do not wish to change the current policy.

A motion was made by Council Member Lindstrom and seconded by Council Member Myers to not amend the Public Utilities Billing Policy. With all members voting in favor, the motion carried.

11.2. Paving Management Study Proposal – Stantec

Amundsen reviewed the proposal for a Pavement Management Program Study which was included in the 2018 CIP and scheduled to be done in 2018. The study includes two road replacement scenarios: 1) replace streets as is with strategically placed bituminous curb or 2) replace streets with concrete curb and gutter and storm sewer. The study is not to exceed \$15,000. Scenario 1 would require more maintenance later because it does not control water as well. Scenario 2 costs substantially more per foot. The study would outlay the next 20 years of paving projects and also identify immediate needs for road reconstruction.

A motion was made by Council Member Myers and seconded by Council Member Bartel to move forward with the Pavement Management Study and approve the Stantec Proposal dated June 6, 2018. With all members voting in favor, the motion carried.

11.3. 2019-2023 Capital Improvement Program Review of Draft

Taylor suggested a separate meeting to discuss the CIP in detail at a Finance Committee meeting with Council present. Howarth said the Finance Committee recommended asking each committee chair and Berent to present their requests at the meeting and help prioritize the requests. Myers suggested Amundsen and Griffin provide input on the CIP items and prioritization of them. Griffin will coordinate a date for a Finance Committee and Council work session with all contributors there to discuss their recommendations.

Planning Commissioner Joann Anderson said that at the Planning Commission meeting they made a recommendation that the Council not take further action on the crossing until everything is settled. This caused people to believe that she did not support the crossing and that is not true. The Planning Commission discussed a list of things that needed to be settled prior to final approval on the crossing and they approved the crossing in the CIP without question. The recommendation was a separate thing that she brought up. She wanted to make sure everyone understood that the Planning Commission is supportive of the crossing.

11.4. **Ordinance No. 118, 2nd Series** amending Sign Ordinance and **Resolution 2018-24 – Authorizing Summary Publication**

Griffin referred to the proposed sign ordinance. The Planning Commission has reviewed this at a few separate meetings. Gozola stated it is necessary to get the code up to current regulations. The Planning Commission recommended approval of Ord. 118, 2nd Series Sign Ordinance and adoption of Resolution 2018-24.

A motion was made by Council Member Bartel and seconded by Council Member Myers to adopt Ord. 118, 2nd Series Amending Sign Regulations within the City of the Village of Minnetonka Beach's Zoning Code, and also to adopt Resolution 2018-24 Authorizing Summary Publication of Ordinance 118, 2nd Series. With all members voting in favor, the motion carried.

12. Old Business

12.1. Nuisance Ordinance Administrative Citation Update – 2328 Lafayette Road

Mayor Taylor referred the letter written to the homeowner from the city attorney, Ron Batty, regarding the nuisance violations which was in the packet. A veteran group of volunteers has been scheduled to address the issues on the property on July 21. The city attorney recommended that he be given the opportunity to resolve the issues on that date. Council can take an action for enforcement at the August meeting if no work is done. Attorney Ron Batty will have recommendations for enforcement for the August Council meeting.

12.2. Water Tower Historic Designation Grants: Nomination Grant

Griffin referred to her memo in the packet. The water tower has qualified for nomination to the National Register. The next steps are a conditions assessment on the structure and preparation for the nomination process. An engineering study conditions assessment grant will be applied for in September. The Akay Consulting proposal is for preparation for the nomination process not to exceed \$4,500 and is contingent upon receiving the grant. The city is not out any money. Bartel would like to see a summary of potential restrictions and benefits if the water tower were listed on the historic registry. Myers suggested a member of the Historic Society talk with council.

A motion was made by Council Member Myers and seconded by Council Member Lindstrom to authorize the City Administrator to submit a grant application to the MN Historical Society to do the necessary research and preparation for the nomination phase for the water tower to be placed on the National Register of Historic Places and that the city engage Akay Consulting per their proposal not to exceed \$4,500 contingent on obtaining Minnesota Historical Society grant funding in that amount. With all members voting in favor, the motion carried.

13. Treasurer's Report

13.1. Approve Checks: June and July 2018

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve 38 checks numbered 16773 through 16810 in the amount of \$43,193.04 for July 2018 expenses. With all members voting in favor, the motion carried.

A motion was made by Council Member Lindstrom and seconded by Council Member Myers to approve 48 checks numbered 16724 through 16772 in the amount of \$83,642.13 for June 2018 expenses. With all members voting in favor, the motion carried.

13.2. YTD Budget and Prior Year Comparison report

Howarth noted receipt of property taxes by Hennepin County showing that a number of residents prepaid taxes. Council discussed increasing the asphalt budget next year. Historically, the city budgeted \$10,000 but reduced it to \$5,000 because of funds received from the Small Cities Assistance Program.

13.3. Outstanding Accounts Receivable Report

Howarth stated there are two residents with outstanding water bills. Their water will be shut off on the July 18th if payment is not received.

Howarth then discussed the Ehler's Investment Portfolio Review in the packet. The Finance Committee recommended keeping \$133,000 maturing on July 27, 2018 in a money market account and make a broader assessment and recommendation after the August meeting.

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom that for the face value of the CD maturing on July 27, 2018 that it be re-invested in a short-term money market fund, preferably the 4M Plus Fund. With all members voting in favor, the motion carried.

Bartel stated that they discussed a lot of potential upcoming expenses and suggested that a summary of tonight's discussion be sent to the Finance Committee prior to their meeting so they can prepare.

14. Action Notes and Staff Reports

14.1. Council Meeting Action Notes

14.2. Clerk's Report

Clerk Honey discussed elections. She stated that candidate filing is July 31 until August 14. The deadline for candidate withdrawal is August 16 at 5 pm. She also explained the ways voters can absentee vote (by mail and in person).

14.3. Administrator's Report

Administrator Griffin stated that there was discussion based on a resident request to potentially move a power pole from city right of way to the city right of way adjacent to Mr. Burak's property. Xcel Energy has not yet submitted a right of way permit application. Generally these permits are issued at staff level but she wanted them to be aware of the inquiry and to think about the precedent it may set.

She also discussed information from the Hennepin County Assessor's office about their services and asked council if they would like a presentation from the county. Griffin will inform Rolf Erickson that they are evaluating services. Griffin discussed the Local Board of Appeal and Open Book processes. The city could still have the Local Board of Appeal if they used the county as the assessor. Council requested that the county assessor attend the August Council meeting to explain their services.

Griffin gave an update on the Northview wall. The Hennepin County Regional Railroad Authority's impression was that the wall was built for the benefit of the city and for the road and not for the railroad. Taylor asked that they move forward with getting bids to repair the wall while the Hennepin County Regional Railroad Authority does more research. Council discussed talking with Commissioner Callison about it. Lindstrom asked about the wall by Kozloski's house which is also deteriorating. The city is supposed to maintain the landscaping along the trail. Council asked that the gardener give the city a bid to maintain the garden areas by Kozloski's and the Northview wall by the library. Honey will ask Parks to get bids from the gardener to maintain the two wall areas.

Griffin also mentioned that Republic Recycling met with her and asked if the city would consider a rate increase of \$0.36 per household per month. The recycling contract goes through 2021. Council will wait until the new contract is negotiated before increasing rates.

11. Council Reports

11.1. Mayor's Report:

Mayor Taylor had no report.

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

Bartel asked about the Park Commission's discussion on the vacated land on Lafayette Road. Honey summarized Tom Seuntjens' input and the city attorney's interpretation of the documentation. The city never vacated the 40 foot wide span of road and right of way. It maintained ownership of that segment and has the same rights as all other right of way areas within the city. The Park Commission can plant and remove trees in that area.

Lindstrom reported that she gave a short presentation on potential water main improvements at the Civic Committee meeting. The picnic is Sunday, July 15, beginning with a fun run at 9 am. Bike decorating is at 3:30 for the 4 pm parade and the picnic starts 4 pm. National Night Out is August 7 at City Hall.

Bartel stated that the Planning Commission has postponed discussing parking issues in the city until fall.

Myers thanked Administrator Griffin for handling the water tower grant application

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

The meeting adjourned at 10:20 pm.

PUBLIC IN ATTENDANCE – The following people signed the attendance sheet: Rita Howarth, Lilla Gidlow, Sue Kozloski, Carrie Parente, Jan Callison, Steve Parente, Davida Suiter, Patty Rezabek, Dan Forbes, Jeanne Tempero, Joann Anderson, and Betsy Taylor.

Respectfully submitted,

Heidi Honey, City Clerk