

Monday, August 13, 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; Bob Byers, Hennepin County Transportation, City Assessor Rolf Erickson, Hennepin County Assessor Jim Atchison

- 1. Mayor Taylor called the meeting to order at 7:07 p.m.**
- 2. Clerk Honey led the Pledge of Allegiance.**
- 3. Approve Agenda for the August 13, 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 July 9, 2018

A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to approve the July 9, 2018 Regular City Council meeting minutes. With all members voting in favor, the motion carried.

5. Police Report

5.1. Police Report – July 2018

Sgt. Sonnek reviewed the police report consisting of 20 calls for service including alarms, a head-on collision on CSAH 15 near the beach, three thefts, parking complaints, and an arrest of someone wanted by Apple Valley police.

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

Three Rivers issued four administrative citations and five written warnings for stop sign violations. Two additional saturations are scheduled in September for Minnetonka Beach.

6. Guest Speaker

6.1. Sean Woerner – Eagle Scout Project

Woerner proposed building two benches made out of hockey sticks and 3-4 skating assists for learning skaters for his Eagle Scout project. The benches would be placed outside the rink at Ray Peters Park and be designed to be movable by forklift.

A motion was made by Council Member Kozloski and seconded by Council Member Bartel to approve Sean Woerner's plan to build two benches and three or four skating assists for Ray Peters Park. With all members voting in favor, the motion carried.

Griffin will do a letter of approval for Sean Woerner.

7. Open Forum - No comments

8. Staff/Commission Reports

8.1. Public Works Superintendent

Berent requested authorization to purchase a used leaf vac with ten hours on it for \$32,500. There is \$30,000 in the 2018 budget for a leaf vac. Berent will have the city logo put on the vac and the cost of the logo will come out of his budget. Council was in agreement with putting the current leaf vac on K-Bid. Council then discussed the amount of money in reserves, the additional \$2,500 needed to purchase the leaf vac, and repairs needed at City Hall for the sidewalk and window well.

A motion was made by Council Member Kozloski and seconded by Council Member Bartel to authorize Public Works Superintendent Berent to purchase the used leaf vac for \$32,500. With all members voting in favor, the motion carried.

Berent reported that a collapsed storm sewer was replaced on Old Beach Road.

A motion was made by Council Member Myers and seconded by Council Member Kozloski to authorize Public Works Superintendent Berent to repair the sidewalk at City Hall and repair the window well in the back of City Hall not to exceed \$4,000. With all members voting in favor, the motion carried.

8.2. Commissioner Reports

Kozloski asked about the status of the Northview Road wall repair. The county is researching if they have any responsibility in repairing it. The city has bids from Blackstone and Norling. Taylor will talk with Hennepin County Commissioner Callison about any potential responsibility for the repair. Griffin was directed to ask the city attorney if he thinks the county has any responsibility. Amundsen explained the drainage issue at the wall and the scope of work needed to repair it. Griffin and Amundsen will get a third bid.

9. New Business

9.1. City Assessor Contract – Hennepin County (Jim Atchison) Proposal and Rolf Erickson Proposal

Taylor stated that the city hires its own assessor and the city wanted to explore the option of Hennepin County doing the assessing. The assessing service proposals are very similar for the county and Erickson. Atchison stated that their job is to fairly and uniformly value properties across the entire county and they have 56 people on staff. The city can still use the Local Board of Appeal process or it can use the Open Book format regardless of it being the county or Erickson doing the assessing. The Local Board of Appeal is a formal process where a resident comes to explain why they think their property is not valued correctly. The Open Book process is more of an open house with the assessors. There should not be a difference in the assessing services provided by the county or Erickson. Erickson has been the city assessor since 1992. If the city uses the county as its assessor and a resident appeals the assessed value to the county, a different set of county assessors would handle the appeal.

Rolf Erickson believes that smaller government is better and he thinks he is more accessible. All cities with populations under 30,000 are now using the same system and their process is virtually the same. Their goals are the same for service and meeting a target of 95% of market value. Erickson has over 40 years of experience working around the lake and there are some unique situations with Lake Minnetonka properties. Atchison said the language in sections 3, 4 and 5 regarding office space of the Hennepin County proposed contract can be adjusted as needed.

A motion was made by Council Member Myers and seconded by Council Member Kozloski to hire Hennepin County for the City's assessing services pending legal review of the contract. Council Members voting in favor: Lindstrom, Kozloski, and Myers. Council Members opposed: Bartel. The motion carried.

9.2. **Resolution 2018-25** – 2019-2023 Capital Improvement Program
Council agreed upon the following changes to the draft CIP:
Move \$20,000 from 2020 to 2019 for lift stations.
Remove \$3,000 for sidewalk to be done in 2018.
Move City Hall Maintenance \$2,500 to 2020.
Move watering system for utility vehicle \$3,000 to 2020.
Add \$5,000 for speed bumps to 2019.
Remove \$600 for sign because it is not eligible for CIP.
Move playground equipment to 2020.
Leave library in until condition assessments are made.
Final amount for 2019 CIP is \$204,000.

A motion was made by Council Member Myers and seconded by Council Member Bartel to adopt Resolution 2018-25 approving the 2019-2023 Capital Improvement Program with the changes totaling \$204,000 for 2019. With all members voting in favor, the motion carried.

Council discussed that they would like to see written estimates for CIP requests in the future.

9.3. Authorization for Zoning Administrator Replacement Process
Griffin stated that Ben Gozola left Sambatek and an interim zoning administrator from Sambatek did not work out so the city is currently without a zoning administrator. Griffin recommended hiring Phillip Carlson from Stantec as an interim zoning administrator until a permanent replacement is appointed. Carlson is a senior planner with over 30 years of experience who is familiar with the lake area and will be able to start immediately. His rate is \$156 per hour. Amundsen described Carlson's qualifications and stated Carlson would be a perfect candidate for the interim position as well as a great candidate for the permanent position.

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to appoint Phillip Carlson from Stantec, as interim Zoning Administrator and to authorize Mayor Taylor and Administrator Griffin to execute a contract with Stantec for Planning Services for 60 days or until a permanent replacement is appointed by the City Council. With all members voting in favor, the motion carried.

Griffin reviewed the proposed process for the Request for Proposal (RFP) for a Planning and Zoning Administrator as described in her memo in the packet. She will submit the RFP to the League of MN Cities, the American Planners Association, and other firms. A selection team consisting of Planning

Commission Chair Jim Haag, Planning Commission Liaison Jill Bartel and Administrator Griffin will review responses and interview candidates to create a short list for Council to interview.

Resident Nell Mathews suggested some changes to the RFP in an email to the City. Taylor suggested that staff, council, and the selection committee review the RFP and Mathews' suggestions for potential changes. After they update the RFP, Griffin can send the final document to Council to see if they have feedback. Griffin will then issue it prior to the next council meeting.

A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to authorize City Administrator Griffin to issue the RFP for the replacement of the Planning and Zoning Administrator with the RFP document to be submitted to Council for review prior to release and authorize City Administrator Griffin, Planning Commission Chair Jim Haag, and Council Liaison Jill Bartel (selection team) to move forward with the RFP and the selection process as proposed. With all members voting in favor, the motion carried.

9.4. Ordinance No. 119, 2nd Series 2019 Fee Schedule and Resolution 2018-26 – Authorizing Summary Publication

Griffin passed out an updated fee schedule with the Long Lake Fire Department's false alarm fees. Increases in trash and recycling are based on the contract with Republic Services. Howarth discussed water usage fees and recommended Lafayette Club's increase be the same percentage as (6%) as residents which raises it to \$3.72. Planning and zoning review and consultation should be raised to \$156.

A motion was made by Council Member Myers and seconded by Council Member Bartel to adopt Ordinance No. 119, 2nd Series Amending Appendix B Fee Schedule as amended. With all members voting in favor, the motion carried.

Howarth asked Griffin to send a copy of the updated Fee Schedule to the Finance Committee.

A motion was made by Council Member Myers and seconded by Council Member Bartel to approve Resolution 2018-26 – Authorizing Summary Publication of Ordinance 119, 2nd Series Appendix B Fees for Licenses, Permits, Services 2019. With all members voting in favor, the motion carried.

10. Old Business

10.1. Resolution 2018-27 – Confirming Support of Shoreline Drive (CSAH 15) and Arcola Lane Pedestrian Crossing Improvements

Mayor Taylor referenced a memo by Bob Byers in the packet. Byers is asking for final confirmation on the design for the improved crossing. He stated that after consideration of feedback from residents and signage and striping suggestions from the Orono Police Chief, changes have been made to the final design. The proposed signage and striping changes are shown in the diagram in the packet. Striping and signs will not go up until there is trail access. Howarth thinks it is a huge improvement from the initial proposal. Council would like the striping and signage put in during the installation of the median and prior to the access paths. Byers stated that traffic engineers would prefer the striping is done when the access paths are installed based on guidelines. He then agreed to striping and signage if the city puts Class 5 down on each side as temporary access.

Lilla Gidlow, Arcola Lane – Gidlow read a statement which was filed with the packet. She expressed concerns and stated that she thinks this is not the best, safest and least costly crossing proposal. She asked that Council consider moving the median/crossing to the north of Arcola Lane for a number of reasons, primarily that it would be safer and cost less.

Tom Eakins, 2655 Arcola Lane – Eakins stated that for years Arcola residents have had to cross County Road 15 to access their boats. They never asked Council for help to cross safely. He thinks this is being done for some residents and not others. He went on to say the proposal is dangerous and difficult to navigate. He thinks it should be located by Woodbridge. He said it is impossible for him to legally make the turn when trailering his boat.

Carrie Parente, Arcola Lane – Parente has been trying to be cognizant of how she uses the intersection. Pedestrians crossing at the median have startled her because when people turn right on to CSAH 15, they look to the left for oncoming cars and are not expecting people on the right.

Bridget Wortman, Lafayette Road – Wortman discussed the many meetings they have had, the studies conducted and the feedback considered for the crossing. They have done their due diligence on the crossing location based on safety.

Jody Sperduto, Woodbridge Road - Sperduto stated that from the minute this was started years ago, signage and striping was not allowed by the county but it was needed. Now that the county is willing to do it, the city should take more time and not push it along.

Bartel shares Parente's concern and she does not think it is safe. Kozloski said they are in a difficult situation and they can't please everyone. He stated that divisiveness is unfortunate and he wishes they could celebrate the victory of a solution that is better than it was. He commended Bob Byers for his work on finding a solution. He also thanked the committee members for facing all the challenges presented to them and for their efforts. Myers stated it is a good option for the community. Lindstrom educated herself on the issue and feels it is as good of a solution as they can get. Taylor stated that it is the best option he has seen in all the years they have tried to do this. The striping and signage is important. Howarth complimented Byers for continuing to work on improvements throughout the process.

Byers said the county will continue to monitor it and they may make changes over time.

A motion was made by Council Member Myers and seconded by Council Member Kozloski to approve Resolution 2018-27 Confirming Support of Shoreline Drive (CSAH 15) and Arcola Lane Pedestrian Crossing Improvements (County Project 21-1838-00) with the change of: the on road cross walk markings and street sign installed when the temporary trail is installed by the city. With all members voting in favor, the motion carried.

10.2. Nuisance Ordinance Violations – 2328 Lafayette Road – Enforcement (potential closed session based on attorney-client privilege pursuant to Minn. Stat., section 13D.05, subd. 3(B)) – Dave Johnson, Kennedy & Graven

A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to close the session for code enforcement litigation at 2328 Lafayette Road and the purpose served by attorney-client privilege outweighs the purpose served by the open meeting law due to the fact that

absolute confidentiality is required for the council to have a candid discussion and make an informed decision without jeopardizing its case. With all members voting in favor, the motion carried.

Mayor Taylor closed the session pursuant to Minn. Stat., Section 13D.05, subd. 3(B) at 9:43 pm. Mayor Taylor re-opened the session at approximately 10:18 pm.

Mayor Taylor stated that they completed the discussion relative to the nuisance ordinance violation at 2328 Lafayette Road and had directed legal counsel, Dave Anderson from Kennedy & Graven, to take the next steps.

11. Consent Agenda

- 11.1. Fire Report – August
- 11.2. **Resolution 2018-28 and 2018-29** – Consider Re-Appointing Diane Rogers and Patty Rezabek to Park Commission
- 11.3. **Resolution 2018-30 and 2018-31** – Consider Re-Appointing Jim Haag and Susan Enlow to Planning Commission
- 11.4. Dock Permit Application (Dock 8-1) – Ellis

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.

12. Treasurer's Report

- 12.1. Approve Checks: August 2018
Howarth noted a large check paid to Brian Berent which was a reimbursement for the on-line purchase of speed bumps because the city does not have a credit card. The KLM bill was for the ground water tank inspection.

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve 44 checks numbered 16811 through 16855 in the amount of \$97,324.78 for August 2018 expenses. With all members voting in favor, the motion carried.

- 12.2. YTD Budget and Prior Year Comparison report
Howarth noted that they are at approximately half of the expected revenue from permits. Legal fees are low because they have not been invoiced yet for the lawsuit. Howarth discussed the investment portfolio and asked to invest a treasury bill that matures on August 24 into the 4M Fund.

A motion was made by Council Member Myers and seconded by Council Member Bartel to authorize the treasurer to invest the treasury bill maturing on August 24, 2018 with a principal amount of \$133,000 in the 4M Fund. With all members voting in favor, the motion carried.

- 12.3. Outstanding Accounts Receivable Report - no discussion

Howarth then discussed if they want to have the water tower inspected by KLM for \$2,800. A separate engineering grant would be applied for to do the historical inspection and they cannot apply for it until October. Myers thinks they should not hold up the process on assessing the water tower. Lindstrom stated that the Utility Commission needs to know the condition of the water tower.

A motion was made by Council Member Lindstrom and seconded by Council Member Myers to employ KLM to inspect the water tower for \$2,800. With all members voting in favor, the motion carried.

13. Action Notes and Staff Reports

13.1. Council Meeting Action Notes

Lindstrom suggested adding the inspection of the water plant to the Utilities Commission referrals.

13.2. Clerk's Report – Primary and City Referendum Election– August 14th (Canvass August 20)
Honey stated the Primary Election is August 14 and the city bond referendum question is on the ballot. The polls are open 7 am to 8 pm. The council will meet to canvass the election results on Monday, August 20 at 7 pm.

Honey also referred to information in the packet about Hennepin County's beach sampling program. The county is looking for ways to supplement the cost of the program which may include reducing the number of times they sample the water or charging the city for samplings.

13.3. Administrator's Report

Griffin had no additional reports.

11. Council Reports

11.1. Mayor's Report:

Mayor Taylor stated that he and Council Member Lindstrom provided performance reviews to the city staff.

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

Lindstrom stated that National Night Out was fairly well attended and very organized. Mound Fire and Orono Police attended.

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

The meeting adjourned at 10:37 pm.

PUBLIC IN ATTENDANCE – The following people signed the attendance sheet: Jody Sperduto, Nell Mathews, Patty Rezabek, Diane Rogers, Tom Eakins, Alice Seuntjens, Sue Kozloski, Lilla Gidlow, Betsy Taylor, Carrie Parente, Maxine Dunlap, Rita Howarth, and Jennifer Halverson.

Respectfully submitted,

Heidi Honey, City Clerk