

Monday, August 14, 2023 6:00 PM
CITY OF MINNETONKA BEACH
CITY COUNCIL MEETING MINUTES

Roll Call: Mayor Joe Pagano; Council Members: Tracey Breazeale and Jennifer Halverson
Absent: Chris Dovolis and Chris Zinn

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

Guests: Former City Council Member Vibhu Sharma, Three Rivers Park District Commissioner Marge Beard, City of Long Lake Mayor Charlie Miner, and Long Lake Fire Department Chief Mike Heiland

1. **Mayor Pagano called the meeting to order at 6:02 p.m.**

2. **Pledge of Allegiance** – Led by Clerk Burgess

3. **Approve Agenda**

Halverson requested that Item 4.1 Regular Meeting Minutes from the July 10, 2023 City Council meeting be moved to the August 23, 2023 Special City Council Meeting for approval.

Halverson motion, Breazeale second to approve the July 10, 2023 agenda as amended. All ayes, the motion carried.

Mayor Pagano stated that the overall theme of this City Council meeting is safety noting Long Lake Fire Chief Heiland and Orono Police Officer Lyrek will be presenting tonight. He added that there will be an update given on the water treatment plant project which also relates to safety with the water the City provides. Pagano stated that Commissioner Beard of Three Rivers Park District will speak at this meeting, and he added how important parks are to this community and how they are the lifeline that connects cities together.

4. **Approve Minutes of the July 10, 2023 Regular Council Meeting** (item moved to August 23, 2023 Special City Council Meeting)

5. **Guests**

5.1. Certificate of Appreciation

Mayor Pagano presented Sharma with a Certificate of Appreciation from the City of Minnetonka Beach.

Pagano thanked Sharma for his service to this community as City Council Member from 2021- 2023, Dock Committee member in 2009 and Dock Committee Chair in 2007 and 2020. He highlighted Sharma's strong attributes and contributions to the City and wished him well in his future endeavors.

Sharma stated how much he, Julia, and their family enjoyed living in Minnetonka Beach with all it has to offer. He stated that he gave back to the community that gave to him and his family by serving on Council and the Dock Committee. He added that he hopes that residents in the City also volunteer and participate, noting how important this service is to a city and a valuable experience as well. Sharma concluded by stating that it was so incredible to have his name on the 2020 election ballot with Trump, Biden, and Kayne West. He informed Breazeale that her name was also on that ballot as well. Sharma thanked everyone for the opportunities he had serving as a Council Member with them.

5.2. Police Report – August

Officer Lyrek presented the police report for July activity. She said that there was little activity in the City noting two DWI's on Shoreline Drive, an accident involving a car and a deer, a mental health assist with the Hennepin County Water Patrol on the lake, and a Domestic Trespass at a resident's home.

Officer Lyrek requested that the City inform residents of the uptick in car theft in the surrounding area. She stated that professional, young people in groups of four or so are coming to the western suburbs, and quickly checking the doors on vehicles parked outside to see if they are unlocked. She cautioned that valuables, keys and garage door openers should be removed from vehicles parked both inside and outside. Home and garage doors should always be closed, although some have devices that allow them to open garage doors. Officer Lyrek stated that Minnetonka was hit hard the last two weeks with car theft, and they're moving towards this area and surrounding communities.

Pagano requested that Burgess post Lyrek's cautionary comments in the Beachcomber, and SPLASH! eblasts. He also thanked Officer Lyrek for her service and for protecting the community.

5.3. Commissioner Marge Beard, Three Rivers Park District

District 1 Commissioner Beard presented an overview of the Three Rivers Park District of suburban Hennepin County which was established in 1957. She stated that their Mission Statement is to ***promote environmental stewardship through recreation and education in a natural resources-based park system.*** She added that their Vision is that ***every person can connect with nature every day.*** Beard stated that there are no ball fields in their parks, just nature in their 27,000 acres of land. They manage 25 parks and park reserves, 175 miles of regional trails, 300 miles of trails within their parks and have 15 million visits each year.

Beard stated that education is a very important component of Three Rivers Park District and natural resources as well. Beard concluded by stating that they are always interested in talking about potential partnerships and want to know how they can do a better job serving residents of their communities. She added that the most popular Three Rivers Park District locations visited by Minnetonka Beach residents are the Dakota Trail, the Bryant Lake Boat Launch, the Lake Minnetonka Regional Park for picnicking, and the Norenberg Memorial Gardens where something is always in bloom there in the summer months.

Halverson stated that her family enjoys the programs offered by Three Rivers Park District, especially Gale Woods Farm camps.

Pagano stated that he admires Three Rivers Park District's focus on simplicity and nature.

5.4. Long Lake Fire Department Update – City of Long Lake Mayor Charlie Miner and Long Lake Fire Chief Mike Heiland

Mayor Miner introduced Chief Heiland as the new Fire Chief for Long Lake Fire Department. He was formerly a 30-year member of the Excelsior Fire District and Assistant Chief. Heiland presented the Long Lake Fire Department's 2022 Annual Report. Highlights included the Organization Chart with named leadership, and current membership with years of service. There are 42 active firefighter members and 20 of them, or 48%, have 0-5 years of service and 9 of them, or 22%, have 6-10 years of service.

In 2022, Long Lake Fire provided service for 28 incidents in Minnetonka Beach or 6.5% of their total activity. There was one house fire in Minnetonka Beach in 2022. The 2022 First Unit Average On-Scene Time for Minnetonka Beach was 0:09:42. Long Lake Fire provided 417 Call Hours to Minnetonka Beach in 2022 or 6.14% of their total. They had an average of 13.55 members respond per call, 13.54 members respond to calls that happened on weekdays from 06:00 to 18:00 hours. 44.3% of their calls happened on weekdays between the hours of 0600 to 1800 hours.

Chief Heiland stated the department's goals for 2023, and he named the 2022 top department responders, retirees, new probationary members and firefighter milestones for 2022. He listed the department's 2023 events and Save the Dates for their SBB Toy and Food Drive on December 2nd, and their Fire Prevention Open house on December 9th. Heiland concluded by stating they have had 11 calls so far in 2023, as compared to 20 in 2022 at this same time.

Mayor Miner stated that Long Lake Fire's 10-year contract with Minnetonka Beach is from 2018 – 2028. He stated that the City of Long Lake is in a legal battle with the City of Orono. Orono wants to form their own fire department and not be serviced by Long Lake Fire when their contract ends in 2025. They will be in mediation with Orono on September 27th. Orono wants to take over Station 2 in Navarre which services Minnetonka Beach. Miner explained that the trend is for cities to consolidate and form fire districts rather than start new fire departments. The City of Long Lake would like to enter into Joint Power agreements with other cities' fire departments including Wayzata where they could share resources and duty crews. He added that Minnetonka Beach could then be a part of that fire district. He added that the Excelsior Fire District includes five cities, and the West Suburban Fire District has told Long Lake Fire that they can partner with them which they are considering.

Mayor Miner praised Council Member Halverson as the most regular attendee at the fire meetings which can sometimes last two hours.

6. Open Forum opened at 6:41pm and closed at 6:42. No discussion.

7. Old Business

7.1. Ordinance No. 143 – Use of Tobacco and Cannabis in Public Places

Administrator Honey stated that she provided City Council with the background of the recently passed laws in Minnesota about the legal use of cannabis and that cities are allowed to regulate this use in public places. She worked with City Attorney Batty in drafting an ordinance, taking into consideration a resident's input. Honey is requesting that Council review the ordinance and for approval or recommend amendments to be brought back to the August 23rd Special City Council meeting for approval and summary publication. She stated that she and City Attorney Batty discussed policy decisions regarding whether to regulate cannabis use on City streets and sidewalks. Batty stated that this issue is more relevant in larger cities where there are stores that people walk into and they may pass through cannabis use. Police Chief Farniok agreed when Honey spoke to him about this as well. Batty recommended adding cannabis regulations to the Tobacco Free Ordinance For Use In Public Places. Council can also decide if cannabis use on the Dakota Trail in Minnetonka Beach should be included in the ordinance.

Breazeale asked what surrounding cities are doing with cannabis use on the Dakota Trail and Honey stated that she has not heard anything. Breazeale and Halverson stated that they have not seen anyone using tobacco on City sidewalks and trails, and questioned how this issue would be policed. Halverson stated that she is in approval with the ordinance. Honey stated that it can be amended later as the recently passed laws will change at the legislative session next year when the State of Minnesota becomes responsible for cannabis oversight. She also asked for clarification regarding the use under 21 issues. Honey explained that the issue with that age group is the penalties are different and it refers to edible cannabinoid products. This will change next year as well.

Honey recommended approving the ordinance amendment at this meeting but then adopt a resolution at the August 23rd meeting as a full council will be present to adopt a resolution for summary publication of the ordinance in the Laker Pioneer which is much less expensive than publishing it in full.

Breazeale motion, Halverson second to approve Ord No. 143, an ordinance amending Chapter 5 of the City Code Use of Tobacco and Cannabis in Public Places. All ayes, the motion carried.

7.2. Water Treatment Plant Update – Mayor Pagano

Mayor Pagano stated there are a lot of discussions about the water treatment plant project as there are a lot of moving parts. There have been a lot of changes since December of 2022 and Stantec is receiving construction bids 15% higher than anticipated, which is not surprising. Pagano added that the filtration process for PFAS is now included in the project. Bonding will occur in the next few months and Ehler's model shows that interest rates will be 4% instead of 5%, which is good news and will save residents' money. Pagano stated that Congressman Phillips' office has earmarked \$959,000 for PFAS treatment funding for Minnetonka Beach. That submission has passed the House and Senate Appropriations Committee and is included in the budget to be finalized in September. He added that the President is expected to sign this funding by end of year. A lower interest rate for bonding plus Federal money will be exciting news to share with residents.

Pagano added that the EPA and MN Department of Health are evaluating their PFAS standards over the next couple of months so the City will learn more about any changes soon. The new water treatment plant was redesigned for flexibility, so when the updated PFAS information is obtained then the decision can be made for what type of plant is needed. Pagano stated that the \$155,000 spent on engineering redesign for flexibility was money well spent with Stantec. The bidding process will begin in April so the final plant design will be completed by then. Stantec expects that five or six companies will bid on this job. Since the City's project will be in the \$10 million range, it is a desirable project cost for many contractors.

8. **Consent Agenda**

- 8.1. Fire Report – August
- 8.2. Resolution **2023 – 33** – Re-Appoint Jeff Breazeale to Planning Commission
- 8.3. **Resolution 2023 – 34** – Re-Appoint Susan Swanson to Planning Commission
- 8.4. **Resolution 2023 – 35** – Re-Appoint Lucian Panait to Park Commission
- 8.5. **Resolution 2023 – 36** - Additional Dock Permit Applications
- 8.6. Special Event Permit – Artisan Home Tour – 2933 Westwood Rd. (Schultz)
- 8.7. Special Event Permit – Artisan Home Tour – 2105 Lake Road (Call)
- 8.8. Financial Dashboard
- 8.9. Approval of Checks – July
- 8.10. Council Meeting Action Notes

9. **Staff Reports**

9.1. **Administrators Report**

Administrator Honey summarized items of interest that she worked on over the last month, and she included a memo in the packet and asked for questions, if any. She stated that there have been numerous complaints this summer at City Hall, many that require research into work that was done in the past in order to arrive at a solution for moving forward. She added that she spent a lot of time working with Stantec and Ehler's on the water treatment plant project. Honey stated that she also has been working on the 2024 budget and will meet with the Finance Committee at the end of the month. The budget will be brought to Council at the September meeting. She added that she has also been working on the zoning code updates with Planning Commission Chair Breazeale. Honey stated that the City's server was down and needed replacing, and her email has not been fully working but that is being addressed as well.

Breazeale asked Honey about the new fence at the Lafayette Club and its purpose. Honey explained that two years ago the Club contacted the City about installing a fence near Hole 7. The purpose of this fence was to provide safety for the new home to be built on the lot at 2669 Woodbridge Rd. Zoning Administrator Carlson's approval letter stated that because the Lafayette Club is a recreational facility, this type of fence is customary. It meets the eight-foot height limit requirement and is made of chain link with screening. As long as the Club built the fence according to an approved plan, they would not need to amend their Conditional

Use Permit (CUP). Honey stated that a neighbor near the fence may appeal Carlson's determination. They question if the Club's (CUP) should have been amended in order to obtain approval for the fence. If received, that appeal will go to the Planning Commission, then to the City Council Board of Appeal to review the appeal. She added that the City does not require permits for fencing, and chain link fences are not allowed at residential homes.

Breazeale asked for clarification that if the ruling comes back that Carlson's determination that the Club did not need to amend their CUP, then will the fence stay in place as it is. Honey stated it would. She added that if the ruling is determined that the Club should have gone through the CUP amendment process, then they would have to do so and apply for what is similar to a variance. That variance request would then go to the Planning Commission who would make a recommendation. The council as Board of Appeal would then hold a public hearing and notification letters would be mailed to residents who live 350 feet from the Club. She added that generally the CUP amendment process is for something that is allowed, and it tracks all the changes at a property operating under a CUP and allows Council to put conditions on any changes made.

9.2. Clerk's Report

Clerk Burgess stated that the City received a letter from the DNR on August 4, 2023, as Minnetonka Beach is supplied water from the Mississippi Headwaters watershed. The letter served as notification that the watershed has moved to the *Drought Warning Response Phase* and specified actions that must be implemented during this phase. Burgess explained that for cities the size of Minnetonka Beach, water use restriction actions must be implemented during the Drought Warning with a goal of reducing water use to 50% above January levels (1.2 million gallons used.) For our City that number is a reduction of 3.1 million gallons to 1.8 million gallons or less used during the month of August. She added that in August of 2022, the City used 5 million gallons of water. She communicated this messaging to residents via the SPLASH! eblast, Beachcomber and she will have Hilgers put a message on the Shoreline Drive message board. Non-essential water use should be conserved is the message. Burgess stated that City Council may want to consider adopting a resolution to impose watering restrictions, per City ordinance, to reduce excess water usage. Breazeale asked if water pulled from the lake for watering is part of the conservation request and Burgess stated that it is City pumped water that is the focus not the lake.

Burgess also has been continuing to open and close the swim beach per the Hennepin County water testing results. She stated that communication will go out to residents with the results of Ballard Breazeale's FeedMN food drive. Council Member Breazeale stated that as of today, 150 bags have been collected with more to come and it is estimated that 40% of residents contributed, and they will most likely exceed their 1500-pound goal.

Burgess stated that she has begun work for the three elections that will be held in 2024. There were many changes at the Legislature this year and the number of days for Early/Absentee Voting has been increased for next year plus additional weekend requirements and extended weekday hours for voting. She is budgeting for elections and will need to add additional judge staffing at times. She has spent a great deal of time over the summer helping Civic with their events, especially if the Civic members in charge of the event are new. She's publicized their events as well in SPLASH! eblasts, Beachcomber and Shoreline Drive Message Board.

9.3. Public Works Superintendent Report – no report

10. Council Reports

10.1. Liaison Reports

Breazeale stated that both the Civic Committee and Park Commission minutes were included in this meeting's packet. At the September Civic meeting they will discuss leadership changes. The Park Commission is approaching the end of their Five-Year Plan that Pagano initiated when he was Parks Chair. The Commission will develop a new Five-Year Plan for 2025-2029. Parks Chair Petersen and Vice-

Chair Paine will present an outline, timeline, and their approach and process for creating the new plan to Council targeted for October. She added that Council will provide feedback on their approach and Parks will bring it back to Council in February for further review. In July the plan will go to Council for additional feedback with final approval slated for October 2024. The approved 2025-2029 Five-Year Plan will begin in 2025. Breazeale stated that the Plan's Guiding Principles must be consistent with the City's Comprehensive Plan, conscious of the City's limited resources, and Parks will work with City staff and Public Works with those specifics of what and how identified. There will be a focus on City Parks and their future, specifically possible uses for Ray Peters Park. Consideration will be given to what amenities could be in City Parks, if any, and included in the new plan. Financial details and the CIP will be included as well, and Council will help Parks through this process.

Pagano praised the Park Commission for continuing to follow the current Five-Year Plan.

Dovolis – absent

Halverson – She stated that she attended the fire meeting and said Orono attended the meeting, and it was interesting to see the dynamic between Long Lake and Orono. She added that the July Planning Commission meeting was cancelled so she had nothing to report. She stated that Long Lake Fire gave their report earlier in this meeting.

10.2. Mayor's Report

Pagano stated that Three Rivers Park District Commissioner Beard was very impressed when she saw on the City's website that there are over 50 volunteers who staff various committees, commissions, and council. He recognized Jeff Breazeale, Susan Swanson, and Lucian Panait for renewing their commission and committee terms, and stated that he is encouraged by that kind of participation of all the volunteers. Pagano also stated that resident Jason Mohr was the sole respondent for consideration to fill the vacant City Council seat. He also recognized Ballard Brezeale's efforts with his recent FeedMN community food drive. Pagano stated that over the next 60 days City Staff, Finance Committee, and City Council will be getting all the numbers in place for the 2024 budget, bond funding, CIP, and added that they all aggregate together. When the final approved budget gets to residents, they will see one item all pulled together. Pagano thanked Honey and Burgess for their work preparing for this meeting and quality packet under the most difficult situations with the server down. He also thanked resident Bill Whitely for attending the meeting.

11. Adjourn

Halverson motion, Breazeale second to adjourn the meeting. All ayes, the motion carried.

The meeting adjourned at 7:15pm.

PUBLIC IN ATTENDANCE – The following people signed the attendance sheet: Vibhu Sharma, Charlie Miner, Mike Heiland. Bill Whitely attended the meeting.

Respectfully submitted,

Jane Burgess, City Clerk