

Monday, September 13, 2021, 6:00 PM
CITY OF MINNETONKA BEACH
CITY COUNCIL AMENDED MEETING MINUTES

1. Mayor Lindstrom called the meeting to order at 6:00 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 Heidi Honey, City Clerk Jane Burgess, Public Works Superintendent Jason Hilgers, Stantec Engineer Alan Offerman, Zoning Administrator Phil Carlson,
Absent: none
Guests: Hennepin County Commissioner Chris LaTondresse

3. Approve Agenda for the September 13, 2021, City Council Meeting

Item 8.3 under Old Business MN Management and Budget – Resolution 2021 – 51 In Support of Water Treatment Plant funding was moved to item 11.11 under Consent Agenda

Howarth motion, Breazeale second to approve the September 13, 2021, City Council amended agenda. All ayes, the motion carried.

4. Approve Minutes –

- 4.1. Regular Meeting of August 9, 2021
- 4.2. Regular Meeting of July 12, 2021 Amended

Howarth motion, Sharma second to approve the August 9, 2021, Regular City Council meeting minutes. All ayes, the motion carried.

Enlow motion, Howarth second to approve the July 12, 2021, Regular City Council meeting minutes as amended. All ayes, the motion carried.

5. Guest Hennepin County Commissioner Chris LaTondresse

District 6 Commissioner LaTondresse replaced retired Commission Jan Callison. He presented an overview of issues he and his staff are working on including Covid 19 Response, and CARES Act and ARPA funding allocations. As part of his Investing in Residents initiative, LaTondresse has implemented emergency rental assistance programs, small business support with grants, public safety and mental health programs with 911; a climate action plan, shelter and redevelopment support, and education and food support programs.

Lindstrom asked what LaTondresse’s goals are for his four-year term. He said housing, public safety and economic inclusion initiatives are his top priorities. He said that mental health calls are surging. In Brooklyn Park, 911 callers known as frequent fliers are down 80% in the volume of calls due to the 911 Mental Health Pilot Program with Sheriff’s office.

Howarth said Minnetonka Beach’s needs are focused on infrastructure. He asked about funding options and what can LaTondresse do for the City’s water system needs, aging infrastructure challenges, and water delivery system needs. LaTondresse said he will mobilize a joint advocacy effort with St. Paul and Washington to reach all funds available.

Howarth mentioned that the Lafayette Club is the City’s only business and how does Hennepin County help them? How is he helping get people back to work? LaTondresse said that as an example the County’s Pathways Program in helps welfare residents train for new jobs. ARPA funds along with private sector and Federal money to help expand the Pathways Program is working to get minimum wage up to approximately \$20 an hour which is needed to get people out of welfare programs.

6. Recognitions

Lindstrom gave a summary and honored City Commission and Committee volunteers and recognized them for their service.

Jim Haag and John Naylor - Planning Commission; Haag was Chair of this Commission.

Katie Norman – Park Commission

Colby Skelton and Davida Suiter - Finance Committee

7. Open Forum opened at 6:27 pm. No one spoke. Open Forum closed 6:28.

8. Planning & Zoning – Phil Carlson (Stantec)

8.1 Resolution 2021 – 44 – Variance Request Side Yard Setback for a Porch Addition– 2105 Lake Road

Calls’ variance request was heard by the Planning Commission at their August 23, 2021, meeting. Planning recommended allowing an extended porch and roof that extends into the setback by less than 3 feet, but recommends removing the existing and proposed stairs that extend into the west side setback so that entire project improves the legal non-conformity of the structure.

Owner Brian Call spoke to Council stating that even though they are doing a significant remodel they want to preserve their historic home. He requested to keep the three steps on west side of home that Planning Commission said needs to be removed as they would lose their access to that side of home.

Council discussed and looked for clarification from Carlson on setbacks and all home access options as it affects the west side step removal issue.

Howarth stated he wants to deny the variance request as there is no hardship to the homeowner. He said they could just cover the existing area, replace or update the stairs for a safety standpoint, but there is no hardship to expand the stairs. He also wants to know their neighbors’ opinion of this request. Enlow corrected Howarth that this is not a hardship but a practical difficulty. Breazeale, Sharma and Enlow agree with Planning Commission recommendations.

Enlow motion, Sharma second to Adopt Resolution 2021-44 Approving Variances to the Side Yard Setback For a Porch Addition at 2105 Lake Road with conditions requested by Planning Commission and documented in the proposed Resolution. Breazeale, Enlow, Sharma aye, Howarth nay. Motion carried.

8.2 Public Hearings

8.2.1 Consider Vacation of Alley at 2111 and 2102 Huntington Point Rd East and Resolution 2021-54 Vacating Alley Extending Northeasterly and Easterly From The Cul-De-Sac At The Terminus of Huntington Point Road E.

Carlson presented the history of the unopened, platted 132 years ago alley that extends northeast and east from the cul-de-sac of Huntington Pt. Rd. E. It directly abuts five separate parcels, one of which is owned by the City. The addresses are 2102 and 2111 Huntington Pt Rd. E., 2438 and 2442 Lafayette Rd and the last one is owned by the City. He also presented the request by the homeowner at 2438 Lafayette Rd, Kyle and Deb Lewis, to create a driveway to their new home to be built using the alley. similar to other driveways built to access homes on Lafayette Rd. to the north of this area. When asked Carlson told Lewis they would be able to develop the alley into a driveway. City Attorney Batty agreed stating that it is a public alley intended for that kind of access if a homeowner wants to use it. The alley was then staked out with presumed intention to put in a driveway and there would be tree removal to do so. At the August 9th City Council meeting, Carlson recommended to vacate this alley due to a signed petition from the majority of the five property owners, Blodgett, Stowe and Osmanski, requesting the City vacate the alley plus the signatures of many other nearby properties. The alley would cease to exist and revert to property owners who would each own to the center of it. If City Council vacates the entire alley, then the city would not have public access to its owned parcel. City sewer and water extend to the end of the Huntington Pt Rd E cul-de-sac and Excel Energy has an electric line running underground across the alley and an above ground electric utility box within the alley.

A Public Hearing for the consideration of the vacation of this unopened alley at the September 13, 2021, City Council meeting was properly noticed by the City Clerk.

Breazeale said City Council gave consideration but previously unanimously felt there was no need to vacate this alley and incur the expense to do so as no one would likely ever develop it.

Howarth added that this is not the first time the vacation of this alley was considered.

Carlson stated that the Lewis' driveway/grading permit application is incomplete right now and additional information would be needed to finalize that permit.

Public Hearing Summaries:

- 1) Kyle Lewis 2438 Lafayette Rd. Their first offer on this house in August wasn't accepted. And the existing detached garage and tuck under garage is not what they wanted. As a 32 year construction company owner Lewis has learned a lot. Lewis asked Carlson about the alley and a potential driveway as did his realtor prior to making another offer on house which he plans to tear down. He was told it is possible to develop the alley so he pursued purchasing the house. If he was told no, then he could have made his decision based on that information. He plans to build new home back 18 feet from where it is now and he will replace trees that come down. Lewis stated that his garage floor is the lowest area in two and a half acres. Downpours and leaves cover over the nearby storm sewer and water runs into the garage. He said he wishes he had gone to the Planning Commission first as he is simply trying to use something that is there to improve his land. He said he hasn't done anything wrong and he is not trying to bend the City to his will.
- 2) Mark Osmanski 2442 Lafayette Rd. stated that he has no ill will towards The Lewis', but he is against a driveway going in. His list of reasons include that it is right behind their house and may encroach on their lot, a lot of trees would have to come down and a lot of grading would be required. Runoff is an issue for Osmanski's as their home has have flooded before. He doesn't want headlights coming through their backyard at night from the driveway which would shine into house. Loss of privacy in their back yard is an issue, and this would lower the property value of their home and others. However, Lewis' have done nothing wrong.
- 3) Dave Blodgett 2102 Huntington Pt Rd E. They have lived there 21 years now and they love the privacy of their yard. He thanked all the residents he met with the petition and had tremendous support. Blodgett's letter submitted to The City:

Development of the alley off of the cul de sac of Huntington Pt. Rd. E. in MB would violate the comprehensive plan of the City of the Village of Minnetonka Beach by causing unnecessary destruction of big woods, trees, wildlife, and other wilderness. it would also add hardcover. The trees destroyed are irreplaceable in our lifetime. They cannot be bought - they are simply too big. Not just the trees in the "way" would be destroyed but also surrounding trees by endangering their root systems. Development would also destroy native wildlife who live in the untouched forest and their survivors would be disturbed by the traffic in the alley. The city cannot afford to lose more wildlife and wilderness. (As an example, the Pileated Woodpecker lives in these woods, along with other animals). The development would also add massive amounts of pavement hardcover causing unneeded runoff into the lake. There also might be a problem of salt runoff in the winter along the long alley/driveway. There also is a large change of height in the terrain, 6 - 15 ft. possibly causing to add huge amounts of fill and/or building retaining walls and thus bringing on even more destruction. It would not be in the public interest to sacrifice public land for the sole use of a private individual(s) since every property owner who abuts the undeveloped alley already has access to their land (the city has or will have a utility/ or appropriate easement).

The development would cause hardship for other abutting property owners by destroying terrain, trees, lawns, woods, wildlife, privacy, etc. It would also add unneeded noise, traffic, headlight glare, etc. And who knows at what hours? It could lead to the lowering of property values and thus reducing property tax income for the city.

Remember everyone whose property touches the alley already has access and development would destroy old growth trees, woods, and wildlife. We request the MB City Council to vacate the undeveloped alley off the NE corner of the cul de sac of Huntington Pt Rd E. This action would prevent its unnecessary development. In conclusion as Joni Mitchell once said - "Don't it always seem to go, that you don't know what you've got 'til its gone".

- 4) Bob Melamed 2115 Huntington Pt Rd E. is a neighbor of Stowe's. He strongly supports opinion of Blodgett and Osmanski, grading and elevation changes, tree destruction, looking at driveway instead of forest.
- 5) Lindsay Stowe 2111 Huntington Pt Rd. E. Her family has lived there since 1986. Her dad was a perfectionist on the lawn and he died July 17th . This driveway would break his heart. The proposed driveway going through 3-4 homes is way different than the Pinto/Zinn driveway just for one person's needs. She loved their cul de sac for

protection. The driveway would have more people coming in and out and decrease the property values. She asked that council please vacate the alley.

- 6) Bruce Malkerson attorney for the Blodgetts. He said it's important for City Council to listen to what impacted citizens say about the potential driveway through the undeveloped alley. The Plat has been unopened and unused for 132 years. He doesn't agree it should be developed for just one property owner when he already has a driveway. He said he agrees with City Attorney Batty that the petition process was correct and compliant with state law. In closing he sees no reason why one property owner should destroy trees, tranquility when he has a street access already. City Council should grant the alley vacation.
- 7) Patty Rezabek 2552 Lafayette Rd. Minnetonka Beach is a parcel of the old MN Big Woods which has been revered for a long time. Wayzata went through a long process of saving their big woods by The Retreat. The City's Hennepin County Tree Canopy grant allowed the purchase of a tree inventory system by Bartlett Trees and the last section completed is in the triangle off the cul de sac and there are significant trees larger than 10 inches in diameter. That includes 14 maples she think and two 10-25" in diameter basswoods. The old Big Woods is a maple and basswood forest. Wildlife lives there and trees are an asset that helps with stormwater, takes carbon from air and puts it back in soil. She has lived here for 53 years and doesn't want a driveway there.
- 8) Dan Gustafson Caldwell Banker realtor for The Lewis'. He said he appreciated comments and said Lewis' are great people. City Council is in control of driveway, tree preservation moratorium and replacement program. He asked that Council table this item, work with Lewis' and revisit this issue in the future.
- 9) Laura Inglis 2120 Lafayette Rd. She said this is the only cul de sac in Minnetonka Beach and kids learn to ride bike there. She said trees are a gift to the city and no one has hardship so she asked Council to keep the trees in reference to the Lewis' potential driveway.

Lindstrom Closed public hearing at 7:54 pm.

Lindstrom requested City Council to make a decision as all council members are present and she wants to hear from each of them. Zinn said the normal process wasn't followed as typically this variance request would go to the Planning Commission first with open discussion then to Council. He added that there is only speculation about the number of trees that would come down with this driveway. Zinn agrees with Lewis' realtor that the alley vacation should be tabled to allow Lewis' to work with the City and come up with a full set of plans for review. He added that the fact is Lewis' have access to the alley and they bought 2438 Lafayette Rd because of that. Zinn also expressed concern that communication between the City (Carlson) and Lewis began in July so a month of investigation was going on and Lewis had no idea that was going on and the vacation being considered. Zinn said Lewis' should have been contacted, updated and been given the opportunity to present their plans. He added that on the subject of trees it is listed in the Comprehensive Plan item 3.2 he thinks, refers to limiting the number of driveway openings on Lafayette Rd. He didn't like "process" and it's not fair there are winners and losers.

Carlson responded that he had many calls with Kyle Lewis between July 20 and August 9 so not a month and he was unaware how far Lewis was with his plans. He was alerted to survey stakes on July 20 and worked on this through the August 9th council meeting and he suggested that council vacate the alley. Carlson stated that only a small number of projects go to Planning Commission including vacation of easements. He felt the appropriate process was followed and was fair and reasonable.

Sharma appreciates all the resident comments and also what the Lewis' desire to do. He's reviewed all materials and has no questions. Enlow and Howarth agree with Sharma that resident concerns are very legitimate. Howarth stated that it's regrettable that a new property owner feels misinformed. He added there's quite some history with this topic of vacation of this alley. It's regrettable that Lewis wasn't informed of that.

Breazeale said she feels bad for animosity as Lewis' are new to Minnetonka Beach and she hopes that they feel welcome at some point. She added that there were prior discussions by Council about vacating this alley and she was in favor of

doing so way in the past. She felt that the City did not vacate that particular alley as there was no foreseeable development of it on the table back then. She wants fewer developed roads and less hardcover in the entire community, and if there are other undeveloped alleys they should be addressed now as well proactively.

Sharma motion, Howarth second to Adopt Resolution 2021 – 54 Vacating Alley Extending Northeasterly and Easterly From The Cul-De-Sac At The Terminus of Huntington Point Road E. All ayes, the motion carried.

8:09 pm 2 minute recess.

8:18 pm meeting reopen.

8.2.2 Consider Ordinance No. 133, 2nd Series, Moratorium on Tree Removals to Study Tree Preservation Ordinance or Policy

Nell Mathews and Susan Enlow both presented. Enlow said new residents move to the City and don't know residents' expectations and how important The Big Woods, the Maples and the Basswoods are. She added that the City doesn't have anything providing guidance on how to administer and protect the Village. Last year she said a lot of huge trees were removed that were significant trees which are the deciduous trees that are 6 inches in diameter or greater, and coniferous trees which are 12 feet in height or taller the task force wants to protect. The Tree Preservation Task Force worked with the Planning Commission and now is asking City Council for a pause and interim ordinance while they draft a final ordinance to follow if passed. Enlow added that the task force does not want any more trees taken down except those with exceptions, while they work on the final ordinance. Exceptions include dead, noxious or trees in imminent danger of destroying property or harming people if they fall. There will be a process with permit applications and waivers to do building, grading, and landscape projects, but the request will go through an approval process. Minnetonka Beach is one of very few cities that don't have a tree ordinance in place.

Public Hearing: opened at 8:27 pm.

- 1) Joann Anderson of 3150 Northview Rd. asked for clarification if she can take a tree down or not. Enlow replied no, but if it's not dead or noxious then you need to come to City Hall and fill out a request and it will be reviewed by the Planning Commission and City Council for consideration.
- 2) Lilla Andrews of 2526 Arcola Lane. asked why this control is coming into place and why is there a need to exercise this control.
- 3) Kim Petersen of 2938 Northview Rd. said she has seen serious ramifications of clear cutting large trees in Washington when they lived there. She listed all the benefits of large trees. She's counted 25 big trees removed in a short time on her walks on the west side of Minnetonka Beach. She is thankful for this pause for Minnetonka Beach and for the Lake Minnetonka area and community at large around the lake.
- 4) Patty Rezabek of 2522 Lafayette Rd. reiterated that the old Big Woods are a valuable asset to the community. She added that the Park Commission has an ongoing job to protect and maintain the City's park land, community and forests. With the inventory program Park's is using, they now know all details and health of the trees. They now have identified trees that will NEED to be taken down with the knowledge they have. When she moved here all the streets were canopied with elm trees. EAB is here in the lake communities – it's very close. The City's Comp Plan says the City is to protect, improve and maintain trees.
- 5) Jim Dudley of 2521 Cross Point Road said that he fears that a lot of emotions are involved and the City doesn't need a tree preservation moratorium to put an ordinance in place. This takes away property rights of people who pay a lot of money to live here. He asked for emotions to be put aside and complete the study with trees. Jim said it was hard to find the rules when he had to spend \$10,000 taking trees down as they were rotting the house they just bought. He said he does not support the moratorium.

- 6) Bridget Wortman of 2428 Lafayette Rd. agreed that it is hard to find the City regulations, and she said we are not in line with the DNR requirement for no tree removal within 75 feet of the shoreline as the Minnetonka Beach requirement is no tree removal within 37.5 feet of the shoreline. She supports the pause and get a plan in place such as other lake shore communities have.
- 7) Dave Blodgett of 2102 Huntington Pt. Rd. E. expressed concern that developers will buy up Minnetonka Beach and take the trees down in a rush before the ordinance is in place.
- 8) Nell Mathews of 2643 Arcola Lane stated that city council has already decided to preserve trees and the City has regulated trees since 1925. This study the task force is doing is in line with this and the final ordinance will be customized to Minnetonka Beach. There is a pause on removal while details are finalized.

Public hearing closed at 8:43pm

Lindstrom asked City Council for comments. Howarth said it is anecdotal as he has seen more trees taken down lately than in the 10 years he's lived here. He agrees with Wortman about the DNR regulation, and he is concerned about clear cutting of shoreline trees. He said trees help with lake water clarity and aesthetics of our community. He's concerned about Dudley's comments too who doesn't want regulation. He said the City needs to balance rules and regulations for residents and respect property owners' rights. He is in favor of the moratorium, and he said the City needs to be careful about the adoption of a final ordinance. He added that a timetable needs to be adopted as one year is too long.

Enlow said the moratorium expires one year from the date of the adoption of the ordinance (one day prior). She said the waiver process is like a variance, it goes to Planning Commission and City Council in a 60 day period. So tree removal requests will be on the Council agenda.

Lindstrom said she doesn't support the moratorium. She has seen increased tree removal lately due to this moratorium as residents are panic removing trees before it goes into effect. Lindstrom said that City Attorney Batty said to City Administrator Honey that moratoriums are rare. Honey added that Batty said that if there are a lot of exemptions in a moratorium this does not show there is a true emergency.

Enlow added that she wants the moratorium to be simple and easy to implement.

Lindstrom said City staff is a limited resource for something like this. Howarth agreed with Lindstrom stating that Burgess and Honey do not have the time to enforce this. Lindstrom said Enlow could keep going working on ordinance without the moratorium.

Breazeale said she is in favor of the moratorium and not in favor of being overly restrictive and our ordinances should be at a minimum compliant with DNR.

Sharma said he has a lot of trees. One crashed onto his house in a recent storm. He said the Big Woods and park system makes this community what it is. He said the City should take a pause and take the time to get it right. If a moratorium isn't adopted then there will be tons of chain saws removing trees over the next six months in a hurry before the ordinance is finalized. Breazeale agreed with Sharma.

Enlow motion, Sharma second to Adopt Ordinance No. 133, 2nd Series, An interim ordinance establishing a study of the city's zoning and land use regulations related to trees and tree preservation and establishing a moratorium on the removal of significant trees within the city. All ayes motion carried.

Howarth added that he is concerned with the amount of staff time, responsibility, skills, knowledge, all the questions and disruption at City Hall that will happen now. Staff are not certified arborists, and he hopes the ordinance will be done quickly.

Enlow said the moratorium will go into effect September 19, 2021, the permit application will be ready by the end of the week and the homeowner determines if the tree is dead. If there is a storm or imminent danger, then the removal request will be approved. Diseased trees need an arborist's report. The work being done in the City under the tree canopy grant is exempt from the moratorium.

Honey asked and Enlow confirmed that the applicant must cover costs for Carlson, Amundsen, and arborists.

Honey asked if residents need to have a survey or obtain one to submit an exemption permit. Enlow said no they can make one. Enlow added that the homeowner can determine if tree is dead or noxious, they don't need an arborist. They can remove the tree. Also if there is a storm or imminent danger they can remove it.

Burgess asked if homeowners can remove diseased trees and Enlow said no, they must go through the process. Lindstrom stated that communication will be via Beachcomber, SPLASH, utility billing, and mailing to residents.

Breazeale asked if a photo can be requested showing if tree is dead. Enlow said the final ordinance will include that along with fees for violators.

Sharma said new residents should be educated.

Enlow motion, Sharma second to Adopt Resolution 2021-52 – authorizing publication of Ordinance No. 133, 2nd series by title and summary. All ayes, motion carried.

Howarth added he commiserates with Enlow regarding the time required to draft the ordinance but wants money to expedite this process. He would like to authorize City funds to expedite the ordinance and process with City experts.

Enlow said they have already gone to Park Commission. It will go to Planning Commission on November 22, 2021, with a public hearing and then to City Council in December. Howarth asked for money for Enlow to use legal counsel, arborist, and other experts to assist.

Lindstrom said that was approved at the last Council meeting.

9. Old Business

9.1 Payment Request No. 7 – Caldwell Tanks in the Amount of \$70,584.09. and Water Tower Update -Offerman
In last month, painting is complete including MB logo, electrical, disinfection process has started but with issues. Bacteria tests passed on Friday and when they pass second test then the new tower will go into service. Then demo of the old tower will begin.

Howarth expressed concern about the Stantec memo dated September 8, 2021, from Daryl. J Kirschenman. He pointed out that it states that July 1, 2021 was to be the tower substantial completion date and it was not met. He then questioned the reference to “the contract specifies liquated damages of \$250.00 a day for missing the substantial completion date.” He asked Offerman if the City can charge the contractor for those damages which would equate to approximately \$22,500 in damages. Offerman answered Howarth's question by stating that the City can charge the contractor for those damages but the City has a significant amount of retainage so the City is protected. The City has not paid for 100% of tower. The contractor may or may not make September 30th deadline as they forgot to put chlorine in which delayed installation.

**Enlow motion, Howarth second to approve pay request #7 in the amount of \$70,584.09 to Caldwell Tanks
All ayes, the motion carried.**

9.2 3120 Brooks Lane Water Main Relocation Update – Offerman

Offerman stated that the Ryan Contracting Base Bid + Alternate 1 at \$186,817.00 will benefit six homes and Base Bid benefits four homes.

The project will take three weeks in duration. Then bacteria testing will be done. Then the City will have to run off temporary water.

Sharma asked about new pending buyer and subsequent homeowner of Bob Johnson's home and how it will transition to them.

Bob Johnson spoke regarding 3120 and 3114 Brooks Lane as the owner. Back in August, his listing expired as he had a buyer in place. After the expiration, the buyers were anxious and decided to cancel the purchase agreement. Buyers bought elsewhere as this process took too long. He can't sell the homes at this point. He asked for this to be done 21 years ago and we are just getting to it now.

Zinn said to finance this project is to the City should use some of the general funds reserves. The City has \$ 943,696 as a bridge until the City refinances the 2012 bonds and issue an incremental amount to cover this project.

Howarth asked if the City would use capital reserve funds first before general reserve fund. Zinn said they are grouped together. Howarth said this is important as the funds will be used in 2021. He recommends using the capital reserve fund and deplete it then use excess reserves from the water or sewer fund next and then general fund. Zinn agreed.

Lindstrom asked Zinn to come to October meeting with refinancing options to present. Can the City add to principle when refinance a bond without a referendum. Sharma agreed that it's a good idea to refinance this year with the rates so good.

Howarth motion, Sharma second to adopt Resolution 2021-53 Awarding the Base Bid and Alternate 1 for the 3120 Brooks Lane Water Main Improvement Project. All ayes, the motion carried.

Enlow motion, Breazeale second to authorize to proceed with Stantec construction services for 3120 Brooks Lane Water Main Improvements including Alternate 1 at an hourly rate not to exceed \$18,000.

Recess: 9:43 pm

Re-open meeting at 9:47 pm

10. New Business

10.1 Ord No 132, 2nd Series, 2022 Fee Schedule

Howarth motion, Breazeale second to adopt Resolution 2021-45 Authorizing Summary Publication of Ordinance No. 132, 2nd Series Appendix B Fees for Licenses, Permits, Services 2022. All ayes, the motion carried. (effective 9/19/21)

Enlow motion, Howarth second to approve Ordinance No. 132, 2nd Series, 2022 Amending Appendix B Fees for Licenses, Permits, Services of the Minnetonka Beach City Code. All ayes the motion carried.

Howarth motion, Sharma second, to utilize use of funds relative to supporting the Brooks Lane Water Main project which was not planned for in the city budget in priority order as follows: construction projects, water reserves, sewer reserves. Lastly, any remaining underfunded amount would come from general reserve funds subject to input from city advisors. All ayes, the motion carried.

10.2 Resolution 2021 – 46 2022 preliminary Budget and Proposed Tax Levy

Council members, Treasurer Zinn and Administrator Honey discussed the proposed 2022 budget and that it's a proposed 9.2% increase. Spending categories where there are notable budget increases include: Legal, Planning, Zoning and Engineering,

Howarth motion, Breazeale second, to adopt Resolution 2021 – 46 Proposed Tax Levy Certification for the Year 2022. Be it resolved by the City Council of the City of Minnetonka Beach, County of Hennepin,

Minnesota that the following sums of money be levied for the current year, collectible in 2022 upon the taxable property in the City of Minnetonka Beach, for the following purposes:

General fund \$942,895.67
Bond Levy \$216,799.00
Total Proposed Tax Levy: \$1,159,694.67

10.3 Golf Cart Policy –

Sharma worked with Honey on this issue and he presented three options: addressed the three options for consideration:

- 1) leave the golf cart policy as it
- 2) revoke current ordinance and as it applies to similar type of motorized vehicles
- 3) modify the current ordinance

Sharma and Honey will do more research and present their recommendations at a future meeting.

10.4 Consider Right of Way Permit Application tree/shrub removal in City right of Way 2856 Northview Rd

KC Chermak waited 2.5 hours for council discussion then had to leave.

n/a motion, n/a second to approve City right of Way Permit application for 2856 Northview Rd for tree removal in the city right of way. KC Chermak – application withdrawn for this meeting. Will be on spring agenda.

11. Consent Agenda

- 11.1 Police Report – August 2021
- 11.2 Fire Report – August 2021
- 11.3 Three Rivers Park District Report – August 2021
- 11.4 LMCC 2022 Budget
- 11.5 **Resolution 2021 – 47** – Set Truth in Taxation Hearing for December 6, 2021
- 11.6 **Resolution 2021 - 48** – Consider Appointment of Kevin Dunphy to utilities Commission
- 11.7 **Resolution 2021 - 49** - Consider Appointment of Brian Call to finance Committee
- 11.8 **Resolution 2021 - 50** – Allocating American Recovery Plan Act Funds
- 11.9 Approval of Checks – September 2021
- 11.10 Outstanding Accounts Receivable
- 11.11 MN Management and Budget – **Resolution 2021-51** In Support of Water Tower Funding

Enlow motion, Sharma second to approve the Consent Agenda. All ayes, the motion carried.

Enlow motion, Sharma second to adopt Resolution 2021-51 In Support of a Proposed Capital Project to Construct a Water Treatment Facility To Serve the Residents of The City of the Village of Minnetonka Beach.

All ayes, the motion carried.

12 Treasurer's Report

- 12.1 Summary Report on City Finances
- 12.2 YTD Budget to Actual Report and Prior Year Comparison

Zinn presented his Financial Dashboard dated 9/13/21 which is in packet and Treasurer's Report which are in packet. Cash balances are strong and ahead of last year. ARPA Funds are covering \$30,000 lift station repair for 2021.

13 Action Notes and Staff Reports

- 13.1 Council Meeting Action Notes
- 13.2 Public Works Superintendent Report – written report in packet
- 13.3 Clerk's Report – written report in packet
- 13.4 Administrator's Report

Administrator Honey reported that it continues to be extremely busy at city hall. Items of note include work on golf cart policy/ordinance. She researched other city's restrictions and registration. For the Tree preservation ordinance, she worked with Ron, the task force, and many inquiries at City Hall. Honey responded to two data requests for Huntington

Point Road alley and one is complete. 2438 Lafayette Rd has designated a representative to work with the city so we don't inundate them with material. Other request is for emails which Ron has not gotten to review yet. There are lot's of questions and information to handle.

Honey and Burgess started weekly meetings with Stantec so we can better stay on top of all the projects currently in review, building or stormwater management process. That are 37 projects we are currently working on.

Other City Administrator activities include:

- Met with Republic Services multiple times to get a good rate for 2022 and hope to bring a contract back to the next meeting. The rates they have proposed are much better than expected and lower than other cities are being offered. Do not have to do an RFP.
- 2669 Woodbridge Road – lots of research on easements, property lines, inquiries from many people.
- Budget was also a big focus this month. I went through the entire budget line by line and looked back at what was spent in the past and what needs to be done to be more accurate. Worked closely with Jason on his budget too.
- Working on training Jane as city clerk as times allows.
- Researched if the city can make a payment on the LMCIT deductible to help save costs in 2022
- Complaint on work being done near lakeshore – lots of back and forth to get permitting.
- Noise complaint at the Club for mowing early. Contacted the Club and have not heard any other complaints.

12. Council Reports

14.1 Mayor's Report – Mayor Lindstrom (listen to recording)

Mayor Lindstrom reported that The Children's Playground Equipment Donated by LivingstonStrong dedication event went extremely well. She thanked Julie Lang who helped her plan this event, Hilgers for all his help with this event that over 100 people attended. She met with Commissioner LaTondresse on the water treatment facility issues, worked on budget, and she added praise for City staff in all they do for the community and for her. Lindstrom recognized Fawn Gage saying that everything she asks Fawn to do she knows how to do and she's a great addition to staff.

14.2 Liaison Reports (if necessary):

- Breazeale – Civic met; planning events, ordering merch; Jr Civic now led by Madry Breazeale
- Enlow – attended Park Commission meeting and Fire Service District meeting
- Howarth – LMCC, many unplugging from cable tv so revenue down
- Sharma – Dock Committee meeting was August 24, 2021
- Zinn –

13. Adjourn

Enlow motion, Sharma second to adjourn the meeting. All ayes, the motion carried.

The meeting adjourned at 11:33 pm.

Members of the Public: Nell Mathews, Bob Melamed, Lisa Melamed, Bob Johnson, David Blodgett, Kyle Lewis, Deb Lewis, and Judy Soukup, Mark Osmanski, Robin Osmanski, Julia Sharma, Patty Rezahek, Brian Call, Brian Call, Peter Eskuche, Bruce Malkerson, Gail Stowe, Lindsey Stowe, Robin Zinn, Jim Knudsen, Carole Knudsen, Jessica Oaxaca, Sandy Nielsen, Joann Anderson, Dan Gustafson, Amy Melin, Bill Whitely, Lilla Andrews, Jim Dudley, Cathy Dudley, Bridget Wortman, Steve Inglis, Laura Inglis, John Brennar, Holly Wolff, Kim Petersen, and KC Cermak

Respectfully submitted,

Jane Burgess, City Clerk