

**Tuesday, November 13, 2018 7:00 PM**  
**CITY OF MINNETONKA BEACH**  
**CITY COUNCIL MEETING MINUTES**

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

**Staff Present:** City Administrator Susanne Griffin, City Clerk Heidi Honey, Public Works Superintendent Brian Berent, City Engineer Darren Amundsen, City Zoning Administrator Phil Carlson

**Guests:** LMCD Board Member Dennis Klohs, Park Commission Chair Joe Pagano, Planning Commission Chair Jim Haag

- 1. Mayor Pro Tem Lindstrom called the meeting to order at 7:04 p.m.**
- 2. Clerk Honey led the Pledge of Allegiance.**
- 3. Approve Agenda for the November 13, 2018 City Council Meeting.**

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

- 4. Approve Minutes –**
  - 4.1. Regular Meeting of October 9, 2018  
Lindstrom noted a minor correction on page 3.

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

- 5. Police Report**
  - 5.1. Police Report – October 2018  
Sgt. Sonnek reviewed the police report consisting of 10 calls for service including four medicals, a vandalism, a traffic stop and an accident. Weight restrictions are being enforced on Tanager Bridge until it can be replaced.

**6. Open Forum**

- 7. Canvass Returns and Declare Results of November 6, 2018 City Election**
  - 7.1. Resolution 2018-40 Accepting the Results of the November 6, 2018 City Election**

Clerk Honey reported the results of the election as follows:

Number of persons registered at 7 a.m.	425
Number of new registrants on Election Day	20
Total number of persons voting in the precinct	231
Number of Absent Ballots	<u>148</u>
Number Voting on Election Day	379

Voter turnout of registered voters 89.18%

	<u>Candidate</u>	<u>No. of Votes</u>
Mayor:	<b>Jaci Lindstrom</b>	<b>320</b>
	<b>Write-ins</b>	<b>28</b>
Council Member:  (2 Seats)	<b>Santiago Abraham</b>	<b>110</b>
	<b>Dauida Suiter</b>	<b>100</b>
	<b>Steve Howarth</b>	<b>211</b>
	<b>Jennifer Johnson</b>	<b>29</b>
	<b>Susan S. Enlow</b>	<b>236</b>
	<b>Write-ins</b>	<b>1</b>
Treasurer:	<b>Chris Zinn</b>	<b>328</b>
	<b>Write-ins</b>	<b>2</b>

**A motion was made by Council Member Myers and seconded by Council Member Bartel to adopt Resolution 2018 – 40 Accepting the Results of the November 6, 2018 Municipal Election. With all members voting in favor, the motion carried.**

**8. Staff/Commission Reports**

8.1. Public Works Superintendent –

8.1.1. Update on Critical Repairs at Water Plant

Berent discussed quotes for critical repairs at the water plant from Magney (\$19,011), Rice Lake (\$19,963), and MBI (\$18,170) for chemical room upgrades, chlorine room fan duct, moving electrical, chlorine window, outer door and hatch covers over the old salt brine tank. The work will be completed in 2018. Council recommended that Berent work with the company he is most comfortable with and get a reference if he has not worked with them in the past.

**A motion was made by Council Member Bartel and seconded by Council Member Kozloski to authorize Berent work with Magney on the water plant repairs. With all members voting in favor, the motion carried.**

Street sweeping is scheduled for Thursday. Leaf pickup continues and he will pick up brush when that is caught up. Arcola Lane posts were painted. They may need to be removed for the waterman project next year. Myers asked Berent to get a quote for the cost of a well inspection. Berent said it is over 10 years since the ground reservoir was used.

8.2. City Engineer

8.2.1. Northview Wall Replacement Bids

Amundsen reviewed wall replacement bids from Sam’s Lawn Care (\$87,668.50) and Sunram Construction (\$94,115.00). Blackstone and Norling did not submit a response to the bid request. Amundsen recommended asking for bids again in early spring because they seem high. Council directed Amundsen to look at redesigning the wall or using different material to lower costs and then rebid in early spring 2019.

8.2.2. 2019 Infrastructure Improvements Proposal for Preliminary Surveys

Amundsen discussed the proposal for preliminary surveys for the infrastructure improvements. He needs to determine what is currently there to design around and he also needs to determine lot corners in preparation of necessary easements. The cost can be reimbursed by the bond. Howarth asked for a schedule of costs so they know what to anticipate.

**A motion was made by Council Member Bartel and seconded by Council Member Kozloski to approve Stantec to do the work necessary for the infrastructure improvements with an hourly fee not to exceed \$14,475. With all members voting in favor, the motion carried.**

Amundsen is meeting with Hennepin County Regional Rail to discuss coordination of the Arcola Lane corridor impacts to the trail. He is also meeting with Administrator Griffin, Mayor Taylor and Lindstrom to discuss remaining engineering for the project and the timetable prior to the next council meeting.

8.3. Lake Minnetonka Conservation District (LMCD) Harvesting Program – Dennis Klohs  
Lindstrom stated that the Lake Minnetonka Association (LMA) will be asking the city to pass a resolution asking the LMCD to discontinue the harvesting program because it is their belief that: harvesting spreads invasive species, they do not follow state law (removal requirement to collect), the harvesters harvest native plants, they harvest without notifying property owners, and they are not well trained. LMA information was emailed to council. No decision needs to be made today.

Klohs stated that the LMCD wants council input for a workshop they are having tomorrow. He said harvesting has nothing to do with AIS but how it is performed ties them together. Harvesting was originally done for navigation purposes and the LMCD harvests 3% of the lake. Klohs thinks the program needs to be updated because there have been no changes for the past 20 years. He recommends shutting it down for two to five years to see the effect on the lake and use contract harvesters on an as needed basis. Klohs stated that the LMA is focused on chemical treatments which are successful but need to be repeated every two years and they don't offer other solutions. He suggested that contracted private harvesters working on as needed basis would do more precise work, be better at clean up, be better trained, and probably be contracted for the same cost as running the current program. Howarth would like to hear the LMCD's response to the LMA after tomorrow's meeting. Council suggested keeping the program as it is for now because of the complexity of the issue and no alternative at this time but they would like to see other solutions.

#### 8.4. Park Commission Report

Park Commission Chair Pagano discussed updated bids to repair the library. The library is a valuable asset to the city as documented multiple times in the Comprehensive Plan. Commissioner Forbes met with contractors, the building official, public works director and an asbestos removal contractor. There is no concern about asbestos because floor and ceiling tiles would not be disturbed. The building is structurally sound and electrical issues can be worked around with Xcel Energy. His recommendation is to do a restoration "lite" over the next 3-4 years, for \$8,000 - \$10,000 focusing on less expensive repairs. It would be funded out of the 2019 Park Commission budget by reallocating \$2,000 of the tree planting and trimming, and \$1,000 of misc. The rest would be budgeted for in future years. He went on to say if council accepts this plan, they would withdraw the \$20,000 CIP request for the library. Council agreed with the approach of not wanting to do a major rehab but to maintain the library and restore it to where it is safe and looks nice. Council can amend the CIP if desired in December.

## 9. Old Business

### 9.1. Utilities Commission – Water Storage and Water Plant – Council Direction to Utilities Commission

At the study session prior to this meeting, Council was updated by the Utilities Commission Chair Alan Carlson and Amundsen on the water plant options. Council discussed having Utilities narrow down the options after receiving the financial analysis of each option. They also discussed continuing to meet with Orono on options and inspecting current wells. Amundsen discussed determining the right amount of storage based on what is practical and acceptable considering average day and maximum day usage. Lindstrom summarized that Utilities is directed to narrow down the options about the water plant and water storage after receiving financial analysis, research inspection of the city's wells, and study what is the practical storage capacity for the City's needs. Amundsen discussed the complexity of determining costs associated with replacement or refurbishing the water plant and tower.

**A motion was made by Council Member Bartel and seconded by Council Member Myers to direct the Utilities Commission to narrow down the options about the water plant and water storage after the receiving financial analysis. Utilities should continue to work with Orono for collaborative solutions, research the inspection of the city's wells and continue to study practical storage capacity for the city's water needs. With all members voting in favor, the motion carried.**

## 10. Planning and Zoning

10.1. **Resolution 2018 – 41** – Variances 2542 Lafayette Road – Jim & Cathy Dudley  
Zoning Administrator Carlson stated the applicants wish to build a new home and are requesting approval of five variances consisting of a rear yard setback, north side yard setback, south side yard setback, encroachment plane and impervious surface coverage. The Planning Commission reviewed the application at two separate meetings where much of the discussion was about the impervious surface coverage and the green roof. The current home is at 39.6% hardcover. This plan would bring them to 34.6%, but 30% is the requirement. Maintenance of the green roof and cistern system would be required by the current and any future property owners. Carlson then reviewed each variance request. Rear yard setback of 7 feet instead of 40 feet, south side yard setback of one foot instead of the required seven feet, north side yard setback for a cantilevered balcony at 3'9" instead of the required three feet, extending the home two feet into the encroachment plane, and impervious surface coverage of 34.6%. The Planning Commission and staff recommend approval of the variances. Amundsen, the architect, homeowner and Planning Commission Chair Haag then discussed the variance requests.

**A motion was made by Council Member Myers and seconded by Council Member Kozloski to adopt Resolution 2018 – 41 Approving Variances to the Rear Yard Setback, Side Yard Setback, Encroachment Plane, and Impervious Coverage for a New Home to be Constructed at 2542 Lafayette Road. With all members voting in favor, the motion carried.**

### 10.2. **Planning Commission Recommendation for Moratorium on Building Permits and Variances that rely on Green Roof Credit to Meet Pervious Surface Credits**

Because of unique public hearing and notice requirements for interim ordinances, the interim ordinance will be discussed at the December Council meeting. Haag stated that the Planning Commission wants to do more research on green roofs and their effect on the community. One concern is that by giving 50% credit with a green roof, houses could be built extremely large. Current City Code does not have definitions or limitations on credits for green roofs.

## 11. New Business

### 11.1. Process for Filing City Council Vacancies

Lindstrom stated that a resident raised the question of a special election to fill a council vacancy versus council appointment. Historically the city council has appointed to fill vacancies. Bartel stated at federal and state levels, vacancies are filled by appointment. Resident Mike Bloom discussed the right to vote for representation versus appointing. He was not expecting to change the process for the upcoming vacancy but suggested council consider a process for filling vacancies by special election. Council discussed their preference of appointment or special election in the future. They also discussed the amount of time it would take to fill the vacancy because a special election would not be held until at least April. The community has been educated on the appointment process in the Beachcomber and some candidates talked about it while campaigning. Howarth suggested getting public opinion on it. Council discussed leaving the current process as is and they can discuss a special election process in the future. Myers asked to have this added to the Action Notes for further discussion.

**A motion was made by Council Member Kozloski and seconded by Council Member Bartel to keep the process of Council appointing a council member to fill a vacancy. With all members voting in favor, the motion carried.**

## 12. Consent Agenda

12.1. Fire Report – October

12.2. **Resolution 2018 – 42** Embedded Systems Contract renewal – Tornado Siren Maintenance

12.3. **Resolution 2018 – 43** LMCD Reappointment – Dennis Klohs

12.4. **Resolution 2018 – 44** Gambling Exemption Request – United Health Care Children’s Foundation (2/2/2019)

12.5. Seasonal/Part-time Hiring: Public Works - Thomas Berent and Saturday Post Office – Marilyn McClaskey

12.6. Hennepin County GIS Contract (GIS data at no charge to city)

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

## 13. Treasurer’s Report

13.1. Approve Checks: November 2018

**A motion was made by Council Member Bartel and seconded by Council Member Kozloski to approve 56 checks numbered 16950 through 17010 in the amount of \$80,086.24 for November 2018 expenses. With all members voting in favor, the motion carried.**

13.2. YTD Budget and Prior Year Comparison report – receive and file

Howarth stated that the Finance Committee will have budget discussions on November 27 and submit a budget for council to consider on December 3 at the Truth in Taxation meeting. He then discussed water main improvement costs and bond reimbursement. He is planning to meet with Ehler’s, Chris Zinn and Amundsen to do a financial analysis associated with the information they have on the project.

13.3. Outstanding Accounts Receivable Report - receive and file

Administrator Griffin sends statements when they are 60 days past due.

**14. Action Notes and Staff Reports**

14.1. Council Meeting Action Notes

Griffin will remove Water Plant Critical Issues list as action was taken at the meeting to proceed with Magney. A formal request has not yet been received from Pottebaums so they will wait until one is received. Griffin will talk with the sector rep regarding the Comprehensive Plan. She will work with Zoning Administrator Carlson on minor changes and have a final submission for the December Council meeting. The Met Council will send comments on any items that they recommended but were not completed and the city can respond to them later. Council discussed that striping will be done for the median refuge in the spring due to weather constraints.

14.2. Clerk's Report – Election discussion took place earlier.

Administrator Griffin discussed the numerous details involved in elections and the consequences of errors. She felt very comfortable in Honey's ability to do the entire process and stated she did an excellent job.

14.3. Administrator's Report

Administrator Griffin stated that last year holiday lights at City Hall were discussed. She referred to a bid and suggested lights on the front two peaks of City Hall only and see what the response is. Council agreed that they would prefer to have all of lighting done on the bid and directed staff to move forward with the proposal from Russel Williams.

**13. Council Reports**

**13.1. Mayor's Report:**

Mayor Pro Tem Lindstrom stated Mayor Taylor requested to move the December 10, 2018 council meeting to December 3 or December 13, 2018. Myers and Howarth will not be at the December 3 meeting. Lindstrom will contact Mayor Taylor to make sure he can attend the Truth in Taxation meeting on December 3, 2018.

**A motion was made by Council Member Myers and seconded by Council Member Bartel to change the December 10, 2018 Council meeting to December 13, 2018. With all members voting in favor, the motion carried.**

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

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

**The meeting adjourned at 10:03 pm.**

**PUBLIC IN ATTENDANCE** – The following people signed the attendance sheet: Nell Mathews, Susan Enlow, Bill Raisbeck, Santiago Abraham, Mike Lang, Jon Redmond, Joe Pagano, Jim & Cathy Dudley, Steve & Sunhi Schussler, Matt Byers, Peter Kluzak, Ben Lucas, Lee Goehring, Jeff Steinke. Not signed in:

**Respectfully submitted,**

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**Heidi Honey, City Clerk**

**City Council Meeting Minutes November 13, 2018**