

**Tuesday, November 8, 2021 6:00 PM**  
**CITY OF MINNETONKA BEACH**  
**CITY COUNCIL MEETING MINUTES**

**Roll Call:** Mayor Jaci Lindstrom; Council Members: Tracey Breazeale, Susan Enlow, Steve Howarth, Vibhu Sharma. Absent: Treasurer Chris Zinn

**Staff Present:** City Administrator Heidi Honey, City Clerk Jane Burgess, Zoning Administrator Phil Carlson, City Engineer Alan Offerman, Bruce Kimmel – Ehler’s

**Guests:** Joe Pagano, Park Commission Chair

**1. Mayor Lindstrom called the meeting to order at 6:00 p.m.**

**2. Clerk Burgess led the Pledge of Allegiance**

**3. Approve Agenda for the November 8, 2021, City Council Meeting.**

Enlow requested that item 7.2 Resolution 2021 – 63 be moved to item 6.1 after Open Forum.

**Howarth motion, Breazeale second to approve the amended agenda. All ayes, the motion carried.**

**4. Approve Minutes –**

4.1. Regular Meeting of October 12, 2021

**Enlow motion, Howarth second to approve the October 12, 2021, Regular City Council meeting minutes. All ayes, the motion carried.**

**5. Open Forum –**

Opened 6:02 pm; Closed 6:03 pm.

**6. Old Business–**

6.1. **Resolution 2021 – 63 – 2012A Bond – Kimmel**

Lindstrom explained that in October, City Council authorized Ehler’s to assist with the sale of the 2012A general obligation bonds with a portion to include the Brooks Lane/Westwood Rd. watermain system improvements.

Bruce Kimmel of Ehler’s stated four bids were received and Hilltop Securities of Dallas won the bid at just under 1.24% fixed for 10 years. Kimmel stated that he was pleased with the results and the final bid amount was \$1,185,000 which covers the refunding of 2012A bond and \$260,000 towards the Brooks Lane/Westwood Rd watermain replacement project. The par amount was reduced by \$115,000 due to premium amount and reduction of Brooks/Westwood water project from \$285,000 to \$260,000. Kimmel was pleased to announce that the City’s AAA rating was affirmed by S&P global ratings. He said that this is remarkable for a city of this size. It is the smallest city in MN to have this AAA rating, and one of only perhaps 10 or maybe even 5 cities of this. size nationwide to have this rating. Kimmel added that this is due to the City’s heavy concentration of residential property tax basis, strong financial management and direction by City Council, and implementation that direction by City staff.

Howarth said the \$82,652 Reoffering Premium is very favorable and the City achieved all its objectives. Kimmel added that the City will be saving approximately \$5500 per year on average or total net savings of \$54,000 (5%). Lindstrom said a 10-year bond term is good as it matches the former bond term. Kimmel agreed.

Sharma thanked Kimmel for all his efforts but expressed concern if the City should do more because he said interest rates are predicted to go up. Lindstrom, Howarth said Council has been considering this issue. Kimmel said that hopefully the City will receive assistance with a new water treatment plant and watermain improvements. Lindstrom said the timing of this refunding was perfect with the Brooks Lane/Westwood Rd watermain project.

**Breazeale motion, Howarth second to Adopt Resolution 2021-63 Awarding The Sale Of General Obligation Utility Revenue And Refunding Bonds, Series 2021A, In The Aggregate Principal Amount Of \$1,185,000; Fixing Their Form and Specifications; Directing Their Execution And Delivery; Providing For Their Payment; And Authorizing The Redemption Of Certain Outstanding Obligations. All ayes, the motion carried.**

## **7. Planning and Zoning**

7.1 Resolution 2021 – 62 Variance Requests – Lakeshore, front (street), side setbacks at 3132 Northview Rd.

Carlson discussed the supplemental packet information. The existing 18.6% hardcover was revised to 26% based on additional items at the site not counted and some credits that were given. Planning Commission recommended removing proposed deck/stairs and shortening the garage two feet resulting in new proposed hardcover at 24.57%. A tree that would need to be removed is a 25' buckthorn and exempt from the tree preservation moratorium.

Carlson stated that lots on Northview Rd. are shallow, many of the homes have a 50-60' setback and 75' is the minimum. Homes are close to Northview Rd. For 3132 Northview Rd, a very narrow strip of land is the buildable area on this lot. The applicant has reasonable use of the property because there is an existing home and garage. However, this lot is less than 19% hardcover and the proposal is to go under 25% hardcover. He said the Planning Commission and Council need to decide if it is reasonable to allow an addition to the house and use some of the hardcover allowance even though it requires building into the setbacks. He stated the proposed garage would not really interrupt anything for the property to the east because their garage is very close to the lot line. Moving the garage back 2 ft from Northview allows 19 ft for the driveway. Carlson then stated council is not obliged to approve any variances, and it is reasonable and within the city's right to say council can deny all variances requested and there is reasonable use of the property now. Council could if they wish, and state law and city code allows, for them take into account certain criteria to grant variances, permission to break the rules:

Carlson posed the question: Is it consistent with the Comprehensive Plan and zoning ordinances? The comp plan speaks very clearly on protecting lake views and not encroaching on lake views, and there are ordinances in place that set those standards so people do not encroach any further, but also the comprehensive plan and city policy and practice is to encourage investment in the use and enjoyment of the property so allowing that is also a reasonable thing to do. In this case, the encroachment into the 75' lakeshore is not as far as what is already existing on the property. The existing porch is 65' from the lake. The proposed porch is 70' from the lake.

Carlson posed the question: Is the use reasonable? The proposed additions are reasonable uses of the property (deck, garage), so they can comfortably say this is a reasonable use of the property.

Carlson posed the question: Are there circumstances unique to the property not created by the applicant? He stated that the applicant did not create the situation where you have a shallow lot and setbacks nearly meet. The buildable space is very minimal. An issue discussed at the Planning Commission was why build to the east and not to the west between the existing garage and the house. There is a large tree at the northwest corner of the garage that would be removed, and this is a textbook example for a variance stating here is a situation on this property has a large tree, but they want a variance instead of being forced to remove the tree. In this situation, that space would require a variance as well. Carlson stated again, you are not required to grant any variance, but if you grant some variance, it may be better to push it to the east side where all there is a Buckthorn tree.

Carlson posed the question: Would granting this variance alter the central character of the locality? Considering the character on Northview Road it could be argued that character exists now with many homes and garages pushed out to the street and the side lot lines because of the depth of the lots. He did not think it would alter the character to grant this.

Carlson stated the Planning Commission recommended approval with two changes: shorten the driveway two feet from Northview Rd and remove a small piece of the proposed new deck and steps at the north.

Enlow then reported on the Planning Commission meeting discussion and split vote on approval. Enlow stated there was not much discussion on the lake shore side setback because the architect said the homeowner would be willing to remove the small deck and proposed stairs. She stated there was a lot of discussion about the side yard setback, how close it was to the neighboring property on the east, and that it could potentially be a safety issue with shrubs planted between the properties. Enlow said that one of the reasons the garage was suggested to be pushed back was not only to get more space between Northview and the extension of the property, but also to try to increase the setback. The vote was 4 in favor of the revised plans. The two against were very strongly opposed. They felt there was enough room on this property, it is 115 ft wide, it's not like the comparable properties next to them that are very narrow.

Carlson stated there is discussion in the report about the aggregate side setback which applies to this lot and it comes into play when there is a legal non conforming setback on one side. It states if someone is applying for an addition, they like to have some of that setback made up on the other side of the property so in aggregate there is more side setback on the lot. That formula is for the 3.3' setback which is not met with this proposal. Enlow then stated there was a lot of discussion where they were trying to design or come up with ideas for alternate plans. Her opinion is that it is not up to the Planning Commission or Council to come up with a design that meets the criteria of the code.

Cooksons' spoke stating they are not new to the area, and respect the lake and council's work on the project. They found this wonderful cottage and the home is sentimental. Matt Cookson stated in that 1993 they were married at the Lafayette Club and they are thrilled to be here. They have lived in the home since May, have figured out what work needs to be done and described the architect's appreciation for the lake.

Breazeale asked if proposed variances would be one to lake side, one to side (one already other side), one to road. Property would have variances on 3 sides. Carlson confirmed this.

Howarth asked for clarification that as proposed, the existing garage stays at 1 ft from lot line, and the proposed garage is 3 ft from lot line. Proposed building site takes up 111 ft of 115 ft lot. Carlson confirmed this. Lindstrom stated there is space between the existing home and existing garage. Howarth said he did not know of another property that had 4 feet of side setback combined. He

struggled with improvements exhausting that much of the buildable area when there are sites 80 ft wide with proportionate side setbacks. He added that ordinances are there to ensure harmony and unity in the community and there are no high-density units. The ordinance is written to protect single-family homeowners.

Carlson stated that a variance was previously granted to a previous homeowner there for the existing porch and steps. They weren't built as approved in shape but as approved in location.

Sharma stated the ordinance is to protect everyone holistically and he also struggled with width issue raised by Howarth.

Howarth did not want to offer comments on design but as proposed he struggled with small setbacks and would ask for something more. He added the homeowner has a choice to remove existing garage and he discussed proportionally reducing side setbacks for narrower lots again. Howarth said he can't recall even a smaller project with the small proportion to setback and stated the proposed plan is very troubling.

Enlow stated the side setback requirements are for safety and privacy from neighbors, so you want as much space as possible, which is why side setbacks are there, but you want emergency vehicles to get to the other side of the property. They could weave their way through but the neighbor to the east already is close to the side setback. For safety purposes, this is over-reaching.

Gail Cookson spoke up and asked for their builder, Jon Monson, to speak. Lindstrom stated they were in deliberations and Breazeale was beginning to speak.

Breazeale said she appreciates the design they have in mind to keep the historical character of the home, which can be tricky. She typically has the most trouble with lakeshore setbacks, but they have done a nice job in keep them back, not obstructing views on the lake side. She shares the concerns on the very, very small side setbacks on the property. The one is already there so it is existing, but she struggled with both being so small. Historically it has been rare on lots unless extremely small to grant variances anything less than 8 feet. Looking at an existing one and then proposing another, it is difficult to consider how emergency vehicles can get through, or if a tree needed removal, if there was an accident by the lake, anything that may happen.

Lindstrom stated it appears they have a pretty unanimous concern for side setbacks. She asked if Cooksons wanted to comment.

Gail Cookson stated she would love for Jon Monson to speak. Lindstrom asked that he respond to their concerns for the side setbacks.

Jon Monson of The Landschute Group stated that during the Planning Commission public hearing this was discussed, and the original preconception was to work with the existing garage but here is a big maple that would be compromised. The garage does not have footings and foundation is bowed out. They intended to turn it into a cute shed for storage. He stated their points are well taken and does not disagree with the observation. He went on to say design professionals working in the lake area try to respect scale, not just be lateral, but there is nothing going up and as they work to save the existing structure. This is a shallow site, so where do they put the entry? Looking at the plan, it is arranged with a proposed addition to the east of minimal width and there is a kitchen that would be part of that as it goes to the lake and a garage 22 ft wide. Normally like 24 ft wide and accepted the request to go 2 ft shorter. The Cooksons are interested in working with the historical context, and as Carlson pointed out, this is not 115' of uninterrupted façade but it is point to point a compound of a

garage, existing and new garage structure to the east. He stated if Cooksons are willing to lose the existing garage because it would take investment to work around the tree and make it structurally sound. In the interest of complying with the city's desire of a reasonable application, would council look at an amended application deleting garage and permitting it to stay until move in so they can use the storage until the new garage is complete? There would be quite a significant view slot would be at that side and allow for functionality between the new garage and the existing structure. The plans are in the packet. They are trying to make all elements work together. He is willing to answer questions.

Breazeale asked if what he is proposing is to keep the house structure and addition and then at the time of move in, the existing garage would be removed.

Monson confirmed that is accurate.

Breazeale stated this makes her more comfortable with the proposal even though it is tight on the east side but a reasonable trade off. By getting rid of the garage setback, it looks like 20+ ft for emergency vehicles or whatever to access the rear of the property. That would make her more comfortable with the proposal.

Howarth asked how much space there would be between the two structures because 3126 already has a variance. Carlson replied that there would be 2ft on the survey and a setback at 3.3' but there is a jog. If built as proposed there would be 5-6 ft between the structures.

Howarth still struggling with the setbacks and does not recall allowing that small amount in the past. They have done it for a driveway but not for a physical structure. He would need to review the ordinance and activity in The Beach and have a reflective, thoughtful view of a proposal with the ordinances. He would like time on that instead of making a decision tonight. He stated they need to take action on the variance request tonight. He recommended that the applicant give them time to reflect on the new updated proposal, he assumes that means eliminating the garage, but leaving the rest of the proposal in place and maybe they could give more thought to a way they may create more side setback without impinging on attributes they thought to achieve in designing the addition but again he can't think of a project that they have allowed a 3 ft side setback for a physical structure. Personally, he would like to reflect on it and consider other projects.

Carlson said that council has the option to continue this item and extend the 60 day deadline for final action to give the applicants time to come with a different proposal.

Howarth said he prefers to get a 60 day clock running again, as opposed to a 30 day clock.

Carlson said it can extend it a full 60 days.

Breazeale said she looks at it a bit differently. The 3.3ft setback is very narrow but the alternative is to keep the existing garage and that is only 1.2 ft and a design could go that direction and 3.3 ft is preferable to 1.2 ft. She normally would not support a 3.3 ft setback but the alternative is smaller. Her neighbor was able to move theirs from 4.4 ft to 3.3 ft but there was space between the neighbor's home and her home and they made other tradeoffs.

Howarth stated that he is not rendering a decision at this meeting.

Sharma shares the comments stated already. By removing the existing garage and seeing a design that could even try to move the 3.3' to the left and expanding that way is helpful. He encouraged applicant to look at the 75' from the lake to restrict creep and he is happy to look at a revised plan.

Enlow said she is still very uncomfortable with 3.3 ft side setback. Does not think it is safe. She lives on a narrow lot and you feel the closeness of the neighbor.

Monson said the 3.3ft is at the point where the easterly property line jogs at the old, vacated right of way. Carlson showed a notch of 2 ft so the 3.3ft adds to it. It is about 6-7 ft between properties at the rear of the addition.

Monson said it is probably closer to 10 ft at the SW corner of 3126. Closest 2 garages would be is closer to 10 ft apart because of how they diverge as they get closer to the lake.

Enlow asked what setback at the notch to the building is. Carlson said that it is 5.3 ft at that corner.

Lindstrom stated they are hearing that council supports them coming back with another proposal with more side setback.

Monson asked if council will make a formal continuation. Lindstrom said Yes.

Monson said Cookson's would request that.

Carlson asked council for direction for the revision and asked what amount of feet they would be comfortable with for the setback.

Howarth said he appreciates Carlson's comments, but they are not there to redesign the plans. The applicant understands the level of acceptance and they have heard the feedback from council and we are asking to look at it again. Give it your best shot and we will take another look at it. That is what the mayor articulated. We want to work with our homeowners as much as we can.

Joann Anderson spoke up stating she knows this is not a public hearing but she wanted to speak as a resident. She has a love for the house because it is one of 2 houses still there from 40+ years ago, and they are glad they are not tearing it down and building a two story house. There are a lot of memories and stories in the house. Neighbors want it to be kept.

Lindstrom asked for a motion.

**Howarth motion, Sharma second for continuation of matter of the variance request at 3132 Northview Rd for a 60 day period. All eyes the motion carried.**

Breazeale asked if council would be amenable to 30 days to review the updated plans if plans are available early.

**8. Old Business**

**8.1. Brooks Lane Project Update and Pay Request**

Offerman presented an update of the Brooks Ln/Westwood Rd Watermain Improvement Project which was completed the week of on October 18, 2021, and received passing water bacteria testing results the following week. All the residents were able to be removed from temporary water and are now on the new system. The two homes that had services relocated to Northview, 3136 and 3142 Brooks Lane, were completed on 10/28 as well. Paving and final restoration was completed the week of 11/1. Only minor landscape items remain.

Offerman requested that Pay Request No. 1 in the total amount of \$200,358.48 be approved, which includes all work to date less retainage of \$10,545.18. Once all final quantities are agreed upon and final close out documentation is received, a final pay request will be processed and is anticipated to be presented at the December council meeting.

Offerman presented an update on the overall project budget and an estimate of the total costs of the project. Additional expenses that were outlined during the October council meeting are included in the amounts shown below. Initial project estimated costs were to be \$287,250.

- Project design fee: \$16,000
- Estimated construction administration fee: \$19,000
- Estimated final construction costs: \$221,000
- Estimated construction materials testing fee: \$1,707
- Total estimated project cost: \$257,707 - nearly \$30,000 under budget.

Lindstrom was very pleased with Offerman's work and this project. She expressed concern that again the City learned that the City's underground maps are not accurate and the watermain was not in right place or right size when they dug into the streets for this project.

**Sharma motion, Enlow second to approve Payment Request #1 to Ryan Contracting for the 3120 Brooks Lane Watermain Improvements project in the amount of \$200,358.48. All ayes, the motion carried.**

#### 8.2. No Parking Zone – Huntington Points Road East and West

Honey presented the results of a one month test project of temporary no parking signs Hilgers intalled at the curve and part of straight parts of Huntington Pt Rd E where it meets Huntington Pt Rd W. previously, City staff received numerous complaints of school buses and other large vehicles not being able to make the turn there due to construction vehicles and others parking there. Burgess then asked the residents in that area for their feedback if they thought that the temporary signs were helping and the City received feedback was that they were. The complaints stopped at City Hall as well and Hilgers has not seen any further problems. Hilgers is requesting that permanent no parking signs be installed there. Honey responded that the permanent no parking signs would also help year round with plowing and leaf removal.

**Enlow motion, Breazeale second to install permanent no parking signs in the area where the current temporary no parking signs are on Huntington Pt Rd East and West. All ayes, the motion carried.**

## 9. New Business

### 9.1. Consideration of Lafayette Club No Parking on Woodbridge Rd and Noise Ordinance Exemption

The new Lafayette Club General Manger/COO Gregg Malsbary, Club President Rita Howarth, and Chairperson of Golf & Grounds Committee Steve Doyle presented these two requests to council:

#### 1. Noise Regulation Variance

During the golf season (approximately May-October), they request to apply for a variance to the City Noise Ordinance that will permit their Grounds and Maintenance Staff to begin outside work with mowers and blowers around the clubhouse and those fairways and greens located away from residential areas near holes #1 and #7 at 6:00 am; and to permit all areas to be prepared and maintained starting at 7:00 am prior to their first scheduled tee time at 7:30 am. This has been a long-time practice of the Club's Grounds and Maintenance staff which has been unquestioned.

R. Howarth stated that they would like this formalized before the new grounds crew superintendent is hired at the end of the year so he will know the rules in place. She added that the Club had an informal agreement between the grounds crew and the former neighbors at Hole #1, but the new residents don't understand there was this informal agreement. She said that rather than have complaints filed she would like to see this formalized.

Mayor Lindstrom stated that she was unaware of this informal agreement in place.

Honey stated that she spoke with City Attorney Batty and he said that the PCA is in charge of noise ordinances and there are different decibels levels allowed for day and night. He also said everyone in the City is required to adhere to the decibel level regardless if there is a variance to the time of day doing things. The state regulation is a 7:00 am noise start time and the City code start time is 7:30am which is she thinks is different than most other cities. If the City changes the code to a different noise start time such as 7:00 am, it would be effective for everyone in the community. If council does not want to do that then there could need to be a compelling reason for a different start time and have a specific designation such as "the City allows specific equipment such as mowers for all properties over 25 acres." Also recommended by Batty was to define distance for use for example "no closer than 400 feet to a neighboring property or a house." Cannot amend the club's conditional use permit because it must adhere to city code.

Enlow stated that there are so many golf courses in residential areas and perhaps the City should spend more time researching this topic and discuss at a future meeting.

Honey and Lindstrom agreed with Enlow to do more research.

Sharma said the first tee time is 7:05 am at Hazeltine and the course is completely ready to go by then and they are many homes on this course. He suggested for Lafayette Club to do the work farthest from the neighbors first.

Lindstrom stated she doesn't want to hear mowers at 6 am as she lives near the course.

Howarth suggested starting earlier with lower noise machines. He is disappointed that a revision of the conditional use permit is not allowed. Honey and Burgess will do research and Howarth said that as the Club liaison he would like to work with staff in preparation for the December 13, 2021, council meeting.

## 2. No Parking Signs on Woodbridge Rd.

In anticipation of upcoming new home construction starting in Spring at 2669 Woodbridge Road immediately adjacent to the Club's hole #7 fairway, and to protect both golfers and residential or construction vehicles who transit that road, the Club requests that the City erect permanent "No Parking" signs on both sides of Woodbridge Road from near hole #7 tee box through hole #8 fairway to where current "Permit Parking Only" signs are erected for dock users near the base of the road. These would replace the temporary "No Parking" signs erected this Fall. Vehicles parked on Woodbridge Road impede the safety of both persons and vehicles while infringing on golf play.

R, Howarth stated then when the property at 2669 Woodbridge Rd was for sale, yet not advertised online, the many cars looking at it that is was dangerous to golfers, vehicles and pedestrians. She feels the permanent no parking signs are very important for safety.

Lindstrom asked R. Howarth if the temporary no parking signs helped and she stated that they did.

Doyle expressed concern for the construction vehicles that will be there when the building of the home at 2669 Woodbridge Rd. begins.

Lindstrom asked Honey what the procedure is for establishing permanent no parking signs and she replied that in the past it's been discussed at council meetings, and then with neighbors, and soliciting resident input was past practice.



Enlow asked if council could approve the permanent signs at this meeting just as they did for the Huntington Pt new no parking signs. Honey said that resident input was not obtained for the Woodbridge Rd signs yet.

There was discussion if the lot at 2669 Woodbridge Rd had sold yet or if a developer still owned it. Honey stated that it was sold last summer, and City Hall has the new owners' name and contact information. Stonewood told staff that they will start building a home there home spring of 2022.

Enlow said that the temporary no parking signs have been in place there for at least a couple of months.

S. Howarth stated that he would like the permanent signs approved at this meeting, and there are not many residences located in this area where the no parking signs would be located.

**Sharma motion, Enlow second to make the area on Woodbridge Rd highlighted in the picture in the packet, which is the area that has the temporary no parking signs, permanent no parking signs. All ayes, the motion passes.**

BREAK began at 8:00 pm. Meeting resumed at 8:05 pm.

#### **10. Commission Update – Park Commission Year in Review – Chair Pagano**

Pagano presented “2019 – 2021 Reflections...*Yes, It Does Take a Village*” PowerPoint. His Soul of the Village section focused on “Parks and playgrounds are the soul of a community” quoting Martin Rubin. He added that the “soul” of Minnetonka Beach are people: volunteers, donors, participating residents, commissioners, elected officials, public works, city hall staff and suppliers.

Chair Pagano named many of the community volunteers and what they worked on, donors, and then the Big “Ah-ha’s.” These ranged from talented people, time, SPOC system, the Comp Plan, to Asset Inspection Process, public works, and exploration of solutions for better park maintenance.

Pagano presented 2021 as a year of historical significance with all the things Park Commission accomplished from two new playgrounds to the massive planting of perennials and many trees in the city. Clean up and social events were well attended and saw the involvement of Junior Civic. A tree canopy grant was awarded and city trees were inventoried and updated using a Bartlett Trees software program.

He added that he is most proud of the 5YP II as it was completely updated, revised and organized for 2022 – 2026. He stated that it is a perfect template for future Park Commission chairs and commissioners to easily follow and implement going forward.

Pagano, on behalf of the entire Park Commission, presented Mayor Lindstrom with the first “Spirit of Teddy Roosevelt” award for her exceptional commitment and dedication to the Minnetonka Beach Park System in Word and Deed.

Lindstrom thanked everyone and expressed how honored she was, and how meaningful this award was to her. She shared that her first Mayor Corner’s newsletter column conveyed her mission was to improve the appearance of the City parks and woodlands.

Mayor Lindstrom surprised Pagano on behalf of the Park Commission and everyone at the council meeting by presenting him with the Milton S. Hershey Award Honoring Extraordinary Citizenship.

Pagano was recognized for his outstanding dedication and service to the Park Commission and the City of Minnetonka Beach.

Lindstrom explained to all in attendance including Pagano's family members, that Pagano made significant contributions to the community through extraordinary devotion, stewardship, dedication, vision, persistence just to name a few. Lindstrom cited the comparison examples of Milton Hershey and his many accomplishments beyond chocolate, and all that Pagano has done to inspire Minnetonka Beach beyond the park system making it a better place to live.

Mayor Lindstrom, each council member and Honey recognized and thanked Pagano for all his vast accomplishments, leadership, direction and program implementation throughout the City parks system and community.

## 11. Consent Agenda

- 11.1 Police Report – October
- 11.2 Fire Report – October
- 11.3 **Resolution 2021 – 64** – Embedded Systems Contract Renewal – Tornado Siren Maintenance
- 11.4 Civic Committee Membership and Leadership 2021 – 2022
- 11.5 Hennepin County Emergency Radio Contract
- 11.6 Republic Services Trash and Recycling Contract
- 11.7 Water Tower Updates – Stantec memo
- 11.8 LMCD Multiple Dock License Renewal Application – 2022
- 11.9 Kennedy and Graven Legal Services Rate Change for 2022
- 11.10 Approval of Checks -- November 2021
- 11.11 Outstanding Accounts Receivable

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

## 12. Treasurer's Report

### 12.1 Summary Report of City Finances

Honey presented in Zinn's absence. Sharma asked if the LivingstonStrong donation account has been reconciled and settled. Honey said that it has and the sign to be installed after November 9<sup>th</sup> has been paid for. Howarth suggested that Livingston be asked if she wants to designate funds to maintain the playground equipment. Sharma reviewed the contract and Breazeale said that she doesn't think it's right to ask Livingston for more funds. She said if Livingston chooses to do so then that would be great. Mayor Lindstrom said she will have a meeting with Livingston and Honey to do a final review of her account and return the remaining funds. Council discussed if all the funds should be returned or if some could be kept for future maintenance. Mayor Lindstrom offered to have that conversation with Livingston when they meet.

Mayor Lindstrom commented how well the Accounts Receivable account has been cleaned up

Honey indicated that there is an anticipated \$55,000 remaining in the budget for 2021. Hilgers asked for a new skid steer bobcat and the state contract is being eliminated by the bobcat vendor. He is asking for it now as it may take up to 18 months for delivery. The current one is 17 years old and unsafe crossing Co. Rd. 15 and it needs more attachments.

**Howarth motion, Enlow second for fulfillment of the need for a bobcat skid steer and allocation of \$40,000 using state contract approved pricing. All ayes, the motion carried.**

- 12.2 Year to Date Budget, Previous Year Comparison Reports

Honey suggested that \$25,000 be earmarked to pay the LMC the city's portion of the legal fees for the Schussler lawsuit incurred in 2021. If approved by council then the legal budget will not need to be increased by as much in 2022. The LMC will generate an invoice for the City to apply this payment to. Howarth recommended consideration of this payment of \$25,000 to LMC at the December 6, 2021, Truth in Taxation meeting followed by adoption at the December 13, 2021 council meeting.

Lindstrom acknowledged Honey's efforts in negotiating a favorable contract with Republic Services. She also commended Hilger's overtime efforts in hand filling the new water tower. She also commented that the City is at budget for legal and zoning expenses.

### **13. Action Notes and Staff Reports**

#### **1. Council Meeting Action Notes**

Lindstrom was pleased to report that District 44 State Senator Ann Johnson Stewart, who is on the Capital Investment Committee, agreed to introduce the City's state funding in the Senate. The City is ideally situated in the Senate and the House. She added that Dean Phillips' office told her today that the Federal Government is allocating \$1 trillion for their infrastructure package. They are allocating \$680 million to Minnesota for water infrastructure. Lindstrom said she wants to pursue funding for any remaining watermain needs in our City and she will begin work on that.

#### **13.2 Clerk's Report**

Burgess reported that over the last month she has been working on issuing permits that have taken awhile to complete. More large building projects coming soon so she has continued to further learn more about planning and zoning and city code and ordinances as well. It takes a lot of time to maintain the active building project process from start to finish. She has helped with the interim tree preservation ordinance and moratorium answering resident and contractor inquiries, work through waiver application process and researching other cities policies.

Burgess was the point person for communication between residents, Hilgers and Stantec during the Brooks Lane/Westwood Rd Watermain Improvement Project and for the residents affected by water shut offs during the transition to new water tower. Burgess said that she spends a great deal of time with general communication, from the production of the Beachcomber, to eblasts, to phone calls to in-person inquiries. She mentioned that accurately communicating is very important so there is a lot of verifying and double-checking of information required.

She works closely with Pagano for Park Commission needs and prep especially for November 9, 2021 meeting and creation of packets and materials for meetings.

She answered numerous City dock program inquiries for non-riparian homes for sale and placing residents on waiting list for various locations. There is only one home for sale as of the council meeting date which is so unusual.

Lindstrom said she is doing a study on the large number of new resident households which are around 50 in the last two years or so.

Howarth asked if there will be a newcomer's party soon and Breazeale replied that it will be spring of 2022. With 50 new families or so over the last 2 to 2-1/2 years there will be a larger venue required or outside for this gathering.

#### **13.3 Administrator's Report**

Honey said she worked with Zinn and Lindstrom on finalizing the CIP and the 2022 budget for the December meetings. She is also working on open enrollment as the City has new insurance and HSA providers. She is current on Accounts Receivable invoicing/statements of account to residents and waiting for a new Stantec invoice to arrive so she can generate more invoices. She dealt with a resident who is questioning his invoice.

Honey added that the MS4 permit has gone through the screening process with no changes, and she is working with Stantec for assistance in the compliance process. She did the S&P call for the bond and reconciled the LivingstonStrong account and expenses. She worked on Stormwater Maintenance agreements and As Built reviews on older resident projects and has been closing many of them. Honey worked with Bonnie at Abdo to discuss new budget format and worked in QuickBooks learning how to do the reporting by fund so no additional software should be needed. She worked with Rezabek and J. Sharma on Parks tree canopy grant expenses to submit this year. She said she will meet with the City Assessor this spring to prepare for Board of Appeal meeting. She will work further with Sharma on golf cart ordinance.

Sharma added an update on continued golf carts in the City and damage they've caused. He's done further research on this issue and he and Honey will present their findings this spring.

#### 13.4 Public Works Superintendent – Report in Packet

Hilgers report summarized that on October 25, 2021, the old water tower was completely shut off, drained and taken down. Since the main had to be shut off due to valve problems that caused problems in the control room. He had to manually fill the tower twice each day and had to do so every day until the water main was fixed and back online.

He prepared the skating rinks with some board replacement, new paint and a clean up by Junior Civic and residents. Leaf pickup began October 18<sup>th</sup> and branch pickup ended on October 26<sup>th</sup>.

### 15. Council Reports

#### 14.1 Mayor's Report:

Lindstrom said when City Hall is busy she is busy. She spent a great deal of time on legislative issues for the City. She reported that based on feedback with the state senator securing funding for a water treatment plant in our City looks good.

#### 15.1. Liaison Reports (if necessary):

Enlow provided a tree preservation update including that she and Honey met with Batty. She hopes that they will have a high level walk through to present to Planning in December and to Council in January.

Howarth commented that there are new members on Planning and suggested that the commission hear the views that are discussed at council meetings and how they responded to Planning recommendations. Additional liaison feedback would be good as well. He found that helpful when he was on Planning. Lindstrom agreed and cited examples of why this was effective when she was on Council and was Planning liaison. Enlow asked Burgess to send the Land Use webinar presented by the LMC to all Planning and Council members as it was very insightful.

Howarth – Utilities – no meeting. Howarth reported that LMCC received a request from a new internet franchise Metro Net. They want to participate with other lake communities but does not include Minnetonka Beach.

Sharma – Docks no meeting.

Breazeale – She asked that Civic minutes be included in council packets. She discussed new leadership positions, dues letter and upcoming events. Enlow was impressed with the personal thank you notes Jennifer Johnson sent to all who paid their dues.

**16. Adjourn**

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

**The meeting adjourned at 9:43 pm.**

**PUBLIC IN ATTENDANCE** – The following people signed the attendance sheet: Joann Anderson, Matt and Gail Cookson, Kate Emmel, Nell Mathews, Erica Hway, Steve Doyle, Rita Howarth, Gregg Malsbary, Jon and Mary Monson.

**Respectfully submitted,**

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**Jane Burgess, City Clerk**