

**CITY OF MINNETONKA BEACH
CITY COUNCIL MEETING MINUTES
Monday December 10, 2012**

Roll Call: Mayor Joann Anderson and Council Members: Jill Bartel, Michelle Kroll, Mike Taylor, and Treasurer Rick Skalla

Absent: Council Member Linn Ferguson

Staff Present: City Administrator Griffin, and City Clerk Tiegs-Roussell

Guests: Resident Amy Anderson, Kenneth Potts Prosecuting Attorney, Nick McDermitt of Metro Sales, Dennis Klohs LMCD Representative, Orono Police Sergeant Boris

- 1. Call to Order by Mayor Anderson at 7:06 p.m. followed by the Pledge of Allegiance.**
- 2. Approve Agenda for December 10, 2012.**

Motion was made by Council Member Bartel and seconded by Council Member Kroll to approve the amended agenda with the change in order of New Business moving item 8.3 to 8.1 and removal of the Director of Public Works staff report. With all members voting in favor, the motion carried.

3. Approve Minutes

- 3.1. Study Session of November 13, 2012
- 3.2. Regular Meeting of November 13, 2012
- 3.3. Truth in Taxation Meeting of December 3, 2012
- 3.4. Canvass of Elections November 13, 2012

A motion was made by Council Member Taylor and seconded by Council Member Bartel to approve the November 13, 2012 Study Session Meeting Minutes. With all members voting in favor the motion carried.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to approve the Regular Council Meeting Minutes for November 13, 2012 with amended grammatical error. With all members voting in favor the motion carried.

A motion was made by Council Member Kroll and seconded by Council Member Bartel to approve the Truth in Taxation Meeting Minutes for December 3, 2012. With all members voting in favor the motion carried.

A motion was made by Council Member Bartel and seconded by Council Member Taylor to approve the Canvass of Elections Meeting Minutes for November 13, 2012. With all members voting in favor, the motion carried.

Action Items: Council Member Taylor wants to be assured the trees will be replaced. Mayor Anderson stated TRPD Association Superintendent Carlson assured the trees that died along the trail will be replaced.

4. Open Forum

Mayor Anderson welcomed Council Member Elect Jaci Lindstrom.

5. Police Report

5.1. Police Report – November

Orono Police Sergeant Boris reported that on December 18, 2012, the 911 dispatch will begin the preliminary merge with the Orono and Mound Police Departments. This will be totally implemented on January 1, 2013. Sergeant Boris reviewed the incident report. Council Members reported incidents with paint ball shootings at homes along Beach Road and Lafayette Road that were not reported to the police. The Juvenile Officer at the Orono School is aware of paint ball incidents and may get information from students. Council Member Kroll asked about a local lock-down at the Orono School. Sergeant Boris stated that someone was noticed loitering out in the baseball field with a bag. The individual was identified and told authorities he was going to stay at a friend's house and was waiting until school was out.

6. Consent Agenda

6.1. Fire Report –November

6.2. Resolution 2012 – 41 – 2013 Council Meeting Dates

6.3. Resolution 2012 – 42 – Accepting Resignation of Planning Commissioner Dustin Boyd, and Appointing Mirela Van Dyke to the Planning Commission to fill Boyd's term

6.4. Motion to authorize Mayor to seek information regarding the possible sale of a portion of that property at 2105 Lake Road.

Mayor Anderson was contacted by Mr. Dan Crear regarding a portion of the property the family owns at 2105 Lake Road. Years ago the City was contacted regarding this same portion of land which borders the playground area behind City Hall. At that time the City was looking to acquire green space. The Crear's have appointed Dan Crear as power of attorney for the five siblings and he contacted the City to see if there is any interest in purchasing that portion of the lot. The Crear's plan is to put the property on the market and wanted to give the City first option. Mayor Anderson is requesting approval from Council to meet with Mr. Crear and discuss more specifics. The Mayor said it is not a buildable lot and will ask Rolf Erickson, the City Assessor, what the current value is for that portion of the property. Council Member Kroll asked if the City has ever acquired property from a homeowner and how it would be paid for. Mayor Anderson stated it is green space and worth exploring but at this point financial aspects are premature since specifics are not known. Treasurer Skalla stated consideration should be given to how the property would be used or if the City would even want it before discussing a purchase. Council Member Taylor asked if a motion was needed to give the Mayor approval to obtain information. Planning and

Zoning Administrator Krier stated that the acquisition of property should follow according to statute and a motion is in order.

Motion was made by Council Member Bartel and seconded by Council Member Taylor to approve the Consent Agenda with the amended language to item number 6.4. With all members voting in favor, the motion carried.

7. Planning and Zoning

7.1. Consider Resolution 2012 – 40 Granting a Rear and Front Setback Variance – 2521 Woodbridge Road

Planning and Zoning Administrator Krier presented the requested action to adopt the Planning Commission recommended resolution for a variance at 2521 Woodbridge Road. A variance is required because without it the lot is not buildable. Although there is an existing house the new home would be slightly larger and is a much better plan for the neighboring residents. Resident Amy Anderson was present to answer questions.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to grant Resolution 2012-40 granting a rear setback variance of 23 feet from the required 40 feet to 17 feet and granting a front set back of 35 feet from the required 50 feet to 15 feet to allow removal of an existing home and construction of a new single family at 2521 Woodbridge Road to resident Amy Anderson. With all members voting in favor the motion carried.

7.2. Motion to Refer to Planning Commission to amend the ordinance relating to Wind Generators,

Planning and Zoning Administrator Krier stated this comes from another incident involving the court of appeals. The definitions section in our ordinance makes this much broader than the performance section. Planning and Zoning Administrator Krier stated they should match to create a rational basis for wind generators. If there ever was a challenge the rational basis would be in place to approve or deny such a request.

A motion was made by Council Member Bartel and seconded Council Member Taylor to refer the accessory use ordinance to the Planning Commission to amend the language relating to wind generators. With all members voting in favor the motion carried.

8. New Business

8.1. Motion to authorize Mayor Anderson to enter into an agreement with Metro Sales to establish a new copier lease and buy-out of the existing copier lease with Loffler. Nick McDermitt of Metro Sales summarized to Council a proposed copier lease and the efficiencies of the new machine. The lease and machine offered by Metro Sales will provide lower costs per copy, greater efficiencies, along with a lower cost maintenance agreement. Metro Sales proposes to buy-out the remainder of the City's maintenance agreement with Loffler for the present copier. Council Member Taylor asked how Metro Sales can afford to provide the services and buy-out the current agreement the City has with Loffler. Mr. McDermitt responded with the advances in technology this means less expense in machine operation and maintenance. A five-year lease provides a lower base rate and as technology improves there will be opportunity to upgrade.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to authorize Mayor Anderson to enter into an agreement with Metro Sales to establish a new copier lease and buy-out the existing copier lease with Loffler. This is with the assumption there will be not be incremental costs associated with the buyout. With all members voting in favor the motion carried.

8.2. **Prosecuting Attorney Contract Amendment** – Request for Increase and Change to Terms. Attorney Ken Potts has been on retainer with the City of Minnetonka Beach since 1998. He reviewed the process of prosecuting DUI's with Council and answered questions regarding cases. In 2008 the DUI's were few with 4 or 5 per year. This has steadily increased over the past few years from 7 to 14 cases. Hennepin County Court has mandated e-filing and e-charging which increased the time for his office to process the complaints. It saves paper but has become more time consuming for his office staff. Council Member Taylor inquired what other city case-loads have been. Attorney Potts responded that the cities of Orono had 79 cases so far this year and in 2009 there were 120 cases, Excelsior had 53 cases; the case-load varies from city to city. Attorney Potts is requesting an increase from \$250 a month to \$300 a month to compensate for the increase in the number of cases and time to process cases.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to amend the contract for prosecution services from \$250 per month to \$300 per month. With all members voting in favor the motion carried.

8.3. **LMCD Comprehensive Eurasian Watermilfoil and Curly-Leaf Pondweed Plan** – Dennis Klohs

Mayor Anderson gave a summary to Council regarding the LMCD Comprehensive Plan for chemical treatment of Aquatic Invasive Species (AIS), specifically Eurasian Watermilfoil and Curly-Leaf Pondweed. A five-year project to treat AIS has just finished for some area bays. It is very effective but must be an on-going treatment. Due to this study more money is required to continue the treatment. The amount of \$75,000 is under consideration as a tax levy to the 14 surrounding communities on Lake Minnetonka for 2014 in order to continue the expensive treatment program. This will be an on-going major expense which is only effective in closed bays. Mr. Klohs does not believe this is a good tax levy for the residents of Minnetonka Beach. He stated the LMCD does not have the financial resources or manpower to undertake such a project. Currently there are too many agencies and people involved in the project. This project is expensive and needs to proceed to a higher level. The Minnehaha Creek Watershed District (MCWD) has the funds and manpower to allocate to such a project.

Mayor Anderson thanked Mr. Klohs for the information on the LMCD's Comprehensive Plan. Mayor Anderson met with area Mayors who expressed the same concerns. The MCWD has the funding and Minnetonka Beach passed a resolution last November supporting the MCWD to pursue this type of project. Another concern is that Lafayette Bay and Crystal Bay are not on the list for treatment. If they are not going to harvest milfoil, rather use chemicals which would be less expensive there should be funding left over. This creates the question of why there is a need to levy \$75,000.

Planning and Zoning Administrator Krier relayed to Council that there are two things to consider. The first is that Lake Minnetonka is a regional resource and secondly the Met Council should take some responsibility for this regional resource or even the DNR at the State level.

Mr. Klohs said he read a letter from a lake association located in northern Minnesota. The letter stated they are watching closely what happens in this situation because the action taken will be a footprint as to how other communities will approach similar proposals. It is difficult to determine who should lead, who has the control, and who follows.

Mayor Anderson has a response letter written to the LMCD regarding their Public Hearing on Wednesday, December 12. Council reviewed and amended the letter which will be sent on Tuesday, November 11 to the LMCD.

Motion was made by Council Member Taylor and seconded by Council Member Bartel to send the letter to the Lake Minnetonka Conservation District as amended. With all members voting in favor the motion carried.

9. Old Business

9.1. Ordinance No. 88, 2nd Series, Amending 2013 Fee Schedule and Resolution 2012 – 43

Authorizing Summary Publication

City Administrator Griffin told Council the fee schedule is reviewed and approved annually by ordinance, and a summary publication is requested due to the length of the ordinance.

A motion was made by Council Member Bartel and seconded Council Member Kroll to approve Ordinance No. 88, 2nd Series, amending the 2013 Fee Schedule and Resolution 2012-43 authorizing summary publication. With all members voting in favor the motion carried.

9.2. Resolution 2012 – 44 Adopt 2013 Budget and Tax Levy

A motion was made by Council Member Taylor and seconded by Council Member Bartel to adopt the 2013 budget of \$1,138,583.36 and affirms that the following sums of money be raised by tax in 2013 upon the taxable property tax levy certification of \$795,820.66. Of this amount, \$170,327.85 is levied for GO bond debt (principal and interest), and \$625,492.81 is levied for general property tax.

9.3. Resolution 2012 – 45 Authorizing Partial Bond Payment from Water Revenues

A motion was made by Council Member Bartel and seconded by Council Member Taylor that the City will use water revenue funds to pay \$45,189.90 of the scheduled total debt levy of \$215,517.75 leaving \$170,327.85 for Minnetonka Beach's bond payments for 2013.

10. Treasurer's Report

10.1. Approve Checks

Council reviewed the expenditures for the month of November 2012.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to authorize check numbers 13682 through 13725 in the amount of \$ 46,745.62. With all members voting in favor the motion carried.

10.2. Year to Date Budget Report

Treasurer Skalla reported the year is on track. City Administrator Griffin pointed out that the property taxes collected are short from the projected due to some taxes that have not been collected and are delinquent.

10.3. Motion to authorize payment of 2012 invoices received between December 10-31, 2012

A motion was made by Council Member Taylor and seconded by Council Member Bartel to authorize payment of invoices received between December 10 through 31, 2012. With all members voting in favor the motion carried.

City Administrator Griffin told Council that infrastructure repair and maintenance at the Xcel Energy plants is the reason for rate increases.

Staff Reports

10.4. City Clerk Tiegs-Roussell reviewed the Park Commission Forum minutes.

10.5. Administrator's Report - None

11. Council Reports

11.1. Mayor's Report – None

11.2. Liaison Reports – Council Member Taylor relayed that the Mound Fire Department reviewed their annual budget. Currently there are no big issues. Currently there is exploration of an arrangement with St. Bonifacious Fire Department having Mound be the first responder for their daytime fires due to the rural location and member location during the work day.

11.3. Park Commission Public Forum minutes were given to Council to review resident input regarding the Arcola boat landing proposed improvements by David Boschwitz, who is in the process of earning his Eagle Scout Badge.

12. Adjourn

Motion was made by Council Member Taylor and seconded by Council Member Bartel to adjourn the meeting at 9:05 p.m. With all members voting in favor the motion carried.

Diane Tiegs-Roussell, City Clerk