

Thursday, December 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, and City Engineer Darren Amundsen

Guests: Officer Kyle Kirschner and Xerxes – Orono Police Department

- 1. Mayor Pro Tem Lindstrom called the meeting to order at 7:00 p.m.**
- 2. Clerk Honey led the Pledge of Allegiance.**
- 3. Approve Agenda for the December 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. Council Study Session of November 13, 2018

A motion was made by Council Member Bartel and seconded by Council Member Kozloski to approve the November 13, 2018 Council Study Session meeting minutes. With all members voting in favor, the motion carried.

- 4.2. Regular Meeting of November 13, 2018

A motion was made by Council Member Myers and seconded by Council Member Bartel to approve the November 13, 2018 Regular City Council meeting minutes. With all members voting in favor, the motion carried.

- 4.3. Truth in Taxation Hearing of December 3, 2018

A motion was made by Council Member Bartel and seconded by Council Member Kozloski to approve the Truth in Taxation Hearing of December 3, 2018 meeting minutes. Members voting in favor: Bartel and Kozloski. Abstained: Myers (he did not attend the meeting). The motion carried.

- 5. Open Forum - no discussion**

- 6. Recognition of Out Going Park Commissioners: Diane Rogers and Betsy Taylor**

Mayor Pro Tem Lindstrom thanked Commissioner Rogers for her service on the Park Commission, loving the trees and the city, and trying to make the city more beautiful through her work. She went on to say that Commissioner Rogers made a difference in the community and the community noticed.

Mayor Pro Tem Lindstrom then stated that nobody can match Commissioner Taylor's enthusiasm for her work on the Park Commission and the Civic Committee. Her work was done with kindness, love, caring and good will for all. She thanked her on behalf of the community and wished her the best and stated that she will be greatly missed.

7. Police Report

7.1. Police Report – November 2018

Officer Kyle Kirschner introduced Xerxes who is a trained therapy dog donated from Can Do Canines Assistant Dogs. He is used to reinforce positive police contact with the community and for mental health and medical calls. Requests for contact with Xerxes can be made through the Orono Police Department. He then reviewed the November police report consisting of 10 calls for service including a carbon monoxide detector, a mental health assist that was a visitor, and a criminal sexual conduct that was a juvenile case which is now an inactive, cleared out report. There have been coyote sightings but there have been no reports of injury or animals missing.

8. Staff/Commission Reports

8.1. Public Works Superintendent Brian Berent Update

Berent completed leaf pick. He met with the Long Lake Fire Chief and discussed water supply for upcoming watermain improvements. Berent will be in contact with him regarding road closures with the construction activities. The skating rink is still being made. He has put 75,000-85,000 gallons on it so far but the weather is not cooperating for opening it this weekend. Many other cities rinks are not close to being open. Berent refurbished the event sign. Magney is scheduled to do the water plant repairs addressing the immediate safety and security concerns Council agreed that the city can cut the check and hold it until the repairs are complete, so the payment is out of 2018 funds. He received information from Stevens Well Drilling that the well pumps were replaced in 2006 (pump #1) and 2012 (pump #2). Electrical components were checked and there were no issues. They recommended not pulling them at this time. They should be pulled approximately every 10 years for inspection. The cost to replace a pump with all components is \$18,000.

8.2. City Engineer Darren Amundsen

8.2.1. 2019 Infrastructure Improvements – Design and Construction Services Proposal

Amundsen discussed the 2019 Infrastructure Improvements Design and Construction Services Proposal in the packet. It was modeled after the previous agreement for infrastructure improvements. He stated that this is not structured the same as the current Master Service Agreement. The \$299,975 estimated engineering fee represents 16% of the projected estimated construction costs and will be adjusted to actual costs. Amundsen then explained engineering costs for MNDOT projects are 25%, county projects are 20%, and city projects are usually 20%.

Amundsen discussed easements and the timing of the project. Stantec acts as representative of the city for the project. Council discussed an hourly fee under the Master Services Agreement instead of paying a percentage of construction costs. Council discussed benchmarking engineering costs with other cities and issues with delaying the project one month. They agreed that Amundsen should continue working on it while they research the percentage or hourly rate.

A motion was made by Council Member Myers and seconded by Council Member Kozloski to approve Amundsen, within the next 30 days, to spend up to \$30,000 to continue working on the project and allow council to research and compare to other cities benchmarks to make a decision to either go with an hourly rate or go with a percentage based fee rate and that amount would

either be paid at the hourly rate or deducted from the overall fee if a percentage depending on what Council decides at the next city council meeting. With all members voting in favor, the motion carried.

When benchmarking with three or four other cities, Griffin will refer to it as a general city funded reconstruction project. Prior to the next council meeting, Howarth will meet with Amundsen to discuss the parameters of the contract. Howarth then asked for clarification on #9 on page 16 regarding relocation of water lines. Amundsen explained that 13 homes on Arcola Lane will need to move their water service from one side of the house to the other because current lines are being abandoned. Stantec needs to know where those water services are going to be located. Those residents will need to hire a private contractor to move their private water service from their home to the main, which is the same process as last time. Kozloski thought the process was different on Northview. The cost is approximately \$5,000 to 10,000 per household. If the city paid for moving the private water service, it would affect the cost of the project. Council would like a copy of the letter, resolution and minutes to understand the conversation last time. Council asked to add this discussion to the January meeting. Council asked Amundsen to include the cost of this work as an addendum to his bid.

8.2.2. Revised Local Surface Water Management Plan

Amundsen stated that ten years ago, phosphorous reduction was mandatory in the program. The community met the phosphorus reduction requirements with its leaf pickup program. The watershed district is not requiring the phosphorus reduction this time. Reviewing agencies would like a more specific implementation plan for the next ten years. The city's response is that Lafayette Road and Beach Lane projects are planned for 2019, and that the city is initiating a pavement management program. A storm sewer management plan is likely to follow.

A motion was made by Council Member Kozloski and seconded by Council Member Bartel to approve the Revised Local Surface Water Management Plan and direct staff to submit the revised plan to the Minnehaha Creek Watershed District and the Metropolitan Council. With all members voting in favor, the motion carried.

9. Public Hearing – Planning and Zoning

9.1. Interim Ordinance No. 120, 2nd Series, Moratorium on Variance and Building Permit Applications Utilizing Green Roof Credits to Meet Impervious Surface Requirements

Lindstrom opened the hearing at 8:27 pm which was tabled from the November 13, 2018 Council meeting. Bartel explained that the main concern is that if there are no controls over green roofs, people could get a 50% reduction in hardcover and potentially build a very large home. The Planning Commission asked for the moratorium to study the issue for up to a year.

Susan Enlow added that definitions regarding green roofs are needed in the zoning code.

Resident Nell Mathews, 2643 Arcola Lane, stated that the city operates on principles and limits hardcover to 30% based on the Comprehensive Plan. This may be a move away from the principles of protecting green space, open space, privacy and the lake as articulated in the Comprehensive Plan.

A motion was made by Council Member Bartel and seconded by Council Member Kozloski to close the public hearing. With all members voting in favor, the motion carried.

Lindstrom closed the public hearing at 8:30 pm.

Council then discussed the issue. Myers asked if there is new technology the city needs to prepare for. Amundsen stated that green roofs are an acceptable stormwater technology for best management practice (BMP) for certain aspects but they do allow large homes to be built which is the concern. He agrees that the code needs to be updated. Council discussed the length of the proposed moratorium and that it should be a priority for the Planning Commission.

A motion was made by Council Member Bartel and seconded by Council Member Myers to approve Interim Ordinance No. 120, 2nd Series, An Interim Ordinance to Establish a Study Period and Moratorium for a Period Up to One Year on Applications for Building Permits or Variances Relying on Green Roof Credits to Meet the Impervious Surface Coverage Standards in the City Zoning Code within the City of Minnetonka Beach, MN. With all members voting in favor, the motion carried.

10. Consent Agenda

- 10.1. Fire Report – November
- 10.2. **Resolution 2018 – 45** Designating Polling Place for Elections
- 10.3. **Resolution 2018 – 46** 2019 Council Meeting Dates
- 10.4. 2019 LMCD Multiple Dock License Application Without Change
- 10.5. Employee Benefits Addendum for 2019
- 10.6. Contract for Zoning Services Pending Legal Review – Stantec
- 10.7. **Resolution 2018 – 47 & Resolution 2018 - 50** Appoint Jody Sperduto & Katie Norman to Park Commission
- 10.8. Planning Commission Recommended Speed Bumps – 1937 Beach Lane, 2520 Arcola Lane
- 10.9. **Resolution 2018 – 48** -Process for Filling Council Vacancy

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.

11. Old Business

11.1. Amend 2019-2023 Capital Improvement Program

Howarth reviewed changes to the proposed 2019-2023 CIP that were discussed at the December 4, 2018 meeting by line item. The following amendments were proposed for 2019:

- Line 6: Eliminated \$20,000 for library repairs because the Park Commission will absorb the costs in their regular budget.
- Line 10. Added \$63,805 for the Northview Wall because it was budgeted for 2018 but work was not completed. An additional \$21,195 will be funded from unused 2018 CIP Reserves.
- Line 15: Eliminated \$5,000 for speed bumps because no new speed bumps are requested.
- Line 33: Added \$25,000 for Water Plant upgrades.

A motion was made by Council Member Bartel and seconded by Council Member Kozloski to approve the amended 2019-2023 Capital Improvement Program budget with \$223,805 for 2019. With all members voting in favor, the motion carried.

A motion was made by Council Member Kozloski and seconded by Council Member Myers to transfer funds from the Capital Reserve fund (unused 2018 Capital funds) to pay for part of the

2019 Capital Improvement Program (\$21,195). With all members voting in favor, the motion carried.

11.2. **Resolution 2018 – 49 – 2019 Final Budget and Tax Levy**

The Truth in Taxation meeting held on December 3, 2018 was continued to this meeting. Howarth stated no adjustments are proposed from the December 3, 2018 meeting. The final budget represents a 3% tax increase to residents.

A motion was made by Council Member Myers and seconded by Council Member Bartel to adopt Resolution 2018-49 adopting a 2019 final budget of \$1,410,270.08 and affirms that the following sums of money be raised by tax in 2019 upon the taxable property tax levy certification of \$1,015,932.45. Of this amount, \$116,712.75 is levied for GO bond debt (principal and interest), and \$899,219.70 is levied for general property tax. With all members voting in favor, the motion carried.

12. Treasurer's Report

12.1. Approve Checks: December 2018

A motion was made by Council Member Bartel and seconded by Council Member Kozloski to approve 46 checks numbered 17011 through 17056 in the amount of \$59,843.62 for December 2018 expenses. With all members voting in favor, the motion carried.

12.2. YTD Budget, Prior Year Comparison report, Outstanding AR – receive and file
Howarth stated there may be a few adjustments prior to the end of the year. Bills will be paid between now and the end of the year.

12.3. Outstanding Accounts Receivable Report - receive and file

A motion was made by Council Member Bartel and seconded by Council Member Kozloski to authorize staff to pay 2018 invoices received between December 14 and 31, 2018 to be approved at the January 2019 Council meeting. With all members voting in favor, the motion carried.

13. Action Notes and Staff Reports

13.1. Council Meeting Action Notes

Griffin reviewed the Action Notes. The condition of the west Northview wall was discussed at the Truth in Taxation meeting. Kozloski asked that Amundsen to get a separate bid for the other Northview wall when he gets bids in the spring. Griffin stated that would be a separate proposal that Amundsen would bring back to council.

A motion was made by Council Member Kozloski and seconded by Council Member Bartel to direct City Engineer Amundsen to investigate repair of the other Northview wall. With all members voting in favor, the motion carried.

Lindstrom stated that the Pottebaum's are hoping for resolution of their accessible dock access request without council intervention. They have not yet submitted a written request.

Griffin stated that Mayor Taylor approved for City Hall to close at noon on December 24, 2018. Staff will use vacation time for other half of day.

A motion was made by Council Member Myers and seconded by Council Member Kozloski to allow City Hall to be closed on December 24 as a paid holiday. With all members voting in favor, the motion carried.

Griffin would like to recognize the outgoing elected officials at the January 14, 2019 council meeting and invited everyone to attend.

Howarth stated that the Utilities Commission asked the Finance Committee to conduct financial analysis of their recommendations. There have been discussions with Bruce Kimmel from Ehlers, Engineer Amundsen and Griffin. Howarth hopes to have cost scenarios for Council in January.

13.2. Clerk's Report

Honey stated that state law requires each Board of Appeal and Equalization meeting have a voting member who has completed the MN Department of Revenue training course. She sent the online training information to Susan Enlow, Steve Howarth and Andrew Myers. The city needs at least one trained member before February 1, 2019 but prefers two. Susan Enlow and Howarth agreed to do the training.

13.3. Administrator's Report

Administrator Griffin discussed that she is working with Stantec on completing updates to the Comprehensive Plan for council to approve at the January meeting for submission to the Met Council. She met with new treasurer, Chris Zinn. She is also working on orientation for new council members and a League of MN Cities training. Griffin emailed council the update on the home with the hazardous condition violating the city's nuisance ordinance. The judge granted the city's motion for default judgement which authorizes the city and its contractors to enter on to the property and abate the hazardous conditions. There are specific parameters for the work to be done. Law enforcement will be involved. The city can assess property taxes for the expenses.

13. Council Reports

13.1. Mayor's Report:

Mayor Pro Tem Lindstrom stated Mayor Taylor will recognize outgoing council members on January 14. The swearing in of newly elected and the appointment of the new member will take place at that meeting. She is being sworn in January 7, 2019 because the current mayor's term ends on January 7. She handled the transfer of fire services from Mound Fire to Long Lake Fire with Administrator Griffin's assistance. Tea and Toddlers was well attended and Lindstrom stated that the residents are very grateful to Civic for all of their hard work.

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

Amundsen, Lindstrom, and Griffin met with the cities of Orono, Mound, Minnetrista and Tonka Bay about a regional water plan. The cities agree that being in the water supply business is getting more expensive and water rates are increasing. Each city is operating and planning for themselves and not the surrounding cities. Tonka Bay was anticipating very large increases in water rates.

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

The meeting adjourned at 9:23 pm.

PUBLIC IN ATTENDANCE – The following people signed the attendance sheet: Sue Kozloski, Chris Zinn, Joe Pagano, Dave Rogers, Diane Rogers, Betsy Taylor, Susan Enlow, Nell Mathews, Jeff Steinke.
Not signed in:

Respectfully submitted,

Heidi Honey, City Clerk