

**CITY OF MINNETONKA BEACH
CITY COUNCIL MEETING MINUTES**
August 11, 2014 7:00 PM

Roll Call: Mayor Joann Anderson, Council Members: Jill Bartel, Jaci Lindstrom, Rick Skalla, and Treasurer Randy Gilster

Absent: Council Member Mike Taylor

Staff Present: City Administrator Susanne Griffin; City Clerk Diane Tiegs; Planning and Zoning Administrator Richard Krier

Guests: Orono Police Officer Scott Boris, Three Rivers Park District (TRPD) Superintendent Boe Carlson, TRPD Commissioner Penny Steele, TRPD Chief Hugo McPhee, Lake Minnetonka Conservation District (LMCD) Executive Director Grey Nybeck, Hennepin County Step To It Representative Anne Nelson

1. Mayor Anderson called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance was led by City Clerk Tiegs

3. Approve Agenda

Council Member Skalla requested removal of Item No. 13.3, Civic Committee Meetings from the agenda.

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

- 3.1. Council Meeting Action Notes – Council Member Lindstrom noticed that the item regarding an ordinance for tobacco free parks was removed from the list. After discussion, Council decided to put the item back on the Action Item list. She also noted that the SWPPP implementation was removed and City Administrator Griffin said if no action is taken at tonight’s meeting this will be placed back on the list.

4. Approve Minutes

- 4.1. Regular Meeting of July 1, 2014

A motion was made by Council Member Skalla and seconded by Council Member Bartel to approve the meeting minutes of July 1, 2014 as amended. With all members voting in favor, the motion carried.

5. Open Forum

Resident Diane Rogers, a previous Park Commissioner, addressed the Council regarding the neglected and unkempt appearance of the “Welcome to Minnetonka Beach” sign, the parks, boulevards, and public spaces. During her time serving on the Park Commission, the annual Park Commission budget was 3.7 percent of the total budget. The current Park Commission budget is 1.40, percent which is a significant difference. Diane Rogers submitted pictures taken around the community illustrating the deterioration

of different areas. She stated this does not present a good picture of Minnetonka Beach. There are retaining walls deteriorating, street pavement is deteriorating, the Minnetonka Beach sign and gardens have not been maintained (dead tree, three large pine trees need to come down, and remaining trees have suckers all over them) and the boulevards need a lot of work.

Mrs. Rogers said that the City needs to be careful when storing wood chips and wood. Davy Tree incinerates 90 percent of the trees they remove to hinder the spreading of disease. Public Works Director Young is only one person and should have some permanent help. The Park Commission needs to hear from Council and their expectations. The Park Commission needs a larger budget to address the deterioration and maintenance projects. The City needs to hire a professional paving company to help develop a plan to repair the City streets in an organized fashion.

Council Member Bartel replied perhaps the best place to start is the Park Commission. Mayor Anderson suggested Diane Rogers attend the next regular Park Commission meeting and express her concerns. Public Works Director Young said the road deterioration is from the new home construction and the large trucks on the narrow streets. City Clerk Tiegs will invite Diane Rogers to the next Park Commission meeting and Council is referring the concerns to the Park Commission to request a plan of action.

6. Guest Speakers

6.1. Penny Steele, Three Rivers Park District Commissioner

TRPD Commissioner Steele recognized the newly appointed TRPD Superintendent Boe Carlson. She told Council to contact her if there are issues that need to be addressed. Mayor Anderson stated her appreciation to Commissioner Steele regarding the trail user article. Council Member Lindstrom inquired about replacing Boe Carlson's previous position of Associate Superintendent. Superintendent Carlson told Council that currently there is some reorganization in progress, a previously eliminated position of Regional Trail Manager has been brought back. The new hire, Danny McCullough, will attend the September Council meeting. Superintendent Carlson assured that there would be no change or disruption in service.

TRPD Chief Hugo McPhee reported on the trail police saturations planned for June through September as follows: June 4, 25; July 6, 23, 26; August 12, 13; and September 20. Results for the saturations already held were mostly educational contacts, and one accident at a driveway in Minnetonka Beach resulted in a citation.

TRPD Superintendent Carlson provided an update on the bench requested for the Margaret Dahl Library. The maintenance supervisor has reviewed a location for the bench which will be installed this week. Superintendent Carlson suggested a possible Eagle Scout project would be to landscape the area around the bench. The bench is not cemented for easy relocation if needed and is made of recycled materials.

6.2. Greg Nybeck, Executive Director – LMCD

Executive Director Greg Nybeck introduced himself to Council. He is willing to come on an annual basis or as needed to provide LMCD updates. He provided a budget handout for Council review. Council Member Skalla asked about the high percentage of administrative costs budgeted compared to the rest of the budget. Council Member Skalla also inquired if the LMCD is working with other departments and districts to make the most use of available funds. Executive Director Nybeck replied the LMCD works to keep costs in check by working with other entities such as the MCWD, TRPD, and others. The LMCD administration costs include many administrative

programs such as licensing, permits, and code enforcement programs. Mr. Nybeck spoke about AIS management and the changes to the LMCD Commercial Marina Code.

7. Recognition

7.1. City of Minnetonka Beach – Step To It Most Active Residents Award for Minnetonka Beach

Anne Nelson, Community Health Specialist for Hennepin County presented the “Most Active Residents Award” to Minnetonka Beach. Mayor Anderson and City Clerk Tiegs accepted the award.

8. Police Report

8.1. Police Report – July

Orono Police Sergeant Boris reviewed the July incident report and answered Council questions. Council Member Skalla asked about the two vehicle accident at CSAH 15 and Lafayette Road. Sergeant Boris will report back to Council with details about the incident. One officer may be leaving and the Orono Police Department will begin the hiring process. Sergeant Boris extended condolences to our community for the accident resulting in the loss of Diane Meder on Arcola Lane. Council Member Bartel relayed a theft at her home of a kayak was just discovered. She inquired if there have there been incidences of theft along the lake. Sergeant Boris stated there have been some reported thefts.

Mayor recognized resident Helen Lindsay and apologized for not having her address the Council during the open forum. Helen Lindsay addressed Council about maintaining open spaces in the City of Minnetonka Beach. She is shocked by the building permit approval of the three houses along Lafayette Road by the beach. Mrs. Lindsay believes some of the flooding issues are due to the increased size of new homes being constructed, along with the height of the grading allowed. Minnetonka Beach is unique and by allowing lots to be split the unique elements are being lost.

Mayor Anderson stated a Minnesota State Statute was changed three years ago which made the three lots on Lafayette Road buildable. There are other lots in Minnetonka Beach that meet the requirements of the statue but the City has not received any requests to split or build on those properties. The City Code of Ordinances was followed for this project and no variances were required for the three homes. Mrs. Lindsay stated that the cities of Minnetrista and Maple Plain are protesting this use of the land. Minnetonka Beach has not done anything to stop this. The City Mission Statement of respecting heritage is not the direction the community is headed.

Mrs. Lindsay has a complaint about the Planning and Zoning Administrator. She stated he came to her property when a landscaper was repairing a wall due to the heavy rains. She said P & Z Administrator Krier was speaking very rudely to the contractor without reason. She inquired what exactly his authority is and felt his behavior was unwarranted.

Dakota Regional Trail – Three Rivers Park District Representative – Boe Carlson (see above).

9. Consent Agenda

9.1. Fire Report – July

9.2. **Resolution 2014 – 26** – Consider Re-Appointing Jody Sperduto to Park Commission

9.3. **Resolution 2014 – 27** – Consider Appointing Dan Forbes to Park Commission

9.4. **Resolution 2014 – 28** – Set Truth in Taxation Hearing for December 8, 2014

9.5. **Resolution 2014 - 29** – Dock Permit Application – Corey Uchtman

- 9.6. **Resolution 2014 – 30** – Consider Re-Appointing Jeff Steinke to Planning Commission
- 9.7. **Resolution 2014 – 31** – Consider Re-Appointing Max Hacker to Planning Commission

Dan Forbes addressed Council stating his willingness to serve on the Park Commission. Council Members appreciate his volunteerism.

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

10. Treasurer's Report

- 10.1. Consider Motions to Approve Checks for Pre-authorized Remainder of July and August Checks.

A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to approve the 27 checks for July dated July 9th through 17th, check numbers 14542 through 14568 in the amount of \$33,854.76. With all members voting in favor the motion carried.

A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to approve the 37 checks dated August 11th, check numbers 14569 through 14605 in the amount of \$59,867.86. With all members voting in favor the motion carried.

- 10.2. YTD Budget Report and Previous Year Comparison Report
Treasurer Gilster reported to Council that revenues are up and expenses are down. The primary contributors are the building and dock permit fees. Water revenue is down overall due to the rains earlier in the year. Expenses are in line with budget expectations.

11. Planning and Zoning

- 11.1. Planning Commission Recommended Work Program
Planning and Zoning (P & Z) Administrator Krier developed a two year work program which has been recommended for approval by the Planning Commission, and is requesting Council approval. The Planning Commission also recommended that the City Council fund the work program. Planning and Zoning Administrator Krier answered questions regarding the proposed two-year work program. Council Member Skalla asked what the City Staff and professional fees would amount to. P & Z Administrator Krier stated he does not know due to the requirements handed down by the Watershed District and is not able to project engineering costs. Staff will be required to coordinate and take meeting minutes. This was referred to the Planning Commission by the Council. The work program does not reflect future issues sent to the Planning Commission.

A motion was made by Council Member Skalla and seconded by Council Member Lindstrom to approve the two year Planning Commission work program for 2014, 2015 and 2016. With all members voting in favor, the motion carried.

12. Old Business

- 12.1. Proposal for Feasibility Study for County Road 15 Crossing – Darren Amundsen
City Engineer Amundsen presented details for a feasibility study on different styles of pedestrian crossings. Engineer Amundsen advised Council the HAWK system may not be a possible option due to the location and traffic. The feasibility study includes counting cars, pedestrians, and car spacing. Stantec has technology that will record the CSAH 15 corridor for 24 hours. The count

will be very accurate. Resident Nell Matthews is concerned the pedestrian counts will indicate that there are not enough residents to use the HAWK pedestrian crossing because of our low population.

Mayor Anderson stated a feasibility study is needed for Hennepin County funding consideration. P & Z Administrator Krier met with Hennepin County contacts to discuss the possibility that a HAWK system would become a reality in Minnetonka Beach. P & Z Administrator Krier said this meeting resulted in a verbal agreement that Hennepin County would fund a HAWK pedestrian crossing. If this crossing was installed, the City would be responsible for pedestrian walk ways to access the crossing. This would be a cost to the City of approximately \$50,000.

Council Member Skalla referred to a safe crossing feasibility study that was done back in 2009-2010. At that time several alternatives were studied; a bridge, tunnel, and a raised projected at grade crossing. It was costly and met with opposition from many residents concerned with trail users wandering the residential area on Lafayette Point. Council Member Skalla would like to have a public forum before approving an \$11,800 expenditure on a study to allow all residents to express their viewpoint whether support or concerns. There were two public forums just to discuss a park bench on the trail and the crossing is a much larger issue. The citizens deserve the opportunity to weigh in on the project. If the safe crossing has community support it would be prudent to move forward. Council Member Skalla does not want this project moved forward unless all citizens are allowed to voice their viewpoint and the issue has transparency.

Mayor Anderson responded that a public hearing notice was published to consider the 2015 - 2019 Capital Improvement Program (CIP) at the Planning Commission meeting which included the safe crossing. She does not have a problem having another public hearing but feels that the same residents attending the meeting tonight will be the same residents attending another public hearing.

Resident Jodi Schwendimann asked Council Member Skalla what the reason is for a hearing, is it to have residents say it is safe to cross CSAH 15, to get negative feedback, or say they do not want their tax dollars spent on a safe crossing? Minnetonka Beach boasts about the community and civic events. The Civic sponsored Monday Funday is a wonderful summer activity for the children but if you choose to cross CSAH 15 by something other than a car you are risking your life because it is so dangerous. Why do we boast of this community that is completely separated by a road that is not safe to cross? She stated she has never heard a resident say that it is safe to walk across CSAH 15. Safety should be the number one concern for our residents.

Council Member Skalla stated that safety is important but it is not the only issue. There are 230 households in Minnetonka Beach that have their own opinions. He believes a majority of the residents do not know that a pedestrian crossing is again in discussion. Council Member Skalla stated that there were Planning Commissioners that did not know the pedestrian crossing was again being discussed. He stated that says something is broken in the communication process that needs to be fixed. We need to discuss a process, publish the facts about the process and then move forward.

Resident Nell Matthews said there was already a published notice for a public hearing on the CIP at the last Planning Commission meeting and the crossing was kept on the CIP and recommended to the Council. What possible additional process is needed? This just slows down government if we change the process.

Council Member Skalla said there should be a public hearing so the rest of the community can voice their opinion. The crossing will cost the City money and currently there are many infrastructure projects on the CIP that need to be addressed.

Council Member Bartel stated after doing this study there would be a public hearing. The study will consider the winding road, the public needs, and if the HAWK pedestrian crossing is even applicable. Council and residents need to have all the facts first and then a public hearing would be held. Council Member Lindstrom stated she respectfully disagrees with Council Member Skalla and firmly believes there should be a feasibility study, have Stantec record the traffic results, have the public forum, and then Council can make a decision whether or not to keep this on the CIP.

Mayor Anderson stated that the demographics have changed since the last study and there are many young families now residing in the Beach. Mayor Anderson asked if the feasibility study was narrowed to just the HAWK system specifically would the study cost less. City Engineer Amundsen stated that by doing a more focused approach, the cost for the study to the City would be less. Mayor Anderson asked if P & Z Administrator Krier could get a written statement from Hennepin County that they are willing to fund the HAWK system project if feasible. He stated that there is a commitment from the top people at Hennepin County and their intentions are valid.

Council Member Taylor was unable to attend the meeting so an email was sent to address the potential crossing for CSAH 15 which stated the following:

First let me say that I, like many council members before me, have viewed the lack of a safe crossing of some kind a huge safety risk for our residents, and especially our children. Though there have been many fits and starts over the almost 20 years I have lived here, there has yet to be a viable (technically, financially, politically) option available. While I still support a crossing, I think the path agreed to at the last council meeting is a prudent one – let's hire to have a feasibility study done first. We can still put some amount of money in the capital budget in 2015 to cover implementation, as late as September so let's get on it.

If it appears there is a feasible solution (technically, financially, politically), then let's do it. If financial viability requires support (\$) from those who want it most, then maybe we ask for fundraising help. Lastly on this point, I know staff and a few residents have done some exploration of the possible options to aid in the discussion the council will ultimately use, to make a decision, with transparency to all about how and why. I applaud that effort; I think it's their job to do that legwork for us. What I cannot support is paying a consultant to analyze options that we know will be DOA so the bridge and tunnel (both of which I previously supported) when it was not "Beach" taxpayer \$ are off the table for me.

Council Member Bartel requests that a page in the Beachcomber describing the HAWK crossing system, along with an action plan and sidewalk access are published when the information becomes available to keep residents informed. If the study determines a HAWK system is not going to work, the crossing issue is dead because Hennepin County will not fund a tunnel or bridge.

After discussion and further consideration Mayor Anderson called for a motion.

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to authorize Stantec to proceed with the feasibility study for the HAWK pedestrian crossing in the amount of \$10,300. An information page in the Beachcomber and on the Website to be published

that outlines the study and timeline of action items along with the estimated costs for the sidewalks required. With Council Members Bartel and Lindstrom voting in favor and Council Member Skalla against, the motion carried.

12.2. Proposal for SWPPP Implementation – Stantec

City Administrator Griffin reviewed the memo for MS4 Implementation. Minnetonka Beach was granted an extension of Municipal Separate Storm Sewer System (MSF4) General Permit coverage by the MN Pollution Control Agency. The City has one year to complete the implementation items identified in their approved Storm Water Pollution Prevention Program (SWPPP). City Administrator Griffin met with Engineer Amundsen and Brad Schleeter of Stantec to review the task list. Some of the tasks include ordinance amendments to the City Code of Ordinances which requires the Planning commission to hold public hearings. City Engineer Amundsen confirmed the City Staff will do some of the work MS4 Implementation to lower the cost. Staff would include public education articles in mailings and newsletters along with meeting with the watershed district for assistance with some of the components. The cost to have Stantec implement the tasks associated with the new MS4 Permit would be \$8,700.00

A motion was made by Council Member Skalla and seconded by council Member Bartel to approve the MS4/SWPPP Implementation proposal from Stantec not to exceed \$8,700. With all members voting in favor, the motion carried.

A motion was made by Council Member Skalla and seconded by Council Member Lindstrom to add the MS4 implementation of City Code changes to the work plan for Planning and Zoning. With all members voting in favor, the motion carried.

12.3. Consider Stormwater Drainage Policy Recommendations – Krier/Amundsen

Mayor Anderson referred to the summary of the Stormwater work study held on July 28, 2014. Council reviewed the information that was included in the meeting packet.

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to refer the attached storm water consensus and priority system to the Planning Commission for an amendment to the Comprehensive Plan. With all members voting in favor the motion carried.

13. New Business

13.1. **Planning Commission Candidates** – Mike Palm and Ryan Neslund

Planning Commission Candidate Mike Palm addressed the Council regarding his qualifications to serve on the Planning Commission. Mr. Palm has attended recent Planning Commission and Council Meetings to bring himself up to date on current issues. He also reviewed the community after heavy rains to observe the storm water drainage. Mr. Palm stated he has an understanding of setbacks, variances, and a vast knowledge of real estate which would help in making Planning Commission decisions.

Mayor Anderson stated both applicants to the Planning Commission are very qualified to serve. Council Members discussed the applicants and agreed to appoint Mike Palm as the new Planning Commissioner.

13.2. **Resolution 2014 – 32** – Planning Commission Appointment

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to appoint Mike Palm as the new Planning Commissioner. With all members voting in favor the motion carried.

Council asked City Administrator Griffin to call and notify Ryan Neslund of the Planning Commission selection and ask Mr. Neslund if he would be interested in serving on the Utility or Finance Committees.

13.3. **Civic Committee Meetings** – Council Member Skalla requested this item be removed from the agenda.

14. Staff Reports – 9:15

14.1. Public Works Director Young reported the camera was run through the sewer lines. The camera indicated there are leaks, sags in the pipes, and the 8-inch pipe is going flat. The lines are okay for now but future planning needs to be in place so in future years funds are available for replacement. The final report will be received in two weeks. The report will have to be reviewed to determine the when the leaks will be repaired.

Stormwater drainage issue regarding a resident's sump pump at the Haag residence on 2301 Lafayette Road that is draining on Palm Lane and running water to the road then in turn runs onto a neighbor's yard. Public Works Director Young has placed a sand bag on the neighbor's yard but now the water is sitting on the road.

P & Z Administrator Krier relayed the resident at 2301 Lafayette extended the driveway 16 inches further than what was approved and that has caused this issue. According to the City Policy, if water is draining from private property to public property the issue must be resolved by the resident. The sump pump should not drain into the storm sewer during the winter because that will cause freezing. Public Works Director Young said the sump pump water should flow across the grass of the owner's property allowing the water to drain naturally. He also recommended a catch basin at the neighbor's property on Palm Lane or having the resident move the driveway could resolve the issue.

Council Member Skalla asked how this issue relates to the current City Policy. Public infrastructure damage caused by a resident is the responsibility of the resident to remedy. Public Works Director Young suggests changing the location of the sump pump discharge and possibly installing a catch basin. This is a practical solution and the catch basin would cost \$2,300 to install. The catch basin should be carefully considered due to the cost and the precedence that would be set.

Council Member Lindstrom agrees that the resident should fix his problem. He is causing the issue and should manage it. Council Member Skalla said staff should have a conversation with Jim Haag and send a letter outlining the situation and City Policy.

A motion was made by Council Member Skalla and seconded by Council Member Lindstrom to direct Staff to send a letter to the resident regarding water draining on public infrastructure from his property and to include a copy of the recently adopted policy. With all members voting in favor, the motion carried.

14.2. City Clerk Tiegs provided an update on implementing auto-pay for utility bills. She will be speaking with First National Bank after the Primary Election. The Primary Election is tomorrow August 12. The polls will be open from 7 a.m. to 8 p.m. Currently there have been five absentee ballots cast and there are 410 registered voters in Minnetonka Beach.

14.3. City Administrator Griffin had nothing more to report.

15. Council Reports – 9:30

15.1. Mayor's Report

Mayor Anderson reported on an article about the community of Woodland declaring it a bee safe community. Minnetonka Beach does not use pesticides, which qualifies our community as bee safe.

Mayor Anderson asked P & Z Administrator Krier to report to Council the status of the letters sent to the builder of the new homes on Lafayette Road. A meeting has been set up for August 13 to discuss the violations of the Performance Agreement and numerous complaints. The builder was asked to begin work on resolving the violations before the August 13 meeting but no response has been received. The Building Inspector has been to the sites numerous times but the builder has not complied. The Orono Police and the MCWD has been to the site several times due to complaints. The MCWD has a separate action and a letter has been sent to the builder stating they are in violation due to filling Lake Minnetonka with silt. The MCWD may require the builder to do a soil boring to determine the silt level and will be required to remove what is not natural for that area.

15.2. Liaison Reports

Council Member Lindstrom reported on the Planning Commission meeting minutes that were included in the Council packet. Jeff Steinke stepped down as Chair; Andrew Myers was Vice-Chair and will become the new Chair of the Planning Commission.

Council Member Bartel reported that the push to develop a scenic byway by the city of Wayzata has been dropped.

Council Member Skalla spoke that earlier he moved to take off an agenda item in regards to the Civic Committee and it's communication to and from City Council. "The reason I moved to remove this item is that after reflection, I thought it better to communicate my views directly to council rather than through a proposed ordinance which could limit the spirit and work of a great group of citizens.

I truly believe there is a lot of great work going on with this Council and all the various committees.

The reason we have all been elected is that the public put its trust in us to work for all, and I repeat all, of the citizens of Minnetonka Beach. With that comes the responsibility to listen to and relay information in a transparent, accurate and factual manner to each of the committees and citizens. Sometimes it is difficult to address issues that make us all uncomfortable but it is part of the job we have all been elected to serve our citizens.

Recently, we all received an email from a co-chair of one of our committees that I think all of the Council members were surprised to receive. The email was received after a committee meeting

where the happenings/events of the previous council meeting were discussed. It appears to me that an accurate and truthful reflection of the Council meeting was not reflected to that committee or we would have never received the email from the co-chair. I believe that a truthful and accurate accounting of the City Council meeting would have avoided the email.

I would encourage each of us to strive to work and serve as liaisons to these committees and factually represent the City and not our own personal opinions during these meetings.”

Mayor Anderson responded that this stems from the email received from resident Jodi Schwendimann stating concerns that Council Member Skalla has suggested tabling the discussion for a safe crossing on CSAH 15. Mayor Anderson stated that she was asked to speak the facts at the recent Civic Committee. She is not spearheading the drive for a safe crossing. She told Civic Committee Members that if they had concerns to attend the Council Meeting to express their viewpoints. Mayor Anderson remains neutral and her duty is to listen to everyone. Consideration must be for the common good and needs of the residents in Minnetonka Beach. Mayor Anderson said no decisions for a safe pedestrian crossing would be made without going through a thorough process. Mayor Anderson invited Council Member Skalla to attend a Civic Committee meeting and if he would like to become the Council Liaison.

City Administrator Griffin has been asked to call Finance Committee Members and poll them on their interest to remain on the committee. August 25th is the date for the next meeting.

16. Meeting was adjourned at 10:27 p.m.

Respectfully Submitted,

Diane Tiegs, City Clerk