

**City of Minnetonka Beach
Council Study Session Meeting Minutes**

Monday, August 12, 2013 6:00 PM

Roll Call: Mayor Joann Anderson, Council Members: Jill Bartel, Jaci Lindstrom, Mike Taylor, and Rick Skalla

Absent: Treasurer Randy Gilster

Staff Present: City Administrator, Susanne Griffin; City Clerk, Diane Tieg; and Public Works Director, Ben Young, Planning and Zoning Administrator Dick Krier, and City Attorney Wally Hilke, City Engineer Darren Amundsen of Stantec

Commissioners: Johnny Whittaker and Alan Carlson Finance, Leonard McKinnon and Linn Ferguson Utilities, Planning Commissioners, Rosemary King, Lee Goehring, Jeff Steinke, and Andrew Myers Planning,

Residents: Residents: Pam Scott, Edith Heidtmann, Lisa Goehring, Jan Snyder, Cheryl Boldon, Rachel Hunt, Tianna Ramaker, Patty Rezabek, Betsy Myers, Bob Johnson, Janet and Brad Jans, Bob Beutler, David Boschwitz.

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

Mayor Anderson explained the work session process to the Council Members and Attendees.

2. Storm water Drainage Issues – Identify and Discuss Issues, Discuss Solutions/Options, Financial Issues – Darren Amundsen, City Engineer of Stantec

City Engineer Amundsen addressed Council and reviewed the three basic discussion items:

- a) The first issue is the flooding at Brooks Lane during heavy rain storms. The history of the storm water issues from residents date back to 2006. Previous discussions were not beneficial due to budget constraints and lack of information.
- b) Presently there are plans on Lafayette Road and Woodbridge Road to sub divide and redevelop lots for new homes. There was some storm water flooding but this could be an opportunity to improve drainage due to future development.
- c) The final issue for discussion is the City wide issues and does the City want to explore a storm water management plan.

2.1. Brooks Lane

Mayor Anderson explained the upper Brooks Lane drainage has been on the CIP since 2003, is scheduled to be addressed in 2014, and the Planning Commission suggests the issue be put back to 2015 for further study. The funding would be provided by special assessments.

Engineer Amundsen reviewed slides showing 3130 Brooks Lane contours from State provided fly over data to provide a general idea of where the water is draining to. Ground verification is needed

should a project commence. There is approximately 2.2 acres that drain to the backyard of 3130 Brooks Lane. Storm water spills are complicated. A big picture look is needed to assure another problem is not created. Simply putting a storm sewer pipe in the back yard will not completely solve the situation nor will piping it to the suggested catch basin. An overland drainage route is a guaranteed solution. Public Works Young has been communicating with contractors for cost estimates on the piped option but does not believe it is even feasible or the best solution. Engineer Amundsen stated that there needs to be a better understanding of where the water is coming from, where it is draining, and how long it takes with today's infrastructure to drain. Utility Committee Member Alan Carlson said when the Utility Committee studied this issue a few years ago, they recommended what they believed to be the best option at that time which was to direct storm water to a catch basin where a storm water pipe would take it out. Engineer Amundsen stated that by putting in a pipe in one area assurance is needed to make sure another problem isn't created. A study should be done because there is not enough information available to make an informed decision.

Mayor Anderson asked Engineer Amundsen if there were some cost estimates to study the Brooks Lane drainage issue. Engineer Amundsen stated approximately \$3,000 to \$4,000 dollars. \$3,000 would provide the basic modeling. Utilities Committee Chair MacKinnon relayed some background for what was considered a recommendation in 2009 when the Utility Committee studied the issue. There were three separate routes that a pipe could take from the intersection at 3130 Brooks Lane; one would stay on Brooks Lane go south then east, another was going straight east through yards along lot lines, and the third was to pipe north. The first two options would pipe to the same location and Engineer Amundsen stated there may unintended consequences sending the water that direction. Engineer Amundsen stated that going north has issues with the trail and the future light rail corridor.

Council Member Skalla asked if the City created this issue and whether it has been going on for a long time. Engineer Amundsen said flooding has been a problem for a number of years. The homes were built from as early as 1900 to 2005. 3130 Brooks Lane was built in 1963 and the Gipson home at 3103 Brooks Lane was built in 2005. Residents have suggested the major draining problems were most evident after the home at 3103 Brooks Lane was completed. There was a drainage study done for the 3103 Brooks Lane home which said storm water run-off would be reduced. Mayor Anderson added that at a 2003 Council meeting drainage issues were brought forward by resident Dallas Johnson who was tasked to bring a petition to Council from the residents to correct the problem. Utility Commissioner MacKinnon stated it has been suggested by residents that the home built in 2005 is causing part of the drainage issue and they feel the City is responsible since the City approved the design and plan of 3103 Brooks Lane. Mayor Anderson stated that is why there was a hydrology report which stated the run-off would decrease or stay the same. Mr. MacKinnon stated that run-off in the area changed after the completion of the 3103 Brooks Lane property.

2.2 Lafayette/Woodbridge Road

Engineer Amundsen said there is not a lot of information available regarding drainage issues for this area. Currently, there is one additional home on Woodbridge being proposed and two others on Lafayette Road for possible development. The City will want drainage issues resolved to deal with these new homes. The question will be what should be done and who should pay for it. There is backyard flooding along with basement flooding. There is an opportunity to work with the developer for solutions in this particular case. Discussion of piping over land has already been

discussed. The contours indicate the proposed homes are high enough not to be flooded. The City wants to make sure new improvements do not impact the neighbors.

Planning Commissioner Andrew Myers inquired if anyone looked at the property for other possible solutions. Public Works Director Young and Planning & Zoning Administrator Krier recently reviewed the site. A cost estimate has been given to the developers for a framework which is to have no neighbor impact and where water run-off stays on the property. The developer would be financially responsible.

2.3 City Wide

The City of Minnetonka Beach may have issues with storm water drainage in other areas. Engineer Amundsen stated a City Wide study to review the entire drainage system for Minnetonka Beach which would include a public process to obtain resident input, identify issues, study, prioritize, and provide estimates for improvements would be approximately \$10,000 depending on public involvement and how many meetings are needed. The study would take three to four months and would include one or two public meetings to provide input from the residents because they are the best source of information and can present the full range of issues. Individual studies for Brooks Lane would be about \$3,000 to 4,000. Drainage issues for the lots at Woodbridge and Lafayette Roads could be deferred to the developer to see what solution is proposed, then proceed with a study if needed. Public Works Director Young stated that Engineer Amundsen has already identified the basic areas with storm water drainage issues.

Council Member Bartel asked if being close to the lake aids our solutions. Engineer Amundsen said with the lake the modeling for drainage is simple, however the lake must be protected.

City Attorney, Wally Hilke spoke on the issue of legal responsibility. The City is responsible for prioritizing projects the Council deems appropriate with consideration of the project cost, needs, citizens affected, and the City responsibility. It is the property owner's responsibility if they create a water issue for adjoining properties. Even if the City issues a permit it is the property owner's responsibility because the property owner made the changes to the property, not the City. The City is responsible if a drainage issue occurs due to a City project. The City can choose how and when to address an issue. The City can also have stricter policy regarding grading of construction projects and choose not issue permits because of drainage issues that can affect residents and City property because the water simply has nowhere to go.

Council Member Skalla summarized that if the City makes improvements then the City is responsible, and on private property, even if a permit was issued because the property owner did the improvements, the property owner is responsible. Council Member Taylor asked for clarification in the case where the City issues a permit and the individual makes a property change that causes water to drain on to another property, then that resident is responsible. Mayor Anderson asked what the City's responsibility is when issuing a building permit as it pertains to water runoff. Attorney Hilke responded that it is a policy question. The City has a right to consider negative impacts of a project regarding storm water runoff and sanitary sewer. Council Member Taylor asked if an issue is not the City's responsibility but the City chooses to rectify a situation that the City did not create by having funds in the Capital Improvement Plan for the past 10 years for Brooks Lane improvements, rather than special assessments to the affected residents, is there a legal position for this issue. Attorney Hilke responded that the City in its judgment could use general funds or the city may choose to do it by special assessment. The standard of proof required for the special assessment is whether it increases the property value. Looking at a broader view,

would storm water improvements in one area hold the City to be obligated to make the same improvements in another area. Mayor Anderson relayed a story of a city with a similar problem. The initial question involved a community of 1,600 residents and a major road reconstruction project. Other community Mayors wanted to know how those kinds of projects are paid for, most cities paid for their projects by a special assessment. Mayor Anderson asked Attorney Hilke how a city determines to do a special assessment and he stated that to make a special assessment for infrastructure it has to increase the value the amount assessed to that property. The City has a limit as to what can be assessed and can have a policy to decide whether to do a special assessment.

Planning and Zoning Administrator Krier closed with comments of the legal requirements to go through the special assessment process. Attorney Hilke stated that a petition from community members could start the process or the City could proceed with improvements and a special assessment amount is determined by the increase in value of the property. Engineer Amundsen said the City would create a special assessment policy that identifies the percentages and splits for the benefactors of improvement projects to determine the amounts to be paid along with the terms and length. The City would provide that information to residents and public hearings would take place.

3. Adjourn

A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to adjourn the Study Session at 6:53 p.m.

Respectfully Submitted
Diane Tiegs, City Clerk