

Monday, February 8, 2016 7:00 PM
CITY OF MINNETONKA BEACH
CITY COUNCIL MEETING MINUTES

Roll Call: Mayor Rick Skalla; Council Members: Jill Bartel, Paul Kozloski, Jaci Lindstrom, Mike Taylor; Treasurer Randy Gilster.

Staff Present: City Administrator Susanne Griffin, City Clerk Heidi Honey, Public Works Director Ben Young, Zoning Administrator Ben Gozola, City Engineer Darren Amundsen

Guests: Pam Myers and Liz Vandam from Westonka Historical Society; Matt Vos from Abdo Eick and Meyers; Park Commission Chair Jody Sperduto.

- 1. Mayor Skalla called the meeting to order at 7:00 p.m.**
- 2. Treasurer Gilster led the Pledge of Allegiance.**
- 3. Approve Agenda for the February 8, 2016 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. Regular Meeting of January 11, 2016

Council Member Bartel clarified that she was referring to the dock area in her report on the Park Commission meeting on page 6. Clerk Honey will make that clarification.

A motion was made by Council Member Lindstrom and seconded by Council Member Taylor to approve the Council meeting minutes of January 11, 2016 as amended. With all members voting in favor, the motion carried.

5. Police Report –

5.1. Police Report – January Report
No report.

6. Open Forum

7. Guest Speakers

7.1. Westonka Historical Society – Pam Myers and Liz Vandam

Pam Myers reported that the Westonka Historical Society (WHS) had 500 visitors in 2015. The new location has more space so they can give Minnetonka Beach more of a presence. They are having a fundraiser on February 21, 2016 at Burl Oaks. Ms. Myers has been researching schools in the area as well as the Mound School Board.

Liz Vandam handed out a WHS brochure and calendar of events. Recently while she was at the Minnetonka Beach City Hall researching for an article on the building in the basement, she came across some items that she would like to share with the community. She asked Council if they would be willing to loan or donate some photos, an architectural sketch, and a box of

correspondence and research from Bergman Richards she found. Bergman Richards was the President of the Minnesota Historical Society. He wrote *An Early Background of Minnetonka Beach* and the documents were his research for writing the book. WHS will scan the documents and return them back to the City organized in archival sleeves. The photos and sketch will be framed and displayed on loan at WHS until the City wants those items back. This would provide a backup of these photos and files for the City. WHS will work with City Staff to write up an agreement to document which items are on loan and displayed at WHS.

A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to allow Westonka Historical Society to access the records and scan them for display at Westonka Historical Society; allow photos to be on loan; and provide a link to the Westonka Historical Society website for access to the scanned documents. With all members voting in favor, the motion carried.

7.2. Park Commission Report - Chair Jody Sperduto

The Park Commission calendar with the meeting schedule and plan on of action for 2016 was in the Council packet. A written report from the Park Commission will be submitted to Council at the April meeting. Chair Sperduto reported that the Park Commission is updating the Park System Plan; reviewing maintenance needs and assessing resources; examining the process for training and monitoring the beach employees; treating for Emerald Ash Borer; and looking for ways to promote volunteer opportunities. Chair Sperduto went on to discuss the plan for ADA compliance at City Hall and Half Moon parks. The Hennepin County Playground grant application includes the new ADA compliant sidewalk and ADA swing at City Hall. Administrator Griffin said that the City has the survey and City Engineer Amundsen has agreed to draw a plan with the correct grading and slope for the contractor to follow. The maximum for the grant is \$25,000 and there is a cost share. Based on related costs already budgeted or paid for, the city's match would be approximately \$12,000. Park Commission is not asking Council for any additional money. The application must be submitted by February 29, 2016.

Council Member Lindstrom asked about the status of the welcome sign at the west side of the City. Chair Sperduto explained that the east entrance sign was a memorial and the Park Commission was unsure if there should be another one so they tabled it until they had more information. Mayor Skalla asked the Park Commission to get estimates and options for Council to discuss. She will report back to Council at the April meeting with bids for a sign and landscaping. Administrator Griffin will review the survey of the Lafayette Ridge area they are considering for the sign to see if a Hennepin County easement will be required.

8. Treasurer's Report

8.1. 2015 Financial Audit – Matt Vos, Abdo, Eick and Meyers

Matt Vos reviewed the Management Letter in the Council packet. The City shows a strong fund balance. Mayor Skalla asked if the auditors can give the City an estimate for the fund balance when Council is in the budgeting process to better assess budget needs such as taxes. The increase in receipts from 2014-2015 was due to permits but there are costs associated with that to offset it. The largest increase for expenditures was for legal services and the second largest was for planning and zoning. The increase in planning and zoning was offset by an increase in permit revenue. There are three years remaining on the general obligation bond. The Enterprise funds show a very consistent cash balance for the last three years. The Sewer Utility fund continues to have a good cash balance relative to operations.

8.2. Approve Checks: February

Treasurer Glister commented on two expenses out of the ordinary. One was to repair a timer for the lights at the skating rink and the other was for property taxes due to a revaluation of a property. Council Member Bartel asked about legal expenses. City Administrator Griffin explained the breakdown for the \$2,500 invoice from Lindquist and Vennum was \$1,606.50 for work related to the Mathews appeal and the remaining \$916.40 was for general legal services including personnel policy, ordinance work, and other general services. Council requested that Administrator Griffin break out the reimbursable expenses for zoning, legal and engineering in the future.

A motion was made by Council Member Bartel and seconded by Council Member Taylor to approve 49 checks numbered 15424 through 15472 in the amount of \$69,722.97. With all members voting in favor, the motion carried.

8.3. 2016 YTD vs Budget and Prior Year Comparison

Council Member Bartel asked what average zoning expenses have been. In 2015, zoning expenses were \$30,000. In 2016, \$45,000 is budgeted for zoning which includes \$30,000 for the zoning code amendments.

9. Consent Agenda

- 9.1. Fire Report – January
- 9.2. **Resolution 2016 – 09** Club and Sunday On-Sale Liquor License for Lafayette Club
- 9.3. **Resolution 2016 – 10** Resolution Recommending Continuation of CDBG Funding of Western Area Communities Action Network (WeCAN)
- 9.4. Wells Fargo Half Marathon, May 1 2016
- 9.5. Hennepin County Playground Grant Application

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

10. Planning and Zoning

10.1. Zoning Code Update – Zoning Code Annotated Outline

Zoning Administrator Gozola reviewed the Annotated Outline which provides an overview of the project, identifies goals, provides the style template to be used and sets a framework to follow for the zoning code update. The launch date is October 1, 2016. Administrator Gozola explained the guiding themes for drafting the code include using the Comprehensive Plan to address change, improving overall organization, modernizing the zoning districts, and erring on the side of regulations providing greater protection to the lake or are most restrictive. He went on to explain that there will not be any drastic changes to the City's Comprehensive Plan when it is updated in 2018 so the zoning code updates will probably not need to be amended at that time. Administrator Gozola went on to describe each chapter of the new zoning code.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to approve the Zoning Code Annotated Outline. With all members voting in favor, the motion carried.

11. Old Business

- 11.1. Utilities Committee Recommended InfraSeek Proposal - Stantec

City Engineer Darren Amundsen reported that the Utilities Committee recommended Council approve the Infraseek proposal with Base Mapping, Utilities, and MS4 Asset features for a cost of \$11,560.00 and an annual maintenance fee of \$1,080. Council Member Lindstrom stated that the Utilities Committee requested the program be reviewed after it is running for a while to make sure it is working as expected. Engineer Amundsen hopes to have Infraseek in place by June 2016. This will make documenting for MS4 inspection reporting requirements easier. He explained that Stantec already knows where a lot of the infrastructure is located in the community. The City will have the option to add modules at a later date, such as tree inventory. Public Works Director Young thinks this will be very helpful for locating utilities when requests come into City Hall or for emergencies.

A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to approve the recommended Infraseek basic package proposal from Stantec at a cost of \$11,560.00 all inclusive, and an annual maintenance fee of \$1,080.00 or \$90 per month beginning June 2016. With all members voting in favor, the motion carried.

11.2. Proposal to further study Stormwater Projects: Brooks Lane, Lafayette Road
City Engineer Amundsen stated the Beach Lane property affected by flooding has been sold so Utilities Committee has put that study on hold. He went on to describe several options for stormwater study on Brooks Lane as outlined in his proposal. Mayor Skalla stated the City is not responsible for private to private issues. If the study determines responsibility is 50% City and 50% private, then the City should be responsible for 50% of the cost and the residents should be responsible for the other 50% of the cost based on City policy. There was discussion about how responsibility is calculated. The cost of the study for Lafayette Road and Brooks Lane is \$6,300. Council Member Kozloski said the City went through mediation and was cleared of liability in this area in the past, so there is no reason for the City to study the area again. Mayor Skalla said there is an issue in the area and the City could try to find a resolution. Council Member Taylor suggested that Council review the options they had been presented in the past before doing a new study. Mayor Skalla suggested the Utilities Committee attend a Council meeting and explain why they still want to study this area and give residents an opportunity to speak during the open forum. Council Member Bartel suggested tabling the proposal until they have more facts. Mayor Skalla and Administrator Griffin will review details of the previous options, the litigation and City policy and report back to Council.

Engineer Amundsen estimated the cost of the study for just Lafayette Road would be \$2,800-3,000. He explained that on Lafayette Road there is old pipe in poor condition which Public Works Director Young would like to replace. The cost to replace it would be \$30,000- 40,000. The study would determine the maximum pipe size to be up to modern standards and still be able to bury it. The study would also incorporate phosphorous removal into the improvement. Money is budgeted to study the issue in 2016 but it is not budgeted to do the work so the work would have to be done in 2017. Council decided to table it until the next meeting and asked Engineer Amundsen to provide separate itemized costs for the Lafayette Road study and the Brooks Lane study at the April Council meeting.

A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to table the Stantec proposal for studying the stormwater projects on Brooks Lane and Lafayette Road. With all members voting in favor, the motion carried.

12. Council Meeting Action Notes and Staff Reports

12.1. Council Meeting Action Notes

Council Member Taylor asked Council for specific questions for the Dock Committee to use to prepare for the next Council meeting. Council would like the Dock Committee to consider the following:

- Explain the Dock Program process (both LMCD and City)
- Show the current layout of the docks
- Show a proposed layout (as recommended by the Dock Committee in 2015)
- Discuss the pros and cons of the proposal to increase slip sizes which would reduce the total number of slips available to residents
- What is their recommendation regarding reducing the total number of slips to accommodate larger slips
- Survey residents and ask what changes they would like to see with the dock program
- Show survey or pictures of how additional slips at the swimming beach would affect the esthetics
- Determine how current unused docks impact the proposal and what impact this would have on residents who wish to rent a smaller dock in the future

Mayor Skalla asked staff to request Greg Nybeck, LMCD Executive Director to come to the April Council meeting to explain the LMCD's process, including the consequences of making the proposed changes to the City's docks under their current rules, and what the process would be to change the LMCD ordinance.

12.2. Director of Public Works Young

Public Works Director Young reported that the technology has changed with the water meter heads. The City purchased a ten year warranty program on the meter heads along with the meter purchase. The City also purchased a data logger to collect data to show a resident when they have had spikes in usage. When meters need to be replaced under warranty, the replacement is a newer type of head because the older ones are no longer being manufactured. The City's current meter reader can read the new heads but it cannot data log the new heads. A new handheld meter reader would cost \$5,588.24. The data logging component can be purchased separately and would cost \$2,500 of that \$5,588.24 Treasurer Gilster said the warranty most likely does not cover the technology or the meter reader. The warranty is solely on the meters. Mayor Skalla stated that Ferguson Waterworks decided to change the technology resulting in the City losing functionality so the City shouldn't have to purchase a new handheld. He asked Administrator Griffin to write a letter to Ferguson Waterworks asking them to clarify why they have changed the technology essentially requiring a new handheld to be purchased.

12.3. City Clerk's Report

Clerk Honey referenced the municipal water use report, monthly home sale report, and building permit log all of which were in the Council packet. She will be attending a Municipal Clerk conference in St. Cloud in March. The transportation study request for resident input has brought some parking issues to the City's attention. Clerk Honey has passed those along to Orono Police.

12.4. Administrator Griffin

Administrator Griffin reported that Clean Water Minnesota, which is a collaborative outreach project of the Metro Watershed Partners, is looking for membership contributions for educational outreach. Some of the City's MS4 public education requirements used to be satisfied by documents printed by

the Minnehaha Creek Watershed District but they are no longer available. Because of that, staff now has to find its own information to fulfill the public education requirements and publish the information in the Beachcomber. The financial support requested from a City the size of Minnetonka Beach would be \$350 to \$500. Council decided that this is beneficial for the City to meet public education requirements and are willing to support it but requested Administrator Griffin to make sure money is refunded if the program does not happen.

A motion was made by Council Member Kozloski and seconded by Council Member Taylor to become a member of Clean Water Minnesota – Metro Watershed Partners with an annual contribution up to \$500.00. With all members voting in favor, the motion carried.

13. Council Reports

13.1. Mayor's Report – No report.

13.2. Liaison Reports-

Council Member Bartel – Park Commission is very organized and working hard to maintain the City's parks and update areas as needed.

Council Member Kozloski – Council Member Kozloski reported on the Use of Force training at the Orono Police Department. He described the intensity of situations police deal with and has a new appreciation for their work. He highly recommended attending the training if it is available again.

Council Member Taylor – Council Member Taylor said the Planning Commission is receiving feedback on the transportation plan. Council asked Administrator Griffin to forward the feedback to them. He handed out the capital plan from the Fire Commission meeting. He reported that the new truck has been ordered and also that the Duty Officer program is working well.

Council Member Taylor referenced emails in the Council packet regarding the Mathews appeal. He does not think the Board of Adjustment gave Ms. Mathews an opportunity to be heard even though he thinks the Board was procedurally correct. He called for a rescission of the vote. Mayor Skalla explained that to consider a rescission, the Board of Adjustment would need to reconvene. The Board can only reconvene if the Chair of the Board calls the meeting. Mayor Skalla is the Chair of the Board so he asked for input. Council Member Kozloski thought the appellants had an opportunity to be heard. He thinks there should not be a rescission because the Board of Adjustment made the correct decision based on the facts. Council Member Taylor does not think the Board made any missteps in the process. Council Member Bartel agrees with both Council Members Kozloski and Taylor. She thought that Ms. Mathews' expert was limited to one minute to speak but other members of the community were allowed more time. Mayor Skalla reminded her that the public hearing was open for the public to speak but, at the January 11, 2016 Board of Adjustment meeting, only the Board was supposed to speak although the appellant and her attorney spoke up. Council Member Lindstrom does not support reconvening the Board. She thinks she heard everything through written documents and testimony. She thinks the process was followed. Council Member Taylor agrees they have followed the process correctly but does not see anything wrong letting them be heard. He said the appellants should not have tried to make their points via email. Mayor Skalla stated that he will take their input under advisement and report back at the next Council meeting. Mayor Skalla explained the process is that to consider a rescission, the Board of Adjustment must reconvene and the only person who can call a Board of Adjustment meeting is the Board Chair, who is the Mayor.

Council Member Lindstrom – Civic Committee discussed merchandise and the skating party.
Utilities Commission has not met.

A motion was made by Council Member Bartel and seconded by Council Member Taylor to adjourn the meeting at 10:00 pm. With all members voting in favor, the motion carried.

PUBLIC IN ATTENDANCE – The following individuals signed the sign-in sheet: E. Vandam (MHS), Matt Vos (AEM), Pam Myers (WHS), Sue Kozloski, and Jody Sperduto.

Respectfully submitted,

Heidi Honey, City Clerk