

**CITY OF MINNETONKA BEACH
CITY COUNCIL MEETING MINUTES
July 1, 2014 7:00 PM**

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

Absent: Treasurer Randy Gilster

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

Guests: Orono Police Officer Steve Sturm; Three Rivers Park District (TRPD) Superintendent Boe Carlson and TRPD Police Officer Charles Hise, LMCD Representative Dennis Klohs

- 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**

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

3.1. Council Meeting Action Notes

Council Member Lindstrom would like verbiage clarification stating building permit process for the Planning Commission action item.

4. Approve Minutes

- 4.1. Regular Meeting of May 12, 2014**

A motion was made by Council Member Bartel and seconded by Council Member Skalla to approve the meeting minutes of May 12, 2014. With all members voting in favor, the motion carried.

5. Open Forum: None present to speak.

6. Police Report

6.1. Police Report – May and June

Orono Police Officer Steve Sturm reviewed the incident report. He stated that it was a quiet month with a few parking complaints, a domestic assault, a public assist, a vehicle accident, and a few driving complaints.

6.2. Dakota Regional Trail

TRPD Office Charles Hise updated Council on current trail information. Patrol saturations are planned for the day and evening on July 7th, 21st, 24th, and August 6th, 23rd, and 24th. There was a recent incident involving graffiti on the Arcola Bridge which typically occurs after hours. The daytime patrol saturation will monitor stop sign enforcement and distribute educational materials. The night shift patrol saturation will begin at 10 p.m. to monitor

after-hours trail users. There was a vehicle vs bike accident on Arcola Lane. TRPD Officers cited the bicyclist for not obeying the stop sign.

Mayor Anderson and Council congratulated TRPD Assistant Superintendent Boe Carlson on his appointment as the new Superintendent effective Friday July 4, 2014. Reorganization of Three Rivers Park District is being reviewed so a replacement Assistant Superintendent has not been appointed. Superintendent Carlson provided an update to Council on the trail. He is reaching out to the Orono Police Department to assist with the patrol saturations on the trail to educate the users.

A large upcoming project is seal coating the trail for ongoing maintenance. A new fog sealant product is being used which dries in a matter of hours. Superintendent Carlson provided updated maps and a timeline for the maintenance project. He will inform communities along the trail when and where their area will be affected. The fog sealant timeline is based on weather and early week application schedule so there is no interference with weekend trail use. The information handout from Superintendent Carlson is the correct maintenance schedule with Minnetonka Beach's timeline August 18-29th or a possible earlier application of August 4-16th.

Council Member Taylor inquired about the tree roots that have heaved the trail. Superintendent Carlson stated that work is currently in progress to repair those areas. The contact person overseeing the project is Josh Bowe and can be contacted at 763-694-2063 to address questions and concerns.

7. Public Hearing – Stormwater Pollution Prevention Program (SWPPP) Annual Report

Mayor Anderson opened the SWPPP Public Hearing at 7:19 p.m.

City Administrator Griffin reported the MS4 permit re-application has been approved by the Minnesota Pollution Control Agency. She will be meeting with Stantec to discuss the implementation schedule. Some items the City is currently doing, some items will need ordinance amendments, and some items need documentation. City Administrator Griffin explained that this hearing is an annual requirement to obtain public input and answer any questions.

Mayor Anderson asked for a little background for residents in attendance for a better understanding of what SWPPP is. The SWPPP is a requirement of the Minnesota Pollution Control Agency. Basically there are six requirements each community is required to meet regarding stormwater pollution prevention. Each community is required to provide public education and outreach; we have brochures available at City Hall as well as publishing articles in the Beachcomber newsletter. Builders in the community must be aware of erosion control. The SWPPP report is available for public review on the City website. The City of Minnetonka Beach has adopted an Illicit Discharge Ordinance to meet the MPCA requirements. Contractors must adhere to standards to prevent construction run-off. Municipal operations must follow pollution control housekeeping such as street sweeping and drain inspections.

There are measureable goals for each requirement. The MPCA has some new requirements. The City has one year to complete or initiate items identified in the SWPPP document.

A motion was made by Council Member Bartel to receive and file the 2014 SWPPP Implementation Task List and seconded by Council Member Lindstrom. With all members voting in favor the motion carried.

Mayor Anderson closed the SWPPP Hearing at 7:27 p.m.

8. Public Forum – Bench on Dakota Regional Trail

Mayor Anderson summarized the history of the park bench which first came under consideration in July 2013. The Council had decided at the July 2013 meeting not to place a park bench on the Dakota trail. At the October meeting Council Member Taylor re-opened the discussion for reconsideration. The Council decided to have TRPD place a bench on the Dakota Trail. The bench placement was referred to the Park Commission to decide placement on the trail between City Hall and the Margaret Dahl Library. Resident Mike Bloom attended the Park Commission meeting and stated that there was an agreement with TRPD that no amenities would be placed on the trail in Minnetonka Beach. The Park Commission did not have knowledge of such an agreement and did not act on the bench placement until Council reviewed. Mr. Bloom presented Council a petition of 25 residents not in favor of a park bench on the trail at the May Council meeting. The Council decided to obtain resident input at the next Council meeting. Since that time there has been 51 emails in favor of a bench at the Margaret Dahl Library. Mayor Anderson invited residents that have not already spoken on the issue to speak.

Resident Jack Foss, 3136 Brooks Lane, said it's overwhelming the number of people from the area who use the trail and want a bench. The Margaret Dahl Library is a nice open space that is not too close to residential homes. Jack Foss felt that people who wrote an email in favor of the bench are trail users that felt strongly about the issue.

Dick Lindstrom, 2811 Westwood Road, said he is an advocate for the bench. The bench would provide a nice place to rest and a spot for the summer readings to the children. He does not see the negative side or invasion of privacy in this area. The bench would primarily be an asset for our neighbors and citizens and it might be good to have more than one bench.

Mike Palm, 1911 Beach Lane, asked how the yes votes were solicited and if it was thru the Beachcomber. City Staff are not involved in soliciting for or against this issue. Mr. Palm feels the bench would be a positive gathering and resting place. He also said the bench should have a plaque in Memory of Fred Lang. Resident Bloom said Fred Lang was not in favor of a bench on the trail.

Joe Pagano, 3101 Old Beach Road, said it's been hard to balance resident's expectations and trail users. The City Council has done a good job protecting and respecting homeowners along the Dakota Trail and so has TRPD. Mr. Pagano spoke with trail users while walking that are in favor of having a park bench. He said there have been very few incidents of vandalism and damage reported since the trail became operational in 2009. If the bench proves to be a problem Council can authorize TRPD to remove the bench.

Mike Bloom, 3138 Northview Road, relayed that he submitted 25 petitions against the placement of a bench on the trail. Is this a popularity contest on who could make the most votes? The signers put as much thought to signing the petition as those that wrote emails in favor. Residents along the trail are the ones that signed the no vote. The Lau's are negatively affected by the trail.

A resident spoke at the last meeting about fears for her safety at dusk and dawn on the trail. The trail initially was represented that there would be no amenities on the trail. Minnetonka Beach has always protected its citizens first. An example is the Ray Peters parking lot which purposely is small because they did not want people outside of the community to use it. Bob Abdo's bench is located on the City Hall lawn and can be used by trail users. The trail is not a park and was never meant to be a park.

Mike Palm, 1911 Beach Lane, asked how many benches are currently at the swimming beach. Park Commissioner Patty Rezabek stated that there are four benches at the swimming beach. Mr. Palm said Council needs to look at the whole community so everyone's needs are considered.

Mike Fasching, 1928 Cottage, told Council trying to make the area a park is not the initial intent of the Dakota Trail. There also is a busy road close to the area.

Mayor Anderson closed the Public Forum at 7:55 p.m.

Mayor Anderson relayed she is a frequent trail user, and recently had been ill. She didn't really realize until a recent walk how nice a bench would be to stop and rest. People are talking whether sitting on the bench or walking the trail. She believes it would be a positive addition to the trail.

Council Member Lindstrom initially felt ambivalent but after reading the emails she is in favor of the bench. The summer reading program could have benefited from the bench due to the recent rains and wet ground.

Council Member Taylor opened up the bench issue the second time. He lives on the trail and feels there are many good things that can occur. He has witnessed trail users leaning up against sign posts or sitting on steps to rest. He is a supporter of placing a bench at the Margaret Dahl Library.

Council Member Bartel supports the bench. She does remember discussion of no amenities with TRPD, but reasons given by residents that want it out weigh the no votes.

Council Member Skalla stated his review of the trail history and the no votes from residents that actually live on the trail that he is not in favor of the bench.

Council Member Skalla made a motion to reconsider putting the park bench at another location other than library. There was no second to the motion. The motion failed.

Mayor Anderson stated that the decision at the April 2014 Council meeting to place a park bench at the Margaret Dahl Library will prevail.

Mike Bloom, 3138 Northview Road, would like the location to be reconsidered and not be near homes. That would eliminate his concerns and those of the no supporters.

Jack Lau, 2868 Northview Road, stated the bench location it is not a safe place. There is only one stop sign and noticed bikers standing at the edge of the trail in discussion while waiting for

another partner. The bench invites people giving the impression it is free land which will cause problems. There will be more noise and garbage.

Mayor Anderson appreciated the comments. If the bench becomes a problem it will be removed or moved to another location.

- 8.1. Bench on the Dakota Regional Trail (moved from Old Business 11.1)
No action required.

9. Consent Agenda – 8:00

- 9.1. Fire Report – May (did not receive June in time for the meeting)
9.2. LMCIT Tort Liability Waiver
9.3. 2015 LMCD Budget
9.4. City Assessor Contract Renewal
9.5. Consider Contract with Bartlett Tree Service for Emerald Ash Borer Treatment
9.6. **Resolution 2014 – 22** – Consider Dock Permit Applications – Ryan Neslund
9.7. **Resolution 2014 – 23** – Consider Authorizing the Execution of a Joint Cooperation Agreement with Hennepin County for Participation in the Urban Hennepin County Community Development Block Grant Program in FY 2015-2017
9.8. **Resolution 2014 – 24** – Consider Appointing Election Judges for 2014 Resolutions
9.9. **Resolution 2014 – 25** – Designating Hennepin County as Central Count for Processing and Counting Absentee Ballots for 2014 Elections

Council Member Skalla questioned the LMCD Budget and their overall percentage of salaries vs watershed. He questions the effectiveness and efficiencies due to 72 percent of the budget going to administration. After Council discussion it was decided that Greg Nybeck Executive Director of the LMCD will be invited to come to the next City Council meeting to explain why the budget is set with the high administration expenses. Council would also like information on how they are coordinating efforts with other agencies.

A motion was made by Council Member Taylor and seconded by Council Member Lindstrom 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 June and July

A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to approve the June checks numbered 14471 through 14514 in the amount of \$ 43,946.03 and checks numbered 14515 through 14541 in the amount of \$51,625.97. With all members voting in favor, the motion carried.

- 10.2. Consider Motion Authorizing staff to pay July invoices received through July 14th

A motion was made by Council Member Bartel to authorize City Administrator Griffin to pay July invoices received through July 14 the regularly scheduled Council meeting date; the motion was seconded by Council Member Lindstrom. With all members voting in favor, the motion carried.

- 10.3. YTD Budget Report and Previous Year Comparison Report
City Administrator Griffin reviewed the YTD Budget and Comparison reports, provided explanation for the differences in the budget 2013-2014 report, and answered Council questions.
- 10.4. Consider Motion to Transfer \$90,532.50 from 4M Bond Fund to General Fund
City Administrator Griffin spoke with the City auditors and financial advisor and they recommend using the bond funds within 3 years. The recommendation is to transfer \$90,532.50 to the General Fund and in 2015 take the remaining \$19,000 and apply to the interest on the water portion debt.

There is \$320,000 allocated in the CIP for the Arcola Lane portion of the water project. Council Member Skalla asked if those funds could be applied to that project. City Administrator Griffin responded yes. Council Member Skalla would rather hold off on any motion until the CIP has been discussed.

A motion was made by Council Member Skalla and seconded by Council Member Taylor to take no action on 10.4 until Council discusses the CIP. With all members voting in favor the motion carried.

11. Old Business – 8:15

11.1. Moved to item 8.1

11.2. Stormwater Drainage Study Recommendations from Planning Commission

Planning and Zoning Administrator Krier reviewed the requested action items regarding stormwater drainage as follows:

1. *Adopt the Planning Commission Recommendation that the “City Council undertake the storm water projects as outlined in the Stantec Drainage Study report dated November 12, 2013, and to develop policies relating to storm water projects”;*
2. *Refer the Stantec Drainage Study, and other Stantec identified issues contained in this letter to the Utility Committee requesting the Committee to work with the City Engineer and Public Works Director to make recommendations to the Planning Commission and City Council by the Council Meeting in August, 2014 on:*
 - a. *Prioritize projects,*
 - b. *Establish storm water design standards,*
 - c. *Other Stantec identified issues related to public improvement design and construction,*
3. *Refer the Stantec Drainage Study to the Finance Committee requesting the Committee to make a recommendation to the City Council by the August 11, 2014 City Council meeting on the funding options and a funding strategy for various storm water projects contained in the Stantec Study;*
4. *Request that the Planning Commission continue to study regulatory enforcement methods and to study and make a recommendation on: 1) rate control standards, 2) time table for future MS4 regulation implementation, 3) drainage between lots and 4) drainage easements.*
5. *Request that the Long Range Planning Committee and the Planning Commission consider amending the Comprehensive Plan to include the Stantec Drainage Study and related public facility policies and to provide a proposed amendment to the City Council by the City Council meeting in September 2014;*
6. *Request the Planning Commission make a recommendation on a revised Capital Improvement Program to include any storm water projects by the City Council meeting in September 2014.*

Council discussed the stormwater drainage issues, the development of a policy, and financial responsibility. There is no common formula used by similar surrounding communities to determine the financial responsibility of a drainage issue between the city and residents. The ways to fund a stormwater drainage project would be special assessment or tax levy general obligation bonds.

Council Member Skalla stated that before advocating for change the Council must decide what the policy actually is. Council Member Taylor expressed the same concerns and feels there should be a policy in place to address stormwater drainage issues. Council agreed a study session should be scheduled to review similar community policies for comparison and to develop the City's policy that covers:

1. Who is financially responsible
2. Should there be an assessment policy
3. Develop a list of criteria that states exactly how the city determines responsibility of a flooding issue.

Or determine that the City continues its current procedure to review issues on a case by case basis.

Council Member Lindstrom said the Stantec Study supplied valuable information regarding stormwater. Council Member Skalla stated residents are aware of historical drainage issues for certain properties and building may have caused or increased run-off. Council Member Taylor said weather patterns have changed causing drainage issues and Council Member Lindstrom added the aging infrastructure is causing drainage issues as well. Council Member Lindstrom stated that many residents are ready for the city to have a policy for future drainage issues.

P & Z Administrator Krier stated that the stormwater drainage issue is difficult to address and to determine City involvement. All stormwater drainage on private property eventually drains to city property. The zoning ordinance states water has to drain on the owner's property to a certain standard.

Resident Mike Palm addressed Council regarding the drainage issue at the Rueben Palm residence.

Resident Dick Lindstrom addressed Council stating Council must be careful deciding how much City responsibility there is because a bad decision could bankrupt the community. Council Member Bartel is concerned because the CIP currently has water projects to be addressed, and there are many other items that need attention. How do you determine what happens next.

Council has set Monday, July 28th at 6:30 p.m. to hold a stormwater study session to determine if there should be a policy and if so what the policy will be. Council will discuss the recommendations from the Stantec study and ask that the City Engineer and Public Works Director Young to attend the study session. Staff will obtain policies from similar communities in the area, who is responsible, and how is it funded. Also Bruce Kimmel Financial Consultant will be asked to present information on special assessments, bonding, and his experience with how other communities fund such projects.

12. New Business

12.1. 2015 – 2019 Capital Improvement Program (CIP)

City Administrator Griffin reviewed the draft CIP and recommends Council table this until the September to meeting to allow Council time to better review. There was a joint meeting of the Planning Commission, Finance, and Utility Committees with discussion regarding a possible bond referendum for capital improvements. Additional review is necessary and the Council will be responsible to determine if a project remains in the Capital Improvement Program with designated funding during the September meeting.

Council Member Skalla addressed Council stating that the request by the Civic Committee for a safe crossing should not be put back on the CIP. In 2009/2010, the City studied this issue and it did not pass Council. In 2013, Council took off the idea of a crossing from the CIP. He reviewed the history of the safe crossing and at that time it was expensive and if we do large projects for a few that do not benefit the entire community a precedent is set to finance many more like projects.

There is only one location that the crossing could be installed which has safety concerns and may provide a false sense of security. In 2009 a raised and painted crosswalk was estimated at a cost of \$138,000. Council Member Skalla stated that there are many issues the City is currently facing such as the completion of the watermain project and the stormwater issues. The historical information indicates that the crossing location is dangerous. He recommends that this request not be put back on the CIP because the City Council removed it from the CIP after the 2009 exploration. There is not a current study on the installation and residents that are pushing for this should provide a study on projected use by residents and present to Council.

Council Member Taylor said the area is dangerous and it is even more dangerous to cross without a crosswalk. The families that live on the west side of CSAH 15 believe this is a real problem. However, he does not support a large expenditure for this in 2015. Council needs to define to the residents in favor of the crossing what kind of information they need to gather for Council to consider this item. Council Member Skalla stated that the information needs to come from experts and not interested citizens.

Council Member Bartel stated at a previous meeting there was a full house attending to discuss the stormwater flooding issues. This issue was brought to the forefront before revisiting the crosswalk on CSAH 15. The City must prioritize large project expenditures. Items can't keep being added to the CIP and then never happen.

Mayor Anderson spoke about the raised crosswalk in Navarre which Hennepin County installed and was given the impression by Hennepin County that they would be willing to do the same for Minnetonka Beach. The stipulation would be that Minnetonka Beach would have to provide walk ways in to the crossing. Mayor Anderson stated the issue was brought forward by a number of residents who should not be ignored and that is part of the reason it is back on the CIP for 2015.

Council Member Skalla made a motion to move the public safe crossing on County Road 15 from the 2015 CIP to 2016 CIP and to request a proposal for a feasibility study on the project

Approved City Council Meeting Minutes
from Stantec. Council Member Bartel seconded the motion. With all members voting in favor, the motion carried.

Council Member Lindstrom made a motion to refer the Capital Improvement Program to the Utilities and Finance Committees for overall review and recommendations. Council Member Taylor seconded the motion. With all members voting in favor the motion carried.

Council Member Skalla said agenda item 10.4 was not addressed concerning the transfer of \$90,532.00 from the 4M Bond Fund to the General Fund. Council Taylor stated that once the Council has more clarity on how the final CIP will look a decision can be made after. Council agreed to wait for the final CIP draft.

A motion was made by Council Member Taylor and Council Member Skalla then seconded by Council Member Bartel to table 10.4 transference of \$90,532.00 to the General Fund until further discussion at the September Council Meeting. With all members voting in favor, the motion carried.

13. Staff Reports

13.1. City Clerk Tieg reported on the 2014 Primary Elections, absentee voting, and the new DS200 ballot counter. Election Judge training sessions will be conducted July 16 and 23 by City Clerk Tieg and Spring Park judges will also attend. City Office candidate filing information handout was provided in the packet. The current homes sales in Minnetonka Beach provided to Council showed that Minnetonka Beach has seen sales over the past couple of months to young families.

13.2. Administrator's Report

City Administrator Griffin updated Council Update on the current lawsuit filed against the City by the resident at 3130 Brooks Lane. The 2015 Orono Police Budget proposes a 1.54 percent increase for Minnetonka Beach Police Services.

The City's annual insurance renewal application has been completed. The annual report for the MCWD was completed. City Administrator Griffin has been working with consultants for the I and I follow-up, wellhead protection, and the new MS4 requirements. She informed Council that the two summer part-time applicants both were hired and trained for beach cleaning.

City Administrator Griffin and City Clerk Tieg have attended Hennepin County election trainings for equipment and election administration, election law, and the state voter registration system which is a requirement to administer the election process.

There are two candidates on the Planning Commission for one position so Council is requesting a summary of work experience and length of residency in the beach. There is concern that veteran commissioners Max Hacker and Jeff Steinke terms are ending in August. Council Member Lindstrom stated it is important to have the leadership of a veteran commissioner.

14. Council Reports

14.1. Mayor Anderson did not have any new items of information to share with Council.

14.2. Liaison Reports

Council Member Lindstrom had the monthly building permit report included in the Council Packet along with the Planning Meeting Minutes. Planning Committee tabled the issue regarding single family short term rentals in Minnetonka Beach.

Council Member Taylor reported that the administrative citations worked well for the weight restrictions this spring. The Police Department is making an effort to improve their image by conducting community involvement activities.

Council Member Taylor received a letter from Assessor Rolf Erickson in response to resident Heather Parris's inquiry during the Board of Appeals. She asked why property values in other communities did not increase as much as the valuations in Minnetonka Beach.

Assessor Erickson's letter addressed the increase in taxes by explaining that Minnetonka Beach properties were in greater demand than Orono properties for the 2014 assessment. Minnetonka Beach properties sold for much more than the assessor's current market values than did Orono.

Council Member Bartel, Park Commission Liaison reported on the June Park Commission meeting. Park Commission Co-Chair Jody Sperduto and Commissioner Patty Rezabek answered questions. The ADA accessible swing is ready for Public Works Director Young to install. The ash tree inspection for EAB is complete. Bartlett Tree Services is taking down the largest ash trees that will not receive treatment and trees scheduled for EAB treatment have been completed.

Planning and Zoning Administrator Krier relayed to Council that there has been some enforcement and erosion control issues at building sites, along with construction vehicles parking on the narrow city streets.

15. Adjourn

A motion was made by Council Member Bartel and seconded by Council Member Taylor to adjourn the meeting at 10:45 p.m. With all members voting in favor the motion carried.

Respectfully Submitted,

Diane Tiegs, City Clerk