

**CITY OF MINNETONKA BEACH
CITY COUNCIL MEETING MINUTES
July 8, 2013**

Roll Call: Mayor Joann Anderson, Council Members: Jill Bartel, Jaci Lindstrom, Mike Taylor, Treasurer Randy Gilster

Absent: Council Member Rick Skalla

Staff Present: City Administrator, Susanne Griffin; City Clerk, Diane Tiegs; and Public Works Director, Ben Young

Guests: Orono Police Sergeant Jim Cornick, Three Rivers Park District (TRPD) Assistant Superintendent Boe Carlson, and TRPD Representative Penny Steele

Residents: Rachel Hunt, Bob Johnson, and Brad & Janet Jans; all property owners on Brooks Lane. Resident John Breon

1. Mayor Anderson called the meeting to order at 7:04 p.m.

2. The 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 as amended. With all members voting in favor, the motion carried.

3.1. Council Meeting Action Notes
Council reviewed the Action Notes.

4. Approve Minutes Member Bartel

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve the Regular City Council meeting minutes of June 10, 2013 as amended with the additional language. With all members voting in favor, the motion carried.

5. Open Forum

Resident Mike Bloom, shared his observations with Council regarding the City Hall Staff. He wanted to publicly acknowledge what a wonderful Staff the City has and appreciates all the good work done by City Administrator Griffin and City Clerk Tiegs and for always being so helpful. On a Friday evening in July after a storm Public Works Director Ben Young was out checking the roads at 8:45 p.m. He is not scheduled to work but is going above and beyond to serve the Minnetonka Beach residents. His work is commendable and Mr. Bloom wanted Staff to know how they are perceived by residents.

Resident John Breon addressed Council regarding the vines that are planted on the fence line along the trail by the Lafayette Club which may cause narrowing of the sightlines for trail users. Mayor Anderson and Mr. Breon spent time on a Saturday reviewing the situation and interviewing bicyclists. A bicyclist could not stop in time to avoid a vehicle. This may be due to the vines that

narrow the sightline of a vehicle driver and the sightline of a bicyclist. Mayor Anderson stated what action was taken at the June meeting and Mr. Breon can review a copy last month's Council actions. Mr. Breon would like Council to reconsider their decision to wait on the removal of the vines because he strongly believes the vines are a safety issue.

During the June meeting the Council approved speed bumps on the trail before the trail intersection by the Lafayette Club at Woodbridge Road. This is a trial to slow bicyclists down and wait on the decision for vine removal until the effectiveness of the speed bumps can be assessed. TRPD Assistant Superintendent Carlson stated that American Disabilities Act (ADA) must be considered when addressing the proposed speed bumps. He also stated that it is difficult to find a manufacturer of speed bumps for trail use. Council Member Taylor was absent from the last meeting but he stated the visibility blocked by the vines and trees could be a hazard, felt we might aggravate an already hazardous area.

Mr. Breon also suggested a sign stating no access to the Lafayette Club on Woodbridge Road which would help alleviate mis-directed traffic. During an event on July 6th at the Lafayette Club approximately 12-15 cars made a wrong turn onto Woodbridge Road. Public Works Director Young will order a sign stating no access to the Lafayette Club and place it in that area.

6. Three Rivers Park District Board Representative – Penny Steele

Board Representative Steele addressed Council. She stated as a Board Representative for Three Rivers Park District (TRPD) she wants to be a good neighbor and realizes there are different issues on the trail system in each community. Representative Steele stated that it is important to let TRPD know when there are problems on the trail so they can be addressed. Mayor Anderson asked about how the TRPD Board is structured. Representative Steele replied that five board members are elected from five suburban Hennepin Park Districts and two board members are appointed by the Hennepin County Board. The mission of Three Rivers Park District is to promote environmental stewardship through recreation and education in a natural resources-based park system.

7. Reports

7.1. Police Report – June

Sergeant Cornick had no formal report but addressed any questions or concerns that Council may have. Officers are continuing to check docks at Arcola Bridge area to deter vandalism, and so far the parks have been quiet this summer. Sergeant Cornick stated that there has been an increase in police calls to the Mound area since Orono and Mound Police Departments merged. Council asked if this has affected patrolling of Minnetonka Beach. He stated that the coverage for Minnetonka Beach is not affected due to the increased calls in the Mound area.

7.2. Three Rivers Park District (TRPD) Report

TRPD Officer Hise reported on calls received during June 1 through July 4. There were 46 calls with 25 complaints regarding biking which included the police saturation dates. Administrative citations were issued for unsafe biking and failure to observe the stop signs which occurred most often at the Lafayette Club and City Hall areas on the trail. The June 23 saturation was a stormy day so the police saturation was not held. The next date for the saturation patrol is July 24th.

Council Member Taylor asked if there were any injuries reported. Officer Hise responded there was one due to a fall when a walker was hit by a bike. Mayor Anderson said she spoke with a resident who was hit while walking on the trail. A 12 year old bicyclist ran into a resident from behind. Luckily neither party was injured. Mayor Anderson reported the incident to TRPD and

received a call within 3-4 minutes regarding the incident. The responding Officer left his name and number for the resident to call in the event there was a need to speak with someone from TRPD. TRPD Assistant Superintendent Carlson stated again that it is important to remind people they need to call 911 for incidents on the trail. The caller should state this is a non-emergency request a TRPD Officer to respond.

7.2.1. Email from resident requesting park benches on the Dakota Trail

A resident has requested a couple of benches be place along the trail. TRPD Assistant Superintendent Carlson said there would be no issues to place a couple of benches along the trail. The City's original decision was to not have benches placed along the trail edge. After discussion the Council decided stay with that decision.

Council Member Taylor asked if the trash cans are being used along the trail. TRPD Assistant Superintendent Carlson stated yes they are being used. Mayor Anderson asked for more information regarding the possibility of speed bumps for the trail and if he will be able to find something that works. He responded that so far he has not been able to find a manufacturer but another community opted to put speed bumps on the roadway to slow traffic as an alternative. TRPD Assistant Superintendent Carlson is also checking into a new product that is manufactured in Tucson, AZ.

City Administrator Griffin, Mayor Anderson, and TRPD Assistant Superintendent Carlson will walk the trail on July 9 to review the vines on the fence at the Lafayette Club. The fence is located on the Lafayette Club property so there is no issue to address with TRPD. The vines were required initially to be planted to reduce the visual impact at the Lafayette Club.

8. Consent Agenda

- 8.1. Fire Report – June
- 8.2. LMCD 2014 Budget
- 8.3. City Assessor Contract Renewal, Rolf Erickson

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

9. Treasurer's Report

- 9.1. Consider Motion to Approve Checks
Council reviewed the checks and staff answered questions regarding expenditures.

A motion made by Council Member Lindstrom to approve 39 checks numbered 13987 – 14023, 14026, and 14027 in the amount of \$61,596.44, and seconded by Council Member Taylor. With all members voting in favor the motion carried.

9.2. YTD Budget Report and Previous Year Comparison Report

Treasurer Gilster reviewed the year to date comparison reports. He stated the 2013 budget is on track and trending as expected. The Police and Fire budget item appears 20% above last year at this time but the numbers are reported a month ahead of last year's figures. Council Member Bartel suggested another improvement to the comparison report would be budget comparisons to make it easier to know if we are on track. Council Member Taylor inquired about the revenues collected from permits. City Administrator Griffin stated the revenues are down but there are two large building permits to be issued.

Treasurer Gilster inquired about the \$10,000 that was designated from the June meeting to be deposited in the Capital Improvement Program fund. City Administrator Griffin stated that the funds were savings realized when purchasing the new mower for Public Works and that surplus was transferred to the CIP as directed by Council.

10. Planning and Zoning – 8:10

10.1. Resolution 2013 – 22 Adopting Ordinance No. 91, 2nd Series Amending City Code Chapter 233, Flood Management

Planning and Zoning Administrator Krier presented a PowerPoint presentation reviewing how water can produce pressure that can collapse basement walls and cause basement floors to break. Mayor Anderson said by that people need to understand that flood proofing a basement does not guarantee the basement will never flood. Planning and Zoning Administrator Krier said there is a provision that states the City does not warranty the basements against flooding that could still occur.

A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to adopt Resolution 2013-22 that amends Ordinance No. 91, 2nd Series Amending City Code of Ordinance Chapter 2 Sections 205 Definitions and Section 233, Flood Management, along with a summary publication; keeping the language “flood prone areas” in Section 233 paragraph 2, additional language in Section 233 paragraph 4, stating “special use permit”. With all members voting in favor, the motion carried.

10.2. Resolution 2013 – 23 Consider Encroachment Easement for 2105 Lake Road-
Planning and Zoning Administrator Krier reviewed the resolution and requested Council to approve the easement for the roofline that encroaches on City property.

A motion was made by Council Member Taylor 2013-23 and seconded by Council Member Bartel to approve Resolution 2013-23 Granting Encroachment Easement for 2105 Lake Road. With all members voting in favor the motion carried.

11. New Business – Resident Rachel Hunt 3130 Brooks Lane.

11.1. 2014 – 2018 Capital Improvement Program

Rachel Hunt, property owner of 3130 Brooks Lane, addressed Council regarding the issue of her backyard. Due to poor drainage and swale, a large portion of the neighborhood from the west and south drains to her back yard during heavy rain storms. Ms. Hunt recently purchased the property and has replaced the lower level flooring twice due to water damage. Ms. Hunt had heard the City’s Capital Improvement Plan (CIP) has had a drain project in that plan for quite some time but the City has delayed that project annually. She would like to know when and if the drainage project will move forward and if it does to make sure the drains are installed in the correct location and would also like to know how long this has been an issue. She needs to know in the event she must hire an engineer to help determine what plans need to be made to find resolution to the drainage issue.

Mayor Anderson stated that the Capital Improvement Program review has been rescheduled for the August meeting due to the Finance Committee not having the opportunity to review the plan. Mayor Anderson advised Ms. Hunt to attend the August meeting. Mayor Anderson stated that just addressing the storm drain alone will not entirely solve the water drainage problem.

Resident Brad Jans stated the swamp located on the Brooks Lane was to be drilled for drainage through to the lake but the project was not completed. The problem increased when 3103 Brooks

Lane was built and the swale was changed. Council Member Taylor raised the question of special assessment to the residents for funding a drainage project, which was previously discussed, at that time the residents ceased to pursue the issue. Resident Bob Johnson stated 3103 Brooks Lane was not built at the time the previous discussion took place.

Mr. Johnson would like to know who approved the grading plan for 3103 Brooks Lane because that seems to be when the problem started. Mr. Johnson has had discussions with Planning and Zoning Administrator Krier about this drainage issue. Mr. Johnson stated he was told by Planning and Zoning Administrator that the water issue at 3130 Brooks Lane would have to be resolved before a remodel took place and asked if a permit was actually pulled for the remodeling before Ms. Hunt purchased the property? Further review of the property file will determine if a permit was pulled for the remodel project. Ms. Hunt and Mr. Johnson inquired about the grading at 3130 Brooks. Planning and Zoning Administrator Krier stated there is a grading plan and hydrology report which determined the water run-off after the home construction would be less than previous run-off.

Resident Leonard McKinnon, Chair of the Utility Committee stated there were no estimates obtained for costs to correct the drainage issue but an engineering study was conducted and reviewed by the Utility Committee. Mayor Anderson proposes to have a work session prior to the August Council meeting. Mayor Anderson charged Council Member Taylor and Planning and Zoning Administrator Krier to review the issue, walk the property, and meet with the Utility Committee. Treasurer Gilster suggested exploring possible grant funding for this project. The study session will be held at 6 p.m. on August 6th before the regular meeting.

Council Member Bartel has additions to CIP to repair the handicapped ramp and replace the front steps at City Hall. Public Works Director Young will solicit bids to project the costs for the CIP.

Mr. Jans asked if a new water main was in the CIP for Brooks Lane since there is poor water quality and water pressure. The Council responded yes the project is in the plan but no date is set due to financing the project. Mayor Anderson added that the fire department automatically responds with tanker trucks because they are aware of areas with low water pressure. Council Member Taylor, Mound Fire Department Liaison stated that the tanker trucks are always used when responding to calls in Minnetonka Beach.

Mr. Johnson commented about a water main that runs along side the house of his property at 3120 Brooks Lane. He will be building a new home sometime within the next year and requests the water main be moved. He asked what he would have to do to have the City move the line so he can build without going over the water main. He is formally bringing this forward to Council for consideration.

12. Old Business

12.1. Fence and Plantings at Lafayette Club

Council Member Taylor said that having ridden the trail he would not have opposition to removing the vines on the fence at the Lafayette Club. Planning and Zoning Administrator Krier stated a letter should be sent to the Lafayette Club asking if they would consider removing the vines for safety purposes and that the City Council would be amenable to the removing the vines.

A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to send a letter to the Lafayette Club asking them to consider removing the vines for safety

purposes along the fence line on both sides of Woodbridge Road. With all members voting in favor, the motion carried.

An email request was received from a resident to have benches placed along the trail. Council Member Bartel stated it would create loitering. Residents already stand on the trail and visit. Mayor would favor one bench in front of City Hall, Council Member Bartel does not want benches place on the trail.

A motion was made by Council Member Bartel and seconded by Council Member Taylor not to place benches along the Dakota Trail. With Council Members, Bartel and Taylor voting in favor, and Council Member Lindstrom abstaining, the motion carried.

12.2. LMCC Resolution – Randy Gilster, Leonard MacKinnon

Mayor Anderson stated that there was some question about Minnetonka Beach's representatives on the LMCC. The representatives are to be elected officials. Mr. McKinnon has been the LMCC representative for Minnetonka Beach for many years and will continue to do so along with elected City Treasurer Gilster. A resolution was passed earlier this year and sent to the LMCC stating the City of Minnetonka Beach LMCC representatives are Leonard McKinnon and Randy Gilster. Mayor Anderson relayed that the cities of Victoria, Orono, and Medina are dropping out of the LMCC joint powers agreement, the cities of Greenwood and Minnetrista after polling residents have decided to remain with the LMCC.

Representative McKinnon said there could be opportunities at the LMCC for residents to learn how to operate the video equipment, cameras, and etc. then be volunteers to video tape community events, such as school concerts, town celebrations, etc. which would be aired on the local cable network. Representative McKinnon stated that the fees for Minnetonka Beach as a member of the joint powers agreement are reasonable. Treasurer Gilster said the fees could become an issue depending on the number of communities that withdrawn from the joint powers since fees are based on the number of communities, dwelling units, and the number of cable subscribers. Mayor Anderson said she assumes the franchise fees collected from residents will increase but it will be spread accordingly among the remaining communities. Representative McKinnon discussed these recent events with the Council. Mayor Anderson stated that the Council has made the decision to stay with the LMCC and confirm the resolution appointing Treasurer Gilster and Mr. McKinnon as the LMCC Representatives.

Before Mayor Anderson excused Planning and Zoning Administrator Krier from the meeting he gave a brief update. Currently there are two building permits in process. One is the Carol Ryan residence on Woodwinds Lane and the other is the Fasching residence on Cottage Lane. This fall looks to have more building activity at the end of Woodwinds at the Pohlad property. Council Member Taylor inquired about the variance that was approved and construction that was planned at 2521 Woodbridge Road. Planning and Zoning Administrator Krier stated that the project has been delayed.

13. Staff Reports – 8:50

13.1 Director of Public Works Report

Public Works Director Young informed Council that Omann Brothers will do the patching and asphalt before the seal coat project. Pearson Brothers will begin seal coating the roads on July 23rd. There is one patch left to do on Lafayette Road from residence's MacDonald to Brilley. The patch project will cost \$11, 025 above what was planned for the seal coat project. City Administrator

Griffin stated that bond funds can be used for that expenditure. Public Works Director Young discussed the repair and replacement of the steps to City Hall and the retaining wall on the handicapped walkway. This project could be costly due to the repairs needed. Mayor Anderson would like bids for the projects and then a decision can be made on how to proceed.

13.2. Clerk's Report – Update on Xcel and the Arcola dock area street light.
City Clerk Tiegs updated Council on the progress to have a street light installed on the Dakota Trail near the Arcola Dock area. She contacted TRPD and Xcel Energy. Xcel Energy is reviewing the area and will provide a cost for the light and on-going expenses.

13.3 Administrator's Report

City Administrator Griffin reported that the Planning Commission has three commissioner terms expiring. Commissioners Bill Norman and Rose King will not seek re-appointment. She is still waiting for a response from Jeff Ziebarth. Resident, Andrew Myers is interested in serving as a Planning Commissioner and will be on the August 12 Council agenda for consideration.

14. Council Reports – 9:00

14.1. Mayor's Report

Mayor Anderson attended the Orono Police meeting with Council Member Lindstrom. Two items of interest from that meeting are that Minnetonka Beach makes up 3.5% of their calls. Also, in preparing their 2014 Budget there will be an increase of 1% for services in Minnetonka Beach or a slight possibility of a 2% increase.

The H ITS Triathlon Series is a national organization that has asked for use of the Lake Minnetonka area roads and trails to hold an event. The City of Wayzata said yes to having the event go through their community, TRPD has not given permission for use of the trails, and Chief of Police Farniok informed the organization he will not close the roads for the one and a half day event or provide policing during an event with a possible 500-1,000 participants.

14.2. Liaison Reports – No Reports

Council Member Taylor would like a liaison for the July 24th Fire Commission Meeting. Council Member Lindstrom needs a liaison for the August 5th Planning Commission Meeting, Council Member Bartel volunteered to attend for her.

15. Adjourn – A motion was made by Council Member Taylor and seconded by Council Member Bartel to adjourn the meeting at 10:42 p.m. With all members voting in favor the motion carried.

**Respectfully Submitted,
Diane Tiegs, City Clerk**