

Monday, June 8, 2015 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; City Attorney Wally Hilke, Planning and Zoning Administrator Bill Thibault.

Guests: Mound Fire Chief Greg Pederson; Police Sergeant Chad Stensrud; Three Rivers Park District Representatives: Chief Hugo McPhee, Boe Carlson, and Danny McCullough; U of M Bee Specialist Becky Masterman; Resident Helen Lindsay.

- 1. Mayor Skalla called the meeting to order at 7:00 p.m.**
- 2. City Clerk Honey led the Pledge of Allegiance.**
- 3. Approve Agenda for the June 8, 2015 City Council Meeting.**

Council Member Bartel asked to move section 11. Planning and Zoning: 11.1 Resolution 2015-19 Consider Granting Impervious Surface (Hardcover) Variance – 2534 Lafayette Road, Pottebaum residence and 11.2 Right of Way Permit – 2534 Lafayette Road to after 5. Recognition of Planning and Zoning Administrator Richard Krier in the agenda.

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

Administrator Griffin asked to add to the agenda the following language “Resolution 2015-23 Denying an Impervious Surface (Hardcover) Variance to Allow Impervious (Hardcover) Not to Exceed 37.6 Percent Instead of the Maximum Allowed of 30 Percent - 2534 Lafayette Road, applicant Todd Pottebaum.”

A motion was made by Council Member Lindstrom and seconded by Council Member Taylor to approve the agenda with this additional amendment. With all members voting in favor, the motion carried.

Action Notes:

Council Member Bartel stated she will discuss the Minnetonka Beach sign on behalf of Park Commission during her liaison report. Council Member Taylor asked about the timing with the City Hall steps and ramp. Public Works Director Young stated the steps and sidewalk work will begin in July. There was discussion about the location of the new ADA ramp as well as leaving the old sidewalk intact through the garden and having steps out to the street at the end of it.

4. Approve Minutes

4.1. Regular Meeting of May 11, 2015

Council Member Lindstrom referenced page 4 of 7 and asked for specific language to define the clarification of Resolution 2015-10. Administrator Griffin and Clerk Honey will make that change.

Council Member Bartel noted a typo on page 3 of 7 where it stated “Ms. Aho said this () inaccurate”. Clerk Honey will listen to the tape to add “is” or “was” as stated by Ms. Aho.

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve the Council meeting minutes of May 11, 2015 as amended. With all members voting in favor, the motion carried.

5. Recognition of Planning and Zoning Administrator Richard Krier, Midwest Planning & Design

Mayor Skalla presented Mr. Krier with a Proclamation and gift, and thanked him for his 16 years of service to Minnetonka Beach. Former Mayor Anderson spoke about how instrumental Mr. Krier was in negotiating the agreement for the trail. Mr. Krier thanked Council for allowing him to be the Planning and Zoning Administrator for the last 16 years.

6. Planning and Zoning

6.1. Resolution 2015 – 19 – Consider Granting Impervious Surface (Hardcover) Variance – 2534 Lafayette Road – Pottebaum

Planning and Zoning Administrator Bill Thibault stated the applicant has used the allowable hardcover but needs a way for his child with a disability to get to the school bus. The current bus stop location causes traffic congestion and the school board has asked for the bus stop location to be changed. The applicant is requesting a four foot wide section from their front door to Lafayette Road to the west. He also requested a three foot section extending from the garage area to a side door and the front of the home. At the Planning Commission meeting, it was determined that some required standards were not met to grant the variance. The City Attorney examined the ADA, Fair Housing, and MN Human Rights laws. The laws state reasonable accommodations should be made. Planning Commission recommended an allowance based on ADA provisions. Resolution 2015-23 is a denial of the variance because the standards were not being met by the applicant to approve the variance. There is a section of the sidewalk that would be in the right of way. The City requires a separate permit for the right of way. City Engineer Amundson described that the sidewalk surface would not have runoff and water would pass through it. He also confirmed that all engineering conditions appear to be satisfied for this application.

A motion was made by Council Member Bartel and seconded by Council Member Taylor to adopt Resolution 2015-19 Authorizing Construction of a Sidewalk at 2534 Lafayette Road. Applicant: Todd Pottebaum. With all members voting in favor, the motion carried.

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to Approve Resolution 2015-23 Denying an Impervious Surface (Hardcover) Variance to Allow Impervious (Hardcover) Not to Exceed 37.6 Percent Instead of the Maximum Allowed of 30 Percent at 2534 Lafayette Road. Applicant: Todd Pottebaum. With all members voting in favor, the motion carried.

6.2. Right of Way Permit – 2534 Lafayette Road

City Engineer Amundson explained to Council that the proposed plan has a longer pipe laid under the pavers than he would recommend. As proposed, there could be an issue if the pipe freezes. He believes he can work with the applicant on a revision with a shorter, straight pipe.

A motion was made by Council Member Bartel and seconded by Council Member Kozloski to approve Right of Way Permit application for 2534 Lafayette Road with conditions as specified in Public Works Director Young's memo. With all members voting in favor, the motion carried.

7. Open Forum

7.1. Greg Pederson, Mound Fire Chief

Chief Pederson said Mound Fire Department made approximately \$30,000 at the fish fry and served over 2,800 meals. He handed out an ISO Public Protection Classification Rating sheet. He has done three insurance audits since he became Chief. Minnetonka Beach has made an enormous improvement in the water system which changed the rating from a 7 to 6, which is impressive. He also handed out an ISO presentation explaining the audit and point system. Chief Pederson handed out a Mound Fire Fact Sheet.

7.2. Beekeeping – Becky Masterman, U of M Bee Specialist

Resident Helen Lindsay introduced Dr. Becky Masterman from the University of Minnesota. Mayor Skalla stated that the current City code does not allow beekeeping under the nuisance ordinance. Dr. Masterman described the Bee Squad's role in supporting healthy bees and managing bees for local companies and cities. One of every three bee colonies is lost every winter. Council Member Lindstrom asked about increases in bee stings in cities with honeybees. There is no data showing an increase of stings. There are 400 varieties of bees and some sting but honeybees are usually foraging for flowers and only sting if threatened. The hives are not set up near human traffic to minimize contact with humans. Orono allows honeybees.

8. Police Report – April

8.1. Police Report – May Report

Sergeant Stensrud reported on a burglary in Minnetonka Beach and similar ones in Mound. These occur at home construction sites that are vacant. The burglaries are being investigated by Hennepin County to see if there is any connection with other metro burglaries. Construction sites are being hit a lot and they are not sure if it is a worker or someone driving by. He recommended that if a house is being built, staff should alert the builder of the burglaries and also notify police of the address so they can patrol it. The Use of Force class was a success. The intent was to show the difficulty in determining when to use force and the progression of situations. They are hoping to do another class in the fall. Council Member Bartel attended the class and reported that it was very eye opening.

8.2. Dakota Regional Trail– Three Rivers Park District Representatives

Three Rivers Park District Representatives stated that they started patrolling the trail in May. Most violations are at crossings and stop signs. They will have four saturations but do not have the dates yet. There was discussion about speed limits on the trail. There are no speed limits on any trails. Instead bikers are required to ride at a speed and manner that is reasonable and safe. This gives them flexibility in enforcement. The trail is monitored ten hours per day with enforcement areas based on calls and problem areas. There is no history of any incidents with kids being in serious accidents. More bikers hit cars at stop signs. There are four repair sites on the trail and more will be added. They will be in high traffic areas and are funded through donations. This is a destination trail for most users. The 26 mile corridor has 400,000 to 500,000 users per year. If there are any issues, people need to call 911 then ask for non-emergency to report a Dakota Trail incident. They are able to build data on problems that way.

9. Public Hearing

9.1. Storm Water Pollution Prevention Program (SWPPP)

Mayor Skalla opened the public hearing at 8:47pm. City Administrator Griffin referred to a letter in the Council packet which described that the purpose of the hearing is to collect information from the public as to how well this program is going. SWPPP is a requirement of the Minnesota Pollution Control Agency, the Federal Water Quality Act and the MPCA rules. SWPPP is also a requirement of the City's MS4 Permit. City Administrator Griffin stated that the ordinance amendments should be done by the next Planning Commission meeting and the code amendments would go to Council in July. Mayor Skalla asked if Dick Krier has committed to getting finishing this. City Administrator Griffin stated that he has. Mayor Skalla closed public hearing at 8:50pm.

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

10. Consent Agenda

- 10.1. Fire Report – May
- 10.2. League of MN Cities Insurance Trust Tort Liability Waiver
- 10.3. 2015 LMCD Preliminary Budget
- 10.4. Lake Minnetonka Communications Commission By-law Amendments
- 10.5. Dock Permit Approval – Haag, Dock 6A-2, Kloss 24-4, Bank 24-2, Boyd 24-1 and 24-6
- 10.6. Contract for Planning and Zoning Services with Sambatek, Inc.

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

11. Treasurer's Report

11.1. Consider Motion to Approve June Checks

Treasurer Gilster noted that the expenses out of the ordinary were: Ehlers \$3,000 invoice which is for a contract in 2012 to keep Minnetonka Beach in compliance with the IRS related to bonding, the Minnetonka Beach landscape and sign area, and Imbedded Systems siren maintenance. The Ferguson Waterworks is for water meters that will be billed back to the homeowners.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to approve checks numbered 15044 through 15091 in the amount of \$46,806.05. With all members voting in favor, the motion carried.

11.2. YTD Budget Report and Previous Year Comparison Report

Treasurer Gilster reported the Profit and Loss statement looks the same as this time last year. Dock permits are up but there are no other significant changes. City Administrator Griffin mentioned the City has \$3,300 in Road Aid from Hennepin County to be used to repair certain roads. Public Works Director Young will use some of this for road repairs this year. She also mentioned that the City received the Hennepin County Recycling Grant of \$1,900.

11.3. Outstanding Accounts Receivable Report –

Treasurer Gilster reported no significant changes. Mayor Skalla requested Treasurer Gilster to get the Finance Committee together to work on the balance funds.

12. Old Business

Ordinance No. 102, 2nd Series, Establishing City Owned Property as Tobacco-Free

Council Member Lindstrom worked on this ordinance. It forbids tobacco products and tobacco related debris at all City facilities including parks. The City had a policy but it was not enforceable by police. This ordinance makes it enforceable. A fine will need to be established for the ordinance.

A motion was made by Council Member Bartel and seconded by Council Member Kozloski to approve Ordinance No. 102, 2nd Series, Establishing City Owned Property as Tobacco-Free. With all members voting in favor, the motion carried.

13. Staff Reports

13.1. Public Works Director Young

Public Works Director Young reported a storm sewer collapsed and he has been repairing it. Someone has been parking by the new landscaping sign. Public Works Director will put stakes along that curve. Public Works Director Young reported the existing sidewalk at City Hall will remain intact through the gardens. There will be a retaining wall and there will be steps instead of the ramp once the accessible ramp is removed. The cost will be approximately \$2,500. If railings are needed, it will cost more.

13.2. City Clerk Report

Clerk Honey reported the home sales in Minnetonka Beach and building permits issued to date. She also discussed the Step to It Challenge and that Treasurer Gilster won with the most steps. Minnetonka Beach was second in the Most Engaged City category.

13.3. Administrator's Report

City Administrator Griffin discussed the memo from the League of Minnesota Cities insurance trust with updated insurance rates. There will be changes under the no fault sewer backup. She will report when that happens. She surveyed lake area cities regarding emails for council members. She discovered that if the City is in control of the data, then the council member's device they use to access their email would not be impacted if there was a data request. She will ask contact govoffice to see if they currently keep the data for us to access if needed. Very few cities provide hardware (i.e. tablets) for Council. The budget cycle will be starting soon.

14. Council Reports

14.1. Mayor's Report – Mayor Skalla had no report.

14.2. Liaison Reports-

Council Member Taylor – Council Member Taylor stated that both planning and fire were already discussed tonight.

Council Member Lindstrom – Civic Committee – new towels and cups have arrived.

Council Member Lindstrom – Utilities Committee had a joint meeting with Finance Committee.

They were not able to prioritize the storm water drainage projects because they need to determine which are private and which are public. City Engineer Amundson will be working on that. When the determination is completed, they will meet again to prioritize the projects and make a recommendation to Council. There was discussion about bonds. The stormwater project needs to be completed and other projects could be put with it to justify a bond if they are not costly enough on their own. Council discussed the need to determine how great the risk is if something happens.

Mayor Skalla requested that Council Member Lindstrom get Utilities Committee to meet in July.

Council discussed the Arcola and West End looping. They also discussed consulting with Ehlers to determine if this would be the right time to purchase bonds.

Council Member Bartel – Finance Committee will meet in August to work on the Fund Balance and the proposed Utility Committee Projects.

Council Member Bartel – Park Commission is focusing on prioritizing maintenance issues. Public Works Director Young gets volunteered for many things during the Park Commission meeting. He needs to look at the maintenance list and determine what he can do. They are looking at hiring a gardener to help weed and water. Public Works Director Young spends 30 minutes just watering the flower boxes at Ray Peters Park. Council Member Bartel said the welcome sign on the east end was given to the City as a memorial so that may affect how people feel about one on the west entrance. To get a new sign would be minimally \$5,000-6,000. They need to put it in the budget for next year or Council can approve it as a special expenditure. Council discussed the amount that may be available for Park Commission to use for this. Treasurer Gilster stated they will have the amount in the general fund reserves for Council Member Bartel at the July Council meeting.

A motion was made by Council Member Bartel and seconded by Council Member Taylor adjourn the meeting at 9:45pm.

PUBLIC IN ATTENDANCE – The following individuals signed the sign-in sheet: Becky Masterman, Dan & Helen Lindsay, Todd Pottebaum, Jan Krier, Richard Krier, Joann Anderson, Patty Rezabek, Greg Pederson.

Respectfully submitted,

Heidi Honey, City Clerk