

Monday, November 10, 2014 7:00 PM
CITY OF MINNETONKA BEACH
CITY COUNCIL MEETING MINUTES

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

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

Guests: Orono Police Officer Scott Boris; Park Commission: Amy Johnson

1. Mayor Anderson called the meeting to order at 7:08 p.m.

2. City Administrator Griffin led the Pledge of Allegiance.

3. Approve Agenda for the November 10, 2014, City Council Meeting.

Council Member Skalla asked to add a New Business section and item regarding replacement of Zoning Administrator Dick Krier who submitted a resignation letter effective January 6, 2015.

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

3.1. Council Member Lindstrom noted an item missing from the Action Notes from the October meeting that Staff was to poll other communities regarding invoices from Gopher State One Call and if residents are required to pay back the city for these services.

4. Approve Minutes

4.1. Regular Meeting of October 14, 2014

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve the meeting minutes of October 14, 2014 as amended. With all members voting in favor, the motion carried.

5. Consider Proposal for Temporary Assignment of Heidi Honey as City Clerk

City Administrator Griffin spoke about considering Heidi Honey to fill the open City Clerk position. She explained that the City attorney stated the open position does not need to be posted and can be filled from within. Administrator Griffin asked for the temporary assignment to make sure it is a good fit for both the City and Heidi Honey. There was discussion about her qualifications for the position and a reasonable amount of time for the temporary assignment until a permanent decision is made. Council discussed starting a hiring process to save time in the event Heidi does not fill the Clerk position. Council Member Taylor stated that if she does not fill the position, she will still be employed by the City and will be covering for the position until it is filled. Council Member Skalla

clarified that if Heidi Honey does not fill the City Clerk position there is an expectation that she will go back to the Postal Clerk/Utility Billing part time position for the pay rate she was receiving for that position. Council discussed that the pay rates are determined by the STEP Charts that have been used in the hiring process for all positions. Council discussed the event of Heidi either accepting or not accepting the position prior to the December 1 deadline and determined that Administrator Griffin could then start the search process.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to temporarily assign Heidi Honey to the City Clerk position at rate of \$18.91 per hour effective November 10th to December 1st. With all members voting in favor, the motion carried.

A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to authorize the City Administrator to start the hiring process for the City Clerk position in the event that Heidi Honey is not offered or accepts the position on or before December 1st. With all members voting in favor, the motion carried.

6. Outgoing Commissioner Recognition – Amy Johnson, Park Commission

Mayor Anderson presented Amy Johnson with a Certificate of Appreciation for her 14 years of service on the Park Commission. Council Members extended their appreciation to Ms. Johnson for her time and service to the Community.

7. Open Forum

7.1 Dennis Klohs , LMCD – Dennis Klohs explained that there has been discussion over the last few years by residents, including some from Beach Lane and Lafayette Road, on expanding the quiet water area near Arcola Bridge. The LMCD is holding a public hearing on Wednesday, November 12th regarding expanding the quiet water area in part of Harrison Bay. Mr. Klohs thinks expanding the quiet water areas is a reasonable request because over 95% of the lake is open. He feels if the LMCD passes the quiet water area in Harrison Bay, then it is very likely that the LMCD will also support that in the Arcola Bridge area as well. He will report back to Council as to the outcome but Mr. Klohs welcomes the City Council members to attend. Mayor Anderson stated there have been concerns regarding quiet water areas from some Minnetonka Beach residents, and Mr. Klohs stated that he has discussed with the residents the need to work together for the overall safety of the lake. Mayor Anderson asked if this is something Minnetonka Beach would have to fund or if there are other cities involved. Mr. Klohs stated that residents who complain about losing some lakeshore are not getting anywhere but those who have documentation and data are able to support the argument of safety issues such as close calls. Mr. Klohs provided information to the residents of Beach Lane and Lafayette Road on this issue as well as details regarding the upcoming meeting and he feels if they want something done they need to put some effort into it.

8. Police Report

8.1 Police Report – October report was reviewed by Sergeant Scott Boris and he answered Council Member questions. There were two voter registration issues which were just mistakes and not crimes. One voter signed on the wrong line and it looked like they voted twice. The other was a voter who had moved and it appeared that they voted in Minnetonka Beach and their new location

but it turned out they did not. The help button was pressed at St. Martin's church but there was no problem there.

9. Consent Agenda

9.1. Fire Report – October

9.2. **Resolution 2014 – 43** – Accept Results of November 4, 2014 City Election

9.3. **Resolution 2014 – 44** – Annual Tornado Siren Maintenance Contract

9.4. **Resolution 2014 – 45** – Consider Appointment of Jim Haag to Planning Commission – Mr.

Haag addressed the Council. In an effort to give back to the community, he is interested in doing what he can to help. He cares about the community. He was raised in the community on Beach Lane, he wants to raise his kids here, and wants to keep the community in the pristine environment that it is in right now.

Regarding Resolution 2014 – 43, Treasurer Gilster requested that his name be removed as accepting the Treasurer position but later withdrew his request. He will accept the position of Treasurer and will remain in the position. However, he expressed interest in the City Council seat that will be open effective January 1, 2015 and, if appointed, would then resign from the Treasurer position.

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

10. Treasurer's Report

10.1. Consider Motion to Approve November Checks

Council Member Taylor requested clarification on a charge from Prairie Restoration. Park

Commission Member Patty Rezabek verified that the charge was for treatment at the Arcola woods location because that area has not been treated as often as Ray Peters.

A motion was made by Council Member Lindstrom and seconded by Council Member Taylor to approve 54 checks numbered 14704 through 14757 in the amount of \$51,139.06. With all members voting in favor, the motion carried.

10.2. YTD Budget Report and Previous Year Comparison Report – No discussion

10.3. Consider Motion to Transfer \$90,532.50 from 4M Bond Fund to General Fund

Administrator Griffin requested a motion to transfer \$90,532.50 from the 4M Bond Fund to the 4M General Fund. The remaining bond funds can be used to reimburse the City for the interest payments on the water portion of the debt which our auditors calculated to be \$90,532.50 (2013-\$18,627.50 and 2014-\$71,905.00 leaving \$19,364.25 remaining in the 4M Bond Fund. The remaining \$19,364.25 can be used to pay part of the interest in 2015.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to authorize staff to transfer \$90,532.50 from the 4M Bond Fund to the 4M General Fund. With all members voting in favor, the motion carried.

11. New Business

11.1. **Krier retirement letter**

Dick Krier reviewed his letter dated November 6, 2014 regarding his intent to retire effective

January 6, 2015. Council Member Skalla recommended that Council have some discussion about a

replacement plan for Krier. Mr. Krier stated he would stay on to see through the code amendments that Council approved in the recent Work Program and as needed but his intention is to retire so his availability would be limited.

He stated that the City of Orono has expressed interest in the code enforcement portion of his job. Council Member Taylor asked about other options such as other firms. Krier recommended the City consider firms that have shoreland experience since there are unique requirements. Some of the firms he mentioned that have such experience are: Northwest Planning, SRF, Thibault Inc., and Loucks. These firms could be used to conduct zoning reviews, planning, and code enforcement. It is important to use a firm with shoreland experience because the rules are different when working with lakeshore. They will need to understand the relationship to the LMCD and understand the relationship to the Minnehaha Watershed District.

Council Member Taylor stated that the City needs to define the scope of the position and Krier stated he is willing to help with that. Council Member Skalla suggested holding a work session with Council and the Planning Commission to review Krier's responsibilities.

Administrator Griffin stated that City Attorney Hilke asked to be consulted in the hiring process. Administrator Griffin also mentioned that the City could use Bill Thibault for zoning reviews in the interim.

After further discussion Council decided to hold the work session prior to the December 1st Planning Commission meeting at 6 p.m. and have Krier facilitate the session. Expectations for the session would be that the participants would:

- Receive a clear delineation and understanding of roles and responsibilities of the Planning and Zoning Administrator
- Discuss and understand the possible different options for filling the vacancy: i.e. same as is done today with Krier, or could the responsibilities be fulfilled in a piecemeal fashion.
- Understand pro's and con's of the options
- Outcome would be a recommendation to the City Council for the December 15, 2014 meeting

Krier agreed to do the following for the work session:

- Prepare outline of job responsibilities, breaking down the scope
- Contact other firms who are familiar with working in a shoreland area to find out what services they may be able to provide and at what cost
- Talk with the City of Orono prior to the meeting to find out what they are willing to do and a general idea of cost
- Identify other cities that might be interested in working with Minnetonka Beach in some zoning capacity (Deephaven, Wayzata, etc.)
- Research RFP templates for Zoning Administrator

Mayor Anderson summarized what was discussed and stated that Zoning Administrator Krier and City Administrator Griffin would create the work session agenda and Krier would put together the above materials.

Council Member Skalla suggested that it be a tight agenda so they achieve the desired outcome. Council Member Taylor said that a possible outcome would be a recommendation to solicit requests for proposals.

12. Old Business

12.1. Pedestrian Crossing Update

Krier referred Council Members to the letter from Jim Grube of Hennepin County which stated that due to the low numbers attempting to cross, they were not supportive of the HAWK. Krier expressed disappointment by the response. In the letter from the County, two other options were suggested for the City to explore such as a center median (which may change the outcome of the crossing study), and a Rectangular Rapid Flashing Beacon with additional flashing beacons installed in advance of the crosswalk location. Mr. Krier stated that in talking with Jim Grube he feels the City has spent enough money on the study and there is enough data there for the County to make a decision. Mr. Krier suggested the following options:

1. Do pedestrian counts again in the spring – there is money left in budget, and see if numbers of people crossing increases to better meet the thresh hold for a HAWK system
2. Pedestrian – safe, raised median option crossing
3. Rectangular Rapid Flashing Beacon (RRFB) – median with flashers and pre-flasher (Navarre)

The questions for the City are 1) do they want a crossing, 2) what type of crossing, 3) at what location and 4) how much are they willing to spend. The County will pay for the crossing itself for any of the options and the City would pay for the approaches to the crossing. The issue of site distances was discussed and what would and would not work. Council Member Skalla stated that when Krier studied this in the past it was determined that for a regular crossing the Woodbridge Road location was not acceptable and would not be for options two and three. There was discussion about how Arcola crosses CR15 at an angle. There was discussion about the difficulty for residents from the Huntington Point side to get to that proposed crossing location.

When Midwest Planning and Design studied this in the past, the assumption was that folks wanted to get to the trail from the Huntington Point side.

Previous design from 2009/2010 was just for an at-grade crossing – at that time it was estimated to cost \$118,000 for ADA accessibility to the crossing. This estimate includes the crossing and access to it but does not state the amount that Hennepin County is now willing to contribute to the crossing. This was not supported by the Orono Police at that time due to false sense of security.

Mayor Anderson suggested that it may be time to get public input.

Krier would like a firm commitment from the County in the form of a letter stating what the County will do based on what the City requests for the crossing. Council Member Skalla doesn't think further action should be taken without public input. He believes there are strong feelings on both sides and Council should know what residents want before they require a commitment from the County. There was discussion about placing the crossing in a place that it will be used by the most residents. Council Member Skalla stated that after Council determines resident interest, then they can present the options to the residents.

He thinks the City should communicate the new information to the residents. Council Member Taylor doesn't think they are in a position to select an option. He agrees Council needs to educate the public on

what the County's response was and, regardless of what the options are, the Council needs to see if there is enough interest from a broad range of the community to support exploring this any further. He feels the Council doesn't need to get into discussion of the potential options with the residents until they know there are enough residents interested in having a crossing. He also stated the City needs a better feel for what the community wants through surveys, public hearings, or whatever mechanism is needed to determine what the residents want.

Krier doesn't expect Council to take firm action. What he wants is a firm commitment from the County as to what they will support and fund, depending on the options. Mayor Anderson agreed that the commitment is needed first from the County so that the City doesn't present any options to the residents that they later cannot fulfill because the County won't support them.

Patty Rezabek has a question about the volume of people crossing. She says currently the people won't be crossing because it is dangerous, which affects the volume. She also stated that we need to think about a trail from Woodbridge Road to Hill Road because we don't have an ADA path now from Half Moon or from Woodbridge into Ray Peters. This would be an additional cost but should be considered.

Mayor Anderson – She agrees that people aren't crossing because it is dangerous and this has impacted the numbers and the County's position. She is disappointed in the County's response. She stated the County led the City to believe that the number of people crossing would not matter and the amount of traffic and the safety issue alone was enough to get the crossing for the City. To not put something in without lights would be irresponsible. The Navarre RRFB option would be better than nothing but she agrees that a firm commitment from the County is needed on what exactly they will support. She will talk with Commissioner Callison and wants to talk to Jim Grube as well. She wouldn't be comfortable proposing anything to our residents without a firm commitment in writing from the County. She will continue to push for the HAWK. She feels we need to share with the residents the three options the County has proposed.

Krier asked if he should pursue getting a letter from Hennepin County on what they will commit to do if asked. Council Member Taylor asked if the letter they received basically states that. Krier clarified that the letter implies that but then it talks about further evaluations which concerned Krier. The letter says for the City to consider the other two options and then they will talk about evaluations which sounds like they want the City to do further studies but when Krier spoke with Grube on the phone, Grube stated that the City had spent enough on studies and the County didn't want them to spend any more money.

Council Member Skalla suggested referring it back to the Planning Commission to study the entire corridor for long range planning. He wondered if there were other options such as lowering the speed limit or capping off streets to truly make that area safer. He feels anything they put up may create a false sense of security and suggested tabling the issue for now and communicate to residents and see what the response is.

Dennis Klohs stated the City needs to study all five access points from both directions and plan for the future. He agrees with Krier that Arcola Lane needs to be re-aligned for safety and at some point that may be required.

Dennis Klohs stated that the County loved the idea of closing Lafayette Road at the swimming beach. It eliminates one more conflicting left lane into traffic. With fewer access points of conflict, it is safer for everyone. It will cost more money and take more time but it will be a more satisfied process going

forward because it will be looked at from a big picture and actually can make sense. The County could be part of the planning process all along and it could be better for everyone concerned.

Mayor Anderson stated that the City has talked about a pedestrian bridge, a tunnel, and now a Hawk system so she isn't sure what else the City could be talking about.

Dennis Klohs responded that the City is doing it piece meal rather than analyzing the whole area.

Council Member Taylor wants to communicate the County's response to the residents and then put it back to the residents through an open forum or whatever method needed to get input to see if it is worth it for them to go to the next step, whatever the next step may be. He would like a mandate from the community before the Council spends any more time on it. The Council owes it to the residents to communicate what they have found, and would like the residents to show a display of engagement in determining what they want and if they get no response, that is an answer in and of itself.

Council Member Lindstrom agrees with Council Member Taylor.

Council discussed how to communicate with the residents including Beachcomber, email blast, website, to try every option we have to communicate, possibly an open forum at next meeting.

Council Member Taylor stated that petitions became a strong voice with the bench on the trail so he suggested having an open forum and suggested petitions to understand the voice of the residents who are not able to attend a forum.

Council Member Bartel is worried about putting this out there without some level of expectation from the County. Why have another public forum until they know what the County will support.

Krier thinks we can get commitment from County before communicating to the public.

Council Member Taylor confirmed that the commitment Krier referred to would be based on the three options; a recount in the spring to qualify for a HAWK, a safe crossing median, or a median with a flasher and a pre-flasher. Krier thinks they would support a median and a RRFB. To pursue the HAWK, the numbers would have to go up.

Council Member Bartel stated that she watched a Youtube video of the RRFB and recommended Council watch it also.

A motion was made by Council Member Taylor and seconded by Council Member Bartel that Staff communicate to residents via the Beachcomber and Email/Website the outcome of meeting with County regarding pedestrian crossing study with a copy of letter and summary of potential options presented by County, and let them know of the City's intent to hold a public forum to collect resident interest in options, with the forum to be held in May. Residents may submit input in the meantime to City Hall. With all members voting in favor, the motion carried.

13. Staff Reports

13.1. Public Works Director Young was not in attendance due to snow removal

13.3 Administrator's Report – Administrator Griffin reviewed a memo from the City Attorney on Filling the Council Vacancy. Staff will prepare a detailed process and timeline for the December meeting based on recommendations in the memo from the attorney.

13.3.1 Administrator Griffin recommended that since the current Mayor Pro-Tem (Council Member Taylor)'s term will end at the end of the year, and Council will need a sitting Council Member who has been appointed as Mayor Pro-Tem to start the January Council meeting until the new Mayor and Council Members are sworn in, that they appoint Council Member Jaci Lindstrom as Mayor Pro-Tem.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to appoint Council Member Jaci Lindstrom as Mayor Pro-Tem effective January 1, 2015. With all members voting in favor, the motion carried.

14. Council Reports

14.1. Mayor's Report – no report

14.2 Liaison Reports- Council Member Lindstrom reported that Planning Commission held training for new Planning Commission members. They denied recommending a variance for 2932 Northview. They reviewed the roles and responsibilities of the Planning Commission. They discussed ways for better communication. They wanted Council Member Lindstrom to pass along their feeling that they are open to any projects the City Council would refer to them to help the City move forward with those projects. She handed out a year to date building permit list. Council Member Skalla asked Administrator Griffin to have an Open Meeting law refresher and open it up to other committees. Council Member Lindstrom will not be available for December 8th Council meeting and asked that the date be changed. The City has already published the Truth in Taxation hearing so that will have to occur on December 8. Council could continue the hearing and the Council meeting to December 15th. Krier explained that regarding the variance request that the Planning Commission recommended denying, the applicant has asked for an extension to the December Council meeting.

A motion was made by Council Member Lindstrom and seconded by Council Member Taylor to move the December Council meeting from December 8 to December 15, 2014. With all members voting in favor, the motion carried.

Council Member Taylor said the Fire Commission meeting is Wednesday, 11-1 pm on the Nov. 19th and he is unable to attend. Council Member Skalla will check his schedule.

Council Member Bartel - no report

Council Member Skalla – Asked about a letter from Krier in packet regarding the timeline of events for 2301 Lafayette Road (Haag) and the Palm Lane drainage issue. Administrator Griffin explained that the letter was prepared to help document the chain of events as it relates to an outstanding invoice for Jim Haag. The matter was settled with Mr. Haag and will not go to special assessment.

Council Member Skalla asked Krier to update Council on the recent ruling on wind generators and the City of Orono. The Planning Commission has conducted a study to determine rationale basis. Minnetonka Beach is waiting to see what Orono will decide to do before spending more time on studying the issue. Krier will contact Orono and report back to the Planning Commission.

15. A motion was made by Council Member Bartel and seconded by Council Member Skalla to adjourn the meeting at 9:30 p.m.

Respectfully submitted,

Heidi Honey, City Clerk