

**Monday, October 14, 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; City Clerk Diane Tieg; Planning and Zoning Administrator Richard Krier; Public Works Director Ben Young; Stantec Engineer Darren Amundsen

**Guests:** Three Rivers Park District Regional Trail Manager, Danny McCullough; Orono Police Sergeant Scott Boris

- 1. Mayor Anderson called the meeting to order at 7:00 p.m.**
- 2. City Clerk Tieg led the Pledge of Allegiance.**
- 3. Approve Agenda for the October 14, 2014, City Council Meeting.**

Mayor Anderson requested item number 9.8 Civic Committee Membership be removed from the Consent Agenda as requested by the Civic Committee. The Civic Committee will report to Council at the January meeting regarding City Code which limits the number of members on the Civic Committee. Currently they have more members than allowed by City Code and they would like time to address the issue before speaking to Council. Mayor Anderson asked that the Inflow & Infiltration Grant Fund Application be added to the Consent Agenda for Council Approval.

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

Council Member Skalla requested to have the Feasibility Study discussion moved before the Public Forum on the Agenda so Council can discuss, have the Public Forum, then Council can come back to reconciliation after the forum if needed. Mayor Anderson stated that she understands his request and has the discussion process broken down into the following six steps as follows:

1. Mayor Anderson will have Stantec Engineer Darren Amundsen review the report for Council and the meeting attendees.
2. Planning Commission Chair Andrew Myers and Planning Commissioner Mike Palm will speak.
3. Council Member Skalla will have Engineer Amundsen address his questions and concerns.
4. Council Members will ask questions.
5. Open the Public Forum to give residents the opportunity to ask questions.
6. Council Members to discuss next steps.

**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 Member Taylor asked about the Planning Commission's review of the building permit process. Council Member Lindstrom stated they are currently addressing the work program and the building permit process is part of that discussion.

**4. Approve Minutes**

4.1. Regular Meeting of September 8, 2014

**A motion was made by Council Member Bartel and seconded by Council Member Taylor to approve the meeting minutes as amended for September 8, 2014. With all members voting in favor, the motion carried.**

**5. Open Forum** – None present

**6. Outgoing Commissioner Recognition** – Pat Parris, Planning Commission

Mayor Anderson presented Pat Parris with a Certificate of Appreciation for his years of service on the Planning Commission. Council Members extended their appreciation to Mr. Parris for his time and service to our Community.

**7. Park Commission Report** – Jody Sperduto, Park Commission Chair -Recommendations for Park Enhancements and Accessibility.

Park Chair Jody Sperduto addressed Council to review the events that led up to the park enhancement project. A task force was formed by residents along with Park Commissioner Patty Rezabek. They met with Chris Des Roches of Flagship/Land Structures at Half Moon Park to review the ADA standards. Resident Emily Forbes distributed information to the Council illustrating the proposed changes to comply with the ADA statutes. The recently installed ADA swing does not comply with the Consumer Product Safety Commission (CPSC) standards.

The task force is requesting that the Park Commission install a separate swing bay to comply with the CPSC standards using CIP funds. A poured entrance of a sponge like material should be installed at the entrance to the play area for ADA accessibility. The newly installed ADA swing at Half Moon Park will be moved to City Hall Park to comply with CPSC standards and the belt swing will be moved to Half Moon Park making both ADA compliant. The cost for the project is \$11,000.

Council Member Bartel asked if the non-compliance will be coordinated with Public Works Director Young and if it will be within the next few weeks. Council Member Lindstrom asked if the proposed changes in the play equipment will keep the City Hall Park in ADA compliance. Ms. Forbes stated the changes will be coordinated with Public Works Director Young. When completed, both Half Moon and City Hall parks will be in compliance.

Mayor Anderson complimented the Civic Committee on another successful Halloween Spooky Walk and Party held October 12, 2014. There were approximately 65 children in attendance.

## 8. Police Report

- 8.1. Police Report – Sergeant Scott Boris, Orono Police Department, reviewed the September Police Incident Report. A resident reported a mail scam letter. Suspicious activity was reported but it was a local person visiting the area. Another call reported a low flying aircraft. There was a complaint of someone smoking at Ray Peters Park. The Office spoke with the person smoking in the park and they apologized. The Orono Police Department construction project is still in progress.

Resident Susan Carlson stated she called the FAA regarding the low flying plane. The FAA explained that there isn't anything that can be done unless the numbers on the plane are reported.

- 8.2. Dakota Regional Trail – Three Rivers Park District Representative Chief Hugo McPhee introduced Danny McCullough, the newly hired Regional Trail Manager. This is the last report for the 2014 season. Any future questions should be directed to Mr. McCullough.

Minnetonka Beach will not provide winter maintenance on the trail over the winter months.

## 9. Consent Agenda

- 9.1. Fire Report – September
- 9.2. **Resolution 2014 – 37** – Consider Adopting Ord. 98, 2<sup>nd</sup> Series, 2015 Fee Schedule and Authorizing Summary Publication
- 9.3. **Resolution 2014 – 40** – Snow Plow Agreements – Arcola Lane
- 9.4. **Resolution 2014 – 41** – Snow Plow Agreements – Crescent Street
- 9.5. **Resolution 2014 – 42** – Authorizing Exemption to City Code Section 505 to Allow Lawful Gambling for MN Spay Neuter Assistance Program at the Lafayette Club on November 15, 2014
- 9.6. Proposed Special Assessment of Unpaid Bills: 2301 Lafayette Road (Haag), 2536 Lafayette Road (Bank)
- 9.7. LMCC Joint Powers Agreement as Unanimously Approved by LMCC on August 14, 2014
- 9.8. ~~Civic Committee Membership~~—*Remove until January 2015 Council Meeting.*
- 9.9. Inflow & Infiltration Grant application submittal by City Administrator Griffin

**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 Motion to Approve October Checks
- 10.2. YTD Budget Report and Previous Year Comparison Report

Treasurer Gilster reported that the budget is tracking as projected and answered Council questions. Council Member Bartel asked for clarification of the Gopher State One Call services invoice. City Administrator Griffin responded that the invoice is from residents requesting locates on their property before digging. Council Member Bartel asked if other communities cover the costs of cable/wire locates. City Administrator Griffin will poll other communities regarding the Gopher

State One Call fees and whether residents are billed back for the service. Council Member Bartel also inquired about the payment to Planning and Zoning Consultant Bill Thibault and if the invoices will be billable to the resident. City Administrator Griffin stated that Mr. Thibault expenses will be billed back to the property owners.

Council Member Taylor asked about the utility water billing because the year over year report indicates we are down \$10,000 which is pretty significant. What is the water pumped versus sold report indicating? City Clerk Tiegs responded that Public Works Director Young recalibrated the pumps and Office Assistant Honey has improved the data usage reports. This has increased the accuracy of the pumped versus sold report which is included in the FYI portion of the Council packet. The pumped versus sold report will never be a 100% match due to things such as meter failure or leaks.

**A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to approve 44 checks, numbered 14650 through 14703 in the amount of \$ 71,567.10. With all members voting in favor, the motion carried.**

## **11. Public Hearing**

11.1. Feasibility Study for County Road 15 Crossing – City Engineer Darren Amundsen, Stantec

- Mayor Anderson asked City Engineer Amundsen of Stantec to report the findings of the Feasibility Study conducted on CSAH 15.

Engineer Amundsen presented an overview of the Feasibility Study conducted on CSAH 15. The process begins with a feasibility study which then moves to the preliminary design and construction of the project if approved by Hennepin County. Because CSAH 15 is a Hennepin County roadway this would likely be a Hennepin County led project.

Engineer Amundsen reviewed the highlights of the feasibility study. There was significant traffic with no gaps 91 percent of the time during peak traffic hours. The study identified that not many people cross the road. The peak traffic hours information is used to justify a crossing. Traffic cameras monitored the corridor for 24 hours. The morning and evening peaks are the worst and anyone that crosses the road during those times actually runs. During the video over a twelve hour period from 6 a.m. to 6 p.m. sixteen people crossed the road. Critical criteria that Hennepin County considers is how many people are crossing the road and are there enough gaps in the traffic to safely cross.

Engineer Amundsen said this is the worst study Stantec has seen as far as traffic gaps are concerned. The location Stantec looked at was the corridor Hill Road to Woodbridge Road. The HAWK is a traffic device that has flashing lights to stop traffic. When used in bad sight line areas, the HAWK flashing lights warns drivers of an upcoming stop. Hill Road to Woodbridge Road is another potential crossing location. The secondary benefit of the Hill Road to Woodbridge Road location is that there is infrastructure in place making the area more cost effective. The crossing location is not completely tied to these two locations and, should the project move forward, that can be changed. Nothing is off the table because the data compiled would support any area along the corridor.

Hennepin County is currently reviewing the report. The City and County would jointly explore the project. Engineer Amundsen has not spoken with them and does not speak for Hennepin County. Generally speaking, the cost to pay for the signal system itself would be covered by Hennepin County and the City would be responsible for the sidewalks leading to the crossing. Estimated cost for the sidewalks at the Lane sight is \$25,000. The Feasibility Study is at the point where direction is needed from the Council and residents.

- Andrew Myers and Mike Palm from the Planning Commission

Andrew Myers, Chair of the Planning Commission, expressed concerns that the Feasibility Study included only two locations without consideration of a safer location somewhere within the studied corridor. He realizes the reasoning is due to the cost but there are much safer locations for a crossing. Engineer Amundsen stated again that other locations are not off the table. Mr. Myers is concerned that when Hennepin County reviews the report their consideration would be given to the two areas studied and not potential safer locations. The study does not include the safest crossing areas.

Engineer Amundsen stated to be clear it is not just the financial cost; consideration was given to where potential users live and the location in relation to the majority of potential users. If you place the crossing in an area that is not serving the most residents it may not be used because it is inconvenient. Engineer Amundsen said there are unique challenges due to the intersection alignment and the number of intersections. It's not the cost of the project but rather how can we get a safe crossing close to the most users.

Resident Corey Orehek asked if Stantec chose the crossing areas to study. Engineer Amundsen stated yes that Stantec chose the locations studied after consulting with Stantec's transportation department. The locations were stated in the Feasibility Study proposed to Council and was approved at the August 11, 2014, Council meeting.

Council Member Taylor was shocked that the Arcola crossing was not considered. The usage at the Arcola location is greater. Council Member Bartel said that residents look at a crossing from a user standpoint but traffic flow and the drivers need to be considered.

Resident Susan Carlson is not in favor of a crossing on CSAH 15 because it will increase the chances of someone being injured. Mayor Anderson requested Mrs. Carlson to reserve her comments for the Public Forum.

Mike Palm, Planning Commissioner, stated that in his opinion the information provided by the Stantec transportation experts to study the two proposed locations was bad advice, the traffic study is flawed, and this study should not have been approved for the two locations. The proposed locations have terrible sight lines and are not safe. Mr. Palm is requesting Stantec to go back and study the Lafayette Road location. As a Planning Commissioner, Mr. Palm would not have approved the study proposal because the proposal should have included Lafayette Road and Arcola Lane. Mr. Palm inquired about a previous study done years ago that cost nearly \$30,000 that already excluded the Hill Road to Woodbridge Road location. Council Member Bartel informed Mr. Palm that the 2009 study was not about a HAWK pedestrian crossing. At that time a tunnel or a bridge was studied which is very different from what is being studied now.

Council Member Skalla clarified that the study in 2009 did include an at-grade crossing but the City did not want to explore it further. Mayor Anderson stated that the at-grade crossing was not supported by Hennepin County and that is the reason it was not studied. The 2009 study was done by Planning & Zoning Administrator Krier of Midwest Planning. Mr. Palm questioned whether that study was provided to Stantec before the Feasibility Study took place. Engineer Amundsen said portions of the study were received by Stantec.

Council Member Taylor stated in conclusion the traffic study numbers would not change if the study was re-done at another place on the corridor. Engineer Amundsen agreed and said the infrastructure configuration of intersections could change the cost significantly depending on the crossing location. From transportation and planning viewpoint it makes sense to consider the two studied locations.

Council Member Bartel inquired who is responsible for the maintenance if a crossing is installed. Engineer Amundsen stated that the crossing itself would be maintained by Hennepin County and Minnetonka Beach would be responsible for the walkways that provide access to a crossing.

Council Member Lindstrom asked about meeting with Hennepin County and what the process would be. She is very interested in having the Planning Commission's input regarding a crossing location. Engineer Amundsen stated nothing has been discussed with Hennepin County. When a meeting takes place with Hennepin County, they will want a clear understanding of Minnetonka Beach's expectations. Engineer Amundsen would attend the first meeting to review technical aspects of a proposed crossing and advocate for the City as directed by Council.

Mayor Anderson opened the Public Forum: 8:57 p.m.

Resident Diane Rogers, 2208 Huntington Point Road E, addressed Council stating she is a 30 year resident in Minnetonka Beach. This is the third time residents have requested exploration of a crossing. How much has been spent on this issue from the past to currently? Council Member Taylor stated that the public will be allowed to speak again if there is Hennepin County support for a crossing and before a decision is made by Council. Mrs. Rogers stated that the crossing is not as popular of an idea as Council may think. There are many residents that are not in agreement with a crossing on CSAH 15. Residents do not want children on CSAH 15 and that is the reason a bridge or tunnel were explored back in 2009. Council should poll the citizens of Minnetonka Beach to determine if they are in favor of a crossing or if it is a small group that is pushing for the project before spending any more tax dollars. She believes residents should not have their children crossing the road because it is extremely dangerous. Mrs. Rogers appreciates Council Member Skalla's approach to assure that all residents are able to weigh in on the issue. Mayor Anderson took note of Mrs. Rogers' questions and will contact her.

Resident Eric Bender, 2412 Lafayette Road, stated in response to Mrs. Rogers statement regarding children crossing the road. That decision is for the parents to make whether to allow their children to cross the roadway. Regarding the study, if it is redone, Stantec should consider a Saturday date rather than a Wednesday to show a more realistic view of residents crossing the roadway. Both he and his wife cross the road five times a week at the Lafayette Road and Arcola area. Mr. Bender stated there is a consensus in the community and it may be a consideration

during the General Election. He believes there is a tremendous amount of support for a crossing. He is willing to do a petition if necessary. Engineer Amundsen replied regarding the Saturday date to do a pedestrian count, the count needs to take place during peak traffic times and may not trigger the need for a crossing. Mr. Bender stated it is extremely dangerous to cross the road on Saturdays.

Mr. Jim Haag, 2301 Lafayette Road, agreed that the families with children are responsible for deciding whether they cross CSAH 15. Their home is located on CSAH 15 allowing him full view of what happens with traffic. There have been many close calls. His family crosses CSAH 15 all summer long because their dock space is across CSAH 15. The bulk of the traffic is at Lafayette Road and Arcola Lane. He believes the study was incomplete and he would rather see traffic back-ups or a fender dented versus a child being struck down. Mr. Haag would love a safer crossing to allow for his family to ride the nice trails across CSAH 15.

Resident Susan Carlson, 2411 Woodwinds Lane, told Council that this is a difficult issue. This isn't an issue for just citizens with children; it is for all of us. Mrs. Carlson repeated a statement that was told to Council Member Bartel, "you will have blood on your hands unless you vote for this". Raising the number of residents crossing the street will increase the risk. The argument of having a pedestrian crossing is that it will lower the percentage of risk. The question is whether the crossing is safe and Mrs. Carlson does not believe it is safe and it is irresponsible to consider on any level. A bridge or tunnel is the safest way to cross CSAH 15.

Ann Brilley, 2478 Lafayette Road, commented that many statements have been made. The parents should be with their children when crossing CSAH 15. Her question is will Hennepin County paint crosswalks like the one near Lafayette Ridge or at the North Shore Marina with a flashing sign? Mayor Anderson stated that her understanding of Hennepin County's position is not in favor of a painted crosswalk. Mrs. Brilley stated that safety should be the number one consideration. The left turn lanes were a tremendous help in alleviating rear end accidents. She is not sure the City funds that are so precious should be spent on this issue.

Dennis Klohs, 2212 Huntington Point Road E, said the Council should take a major step back and expand the Feasibility Study to analyze every access point in the corridor then review what the long term goals should be and not just study one event. The outside traffic of service vehicles, school buses, and construction are constantly traveling that area. Establishing a crossing will encourage hundreds of bicyclist to come over to the Huntington Point area. The current roadways and paths cannot handle the extra traffic that a crossing would encourage. He believes the community could fund a safer crossing without outside help.

Corey Orehek, 2211 Shoreline Drive, reminded the attendees that this is a crossing being discussed not an on/off ramp to a major highway. Bikers would have to search out the crossing and they are not interested in riding on Huntington Point. There is not a big worry of strangers coming into the neighborhood. The North Shore Marina does not have great sight lines for their crosswalk but it is a good example of what works. A crossing can only make it safer; it's not going to draw people to search it out so they can cross over to Huntington Point.

Laura Inglis, 2120 Huntington Point Road E, has lived in Minnetonka Beach for 32 years and is concerned that the proposed crossing provides false safety. Her fear is that parents and children will think it is safe but how safe can this crossing possibly be. The North Shore Marina crosswalk had several incidents of potential danger due to rear ending incidents. Mrs. Inglis was witness to one of the incidents. If there is confidence a crossing can be really safe, if it is go for it and, if not, then determine a place where there are better sight lines. Mrs. Inglis questions where the flashing lights would be placed to give enough warning to drivers. At Beach Road, there is enough County land to place a walkway under the Arcola Bridge. Mayor Anderson replied that was studied five years ago and it was determined that proper grading and sidewalks would be needed and there was not enough space. Council Member Skalla referenced a letter from the previous study that said residents would not use this due to the location but he believes it is an option for consideration.

Resident Nell Mathews, 2643 Arcola Lane, stated at the June 2014 meeting there was a request from residents that the City Council provide some kind of safe crossing over CSAH 15. The resolution which would provide the maximum amount of safety was the HAWK pedestrian crossing system. Engineer Amundsen has established there is enough traffic and will Hennepin County understand that CSAH 15 divides the community and sympathize with the situation. The next step seems to be that Hennepin County must review and determine if they will fund the HAWK pedestrian crossing and if so then Council must decide if they will pay for the City portion. Her understanding is that the HAWK system is safe and does not create a false sense of security. It is better to have a crossing than no crossing at all. Ms. Mathews does not foresee bikers going to Lafayette point. Council is charged with a request legitimate from residents and is following due process.

Mayor Anderson thanked the residents for their opinions to aid Council and determine the next steps.

Mayor Anderson closed the Public Forum at 9:25 p.m.

Council Member Bartel stated the next step is for Engineer Amundsen to meet with Hennepin County and explain that after a Public Forum was held the residents have a preference for a pedestrian crossing to be placed at Arcola Lane. Council Member Bartel said at this point we need information from Hennepin County in order to move forward.

Council Member Lindstrom concurs with Council Member Bartel. She is waiting for input from Hennepin County. Council Member Lindstrom has made no final decision either way on the crossing until all information is received.

Council Member Taylor would like to know if Stantec would do a new pedestrian count as part of the original cost we paid for the Feasibility Study. Council Member Taylor accepted responsibility for not having the Arcola Lane crossing area included in the study. A new count may significantly change the level of risk currently perceived by residents. Engineer Amundsen suggested to meet with Hennepin County and find out if that would make a difference. If Hennepin County would like another count, he will do it himself.



If the County will not participate and the cost is \$200,000, the City would have to talk about a possible referendum. The Council approved \$15,000 for ADA swings. He thinks that in comparison, spending \$25,000 to protect the Minnetonka Beach children is a small price to pay.

Council Member Skalla stated there was good discussion on both sides but he has trouble with throwing this to Hennepin County when the City doesn't know what we want. We need to have a better understanding from our citizens of what they want and what is truly safe. He is not convinced that what has been presented is safe and some residents agree. Council Member Skalla recommends this issue be referred back to the Planning Commission because they were left out of the loop.

Mayor Anderson asked why Council Member Skalla felt the Planning Commission was left out of the process. He said the Planning Commission just received the Feasibility Study this past week.

Council Member Lindstrom, Council Liaison to the Planning Commission, felt the Planning Commission played a large part in organizing the study and held a public hearing. It was unfortunate that the opposing side to the pedestrian crossing was not represented at that hearing. The Planning Commission took action on the pedestrian crossing after the Public Hearing and brought their recommendation back to Council. She disagreed with Council Member Skalla's statement. The details of the Feasibility Study were approved but they did not realize that it stated specific locations. Council Member Lindstrom stated we paid for the study and we need to hear from Hennepin County.

Mayor Anderson called for a motion.

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to have Engineer Amundsen take the Feasibility Study to Hennepin County for review when appropriate, and obtain information on their review of the study and what it represents. With all members voting, Council Members Bartel, Lindstrom, and Taylor in favor; Council Member Skalla against; motion carried.**

Council Member Taylor concluded that there were some opposing views present at the Public forum. He is asking residents to go out and solicit opinions by email or petition so Council can obtain a clearer sense of what residents want. It is time to meet with Hennepin County to review the study and determine the cost if a crossing is approved. Council agreed that the more residents that express their opinions the better to help Council for future planning and discussion.

Resident Diane Rogers asked if someone could come and speak of their experience with a crossing on CSAH 15 such as someone from the North Shore Marina. Council Member Taylor said a painted crosswalk in Minnetonka Beach like the one the marina has is not an option because police officers consider it a death trap. The HAWK system is popular due to the advance warning of the upcoming stop and crosswalk along with an actual stoplight.

## 12. Old Business – 8:30

### 12.1. Palm Lane Drainage Issue – Jim Haag/Corey Orehek

Resident Corey Orehek reviewed the information and pictures he provided to Council regarding the excess water drainage on his driveway. The pooled water is a nuisance and will become more problematic over the winter months when it freezes. The new home construction next door has directed their sump pump drainage at the area in question. The homeowner was instructed by the Planning and Zoning Administrator to install the sump as it currently is. Another property in the area had a similar problem with drainage so a catch basin was installed which solved the issue. Mr. Orehek is requesting that the City install a similar drain. The problem is caused by the direction given to the neighboring homeowner, Jim Haag, to install the sump pump in a specific way. Mr. Haag stated he would not have spent the extra money to install the sump pump as directed by the Planning and Zoning Administrator.

Public Works Director Young stated there are funds available to install the catch basins. He recommends the installation of two catch basins, one on each side of the road, so there is no water freezing on the roadway. The cost per catch basin is \$2,300. Historically, the water ran towards CSAH 15 in the spring, where the water stands for a few weeks as it naturally drains and presents no problems. Mr. Orehek is calling for Council action tonight. The issue was brought to Council in May and now it is October.

Council Member Skalla stated if the sump pump installation was directed by Planning and Zoning there is an issue and that expense should be covered by the Planning and Zoning Services Contractor. Council Member Taylor stated the Council should solve the issue because we had a hand in creating the problem by following bad advice. Council Member Lindstrom agrees that human error caused the problem. Public Works Director said that the City Attorney advised not to move on this issue because it will set precedence. It may not be completed this year if directed by Council because contractors are behind schedule at this time.

**A motion was made by Council Member Lindstrom and seconded by Council Member Taylor that the drainage issue on Palm Lane be resolved for an amount not to exceed \$2,300. With all members voting in favor, the motion carried.**

Council Member Bartel said there is an issue on Brooks Lane regarding drainage that has been happening for years. The City is accused of allowing drainage to continue knowing that it was an issue. Council Member Taylor stated that the City has been accused of an absence of action on the Brooks Lane drainage problem. Council Member Taylor stated that Council would like to take action on resolving Palm Lane which is a minimal cost and have the motion state the action required and the rationale reflected in the meeting minutes. Council will review the events leading to the sump pump installation to determine if there was an error from the Planning and Zoning Services Contractor or from the Engineering Contractor.

Jim Haag, 2301 Lafayette Road and Chris Banks, 2536 Lafayette would like to address the Council regarding the notification of special assessments. Mr. Haag and Mr. Banks would like to speak to Council about the charges accrued from the Planning and Zoning Administrator. Mayor Anderson stated the special assessment was addressed during the Consent Agenda. Both residents stated they did not understand that process and did not realize they needed to have the item pulled from the agenda in order to discuss.

Council decided to hear Mr. Haag and Mr. Banks and if needed the action on the Consent Agenda can be amended.

Mr. Haag stated that the pending special assessment charges accrued after a permit application and plan were approved. Planning and Zoning Administrator Krier reviewed the job and said the grading wasn't correct. P & Z Administrator Krier called someone in to review and it was determined it was okay and the Certificate of Occupancy was issued. Mr. Haag received a bill for \$1,100 dollars for a plan that was previously approved. The grade in the front yard was not changed and there was no need for a grading review. Council Member Taylor would like to hear from P & Z Administrator Krier before rendering a decision and Mayor Anderson agreed. Council Members Bartel and Skalla recommend a meeting with Staff and P & Z Administrator Krier to come to an agreement.

**A motion was made by Council Member Taylor and seconded by Council Member Lindstrom directing staff to meet with Planning and Zoning Administrator Krier, and resident Jim Haag. With all members voting in favor, the motion carried.**

Mr. Bank would like to get on record regarding the line item invoicing by Planning and Zoning Administrator Krier and the issue with the amount of detail provided at the end of a construction dog. He is making a formal request for more detailed invoicing from Planning and Zoning Administrator Krier. Mr. Bank stated that building a home is expensive and he wants to track charges. The process right now is lacking and needs improvement. Mr. Bank has requested detailed billing from City Administrator Griffin and she has provided the information. This has been an issue with other residents and would like to see the process flow more smoothly and give the residents more confidence in the services provided.

Administrator Griffin has examples of the invoices and said there should be more detail provided on the charges. Mayor Anderson and City Administrator will meet with Planning and Zoning Administrator Krier to review the invoicing process and information provided.

Council Member Bartel spoke in defense of Engineer Amundsen regarding the grading situation at 2301 Lafayette. Engineer Amundsen receives direction from Council when providing services and was doing what Council directed him to do.

### **13. Staff Reports**

13.1. Public Works Director Young reported that the hockey boards have been taken down; pressures washed, and are ready to be painted. Fall leaves are being picked up through mid-November. During construction at the Sween property it was discovered that the Karen Scott residence at 2938 Northview has a sewer main on the lake side of the property, which crosses two other properties. The homeowner should be made aware of the location of the sewer service line in the event there is an issue and be encouraged to bore a new line. Staff is directed to send a letter to the property owners at 2932, 2938, 2944, and 2950 Northview Road to provide information on the sewer line location and the possibility of relocating the sewer line in the future.

13.2. City Clerk Tiegs provided the Pumped vs Sold Water report for the third quarter and a Home Sales report. Absentee voting is underway and the Public Accuracy Test will be held on October 22 at 10:30 a.m.

13.3. Administrator Susanne Griffin responded to Metropolitan Council on the I &I exceedances. She is working with Stantec on MS4 permit which relates to the SWPPP Plan. Three Rivers Park District sent a letter regarding winter permits and she will respond that Minnetonka Beach will not maintain the trail during the winter months. Mayor Anderson would like an article in the Beachcomber regarding the need for Utility Committee members.

#### **14. Council Reports**

14.1. Mayor Anderson commented on the letter sent out to surrounding residents by Contractor Kyle Hunt to provide information on a construction project.

14.2. Liaison Reports

Council Member Skalla liaison to the Minnehaha Creek Watershed District reported on a recent meeting. The MCWD will send information to us when requested.

Council Member Lindstrom, Planning Commission Liaison, passed on their concerns regarding the Feasibility Study. They continue to develop the Work Program progress. The Planning Commission elected Andrew Myers as Chair and Carmen Carruthers as Vice Chair.

Council Member Taylor reported that the Mound Fire Commission meeting was cancelled. He reported on the Civic Committee Halloween Party on October 12. It was a great success and well attended.

Council Member Bartel reported on recent Park Commission meeting. Resident Emily Forbes did a great job reporting on the proposed park improvements. Jody Sperduto was elected Chair and Signe Koehler is the new Vice Chair. The Park Commission will develop a park improvement plan and present to Council at a later date. Diane Rogers attended the Parks Commission meeting to express her concerns regarding maintenance of our parks and boulevards. The Park Commission will review her concerns for further action.

Treasurer Gilster is the LMCC representative but has not received any recent communication from them. City Administrator Griffin will contact Leonard MacKinnon to inquire if he still wants to represent the City on the LMCC Board. Council will also need to appoint one more representative to replace Treasurer Gilster. The representatives can be a member of the City Council or a designee and a qualified voter residing within the city.

#### **15. Meeting was adjourned at 10:53p.m.**

**Respectfully submitted,**

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**Diane Tiegs, City Clerk**