

**CITY OF MINNETONKA BEACH
CITY COUNCIL MEETING MINUTES
October 15, 2013**

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

Absent: None

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

Guests: Three Rivers Park District Officer, Charles Hise; Leonard MacKinnon, LMCC Representative; Jody Sperduto, Parks Commission Co-Chair; Patty Rezabek Parks Commissioner; Matt Voss, Abdo Eick and Meyers; Rich Hirstein, Allied Waste; and Erik Paulsen, Bartlett Tree Experts

Residents: Alan Carlson, Dennis Klohs, Wayne Ramaker, Gerry Boschwitz

- 1. Mayor Anderson called the meeting to order at 7:00 p.m.**
- 2. The Pledge of Allegiance was led by City Clerk Tiegs.**
- 3. Approve Agenda**

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 Meeting Action Notes

Added to the Action Notes as a reminder for the March Council meeting is a discussion about the presentation at the August 2013 Council meeting by Kirby Beck a nationally recognized expert in cycling and bike safety.

- 4. Approve Minutes**
A motion was made by Council Member Lindstrom and seconded by Council Member Skalla to approve the Regular City Council meeting minutes of September 9, 2013. With all members voting in favor, the motion carried.
- 5. Open Forum**
Rich Hirstein, Allied Waste, spoke to Council regarding the contract renewal for solid waste services. He relayed that he has a wonderful working relationship with City Administrator Griffin and City Clerk Tiegs along with former City Clerk Regnier. He briefly reviewed the new pricing structure that will remain the same for the next four years, then a 1% increase for each of the following two years. Council thanked him for his comments and the contract will be voted on in the Consent Agenda.

Mayor Anderson prefaced the comments from Alan Carlson, resident at 2411 Woodwinds Lane, to remind him that because he decided not to file an appeal, Council does not take action on comments presented during the Open Forum.

Mr. Carlson expressed his dissatisfaction with the current building code and his issues with the construction at 2412 Woodwinds Lane. Mr. Carlson's comments are summarized as follows:

1. The City of Minnetonka Beach must tighten up the building code requirements due to the small lot sizes. New homes should be the right size for the lot and neighborhood. Large homes and swimming pools should not be allowed on small lots.
2. Mr. Carlson refers to a letter he wrote in response to his questions and concerns from Planning and Zoning (PZ) Administrator Krier regarding the new home construction at 2412 Woodwinds Lane. His complaints are the structure is too high and he is not happy with the location of the garage. Mr. Carlson believes there will be water drainage issues. The grade of the home was raised and sits too high and Mr. Carlson believes the driveways do not meet code. Mr. Carlson wants the City Administrator and PZ Administrator to work with the home owner to cause them to put up a visual barrier so he does not have to view their garage doors and cars in the parking area. Mr. Carlson stated several times that he believes there were violations of the City Code, specifically a grading violation.
3. The process to appeal Planning and Zoning decisions to the City Council needs to be reviewed. Mr. Carlson stated that there should not be a fee to file an appeal, that the City should cover all legal and staff expenses for a resident. He stated that he will not sign a form to file an appeal that requires him to pay for the expenses involved in an appeal. There is not a City that charges residents to bring forth an appeal and he wants the right to bring forward what he considers to be violations of the City Code and not pay a fee.

Mayor Anderson thanked Mr. Carlson for bringing forth his concerns.

6. Commissioners Reports

6.1. Leonard MacKinnon – LMCC Representative

Lake Minnetonka Communications Commission Representative MacKinnon reported to Council the current activities. LMCC 2014 Budget is pending due to the membership uncertainty for which the budget is based on.

Currently eight communities of 17 have filed their intent to withdraw from the LMCC and some are waiting on the outcome of the Joint Powers Agreement amendment. The deadline to provide notice of withdrawal is Oct 15 and becomes effective December 31, 2013. A key point for the final withdrawal decision weighs on the approval of changes to terms of withdrawing from the Joint Powers Agreement. Currently withdrawal can be done only at the expiration of the Franchise Agreement. The amendment to the agreement would allow communities to withdraw at other times. Reasoning for withdrawal is communities believe they can be more efficient with the Public Education in Government (PEG) fees and franchise funds. Of eight cities that have filed their intent to withdraw, several communities will remain should the amendment pass. If a community is not a member of the LMCC they can adopt a neighboring community agreement and ride along with their agreement for cable television. Council Member Skalla asked what benefits Minnetonka Beach receives from the LMCC. Representative MacKinnon stated the residents can view meetings online, community programming, and local school events. Residents also have the opportunity to get involved with the studio to learn video productions and become a volunteer to film the council meetings.

6.2. Jody Sperduto – Park Commission

Co-Chair Sperduto distributed updated copies of the 2014 Budget. Council Member Taylor asked if that included the allocated 2014 CIP funds. Parks Commission Co-Chair Sperduto stated that the

CIP funds are separate from the annual budget and all CIP funds will be used for the Emerald Ash Borer (EAB) Project. Co-Chair Sperduto introduced Erik Paulsen an arborist from Bartlett Tree Experts. A report compiled by Bartlett Tree Experts was distributed to Council containing information for EAB treatments to ash trees on the boulevards and trails. Mr. Paulsen stated the current Minnetonka Beach tree inventory has some discrepancies in regards to the location of ash trees and some trees were incorrectly identified as ash trees.

The cost of EAB treatment is based on tree diameter. Keeping that in mind Mr. Paulsen recommends treating trees that are larger than 12 inches in diameter, removing diseased ash trees, and ash trees less than a 12 inch diameter. Replacement trees should be a wide variety of species. Tree removal should be prioritized for treatment based on size, location, and health. Trees located along the boulevards and trails would be considered priority. Inner woods ash trees would be considered least important. Public Works Director Young has removed six ash trees that were diseased and in poor form.

Council Member Lindstrom stated the importance of community involvement for treating ash trees both public and private. Bartlett Tree Experts would extend the same pricing for the City to residents. Treatment of EAB would begin in May of 2014. Mr. Paulsen complimented the Council for being pro-active in treating EAB. Currently EAB infestation is within 15 miles of Minnetonka Beach. Council Member Bartel asked if estimates for removal and replacement have been done. Co-Chair Sperduto stated not at this time. Council Member Skalla inquired about trees located on Hennepin County property and the trail, does Hennepin County, Hennepin County Regional Rail Authority and Three Rivers Park District need to be contacted regard their plans to treat EAB. There is uncertainty whether TRPD has the funds to treat EAB. Park Commissioner Rezabek stated that Hennepin County currently does not have a plan for EAB treatment. Council Member Skalla would like to know what the ash tree inventory is on County property and if there are no plans to treat them should the City consider treatment of the priority trees.

7. Police Report

- 7.1. Police Report – September – Orono Police Office was called for duty and had to leave the meeting.
- 7.2. Three Rivers Park District Report – TRPD Office Charles Hise reviewed the trail violation report for August through September. There were a total of 21 calls for service. Noting one call for narcotics and three complaints regarding debris on the trail. Year-to-date for the season there were 43 calls for service which included 26 bicyclist complaints, fallen trees, traffic stops, and medical assistance.

8. Consent Agenda

- 8.1. Fire Report – September
- 8.2. **Resolution 2013 – 33** – Snow Plow Agreements – Arcola Lane
- 8.3. **Resolution 2013 – 34** – Snow Plow Agreement – Crescent Street
- 8.4. **Resolution 2013 – 35** Appointing Gerry Boschwitz to Park Commission
- 8.5. Proposed Special Assessment of Unpaid Bills: 3028 Westwood Road
- 8.6. Consider LMCC 2014 Budget and Amendments to Joint Powers Agreement

A motion was made by Council Member Taylor and seconded by Council Member Bartel 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

City Administrator Griffin answered Council questions regarding the monthly expenditures.

A motion made by Council Member Lindstrom to approve the October checks numbered 14121 through 14169 in the amount of \$80,989.56, 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

The 2014 Budget is on target as projected per Treasurer Gilster.

9.3. Abdo, Eick and Meyers Proposal for Mid-Year Fund Reporting and Utility Rate Study

Matt Voss, Abdo Eick and Meyers presented a memo to Council regarding a utility rate study and/or long-term financial planning tool.

Mr. Voss explained a proposal for completing a long-term financial plan. The plan will allow the City to make data based decisions; projected cash balances of all funds would help to identify opportunities to reduce financial risks, improve awareness of activity and potentially avoid spikes in tax levies. A long-term plan will assist the City in maintaining a sufficient level of working capital; establish a funding strategy, and building reserves or bonding. A long-term plan will result in improved budgeting. Council Member Skalla believes this would serve the City well. This would be forward thinking rather than reacting and would help to plan for the larger picture. Council Member Lindstrom is in agreement with Council Member Skalla.

City Administrator Griffin stated that a mid-year fund report is an opportunity to use all the data now available to prepare the preliminary budget. Council Member Taylor would like the Finance Committee to review and make a recommendation before committing to that expenditure. Council Member Taylor raised concern regarding the plan in place to re-pay the bonds. Is the plan not working because of costs or is the General Fund decreasing due to not adequately planning. Mr. Voss will be at City Hall in January for the audit. At that time a meeting could be arranged with the Finance Committee. Council Members Taylor and Skalla would like to attend the meeting.

The Utility Rate Study will provide different rate scenarios and focus on cash flows of the funds. This will provide information on whether rates are sufficient or excessive related to existing and operating costs and debt service. This will also provide information if cash reserves are sufficient alone to cover future capital projects or determine if other sources may be needed.

Staff and Treasurer Gilster will set a Finance Committee meeting date and prepare information.

10. Old Business

10.1. Reconsider Benches on the Dakota Trail – Council Member Taylor

Council Member Taylor stated when the original resident request was discussed he was ambivalent. After giving the issue further thought he stated that we may be preventing residents from the option to gather and have a place to sit. Mayor Anderson stated a bench would be nice for the many senior citizens that use the trail to rest and converse.

A motion was made by Council Member Taylor to request Three Rivers Park District install a park bench along the trail with placement somewhere between Lake Road and the Lafayette Club to be recommended by the Parks Commission. With all members voting in favor, the motion carried.

City Administrator Griffin will contact the resident that originally inquired about the bench and inform them that a bench will be placed on the trail. Council is referring to the Parks Commission for a recommendation for the location of the bench.

11. New Business

11.1. Resolution 2013 – 36 Consider Contract Extension with Allied Waste for Solid Waste

A motion was made by Council Member Taylor to approve resolution 2013-36 as amended and seconded by Council Member Lindstrom to approve the contract extension with Allied Waste for Solid Waste. With all members voting in favor the motion carried.

12. Staff Reports

12.1. Director of Public Works Report

Public Works Director Young reported on storm drain maintenance. He stated that an area of the pipe that has been clogged with roots from a willow tree was cleared and the old clay pipe showed no signs of collapsing. Council Member Bartel inquired about the expense for the maintenance. The maintenance expenditures are in the budget under storm sewer.

Resident Patty Rezabek stated that the engineer the residents hired to review solutions for the flooding in her yard and neighborhood area does not know if the proposed solutions will work due to the condition of the storm sewers. Council Member Taylor responded that it may be best to wait on improvements until the storm water study is completed. Mayor Anderson stated the study results could be out five months. Council Member Taylor said that City Engineer Amundsen was scheduled to present preliminary findings at the November meeting. That could give those residents an indication of the issues. Based on the preliminary findings consideration could be given to possibly install pipe during Myers new home construction.

Public Works Director Young relayed that leaf pick up started October 12th and will continue while weather permits.

12.2. Clerk's Report

Information on grants for handicapped ramp repairs has been received. City Clerk Tiegs will complete the application for grant funds offered through the Minnesota Secretary of State. The application is due December 4, 2013.

12.3. Administrator's Report

Three Rivers Park District Winter Permit – no winter activity permit

Appeal letter was sent to MET Council on the I and I surcharge. The City asked the property owner of 3028 Northview Road to repair the garage and a building permit has been submitted for repairs.

13. Council Reports

13.1. Mayor's Report

Mayor Anderson attended the police meeting and reviewed a report of the overall calls for the year totaling 496 calls. Minnetonka Beach's summary report had a total 205 calls.

The administrative ticket ordinance is being written and each community opting to issue administrative tickets will need to adopt the ordinance. There was discussion regarding a social host ordinance for serving underage youth illegal substances.

Mayor Anderson reviewed an article written about the Shoreview Finance Director, Jeanne Haapala, who created a long-range infra-structure replacement plan for future capital expenditures. Jeanne Haapala is a League of MN Cities 2013 leadership award winner.

13.2. Liaison Reports

Council Member Lindstrom attended the Civic Committee meeting. The Civic Committee cancelled this year's progressive dinner due to the lack of volunteer hosts. The progressive dinner will be tabled until spring for further discussion. A change this year for the Annual Holiday Tea has been made. A Holiday Open House event will be held at the home of Mike and Betsy Taylor on December 6, 2013. Information on the event will be published in the Beachcomber.

Council Member Taylor attended the Fire Department meeting. Chief Greg Pederson stated that there have been some recruitment issues while preparing for future planning, possible consideration may include combining fire districts or having full time paid fire fighters.

Council Member Bartel attended the Parks Commission meeting. The Parks Commission discussed implementing small resident donations for holiday decorations and spring flowers. The donation could be recognized as given in memory of an event or someone special. Council Member Bartel also talked about the discrepancies in the tree inventory and the possibility the proposed funding may be too much.

- 14. A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to adjourn the meeting at 9:42 p.m. With all members voting in favor, the motion carried.**

**Respectfully submitted,
Diane Tiegs, City Clerk**