Monday, June 10, 2019 7:00 PM
CITY OF MINNETONKA BEACH
CITY COUNCIL MEETING MINUTES

Roll Call: Mayor Jaci Lindstrom; Council Members: Tracey Breazeale, Susan Enlow, Steve Howarth, Andrew Myers and Treasurer Chris Zinn. Absent: none

Staff Present: City Administrator Susanne Griffin, City Clerk Heidi Honey, and City Engineer Darren Amundsen

Guests: Three Rivers Park District - Darrell Huggett; Sean Woerner; Avalon Johnson; Jillian Moriarty, Civic President; Bruce Kimmel – Ehler's

1. Mayor Lindstrom called the meeting to order at 7:00 p.m.

2. Clerk Honey led the Pledge of Allegiance.

3. Approve Agenda for the June 10, 2019 City Council Meeting.
Myers requested adding New Business 11.3. Special Event Permit request for June 15, 2019. Howarth asked to table 10.2.and 10.2.1. to the July 8 council meeting because interested residents were unable to attend tonight to provide input. Mayor Lindstrom explained that this is regarding the portion of the trail from Arcola Lane to the Dakota Rail trail.

Myers motion, Breazeale second to approve the agenda as amended. All ayes, the motion carried.

4. Approve Minutes –
4.1. Regular Meeting of May 13, 2019
Enlow asked to amend the last sentence of 8.2 by adding, "and existing safety and visibility concerns with current parking practices".

Howarth asked to amend the 3rd line of the last paragraph on page 5 by inserting "in order to complete the project in 2019".

Howarth asked to add an additional paragraph on page 6 below the 3rd paragraph as follows: "Howarth stated that due to 30 % higher costs, a single bid response is not confirmed to be competitive and lacking an emergent issue requiring immediate action, he struggles with paying the 30% additional fees." Honey was asked to confirm this statement with the meeting audio.

Enlow motion, Myers second to approve the May 13, 2019 Regular City Council meeting minutes. All ayes, the motion carried.

5. Police Report
5.1. Police Report – May 2019
Sgt. Sonnek reported 21 calls for service including 2 arrests, 2 mental health calls, a bicycle crash and alarms. He updated council on recent burglaries. The police identified an individual and a group targeting the west metro. Some members were apprehended. The group is from Minneapolis

and has done 120 burglaries over 40 police jurisdictions. The leader of the group was arrested last week but activity continues. Members are 12 to 18 years old. He reminded residents to lock cars because they go into unlocked cars and use garage openers to enter the home. Sgt. Sonnek also reported that the water tower was graffitied. Police caught eight of nine adults on the water tower on Saturday. None of them are from the city. They are being cited for trespassing. Police are following up on additional graffiti.

5.2. Three Rivers Park District – Dakota Regional Trail – Darrell Huggett
Mr. Huggett reported they have done five separate saturations on the trail. They have written ten citations and two warnings as of June 7.

6. Open Forum

Jill Bartel, 2106 Lake Road – Bartel stated the Beachcomber article regarding infrastructure improvements does not state that the project costs are 30% higher than anticipated, that Brooks Lane projects were eliminated due to the increased costs, and that engineering costs are in addition to the project cost. She suggested that this be corrected to be more transparent. She also asked that council be more transparent about how it will be funded. She does not think residents know about additional costs and how it will be financed. Mayor Lindstrom will provide a correction with updated, detailed numbers in her next Beachcomber article.

Matt Hacker – 2643 Arcola – Hacker sent an email to council expressing concerns about safety on the trail. He stated that he observed countless incidents of bikers breaking the rules, not saying anything when passing, and passing in the grass or through the middle of groups of people. He said it is dangerous for dogs and people who may be hit by a biker and safety for the community should be paramount. He asked council to request Three Rivers to continue to better enforce the rules of the trail. Darrell Huggett, Three Rivers, responded that he read Hacker's letter and that Chief McPhee and Three Rivers are aware of his concerns and will actively work to make the trail safer for users.

7. Guests

7.1. Sean Woerner – Recognition for Eagle Scout Project Completion
Mayor Lindstrom recognized Sean Woerner for his Eagle Scout project competition of four skate assists and two benches for Ray Peters Park. She stated that on behalf of the city, and its children, she thanked him for his practical and amazing contribution to the city.

7.2. Avalon Johnson – Scout Project
As part of her Girl Scout Gold Award, Ms. Johnson would like to implement an organizational system for the library books and hang historical posters about Minnetonka Beach on the walls at the Margaret Dahl Library. The Gold Award is the highest level that can be achieved in Girl Scouts. She would use kid friendly representations and photos for historical information. Howarth asked that she meet with the Park Commission chair so they can better understand the pictures she would like to put up. The troop will provide supplies and finances, and volunteers from her Youth in Action organization at school will do the work.

Howarth motion, Myers second to approve Avalon Johnson's Gold Scout Project at the Margaret Dahl Library including adding posters and organizing books. All ayes, the motion carried.

7.3. Jillian Moriarty

President Moriarty discussed being neighborly and helping others. There were 105 Progressive Dinner attendees. Civic dues are currently at 50% of residents and the goal for participation is 65%. Civic is working on a partnership with the Park Commission because most of their events take place in city parks. Civic started a community corner to help neighbors with various needs. A strong sense of community is why many people choose to live here.

8. Public Hearing

8.1. Stormwater Pollution Prevention Program – Annual Report and Public Hearing

Administrator Griffin stated that the Storm Water Pollution Prevention Program (SWPPP) is a requirement of the Minnesota Pollution Control Agency (MPCA), the Federal Water Quality Act, and MPCA rules. The SWPPP is also a requirement of the city's MS4 Permit. The SWPPP requires the City to hold a public hearing to solicit input from the public with the intent that policies, projects and programs will address community values and goals as well as protect historic and cultural values regarding water resources. Griffin reviewed components of the SWPPP and the MS4/SWPPP Implementation Report in the packet.

Mayor Lindstrom opened the public hearing at 7:38 pm for public comments. Hearing no comments, she closed the public hearing at 7:38 pm.

Enlow motion, Howarth second to direct Administrator Griffin to deliver and for council to receive, and for Administrator Griffin to file the MS4/SWPPP Implementation Report dated June 10, 2019. All ayes, the motion carried.

9. 2019 Infrastructure Improvement Project Update

9.1. Potential Cost Savings to Completing Phase 1 & 2 of Access Paths along Shoreline Dr.

Amundsen reviewed his memo in the packet with three opportunities to save money on the 2019 Infrastructure Project. The first is to use excavated soil from the project to build Phase One and Phase Two trail connection paths. The second is to provide a temporary storage area in Lafayette Park for reclaimed material to be reused. The third is to seed instead of sod in appropriate areas.

Amundsen referred to a map in the packet showing options for connection paths. Options 5 and 6 are for Phase Two of the project which has not yet been approved by council. He explained that excavated dirt equal to 250-300 dump truck loads could be used to build the Phase One Option 1 and Phase Two connection paths. There would be costs for seeding, permits, erosion control, and restoration. Proposed costs do not include a gravel surface which could be done later.

Joe Pagano, Park Commission chair, stated that at the April Parks meeting, commissioners supported Phase Two but recommended delaying it to 2021 until path positioning, impact on the park and its character, and usage is better understood. The Comprehensive Plan encourages trails and pathways as connectors in the community, but it also protects green open spaces in the park. Enlow and Breazeale expressed concerns about people walking or biking on County Road 15.

Amundsen explained that with an abundance of material available, they will be able to build the trail higher to make sure it is dry. He then explained the details of the cost savings and that engineering fees are included. The cost to build the Phase Two path this year is $23,582 for a raised grass trail, restoration and drainage. Gravel would cost $14,000 – 16,000 in the future. Zinn summarized that Phase Two (Options 5 and 6) would be completed for $40,000 instead of

$142,000 and it was budgeted in the CIP for $50,000 in 2020. Chair Pagano confirmed that the Park Commission supported Phase Two.

Howarth motion to move forward on accepting the infrastructure savings as outlined by Engineer Amundsen of $103,000 to complete a grass knoll representing Options 5 and 6 of access paths not to exceed $25,000.

Amundsen stated that additional seeding is required for permitting but he will research costs to gravel it this year and report back at a future meeting.

Enlow second. All ayes, the motion carried.

Amundsen stated this will result in a change order with the contractor, which he will take care of. He offered to work with the Park Commission on the specific location of the trail and tree impacts. Council supported him working with Parks.

Amundsen then discussed reclaiming storage in a temporary location off Hill Road which will already be disturbed for the water main project. The contractor will restore the area. Approximately 1,000 tons of material can be reused, resulting in a savings of $10,410.

Myers motion, Breazeale second to approve the reclaim storage proposal in Lafayette Park as detailed in the Stantec memo dated June 6, 2019.

Howarth discussed possible contract negotiation opportunities. Amundsen stated these are the types of negotiations he had referred to in the past. There may also be some savings if a specialized valve is not needed during construction.

All ayes, the motion carried.

Amundsen discussed seeding instead of sodding in areas where it makes more sense resulting in a savings of $34,530.

Breazeale motion, Myers second to authorize Engineer Amundsen to proceed with seed instead of sod where it is appropriate. All ayes, the motion carried.

9.2. Construction Hours Extension

Amundsen stated that the contractor asked to extend construction hours to 7:00 am to 7:00 pm as needed for the project to progress. Current construction hours are 7:30 am to 5:30 pm Monday through Saturday. The contractor plans to perform work Monday through Friday 7:00 am to 7:00 pm and only work on Saturdays if it rains earlier in the week. Residents who attended the infrastructure information meeting supported these hours.

Myers motion, Enlow second to extend construction hours as stated in Section 510 Noise Control which are normally 7:30 am to 5:30 pm Monday through Saturday, to 7:00 am to 7:00 pm Monday through Saturday for the 2019 Infrastructure Improvement Projects only and for the duration of these projects. All ayes, the motion carried.

9.3. Construction Materials Testing Proposal

Stantec received two proposals for independent geotechnical testing of construction materials for the 2019 Infrastructure Improvement Project from American Engineering Testing ($6,843 – $8,869) and Braun Intertec ($10,676). They recommended awarding the contract to American Engineering Testing. There was $7,000 budgeted for this in the project, so they are asking for an additional $500.

Howarth motion, Enlow second to approve the contract to increase the construction overall project by $500 for American Engineering Testing, from $7,000 to $7,500. All ayes, the motion carried.

Amundsen gave an update on the infrastructure project, which started today. Erosion control is going in this week. The goal is to start putting in water mains later this week and setting up temporary water on Lafayette Road. Howarth complimented Amundsen on the public meeting he conducted regarding the project.

10. Old Business

10.1. Resolution 2019 – 28 – Awarding the Sale of General Obligation Bonds, Series 2019A, Proposed to be Issued In An Aggregate Principal Amount of $2,385,000

Mr. Kimmel discussed bond sale results and the sale day report. Five bids were received, and the winning bid was from Baird at 2.58% and included a premium bid. The resolution is for $2,385,000 because they are also using the premium. Overall debt service will be $75,000 less than projected. He then discussed the debt service schedule.

Mayor Lindstrom called for a recess to change the video media at 8:55 pm. She reconvened the meeting at 8:59 pm.

Mr. Kimmel discussed premium yields and that the bonds can be refinanced any day after Feb. 1, 2028 which will allow the city many options at that time.

Treasurer Zinn thanked Mayor Lindstrom and Administrator Griffin for talking with S& P and spending a few hours answering their questions. He then discussed the city's AAA credit rating which is based on good financial policies, good budgetary processes, high reserves and strong liquidity. Mr. Kimmel discussed S&P's rating considerations. After running scenarios, he found that the city would have to issue $25 million in additional debt to threaten its AAA rating. The city budgets conservatively, outperforms its budget, and uses fund balances judiciously. Howarth and Kimmel discussed studying water rates in the future.

Howarth motion, Breazeale second to adopt Resolution 2019 – 28 Awarding The Sale Of General Obligation Bonds, Series 2019A, Proposed To Be Issued In An Aggregate Principal Amount Of $2,385,000; Fixing Their Form And Specifications; Directing Their Execution And Delivery; And Providing For Their Payment. Council Members voting in favor: Breazeale, Enlow, and Howarth. Council Members voting against: Myers. The motion carried.

Mr. Kimmel will update the Financial Management Plan with the debt service input for the July Council meeting.

10.2. Access Path to Raised Median Additional Location and Material Options and Public Input Tabled to July during Approval of the Agenda.

10.3. Parking Restrictions at Lafayette Road and Huntington Point Road West
Myers met with Berent and Orono Police at Lafayette Road and Huntington Pt Rd W. Police informed them that state law only allows curbs to be painted to enforce parking restrictions. There are no curbs in that area, so signs need to be installed. Berent is ordering a No Parking sign near the side yard of 2202 Huntington Pt Rd W toward the fire lane, and up to two No Parking signs near 2203 Huntington Pt Rd W to the intersection for the 50 foot No Parking zone. Orono Police want a memo from the city stating it wants parking restrictions enforced as signage designates.

Myers motion, Enlow second to allow Mayor Lindstrom to send a letter to the Orono Police Department detailing parking restricted areas in the community and requesting that the Orono Police enforce them as posted. Council Members voting in favor: Enlow, Howarth, and Myers. Council Members voting against: none. Council Members Abstained: Breazeale. The motion carried.

Enlow recommended a Beachcomber article so residents are aware that the Council has directed police to enforce permit and no parking restrictions.

11. New Business

11.1. City Council Chambers TV/Monitor Purchase Approval
Council reviewed two bids from Z-Systems and Tierney for a monitor presentation system with three sizes of monitors or smart TVs. Lake Minnetonka Communications Commission (LMCC) will work with the city to install the system and the city can apply $1,444.01 for LMCC's grant funds from their A/V support program toward the cost. If the city choses the wireless option, prices do not include a more robust wireless internet connection which would be approximately $1,000. Howarth suggested the wireless option. Enlow suggested city staff determine the appropriate size.

Howarth motion, Enlow second to acquire the Z Systems 75- or 70- inch smart TV for amount up $3,893.32 to be offset by the LMCC credit $1,444.01. All ayes, the motion carried.

Myers stated that there will be additional costs with an upgraded wireless connection. Griffin will explore the internet connection upgrade and bring the information back to Council.

11.2. Brooks Lane Stormwater Complaint
Mayor Lindstrom referred to photos and the complaint in the packet from the property owners at 3120 and 3114 Brooks Lane. She and Amundsen visited the area and noted significant runoff from snow. Myers suggested that the Utilities Commission review the complaint, and the Weber Community Planning memo dated July 29, 2014 regarding Stormwater Discussion and make a recommendation to council.

Myers motion, Enlow second to refer the complaint written by Bob and Kim Johnson regarding 3120 Brooks Lane water issues to the Utilities Commission for review of the complaint in conjunction with the July 29, 2014 Weber Community Planning Memo. All ayes, the motion carried.

The complaint was received in May and Utilities will meet late July or early August. Mr. Johnson was concerned that the problem may worsen over time. Council discussed a July Utilities meeting and a preliminary status report for the August Council meeting. The Brooks Lane water main is no longer included in the 2019 Infrastructure Improvement Project, but it would be part of the next

water main replacement project. Council does not have all easements signed yet and does not have a timeframe for the Brooks Lane project. Amundsen stated that if Mr. Johnson submits a building permit application, he can work with the city to relocate the water main for his project.

Howarth motion, Breazeale second to give the Utilities Commission up to 90 days to respond back to Council with a status update regarding the complaint. All ayes, the motion carried.

11.3. Special Event Permit Request – June 15, 2019

Jillian Moriarty represented Stacia Bank who requested a special event permit for a small concert at the swim beach. Residents are welcome to attend but it is not a community sponsored event. There are no special requests for parking, but she would like the police notified of the event. She will put out additional trash bins and notify residents who live and have docks there. She requested barricades to close the street in front of the beach for safety, and power for amplifiers. There will not be a stage or lights. The event is 8-10 pm. Griffin will check the noise ordinance for amplification. The park would still be open to the public.

Howarth motion, Myers second to approve the Special Event Permit application for Stacia Bank for June 15, 2019 at the swim beach from 8 to 10 pm with the following conditions: park clean up after the event, free and open access for residents and boat owners to the park and boats, neighbor notification, barricades set up during the event, and verifying noise ordinance. All ayes, the motion carried.

12. Consent Agenda

12.1. Fire Report – May
12.2. League of MN Cities Insurance Trust Tort Liability Waiver
12.3. LMCD 2020 Budget
12.4. Minor Donation Policy Amendment
12.5. Dock Permit Application – Dock 2-3, Rustin Bills
12.6. Appointment to Dock Committee – Jack Foss

Enlow asked to remove 12.4. from the consent agenda for future discussion.

Enlow motion, Myers second to table 12.4 Minor Donation Gifting Policy Amendment to the July City Council meeting. All ayes, the motion carried.

Myers motion, Breazeale second to approve the consent agenda as amended. All ayes, the motion carried.

13. Treasurer's Report

13.1. Approve Checks: June

Myers motion, Enlow second to approve 47 checks numbered 17275 through 17321 in the amount of $96,181.16 for June 2019 expenses. All ayes, the motion carried.

13.2. YTD Budget, Previous Year Comparison Reports

Zinn stated tax revenues will be received in July. Investment income is already at the budgeted amount. The Capital Improvement Program Review Committee meeting is scheduled for Tuesday, June 18. Zinn will tour public works facilities with Berent.

13.3. Outstanding Accounts Receivable

14. Action Notes and Staff Reports

14.1. Council Meeting Action Notes

Council reviewed the Action Notes and made the following updates:

- Pottebaum dock accessibility request. A ramp section was purchased to attach to the dock for better accessibility. It will be installed tomorrow.
- Northview wall west was restacked for $250.
- Abatement order 2328 Lafayette Road. Once the city has approval on a 90-day extension needed to coordinate the contractor and building official meeting on site, they will move forward on getting the bid and scheduling the work.

11.2. Public Works Superintendent Report – In Packet.

Griffin was asked to find out from Berent if the SKADA alarm system has been installed for the lift stations and if the control panels and alarms need to be added to the value of the lift stations for insurance purposes. Griffin will research these items.

11.3. Clerk's Report

Honey reported on the Step To It Challenge. The city received the award for the Most Engaged Community with 9.9% of the community participating. This year there were 55 participates, up from 17 participants last year. Maple Plain was first place for the highest average steps per participant (401,000). Minnetonka Beach averaged 389,000 steps per participant.

11.4. Administrator's Report

Griffin provided background information on tuition reimbursement for public works in the packet. She also included the personnel policy which states that the city encourages staff development and the city will pay for training if it meets criteria of the policy. The city has reimbursed Berent for two classes. Griffin was directed to research if the policy requires preauthorization for Berent to attend courses during the workday.

Griffin noted a typographical error in the numbers in the construction bid resolution, Resolution 2019-24. The city attorney recommended that they correct the amounts in the resolution and have the mayor and clerk sign the corrected resolution. The numbers in the original resolution were from the handwritten bid sheets that were not yet verified by the city engineer. There were no objections to this approach.

She also stated that she is working on the City's insurance application with Enlow.

12. **Council Reports**

12.1. Mayor's Report:

Mayor Lindstrom stated that council asked her to negotiate a reduced engineering fee associated with the 2019 infrastructure improvements. Negotiations are in process. Engineer Amundsen has agreed to a one percent reduction but there may be additional reductions based on the contractor's scheduling.

She also stated that the Hacker/Mathews have appealed their case to the State Supreme Court and the city is waiting to hear if the supreme court will take the case.

12.2. Liaison Reports (if necessary):

- Enlow – no additional report
- Howarth – The LMCC is still waiting on pending litigation which may impact funding.
- Myers – Docks will meet the end of June or early July.
- Breazeale – Parks reviewed expenses to date. They allocated $3,000 for work on the warming house. They are currently assessing it and getting bids.

13. Adjourn

Myers motion, Howarth second to adjourn the meeting. All ayes, the motion carried.

The meeting adjourned at 10:38 pm.

PUBLIC IN ATTENDANCE – The following people signed the attendance sheet: Matthew Hacker, Nell Mathews, Joe Pagano, Darrell Huggett, Jill Bartel, Rita Howarth, Lilla Gidlow, Maxine Dunlap, Cole Woerner, Sean Woerner, John Woerner, Patty Rezabek, Robert Johnson, Davida Suiter, illegible signature. Not signed in:

Respectfully submitted,

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Heidi Honey, City Clerk