



CITY COUNCIL MEETING MINUTES

June 17, 2019

7:00 p.m.

1) Call to Order

Mayor Whalen called the meeting to order at 7:02 p.m.

a) Pledge of Allegiance

b) Introductions:

City Council: Mayor Lisa Whalen, Pam Mortenson, Mike Molitor, Shannon Bruce and John Tschumperlin; Staff: City Administrator Michael Barone, Finance Director Brian Grimm, Community Development Director David Abel, Public Safety Director Chief Paul Falls, Director of Administration Cassandra Tabor, Public Works Superintendent Gary Peters and City Clerk Kris Linquist; Consultants: City Attorney Ron Batty, Kennedy & Graven and City Engineers Alyson Fauske, WSB Engineering
Absent: None

c) Approval of Agenda

Motion by Mortenson, seconded by Bruce to approve the agenda as presented.
Motion carried 5-0. Absent: None

2) Special Presentations - None

3) Persons to Be Heard

Jim Rhineholtz, 2950 Northview Dr., Minnetrista – had concerns with Mediacom bringing high speed internet to Minnetrista.

4) Consent Agenda

a) Approve Work Session Meeting Minutes from June 3, 2019

b) Approve City Council Regular Meeting Minutes from June 3, 2019

~~c) Res. No. 70-19 Approve Claims~~

d) Res. No. 71-19 Approve Step Increase for Public Works Maintenance Worker Mark Klein

e) Res. No. 72-19 Approve 2019 Arbitrage Services

~~f) Res. No. 73-19 Approve Revised Street Standard Detail Plates~~

Bruce requested to have item 4c) Claims and Molitor requested to have item 4f) Res. No 73-19 Approved Revised Street Standard Detail Plates be removed from the consent agenda.

Motion by Tschumperlin, seconded by Mortenson to approve the Consent Agenda Items with the exception of items 4c and 4f.

Motion carried 5-0. Absent: None

4c) Res. No. 70-19 Claims

Bruce requested to have this item removed from the consent agenda. She wanted to discuss the payment to the City of Mound regarding the Quarterly Debt payment. She wanted it noted that there will be approximately \$64,000 that the City will not have to pay starting in 2021 and would like to discuss where that money could be used. It was suggested that this could be brought up during the budgeting process.

Molitor requested that the payment to Home Depot for the two spruce trees be budgeted out of the tree fund instead of the general fund. Grimm stated that change could be made.

Molitor had questions on the SCADA antenna. Peters explained that it was for the antenna poles at City Hall that were snapped off during a recent storm.

Motion by Molitor, seconded by Bruce to adopt Resolution No. 70-19 Claims with the change of the payment to Home Depot be coded to the tree fund instead of the general fund.

Motion carried 5-0. Absent: None

4f) Res. No. 73-19 Approve Revised Street Standard Detail Plates

Molitor requested to have this item removed from the consent agenda. He questioned where the extra inch of bituminous would be applied to, he thought there was to be a larger base course.

Fauske stated that both the base and wear course was being increased by a ½ inch. She stated that she could reach out to Mr. Gustafson for clarification and bring it back to the next council meeting.

No action was taken at this time. This item will be brought back to the City Council at the July 15, 2019 Council meeting.

5) Public Hearing

a) Ordinance No. 455 Amendment Jennings Bay Villas PUD

Community Development Director Abel explained to the Council that not all of the information was ready for tonight's packet but due to publishing requirements the public hearing has been scheduled for tonight. Staff is requesting that the Council open the public hearing and continue it to the July 15, 2019 City Council meeting.

Mayor Whalen opened the public hearing meeting at 7:19 p.m.

Motion by Mortenson, seconded by Tschumperlin to continue the public hearing for Ordinance No. 455 Amending the Jennings Bay Villas PUD until the July 15, 2019 City Council meeting.

Motion carried 5-0. Absent: None.

6) Business Items

a) Res. No. 74-19 Approve PUD Amendment for Red Oak

Community Development Director Abel presented the staff report from the June 17, 2019 Council packet.

Highlights included:

- The applicant, Lennar, has made an application to amend the Planned Unit Development (PUD) for Red Oak.
- The amendment would allow for decks to encroach up to 5 feet (20 foot minimum rear setback) into the rear yard and allow for an increase in impervious surface (lot coverage) for decks only up to 50% of the lot area (45% previously approved).
- This issue technically qualifies as an administrative amendment per City Code Section 505.45 Subd. 11(a), but since there are multiple lots affected by the same issue, staff felt it was more appropriate for the City Council to review all lots rather than one at a time.
- There are a total of 9 lots that will be impacted. There are 5 lots that seek relief from the rear yard setback requirement and the maximum impervious surface allotment. There is an additional 4 lots that seek relief from the rear yard setback requirement. Red Oak has 59 total single family lots.

Mark Sonstegard from Lennar overviewed the progress of the Red Oak development. He commented that 51 homes have been built or are currently being built, and there are eight more lots to sell. The amendment is for decks only not for building of homes.

There was discussion on impervious surface and what would be considered a hardship for requesting larger decks.

Mayor Whalen commented that she doesn't have a problem with the 20 foot setback but she does have concerns with the impervious surface allotment.

There was discussion on limiting the impervious surface allotment to just the 5 lots that would need it.

Molitor commented that this PUD was crammed into a small space. He addressed several of the lots in the development. He feels that there should be a public notification of this amendment change. He agrees that the impervious surface relief can be addressed in other manners instead of allowing the allotment. He is also not in favor of giving the blanket setback allowance. He feels that each lot should go through the variance process.

Tschumperlin questioned why this was not foreseen at the time of original PUD was issued. There was additional comments about what was the give and take when the PUD was originally granted.

There was additional discussion regarding setbacks, hardships, impervious surface. Molitor suggested that Council send this back to staff to look at different options such as each lot going through a variance process.

Notices will be sent to residents within 500 feet of the PUD.

City Attorney Batty stated that there is an application before the Council tonight that action needs to be taken on, such as approving it, denying it or continuing it to

the July 15, 2019 Council meeting. The applicant agreed to extend it an additional 60 days.

Motion by Mortenson, seconded by Bruce to continue this application to July 15, 2019 City Council meeting.

Motion carried 5-0. Absent: None

There was clarification on what will be brought back to the council on July 15, 2019.

b) Res. No. 75-19 Approve Consent to the Acquisition of 1755 Retreat Circle by Three Rivers Park District (TRPD)

Community Development Director Abel presented the staff report from the packet dated June 17, 2019.

Highlights included:

- In 2018, TRPD purchased the property at 1705 Retreat Circle on Little Long Lake and recently amended the Kingswood Special Recreation Feature Master Plan.
- The owner of 1755 Retreat Circle is interested in selling their property to the District on a willing-seller basis. The property totals 15.95 acres, including approximately 850 feet of shoreline. The property is currently vacant land.
- TRPD will seek a master plan amendment to include the Property within the official master plan boundary for Kingswood Park.
- The Parks Commission reviewed the possible acquisition and master plan amendment for compliance with the City's parks, trails and open space plan. The recommendation from the Parks Commission is that the Council approve the consent of the acquisition as it is consistent with the City's parks, trails and open space plan.
- The Planning Commission reviewed the possible acquisition to determine if 1755 Retreat Circle is consistent with the City of Minnetrista's Comprehensive Plan. The recommendation of the Planning Commission is that the City Council approve TRPD acquisition of 1755 Retreat Circle and master plan amendment to expand Kingswood Special Recreation Feature Master Plan boundary to include the proposed property.

Kelly Grissman from Three Rivers Park District (TRPD) thanked the Council for their continued support of TRPD and their efforts.

Bruce commented that this is the third parcel within a year that Three Rivers Park District has purchased in Minnetrista. She has concerns with the tax dollars that is being used to purchase these properties, along with taking the properties off the tax rolls.

Kelly Grissman stated that they hire an MAI Appraiser that does a full appraisal report. She stated that the market value is not the appraised amount.

There was further discussion on assessed amounts and that there should be a discussion with the County Assessor.

Mortenson commented that there are two different issues. There has been an appraisal done and there is a willing seller. There may be an issue with the assessor's value. She feels that TRPD has done their due diligence.

Motion by Tschumperlin, seconded by Mortenson to adopt Resolution No. 75-19 Supporting the master plan amendment to include the Property within the approved park master plan boundaries and as per Minn. Stat. § 398.09 (b)(1) for the acquisition of 1755 Retreat Circle by Three Rivers Park District.

Molitor commented that there are two separate issues. He commented that if tax payers have a problem with the tax dollars used for purchasing land they need to address the Three Rivers Park commissioners. He commented that the City does not have control over the other entities.

Motion carried 4-1. Opposed: Bruce. Absent: None

c) Res. No. 76-19 Approve Professional Services Agreement for Pavement Coring for Potential Future Street Improvement Projects

City Engineer Fauske presented the staff report from the packet dated June 17, 2019.

Highlights included:

- At the June 3, 2019 work session, Council discussed potential street improvement projects for 2020 and beyond.
- Council indicated that the next step would be to obtain pavement corings where necessary to verify the type of project for each street.
- The pavement coring proposal recommends that 32 cores be taken, which assumes coring every 500 feet. Corings for Hardscrabble area, Pine Circle and Loring Drive were collected in 2018
- The project is proposed to be billed hourly, not to exceed \$3,486

Mayor Whalen is not in favor of having Sterling or Retreat Cir done since Game Farm was just done nine years ago. There was further discussion that the corings would be used to determine the need for mill and overlay and not for reclamation or reconstruction. Mayor Whalen would be ok with obtaining the corings if it was for mill and overlay consideration.

Motion by Mortenson, seconded by Bruce to Adopt Resolution No. 76-19 approving professional services agreement for pavement coring for potential future street improvement projects, not to exceed \$3,486.

Motion carried 5-0. Absent: None.

d) Res. No. 77-19 Approve Professional Services Agreement for Kings Point Road Watermain Replacement and Street Repair Project, CP 04-19

City Engineer Fauske presented the staff report from the packet dated June 17, 2019.

Highlights included:

- There is a proposal for a contract with WSB for engineering design and bidding services related to the watermain and street repair within Kings Point Road.
- Earlier this year there was a break in the 20-inch diameter watermain within Kings Point Road near the Big Woods Drive intersection.

- The temporary repair of the watermain included installing two bends to provide sufficient distance between the watermain and the culvert below.
- The watermain possibly settled when water from the break washed away some of the bedding material.
- It is recommended that the watermain be reinstalled similar to the original design to prevent the thrust stresses that exist at the bends with such a large diameter pipe. Insulation above and below the new watermain section is proposed to be installed as well.
- The estimated cost of the repair is \$78,000, which includes a 15% contingency. A larger contingency is recommended as to extend the watermain repair can only be verified once construction commences.
- The associated engineering design and bidding services outlined in the attached proposal is hourly, not to exceed \$6,567.
- A separate proposal for construction administration services will be provided if the construction is authorized by Council.

Mayor Whalen questioned if this was rebuilt could the break happen again. Fauske explained how the new plans would include insulation to the pipe to help prevent a future break in the pipe.

Molitor had concerns with having WSB design this again. He would like to see WSB redesign it at their cost and not the City's. This is a fairly new watermain from a construction standpoint. He would like to see a reduced rate from WSB on this.

There was discussion on the timing of the project if Council did not take action on this item tonight.

No action was taken at this time. This item will be brought back to the July 15, 2019 Council meeting.

e) Res. No. 78-19 Approve Conditional Offer of Employment to Gary Nelson for the Building Inspector Position

Director of Administration Tabor presented the staff report from the packet dated June 17, 2019.

Highlights included:

- The position is being filled due to an opening by the promotion of Robert Goodman to Building Official.
- Applications were accepted until April 3, 2019 and extended to May 13, 2019. There were a total of nine applicants with seven being interviewed.
- Gary Nelson will bring a breadth of experience and knowledge to this role and is recommended for hire with the terms of the employment offered as outlined in the conditional offer.

Motion by Bruce, seconded by Tschumperlin to Adopt Resolution No. 78-19 Approving the conditional offer of employment to Mr. Gary Nelson as the Building Inspector with the City of Minnetrista, with an expected start date of June 24, 2019 with a starting rate of \$27.04 per hour
Motion carried 5-0. Absent: None.

f) Res. No. 79-19 Approve Conditional Offer of Employment to Christopher Sandberg for the Public Works Maintenance Worker Position

Director of Administration Tabor presented the staff report from the packet dated June 17, 2019.

Highlights included:

- This position is being filled due to an opening by the resignation of Aaron Rasset, Public Works maintenance worker.
- Applications were accepted until May 6, 2019 and extended to June 3, 2019. There were a total of two interviews.
- Christopher Sandberg was the strongest candidate and is recommended for hire with the terms of the employment offered as outlined in the conditional offer.

Motion by Mortenson, seconded by Tschumperlin to Adopt Resolution No. 79-19 Approving the conditional offer of employment to Mr. Christopher Sandberg as a Public Works maintenance worker with the City of Minnetrista, with an expected start date of the beginning of July after offering his notice to his current employer. Motion carried 5-0. Absent: None.

g) Res. No. 80-19 Approve Lake Minnetonka SWAT Joints Powers Agreement

Director of Public Safety Chief Falls presented the staff report from the packet dated June 17, 2019.

Highlights included:

- The Lake Minnetonka SWAT team was formed in 2006 to address the growing need for a tactical response to critical incidents.
- This multi-agency team is a collaboration of five Lake Minnetonka area agencies (Minnetrista Public Safety, West Hennepin Public Safety, Orono Police, South Lake Minnetonka Public Safety and Wayzata Police) and currently consists of 16 officers.
- From inception, the Lake Minnetonka SWAT team has been operating under the Lake Minnetonka Area Police Mutual Aide Agreement. The current mutual aid agreement was created for the purpose of providing general police mutual aid and is not specific to Lake Minnetonka SWAT team or its specialized tactics.
- The League of Minnesota Cities Insurance Trust recognized this and recommended that a joint powers agreement be formed to specifically address the Lake Minnetonka SWAT team and its specialized operations, similar to the West Metro Drug Task Force.
- The proposed joint powers agreement will provide specific insurance coverage for the Lake Minnetonka SWAT team and its operations.
- The annual premium is estimated at around \$1500, which will be divided among the five member agencies. Minnetrista's portion of the annual premium will be paid from the SWAT budget at no additional expense to the City.
- All of the other member agencies (West Hennepin, Orono, Wayzata and South Lake Minnetonka) have adopted the proposed joint powers agreement.

Motion by Bruce, seconded by Mortenson to adopt Resolution No. 80-19 Approving the Joint Powers Agreement for the Lake Minnetonka SWAT team.
Motion carried 5-0. Absent: None.

Mayor Whalen called for a short recess at 8:49 p.m. The meeting reconvened at 8:55 p.m.

h) Discussion on Halstead Drive Project – Options to Address Performance, CP 01-16 / Res. No. 81-19 Authorizing notice of default

City Engineer Fauske presented the staff report from the packet dated June 17, 2019.

Highlights included:

- At the June 19, 2017 Council meeting, the Council approved the construction contract with RAM Excavating Inc.
- Per the project specifications substantial completion of the project includes completion of all portions of the work, including clean up, first lift of bituminous paving, turf establishment, landscaping and driveways.
- As of the date this report was written, the project does not meet the definition of substantial completion. Minimal work has been done during the 2019 construction season thus far and RAM has not presented a project schedule.
- Staff recommends that Council authorizes notice of default to RAM Excavating Inc. for the Halstead Drive Street Improvement Project, CP 01-16

Motion by Mortenson, seconded by Tschumperlin to Adopt Resolution No. 81-19 authorizing notice of default to Ram Excavating, Inc. for the Halstead Drive Street Improvement Project, CP 01-16 to terminate the contract.
Motion carried 5-0. Absent: None.

7) Administrative Items

a) Staff Reports

i) City Administrator

- Pat Whitmore with LMCIT will be here for interviews on June 24.
- July 15, 2019 work session will begin at 4:00pm and will be held in the Police Training Room
- Lotus Drive center island median discussion

ii) City Engineer

- Update on Enchanted Ln/Tuxedo Rd project
- Update on 2019 Street Improvement project

iii) Director of Administration

- 4th Annual Bus Tour

b) Council Reports

i) Mayor Lisa Whalen

- Personnel committee meeting
- Gillespie Center meeting

The City of Minnetrista will deliver quality services in a cost effective and innovative manner; and provide opportunities for a high quality of life while protecting natural resources, maintaining rural character, while effectively managing growth.

- Northwest League meeting
- Emails from residents regarding junk properties
- ii) Pam Mortenson
 - Westonka Community & Commerce meeting
 - Bus Tour
 - Personnel committee meeting
- iii) Mike Molitor
 - Lake Minnetonka Conservation District meeting
- iv) Shannon Bruce
 - Park Commission meeting
- v) John Tschumperlin
 - Pioneer Sarah Creek Watershed District meeting

8) Closed Session – Attorney – Client Privilege pursuant to Minn. Stat., section 13D.05, subd. 3 (b) regarding threatened short-term rental ordinance litigation.

Motion by Mortenson, seconded by Bruce to adjourn to closed session at 9:43 pm for the purpose of discussing threatened short-term rental ordinance litigation, pursuant to MN Statutes § 13D.05, Subd. 3(b) Attorney – Client privilege regarding 5355 Cedar Point Rd. Motion carried 5-0. Absent: None

Meeting reconvened at 10:19 p.m.

9) Adjournment

Motion by Molitor, seconded by Bruce to adjourn the meeting at 10:20 p.m. Motion carried 5-0. Absent: None

Respectfully submitted,

Kris Linqvist, MMMC, MMC
City Clerk