

5755 COUNTRY CLUB ROAD
COUNCIL CHAMBERS

7:00 P.M.

Mayor Zerby called the meeting to order at 7:00 P.M.

A. Roll Call

Present. Mayor Zerby; Councilmembers Johnson, Labadie, Siakel, and Sundberg; City Attorney Keane; City Administrator Lerud; City Clerk Thone; Finance Director Rigdon; Planning Director Darling; Director of Public Works Brown; and, City Engineer Fauske

B. Review Agenda

Mayor Zerby noted that item 7A had been removed from the agenda because the applicant had

withdrawn their proposal.

Sundberg moved, Labadie seconded, approving the agenda with the removal of item 7A, as presented. Motion passed 5/0.

2. CONSENT AGENDA

Mayor Zerby reviewed the items on the Consent Agenda.

Siakel moved, Labadie seconded, Approving the Motions Contained on the Consent Agenda and Adopting the Resolutions Therein.

A. City Council Regular Meeting Minutes of February 26, 2019

B. Approval of the Verified Claims List

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D. Approve Hiring Nelia Criswell as Part-Time Administrative Assistant

E. Regular Appointment • Wade Woodward as Building Official

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A. Senator David Osmek: Annual Legislative Update

Senator Osmek gave a legislative update to the Council. He noted that he serves as Chair of the

Energy and Utilities Committee and they have been working on community solar gardens. He reviewed the costs and noted that it has not worked out the way they had intended so they are trying to refine the language that helps provide a bidding process. He stated that he also serves

on the Transportation Committee and working on safety improvements for area roads. He serves

on the Capital Investment Committee and asked that if the City has any requests to let him know.

He explained that he also serves on the Local Government Committee and reviewed a bill that he

has backed away from regarding an annual RFP process for consultant services. He explained that he is also working on a distracted driving bill.

Councilmember Sundberg stated that the City has a newly established Citizen Recycling Committee that has taken favorable notice of his Right to Repair bill.

Mayor Zerby stated that he would like to speak about Highway 7 and noted that he thinks this area is often overlooked by MNDot. He stated that they have been trying to get a sidewalk so it is safe for people to cross at the light into Excelsior. He stated that they also have concerns about

Highway 7 starting at 41 that has a long run with no stoplights, so residents are having a hard time getting out onto Highway 7.

Senator Osmek stated that he will have a talk with the pertinent parties to see if he can get a little

traction for some of these projects along Highway 7.

Councilmember Labadie thanked Senator Osmek for coming to the Council and noted that she would like to echo Mayor Zerby's concern about the Highway 7 corridor. She thanked him for including awareness of texting and driving as part of the driver's ed curriculum.

Report A. 2018 Arborist Tree

Public Works Director Brown explained that staff has been working with S and S Tree Service for

years and noted that they had a recent name change to Davey Tree. He reviewed the plan and budget for their tree and boom truck services. He noted that the City also utilized their services as a consultant where Davey Tree staff would offer consultations at private properties. He explained that the feedback from residents has been very positive for this service. He stated that

they were not able to meet the goal of seventy -three trees removed in 2018 because of limited availability of Davey Tree equipment and matching up with the City schedules. He stated that only thirty -three trees were removed last year with their assistance. He noted that over a ten - year

period, there are ninety -one trees slated for removal.

Mayor Zerby asked what the replacement plan is for the trees that have been taken down because

he knows the City had talked about creating more diversity. Public Works Director Brown stated

that the focus has primarily been on removal at this point. He stated that there is a balancing act to creating passive open space and tree cover.

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Councilmember Johnson asked whether the goat buckthorn experiment would free up some places to plant trees. Public Works Director Brown stated that because the tree cover is so thick

there it would be difficult to plant smaller trees and have them thrive.

Councilmember Johnson asked how many consultation visits were allowed for residents and stated that he would like to do a better job at informing the public that this tree consultation service

is available. City Administrator Lerud stated that there are one - hundred visits allotted for \$65 /visit.

Public Works Director Brown stated that he thinks it can be advertised more to get the word out

about this service.

B. Accept Professional Services Agreement for Glen Road /Amlee

Road /Manitou Lane Street Reconstruction and Utility Project, City Project 18-08

Public Works Director Brown explained the history of these proposed street reconstruction projects. He stated that the construction plans were moved to 2020 in order to create a better communication process with the residents. He explained that staff is recommending Council approve preparation of the feasibility report and the preliminary design.

Wally Piroyan, 24845 Glen Road, stated that for the past eight months the City has proposed street reconstruction, water mains, curb and gutter despite having minimal support. He noted that the minimal support has been reflected in the survey that was conducted in September of 2018. He noted that he believes that many of the residents who voted yes did not understand the

financial impact or the City's encroachment on their property or the aesthetic damage from having

two- hundred trees removed on one of the City's oldest streets. He stated that he and other concerned residents planned to meet with every homeowner to get their response to the planned

reconstruction project on a written petition. He stated they went house to house and made multiple attempts to reach all fifty residents, including the residents at the townhome facility. He stated that their results show that there are twenty -eight residents against City water or providing

City additional property or access for a new road within the existing roadway footprint and thirteen

stated verbally that they supported the entire project. He stated that they are still working to contact the additional homeowners. He noted that the votes from Gideon Glen are at seven against and noted that many of them are wintering out of State. He stated that these answers came after the City offered the no obligation hook up for watermain services. He stated that it is

very clear that the vast majority of the residents are opposed to this project in its entirety. He read

aloud a portion of Minnesota State Statute 429 and noted that sixty -seven percent of the residents

must support a project in order for it to move forward. He stated that they are asking that any

feasibility study only include a new road, and not City water or curb and gutter.

Richard Eng, 25170 Glen Road, explained that the residents are requesting that the project include constructing the road within the existing footprint. He read aloud a portion of State Statute

8820. He gave a brief history of the neighborhood and noted that stormwater management is one

of the largest concerns in the area and does not think that increasing the surface area will help with that situation. He noted the study completed in 1975 by OSB regarding stormwater runoff in

this area. He stated that the residents are requesting that the watershed projections from these areas noted in this study be calculated and considered as part of this project. He asked what the

plan is for stormwater treatment as part of this project. He read aloud a portion of a letter from City Engineer Fauske stating that the City's goal was to improve drainage issues and asked for resident input on where those areas were. He referenced minutes from the September 24, 2018

Council meeting where Mayor Zerby stated that the City will not fix all the stormwater issues facing

Glen Road, just some of them. He stated that he would like to have more clarification from the

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Mayor on that statement as well as from the City. He stated that he does not believe that there is enough money in the City's budget for this project. He explained that the residents are asking

for the City to include in the feasibility study the cost savings of reducing the street widths.

Chet Ritchie 24995 Glen Road stated that he would like to see the street reconstruction and would like to see it redone as close to the same footprint as possible and understands that will mean not having City water.

Councilmember Johnson confirmed with City Engineer Fauske that part of Task One in the staff

report was to study stormwater mitigation.

Councilmember Siakel asked if the drainage study would be conducted by Barr or WSB.

City Engineer Fauske stated under the current proposal it would be conducted by WSB.

Councilmember Labadie thanked the residents for going door to door to gather information from

residents, however, that type of approach from one neighbor to another may not always provide

the most accurate results because people sometimes do not want to make their neighbor angry.

She stated that the City has been considering this project for a long time and has had well attended neighborhood meetings.

Councilmember Johnson stated that he has received numerous comments from residents in this

area that felt the tactics used in gathering information were heavy-handed and some of them felt

bullied. Councilmember Labadie stated that she did not get feedback from residents and noted that her comments were based on her gut feeling about the survey and how she would have reacted.

Mayor Zerby stated that he heard three primary concerns from the residents tonight, drainage, road width and the watermain hook up. He stated that in order to get an accurate picture of the drainage in the area, the feasibility study will need to move forward. He asked how the City is determining the width of the road within the feasibility study.

Public Works Director Brown stated that the City approved standard has been twenty-four foot wide driving surface that is inside the curb and gutter. He stated that the Council could approve something different and noted that it is subjective decision, but there will be trade-offs. He stated

that the trade-offs will be that school buses, snow plows and emergency vehicles may have trouble getting through if there are cars parked on the street.

Mayor Zerby noted that the City survey indicated fifty-four percent in favor of water and asked for

clarification from the City ordinance as to the approval rating to move forward.

Public Works Director Brown stated that the Council had set the ordinance to state that it needs

a sixty-seven percent approval by residents in order for the Council to consider the project.

Councilmember Johnson asked if the sixty-seven percent number could be over-ridden by Council

discretion. City Administrator Lerud explained that the sixty -seven percent number pertains to assessment projects and there is no proposed assessment for this project, but noted that in that type of project, it is a hard number.

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Councilmember Sundberg stated that the City needs to have a better understanding of the water

issues and thinks the only way to get that is through the feasibility study. Councilmember Siakel

stated that she agrees that stormwater management needs to be addressed. She stated that she

feels that if the Council approves the feasibility study the recommendation should also be followed. She stated that she does not want the City to spend money on a feasibility study and then not follow through and do the work.

Public Works Director Brown suggested that as part of the feasibility report the City could ask for

both the standard width of twenty- two -foot wide and the twenty -foot wide.

Councilmember Labadie asked what road width was required for the new fire truck to safely maneuver. She stated that if he did not have an answer tonight, she would like this information brought back for Council consideration. Councilmember Sundberg stated that the core responsibility of the Council is to provide for the safety of the citizens and agrees that safety is a

huge issue to her. Public Works Director Brown stated that he would like to defer the answer to Councilmember Labadie's question to Fire Chief Gerber,

Councilmember Labadie stated that she would also like to get Fire Chief Gerber's opinion on the

implications if the City decides not to install water along this street. Mayor Zerby stated that he would like to see the road be constructed as narrow as possible but still be safe. He stated that he is torn about the question about watermain installation.

Councilmember Johnson asked City Engineer Fauske when the Council can make the decision regarding City water being included. City Engineer Fauske stated that it can wait up until the time

the City advertises for bids and noted that it could be included as a bid alternate.

Councilmember Johnson stated that he agrees with Councilmember Siakel's concerns about approving the feasibility study and then the project not moving forward.

Mayor Zerby stated that he thinks it is a safety issue and the drainage issues need to be addressed.

Sundberg moved, Labadie seconded, Adopting RESOLUTION NO. 19 -028, "A Resolution to Approve a Professional Services Agreement with WSB for Preparation of a Feasibility Report and Preliminary Design for Glen Road, Manitou Lane and Amlee Road and Utility Improvements," Including Watermain Construction and with the option for a Twenty -Foot Wide Street, City Project 18 -08. Motion passed 510.

9. GENERAL /NEW BUSINESS

A. Appeal Compliance Deadlines for Nuisance Violation 24800 Smithtown Road

Planning Director Darling noted that the City has received complaints about an outside wood burning furnace with regard to smell and the particulates it produces. She explained that staff sent a violation letter with two compliance deadlines to the property owners. She stated that she

had met with the homeowners prior to the first deadline and they indicated that they were researching options and asked for more time.

Mayor Zerby noted that the property owners are neighbors and have been very cooperative with the City to address the issue and would support giving them more time.

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Councilmember Sundberg asked if extending the deadline to April 1, 2019 would be enough time.

James Quast 24800 Smithtown Road, noted that if some of the snow goes away it should be fine. He explained what he had been doing to his current system in order to try to decrease the smoke. He stated that they have plans to put on another stack but is not sure that will address the problem completely because when the air is heavy it keeps the smoke down rather than letting it go up and dissipate.

Constance Quast 24800 Smithtown Road, explained that because of wind and weather the smoke present in the area is always changing. She noted that their only source of heat is their woodstove, which is why they asked for a little more time to address the issue. Mr. Quast stated

that they have been heating the house with wood since 1974.

Councilmember Siakel asked if the Quasts were considering heating their home with anything besides wood.

Ms. Quast stated that they have considered it, but with their budget constraints does not think it will happen within the next year.

Sundberg moved, Labadie seconded, Approving the Extension of the Deadline for the Nuisance Violation at 24800 Smithtown Road, until April 1, 2019 to allow the Applicants Additional Time to complete a Compliance Plan, and until April 30, 2019 to complete any necessary repairs, as recommended in the staff report. Motion passed 5/0.

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A. Administrator and Staff

1. SolSmart Memo: City Administrator Lerud noted that this item is informational only.

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Planning Director Darling stated that forms and postcards will be going out to homeowners soon

and asked that everyone fill out their census forms and turn them in. She noted that Federal funding and congressional districts are determined by census information so it is very important

the information be as up to date and accurate as possible. She explained that there is an on-line

option to fill out the census form this year.

Public Works Director Brown stated their department has been very busy and commended his crew for a great job this winter. He stated that drainage has been the primary issue they are dealing with at this point because of piled up snow. He stated that they began clearing drains a little over a week ago in an effort to ease the drainage issues. He stated that he is concerned about Boulder Bridge Pond and Mary Lake and noted that they will be monitoring them closely. Councilmember Sundberg expressed her appreciation to the Public Works Department for doing

a dynamite job with this winter work. She thanked the residents that have helped by clearing some of the drainage areas and the fire hydrants.

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Public Works Director Brown stated that the City has met with the County and they will be replacing all the cross drains on the LRT. He noted that it is about a two -year process and he will

share the list of priority drains with the Council.

Mayor Zerby stated that there will be a lot of work necessary this spring and suggested that the City reach out the surrounding cities and explain that the City staff may not be able to assist in all

the ways it has in the past because staff will be busy on our own issues.

Public Works Director Brown stated that they were notified today that the seasonal weight restrictions will be going on the roads on March 15, 2019 and noted that signage will be posted.

City Engineer Fauske stated that there was a third open house held for the islands. She reminded

the Council that there are some burial mounds that were found and staff reached out to an archeologist who indicated that the entire area has historical significance. She stated that staff is

suggesting that the City hire an archeologist to go through the necessary process.

Finance Director Rigdon noted that the external financial auditors are in house this week and he

expects it to go well.

Planning Director Darling stated that the Minnetonka Country Club development has almost reached the halfway point in terms of new homes constructed.

Councilmember Labadie stated that she attended the Mayor's Forum on behalf of Mayor Zerby.

She stated that it was well attended and there were a lot of questions asked of the presenters.

She shared some of the common questions that were asked of the City.

Councilmember Sundberg noted that the Citizen Recycling Committee met last week and she is

excited about working with the group.

Mayor Zerby announced that the Council would recess the meeting and convene into an executive

session pursuant to MN Statutes 13D.05, Subd 3 {b} for the purpose of attorney - client discussion

regarding potential liability relation to the Grant Street stormwater improvements at 8:43 p.m.,

Mayor Zerby reconvened the City Council meeting at 9:24 p.m.

Sundberg moved, Johnson seconded, Adjourning the City Council Regular Meeting of March 11, 2019, at 9:25 PM. Motion passed F