

CITY COUNCIL MINUTES

Monday, October 10, 2011

7:00 P.M.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Mayor Jim Doak; Council Members Sliv Carlson, Chris Rich and John Massie

Absent: Council Member Mike Jilek

Staff: Zoning Administrator Gus Karpas, City Engineer Dave Martini and City Clerk Shelley Souers.

Guests: Tom Newberry, John Dhamer and John Dhamer Jr.

CONSENT AGENDA

A. Minutes September 12, 2011; Regular Council Meeting

B. 2011/2012 Deer Management Permit

C. 2012-2014 Recycling Contract (3 year Agreement)

D. Resolution No. 21-2011; supporting City of Tonka Bay's Grant Application for Basketball Court Improvements

Council Member Carlson moved to approve the consent agenda as presented. Council Member Massie seconded the motion. Motion carried 4-0.

PUBLIC COMMENTS

None

PUBLIC HEARING

A. Zoning Ordinance No 9-21; Amending Section 900.14 of the Zoning Ordinances to Bring the City in to Compliance with State Statues.

Mayor Doak opened the public hearing to consider an amendment to Section 900.14 of the zoning ordinance relating to variances.

Council reviewed a draft zoning amendment prepared by staff.

Mayor Doak suggested striking the types of regulations (1-5) as listed under Subdivision 2; Ordinance Provisions to Which Variance May Be Granted. Omitting the list of regulations allows the Council to grant a variance from everything in the zoning chapter. Mayor Doak also suggested adding the word all as it relates to findings in Subdivision 5.

Zoning Administrator Karpas summarized the proposed zoning changes relating to variances and the removal of the hardship criteria. The League of Minnesota Cities provided language outlining practical difficulty standards that should be incorporated in all municipal ordinances. Applicants will be required to present a practical difficulty and all findings would need to be met as identified in Subdivision 5. The amended language also allows Council to set conditions on

all variances approved and the authority to charge the applicant for all administrative, legal and engineering costs that exceed the filing fee. Zoning Administrator Karpas noted that the amended language clarifies the expiration of an approved variance.

There being no public comments, Mayor Doak closed the public hearing.

Council Member Carlson moved to approve Ordinance No. 9-21; amending Section 900.14, including the amended language for Subdivisions 2 and 5 as discussed; and to waive the second reading of the Ordinance. Council Member Rich seconded the motion. Motion carried 4-0.

B. Zoning Ordinance No 9-22; Amending Section 900.15 of the Zoning Ordinances to Include Expiration and Extension Language in the Special Use Permit Provisions.

Mayor Doak opened the public hearing to consider an amendment to the language in 900.15 (7) adding new language addressing extension criteria for Special Use Permits.

There being no public comments, Mayor Doak closed the public hearing.

Council Member Massie moved to approve Ordinance No. 9-22; Amending Section 900.15 of the Zoning Ordinances. Council Member Rich seconded the motion. Motion carried 4-0.

C. Resolution No. 20-2011; Approving Certification of Delinquent Water and Sewer Charges to the 2012 Property Tax Rolls.

Mayor Doak opened the public hearing to approve certification of all delinquent utility charges to the 2012 tax rolls.

There being no public comments, Mayor Doak closed the hearing.

Council Member Rich moved to approve Resolution No. 20-2011. Council Member Carlson seconded the motion. Motion carried 4-0.

NEW BUSINESS

A. Stone Arch Road Improvement Options: City Engineer Dave Martini

City Engineer Martini reported that engineers surveyed Stone Arch Road and took borings to determine the condition of the soils supporting the road surface. The road surface is one-foot above the elevation of Lake Minnetonka and equal to the 100 year flood elevation. Engineer Martini stated that there are challenges from a drainage standpoint. The majority of stormwater run off is overland and flows into the pond at 2700 Stone Arch Road. The blacktop varies from 2-4 inches with an aggregate base of 3-11 inches. The soils are clay-based and do not drain well. The ground water is currently only 2.7 feet below the surface, accounting for many of the frost heaves in the spring.

Engineer Martini stated that the information in the packet delineated an optimum plan for long term durability. The plan would raise the road above the present elevation for drainage purposes. The geotechnical engineer recommended one-foot of sand, 6-inches of base and 3.5-inches of asphalt. A new culvert would be necessary under the driveway at 2750 Stone Arch Road to drain water into the pond east of the driveway.

One additional option would include a drain tile system that utilizes a sump pump. The plan's estimated costs were significant and exceeded the budget. Engineer Martini stated that this improvement was optimal and exceeded the specifications of all other City streets. Martini distributed a modified plan option grinding the existing blacktop and combining it with a new base and new asphalt overlay. This option will raise the road by a few inches. The City would also need to raise the manholes covers. The estimated cost of \$39,000 was more consistent with typical street improvements and City budgetary limitations.

In answer to a question on the useful life of the road improvement, Martini noted that the extensive repair option with a drain tile and sump pump may have a life of 20 years, compared to about 10 years for the more modest improvement option. Mayor Doak noted that Stone Arch Road is a secondary road with service to eight homes and is not a through street. With limited traffic and given budget limitations the lower cost option seemed to him to be most practical. Mayor Doak stated that the recent drainage improvements to 2700 Stone Arch Road have improved the overall water issues by pulling water from adjacent lawns and directing it to the pond.

Mr. John Dhamer, 2805 Stone Arch Road, stated that he, and believes many neighbors, would prefer to keep the road narrow, but in good repair.

Council Member Rich asked if a simple overlay can be put down on the existing surface.

Engineer Martini stated that the road bed is in poor condition and the subsurface issues will work up through a new overlay causing accelerated deterioration. A new road surface will be designed to shed water which will support the longevity of the road. The sewer manholes will need to be raised with a concrete ring to meet the level of the any new surface.

Engineer Martini suggested the City seek quotes for the improvements in February or March 2012 and anticipate work to begin in spring.

The consensus of the Council was to proceed with the lesser cost option and it authorized Martini to proceed with the design and bidding process.

The City will organize a meeting with the residents along Stone Arch Road to solicit feedback prior to seeking quotes.

B. Chapter 5 Draft Amendment Ordinances Pertaining to Overweight Vehicles

Zoning Administrator Karpas presented an ordinance to amend Section 500.04 giving the City authority to require and charge for overweight permits. Karpas stated that presently the City charges a fee of \$10 per round trip for overweight vehicles, and does not believe this fee adequately reflects the potential damage to City streets. The proposed amendment would raise the fee to \$50 for an individual round trip, with a blanket fee of 20% of the building permit fee for construction projects in excess of \$20,000.

Council Member Rich asked if there was a ceiling on the load limit charge.

Zoning Administrator Karpas stated that there would be no maximum charge. The presumption being that larger project would have more trips in and out with materials.

Council tabled the discussion to November after it became clear that there were a number of issues associated with the permitting and fee collection processes that required additional study.

OLD BUSINESS

A. Stone Arch Landscape Project Update

John Dhamer Jr. presented a landscape concept prepared by a landscape architect. The landscape architect recommend against planting this fall due to the dry conditions and onset of colder weather. John Dhamer Jr. asked the City to remove the Ash tree located in the planting area.

Mayor Doak recommended careful consideration in plant selection and encouraged natural indigenous plants that did not require irrigation. Mayor Doak noted that the Minnehaha Creek Watershed District may have suggestions for low maintenance plants. Because the soils around the arch are questionable, the area may require some topsoil. Mayor Doak suggested Mr. Dhamer Jr. dig a test hole to determine the soil conditions and let the City know what may be needed.

Mr. Dhamer Jr. thanked the Council for their continued support.

B. Resolution No. 22-2011; Supporting a Regional Aquatic Invasive Species Program Lead by the Minnehaha Creek Watershed District (MCWD).

Council reviewed Resolution No. 22-2011, supporting the MCWD's leadership of a comprehensive aquatic invasive species control program and to include the involvement of the DNR, Lake Minnetonka Conservation District and other lake associations.

Council Member Massie moved to approve Resolution No. 22-2011. Council Member Carlson seconded the motion. Motion carried 4-0.

MAYOR'S REPORT

Mayor Doak reported that a property management company will be taking care of the lawn area of the vacated property on Maplewood Road.

Mayor Doak reported that he spoke with a resident residing on the sharp "S" curve on Breezy Heights Road regarding snow plowing and snow removal plans this winter.

COUNCIL REPORTS

Ordinance, LMCD and Website

No report

Roads, Signs and Trees

No report

Finance, Enterprise Funds, Intergovernmental & MCWD

Council Member Carlson reported on recent Legislative Policy Committee recommendations.

Public Safety

Council Member Massie reported that the 2011-2012 DNR deer permit has been approved for removal of up to 12 deer.

Council Member Massie reported that there have been no issues during the CenterPoint gas line restoration.

ACCOUNTS PAYABLE

Council Member Rich moved approval of the Accounts Payable as submitted. Council Member Massie seconded the motion. Motion carried 4-0.

TREASURER'S REPORT

Council Member Carlson moved approval of the Treasurer's Report as submitted. Council Member Rich seconded the motion. Motion carried 4-0.

ADJOURNMENT

Council adjourned by consent at 9:35PM

ATTEST:

Shelley J. Souers, City Clerk

James S. Doak, Mayor