

**Monday, January 8, 2018 7:00 PM**  
**CITY OF MINNETONKA BEACH**  
**CITY COUNCIL MEETING MINUTES**

**Roll Call:** Mayor Mike Taylor; Council Members: Jill Bartel, Paul Kozloski, and Jaci Lindstrom; Treasurer Steve Howarth. Absent: Andrew Myers.

**Staff Present:** City Administrator Susanne Griffin, City Clerk Heidi Honey, Public Works Superintendent Brian Berent, Zoning Administrator Ben Gozola, and City Engineer Darren Amundsen

**Guests:** Police Sargent Boris, Park Commissioners Patty Rezabek, Planning Commissioners Jennifer Halverson and Jim Haag.

**1. Mayor Taylor called the meeting to order at 7:31 p.m. Clerk Honey led the Pledge of Allegiance.**

**2. Approve Agenda for the January 8, 2017 City Council Meeting.**

Kozloski asked to move 9.1 Variance Request after Open Forum as new 7.0. Bartel asked to move 12.2 Request for Clerical Service for Comprehensive Plan to 11. Consent Agenda, and to move 12.1 Trees in Right of Way to 8.2 Park Commission update.

**A motion was made by Council Member Lindstrom and seconded by Council Member Kozloski to approve the agenda as amended. With all members voting in favor, the motion carried.**

**3. Approve Minutes –**

3.1. Regular Meeting of December 11, 2017

Howarth also attended the meeting with Mound Fire Chief Pederson, Myers and Kozloski.

**A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to approve the December 11, 2017 Regular City Council meeting minutes as amended. With all members voting in favor, the motion carried.**

**4. Police Report**

4.1. Police Report – December 2017

Sgt. Boris reviewed the December activity report. The theft of a motor vehicle was a sibling misunderstanding. They are increasing patrols at Ray Peters Park. Planning Commissioner Haag will contact police for input on the Shoreline Drive pedestrian crossing proposal. In recognition of National Law Enforcement Day, Taylor thanked the police for all the work they do.

**5. Resident Report**

5.1. Update from Mr. Burak on Possible Violation of City Nuisance Ordinance at 2328 Lafayette Road

Mr. Burak supplied the requested update to Council. He is a veteran and struggles to get work completed on his home. Taylor contacted Rebuilding Together to see if they can help. Mr. Burak will complete the application and provide required documents to see if he is eligible for assistance. Council will revisit the timeline for completion after they receive a response from Rebuilding

Together. Mr. Burak has concerns about neighbor spraying chemicals on his garage. Taylor asked to add that issue to the list of items for agency to help with.

## 6. Open Forum

The following residents stated they were supportive of a safe crossing: Jodi Schwendimann, Stacia Bank, Tracey Breazeale, Jillian Moriarty, Erik Bender, Charlotte Skelton, Sarah Jackson, Sheri Pottebaum, McKenzie Kramer, Laura Raisbeck, Julie and Mike Lang, Vanessa Abraham, Santiago Abraham, Kirsten Haag, Betsy Taylor, Bridget Wortman, Derek Wortman, Nate Arnold.

## 7. Planning and Zoning

### 7.1. Resolution 2018-09 Variance Request – Rear Yard – 3028 Northview Road

Gozola stated that the applicant is seeking to tear down the existing legal non-conforming home and replace it with a new home in a different footprint which would require a rear yard setback variance. The current home is nine feet from the road right of way. The proposed home would be 10.5 feet from the road right of way, which would be an improvement of 1.5 feet. Council discussed water flowing between the homes. Gozola reviewed the application criteria. Planning Commission recommended approval.

**A motion was made by Council Member Kozloski and seconded by Council Member Lindstrom to adopt Resolution 2018-09 Approving a Rear Yard Setback Variance for Construction of a New Home on the Property at 3028 Northview Road. With all members voting in favor, the motion carried.**

## 8. Public Works Superintendent Report – Brian Berent, Superintendent

### 8.1. Lafayette Club use of City Sand/Salt mix

In the past, Lafayette Club was given a key to the public works building and took sand/salt when they needed it. They used the city loader to load it into the Club's truck. Berent stated that he has no issue with them using the City's sand/salt because they don't have proper storage. Council discussed the cost of the material used by the Club. Berent proposed that he load the material for the Club, the Club reimburse the City for the material and return the City's key.

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to charge Lafayette Club \$150 per year for sand/salt with Berent loading the material into their truck for them. With all members voting in favor, the motion carried.**

### 8.2. Leaf Truck, Box and Trailer Update

Berent stated that the truck is at the dealership getting axle work done and it will go from there to Aspen to get the box installed. The current truck has transmission problems and Berent will try to sell "as is" because it is not worth fixing. The dealership will help Berent determine a minimum bid or value. The trailer has been ordered.

### 8.3. Tuition Reimbursement Request

Berent requested tuition reimbursement for his public works certificate program at North Hennepin which consists of five classes. He stated that city policy for tuition reimbursement is decided on a case by case basis. Kozloski suggested reimbursing him for the current class and then proactively paying for the four future classes.

**A motion was made by Council Member Kozloski and seconded by Council Member Bartel to reimburse Berent \$736 at this time and proactively pay for his future public works certification classes out of Budget Item 2141. With all members voting in favor, the motion carried.**

Berent discussed difficulty in surfacing the ice rink on weekends because people start using it very early. Taylor then discussed a complaint of people using the rink without having parking permits. Non-residents can park on streets that are not designated as no parking. Police have been asked to enforce the parking ordinance and alcohol consumption. Berent will call Shorewood and Wayzata to see what they use for rink maintenance equipment.

## **9. Committee/Commission Reports**

### **9.1. Planning Commission Update on Pedestrian Crossing and Request for Use of Grant**

#### **Funds/Budgeted Funds for Access Paths Design and Bids Specs**

Taylor stated the question is if the city will spend money for drawings for a grant application. Haag stated that without major changes to the location of the crossing, Amundsen did not think there would be a large increase to the cost of the plans. The drawings are needed to apply for three DNR grants that are 75% funded with 25% city match up to \$50,000. The grant deadline is March 30. There is CIP money for the transportation study and the money may not be used because the city receives funding for specific road repairs (County Aid to Municipalities). The city did not use the CAM money the past three years and it would qualify for this purpose.

Bartel asked why a potential path from Hill Road was removed from the proposal. Amundsen explained that the path can be done in stages and the city may use excess dirt from future infrastructure projects for it which would reduce costs. Amundsen and Council discussed the likelihood of receiving a grant and the potential cost of the project. Council then discussed costs associated with the crossing at various locations. Lindstrom supported the crossing, Kozloski thought they should wait to do the study until a specific location was confirmed, and Bartel was not in support of the Arcola location because she did not think it was safe. Taylor stated that approving the design study is not committing the city to do the project. Amundsen stated Stantec can do an oversized survey to cover the intersection now which would allow them to move quickly after the update from Bob Byers at the next Council meeting. The cost of a survey is \$1,600.

**A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to have Amundsen survey the intersection in preparation for the next meeting. With all members voting in favor, the motion carried.**

### **9.2. Park Commission – Patty Rezabek (Trimming private trees in public Right of Way and damage/removal of trees in ROW moved from New Business)**

Rezabek stated that Parks spent 96% of their budget. They performed structural trimming to maintain large trees. They submitted edits to the comprehensive plan. They designed an annual seasonal template for tree work and are incorporating it into a three year plan.

Taylor stated that a question was raised about a large tree that needs to be trimmed that was thought to be half on public and half on private property. It ended up being entirely on private property, but a huge branch is hanging over the road that is rotted. Legally, people can trim branches that overhang on to their property from neighboring property and the city can do it as well. Past practice is that the city trims branches that overhang on to city property. Council agreed to trim branches overhanging on to city property. Rezabek will talk with the property owner.

## 10. Treasurer's Report

10.1. Approve Checks: Final December 2017 and January 2018

**A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to approve 24 checks numbered 16490 through 16513 in the amount of \$110,231.38 for final December 2017 expenses. With all members voting in favor, the motion carried.**

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve 37 checks numbered 16514 through 16550 in the amount of \$257,082.23 for January 2018 expenses. With all members voting in favor, the motion carried.**

10.2. 2017 Year End Budget Report

Howarth stated the 2017 surplus of revenues over expenses is \$13,990. Griffin mentioned a note at bottom of the AR Aging Detail Summary that Maxwell and Steinfeld have agreed to pay their balances in full.

## 11. Consent Agenda

11.1. Fire Report –December

11.2. **Resolution 2018 – 01** – Appoint Bridgewater Bank as Official Depository for 2018

11.3. **Resolution 2018 – 02** – Designate the Pioneer as the Official Newspaper for 2018

11.4. **Resolution 2018 – 03** – Weight Restriction Exemptions

11.5. **Resolution 2018 – 04** – Approve Employee Floating Holiday

11.6. **Resolution 2018 – 05** – Set 2018 Board of Review Date for April 10, 2018

11.7. **Resolution 2018 – 06** – Approve 2018 Staff Wages (as approved in 2018 budget)

11.8. **Resolution 2018 – 07** – Annual Appointments

11.9. **Resolution 2018 – 08** – Resolution Recommending Continuation of CDBG Funding of Wester Area Communities Action Network (WeCAN)

11.10. Minnetonka Beach Water Tower Phase 2 Historical & Architectural Survey & Evaluation Draft

11.11. **Resolution 2018 – 10** – Gambling Exemption Request – United Health Care Children's Foundation

11.12. Request for Clerical Service for Comprehensive Plan Update

Taylor assigned Kozloski to the Park Commission because that Myers does not want to be the liaison any longer. Kozloski would like more information. Taylor stated they can amend the appointments if, after Kozloski has a better understanding of the commission, he doesn't want the appointment.

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve the Consent Agenda items as amended. With all members voting in favor, the motion carried.**

Council discussed that the historical information in the water tower grant application is very interesting and suggested putting it on the website. Myers did a great job working on the grant application. Council would like more information on the next step in the process.

## 12. New Business

12.1. Trees in Public Right of Way: 1) trimming of private trees in public ROW; 2) damage/removal of trees in ROW – moved to 8.2

12.2. Request for Clerical Service for Comprehensive Plan Update – moved to 11.12

### 13. Action Notes and Staff Reports

#### 13.1. Council Meeting Action Notes

Lindstrom asked to add the Comprehensive Plan to the Action Notes to provide updates. Utilities and Finance will meet in February or March. Bartel suggested adding a timeline for the Planning Commission outstanding issues. Council discussed that Planning, Finance and Utilities should establish work programs with completion dates.

Resident Nell Mathews stated that her understanding is that city ordinance does not address water issues between neighbors. She thought the Planning Commission should add this to their list of items to discuss. The City has established a policy but does not have an ordinance. The new city attorney can review the it and the Planning Commission can address it if it needs to be added to the zoning code or somewhere else.

#### 13.2. Clerk's Report

Honey would like to attend the MCFOA Conference in March where she will receive her clerk's certification plaque.

#### 13.3. Administrator's Report – Update on City Attorney RFP

Administrator Griffin stated the City received seven responses to the RFP. She and Myers will review the responses against a criteria list and come up with a short list for interviews. The top three will be asked to make a presentation to Council at the February 12<sup>th</sup> meeting.

### 15. Council Reports

#### 15.1. Mayor's Report

Taylor discussed the Comprehensive Plan update process.

#### 15.2. Liaison Reports (if necessary): Kozloski – Docks, Bartel – Planning, Lindstrom – Utilities/Civic, Myers – Parks

Kozloski stated they met with Mound Fire Chief Pederson. The City is happy with the service but is concerned about the costs and he said Mound would like to work something out. Myers asked Pederson for options for Council at the next meeting. Taylor spoke with the Mound Mayor about the City's concern over costs.

Lindstrom stated Utilities is in the process of their comp plan contribution and establishing a time line for bonding.

**A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to adjourn the meeting. With all members voting in favor, the motion carried.**

**The meeting adjourned at 9:53 pm.**

**PUBLIC IN ATTENDANCE** – The following people signed the attendance sheet: Bob Byers, Sue Kozloski, Tom Seuntjens, Rita Howarth, Patty Rezabek, Thomas Renard, Reid MacDonald, Betsy Taylor, Dan Forbes, John Breon, Tom Meskan, Jodi Schwendimann, Marcel Schwendimann, Bridget Wortman, Joann Anderson, Nell Mathews, Julie Lang, Tracey Breazeale, Jillian Moriarty, Stacia Bank, Laura Raisbeck, McKenzie Kramer, Charlotte Skelton, Sarah Jackson, Shari Pottebaum, Kathryn Alexander, Jaime Gmach, Scott Bremer, Illegible name, Tim Anderson, Derek Wortman, and Nathan Arnold.

**Respectfully submitted,**

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**Heidi Honey, City Clerk**