

**Monday, January 9, 2017 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.  
Absent: Treasurer Randy Gilster.

**Staff Present:** City Administrator Susanne Griffin and City Clerk Heidi Honey. Absent: Public Works Director Ben Young.

**Guests:** Police Sergeant Chad Stensrud

- 1. Mayor Taylor called the meeting to order at 7:00 p.m.**
- 2. Clerk Honey led the Pledge of Allegiance.**
- 3. Oath of Office for Newly Elected Officials: Mayor Mike Taylor, Council Member Jaci Lindstrom, Council Member Andrew Myers, and Treasurer Steve Howarth**  
Clerk Honey administered the Oath of Office to Mayor Taylor, Council Member Lindstrom and Council Member Myers.
- 4. Approve Agenda for the January 9, 2017 City Council Meeting.**  
Council Member Lindstrom asked to amend the agenda to move 8. Police Report to directly after 5. Approve Minutes which would make the police report item 6 and everything would follow in order after it.

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

- 5. Approve Minutes**
  - 5.1. Regular Council Meeting of December 12, 2016

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve the Regular Council meeting minutes of December 12, 2016. Council Members Bartel and Lindstrom voted in favor. Council Member Myers abstained. Motion carried.**

- 6. Police Report –**
  - 6.1. Police Report – December Report  
Mayor Taylor acknowledged that it was Law Enforcement Appreciation Day. Council and residents thanked Sgt. Stensrud for his hard work. Sgt. Stensrud reviewed the police activity report and noted a 3<sup>rd</sup> degree DWI arrest by St. Martin’s Church. The driver’s blood alcohol level was .18. He also said they assisted another agency with a home monitoring issue, there was a theft by check fraud where the resident had \$15,000 removed from their bank account before they discovered it, and a felony warrant arrest. He said they have been patrolling Ray Peters Park and notifying people using the rink that they need parking permits to park there. Orono Police will be hosting the Use of Force class again in March which will be open to the police commission and council members.

- 7. Appointment of Council Member and Oath of Office**

7.1. **Resolution 2017-13** - Appoint Council Member

Administrator Griffin explained that Steve Howarth was duly elected as a write in candidate for Treasurer but he wants to be considered for the open Council seat. He has asked to reserve his right to accept the position of Treasurer until after the council member appointment process.

Mayor Taylor asked Administrator Griffin about the order to follow for the six candidate presentations. Administrator Griffin suggested they follow the order in which the candidates submitted their letter of interest which was: Howarth, Haag, Breazeale, Steinke, Kozloski and Mathews. Mayor Taylor explained that the City does not have specific guidelines for selecting a council member but went on to describe the qualities he would look for in a council member as follows: a passion for the city; the ability to render decisions impartially for the good of the City without a personal agenda; bring new ideas to solve old issues; listen actively and impartially to understand other people's perspectives and challenge ideas with respect; and prepare for meetings, understand the issues and be ready to engage in well prepared and meaningful discussions.

Administrator Griffin stated that each candidate was given information prior to the meeting explaining the process. Each candidate has five minutes to speak at the podium about their qualifications and address the qualities Mayor Taylor mentioned. After all candidates have spoken, Council will open the discussion to members of the community for them to comment on the candidates. Their time to speak will be limited to one time per candidate for two minutes. Council Member Lindstrom was concerned about having enough time to deliberate on the candidates. Mayor Taylor stated that even though they budgeted an hour for the council member appointment process, Council can deliberate as long as they need to make a thoughtful decision. Council decided they want the opportunity to ask candidates a question after they speak and they can ask additional questions of any candidate at the end.

Presentation of Candidates:

**Steve Howarth** – Howarth said he has a genuine interest in serving the City. He works for Medtronic as Vice President of Global Operations and has been in finance for 35 years. He has served on many boards and understands non-profits. He has been very active in the community, most recently serving as Vice Chair on the Planning Commission. He said Minnetonka Beach is a very special community which needs a balance of heritage preservation, and forward looking attitudes and activities. He admires the level of engagement in the community. He has a good understanding of matters facing the City such as fiscal responsibility, infrastructure projects, preservation of services and transportation issues. Council Member Lindstrom asked how his executive work at Medtronic translates to council work. He replied he is in a leadership role which requires him to be a good listener; make thoughtful, fair and balanced decisions; collaborate; and work with a team. Council Member Bartel asked if there are any new ventures he thinks Minnetonka Beach should be considering. Steve said long range planning will be coming up and that is the right time to get insight. The City needs to preserve the right things about Minnetonka Beach and embrace change. New zoning regulations need to be addressed thoughtfully.

**Jim Haag** – Haag's approach is to help all residents as neighbors and friends. He takes resident concerns to heart. He said the community is so special and dear to everyone and he wants to keep that quality. He currently serves on the Planning Commission and his wife is on the Civic Committee. He grew up in Minnetonka Beach which gives him a generational view of the City. He went on to say that he understands the process can be lengthy to achieve goals and he understands the necessity to make decisions regardless of how it affects him personally. Council Member Myers

asked about the time commitment. Jim said he understands the role is important and he can invest the time to be prepared. Council Member Lindstrom asked what he thought were issues facing young families in the community. He stated that safety is most important to any parent. Times have changed since he was a child and they had to cross County Road 15 to get to the bus stop. He feels blessed that his kids are back in his childhood neighborhood and understands safety is a big issue. Council Member Bartel asked why he didn't run for Council in the general election. He replied that there was a very qualified person running for the council seat and if he was uncontested, he would likely win and do a great job. He will likely run for Council in the future if he is not appointed tonight. He stated that all six candidates here tonight are very intelligent and qualified.

**Jeff Breazeale** – Breazeale said after attending Planning Commission and Council meetings for their lot combination, he learned there are many significant issues facing the City and he understands the importance of them. He outlined his qualifications in his letter. He is deeply committed to the community and has the time to serve. He has served on many boards and owns four businesses that have grown to the point of hiring presidents for them. He has a lot of experience with strategic planning, focusing and executing. He has executive & financial experience with smaller businesses. He views small business like a small city, where each decision can make a large impact. He would approach his role with no personal agenda and his interest is in public good and understanding public versus private good. He has a stewardship mentality focusing on a careful pace of change and thoughtful decision making while still being able to move forward. Council Member Myers asked if he has served in Minnetonka Beach previously. He stated that he did not have the time in the past but does now and wants to focus on service. Council Members Bartel liked his slow and reasonable approach to change. Council Member Lindstrom had no other questions.

**Jeff Steinke** – Steinke stated his passion for the City is what drove him to apply for the council seat. He is very passionate about Minnetonka Beach. Over the past year, he felt the winds of change blowing through the City in an unfriendly and uncompassionate way and he wants it to go back to being the kind and compassionate community it was prior to then. Jeff is in commercial property management with hundreds of tenants who demand great service. He sees residents as customers of the City. He also has experience in responsible land uses, responsible operating expense control, and best operating practices. Jeff went on to say this is an opportunity for change tonight and Council will miss out on the opportunity for change with a fresh person with fresh thinking if Council appoints the same person as it did two years ago. He stated that 2016 was an unpleasant year for our nation, our society and Minnetonka Beach. He wants compassionate and caring service for the residents. Council Member Myers asked about the time commitment. Jeff replied that he controls his travel schedule and can make the meetings a top priority. Council Member Bartel asked why he didn't run for Council in the general election. He replied that he didn't realize the boiling point the city leadership was at during that time. He now feels the need to step in and make a change. Council Member Lindstrom asked if he had any specific suggestions for the City. Jeff wants to warm up the city experience for residents. He thinks safety is important. He also thinks there are more opportunities for community activities and partnering with St. Martin's Church.

**Paul Kozloski** - Kozloski thanked Council for the opportunity to continue to serve the City. His specific qualifications are in his letter. He recognized the other five individuals being considered and stated it is a tough decision for Council but it won't be a bad decision with any of the candidates. He and his wife Sue have lived in Minnetonka Beach for 16 years and their daughter was married at City Hall by former Mayor Joann Anderson. He went on to explain the reason he did not run for Council in the election was that Mike Taylor ran uncontested so he knew the council seat would be

open. Andrew Myers was a well-qualified candidate and Jaci Lindstrom has the experience and skills to be a good council member. He had no reason to oppose them. While serving on City Council the last two years, he found they did not always agree and they had to make difficult decisions. He believes in surrounding yourself with people who are willing to challenge the status quo and not be driven by popularity. He makes decisions by two principals; have the very best interest of all citizens and the city in mind, and fiduciary responsibility. Council Member Myers asked what he thinks are big issues affecting the community. Paul responded they are infrastructure and financial strength. Council Member Lindstrom asked him to look back and tell them if there is anything he would have done differently or anything he was surprised about. He stated he did not realize how difficult the decisions would be and that they would be so disruptive to relationships. The decisions were necessary for the betterment of the entire city and all citizens. He regrets that they were not able to get to resolution in a more welcoming way and without making major issues out of things. Council Member Bartel asked what he wants to accomplish. Paul responded to make the City the best place to live with strong finances and infrastructure.

**Nell Mathews** – Mathews loves the community and has extensive knowledge about it having served it in many capacities. She was on City Council for nine years, the Planning Commission for two years, the Long-Range Planning Commission, the Civic Committee for 26 years and helped develop the Comprehensive Plan. Her agenda is to make the City the best place it can be and to use her experience to do that. She also said the City is a governmental entity with elected and appointed officials who are charged with making the right decisions for taxpayers. They have to make sure everyone gets the process they are entitled to even if it is not the quickest or easiest way to get to a decision. Council Member Myers asked about her time commitment. Nell replied she sets her own schedule with her private practice and does not travel for work. Council Member Bartel asked why didn't run for council at the election. Nell discussed her lawsuit with the city and concerns about the zoning code updates. Council Member Lindstrom asked if the lawsuit is a conflict that would affect her service on council. Nell replied it would not affect her ability to serve. She also stated she would recuse herself from discussion and decisions related to the lawsuit.

Mayor Taylor opened discussion to the public for comments with a limit of 2 minutes each.

Joann Anderson said it was a blessing to have so many qualified residents willing to serve the City.

Joe Pagano asked the candidates to answer the same question. He said each of them mentioned preserving the City's historic lakeside community and he wanted to know how each of them would maintain the historic ambiance of the community.

- Steve Howarth discussed changes and said the new zoning ordinances are intended to be updates and clarifications to ensure there are not broad changes and the changes they make need to be deployed carefully. The Planning Commission left some items for future review to make sure they align with the wishes of the citizens. This is home, not a piece of real estate and he would not support wide sweeping changes.
- Jim Haag said that Minnetonka Beach is a very desirable place to live and that is why property values are high. With the high values, come homeowners who may have an attitude of entitlement. Ordinances are in place for a reason and they need to be followed so the community remains the desirable community in which to live. The City should not allow people to build for the sake of building. People need to respect their neighbors and the guidelines which are in place to protect the rights of all current residents and future residents.

- Jeff Breazeale said there is a long line of community leaders who have gotten the City to where it is today and not much is broken. He is cautious of change. He said the proposed changes to the zoning code is a large body of work which needs sufficient time to be vetted. The City is in a great place today and that needs to be protected. He said he is surprised at some things that get elevated to a high level and suggested Council focus its attention on things that are reasonable for 75% of community and have different avenues to vet smaller issues before they go to Council.
- Jeff Steinke echoed Jeff Breazeale to not fix what is not broken. He would focus on protecting what the City has today, protecting lake rights and protecting the culture from unwanted change. Getting the right members on Council will preserve the City.
- Paul Kozloski said the biggest challenge they face is trying to listen to everyone. He agreed with Jeff Breazeale that many residents bring up many issues. He wants the City to have a warm and welcoming attitude, not arrogant, to new residents. He does not want the City to lose its heritage but feels being stringent and stern is a detriment to current residents.
- Nell Mathews is in favor of restrictive regulation. She wants to uphold three basic standards and not allow hardcover over 30%, building into setbacks, and blocking lake views. Minnetonka Beach has been restrictive because there are small lots and she thinks people who move here know what to expect. If you want to deviate from minimum standards, you get a variance. That is fair and it is what keeps Minnetonka Beach beautiful with open places and grassy areas.

Mayor Taylor thought it was time for Council to deliberate on the candidates. Mayor Taylor explained the discussion needs to result in a motion for a candidate and they could discuss questions they want to ask or discuss attributes. Council Member Lindstrom said she was not ready to vote yet but wanted to say that experience is important to her with Mayor Taylor as a new mayor, Andrew Myers being new to Council, a new treasurer, and another new candidate. That is at least three new people learning their jobs. Previous committee membership is desirable to her and there are two candidates who have prior Council experience. She also said she does not think it is prudent to eliminate candidates based on where they live or gender. Candidates should be chosen based on their characteristics. Council Member Bartel agreed that all council members need to represent all residents. Council Member Myers said they need to find someone who has compassion for the City, a good balance of objectivity and someone they will work well with. He said they need to represent all residents but thinks all parts of the City should be represented on Council. Mayor Taylor said there are six great candidates and if you don't get picked, it doesn't mean you aren't qualified. Council must choose who they feel is best suited for the way the council wants to work. As unpaid volunteers, Council is trying to make the right decision for the City without alienating friends and neighbors. Council Member Bartel said Jeff Steinke referred to the tough year. All of the candidates are extremely qualified but because of what has been going on over the last two years, she is nominating Paul. She has not liked how Paul has been treated and wants that experience to be better. Council Member Myers said he ran for Council to give the City someone with a fresh way of thinking. Other candidates have served in other capacities as long or longer than Paul. Mayor Taylor said they have a motion. He then asked Administrator Griffin to confirm the process. She said typically they have a motion and a second and then an opportunity to discuss further but it is up to Mayor Taylor if he wants more discussion. She went on to say, when you reach the point where you think you have had enough discussion, then you will need a motion and a second and a vote. Council Member Lindstrom asked to discuss more. Mayor Taylor allowed more discussion. Council Member Lindstrom said Paul Kozloski has experience, they didn't always agree and she knows he can make tough decisions. Council Member Myers said he has not worked with Paul but has attended a lot of Council meetings. He has different insight from having first-hand knowledge of working with other

individuals on the Planning Commission. Mayor Taylor reminded Council they have a motion and asked if there was second. Council Member Lindstrom seconded but asked for more discussion to hear Council Member Myers for his input. He replied that he has had an easy time working with the Planning Commission members, they are objective, they are respected, and they can bring new perspective. Council Member Bartel said it is very difficult and she would like a fresh chance after a bad last year. Council Member Myers asked her if the fresh chance is best for the community. She replied it would be. Resident Nancy Steinke asked Council Member Myers who he would recommend. He stated there is a motion and a second so he doesn't know what good it would do to name someone. Mayor Taylor confirmed the process with Administrator Griffin that there is a motion, and a second and that they need to vote. If the vote fails, they will have further discussion and another motion.

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to appoint Paul Kozloski to the City Council to complete the unexpired four year term of Mike Taylor, effective January 2, 2017 through January 1, 2019. Council Members Lindstrom and Bartel voted in favor. Council Member Myers opposed. The motion carried.**

Clerk Honey administered the Oath of Office to Council Member Kozloski.

#### **8. Oath of Office – Resolution 2017-14 Appointing Treasurer Howarth or Declaring a Treasurer Vacancy**

Mayor Taylor stated that Steve Howarth received the most votes for Treasurer and asked if he would like to accept or decline the position. Steve said that he was humbled by the number of write-in votes for Treasurer and letters of support he received for Council. He clearly wanted to be a member of Council and engaged in community activities qualifying him to do that. Although he was not appointed as a Council Member, he humbly accepts the election to Treasurer. Since Steve Howarth was duly elected as Treasurer, there was no need for a resolution to adopt to appoint him to the position. Resolution 2017-14 will be voided.

Clerk Honey administered the Oath of Office to Steve Howarth.

#### **9. Open Forum**

No discussion.

#### **10. Treasurer's Report**

##### **10.1. Approve Checks: Final December 2016 and January 2017**

Administrator Griffin said the December check for \$19,000 to Flagship was to mitigate flooding at Half Moon Park and it was part of a Hennepin County Grant. Funds were re-allocated from City Hall Park to Half Moon Park and will be reimbursed by Hennepin County. Council Member Bartel asked about the Lindquist and Vennum and Stantec payments. Administrator Griffin said Stantec did not bill for Infraseek until December and added that it was an approved Capital Improvement expenses. Lindquist and Vennum was for an enforcement issue. Treasurer Howarth asked if payments to council members and non-traditional vendors get a second review. The review they are currently doing at the Council meeting is the second review. The payment to Council Member Bartel was for a holiday employee appreciation lunch direct reimbursement which had been typically done by the mayor in the past. The V & S Jewelry charge was for outgoing elected official appreciation gifts for Mayor Skalla and Treasurer Gilster.

**A motion was made by Council Member Bartel and seconded by Council Member Myers to approve 19 checks numbered 15938 through 15956 in the amount of \$44,400.26 for final December 2016 expenses. With all members voting in favor, the motion carried.**

Administrator Griffin said check #15958 was one-half of the bond payment and check # 15970 was a pass through for Met Council SAC fees collected from the Lafayette Club when their building permit was issued.

**A motion was made by Council Member Lindstrom and seconded by Council Member Kozloski to approve 26 checks numbered 15957 through 15982 in the amount of \$270,455.26 for January 2017. With all members voting in favor, the motion carried.**

#### **10.2. 2016 Year End Budget Report**

Administrator Griffin said the auditors will be at City Hall on Wednesday and Thursday for the annual audit. She went on to review the budget report. Under Misc. Income 1450, \$8,400 was the sale of the old public works truck, \$3,500 was an insurance dividend, and \$2,800 was the I & I Grant. Mayor Taylor confirmed that although the net income for Account Code 1140 Building Permits appears to be \$51,000 over budget, \$44,000 SAC fees will be removed from that bringing the number closer to \$7,000. Under Account Code 2719 Expenses, Engineering Studies were over budget because Council directed Stantec to conduct various studies including stormwater improvement studies on Lafayette Road and Beach Lane, and implementing Infraseek. She also pointed out that Capital Improvement Program 2960 appears to be over budget but there are funds in the Capital Reserve for the accessibility improvements around City Hall which were budgeted in the 2015 CIP. It will all be explained in the audit report.

#### **11. Consent Agenda**

- 11.1. Fire Report – December
- 11.2. **Resolution 2017 – 01** Appoint Bridgewater Bank as Official Depository for 2017
- 11.3. **Resolution 2017 – 02** Designate the Pioneer as the Official Newspaper for 2017
- 11.4. **Resolution 2017 – 03** Weight Restriction Exemptions
- 11.5. **Resolution 2017 – 04** Approve Employee Floating Holiday
- 11.6. **Resolution 2017 – 05** Set 2017 Board of Review Date for April 10, 2017
- 11.7. **Resolution 2017 – 06** Approve 2017 Staff Wages (as approved in 2017 budget)
- 11.8. **Resolution 2017 – 07** Annual Appointments
- 11.9. **Resolution 2017 – 08** Hennepin County Recycling Grant Agreement
- 11.10. **Resolution 2017 – 09** Resolution Recommending Continuation of CDBG Funding of Western Area Communities Action Network (WeCAN)

Mayor Taylor said that Resolution 2017-03 has been updated from previous years to allow organic recycling trucks for Lafayette Club during road restrictions.

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

#### **12. Old Business**

- 12.1. Request for Tree Removal in Right of Way – Dan Forbes, Park Commission Chair  
Park Commission Chair Forbes reported on the Park Commission's recommendation regarding removal of a tree at 2482 Lafayette Road by the homeowner, Keith Rosenblum. He explained that

because the tree is on the City Right of Way, Council must approve its removal. Mr. Rosenblum was originally told by Zoning Administrator Gozola that the tree could be removed but it was later determined the tree was in the city right of way and, after that determination, Administrator Griffin informed Gozola and Mr. Rosenblum about the city policy regarding removal of trees in the city right of way. At the December Council meeting, the issue was referred to the Park Commission. It was then discussed at the January 3, 2017 Park Commission meeting where it was decided there was no basis for approving the tree removal. Chair Forbes explained that the Park Commission is tasked with protecting and maintaining parks and trees and the City needs to be consistent with their mission of maintaining healthy trees. The Park Commission did not want to set a precedent allowing residents to remove trees and replace them elsewhere in the City. Chair Forbes went on to say that Erik Paulsen from Bartlett Tree Services inspected the tree and stated it is a healthy bur oak. He also determined the ash trees around it are not healthy and are candidates for removal. The only healthy tree is the oak.

Chair Forbes discussed the Comprehensive Plan as it relates to tree preservation. Mr. Rosenblum offered to have other trees planted in public areas of the city as a net benefit to the city. City Ordinance and Policy requires replace of the tree in the same location as the removed tree. Council Member Kozloski said Mr. Rosenblum's neighbor, Ann Brilley, called him and said she who was not in favor of removal of the tree. Mayor Taylor suggested replacing the 3 trees (the two unhealthy ash and the oak) with 2 new trees within 20 feet of the location. Council asked about past history of tree removal. Administrator Griffin said in the past a tree was replaced in same location as the one removed. Park Commissioner Pagano said the Comprehensive Plan requires the replacement tree or trees be twice the diameter of the removed tree. He also said the park commissioners were unable to find a compromise between City Code and the Comprehensive Plan. Council discussed needing to view a specific plan to be able to approve any planting. Chair Forbes said it would take many trees to replace the diameter of the tree. Mayor Taylor recommended Mr. Rosenblum come back with a tree replanting plan with measurements, location for placement of trees, types of trees and any costs that would be incurred by the City. It would need to show the neighbors views are not impeded. Council could consider a plan to replace the tree if it is a net benefit in the area to the City as a special circumstance. Council was not interested in having trees planted in other areas of the City as a replacement for removal of this tree.

### **13. New Business**

#### **13.1. Resolution 2017-10 and Resolution 2017-11 Consider Planning Commission Appointments – Halverson, Anderson**

Administrator Griffin said now there are two vacancies on the Planning Commission due to Andrew Myers and Steve Howarth being on City Council. Jennifer Halverson and Joann Anderson both sent a letter of interest to be considered for the open seats. Jennifer Halverson stated that she loves the City and she is very interested in all of the current transportation issues. She grew up in a family of engineers, is passionate about the city, is current secretary of the Civic Committee and wants to serve the City further.

Joann Anderson stated she wants to get back into serving the City. She said the Planning Commission is one of the most important commissions the City has. She has lived in Minnetonka Beach 40 years. She loves the city and the people in it. Council Member Lindstrom asked if she would continue to serve on Utilities and she replied that it would depend on how often they meet.



**A motion was made by Council Member Kozloski and seconded by Council Member Bartel to adopt Resolution 2017-10 appointing Joann Anderson to the Planning Commission to complete the unexpired three year term of Andrew Myers, effective January 9, 2017 through August 31, 2019. With all members voting in favor, the motion carried.**

13.2. Resolution 2017-10 and Resolution 2017-11 Consider Planning Commission Appointments – Halverson, Anderson

**A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to adopt Resolution 2017-11 appointing Jennifer Halverson to the Planning Commission to complete the unexpired three year term of Steve Howarth, effective January 9, 2017 through August 31, 2019. With all members voting in favor, the motion carried.**

Council Member Bartel recognized Administrator Griffin for her 10 years of service to the City of Minnetonka Beach.

#### **14. Public Hearing**

14.1. **Evidentiary Hearing Continued from December 12, 2016 – Possible Nuisance Ordinance Violations – 2308 Huntington Point Road East – Roger Peitso, City Building Official**

Mayor Taylor opened the hearing process by stating that the City Council is conducting a hearing to gather evidence concerning the property at 2308 Huntington Point Road East, and the concern that there are violations of the city's ordinances and related state statutes. The City Building Official will give his report and any party wishing to offer evidence will be allowed to do so and that the property owner may offer both evidence and comments. Everyone who intends to testify will be asked to take an oath.

Roger Peitso, Building Official for the cities of Orono and Minnetonka Beach, reported that there was a fire at 2308 Huntington Point Road East on June 28, 2016 resulting in significant damage. The owner has been having issues with the insurance company on settling it. There is dangerous debris on the property and some areas are not secured and the situation needs to be mitigated. The home needs to be either rebuilt or demolished and rebuilt. The report and photos are part of the record. Mayor Taylor asked if Mr. Goetz had anything else to share. He responded that he completely agrees with the report. His attorney John Darda said he is not offering any testimony to the condition of the building but he wants to come to a compromise regarding dates of completion. Council discussed that the resolution in the packet written by the City Administrator with the guidance of the City Attorney declares the property as a nuisance and it contains orders which need completion dates as determined by Council.

Mr. Darda explained the process was slowed due to a dispute with Mr. Goetz's insurer even though he met all of their requirements along the way. They did not compromise at all. His insurance will not allow him to remove any debris or alter the contents of the property or his policy will be nullified. He went on to say they are asking for 60 days for the property to be appraised and 60 days for the removal of the building. Ideally, they would have a signed contract for debris removal by February 1 and could move ahead with removal as soon as the building is appraised. Council, Mr. Goetz and Mr. Darda discussed timelines for appraisals and debris removal. Council Member Kozloski asked about the liability of the City. Roger Peitso said the debris needs to be removed as soon as possible. He just experienced the same problem in Orono and it can take a long time to get

contractors to respond. Council decided to set February 28, 2017 for removal of debris. This date was supported by Inspector Peitso. Council decided to strike the first sentence of Section 2. and remove Section 3. because Mr. Goetz stated that he does not intend to repair the home. Council then discussed demolition completion by April 10, 2017. Council discussed securing the area to protect the City from liability. Treasurer Howarth suggested a fence to secure the property. Council amended Section 1. to say The Goetz's must install a fence to secure the property by 5:00 pm on February 1, 2017. They discussed having the city attorney determine the definition of a fence to secure the property or following the building codes to define the fence. Roger stated a fence would need to be six to seven feet high. Council Member Myers suggested leaving the debris removal date but council said the purpose of the fence installation is to eliminate the need to remove debris and move forward with the demolition. Administrator Griffin will consult with the city attorney for a recommendation of the definition of fence requirements to secure the perimeter. Council then set the demolition date for 90 days which is April 10, 2017. Mr. Goetz will take steps to have the demolition scheduled while waiting for the appraisal to be completed. Council discussed asking the city attorney about enforcement if the order is not followed. Administrator Griffin reviewed the changes to Resolution 2017-12 with council: Remove old number one and replace with this number one: 1. The Goetz's must install a fence to secure the property by 5:00 pm on February 1, 2017 (definition of security fence determined by city attorney). Number two: strike the first sentence and add the date of April 10, 2017 to demolish the property. Number three: remove this section.

14.2. **Resolution 2017-12 – Determination of Nuisance Ordinance Violations - 2308 Huntington Point Road East**

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to adopt Resolution 2017-12 Declaration of a Nuisance – 2308 Huntington Point Road East with the amendments and changes. With all members voting in favor, the motion carried.**

**15. Council Meeting Action Notes and Staff Reports**

15.1. Council Meeting Action Notes

Mayor Taylor said he talked with the Orono Police Chief about the formulas for the cost for police services. He will be meeting with them again.

Clerk Honey reported on Ben Young's research regarding the height of a stop sign at Beach Lane and Palm Lane. There is no specific height requirement for stop signs but the recommended height is for the bottom of the sign to be six to six and a half feet from the ground allowing most adults to walk under it. Council Member Lindstrom said maybe the sign is not needed. Public Works Director Young, who was not in attendance, can give his recommendation at the February meeting.

Council Member Bartel said when turning west on to County Road 15 by the new Minnetonka Beach sign, the two new arborvitaes block the view to safely get on the road. She thinks the Park Commission needs to review the area to see if they can be trimmed or moved. Park Commissioner Pagano will bring it up to the Park Commission at the next meeting.

Administrator Griffin said there is a memo in the packet from City Attorney Hilke regarding dock fees. Mayor Taylor said the bottom line is that there is no limitation on how much the City can charge for docks. Council Member Myers highlighted that "reasonable relationship between the fees and costs associated with the services" stood out to him. Council Member Bartel and Treasurer Howarth talked about land use and suggested discussing dock fees in the future. Mayor Taylor asked

to have this on the agenda in the spring. Council asked Administrator Griffin or Council Member Bartel to forward the memo from City Attorney Hilke to the Dock Commission.

Last month Council agreed that residents should pay a sewer fee per sewer line on their property. Administrator Griffin updated the 2017 Fee Schedule to add the words “per line” to the sewer fee. Council agreed this is sufficient to clarify the charge.

Council Member Myers said Planning Commissioner Orehek will spearhead working with Hennepin County to have them come to the Planning Commission meeting to discuss potential viable options for safe crossing.

#### 15.2. Director of Public Works Young - Absent

Clerk Honey reported that Public Works Director Young has been working on plowing and the ice rink. Administrator Griffin spoke to Mrs. Branes about plowing their private road and told her that all neighbors need to agree to the city plowing the road and then snow plow agreements could be prepared.

#### 15.3. City Clerk’s Report

Clerk Honey referenced the SimpleRecycling textile recycling program materials in the packet. Council is not interesting in pursuing it because it takes business away from local charity. Council Member Kozloski offered to complete the training for the Local Board of Appeal member training. Clerk Honey will send him the training link.

#### 15.4. Administrator Griffin

Administrator Griffin stated that the auditors from Abdo, Eick and Meyers will be at City Hall on January 14<sup>th</sup> and 15<sup>th</sup>. She asked each member of Council to sign the signature form for Bridgewater Bank. They are all signers on the account. She also said there is a memo in the packet from Wally Hilke, City Attorney, which is a refresher on Open Meeting Law. There is training for newly elected officials in January.

Administrator Griffin recommended that Council adopt Resolution 2017-03 to state they are appointing Council Member Kozloski to Council because the motion they made previously appointing Paul Kozloski to City Council did not specify they were adopting the resolution.

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to amend their previous motion and to adopt Resolution 2017-13 appointing Paul Kozloski to the City Council to complete the unexpired four year term of Mike Taylor, effective January 2, 2017 through January 1, 2019. With all members voting in favor, the motion carried.**

## 16. Council Reports

16.1. Mayor’s Report – Mayor Taylor is happy that all Council positions are filled.

16.2. Liaison Reports-

Council Member Bartel – She attended the Planning and Park Commission meetings. Planning discussed transportation issues and also set three public hearing dates for the zoning code updates. Planning plans to have more information on the website for residents. Parks is working on a mission statement.

Council Member Lindstrom – The ice skating party is January 22, 2017. The Civic Committee meeting is 8 pm Wednesday, but she cannot attend. Council Member Bartel may be able to attend. Utilities has not met.

Council Member Myers - No report.

Council Member Kozloski – No report.

Treasurer Howarth – No report.

**A motion was made by Council Member Bartel and seconded by Council Member Kozloski to adjourn the meeting at 11:15 pm. With all members voting in favor, the motion carried.**

**PUBLIC IN ATTENDANCE – The following individuals signed the sign-in sheet: Rita Howarth, Steve Howarth, Jennifer Halverson, Jeff Boeck, Jim Haag, Roger Peitso, Jody Sperduto, Paul Sperduto, Max Hacker, Betsy Taylor, Nell Mathews, Sue Kozloski, Jeff Breazeale, Jeff Steinke, Joann Anderson, Joe Pagano, Laura Raisbeck, Jodi Schwendimann, Chris Zinn, Bridget Wortman, Tom Renard, Paige Renard, Kirsten Haag, Carrie Pinto, Patty Rezabek, Tracey Breazeale, and two illegible signatures.**

**Respectfully submitted,**

---

**Heidi Honey, City Clerk**