

**Monday, October 9, 2018 7:00 PM**  
**CITY OF MINNETONKA BEACH**  
**CITY COUNCIL MEETING MINUTES**

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

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

**Guests:** Dave Anderson - Kennedy and Graven

- 1. Mayor Pro Tem Lindstrom called the meeting to order at 7:00 p.m.**
- 2. Clerk Honey led the Pledge of Allegiance.**
- 3. Approve Agenda for the October 9, 2018 City Council Meeting.**

Bartel asked to add Item 10.5 the appointment of Jon Redmond to the Utilities Commission to the Consent Agenda due to the resignation of Commissioner Linda Cornelius.

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

- 4. Approve Minutes –**
  - 4.1. Regular Meeting of September 10, 2018  
Lindstrom noted a typo on page 3.

**A motion was made by Council Member Bartel and seconded by Council Member Myers to approve the September 10, 2018 Regular City Council meeting minutes as amended. With all members voting in favor, the motion carried.**

**5. Police Report**

- 5.1. Police Report – September 2018  
Sgt. Sonnek reviewed the police report consisting of 13 calls for service including two car accidents, two medicals, and a boat on fire which drifted to a dock. The boat fire required them to shut down County Road 15. One of the car accidents was due to a medical issue.

**6. Open Forum**

Resident Lilla Gidlow, Arcola Lane, passed out a statement and map which was later filed with the meeting packet. She expressed concerns about the bump out at Arcola Lane and Shoreline Drive and asked Council to put a temporary stop on the construction of the bump-out portion until they can get a correct, safe and reasonable design. She believes the workers are using the original plan and not the modified plan from the test period. She does not think they are using the plan that was presented to council or residents. She also thinks the south tip of the north island is larger and more square. Lindstrom stated that the issue would need to be on a meeting agenda before they take action on it and she will contact Mayor Taylor to share the concerns.

Diane Rogers, 2208 Huntington Point Road East, expressed concerns about construction parking. Lindstrom stated that residents should call the police if emergency vehicles would not be able to get through. Griffin explained that construction parking should be on the property and not in the street. At the preconstruction meeting, the city advises the builder of the construction parking regulations. The contractor is required to show on their plan where construction parking will be on the property. Enforcement is based on complaint so residents need to call when they see an issue. For the construction near the Rogers, the contractor and police were contacted.

Jody Schwendimann, 1931 Beach Lane, verified that if a vote were to take place to halt construction of the bump out, it would need to be noticed. Lindstrom stated this is a listening session and they are not making a decision tonight without notifying the public.

## 7. Staff/Commission Reports

### 7.1. Public Works Superintendent – Update on Critical Repairs at Water Plant

Berent discussed a bid from Magney Construction for water plant upgrades for \$19,011. Initial estimated costs were \$27,000. Myers suggested Berent find out Magney's time frame and get an additional bid from another contractor prior to the next meeting. Amundsen will see if Stantec has contractor contacts for the water plant upgrades. Amundsen explained that typically the health department's process is similar to a building permit process where they would review a plan and approve it prior to work being done. Amundsen likes this approach of contacting the health department, sharing the contractor's plan with them, and seeing if they are willing to work with it. Berent was directed to contact the MN Dept. of Health to explain the proposed plan for the work they recommended, get an additional bid with the time frame, and report back at the November Council meeting.

Berent then discussed holiday lights. He will have a plan and costs for the November meeting.

Berent discussed the path for the crossing. He was told that a 10 foot path is needed on each side of the crossing and the county is telling him they need a full path. Bartel stated that is very deceptive and discussed the meeting where Bob Byers approved the striping and agreed to a temporary landing pad. Lindstrom will discuss it with Mayor Taylor.

Bartel asked about the integrity of the water tower. Griffin spoke with Rodney Ellis from KLM who stated that the water tower was overengineered when it was built and there are no concerns about the structure as long as it has something inside (i.e. water, sand).

### 7.2. City Engineer

#### 7.2.1. Paving Management Study

Amundsen stated that the information in the packet is a preview and a good starting point for discussions about the roads in the city. He went on to say that although the edges show wear from water runoff, the base of many roads is in good condition. He reviewed maintenance costs for the roads over the next 20 years. Lindstrom stated that they consulted with Ehlers and found out that any roads affected by the water main projects can be rehabilitated with the bond funds. Kozloski expressed concerns about a shortfall in the budget.

**A motion was made by Council Member Bartel and seconded by Council Member Myers to refer the Paving Management Study to the Utilities Commission. With all members voting in favor, the motion carried.**

7.2.2. Northview Wall Plan Update

Amundsen stated that the plans are complete and will be sent to contractors for bids. Portions of the project may cost less if done next spring instead of this fall. He will bring bids back to the next Council meeting. Lindstrom will follow up with Mayor Taylor to see if he spoke with County Commissioner Jan Callison regarding assistance in repairing the wall.

7.3. Utilities Commission Update on Water Storage/Plant Analysis

Lindstrom stated that the Utilities Commission met to review the water plant, storage and tank issues. The next step is for Griffin, Amundsen, Berent and Lindstrom to meet with the City of Orono on Oct 17 to discuss their water capabilities. A joint Utilities Commission and Council meeting will be at 6 pm prior to the November 13 Council meeting. She hopes to have recommendations for Council to discuss at that meeting.

7.4. Park Commission Report

Park Commissioner Rogers discussed the swim beach and showed photos of the area. The area in front of city docks 15 and 16 is completely overgrown with weeds and invasive species. There are also abandoned dock parts, which are dangerous and a liability. She asked that Council ask Griffin to notify dock renters to remove any of their private property by October 25 because they will be cleaning out the area, removing invasive species and trimming trees. She wanted Council to be aware of the plan. They will adhere to all regulations regarding removal of vegetation near the shoreline and they will keep viable trees.

Myers agreed that it would be good to clean up the abandoned dock parts. He expressed concerns because he likes that his dock is secluded from view. Rogers explained that lilacs are being planted as a screen. Myers suggested that they ask the dock slip holders for their opinion. Rogers stated that many other boats at the beach are not secluded. She went on to say that it is city property and she is here to let Council know about the plan.

**A motion was made by Council Member Bartel and seconded by Council Member Kozloski to have Griffin send a letter to dock slip holders in the area asking them to remove debris and notifying them that a cleanup will take place. Those members voting in favor: Bartel and Kozloski. Opposed: Myers. The motion carried.**

Lindstrom asked Rogers to possibly submit photos for the Beachcomber.

**8. Old Business**

8.1. **Resolution 2018-37** – Hazardous Property – 2328 Lafayette Road – City Attorney, Dave Anderson

Mr. Anderson stated that at the last meeting, council authorized him to work with the building official, Roger Peitso, to get an administrative search warrant at the property. Peitso completed an inspection of the property and the results reveal hazardous conditions. The resolution ordering the abatement of the hazardous/nuisance conditions adopts the Abatement Order which specifies work to be done. The Abatement Order will be served on the resident. Anderson discussed the process if the resident does not comply or respond. The city has the statutory authority to assess for the work if done by the city.

**A motion was made by Council Member Myers and seconded by Council Member Bartel to adopt Resolution 2018-37 Ordering the Abatement of Hazardous/Nuisance Conditions at 2328 Lafayette Road in the City of the Village of Minnetonka Beach. With all members voting in favor, the motion carried.**

8.2. Resident Dock Request for Accessible Dock at Swim Beach

Attorney Dave Anderson reviewed the memo in the packet and stated that reasonable accommodations to city programs are required but the city needs to decide if making an accommodation to the program would provide someone with a disability meaningful access to the program. If the answer is yes, then the city needs to determine what the accommodation is that it wants to make. The city is not required to meet the requested accommodation nor provide the best accommodation. It needs to provide something that is meaningful and effective to allow the person to participate in the program. This is a fact-specific inquiry that should be decided on a case-by-case basis. Anderson suggested that one or two council members and staff come up with options and determine if they fit federal standards. He suggested that a more specific request would be helpful. Anderson stated that a specific request can be met with a reasonable accommodation and be separate from ADA requirements. Pottebaum will come back to Council with a specific request for their needs. He is not asking to meet ADA standards. Council then discussed the rights of residents who may be bumped from their current dock. Anderson recommended that there be some brainstorming of options with staff or a couple of council members. Lindstrom summarized that after they receive Pottebaum's specific request, Kozloski will meet with him to understand his request, come back to council, and council will decide how to proceed from there. Myers suggested other council members bring options back to council too. A decision needs to be made by January.

8.3. Zoning Administrator Selection Process and Recommendation

Administrator Griffin, Council Member Bartel, and Planning Commission Chair Haag reviewed five responses to the Zoning Administrator RFP. They narrowed it down to two based on experience criteria. After interviewing them, their recommendation is Phil Carlson and Beth Elliott from Stantec. The selection team agreed that the choice was very clear. Griffin asked that Council accept their recommendation and authorize the Mayor and City Administrator to update the current master services agreement with Stantec.

**A motion was made by Council Member Kozloski and seconded by Council Member Myers to accept the recommendation of the Planning and Zoning Administrator Review and Selection Committee to contract with Stantec, specifically with Phil Carlson and Beth Elliott as the City's contract Planning and Zoning Administrator. With all members voting in favor, the motion carried.**

**A motion was made by Council Member Kozloski and seconded by Council Member Myers to authorize the Mayor and City Administrator to negotiate a contract or update the current master services agreement with Stantec with review by the City Attorney for Council to consider at the November 13, 2018 Council meeting. With all members voting in favor, the motion carried.**

**9. New Business**

9.1. Committee Approvals and Expenditures – Council Member Myers

Myers asked if there is a policy regarding expenditures. He received a couple calls asking if Council approves plantings done by the Park Commission. Approval regarding specific plantings is

not done at the council level. He gave the example of the Planning Commission needing to get additional approval to spend money that was set aside for them in the Capital Improvement Program (CIP) and wondered if there should be more consistency. Council discussed that the Park Commission has its own annual budget and they budget for specific items. Other commissions do not have a budget but they may have CIP funds earmarked for projects. Kozloski stated that park commissioners watch every penny and they need to be empowered to continue to make decisions.

## **10. Consent Agenda**

- 10.1. Fire Report – September
- 10.2. **Resolution 2018 – 38** Snow Plow Agreements – Arcola Lane
- 10.3. **Resolution 2018 – 39** Snow Plow Agreement – Crescent Street
- 10.4. Civic Committee Membership and Leadership
- 10.5. Consider appointment of Jon Redmond to the Utilities Commission

**A motion was made by Council Member Bartel and seconded by Council Member Kozloski to approve the Consent Agenda including the addition of Item 10.5. With all members voting in favor, the motion carried.**

## **11. Treasurer’s Report**

- 11.1. Approve Checks: October 2018

**A motion was made by Council Member Bartel and seconded by Council Member Myers to approve 44 checks numbered 16906 through 16949 in the amount of \$65,305.14 for October 2018 expenses. With all members voting in favor, the motion carried.**

- 11.2. YTD Budget and Prior Year Comparison report – receive and file  
Administrator Griffin discussed the Small Cities Assistance funds for road repairs.

- 11.3. Outstanding Accounts Receivable Report  
Administrator Griffin will send another statement to the people on the list.

## **12. Action Notes and Staff Reports**

- 12.1. Council Meeting Action Notes  
Lindstrom suggested adding Comprehensive Plan deadlines. Kozloski asked Griffin to contact the city attorney to find out if Hennepin County has any liability in repairing the Northview wall.

- 12.2. Clerk’s Report  
The General Election is November 6. The Park Commission had the library inspected for asbestos and there are no concerns at this time.

- 12.3. Administrator’s Report – no additional reports

## **13. Council Reports**

- 13.1.** Mayor’s Report:  
Mayor Pro Tem Lindstrom had no additional reports.

- 13.2.** Liaison Reports (if necessary): Kozloski – Docks, Bartel – Planning, Lindstrom – Utilities/Civic, Kozloski – Parks

Lindstrom stated that the Civic Committee had their annual meeting. There are 37 members. Jillian Moriarty is president, Vanessa Abraham is secretary, and Tracey Breazeale is treasurer. The event calendar is in the packet. She attended the Police Commission meeting and learned that the Tanager Bridge will be replaced in 2020 and the Arcola Bridge will be worked on in the next five years.

Bartel reported that the Planning Commission elected Jim Haag as chair and Craig Moriarty as vice chair. The Dudleys, 2542 Lafayette Road, were asking for five variances. The commissioners wanted additional information, so the variance request will be discussed again at the next meeting. Speed bumps were approved for Beach Lane and Arcola Lane.

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

**The meeting adjourned at 9:27 pm.**

**PUBLIC IN ATTENDANCE** – The following people signed the attendance sheet: Susan Enlow, Santiago Abraham, Sue Kozloski, Nell Mathews, Lilla Gidlow, Joann Anderson, and Rita Howarth. Not signed in: Jon Redmond.

**Respectfully submitted,**

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**Heidi Honey, City Clerk**