

Monday, December 12, 2016 7:00 PM
CITY OF MINNETONKA BEACH
CITY COUNCIL MEETING MINUTES

Roll Call: Mayor Rick Skalla; Council Members: Jill Bartel, Paul Kozloski, Jaci Lindstrom and Mike Taylor.

Absent: Treasurer Randy Gilster

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

Guests: Orono Police Sergeant Chad Stensrud, Hennepin County Commissioner Jan Callison, and Planning Commissioner Corey Orehek.

- 1. Mayor Skalla called the meeting to order at 7:00 p.m.**
- 2. Council Member Kozloski led the Pledge of Allegiance.**
- 3. Approve Agenda for the December 12, 2016 City Council Meeting.**

A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to amend the agenda and add 9. Update on Transportation Study from the Planning Commission. With all members voting in favor, the motion carried.

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

- 4. Approve Minutes**
 - 4.1. Regular Meeting of November 14, 2016

A motion was made by Council Member Bartel and seconded by Council Member Kozloski to approve the regular meeting minutes of November 14, 2016. With all members voting in favor, the motion carried.

- 4.2. Council Study Session of December 5, 2016
Council Member Lindstrom asked to officially document the Planning Commission members who were in attendance. Although the minutes did reflect that they were in attendance, Clerk Honey will also add them as attendees.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to approve the City Council Study Session meeting minutes of December 5, 2016 as amended. With all members voting in favor, the motion carried.

- 4.3. Truth in Taxation Hearing of December 5, 2016

A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to approve the Truth in Taxation Hearing minutes of December 5, 2016. With all members voting in favor, the motion carried.

4.4. Special City Council meeting of December 5, 2016

A motion was made by Council Member Bartel and seconded by Council Member Taylor to approve the Special City Council meeting minutes of December 5, 2016. With all members voting in favor, the motion carried.

5. Guest Report – Hennepin County Commissioner Jan Callison

Commissioner Callison reported that the Ridgedale Library will close this summer for renovation and mechanical updates. It will be closed approximately one year. The service center and courts will remain open. She went on to say that the county's organics recycling policy is changing. They receive money from the state for recycling and there is a big push for organics. The best way to increase score funding is for each city to add organics recycling to their programs.

Commissioner Callison reported that the Hennepin County tax base is back up to where it was in 2008 but if remodels and new construction were removed, it would be apparent that the tax base has not fully recovered county-wide. Minnetonka Beach is one of 6 communities which has recovered independently on their own with strong property values.

She stated that spending will decrease by 2.7% but those areas are not supported by property taxes. She went on to describe areas that have increasing costs. She said that as Hennepin County cities add body cameras to their police forces, they will affect expenses to the county because the county will be responsible for transcribing, reviewing and storing the data recorded on them for court cases. Commissioner Callison also said that there have been policy changes at the state level for child protection. They have seen a dramatic increase in the number of cases reported to the county from 11,000 in 2008 to 22,000 in 2016. The state-wide computer system for MNSure continues to be problematic and it is taking county employees 6 to 8 times longer to do their work. She summarized by saying for a median valued home in Hennepin County of \$256,000, their taxes would increase \$10 per year. In Minnetonka Beach, the median home value is \$1.1 million and a home of that value could expect an increase of \$318 per year.

6. Open Forum

6.1. Keith Rosenblum 2482 Lafayette –

Mr. Rosenblum stated that there is a tree on city property that he would like to have cut down because it blocks his view of the lake. The tree is greater than 37.5 feet from the lake. The tree is 4.5 feet off the road and located in the city right of way. He said he would be willing to plant a tree or two elsewhere in place of this tree and he asked council to approve removal of the tree. Administrator Griffin stated the Ben Young examined the location and condition of the tree. Public Works Director Young said the tree is a large, healthy white oak. Council asked Mr. Rosenblum considered trimming it up really high. He does not think that is a great option. Council discussed that without photos and documentation, it is difficult to make the decision. Council decided to refer the issue to the Park Commission for recommendation and suggested Mr. Rosenblum attend the Park Commission meeting with photos.

A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to refer the tree removal in the city right of way at 2482 Lafayette Road to the Park Commission for review and recommendation back to Council in January. With all members voting in favor, the motion carried.

7. Police Report

7.1. Orono Police Report – November – Sgt. Stensrud

Sergeant Stensrud said there was a very short police report with only a couple of false alarms.

Orono Police Department is a drop site for Toys for Tots until December 15. One of their part time officers is moving to full time. Police have seen people on the ice already.

8. Consent Agenda

8.1. Fire Report – November

8.2. **Resolution 2016 - 44** (Tabled from November meeting)– Process for Filling Council Vacancy

8.3. **Resolution 2016 – 48** – Consider Approving 2017 Council Meeting Dates

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

9. Transportation Study Update –

Planning Commissioner Corey Orehek reviewed the transportation study update and suggestions for the next steps. He stated that after receiving feedback from residents via email, phone calls, other commissions, and public forums, the Planning Commission compiled conclusive results (items a high number of residents were in favor of) with an associated action plan and inconclusive results (items that will need further evaluation to determine whether further action will be taken). He went on to say that many residents were in favor of the following:

- Pedestrian Crossing on County Road 15
- Traffic calming Measures:
 - Speed bumps
 - Speed limit reductions
- Increased/Altered Signage
 - Stop signs
 - Parking signs
 - Street signs
- City Parking Issues
 - Better signage
 - Regulate parking

Inconclusive results included full city parking permits, road closures, road developments, turn lanes on County Road 15 and increased police patrol.

Commissioner Orehek said the Planning Commission identified the transportation challenges and professionals will determine the solutions to those challenges. He went on to explain the suggested next actions related to the conclusive items. The actions are not decisions and would not cost the city anything at this point.

- Communication in the December Beachcomber with a link to the full report on the city website.
- Request a proposal from Stantec to survey and determine viability of traffic calming measures and signage.
- Re-engage discussion with Hennepin County regarding a County Road 15 crossing.
- Task Planning Commission to work toward safe crossing options.
- Discuss/gain resident feedback on parking permits.

Mayor Skalla verified that they are asking council to direct staff to request Stantec for a proposal for them to determine viability of traffic related solutions. Resident Jodi Schwendimann suggested that city wide permit parking would require a lot of signs which would change the look of the city. She also suggested establishing timing guidelines for completion. Timeline goals can be established but when working with outside authorities, Hennepin County and Stantec, specific timelines may be out of their control. Resident Joe Pagano said the traffic related issues identified in the report are well identified and the report is an accurate representation of the meeting discussions.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to direct Clerk Honey to put an article in the December Beachcomber with a link to the full Transportation Study Report on the city website. With all members voting in favor, the motion carried.

A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to direct staff to request a proposal from Stantec for survey and recommendations to determine the viability of traffic calming measures and signage. With all members voting in favor, the motion carried.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to authorize the Planning Commission to re-engage discussions with Hennepin County to identify potential options for a safe crossing on County Road 15 and engage the council as needed.

Council discussed that this motion is for the Planning Commission to have conversations with the county to show that the city realizes safe crossing is a serious issue but the motion does not to approve implementation of any specific options for safe crossing. Council Member Taylor restated his motion.

A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to task the Planning Commission to engage with Hennepin County to discuss safe crossing options on County Road 15. With all members voting in favor, the motion carried.

Mayor Skalla said the city is turning over and needs are changing. Although there were no viable solutions for safe crossing in the past, there may be solutions now. There have been many vocal proponents but there are likely many non-verbal opponents as well. Proponents historically have expressed their view much more than opponents. He cautioned Council to get the whole view prior to making decisions on crossing options in the future.

Council did not direct Planning Commission on actions regarding parking.

10. Public Hearing

10.1. Evidentiary Hearing on Possible Violations of Nuisance Ordinance – 2308 Huntington Point Road East

Mayor Skalla stated that the building official did not have all the information needed to complete his report for the hearing.

A motion was made by Council Member Lindstrom and seconded by Council Member Taylor to continue the Evidentiary Hearing on Possible Violations of Nuisance Ordinances – 2308 Huntington Point Road East to the January 9, 2017 City Council meeting. With all members voting in favor, the motion carried.

11. Treasurer's Report

11.1. **Approve Checks: December**

Council Member Lindstrom asked about a tire purchase. New tires were needed for the public works pickup. The costs related to the water main repair on Shoreline Drive are paid by city and not insurance. Administrator Griffin continues to try to get all outstanding invoices from the City of Orono to pay them by the end of the year.

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve 40 checks numbered 15898 through 15937 in the amount of \$104,056.54. With all members voting in favor, the motion carried.

11.2. **2016 YTD Budget Report and Previous Year Comparison Report**

11.3. **Motion to Authorize Payment of 2016 Invoices Received Between December 13 – 31, 2016 to be approved at the January 2017 Council Meeting**

A motion was made by Council Member Lindstrom and seconded by Council Member Kozloski to Authorize Payment of 2016 Invoices Received Between December 13-31, 2016 to be Approved at the January 2017 Council Meeting. With all members voting in favor, the motion carried.

Mayor Skalla called a two-minute recess at 8:29 pm. He called the meeting back in session at 8:31 pm.

12. Old Business

12.1. Resolution 2016 – 49 Consider Adopting 2017 Final Budget and Tax Levy

Administrator Griffin reminded Council that the Truth in Taxation meeting was continued from December 5, 2016. Her memo in the packet outlined changes made to the budget at the Truth in Taxation hearing. The specific changes were:

- Reduce using capital Reserves to \$15,000, increasing the Capital Fund budget from \$40,000 to \$55,000
- Increase the amount of overlap for the retiring Public Works Director from \$15,000 to \$25,000
- These changes resulted in a total of \$25,000 added back to the levy.

Council authorized staff to put \$25,000 into the tax levy resulting in an overall tax increase of 4.1%.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to adopt Resolution 2016 – 49 - 2017 Final Budget and Tax Levy. Council Members Bartel, Lindstrom and Taylor voted in favor. Council Member Kozloski voted against. The motion carried.

12.2. Resolution 2016 – 50 Authorizing Partial Bond Payment from Water Revenues
Administrator Griffin

A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to adopt Resolution 2016 – 50 Authorizing Partial Bond Payment from Water Revenues. With all members voting in favor, the motion carried.

13. New Business

13.1. 2017 LMCD Multiple Dock License Application Without Change

Administrator Griffin has been in contact with the new LMCD Executive Director who stated the LMCD is considering changes to the code of ordinances at their December 14th meeting. She concurred that the city should submit its multiple dock license application without change and amend it later if code revisions allow the city to make changes to slip sizes without losing the number of docks the city has.

Administrator Griffin provided city dock map showing current dock site plans, slip sizes and availability. She reviewed the use and availability of the city's docks. Council discussed the possibility of combining smaller docks to make more usable slips for larger boats and the likelihood of them being rented.

A motion was made by Council Member Bartel and seconded by Council Member Kozloski to approve the City's 2017 LMCD Multiple Dock License Application Without Change. With all members voting in favor, the motion carried.

13.2. Request Legal Opinion for Dock Fee Justification

Mayor Skalla said that in the November Council meeting packet he had provided an email exchange between him and City Attorney Wally Hilke regarding the history of dock fees and their relation to lawsuits. He said there were two lawsuits, one of which was attributable to docks (Goodman) and the other was a lot line issue (Gillum). He asked that Administrator Griffin work with Wally Hilke to get a formal legal opinion to see if the lawsuit costs are legally attributable to the land use issue are accurately assessed to the dock slip holders. He then summarized that he wants a formal legal opinion of the legality of charging dock holders fees over and above actual costs. Council discussed asking what the city can legally charge. This will allow the attorney to state what is legal and set the stage for moving forward. He then stated it is really two questions. The first is if there is a legal limit of what can be charged for docks and the legal opinion to charge based on recovering costs for past lawsuits. Council discussed various versions of the questions resulting in Administrator Griffin stating that she will email the questions to Mayor Skalla and Council Member Taylor prior to talking with Attorney Hilke. Council Member Bartel said Attorney Hilke should know that docks impede the views at the beach and perhaps

those dock holders can be assessed more. Mayor Skalla said this is a broader issue than just the beach. Administrator Griffin will email the questions if she needs clarification and then contact Attorney Hilke.

14. Council Meeting Action Notes and Staff Reports

14.1. Council Meeting Action Notes

Meeting dates will be added from the updated calendar on the Consent Agenda.

14.2. Director of Public Works Report

Public Works Director Young asked council's opinion about charging residents of combined lots who retain two sewer connections. Council decided residents should be charged for the number of sewer connections that they have. Administrator Griffin will amend the policy or fees to make it clear. She will bring it back in January for approval. He started working on the ice rink at Ray Peters Park. It will probably open next week. Council Member Taylor said resident Christy Branes at 3124 Brooks Lane is interested in having Ben plow the private road where she lives. The city had plowed it in the past and Bob Johnson, who owns multiple homes on that street, did not want the city to plow it. Mrs. Branes asked if the city would plow it if all residents on the street agree to the request. City plows Arcola Lane because it used to be too hard to turn around so he kept plowing forward. Council thought the residents on the street need to be in agreement. Administrator Griffin will follow up with Mrs. Branes.

Mayor Skalla asked about the legality of the stop sign at Beach Lane which appears to be about 4 feet tall. Public Works Director Young said if the sign is raised, it will be inside a decorative shrub so he will research the legal height requirements with the police. The shrub may need to be removed if it is in the right of way.

14.3. City Clerk's Report

Clerk Honey reported that the city received three estimates to clean city hall. After discussing the estimates and scope of cleaning, staff is recommending the city hire ServPro to thoroughly clean the offices. Council discussed allowing an additional 20% for them to clean after hours or on the weekend.

She went on to say that they are waiting for the final plats to be filed with the county for the Meland, Hanssen, Breazeale and Schwendimann subdivisions. The resident is responsible for the actual filing once all information has been received and the resolutions and mylars have been signed by the Mayor and the City Clerk.

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to direct staff to contract with ServPro to clean City Hall for \$3,830.60 with additional approval for up to 20% more to provide the cleaning when City Hall is closed. With all members voting in favor, the motion carried.

14.4. Administrator Griffin

Administrator Griffin reported on language clarifications for the sections on Time Reporting and Overtime/Compensatory Time in the personnel policy which was adopted at the November 14, 2016 Council meeting. Specific language was included in her memo in the packet. Administrator Griffin also stated that the auditors will be at City Hall January 11 & 12.

15. Council Reports

15.1. Mayor’s Report – Mayor Skalla thanked staff and council for the last two years and wished Council Member Taylor well as Mayor. Council thanked Mayor Skalla for serving the city.

15.2. Liaison Reports-

Council Member Bartel – She handed out an email from Park Commission Chair Dan Forbes. He stated that Half Moon Park improvements were mostly complete, the area was cleaned up and remaining details will be completed in the spring. Tree trimming will take place through the end of the year. New hockey goals and nets will be installed at Ray Peters Park. Residents Joe and Jeri Pagano donated trees and shrubs which were planted around city hall.

Council Member Kozloski – no report

Council Member Taylor – no report

Council Member Lindstrom – She said the Holiday Tea and Toddies on December 9th at Ted and Marianne Dudley’s home was wonderful and residents from all parts of the city attended.

Park Commission Vice Chair Patty Rezabek talked about the docks at the swim beach. Even though it looks wider on the site plan, visual sitelines angle inwards because of the canopies on the docks.

Administrator Griffin reminded Council that they are still on council until their successor is sworn in at the January 9, 2017 meeting.

A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to adjourn the meeting at 9:20 pm. With all members voting in favor, the motion carried.

PUBLIC IN ATTENDANCE – The following individuals signed the sign-in sheet: Joe Pagano, Jim Haag, Sue Kozloski, Steve Howarth, Bridget Wortman, Keith Rosenblum, Dennis Klohs, Jodi Schwendimann, Ward Myers, Patty Rezabek. Also in attendance but not signed in: Andrew Myers.

Respectfully submitted,

Heidi Honey, City Clerk