

**CITY OF MINNETONKA BEACH
CITY COUNCIL MEETING MINUTES
December 9, 2013**

Roll Call: Mayor Joann Anderson, Council Members: Jill Bartel, Jaci Lindstrom, Rick Skalla, Mike Taylor, and Treasurer Randy Gilster

Staff Present: City Administrator, Susanne Griffin; City Clerk, Diane Tiegs; Public Works Director, Ben Young

Guests: Orono Police Sgt. Cornick Jr., State Senator David Osmek

Residents: Patty Rezabek, Lee Goehring

- 1. Mayor Anderson called the meeting to order at 7:47 p.m.**
- 2. The Pledge of Allegiance was led by City Clerk Tiegs.**
- 3. Approve Agenda**

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.

3.1. Council Meeting Action Notes

Council Member Bartel would like to review the Planning and Zoning checklist procedure. City Administrator Griffin stated it would be discussed during her Staff report.

4. Approve Minutes

A motion was made by Council Member Lindstrom and seconded by Council Member Taylor to approve the Regular City Council meeting minutes of November 11, 2013 with one typo. With all members voting in favor, the motion carried

5. Open Forum

Senate District 33, State Senator David Osmek spoke to Council and gave a brief summary of his past year as an elected official and the committees on which he serves. Senator Osmek also is aware of interest in obtaining funding for a Hawk system crossing on County Road 15. Senator Osmek and his Legislative Assistant Peder Mewis will respond to any questions or concerns.

Lee Goehring, resident at 2423 Woodbridge Road questions the billing process for Planning and Zoning (PZ) services. Mr. Goehring stated that the bill received and his records of time spent with PZ Administrator Krier do not match. Mr. Goehring documented all contact with the PZ Administrator during the variance process. When Mr. Goehring asked for an invoice detail of the charges he was sent a new invoice \$200 more than the original. Mr. Goehring stated a check and balance process needs to be in place. Mr. Goehring is on the Planning and Zoning Commission. There has not been a meeting since August 2013. He would like a review of the process and follow-up from the Council and PZ Administrator Krier.

Ward Myers, resident at 2532 Lafayette Road. Mr. Myers has concerns with his building permit and a recent City Ordinance adopted on flood proofing basements which has caused difficulty in obtaining his building permit. Mr. Myers has spent hours with his engineer, the DNR, State of MN, contacts in Rochester and St. Paul. His questions regarding the ordinance have not been answered and PZ Administrator Krier had no answers. The ordinance has delayed the permit.

Mr. Myers stated that PZ Administrator Krier is frequently gone and does not respond to email. This has been a struggle and upsetting.

Council Member Skalla has received calls from incredibly frustrated residents. Council Member Skalla said if an ordinance is holding up the permit process and if the PZ Administrator doesn't understand the ordinance it is Planning and Zonings responsibility to help citizens find resolution. This ordinance and definition need to be addressed in some manner. Council Member Taylor doesn't have a clear understanding of the problems, is it the process or the new ordinance causing problems.

Council Member Taylor would like the builders operating in the community to come together for a forum to better educate Council, compare what do other communities do, and understand how the process in Minnetonka Beach is different. City Administrator Griffin and Mayor Anderson discussed having a meeting with Lyle Oman to discuss other communities and their ordinances.

The latest version of City Code Section 233 has hindered the process due to referencing FEMA in the requirements for flood proofing. Engineers are not familiar with FEMA regulations and it is difficult to find an engineer that will approve the builder's plans. Mayor Anderson stated City Code Section 233 should be referred back to the Planning Commission, eliminate the water proofing language or clarify the new FEMA language refers to MN State Rule Chapter 1335 which is the same as the FEMA language.

Mayor Anderson also stated according to PZ administrator Krier the DNR is the entity that placed the FEMA language in the revised ordinance. PZ Administrator Krier may have an engineer that will approve Myer's building plan. He has a meeting set with the builder tomorrow, December 10. However, the ordinance does need correction.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to refer City Code Section 233 Flood Management specifically the basement flood proofing requirements to Planning and Zoning for assessment. With all members voting in favor the motion carried.

Council Member Skalla asked Mr. Myer's if the delay in issuing the permit will cause problems. Mr. Myers stated yes because they would have liked to begin building immediately. Council Member Taylor inquired if an ordinance can be suspended. City Administrator Griffin said to follow state statute we must comply with publishing a public hearing notice, hold a hearing with the Planning Commission for review of ordinance amendments in the Zoning Code. A public hearing could be held before the next Council meeting to expedite the process; the public notice would have to go to the paper by 10 a.m. December 10th (tomorrow).

A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to amend the previous amendment to state the notice of a public hearing for January 3, 2014, Planning Commission meeting. Quorum attendance will be determined by Tuesday, December 10th at 10 a.m. With all members voting in favor the motion carried.

6. Police Report

Sergeant Cornick stated that the month of November was quiet in Minnetonka Beach and answered questions from Council.

7. Consent Agenda

- 7.1. Fire Report – November
- 7.2. **Resolution 2013-41** – 2014 Council Meeting Dates
- 7.3. **Resolution 2013-42** - Approve Extension of Electronic Proprietary Database Conditional Use Agreement
- 7.4. Approve Civic Committee Membership
- 7.5. Authorize Mayor to Hire Part-time Postal Clerk with Full Council Approval in January

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

8. Treasurer's Report

- 8.1. Consider Motion to Approve Checks

Treasurer Glister reported on December expenditures. Council Member Taylor asked what the check payable to the LMCD was for. City Administrator Griffin responded that expenditure was for the multiple dock license application for 87 slips for 2014.

A motion was made by Council Member Bartel to approve the December checks numbered 14213 through 14253 in the amount of \$ 70,278.44, and seconded by Council Member Lindstrom. With all members voting in favor the motion carried.

- 8.2. YTD Budget Report and Previous Year Comparison Report
- 8.3. Motion to authorized payment of 2013 invoices received between December 10-31, 2013 to be approved at January meeting.

A motion was made by Council Member Taylor to approve invoices to be paid between December 10 through December 31 to be approved at the January 2014 meeting and seconded by Council Member Skalla. With all members voting in favor the motion carried.

9. New Business

A request from Mr. Alan Carlson to Review City Process Relating to Appeals by Residents: Mayor Anderson asked Council to review the request from resident Alan Carlson regarding the appeal process. The recommendation is to take no action or refer to the Planning Commission for review. Council Member Lindstrom said consideration should be given to create a separate form for the appeal process. Council Member Taylor asked for clarification on what the issue is with the process. After Council discussion it was determined that the current form is sufficient since there has only been one appeal to Council. The legal fees already incurred, planning and zoning fees, along with staff time to review and now a request to create a new form does not warrant more expense than already has been spent. Council decided no action will be taken at this time.

Council Member Taylor asked how Staff will handle possible emails and calls regarding this matter. Staff will respond that Council has decided to take no further action.

10. Old Business

10.1. Proposal from Stantec regarding Facilitation of Future Storm water Planning Discussion.
Council discussed the Stantec representatives that will facilitate the workshop.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to authorize Mayor Anderson to have Stantec facilitate a storm water workshop to occur during the first quarter of 2014 for a fee of \$1500. With all members voting in favor the motion carried.

10.2. **Ordinance No. 95, 2nd Series** – Consider Amending 2014 Fee Schedule and **Resolution 2013 – 43** Authorizing Summary Publication of Fee Schedule
City Administrator Griffin reviewed the proposed Fee Schedule changes for 2014. She also pointed out that a new fee for Appeals has been included in the proposed schedule.

Treasurer Gilster relayed to Council that the Utility Committee will review the utility bill flat fees in 2014 to assure all expenditures are covered by the receipts.

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve Ordinance No. 95 2nd Series amending the 2014 Fee Schedule. 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 summary publication of resolution 2013-43 approving the 2014 Fee Schedule amendments. With all members voting in favor the motion carried.

10.3. **Resolution 2013 – 44** Consider Adopting 2014 Final Budget and Tax Levy
A motion was made by Council Member Lindstrom and Seconded by Council Member Taylor to approve Resolution 2013-44 the 2014 Final Budget and Tax Levy.

Council Member Skalla stated that a 3.5% step increase for City Administrator, City Clerk. And 3.5% cost of living increase for Public Works would be appropriate increases. The part time postal clerk increase would be 2%. A one-time bonus of \$4,000 would be given to the Public Works Director. Council discussed options.

An amendment to the previous motion was made by Council Member Skalla and seconded by Council Member Taylor to approve the 2014 Final Budget of \$1,205,193.47 and Tax Levy id \$836,807.91 of this amount \$173,289.69 is levied for the GO bond debt (principal and interest), and \$663, 518.22 is levied for general property tax; with an amendment to staff increases effective January 1, 2014, for the City Administrator and City Clerk at a 3.5 % step increase. Public Works Director will receive a COLA increase of 3.5% and a \$4,000 bonus. The part time Postal Clerk will receive a 2% cost of living increase. With all members voting in favor the motion carried.

10.4. **Resolution 2013 – 45** Authorizing Partial Bond Payment from Water Revenues
Council discussed the 2014 fee schedule.

A motion was made by Council Member Taylor and seconded by Council Member Skalla to authorize partial bond payment from the water revenues to pay \$54,723.06 of the scheduled

total debt levy of \$228,012.75 leaving \$173,289.69 for Minnetonka Beach's bond payments for 2014. With all members voting in favor the motion carried.

11. Staff Reports

- 11.1. Director of Public Works Report – Public Works Director Young reported that he has finished leaf picked up. The truck is now ready to plow snow and he has started flooding the skating rink.
- 11.2. Clerk's Report - City Clerk Tiegs referred to the handout provided to Council regarding the annual home sales in Minnetonka Beach. She also provided a report of the year to date water pumped versus sold. The water plant flow meters and recorder have been recalibrated to assure accuracy. A matrix of current building permits was provided to Council to review the current status and what information Planning and Zoning is currently waiting on before the permits are issued.
- 11.3. Administrator's Report – City Administrator Griffin commented on the current Planning and Zoning checklist and felt that the list is a good guide for applicants but should be the responsibility of the Planning and Zoning Administrator to assure a smoother process.

12. Council Reports

12.1. Mayor's Report

Mayor Anderson attended a meeting regarding the Dakota Trail and further discussed the building permit matrix with Council.

12.2. Liaison Reports

Treasurer Gilster gave a summary of the Finance Committee meeting.

Mayor Anderson addressed the Council with some thoughts for consideration regarding the recent issues involving building permits and property re-development.

Issues:

1. Lack of communication between the builder and homeowner and the City.
2. The builder is not taking the time to properly complete the building permit application and submitting the appropriate information. A checklist is given to the builder to assure they are aware of all requirements at the time an application form is requested.
3. It takes time for Staff to assure that all City Ordinances, DNR, FEMA, etc. are followed.

What to do:

1. Listen to the resident, get information about their concern, and write it down.
2. Forward issues to the paid City Staff so they can begin researching and find resolution.
3. Remember there are two sides to the issue.

13. A motion was made by Council Member Taylor and seconded by Council Member Bartel to adjourn the meeting at 9:46 p.m. With all members voting in favor, the motion carried.

**Respectfully submitted,
Diane Tiegs, City Clerk**