

**Monday, February 9, 2015 7:00 PM**  
**CITY OF MINNETONKA BEACH**  
**CITY COUNCIL MEETING MINUTES**

**Roll Call:** Mayor Rick Skalla, Council Members: Jill Bartel, Paul Kozloski, Jaci Lindstrom, Mike Taylor, Treasurer: Randy Gilster

**Staff Present:** City Administrator Susanne Griffin; City Clerk Heidi Honey; Public Works Director Ben Young; Planning, City Attorney Wally Hilke, Zoning Administrator Richard Krier

**Guests:** Police Officer Chad Stensrud, Civic Committee Chair Betsy Meyers, Park Commission Chair Jody Sperduto, Planning Commission Vice-Chair Carruthers, Matt Vos from Abdo, Eick and Meyers

- 1. Mayor Skalla called the meeting to order at 7:02 p.m.**
- 2. City Clerk Honey led the Pledge of Allegiance.**
- 3. Approve Agenda for the February 9, 2015, City Council Meeting.**
  - 3.1. Council Meeting Action Notes

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

3.2. Council Meeting Action Notes

Council Member Taylor questioned the Referral section, item #2 regarding Planning Commission reviewing rental policy. He asked if the City has a policy on renting and why is it up for review. City Administrator Griffin stated that the issue was brought up to Planning Commission by a resident and the City has no policy on short term rental of single family homes.

**4. Approve Minutes**

4.1. Regular Meeting of January 12, 2015

Council Member Bartel stated Wally Hilke was at the January 12, 2014 City Council meeting so his name needs to be added to the list of guests present. Council Member Lindstrom thought that the sequence of residents speaking at the meeting and the closing of the public hearing portion of the meeting was not in correct order on page 7. City Clerk Honey will listen to the tape to verify. Council Member Lindstrom wanted clarification of John Gabos' reference to the Sween home in his statement on page 9 of 13. City Clerk Honey will listen to the tape to clarify that as well.

**A motion was made by Council Member Taylor and seconded by Council Member Bartel to approve the Council meeting minutes of January 12, 2015 as submitted pending clarification of the two points raised. With all members voting in favor, the motion carried.**

**5. Oath of Office for Newly Elected Official: Treasurer Randy Gilster**

City Administrator Griffin administered the Oath of Office to Treasurer Randy Gilster.

**6. Open Forum**

No discussion.

**7. Civic Committee Annual Report – Betsy Myers**

Civic Committee President Betsy Myers reported that 24 residents represent Civic Committee. There is a member list, meeting dates and locations, and projected events for the year in the Council packet. In September, they revisited City Code regarding memberships and Treasurer term limits. Members are very active and they want to encourage membership. The changes they made to the City Code were to eliminate the term of the Treasurer, label Civic Committee as a recreational committee, require an annual Treasurer report rather than monthly, and change the limit on the number of members. Council Member Lindstrom and Civic President Betsy Myers will work on Rules and Regulations for Civic Committee. Mayor Skalla recommended checking the rules of procedure that Planning Commission adopted and use them as a guide. Mayor Skalla reminded her to document attendance when voting is involved. There was discussion about changing how often Civic gives the Treasurer report to Council and it was determined by Council to support the change to annual reporting. Council could request this report at any time.

**8. Park Commission Annual Report – Jody Sperduto**

Chair Jody Sperduto included a Park Commission quarterly meeting schedule in the Council packet. Chair Sperduto will attend each Council meeting following a Park Commission meeting. Council Member Bartel can relay information to Council as needed between the quarterly meetings. Chair Sperduto reported 65 ash trees were treated for EAB and over 30 trees were removed. While walking with Erik Paulsen, they found a few trees not taken down or treated as planned. They will be taken care of in 2015 no charge. All stumps which are noticeable on the boulevards will be removed in the spring for no charge. Park Commission came in \$3000 under budget which went back into CIP. Erik Paulsen is updating the tree inventory. Parks will be replacing four trees in spring. The trees will be ordered by the end of February to receive discounts from Otten Brothers or another nursery. Park Commission is waiting for another bid to paint the welcome sign but estimates it will be about \$500-600. Professional landscaping plans have been drawn for around the welcome sign and they are waiting for bids on the planting of that area. They will have an open forum in March for residents to weigh in with what they want in playground areas regarding green space and possible additional playground equipment. At the April Park Commission meeting, they will decide how to proceed with possible park enhancements as well as examine the Park System Plan from 2002 for any needed updates.

Council Member Taylor asked about the replacement plan for the trees. Chair Sperduto stated that trees are replaced based on the value of the tree being there so not all trees will be replaced. Some of the trees had been planted too closely in the past so they don't need to be replaced. The north end of the beach had diseased and disfigured trees and dead lilac, and was overplanted. Council Member Taylor confirmed that the approach is to replace trees of value. Treasurer Randy Gilster commented on the welcome sign area which has unattractive reflective stakes. Public Works Director Young stated they were installed by the State. Mayor Skalla's opinion on the sign is to make it pop and landscaping is great too. He would like Chair Sperduto to look into a landscaped area with a welcome sign on the other side of the City on 15. It may be possible to use the Lafayette Ridge corner of land for that. Chair Sperduto will look into it.

**9. Police Report**

**9.1. Police Report - January**

Sergeant Stensrud reported on normal month. Lafayette Club had a water main break, there were few false alarms and a few traffic stops. Council Member Lindstrom asked for clarification of the three miscellaneous Public Civil Matters. Sergeant Stensrud stated they are usually divorce or custody issues, orders of protections, or things of that nature. It could have been someone didn't get paid on work done. They are civil in nature instead of criminal. He did not have specifics. Orono is still in the hiring process for 3 new officers. He wants Minnetonka Beach to invite the police to community events because they wish to be a part of the community as much as possible.

## **10. Consent Agenda**

- 10.1. Fire Report – January
- 10.2. **Resolution 2015 – 12** Club and Sunday On-Sale Liquor License for Lafayette Club
- 10.3. **Resolution 2015 – 13** Resolution Recommending Continuation of CDBG Funding of Western Communities Action Network (WeCAN)
- 10.4. **Resolution 2015 – 14** Resolution Appointing Randy Gilster as LMCC representative
- 10.5. Ordinance No. 101, 2<sup>nd</sup> Series Amending Section 905 Civic Recreation Committee
- 10.6. Civic Committee Annual Appointments

**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.**

## **11. Treasurer's Report**

- 11.1. 2014 Financial Audit – Matt Vos from Abdo, Eick and Meyers

Matt Vos reported on the audit results of the City. He reviewed the management letter which was handed out to Council. His responsibility is to give an opinion on the financial statements in accordance with (GAP) Government Accounting Practices. They look for reporting properly within GAP requirements and look at internal controls and whatever checks and balances are in place. On page 2 of the letter, the results are similar to 90% of cities on this size in that they prepare the financial statements with staff review. Nothing is noted for compliance matters with the state auditor's office. Page 3 shows something unique to a city our size and that is there are no audit adjustments. On Page 4, utility billing recommendations from 2013 have been implemented in 2014. On page 5, the summary of audit results shows the fund balance at 76.7% of budget which is good and will help the City in maintaining a good bond rating. The City needs at least 50% cash flow until taxes come in June. A positive budget variance occurred from licenses and permits. Public safety disbursements were more than budgeted but they relate to building inspections within the increased amount for licenses and permits. A large piece of the increase of revenue was from licenses and permits. Page 9 shows a comparison between neighboring cities but we need to keep within our own goals and not compare closely with other cities. The comparison does show we are close with the City of Woodland and the City of Greenwood is at about the 50% target. The summary of debt service is on page 11. On page 12, the top chart is for setting rates to cover operations, liens and debt. The bottom chart makes sure receipts cover that. On page 13, 2014 sewer fund was the only year disbursements were more than receipts but that was due to televising lines. There is a 35% cash reserve. Stormwater utility fund reports are on page 14. If there are no more large engineering studies, the deficit will be made up in 2015.

Council Member Kozlosi asked the bond rating for the City. Matt Vos stated the bond rating is AAA which is very good. Many cities do not have that rating and it is one of reasons to have the 65% reserve.

11.2. Consider Motion to Approve February Checks

Treasurer Gilster said everything is as expected except truck repairs. Council Member Lindstrom asked about the repairs. Public Works Director Young stated they were for Safe Assure so if OSHA visits, all of the guards are steel and up to OSHA requirements. Council Member Lindstrom asked about a curb stop at 1901 Beach Lane. Public Works Director Young stated the furnace went out, the water meter froze and water was coming in her basement. The curb stop was leaking so he had to replace it. A large portion of the cost was to get through the frost in the ground which took about 4 hours.

**A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to approve checks numbered 14861 through 14911 in the amount of \$62,103.90. With all members voting in favor, the motion carried.**

Council Member Taylor asked about the overage on copies and cost on the aging detail. There was discussion about the copier contract and if it is saving the City money. City Administrator Griffin clarified the US Bank lease is a monthly charge for the copier, and Metro Sales is a quarterly charge for copies. A new comparison may be needed. Mayor Skalla asked City Administrator Griffin to check term of the lease. Council Member Taylor asked if the Rolf Erickson charge is monthly and City Administrator Griffin confirmed that he is paid \$800 per month.

11.3. Budget Reports – YTD / Budget and Previous Year Comparison

Treasurer Gilster wanted clarification from City Administrator Griffin that the City had budgeted \$35,000 for building permits for the year but actually had \$20,000 in January alone. City Administrator Griffin confirmed that was primarily from one large permit. In 2014, permits were \$80,000 and the previous years the amount was closer to \$35,000 and \$25,000.

**12. Planning and Zoning**

**12.1. Resolution 2015 – 10 – Resolution Denying AMBS Variance – 2932 Northview Road**

Mayor Skalla thanked everyone who attended the public hearing which was held at 2932 Northview at 3:00 pm. Tonight's meeting is a follow up from the public hearing held in January. He wants to hear from Planning & Zoning Administrator Krier as well as Mr. Gilbert, representing Scott Dawson. After that, if any public wish to add to what they had previously said, but not repeat what they said, they will have an opportunity to speak. Planning & Zoning Administrator Krier referenced a letter he handed out which was dated Feb. 9, 2015 showing alternatives including one previously provided by Mr. Dawson. He did not realize Mr. Dawson had submitted this alternative and Planning & Zoning Administrator Krier also submitted the same alternative. He made a correction to the alternative submitted by Mr. Dawson stating it should be 127.5 feet not 129.3 feet. No one had any questions for Administrator Krier from the afternoon public meeting. Mayor Skalla gave Mr. Gilbert an opportunity to speak. He stated the sight view meeting at the site was helpful. Last week, he met with Administrator Krier to discuss the alternatives to be able to give direction to the surveyors. Going out there today, it was obvious the current home is 90% ahead of the AMBS line. Mr. Dawson has authorized a compromise different from his previous proposal which is similar to Administrator Krier's most recent alternative. The compromise is the line on west at 140 feet and on the east at 115 feet. The average is 127 feet of AMBS line. This line was arrived at by drawing a line from the Dahlen property at 2922 Northview on the east to the Sween property at

2944 Northview on the west. They felt this followed the exact formula as the average setback of all homes to the east. It is also the same formula used for the Woodbridge property variance. Mr. Gilbert proceeded to explain the differences. The current home has 111 feet average setback, not including raised terracing in front. This is 16 feet back from the current home and 14 feet back from the original proposal. The house can be built as designed with some accommodations. They will eliminate one of the garages from the plan. The 4<sup>th</sup> garage will no longer be in the proposal. Mr. Gilbert stated that this is a fair compromise taking into consideration past Council practices, practical difficulties because of the lot situation and the neighbors, and requests Council to approve this as a compromised request. Council had no questions for Mr. Gilbert so Mayor Skalla asked members of the public who had spoken at the public hearing to speak if they had anything to add.

John Gabos – 2928 Northview. Mr. Gabos stated his understanding from the previous Council meeting was that Council wanted to see compromise and he doesn't see compromise. This person purchased a house knowing the regulations for building, they drew plans for a house they wanted regardless of the rules, and the Planning Commission almost unanimously denied the variance request. Now the request is for basically the same house except missing a garage and it is hardly a change. It is not a minimum variance to build this house. The City should give the minimum variance needed to build a house reasonable for that space. This is the wrong way to approach this. How much does the City need to give, if any, is how it should be proposed.

Mike Fasching – 1928 Cottage Lane. He asked how many times the AMBS has been varied in the last 15 years. P&Z Administrator Krier said with some relationship to this case there have been two. The one important variance is setback from the lake. Many homes have been built and each homeowner has followed the rules and not requested variances. This request is far beyond what is reasonable for this community. If granted, the City is opening up the door for millions of variances and nobody will build according to the rules. Everyone else has complied with the rules so why is this one so special. Changing the location of the home changes the values of the adjacent properties and changes the City code which opens the door to many problems. The City needs to figure out what is needed to build the house without bargaining.

Janet Boschwitz- 2950 Northview Rd. Ms. Boschwitz stated there is a City process. The Planning Commission took a lot of time to review the variance and concluded there was not a need for the variance based on the criteria and took their recommendation to City Council. Are we trying to fit the design to the land or looking at buildable land and what can be built? If you look at the lot area, you can build a 3500 square footprint home. That is a tremendous area. What is AMBS and, if there is a true inability or reason to build, what is minimum amount to accomplish what we want to accomplish? The Gabos property has a purchase agreement and we need to understand and protect ordinances for the next new residents as well. She asked Council to protect City ordinance and grant only the absolute minimum amount of variance.

Planning & Zoning Administrator Krier stated that Mr. Gilbert talked about the reasons for granting the Lang variance. He stated the reasons for the decision are spelled out in the resolution for the variance. He read the resolution and stated there is nothing about taking an average but rather takes the house next door to determine the AMBS. Mr. Gilbert's colleague Adam Seinkowski responded that the Planning Commission said they took the AMBS of the property only to the east to reach a conclusion of 68 feet. Mr. Seinkowski added then the City Council said Council Member Skalla said the Planning Commission recommendation of 68 feet was made after careful consideration and

then the resolution was for 68 feet. He believes they did use the average in that resolution for the Lang property.

City Attorney Wally Hilke reminded Council of the applicable standard here before they go into deliberations. The burden is on the property owner to show practical difficulties. If the Council finds practical difficulties, it can grant a variance but it is not required to do so. There are four considerations to apply and the applicant has to satisfy them to grant the requested variance or a lesser variance. The considerations are: 1. The variance must be in harmony of the general purposes and intent of the ordinance. 2. It has to be consistent with the Comprehensive Plan. 3. The property owner has to use property in a reasonable manner not permitted by the zoning ordinance. 4. The property owner's plight has to be due to circumstance unique to the property. With respect to the comparison to the Lang property, if the Council finds there is a material difference between this property and the Lang property, it is not required to grant the variance just because it was granted for that property.

Council discussion: Council Member Taylor referenced the consideration regarding circumstances beyond the control of the applicant and how it plays into their discussion. City Attorney Hilke stated that is an appropriate criteria to apply if that is standard you wish to base the decision on. Council Member Kozloski asked if one of Planning & Zoning Administrator Krier's alternatives was the same as submitted by Mr. Gilbert. Planning & Zoning Administrator Krier clarified that he drew 3 lines, one connecting to the Sween and Dahlen houses, the second line was from the Sween property and straight across, and the third line was connecting the Sween house and Fasching house. Council Member Kozloski asked which line is closest to what Dawsons are proposing. Planning & Zoning Administrator Krier stated the one closest to the Dahlen house is closest to the Dawson proposal. If you look at average, it is 130 feet. In the packet, there is a drawing that Mr. Gabos asked him to do at 158 feet rather than 167 feet. The alternatives are 127.5 feet back, which is the new Dawson proposal. The original proposal was 113 feet back and the other was 143 feet back using a line off Sween house to the west. There is 129 feet back using the Sween house and Dahlen house, and there is 139 feet back using the Sween house and the Fasching house. These three alternative drawings have a basis using the surrounding properties and disregarding the Gabos house. There is one using the Gabos house which is 158.4 feet back using the corner of the Gabos house compared with the ordinance requiring 167 feet back.

Council Member Lindstrom stated to Council that she feels the Council should independently evaluate this variance and not compare to how the Lang variance was evaluated. The Council should look at the same criteria such as the sequencing, set back, hardcover, side setback as the Lang variance but not compare the two. She stated the Council should look at the criteria and if it is not there, then it is not there.

Council Member Bartel stated she thinks that what the Dawsons are asking is to be closer to the lake than the AMBS and it does not have anything to do with size of house. It looks to her like it is the same house but just set differently on the lot. Mayor Skalla stated it is how far back from the lake but it is also a consideration of can you build a house on this lot and the answer is yes but it is not the house Dawsons want to build. The house that was designed would have to change to fit within the buildable area. There was discussion if this was really a compromise if it is the same house. Council Member Kozloski asked Mr. Dawson if he gave up a garage. Mr. Dawson stated he did. He also stated that as you move back further and further then you are building into the rear

setback line. It is not reasonable. He said he is trying to use the land in a reasonable matter. If you take the houses on left and right as sightline points, this is fair because the house would line up with other homes on either side. The house itself does not need any other variances than the front AMBS variance. Council Member Bartel thanked Mr. Dawson for the clarification. She then stated that there was a basis for granting the Lang variance and wanted to know if there is a difference in basis for the variances. Planning & Zoning Administrator Krier stated he sent a letter dated January 12 showing the basis is quite different because of the relationship to the street, the curvature of the street, and the relationship of the house to the west and the house to the east. There are two possibilities for that basis but the resolution seems to indicate the basis was the house to the east set back 68 feet, and the minutes indicate it could be all the houses to the east but he believes there is a difference. Mr. Dawson added there are differences but both have an outlier property. Mr. Dawson stated that he has more hardship because he has a house behind him and he can't go back to the street. Mr. Dawson stated that the Langs did not have that hardship and still got a variance.

Mayor Skalla redirected Council to have the conversation without public input. Council Member Lindstrom asked how far the alternatives are from the AMBS requirement. Council Member Taylor asked if she means how much of a variance is required to be able to build the house. She confirmed. Council Member Taylor stated everyone wants a win for everyone here but the thing he comes back to is that there are procedures in place and the Planning Commission makes recommendations to Council and then Council decides. Council Member Taylor stated that the Council skipped the last step because Planning Commission gave their recommendation that the variance request be denied. Council Member Taylor also stated that at the last meeting, the Council allowed more time to understand the variance and allowed the applicant to come back with some sort of compromise that had agreement with our Planning & Zoning Administrator because we were not going to go back to the Planning Commission. Council Member Taylor reminded the Council to take a look at what the rules are that guide the variance process and determine if they have met those rules. If not, then we need to deny the variance, if yes and the compromise meets the requirements of the Planning and Zoning Administrator, then the Council can grant the variance. He continued stating Council may need Mr. Krier and City Attorney Hilke to help sort that out. Council Member Taylor added that the number of feet from AMBS makes no difference at this point, we need to make sure we are following the variance process. Council Members Bartel and Kozloski agreed.

Council Member Kozloski stated that Mr. Dawson has made attempts to compromise and doesn't like how it is portrayed. He thought it was good to go to the site earlier today to see the sight lines. Mayor Skalla redirected Council to rule on denying the request for the variance or not. Mayor Skalla stated we are governed by the laws on our books. Whether we like them or not is not relevant. Mayor Skalla said Council can work to change them but the laws say to take the house on one side and the house on the other side and draw a line. Personally, he feels going from a setback of 167 feet to 127 feet is unreasonable. Mayor Skalla added that Council needs to look at what is the minimum if we want to grant a variance. Mayor Skalla does not feel Mr. Dawson has met the qualifications.

Council Member Bartel stated the options are to deny the variance or request a compromise. Council Member Kozloski asked P&Z Administrator Krier his opinion on Dawsons' proposal. Mr. Krier replied he thinks the proposal by Mr. Dawson is a minimal compromise. In terms of the neighborhood and site lines up and down the lake, the lesser variance would be more appropriate.

Council Member Kozloski asked which alternative he was referring to. P&Z Administrator Kier stated the 143.3 feet would be a reasonable amount which is drawing a line from the Sween home..

Council Member Kozloski asked the number of homes in Minnetonka Beach that have the setback like the Gabos property. Mr. Krier replied that Gabos is only one so that is why it is not considered in these alternatives. Mr. Krier also stated, if you put this house forward of the other houses, then it would be an outlier. The Sween house is lined with all the houses to the west whereas the proposal before the Council and the new Dawson proposal moves the house substantially in front of homes to the west. Mr. Krier further stated, if you go to other side, and look the other way it is possible to move it up but then the line is compromised to the West. Mr. Krier explained that the idea behind the AMBS is to create consistent large yards. That is what your Comprehensive Plan says. The other part of AMBS is to protect views. That is why he put the degrees on these plans. Consistent large yards give character to community. Mr. Krier asked how much movement do you get and also lose some of that character?

Council Member Taylor referenced alternative #1 with the 143 foot setback is a line straight across from the Sween property with no reference point relative to the Dahlen property or other property. Planning & Zoning Administrator Krier stated eventually the Dahlen house will be gone which is why the Fasching house is used and then the AMBS will be set at there. Mr. Krier explained we know the Dahlen house is set forward more than what is happening on that block. That's why he gave the Fasching house as an alternative showing rational basis. Council Member Kozloski asked how far in front of Sween house would his house be if he were to build the 127 foot setback alternative. P&Z Administrator Krier stated it depends on where you are in the lot. If you take the Sween house straight across, it would be the same. He further explained if you take the Dahlen house piece, then it would be more forward on the east side. There was discussion of sitting at Sween's house and if you would see the Dawson home as you look out on the water. Mr. Dawson said it is not much. He stated if you are at the lot now, Sween's cannot see Lafayette Club and neither can Gabos but, with his proposed alternative, both of those properties views are improved but it is a matter of what you want improved. Mr. Krier offered to figure it out on paper and show it to scale.

Mayor Skalla called a 5 minutes recess.

Mayor Skalla called the meeting back in session at 9:00 pm. Council examined the diagram from Planning & Zoning Administrator Krier. Mayor Skalla clarified for everyone that the distance from left corner of the house to the property line to Sween's straight across is 5 feet and on the right hand side is 18 feet. Council Member Kozloski asked why Planning & Zoning Administrator Krier would recommend alternative #1. Mr. Krier stated because it lines up with houses to the west. It also lines up with houses to right if you take out the Dahlen house and the Gabos house. Mayor Skalla asked whether the line then goes to the Fasching house. Mr. Krier replied the Fasching house would be 139' so that would be a little closer to the lake. Council Member Taylor stated so looking at Sween's and running a line straight across, the variance would be 143'. Mr. Krier answered that it would be a distance of 143' feet but the comparison gets bigger because of the angle and actually is 143' on the Sween side and 141' on the Gabos side. Council Member Kozloski stated to Mr. Krier that he is talking distance from the lake. Mr. Krier stated it is the relationship of the houses.



Council Member Kozloski stated this has nothing to do with sight lines because the shoreline curves out. It is different from the Gabos house because their house is set back further but it makes their sight line better. Council Member Lindstrom stated the only reasonable compromise is to not go any closer to the lake than the Sween home because you want a nice line and sequencing. Council Member Kozloski said currently there are huge deviations. Council Member Taylor stated on alternative #1, it curves two feet. Council viewed the aerial photo to see the curve of lakeshore. Council Member Bartel asked if the Sween home is in front of the Boschwitz home. Boschwitz is 148' and Sween is 140'. The Boschwitz home was built within the AMBS. Mr. Krier showed another map of the lakeshore. Council Member Lindstrom asked if it is reasonable to make a decision based on the aerial photos. Mr. Krier consulted with Adam Sienkowski regarding the curvature of the lake. Mr. Krier showed the comprehensive plan showing lake relation to other properties and a table of the distances of homes to the lake. Council examined table and plan.

Council Member Kozloski wanted to know whose view is blocked with Dawson's latest proposal. Council Member Taylor stated it improves views that are there today but not to the extent it would if the ordinance was followed. Council Member Lindstrom stated Council's job is to enforce the ordinance. Mayor Skalla agreed they are there to enforce the ordinance and the resolution is to either deny the variance or an alternative request.

Mayor Skalla asked if there is a motion. Mr. Krier told Mayor Skalla if the resolution is an alternative request, we can put one together quickly for you. Mayor Skalla asked if there is a motion to adopt the resolution denying the request for a proposal or if staff should prepare a resolution granting an alternative request.

**A motion was made by Council Member Bartel and seconded by Council Member Kozloski to accept the alternative proposal with a setback of 127.5 feet as submitted by Dawson tonight. Council Members voting in favor; Bartel, Kozloski. Council Members opposed; Taylor, Lindstrom. This resulted in a tie. Mayor Skalla voted to deny the alternative, the motion failed.**

Mayor Skalla asked if there is a motion requesting staff to prepare a resolution granting a lesser variance.

**A motion was made by Council Member Bartel and seconded by Council Member Taylor to accept the alternative proposal #1 with a setback of 143.3 feet and request staff to prepare appropriate resolution. With all members voting in favor, the motion carried.**

City Administrator Griffin and Planning and Zoning Administrator excused themselves to prepare Resolution 2015-10 accepting alternative proposal #1 with the 143.3 foot setback.

12.2. Zoning Administrator Replacement Update – Planning Commission Vice-Chair Carruthers reported that Council asked them to proceed with next steps and examine the process for a Planning & Zoning Administrator replacement. Planning & Zoning Administrator Krier submitted RFQs from replacement candidates at the previous meeting. Planning Commission determined that they couldn't narrow down candidates purely by the RFQs and they needed additional information to distinguish between firms based on criteria specific to the City's needs. Initially they were going to submit another series of RFQs with a list of questions to narrow down the list of candidates and then interview from there but later decided all of the potential

firms would be sent a list of questions and the answers would be reviewed by a selection committee. Interviews would take place after the review. The selection committee will consist of a number of people including Chair of Planning Committee Andrew Myers, Commissioner Max Hacker, Mayor Skalla, Council Liaison Taylor, City Administrator Griffin, and Planning & Zoning Administrator Krier. City Attorney Hilke will be involved as well. The letter has been sent out to the firms with a due date of February 23. Planning & Zoning Administrator Krier will prepare a list of criteria to rank the responses.

### **13. Old Business**

#### **13.1. Special Event Policy**

Council Member Lindstrom studied the special event policy currently in place and reported that the City has the necessary protections in place and needs to use them (our City code, all of our current tools) when reviewing permit applications to prevent events that negatively affect our residents. Council Member Lindstrom recommends no change to the current Special Event Policy.

### **14. Staff Reports**

#### **14.1. Public Works Director Young**

Public Works Director Young reported on the new truck. It cannot be ordered until mid-March. The deadline for ordering a 2015 has passed and the person they were working with did not tell them that. The City will need to get bids on a 2016.

Public Works Director Young also reported that last fall he spoke with Park Commission Chair Sperduto about ash trees near City docks by Arcola Bridge that he could take down. Trees are 16" diameter and dead. He can remove them if the City can get burning permit. He sees no other viable way to get the trees out. Mayor Skalla asked Park Commission Chair Sperduto to contact Bartlett for a bid to remove trees. There was discussion about the difficulty of removing the trees and possible options. City Administrator Griffin stated they would get bids on various options of removal of the trees. Some options discussed were burning the trees, or having Bartlett remove them by barge. They would need to contact the DNR regarding burning. She stated they would give recommendations at next Council meeting. Mayor Skalla requested that Public Works Director Young take them down now that he has the time and they will determine the method for removal after they examine the options.

Public Works Director Young will talk with the county to see if the reflective stakes by the welcome sign can be removed or if they have more attractive ones available to replace the current ones.

14.2. City Clerk Honey –  
No report

15.3 Administrator's Report –  
City Administrator Griffin had no report.

### **15. Council Reports**

15.1. Mayor's Report – Mayor Skalla asked Council Member Kozloski who is the liaison to the Minnehaha Creek Watershed District to attend a meeting as liaison and well as on Mayor Skalla's behalf since he will be unable to attend. Council Member Kozloski agreed. Mayor

Skalla stated that he and City Administrator Griffin will be at mediation on Wednesday, February 11, 2015 for Brooks Lane lawsuit. Mayor Skalla recognized the great job City staff continues to do for the City which was really demonstrated with the audit completed with no issues.

Mayor Skalla has a conflict for the August 10, 2015 City Council meeting and asked to move it to August 17, 2015. Mayor Skalla asked for a motion to move the meeting date to August 17, 2015.

**A motion was made by Council Member Taylor and seconded by Council Member Bartel to move the Council meeting from August 10, 2015 to August 17, 2015. With all members voting in favor, the motion carried.**

15.2. Liaison Reports-

Council Member Taylor – Fire report. There are 41 volunteer firefighters at the Mound Fire Dept. They have stated that in the future it will be problematic to replace them and pay or pension may need to be increased. Minnetonka Beach has updated ratings for ISO Public Protection classification. The lower the score, the better protection you have. Minnetonka Beach went from a score of 7 to 4. Treasurer Gilster asked if there has been consideration to use the Long Lake Fire Dept. instead of Mound because they are closer in proximity. Council Member Taylor stated they are looking at a grant for a combined West Metro fire service that would cover many of the communities in the area for better coverage.

Council Member Taylor – Planning Commission. Carmen Carruthers already presented what happened at the Planning Commission meeting very well. There was discussion at the Planning meeting about communication.

Council Member Lindstrom – Civic Committee. She worked with Betsy Myers on ordinance amendment. She is also working with Mayor Skalla on reactivating the Utilities Committee.

Council Member Bartel – Finance Committee has not met and Park Commission has not met so nothing to report. She realized that in the minutes that she indicated there is a less expensive material for the ADA compliance walkway but she meant there may be another material option to look at.

Council Member Kozloski – Has not met with Minnehaha Creek Watershed District yet.

There was discussion about the next steps with the variance while staff was still out of Council chambers preparing Resolution 2015-10. Mayor Skalla stated that the variance is approved and the homeowner will have to abide by it. The homeowner has the option to remodel within the footprint of the home. Council Member Kozloski asked if they have a timeline to accept and if the variance goes with the property. When P & Z Administrator Krier came back to Council Chambers he clarified that the variance is good for two years and it goes with the property if they sell it. Council then reviewed Resolution 2015-10.

**A motion was made by Council Member Bartel and seconded by Council Member Taylor to adopt Resolution 2015-10 Granting AMBS Setback shown in Alternative One with a setback of 143.3 feet and shown in Planning and Zoning Administrator Krier's letter dated February 9, 2015, as**

**amended with minor typographical changes. With all members voting in favor, the motion carried.**

**16. A motion was made by Council Member Taylor and seconded by Council Member Lindstrom adjourn the meeting at 10:05 pm.**

**PUBLIC IN ATTENDANCE – The following individuals signed the sign-in sheet:**

Andrew Myers, Jody Sperduto, Carmen Carruthers, Jim Haag, Mike Palm, Sue Kozloski, Betsy Myers, Janet Boschwitz, John Gabos, Tina Gabos, Mike Fasching, Jorj Ayaz, Jeff Steinke, James Gilbert, Scott Dawson, Kathryn Alexander, Bob Beutler, Adam Sienkowski.

**Respectfully submitted,**

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**Heidi Honey, City Clerk**