

**CITY OF MINNETONKA BEACH  
CITY COUNCIL MEETING MINUTES  
January 6, 2014**

**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; Planning and Zoning (PZ) Administrator Krier

**Excused:** City Clerk Tiegs and Public Works Director Young excused due to weather.

**Guests:** Orono Police Sgt. Cornick Jr.

**1. Mayor Anderson called the meeting to order at 7:00 p.m.**

**2. Pledge of Allegiance was led by City Administrator Griffin.**

**3. Approve Agenda**

Council Member Bartel asked to have an item added; to reconsider the issue brought forward by Alan Carlson regarding the City's appeal process as item 10.1 and secondly pull item 8.8 Approve 2014 Staff Wages from the Consent Agenda and add as item 10.2 under Old Business.

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

3.1. Council Meeting Action Notes

**4. Approve Minutes**

4.1. Truth in Taxation Hearing of December 9, 2013

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve the Truth in Taxation Hearing meeting minutes of December 9, 2013. With all members voting in favor, the motion carried.**

4.2. Regular Meeting of December 9, 2013

Council Member Taylor asked that the minutes be amended as follows: Section 5, Open Forum, reference to HAWK system which should be capitalized. Also on page 2 of 5, paragraph four that the action notes reflect the need for follow up on the issue of the building permit/variance process and coordinate a meeting with builders and the building official to review the process.

**A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to approve the Regular City Council meeting minutes of December 9, 2013 as amended. With all members voting in favor, the motion carried.**

**5. Open Forum**

Bob Soukup spoke about his request to donate a bench at the swimming beach to commemorate his parents Don and Judy Soukup 50<sup>th</sup> wedding anniversary and their 40 plus years as residents in the Beach. He attended nursery school and his mother wrote the book “A New Village on the Lake” on Minnetonka Beach. He hopes that Council will approve the resolution accepting his donation for a park bench.

Council will consider the request during the Consent Agenda approval.

## 6. Police Report

6.1 Police Report – December 2013– Sergeant Cornick stated there is lots of activity; the department is purchasing new vehicles and officers are retiring or moving on to other departments. Council Member Taylor asked about the administrative citation process that Orono just passed. Sergeant Cornick explained that the tickets are written by the Orono Police Department but the funds go to the City. Officers can write tickets for city ordinance violations for less money than doing a regular citation. This process does require additional administrative duties. Council Member Taylor asked whether this has changed the ticket writing behavior of the officers. Sergeant Cornick stated the administrative tickets have to be written by hand versus the State violations which are done by a machine and city administrative tickets require more follow-up. Council Members congratulated Sergeant Cornick on his pending retirement.

## 7. Treasurer’s Report

7.1. Approve Checks: December and January

Treasurer Gilster and City Administrator Griffin reviewed the expenditures and answered Council questions.

**A motion was made by Council Member Taylor to approve the December and January checks numbered 14254 through 14294 in the amount of \$ 223,165.29, and seconded by Council Member Skalla. With all members voting in favor the motion carried.**

**A motion was made by Council Member Taylor to approve the payment of bills for the remaining weeks in January and early February if there is no Council meeting on February 10, 2014, and seconded by Council Member Lindstrom. With all members voting in favor the motion carried.**

7.2. 2013 Final Budget Report

Council Member Taylor asked about receiving reimbursement from the LMC Insurance Trust for legal expenses incurred prior to the filing of the law suit. Council Member Taylor also asked about costs associated with Lindquist and Vennum regarding the Brooks Lane lawsuit filed against the City. Are the expenses being billed back to the League of Minnesota Cities? City Administrator Griffin responded she will check into possible reimbursement and that Wally Hilke of Lindquist and Vennum is kept in the loop of correspondence received regarding the situation.

Council Member Taylor commented on the good job the Parks Commission did with their 2013 Budget. He also stated it was good the over-all City Budget ended on the positive for 2013.

Council Member Taylor reviewed and found the reason for the positive figures in the City’s Budget is in part due to the increased receipts from building permits. It is great that Minnetonka Beach has continuous building activity. Mayor Anderson is pleased with 4M Fund balance. Council Member Lindstrom stated the year-end figures were impressive because of very good budgeting which is evident by year-end figures being close to the actuals. There is good back-up information and explanations for funds that ended the year over or under budget.

**8. Consent Agenda – 7:50**

- 8.1. Fire Report – December
- 8.2. Resolution 2014 – 01 Appoint 1<sup>st</sup> National Bank of the Lakes as Official Depository for 2014
- 8.3. Resolution 2014 – 02 Designate the Pioneer as the Official Newspaper for 2014
- 8.4. Resolution 2014 – 03 Weight Restriction Exemptions
- 8.5. Resolution 2014 – 04 Approve Employee Floating Holiday
- 8.6. Resolution 2014 – 05 Appoint LMCC Representatives (Randy Gilster, Leonard MacKinnon)
- 8.7. Resolution 2014 – 06 Set 2014 Board of Review Date for April 14, 2014
- 8.8. ~~Resolution 2014 – 07 Approve 2014 Staff Wages (as approved in 2014 budget)~~
- 8.9. Resolution 2014 – 08 Accept Donation for Park Bench
- 8.10. Resolution 2014 – 9 Annual Appointments
- 8.11. Consider Motion to Hire Postal Clerk/Office Assistant, Heidi Honey
- 8.12. Request to Remove shrubs in City Right-of-Way at 2532 Lafayette Road

**A motion was made by Council Member Skalla and seconded by Council Member Bartel to approve the Consent Agenda with the removal of item 8.8. With all members voting in favor the motion carried.**

**9. Planning and Zoning**

- 9.1. Resolution 2014 – 10 Consider Ordinance Amendment No. 96, 2<sup>nd</sup> Series Amending Section 233 of the City Code

PZ Administrator Krier stated there are two action items on the agenda for Council approval. The first is 9.1 Resolution 2014-10 adopting Ordinance No. 96, 2<sup>nd</sup> Series, amends the flood management ordinance and the second is 9.2 Resolution 2014-11 Ordinance Amendment No. 97 2<sup>nd</sup> Series amending Section 512 of the City Code.

First action requested is to adopt Planning Commission recommended Resolution 2014-10 Ordinance No. 96, 2<sup>nd</sup> Series Flood Management which makes a portion of MN Rules 1335 the primary flood proofing standard.

Council Member Taylor thought the Council was considering the removal of the FEMA requirements. PZ Administrator Krier said no this adds the Minnesota Rule to the FEMA requirements. Council Member Skalla stated during the public hearing P & Z Administrator Krier explained that the ordinance would have to have both the FEMA and the 1335 rule in order for residents to obtain flood insurance and still be able to build basements. Council Member Taylor added that the amendment adds MN Rule 1335 and gives more flexibility to residents wanting basements.

Council Member Taylor asked why we were the third city in Minnesota to adopt a flood proofing ordinance. PZ Administrator Krier stated he contacted three communities which were Rochester Morehead and Fargo who have this type of ordinance. He stated Minnetonka Beach would be the first city of the all the communities around Lake Minnetonka to allow flood proofing of a basement in a shore land area.

Mayor Anderson added that this amendment covers requirements for the State, the DNR, and engineer approval of plans. Council implemented the Ordinance in order to allow building basements in a shoreland area.

PZ Administrator Krier has had recent contact with the builder for the lots located on Lafayette Road and they appear to have an engineer willing to sign off on the plans. Council Member Taylor wants to know why we are the first. PZ Administrator Krier stated most communities ignore the issue. Most communities allow wet flood proofing which is letting the basement flood; the City of Minnetonka Beach is allowing dry flood proofing which means it needs to be essentially dry. Treasurer Gilster asked if there is any history of residents who wanted to put in basement and couldn't. P & Z Administrator Krier answered yes sometime back in the 1990's a few homes had to have crawl spaces.

Two motions are in order for items 9.1 and 9.2. Item 9.2 was not required to be reviewed by the Planning Commission.

**A motion was made by Council Member Bartel and seconded by Council Member Taylor to approve the Resolution 2014 – 10 adopting the Ordinance Amendment No. 96, 2<sup>nd</sup> Series Amending Section 233. With all members voting in favor the motion carried.**

9.2. Resolution 2014 – 11 Consider Ordinance Amendment No. 97, 2<sup>nd</sup> Series Amending Section 512 of the City Code

Council Member Skalla asked PZ Administrator Krier to clarify this action. PZ Administrator Krier said that this section is more appropriate in the Building Code since it is for building official use. The amendment adds the MN Rule 1335, only those specific sections that affect flood proofing. Section 233, Flood Management refers to Section 512 where the new MN Rule 1335 is. Council Member Taylor asked if there is anything redlined from Rule 1335 that we would regret. PZ Administrator Krier said the Building Inspector has reviewed the amendment along with the Planning Commission. The Planning Commission is not required to make a recommendation since this is not part of the zoning code.

**A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to approve Resolution 2014-11 adopting Ordinance Amendment No. 97, 2<sup>nd</sup> Series Amending Section 512. With all members voting in favor the motion carried.**

## **10. Old Business Added: Reconsider the Building Permit Appeal Process**

### 10.1 Reconsider appeal process

Council Member Bartel was contacted by Mr. Alan Carlson, 2411 Woodwinds. He feels he hasn't been treated fairly and the appeal process has a chilling effect on residents wanting to complain. Council Member Bartel did some research and found a lot of varying information regarding appeal processes of other communities. She stated that some cities charge a fee or bill expenses for an appeal and some do not. Council Member Bartel is asking Council to refer the building permit appeal process back to Planning Commission.

Council Lindstrom wanted clarification regarding the request. Council Member Bartel stated a review of the process, the form, and fees.

Council Member Skalla feels that the City puts in a lot of expense to review appeals and complaints and this appeal came in after the fact. The City Staff has spent considerable time researching and answering questions regarding the issue. It is not unreasonable to charge a fee to cover some of those Staff and legal costs. Council Member Taylor agrees that we have already spent an inordinate amount to listen and be fair to Mr. Carlson's concerns. The building permit was reviewed and issued following all the City's policy and ordinances and the City has expended funds to properly permit. If a resident wants to appeal that once it has gone through that process then the resident should have to pay those expenses.

PZ Administrator Krier suggests having the Planning Commission research the application process, fees, state statute, and legislation of ordinances related to the appeal process.

**A motion was made by Council Member Bartel to refer to Planning Commission for further research and review the current Appeal Process and make recommendation to Council.**

**No second to the motion, therefore the motion failed.**

### **10.2 Resolution 2014 – 07 Consider Approval of 2014 Staff Wages moved from Consent Agenda**

Council Member Bartel regretted not speaking up during budget discussions and addressed Council. In summary she stated the following:

- No one has ever suggested to that our staff is over paid.
- Council Member Bartel is concerned about the general “race to the bottom” and austerity positions many take today. It is not good for the long term health of our country, state, or our city.
- It is difficult to look around Minnetonka Beach with the many large building projects going on and thinking we did the right thing by lowering the staff wage scale, because they do a very good job.
- While owning a small business they learned it is important to pay employees accordingly and were rewarded with loyal employees that stayed for 20 to 30 years.

In closing, Council Member Bartel stated she will consider her vote on staff wages much more thoughtfully in the future.

Mayor Anderson also agreed with Council Member Bartel. She has researched and found that people she spoke with said the way to get and retain good employees is to pay them well. We expect a lot from our Staff and we get a lot.

Council Member Skalla did some research which showed that our staff receives larger increases than most cities around the lakes.

Council Member Taylor stated that it is about perspective, not that they are cutting wages, the reduction in increase was commensurate with what is going on in the industry (private sector). The tragedy in this – the reduction in increase is not reflective of worth.

Mayor Anderson stated that we are not a Fortune 500 Company, we are a City with a very small staff and we expect a lot from Staff and they produce. It is expected of them and they do it. Staff did receive an increase but not the recommended increase. Hennepin County is giving a 15% increase, the City of Andover is giving a 6% increase, and there are other communities as well.

**A motion was made by Council Member Skalla and seconded by Council Member Taylor to approve Resolution 2014-07 Approving 2014 Staff Wages; Council Members Taylor, Skalla and Lindstrom voting yes, Council Member Bartel voting no, with the majority voting in favor, the motion carried.**

## **10. Staff Reports**

10.1. Director of Public Works Report- City Administrator Griffin reported on two water service breaks that have been repaired.

10.2. Administrator’s Report - Griffin reported on building permit application for 3130 Brooks Lane.

**11. Council Reports**

- 11.1. Mayor's Report – Mayor Anderson reported on the Police Commission meeting. Mayor Anderson and Council Member Lindstrom have discussed establishing a City Mission/Vision Statement. They would work with Planning Commission. PZ Administrator Krier said the comprehensive plan has four mission statements.
- 11.2. Liaison Reports – Council member Lindstrom was unable to attend last emergency Planning Commission meeting. She will attend the next Park Commission meeting for Council Member Bartel.
- 11.3. Council Member Taylor said the fire commission meeting was cancelled. He also commended Dennis Klohs for his attendance at the LMCD meeting. City Administrator is asked to send a letter of thanks from Council in recognition of his representation on the LMCD.
- 11.4. Council Member Skalla attended the Planning Commission meeting he stated the Commission is a good group, with good discussion, and does a good job explaining things to people.

**12. Adjourn – 8:45**

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Respectfully submitted  
Diane Tiegs, City Clerk