

Monday, January 11, 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, Mike Taylor. Absent: Treasurer Randy Gilster.

Staff Present: City Administrator Susanne Griffin (arrived late), City Clerk Heidi Honey, Public Works Director Ben Young.

Guests: Police Sergeant Chad Stensrud

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

2. Clerk Honey led the Pledge of Allegiance.

3. Approve Agenda for the January 11, 2016 City Council Meeting.

Council Member Bartel asked to amend the agenda to address the Fasching letter and related issues. She thought it should be the first item under 9. Planning and Zoning on the agenda. Mayor Skalla recommended it be placed at 9.3, after the Zoning Code Amendment proposal because the zoning items are unrelated. Council Member Bartel thought it should be addressed prior to the other Planning and Zoning items. The Fasching letter was added to the agenda as item 9.3.

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

4. Approve Minutes

4.1. Truth in Taxation Meeting of December 7, 2015

Council Member Lindstrom said she would not vote on approval of the minutes because she did not attend the Truth in Taxation meeting.

A motion was made by Council Member Bartel and seconded by Council Member Kozloski to approve the Truth in Taxation meeting minutes of December 7, 2015. Council Members voting in favor: Bartel, Kozloski, Taylor. Abstaining: Lindstrom. The motion carried.

4.2. Regular Meeting of December 14, 2015

Council Member Bartel noted a typo on page 9, the word “at” needs to be added to the second sentence for clarity. Clerk Honey will make the correction. Council Member Lindstrom stated that under New Business she recalls that Mayor Skalla made a remark that the City could not show favor to one citizen over another and she thought that was an important comment to have on record. Clerk Honey will review the audio and add the comment.

A motion was made by Council Member Bartel and seconded by Council Member Taylor to approve the Regular Council meeting minutes of December 14, 2015 as amended. With all members voting in favor, the motion carried.

5. Police Report –

5.1. Police Report – December Report

Sergeant Stensrud reported that there was nothing out of the ordinary. He explained that a permit to purchase a handgun allows a person to purchase a hand gun and is different than conceal and carry. Council Member Bartel asked if the City can ban guns on City property. Sergeant Stensrud will research that and send information to Council. He asked the City to remind residents that ice is thin and not safe for snowmobiles or vehicles. The civilian Use of Force class is Feb. 6, 2016 from 1-5pm at the Orono Police Department. Registration can be done by emailing Chief Farniok directly or having City Administrator Griffin email him.

6. Open Forum

No discussion.

7. Treasurer's Report

7.1. Approve Checks: Final December and January

Administrator Griffin was absent. Public Works Director Young verified that there are two checks related to the truck, one check is for the box and one is for the plow and sander.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to approve 29 checks numbered 15395 through 15423 in the amount of \$225,813.32. With all members voting in favor, the motion carried.

7.2. 2015 Final Budget Report

Administrator Griffin was absent. Mayor Skalla reported that there was revenue from the building projects in 2015. He wants the City to continue to spend the City's and citizen's money wisely and also keep the City well maintained.

8. Consent Agenda

- 8.1. Fire Report – December
- 8.2. **Resolution 2016 – 01** Appoint 1st National Bank of the Lakes as Official Depository for 2016
- 8.3. **Resolution 2016 – 02** Designate the Pioneer as the Official Newspaper for 2016
- 8.4. **Resolution 2016 – 03** Weight Restriction Exemptions
- 8.5. **Resolution 2016 – 04** Approve Employee Floating Holiday
- 8.6. **Resolution 2016 – 05** Set 2016 Board of Review Date for April 11, 2016
- 8.7. **Resolution 2016 – 06** Approve 2016 Staff Wages (as approved in 2016 budget)
- 8.8. **Resolution 2016 – 07** Annual Appointments
- 8.9. Consider Amending Personnel Policy to Establish an Employee Health Care Saving Plan (HCSP)
- 8.10. Utilities Commission Rules of Procedure
- 8.11. Consider Approval of City Gardening Contract – The Garden Gate

Council Member Taylor asked whether the new gardener or Public Works Director Young will be doing the mulching. Park Commissioner Patty Rezabek stated that she was unsure how much of the mulching will be done by the gardener and how much will be done by Public Works Director Young. She went on to say that there is mulch specific to gardens and playgrounds which is different than the mulch used by Public Works Director Young. Council Member Bartel asked about the costs related to the personnel policy. Council decided to move 8.9 to Old Business.

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve the Consent Agenda removing item 8.9 and moving it to Old Business as amended. With all members voting in favor, the motion carried.

9. Planning and Zoning

9.1. Ordinance No. 107, 2nd Series Amending Zoning Code relating to Average Minimum Building Setback

Zoning Administrator Gozola stated that this ordinance is recommended by staff and the Planning Commission. City Council adopted a moratorium in November on acceptance of Average Minimum Building Setback (AMBS) variance requests. As required by the moratorium, staff studied the issue and presented the Planning Commission with various ways other Lake Minnetonka communities approach lakeshore setbacks. Administrator Gozola explained four ways of determining AMBS. Option One looks at setbacks on either side of the subject property, and establish the setback at the average distance of the two adjacent homes. Option Two establishes the setback as a straight line drawn between the side lot lines. The greater of a straight line connecting the two points or 75' from the lakeshore would form the required setback. This option most resembles what they do today but it eliminates the language that the line needs to be parallel to the adjacent lot. This is the option recommended for adoption by the Planning Commission and staff. Option Three requires line of sight which establishes the lake setback via a straight line connecting the lakeward most points of adjacent structures. Option Four establishes an overlay district. Although this is the best option for what Council is trying to accomplish, it will take time to prepare so it is not being pursued at this time. Administrator Gozola went on to explain that the overlay district would have a setback established for every property in the community. Zoning can build this process into the upcoming code rewrite. Staff and Planning Commission are recommending Option Two until the overlay district can be developed. Administrator Gozola showed Council examples of the different options on a map.

Council Member Lindstrom asked him to explain the overlay district option since Council will ultimately consider it for the long term. He explained that for every lot they would look at existing setbacks and draw a solid line representing the appropriate setback for each one. Zoning would work with the DNR for compliance. An overlay district would eliminate variances in cases where numerous existing homes are all located within the current setback. Council Member Taylor said that the Planning Commission wants to approve Option Two with Option Four to be an ultimate solution for a master plan. Council Member Bartel was concerned that homes will look a bit cookie cutter. She asked how long it would take to get Option Four ready. Administrator Gozola hopes to have it done by September if the proposed Ord. 107, 2nd Series amendments are approved tonight.

Mayor Skalla asked Administrator Gozola to point out highlights of the proposal. Gozola said they are trying to simplify City Code Section 207 by breaking it up into subsections, updating definitions, and updating AMBS language to AMLS (Average Minimum Lakeshore Setback) defining setbacks for lakeshore properties and non-lakeshore properties. Option Two removes the language requiring a line parallel to the adjacent properties and instead supports the creation of two points on each side lot line. The greater of a straight line connecting the two points or 75' from the lakeshore would form the setback. There was discussion about views and determining points that cause the view problems. Administrator Gozola stated that the language changes in Option Two allow the code to be enforced the way it was intended to be enforced.

Administrator Gozola went on to explain that the existing table is broken into new tables for clarity but the language in the tables has not changed from the original language.

A motion was made by Council Member Lindstrom and seconded by Council Member Taylor to approve Ordinance No. 107, 2nd Series: An Ordinance Amending the Zoning Chapter of the Minnetonka Beach City Code to Revise Average Minimum Building Setback Standards and Reorganize the Dimensional and Setback Minimum Regulations for the R-1 Zoning District. With all members voting in favor, the motion carried.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to Approve Resolution 2016-08 Authorizing Publication of Ordinance No. 107, 2nd Series by Title and Summary. With all members voting in favor, the motion carried.

9.2. Proposal for 2016 Zoning Code Review Amendments

Zoning Administrator Gozola presented a proposed six step process detailing the scope of services to update the zoning process. Sambatek will prepare an annotated outline including the issues they will address, timeline, enforcement and general organization for the code and format. Once that roadmap is in place, they will draft administrative sections with legal and submittal requirements, address non-conformities, and enforcement. The proposed changes will go to the Planning Commission for review and Council for final approval. They will then create base districts and overlay districts which will be reviewed by the Planning Commission and Council as well as the Department of Natural Resources (DNR). The DNR will have to give final approval. After the zoning districts are finalized, they will development standards such as lighting, parking, fences, etc. They plan to have two public hearings to get final input from residents and have the new code approved and in place by October 1, 2016.

A calendar with the timeline was provided in the Council packet. The cost for the code amendments is a flat fee of \$30,000 which includes public hearings. The \$30,000 does not include reimbursable expenses such as filing fees. The legal review of the new zoning code is an additional \$1,800 to \$3,600.

A motion was made by Council Member Taylor and seconded by Council Member Kozloski to authorize Mayor Skalla and staff to negotiate and execute the final agreement for the scope of work as outlined in the proposal from Sambatek dated January 7, 2016 pending legal review. With all members voting in favor, the motion carried.

9.3. Fasching letter

Council Member Bartel referenced a letter from resident Mike Fasching which stated a building permit application was processed by the City but was not signed off by the Zoning Administrator. Administrator Gozola explained that the information was forwarded from City Hall to Laura Chamberlain. She did not think the scope of the proposed work required zoning review because she thought it was a re-roof and a zoning review is not required for a re-roof. Clerk Honey stated the application was for a re-roof, re-siding and slope change. Administrator Gozola explained that the building application form is a generic form for many projects and not all signatures are required depending on the scope of work. He went on to explain that the application process has changed and now all building permit applications are being reviewed by Zoning even if they did not require a zoning review in the past. Sambatek will not charge the City for these types of reviews. Council Member Lindstrom asked how they determine if a project is being completed as presented in the

application. Administrator Gozola stated that As-builts are required when the project is completed to make sure grading is completed as presented and the building was built as presented. If it is not built to the approved plans, the homeowner will be required to fix it. Building inspectors inspect the project along the way. Administrator Gozola said that they could require a survey at the time the foundation is built. If an As-built is not done, a Certificate of Occupancy will not be issued.

Council Member Bartel asked how the City addresses stop work orders. Council discussed the Zoning Administrator's authority to stop work. Because this is part of the City Code and not the Zoning Code, this could be dealt with as an amendment to the code and approved at the next Council meeting. City Administrator Griffin will need to discuss this with the City Attorney.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to direct staff to consult with the City Attorney and prepare an amendment authorizing the Zoning Administrator to issue stop work orders. With all members voting in favor, the motion carried.

10. Old Business

10.1. 2016 LMCD Multiple Dock License Application

Administrator Griffin referenced her memo in the Council packet. The changes proposed by the Dock Committee cannot be done with the way the current Lake Minnetonka Conservation District (LMCD) code is written. Council Member Bartel said the Park Commission would like to see a survey of what is proposed. Council Member Taylor said there are slips that are not used because most residents want larger slips. If nobody is using them, maybe they could be placed over by the swim beach. The number of unused slips varies year to year. There was discussion about making slips bigger which reduces the total number of slips. The issue is the number of slips and square footage allowed. The proposal adds a 12' x 32' slip at Dock 15 and two additional jet ski slips near the firelane by the boat launch.

Administrator Griffin submitted the multiple dock license application with the existing dock plans. Mayor Skalla suggested the Dock Committee come to Council earlier in the process with a survey showing proposed changes. Administrator Griffin said the City received a request from resident Jeff Steinke to make his slip larger at Dock Two but it is questionable if it can be done. All smaller docks are at the smallest size allowable. If Council wants the LMCD to change their ordinance, the City's representative could come in and advise Council on the process. Council Member Taylor thinks it is worth the effort to see if they could make the slip larger if nobody else is affected. Resident Andrew Myers asked Council if they feel it is important to keep the 86 existing docks. Mayor Skalla thought it would be important for Greg Nybeck from the LMCD to come to Council to explain the process. The City's ordinance has a maximum size slip of 9' x 26'. Anyone with a larger boat needs to apply for a variance. Administrator Griffin suggested the City does not want to risk losing slips because not everyone wants larger slips. Mayor Skalla suggested the multiple dock license application remain as submitted. He also suggested that the Dock Committee study the needs of the entire community and present proposed changes to Council earlier in the process.

10.2. Consider Amending Personnel Policy to Establish an Employee Health Care Saving Plan (HCSP)

Administrator Griffin discussed costs related to the HCSP. Currently, when Public Works Director Young retires he would receive 100% of unused comp time at retirement. This HCSP would allow the City to put the money into the HCSP account on an annual basis resulting in an annual cost instead of a large lump sum at the end of employment. There was discussion about how comp time is

computed and used. Up to 80 hours of comp time can be carried over to use the next year when the Public Works Director is not as busy in the winter. The employee could choose to be paid overtime or comp time. At the end of each year, the employee can put comp time in the HCSP account. This account offers tax benefits to both the City and employee.

A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to amend the personnel policy to establish the Employee Health Care Savings Plan (HCSP) as recommended in the packet. With all members voting in favor, the motion carried.

11. Council Meeting Action Notes and Staff Reports

11.1. Council Meeting Action Notes

Council Members Bartel and Kozloski will meet with City Administrator Griffin to discuss amendments to the personnel policy. They will report back to Council at the April meeting.

Council discussed moving the March meeting date but decided to leave it on March 11.

City Administrator Griffin will send a letter to Mary McLaughlin regarding their responsibility and the City's responsibility for their driveway repair which will be followed up by an agreement drafted by the City Attorney.

11.2. Director of Public Works Young

Public Works Director Young reported that the skating rink is open and the timer was fixed on the lights. The new Public Works plow truck is in service. The controller is not working for the sand.

11.3. City Clerk's Report

Clerk Honey referenced the Home Sale report in the packet. The property at 2432 Lafayette Road sold. There was nearly \$8 million in building project valuations and \$52,206 collecting in building permit fees to the City in 2015.

11.4. Administrator Griffin

Administrator Griffin reported that the auditors from Abdo, Eick and Meyers will be at City Hall on January 14th and 15th.

12. Council Reports

12.1. Mayor's Report – Mayor Skalla complimented staff on their work.

12.2. Liaison Reports-

Council Member Bartel – Park Commission discussed the gardener contract. The playground grant was rejected because there is a new category where this playground application fits in better. Park Commissioner Rezabek is following up on it. The Park Commission also discussed protecting the dock area at the beach from congestion and ensuring safety for all residents using the docks, beach and swimming area.

Council Member Kozloski – Discussed the leaf removal program and that it may be applicable for phosphorus reduction. He, Darren Amundson (City Engineer) and City Administrator Griffin will meet with the Minnehaha Creek Watershed District to pursue credits for the leaf removal program.

Council Member Taylor –Planning Commission and Dock Committee were already discussed. The Planning Commission has received transportation study input from a few residents. They plan to hold an open forum in March for more input.

Council Member Lindstrom – Council Member Lindstrom reviewed the Utilities Committee minutes in packet. She stated that Richard and Nancy Check presented a water sample to the Utilities Committee. They recommended that Checks get a whole house water filter. Many Minnetonka Beach residents use filters. Utilities Commission reviewed Stantec’s Infraseek proposal and recommends the City purchase the basic package. Council Member Lindstrom will bring forward a formal proposal at the February Council meeting. Council wondered if other cities have been asked about their experience with Infraseek. Administrator Griffin will check with other cities. City Engineer Amundson can answer Council’s questions when he presents the final proposal at the February Council Meeting.

Council Member Lindstrom also reported that the Utilities Commission reviewed the drainage proposals. The Beach Lane drainage issue was tabled because the property has been sold and they are waiting to see what will be done with the property. They would like Stantec to provide a cost estimate to install a catch basin and run new pipe to Lake Minnetonka at Lafayette Road and Huntington Point Road. They will be reviewing three possible options to fix the drainage issues on Brooks Lane and would like cost estimates from Stantec for the three options. Utilities Commission recommended Council approve having Stantec contact the Minnehaha Creek Watershed District (MCWD) to pursue credits for the City’s extensive leave removal program.

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to direct Council Member Kozloski, City Engineer Amundson, and City Administrator Griffin to meet with the MCWD to discuss phosphorous reduction credits for the City’s leaf removal program. With all members voting in favor, the motion carried.

A motion was made by Council Member Taylor and seconded by Council Member Kozloski to direct Council Member Lindstrom to have City Engineer Amundson prepare proposals for the Lafayette Road and Brooks Lane projects. With all members voting in favor, the motion carried.

The City received a call from the Langs on Woodbridge. They reported discolored water in the last few weeks. Public Works Director Young thinks it is from opening the hydrant to flood the skating rink. It was recommended that Clerk Honey put an article in the Beachcomber about filtration systems for improving the look of the water even though the water is safe. This article will go in the Beachcomber with the annual consumer confidence water report for water quality in April.

Council Members will be attending a Use of Force training at the Orono Police Department on Saturday, February 6 from 1 – 5pm. Clerk Honey will notice the training so there is no violation of open meeting laws.

A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to adjourn the meeting at 9:15 pm. With all members voting in favor, the motion carried.

PUBLIC IN ATTENDANCE – The following individuals signed the sign-in sheet: Hans Frees, Max Hacker, Nell Mathews, Sue Kozloski, Patty Rezabek, Gerry Boschwitz.

Respectfully submitted,

Heidi Honey, City Clerk