

**Monday, July 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, City Clerk Heidi Honey, Public Works Director Ben Young, Zoning Administrator Ben Gozola and City Engineer Darren Amundsen

**Guests:** Westonka Historical Society – Liz Vandam, Three Rivers Park District – Dakota Regional Trail Chief Hugo McPhee, Mound Fire Chief Greg Pederson

- 1. Mayor Skalla called the meeting to order at 7:00 p.m.**
- 2. Council Member Taylor led the Pledge of Allegiance.**
- 3. Approve Agenda for the July 11, 2016 City Council Meeting.**

Mayor Skalla stated that Chief Pederson had to attend multiple meetings this evening and asked that he be allowed to give his report when he arrives.

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

**4. Approve Minutes**

4.1. Regular Meeting of June 6, 2016

Council Member Lindstrom stated that on page 3 of 8, Treasurers Report, the Council Members names who made the motion were missing. Clerk Honey will make the correction.

**A motion was made by Council Member Bartel and seconded by Council Member Taylor to approve the Council meeting minutes of June 6, 2016 as amended. With all members voting in favor, the motion carried.**

**5. Open Forum – Liz Vandam, Westonka Historical Society**

Ms. Vandam organized and cataloged the documents of the Bergman Richards file and returned the documents to the City. The most interesting items she found were letters from A.S. Diamond who was a newspaper man who wrote about the area when it was bustling in the 1950s. Ms. Vandam showed the framed sketch of City Hall which is on loan from the City. They now have a beautiful framed sketch and a good representation of Minnetonka Beach at the Westonka Historical Society. She handed out the latest newsletter which has an article about the Minnetonka Beach City Hall. She thanked Council for allowing them to display the sketch.

**6. Police Report – Sergeant Chad Stensrud**

6.1. Police Report – May and June

Sergeant Stensrud reported nothing out of the ordinary for May. At the swim beach, the same resident frequently calls with parking complaints. He said word seems to be getting out about parking permits and officers are seeing a lot of cars with permits so they haven't had to issue many citations. Council may want to decide how to proceed with parking requirements on Woodbridge Road and Westwood Road across from St. Martins Church. Signage is confusing. Police will enforce how Council directs them. Administrator Griffin said this parking issue was brought up at the Planning Commission. It is the only place for people to park who have city docks there. She suggested making a portion of that area permit parking only. Council thought they could wait to see if they have any other complaints.

July 17<sup>th</sup> is the Minnetonka Beach Annual Picnic. Orono Police will lead the parade. National Night Out is Aug 2. Orono Police have teamed up with WeCan for non-perishable donations. He went on to discuss all of the things going on with police nationally. He said that police are unselfish in what they do, they train to be the best, and service to the community will not waiver in light of what is happening nationally. He went on to say that they have been receiving support from the community and it reminds them daily of why they decided to become police officers. Mayor Skalla said he recognizes that their work is very difficult and they have the city's full support and he thanked the police for what they do.

**6.2. Guest Speaker – Three Rivers Park District – Dakota Regional Trail Chief Hugo McPhee**  
Chief McPhee reported nine saturations this summer, compared with eight saturations last year. In the month of June, they issued 14 tickets and 9 verbal or written warnings. Saturations usually start in Minnetonka Beach and work their way toward Lafayette Club. Council Member Lindstrom mentioned that Civic Committee is interested in an additional trash receptacle on the trail. Council can discuss having an additional trash can at a future Council meeting. Administrator Griffin will follow up with Chief McPhee.

**6.3. Fire Report – Mound Fire Chief Greg Pederson**  
Mayor Skalla asked Chief Pederson to explain the protocol for handling fires in Minnetonka Beach and to also discuss water flow. Chief Pederson reported on the fire on Huntington Point Road. He stated that dispatch received a 911 call at 3:51 am. Mound Fire was dispatched at 3:54 am on June 28th. The caller reported the incorrect house so they were told there were potentially four people in the home. The house was engulfed in flames by the time the call was received. He handed out a report to Council. He went on to explain fire department priorities based on the National Incident Management System. Number one is always life safety. Focus is homeowner, then residents, then fire fighters. Priority number two is incident stabilization. In this case, it was preventing the neighboring home from catching on fire. Priority number three is property conservation and priority number 4 is community continuity. Although there was substantial loss, they feel this event was successful in that nobody died, nobody was injured, and they saved the other home. They took every drop of water the system could give and supplemented with tankers. The system is significantly improved from what it was in the past which was 200-350 gallons per minute. His feeling is that the hydrants are not putting out what the models show and they would like to test that. Modeling shows 1400-1600 gallons per minute available but that modeling is not always accurate. Chief Pederson said it probably did not change the outcome of the incident because the home was already very far along in the fire. Engineer Amundsen said minimum flow is 500 gallons per minute based on a water CAD model. At the end of project, flow was not actually tested. Chief Pederson said that is not common to test them. Council discussed spot checking all of the hydrants in the City, which is

approximately 60 hydrants. Council Member Kozloski asked if cities who have their own fire departments test their own hydrants. Chief Pederson stated that Mound does not test any of their hydrants and most cities rely on modeling. Testing would reveal if there are any restrictions to water flow. Ultimately, there was enough water to suppress the fire with the use of the tankers. Chief Pederson estimated 47,250 gallons of water was used, and approximately half of that was from tankers. They never ran out water. It did not flow as quickly as desired.

Chief Pederson will work with Engineer Amundson and Public Works Director Young to flow test hydrants and report back at the August meeting.

## **7. Consent Agenda**

- 7.1. Fire Report – June
- 7.2. LMCD Budget
- 7.3. Consider Approval of Park Commission Rules of Procedure
- 7.4. **Resolution 2016-17** – Appoint Election Judges and Absentee Board, Designate Hennepin County as Central Count for Absentee Ballots for 2016 Elections
- 7.5. Dock Permit Approval – Maxwell– Dock 9-4 (priority 2)

**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.**

## **8. Treasurer’s Report**

- 8.1. **Approve Checks: July**

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve 44 checks numbered 15641 through 15684 in the amount of \$87,467.17. With all members voting in favor, the motion carried.**

- 8.2. **2016 YTD vs Budget, Prior Year Comparison, and Legal, Zoning and Engineering Reports**

Council Member Bartel asked if the City is going to sweep streets twice this year. It was not budgeted to do it twice. Council Member Taylor asked if sealcoating was done in 2015. Sealcoating is done every six years. This year, \$13,000 of the asphalt was paid from the Small Cities Assistance from the state. The City budgeted knowing they had this assistance. Mayor Skalla asked to make a note of that so they remember in the future. Administrator Griffin stated the City also receives approximately \$3,500 in a road aid grant that they apply for every other year. Council Member Taylor asked about a jail charge. Administrator Griffin explained that the City is responsible for paying for jail time for a person who is arrested in Minnetonka Beach. Any associated fines off set that jail charge.

- 8.3. **Outstanding Accounts Receivable Report**

City Administrator Griffin said the residents with outstanding invoices have received statements with information about the possible assessment process. Council discussed possibly having an escrow policy in the future for variances or building permits. Council will decide in October whether to assess or not.

**8.4. Consider Motion to Transfer remaining Bond Funds to General or Capital Fund Accounts in 4M Fund**

City Administrator Griffin explained the 4M fund is basically the savings account. She recommends that the City apply the remaining bond funds to the General Account to make interest payments and close the bond fund account.

**A motion was made by Council Member Bartel and seconded by Council Member Taylor to authorize the City Administrator to transfer \$19,411.73 from the 4M Bond Fund Account to the 4M General Fund. With all members voting in favor, the motion carried.**

**9. Planning and Zoning**

**9.1. Consider Resolution 2016 – 18 – 1915 Beach Lane – Breazeale – Lot Combinations (Minor Subdivision)**

Administrator Gozola explained that this Minor Subdivision application would combine 1911 and 1915 Beach Lane. City Code section 231 (15) allows Council to approve a final plat provided the conditions are met. Approval would be conditional on the applicant removing one principal structure and excess hardcover. Once all demolition is complete and staff has confirmed that combination will not result in any nonconformities, the City would then sign the final plat and file it at Hennepin County. The timeframe for completing the demolition corresponds with the City's review of stormwater drainage in the area, so any necessary drainage and utility easements along the front or sides of the property will be determined by the City Engineer.

Administrator Gozola reviewed the proposed subdivision in relation to the Comprehensive Plan. He discussed the conditions that must be met to approve the subdivision. On page 6 of his report, he discussed that the resulting parcels must generally conform with the shape, character, and area of existing or anticipated land subdivision in the surrounding areas. He stated the landowners of the neighboring three properties recently met with staff and the City anticipates they will receive an application to redevelop those three lots into two larger lakeshore properties roughly the same size as the lot proposed on this application. He went on to discuss easements. The proposed final plat shows minimum easements as required by code. Administrator Gozola recommended a condition whereas the city engineer will determine necessary easements after he completes the stormwater study in this area. He went on to say the applicants are aware of this condition. The applicants do not want to proceed with the demolition of the home and removal of excess hardcover until they know this subdivision will be approved. The City will need to protect its options for solving the drainage issues. Engineer Amundson said a combined 10-foot easement is typical. He agreed with Administrator Gozola in saying even though these are typical easements, the applicant needs to understand they may change based on the results of the stormwater study. Mr. Breazeale stated there is a garage on the easement which they would like to keep. Administrator Gozola referred to page 10 of his report which specifies conditions and stated if Council gives conditional approval tonight, the applicants will meet with Engineer Amundsen to discuss what the City specifically needs for easements. If the applicants do not want to do what Engineer Amundson requires, they will have to come back to the process. Administrator Gozola stated this gives the City the opportunity to get easements as needed. He said they need to have the City Engineer determine the location and size of drainage and utility easements. The applicants want to understand the potential risks before spending more money. Council voiced concerns about easements as part of the conditional approval.

**A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to approve Resolution 2016 – 18 Approving a Minor Subdivision to Authorize the Combination of Properties at 1911 Beach Lane and 1915 Beach Lane Via the Breazeale Addition Final Plat based on the findings of fact and subject to the conditions as specified in the resolution. With all members voting in favor, the motion carried.**

Mayor Skalla recommended increasing the temporary easements since the approval is conditional and the City would have the ability to make them less if it works. Administrator Gozola does not see a risk. Council Member Taylor said they don't have to sign it if they don't agree with the outcome. Conditional approval gives Breazeales the ability to move forward with plans or tearing down the house and deciding what to do with the property. Council decided on a minimum of 15 feet on condition number 3. The resolution will be amended to state a minimum of 15 feet.

**A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to amend Resolution 2016 – 18 condition number three to state The applicant shall agree to dedicate temporary easements to the City as may be needed for the construction of the future stormwater solution along Beach Lane (a minimum of 15' from the common lot line depending upon tree locations). With all members voting in favor, the motion carried.**

9.2. Consider **Resolution 2016 -19** – 3010 Westwood Road – Koehler – Rear Yard Setback Variance

Administrator Gozola stated the applicant is seeking approval to enclose the current entryway and shift the entryway and roofline to the east. Because the home is so narrow, any exterior work requires a variance. The application complies with all review criteria. The Planning Commission recommends approval of the variance.

**A motion was made by Council Member Lindstrom and seconded by Council Member Kozloski to approve Resolution 2016 – 19 Approving a Variance to Permit Construction within the Rear Yard Setback to Allow Construction of a New Stoop for Property Located at 3010 Westwood Road based on the findings of fact and subject to the conditions as specified in the Resolution. With all members voting in favor, the motion carried.**

9.3. Consider **Resolution 2016 – 20** – 2800 Northview Road – Lafayette Club, 12<sup>th</sup> CUP Amendment for Improvements to Existing Facilities

Administrator Gozola stated the Lafayette Country Club is requesting a Conditional Use Permit Amendment to allow a 1,200 square foot bar/grille addition, a 530 square foot outdoor patio and a 314 square foot restroom addition. This is the 12<sup>th</sup> CUP amendment for the Lafayette Club. He went on to discuss how this project complies with City Code and the Comprehensive Plan review criteria. The Planning Commission and Staff recommends approval with conditions as outlined in the staff report.

**A motion was made by Council Member Taylor and seconded by Council Member Kozloski to approve Resolution 2016 – 20 Approving a Conditional Use Permit Amendment to Permit Construction of a New Bar/Grille Addition and a New Bathroom Addition to the Lafayette Club on Property Located at 2800 Northview Lane based on the findings of fact and subject to the conditions as specified in the Resolution. With all members voting in favor, the motion carried.**

#### 9.4. Zoning Code Amendment Update

Administrator Gozola stated this section of updates has not been presented to the Planning Commission yet. Administrator Gozola will report any concerns by Council to the Planning Commission. He began by discussing Chapter 2: Application Reviews and Procedures. Language was added to existing permits and he added Temporary Use Permits and Home Occupations. This will provide the City with options. He moved on to Chapter 3: Zoning Districts on page 118 which is all existing language governing Lafayette Ridge Planned Unit Development (PUD). If a new PUD were reviewed, this is where the language would be for that. On page 121, some changes will be made to this section after Planning Commission discusses Accessory Use Standards. He then discussed Chapter 4: Finishing Standards on pages 125-138. Sections 4.1 and 4.2 are landscaping and tree protection. Although the City does not currently have code for these standards, he wanted to have these sections as placeholders for future code or ease of researching for code on these standards. Section 4.3 is Fences and Walls. The City currently has very few regulations on fences and walls so he is proposing the minimum standards based on various issues encountered in other cities. Council asked the Planning Commission to review this section for materials, transparency, appearance, height, location and maintenance and report back to Council.

Administrator Gozola then discussed Chapter 5 Use Standards. He recommends adopting provisions as outlined on page 140 which provide clarity on land use related nuisances. The Principal Use Table is organized by districts. He went on to explain that the church and country club need to be treated the same and he recommends categorizing them as “Places of Public Assembly” on page 143 to comply with federal laws.

He then reviewed Chapter 6: Nonconformities. He suggested amend the nonconformity language relating to natural disasters to match state statute provisions and timelines. Section 6.6 proposed revisions address statutory requirements for lots of record within a shoreland district. Also in that section, he recommends removing two requirements because they are unnecessary or unenforceable. Chapter 7: Enforcement specifies violations and who is responsible for enforcing violations, investigation, notices, and penalties. The updated code index was provided showing there is now a place for each section of current Zoning Code.

Council Member Bartel asked about short term rentals such as AirBnB. She suggested Council discuss them. Administrator Griffin stated the City of Orono has examined this extensively and would be a good resource. Mayor Skalla asked Administrator Gozola to gather facts about them and review what other cities have done. Council can discuss his findings at the next meeting and determine if they want this in the code update.

### **10. Old Business**

10.1. Beach Lane Stormwater Relocation Study Proposal – Darren Amundsen, City Engineer  
Engineer Amundsen discussed the stormwater study proposal for Beach Lane. Due to a proposed demolition and remodel project at 1921 and 1919 Beach Lane, the existing private storm sewer that drains Beach Lane and Palm Lane will need to be relocated. The first and preferred option is to run a storm sewer from the Beach Lane and Palm Lane intersection to Shoreline Drive and tie into the county system. The City would need to talk with Hennepin County about tying into their system and they would also need to determine if water will flow that direction. The second option is to

relocate the storm sewer through the easements in conjunction with subdivisions on Beach Lane properties. A third option could be running a city storm sewer along the county storm sewer but that is not a desired option. His concern is running out of elevation. Mayor Skalla asked the associated costs. Engineer Amundsen said putting in pipes in an easement on Beach Lane is the least expensive option. His proposal would study running pipes through easements on Beach Lane property, and it would also study tying into to the county system with various ways of getting there.

**A motion was made by Council Member Lindstrom and seconded by Council Member Taylor to approve a study on Beach Lane for stormwater drainage not to exceed \$3,400 as proposed. With all members voting in favor, the motion carried.**

Council Member Bartel asked if Beach Lane is a priority. Council Member Lindstrom said due to the pending construction, this is the number one priority.

## **11. New Business**

11.1. **Resolution 2016 – 21** – 2017 – 2021 Capital Improvement Program and 2017 Capital Budget Administrator Griffin explained that the process involves compiling information from City Committees, holding a public hearing, and then determining if the proposed expenditures are consistent with the Comprehensive Plan. The proposed draft 2017 – 2021 CIP was recommended by the Planning Commission. Council needs to review and either adopt it or table it to the August Council meeting, where it will need to be approved so that the 2017 CIP can be part of the 2017 budget.

Council reviewed the CIP line by line. Council Member Lindstrom suggested bonding the Lafayette Road sewer replacement with the Beach Lane storm sewer relocation and the Arcola Lane project and watermain improvements. Engineer Amundsen discussed the bonding process and special elections. They will have a better idea of costs at the August Council meeting. Mayor Skalla discussed priorities. Engineer Amundsen has not submitted proposed costs of the Lafayette Road study to Council. He will provide those and the Beach Lane proposed costs at the August meeting. Engineer Amundsen recommended talking to property owners in west end looping to determine and outline of what needs to be done there. Mayor Skalla requested that he write an outline of all the projects and Council will review the proposals as well as other areas and prioritize them but Beach Lane is the priority now because of timing. Utilities Commission Chair Alan Carlson said a year ago they were told there was a problem at the Palm house and then, a month ago, they were told there is actually a problem for multiple properties on Beach Lane. He would like a study to determine if there really is a problem and where the water is collecting. If the proposed construction proceeds at Beach Lane and the private storm sewer line is cut, will the water will stay there or travel elsewhere.

Alan Carlson said the Utilities Commission has not made a prioritization of all drainage issues. Council Member Lindstrom asked if the Utilities Commission should meet. Mayor Skalla recommended they meet and offer a prioritization based on need to Council before the August meeting which can be reviewed with the study from Engineer Amundsen. Mayor Skalla said they could then make a decision based upon options, costs, zoning, legal, and engineering. Council Member Taylor suggested waiting for prioritization and study results before approving the CIP because they need the information.

Council Member Bartel asked about the Transportation Study. Council Member Taylor said the Planning Commission is narrowing down priorities from the public input at the public hearings. They will then turn the information over to a professional to study cost and feasibility. They wanted to have a community wide strategic plan for transportation. Mayor Skalla asked Planning Commission Chair Andrew Myers to attend the August Council meeting to report where the proposed \$20,000 for the Transportation Study came from as well as update the status of the Transportation Study.

Mayor Skalla asked Utilities Commission Chair Carlson about the paving management study. The cost for the study was suggested by Engineer Amundsen. Engineer Amundsen stated this is a fairly common study as cities age and they need to plan for replacement.

Council discussed adding water tower painting to the bond. Administrator Griffin recommended that the Finance Committee review options for bonding.

Administrator Griffin will send a letter to Minnehaha Creek Watershed District (MCWD) stating that the City is proposing leaf pickup for phosphorous reduction credits. Council recommended moving phosphorous reduction to 2018.

Council recommended removing Safe Crossing from 2018. Council then discussed that the Park Commission is focusing on maintenance so they suggested increasing maintenance and removing enhancements until the Park Commission has a plan for specific enhancements.

Mayor Skalla summarized the discussion. Utilities Commission will prioritize projects based on need. Administrator Griffin will recap changes to the proposed CIP. She will get basic bond information and then will get more in-depth information after the August meeting when she knows exactly what Council wants to bond.

In summary, the following changes were recommended by Council to the CIP.

2017:

- Move the \$5,000 from Park Enhancements to Parks regular budget
- Move Phosphorus Reduction to 2018

2018:

- Remove Safe Crossing on CR 15
- Remove \$5,000 Park Enhancements

2019:

- Remove \$5,000 Park Enhancements

2020:

- Remove \$5,000 Park Enhancements

**A motion was made by Council Member Taylor and seconded by Council Member Bartel to table approval of the 2017-2021 Capital Improvement Program and 2017 Capital Budget to the August 2016 meeting. With all members voting in favor, the motion carried.**

## **12. Council Meeting Action Notes and Staff Reports**



12.1. Council Meeting Action Notes

Administrator Griffin stated the personnel policy needs a few updates and will be ready for the August meeting. Mayor Skalla stated that the Dock Committee has been asked to attend numerous Council meetings so he recommended removing them from Referrals section. Council agreed. Administrator Griffin will notify Dock Committee Chair Lee Goehring. Council Member Bartel asked Council to read the information she passed out regarding short term and AirBnB rentals. Mayor Skalla asked Administrator Griffin to research a legal perspective on this topic from the League of MN Cities. She will email the area cities to see if any have implemented any regulations.

12.2. Director of Public Works Young

Public Works Director Young reported that Orono received two calls while he was on vacation last week. They repaired a switch on the lift station. They also removed a large tree that went down by the public works shop. He and Scott from Orono Public Works asphalt patched prior to his vacation but the weather was not hot enough for the asphalt to lay correctly. He will hand patch as needed.

12.3. City Clerk's Report

Clerk Honey reported to Council that she has been working on updating election procedures, Election Judge training and e-poll book training. The first Election Judge training is scheduled for Wednesday, July 13.

12.4. Administrator Griffin

Administrator Griffin reported that the Minnesota Pollution Control Agency is auditing the City for MS4 requirements.

**13. Council Reports**

13.1. Mayor's Report – Mayor Skalla discussed the fire and perceptions amongst some residents regarding water flow. He will recap the police contract options at the August Council meeting. He received something from the LMC regarding the MET Council reform. He reminded council to check their new city emails.

13.2. Liaison Reports-

Council Member Bartel – Park Commission will be meeting August 2 and they will discuss the problem of all of the geese at the swim beach.

Council Member Kozloski – no report

Council Member Taylor – Fire and Planning was already discussed.

Council Member Lindstrom – She referenced the Utility Committee minutes in the packet. They will set up a meeting to prioritize all of the proposed projects. Civic Committee meeting minutes are also in the packet. The annual picnic will be different than in the past with a DJ and a food truck. The City will participate in National Night Out on August 2. The street will be closed in front of City Hall.

**A motion was made by Council Member Bartel seconded by Council Member Taylor to adjourn the meeting at 11:00 pm. With all members voting in favor, the motion carried.**

**PUBLIC IN ATTENDANCE – The following individuals signed the sign-in sheet: Liz Vandam, Tracey Breazeale, Jeff Breazeale, Sue Kozloski, Colleen Finnegan, Sean Woerner, Fred Koehler, Scott Bremer, Andrew Myers, Martha Yunker, Bill Bartel.**

**Respectfully submitted,**

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**Heidi Honey, City Clerk**