

Monday, July 13, 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. Absent: Treasurer Randy Gilster.

Staff Present: City Administrator Susanne Griffin; City Clerk Heidi Honey; Public Works Director Ben Young, Planning and Zoning Administrator Ben Gozola.

Guests: Police Sergeant Chad Stensrud; Three Rivers Park District Trail Manager Danny McCullough.

- 1. Mayor Skalla called the meeting to order at 7:00 p.m.**
- 2. City Clerk Honey led the Pledge of Allegiance.**
- 3. Approve Agenda for the July 13, 2015 City Council Meeting.**

Council Member Lindstrom asked to add to the Consent Agenda item number 7.7 Approving the Contingent Settlement Agreement for the Dawson Litigation.

A motion was made by Council Member Lindstrom and seconded by Council Member Taylor to add to the Consent Agenda item number 7.7 Approving the Contingent Settlement Agreement for the Dawson litigation. 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 the agenda as amended. With all members voting in favor, the motion carried.

Action Notes:

Council Member Lindstrom asked City Administrator Griffin if they should move the Administrative Citation Ordinance to the August 17, 2015 Council meeting. Administrator Griffin agreed. Council Member Bartel asked if a date was set for the Finance Committee meeting. City Administrator Griffin suggested they wait until after the auditor completes the mid-year fund account report so the Finance Committee can use the report data when they meet. She recommended they meet in August. Council Member Lindstrom discussed that the Utilities Committee meets July 16 where they will prioritize projects and recommend them to Council. Finance then recommends a schedule for them. There was discussion about tabling the CIP until after the Finance and Utilities Committees meet.

4. Approve Minutes

4.1. Regular Meeting of June 8, 2015

Council Member Bartel had a correction in section 7.2 Open Forum regarding beekeeping. The correct name is Helen Lindsay, not Laura Lindsay. Clerk Honey will make the correction.

A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to approve the Council meeting minutes of June 8, 2015 as amended. With all members voting in favor, the motion carried.

5. Open Forum

Dennis Klohs spoke on behalf of the LMCD and reported on lake activity on July 4th. There were 75 calls to 911. Most were complaints about noise and other common issues but 17 were alcohol related. Water patrol reported everything was under control. North Memorial airlifted a man to the hospital.

Resident John Whitaker, 2200 Huntington Point Road West, spoke with Council about the Swim Beach. He feels the park is underutilized and believes there are two issues. The first is that the park looks like a marina and not a park. The second issue is safety. People turn on to Lafayette from County Road 15 really fast. There are 16 children living in that area currently. He recommended having Lafayette Road cul de sac at CSAH 15. Mayor Skalla stated that the Planning Commission would need to study the corridor, traffic flow, and impact on residents, police and fire. Mayor Skalla also said it is part of the CIP for Planning Commission for consideration. There was discussion about how it needs to be looked at in total and then decide which portion would be dealt with during a given year. For the interim, Sergeant Stensrud suggested residents who use the beach talk with other residents about speeding. It is residents who are the ones speeding not random traffic. Mayor Skalla stated that Council will discuss this in CIP discussion.

Diane Rogers, resident at 2208 Huntington Point Road East, asked to speak to Council about considering changing ordinances regarding construction parking. On any given day, there are 12 to 15 construction vehicles parked on the street. It is not reasonable for homeowners to put up with the parking issues. She asked Council to seriously look at current ordinances and examine any changes they could make to protect Minnetonka Beach residents from this inconvenience. The ordinances should be enforceable and enforced. She suggested the builders and homeowners could find other ways to deal with parking such as requiring shuttles. It is a public safety issue because school buses, fire department and police need to get through. Planning and Zoning Administrator Gozola stated that the City has an ordinance but it needs citizens to help when they see there are violations. Mayor Skalla said the City needs to be informed of issues so they can enforce the ordinance. If it continues, the City can stop the work if needed.

Mrs. Rogers also stated trees in the City right of way have been cut down by residents that were planted by the Park Commission. She believes they need to be replaced by the resident.

6. Police Report – April

6.1. Police Report – June Report

Sergeant Stensrud discussed the activity report. They arrested a peddler. Everything else was fairly normal. There was an incident involving a windshield possibly shot out on Saturday, July 11. Sergeant Stensrud said that Orono Police could not find any evidence the vehicle was shot at as the driver reported but the rear window of the vehicle was shattered. Something could have been thrown at the vehicle or a bb gun could have been used. An officer attended the Minnetonka Beach summer picnic. They enjoy being involved in the community at social events to help build relationships with residents.

6.2. Dakota Regional Trail– Three Rivers Park District Trail Manager Danny McCullough

Mr. McCullough reported since June they have had 13 public safety contacts in Minnetonka Beach. Nine were tickets for stop sign violations and four were assists (medical). There are four saturations planned for July and August. He will send dates, locations and number of hours for those. The seal coating repair was completed last week. He will be sending 2014 Dakota Trail Comprehensive Report regarding number and types of trail users. He reported the Dakota trail has approximately

175,000 visitors in summer months only. In 2012, there were 400,000 visitors but that has tapered off to 325,000 per year for year round use. Seventeen percent of users use the trail for transportation. Mayor Skalla asked if there will be a report comparing the 2009 report and significant changes. Mr. McCullough will send both 2009 and 2014 reports and point out significant changes in usage. Mayor Skalla suggested we use that information to update residents on the trail use. Mr. McCullough stated that although they receive requests for large events on the trail, they have denied a large number of requests. They are aware that many cities have concerns about these large events. They also don't have the resources to accommodate them.

7. Consent Agenda

- 7.1. Fire Report – June
- 7.2. Dock Permit Approval – Myers 16-5, O'Connor 8-1, Haag 6-1
- 7.3. City Assessor Contract Renewal
- 7.4. Special Event Permit – St. Martin's Church – August 16, 2015, 10 am – 1 pm – Swim Beach
- 7.5. Civic Committee Rules of Procedure
- 7.6. Resolution 2015 – 25 Optional No-Fault Sewer Backup Coverage

Council Member Lindstrom had a correction for 7.5 Civic Committee Rules of Procedure on page 2. She stated there is no August meeting so she requested to amend the document to say "in September of each calendar year there will be an election of officers". She will make the change to the document.

A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve the Consent Agenda as amended earlier and with the amendment of the Civic Committee rules. With all members voting in favor, the motion carried.

8. Treasurer's Report

- 8.1. Consider Motion to Approve July Checks
City Administrator Griffin reported on behalf of Treasurer Gilster. She reported that the biggest reason for the larger amount this month is the bond interest payment and Metro General Services return of a right of way permit security deposit.

A motion was made by Council Member Bartel and seconded by Council Member Taylor to approve checks numbered 15092 through 15139 in the amount of \$90,108.88. With all members voting in favor, the motion carried.

- 8.2. YTD Budget Report and Previous Year Comparison Report
City Administrator Griffin reported that item 1260 Road Aid is a county grant to repair certain streets that attach to CSAH 15. If we don't use it, it accumulates. Some of the blacktop the City recently purchased will be refunded with the grant money. She also reported that item 2525 in Parks Budget appears over budget. She explained that Chair Sperduto asked to move expenses to that account for the Minnetonka Beach welcome sign landscaping instead of being in CIP.

- 8.3. Outstanding Accounts Receivable Report –
City Administrator reported no changes on the accounts receivable report. One resident asked for more details regarding their invoice. Administrator Griffin will copy all invoices again and recommend the resident come to Council if they want to dispute the charges. They may have their taxes assessed if they do not pay.

9. Planning and Zoning

9.1. **Resolution 2015 – 24** – Consider Granting Average Minimum Building and Side Setback Variance – 2405 Lafayette Road, Raisbeck residence

Planning and Zoning Administrator Gozola reported on two variance requests for 2405 Lafayette Road, Raisbeck residence. The applicants are proposing a new home that would be slightly further from both the lakeshore and the northern side yard when compared to the current home but will still need variances from the average minimum building setback requirement and the side yard setback requirement. The current side yard setback is 7.9 inches and the current house is beyond the AMBS at 107 feet. The proposed house has a conforming stoop, the house is pushed back from the lake so it is 2 feet further from the lake as the current home, and the corner was made smaller to protect the vegetation. All of the requests for the proposed home conform more than the existing home. They are requesting an eight foot side yard setback and an AMBS of 109 feet. P & Z Administrator discussed the report in the Council packet which detailed the code criteria and if the proposed home meets the criteria for each of the requested variances. He then reported that the Planning Commission recommended approval for the AMBS. They also recommended approval for the side yard setback subject to an arborist review of the plans to determine if the variance is needed to protect the trees along Lafayette Road. He provided a report from the City Arborist which states the variance would be beneficial in reducing the impact to the trees. P & Z Administrator Gozola recommended there be conditions for the applicant to work with the City Forester regarding tree protection during the building process.

Council discussed the two variances to consider: the AMBS of 109 feet from the OWH; and the eight foot side yard setback. There was discussion about the impact of the proposed home on the house to the north which may be torn down. Currently there is 23 feet between the homes and in the future a new home to the north would have a minimum of 25 feet. P & Z Administrator Gozola believes the proposed home location is improving the area and stated it is supported by the neighbors. The proposed location blocks headlights from shining on other homes as people make the turn on Lafayette Road.

A motion was made by Council Member Kozloski and seconded by Council Member Taylor to approve Resolution 2015-24 Option One Approving a Variance to Permit Construction Beyond the Average Minimum Building Setback Line, and Approving a Variance to Allow Construction Within the Northern Side Yard For Property Located at 2405 Lafayette Road. With all members voting in favor, the motion carried.

10. New Business

10.1. 2016 – 2020 Capital Improvement Program (CIP)

Mayor Skalla asked Administrator Griffin to discuss the CIP process. She referenced her memo in the Council packet requesting Council to review the CIP or table it to the August meeting. Administrator Griffin explained the process. She requests input from all Committee Chair persons and also asks outside agencies if they are planning any improvements that will impact Minnetonka Beach. She receives input from staff, Utilities Commission, Park Commission and Civic Committee. She compiles the input and highlights changes. It then goes to Planning Commission for a public hearing so they can make sure proposals are consistent with the Comprehensive Plan. Utilities Commission had a few meetings and came up with preliminary recommendations but needs additional time to make final recommendations. After their meeting on July 16, they will make a final recommendation. There was discussion about tabling because Council feels they need Utilities

Commission final recommendations. City Administrator Griffin explained the process further stating that this 2016 CIP becomes the 2016 Capital Budget in the budgeting process. Council Member Lindstrom asked about City Hall stucco. Administrator Griffin confirmed that is for the City Hall building itself. It is part of the plan to maintain City Hall grounds. There was discussion about City Hall upgrades. Up to now, City Hall maintenance has been minimal such as the sprinkler system and pest control. Mayor Skalla stated that is why the City is trying to build funds because there will be larger maintenance issues. Council Member Kozloski asked for clarification of the Shoreline Drive studies. Mayor Skalla explained that the County Road 15 corridor impacts different areas the City differently. They need to look at the big picture in order to prioritize and tackle the individual issues. City Administrator Griffin and Zoning Administrator Gozola will work on determining the cost of a transportation study. City Administrator Griffin will do spreadsheet showing CIP recommendations and amounts for each year for the next Council meeting.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to direct Staff to get information on the cost of a transportation study. With all members voting in favor, the motion carried.

A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to table the Capital Improvement Program to the August 17, 2015 Council meeting. With all members voting in favor, the motion carried.

11. Staff Reports

11.1. Public Works Director Young

Public Works Director Young reported that Hennepin County will repave Shoreline Drive this week. They will try to work during daytime hours but not during rush hours. Clerk Honey will notify residents. He also talked about how the lift station pumps can go down because of flushable wipes plugging the pumps. Clerk Honey will put an article in the Beachcomber about the flushable wipes.

11.2. City Clerk Report

Clerk Honey reported on home sales in Minnetonka Beach and building permits issued to date. She discussed the quarterly water sold versus pumped report. Clerk Honey informed Council that the water meter supplier has changed the design of the meter heads. These heads are changed out when the batteries go dead and are covered under warranty. Eventually the City may have to consider a new meter reading device because the current one cannot perform the data logger function with the new meter heads.

11.3. Administrator's Report

City Administrator Griffin reported that a tree fell on two docks and a boat by the Arcola Bridge. The City is not responsible for damages but is responsible for removing the tree. Dock and Lift has removed the tree limb from the dock. Administrator Griffin asked Park Commission Chair Sperduto to get an estimate on removing the rest of the tree.

Administrator Griffin reviewed the budget process and the current fee schedule. The budget process at this time is that Council reviews the CIP, adopts the fee schedule and directs staff on budget items such as salary. In September, Council acts on the proposed budget and certifies the proposed levy to the County. The Truth in Taxation Hearing will take place December 7, and Council will adopt the final budget on December 14 and certify the final tax levy to the County. Administrator Griffin discussed the Fee Schedule and that animal violations would be part of the proposed Administrative Citation Ordinance. Mayor Skalla asked if parking violations could be part of that ordinance, such as

parking without a permit at the beach. The Lafayette Club Liquor license is set by the number of club members. The Dock Committee is reviewing dock fees and was told to make recommendations prior to the August 17 Council meeting. Public utilities and garbage will go up a bit based on the contract fees. Water fees will go up three percent. Administrator Griffin asked Council for direction on any fee changes or staff salaries and benefits. Administrator Griffin found an email provider who would charge a one-time set up fee of \$250. The City would have an exchange server it can control and have access to all emails on the server. The City would receive ten email addresses for \$450 per year. The City would continue to use Avenet to host the City's website.

A motion was made by Council Member Taylor and seconded by Council Member Bartel to direct Administrator Griffin to establish email addresses for elected officials. With all members voting in favor, the motion carried.

Planning and Zoning Administrator Gozola reported on a new city map they designed which includes beaches and docks. They will print a final version when all corrections have been made.

12. Council Reports

12.1. Mayor's Report – Mayor Skalla said Orono Police do a really good job of reaching out to the communities they serve. He also stated the Civic Committee summer picnic went very well and the volunteers are appreciated.

12.2. Liaison Reports-

Council Member Taylor – Council Member Taylor reported on the Dock Committee meeting. There was discussion was about LMCD changing regulations to allow the City to reconfigure dock spaces and possibly extend out 200 feet at the beach. This will be evaluated by the Dock Committee to see if the water depth at the beach will support this. There is a big drop off because of how the area was filled in when CSAH 15 was constructed. The number of slips would not change but there could be a shift of square footage per slip as long as the total area square footage remains the same. They discussed increasing LMCD fees to increase enforcement. Council Member Taylor asked if the administrative costs are higher than the fees the City receives for the slips. The Dock Committee will study the costs for docks in other cities and compare. They will be re-bidding dock installation at the beach. Council Member Taylor also reported they plan to replace common dock section at the beach over the next three years and dock slip holders will share the cost. The Dock Committee also discussed the possibility of storing dock sections on City property at the beach and on CSAH 15. Many of these items will be discussed at the August meeting.

Council Member Lindstrom – Civic Committee –Civic Members put in a lot of personal effort into the picnic. Funday Mondays are not safe for the kids because cars have gone around the barricade. Civic Committee recommended a second barricade to eliminate traffic issues. Public Works Director Young suggested cones on the sides of the barricades to block off the entire width of the street.

Council Member Lindstrom – Utilities Commission has already been discussed.

Council Member Bartel – Finance Committee will meet in August.

Council Member Bartel – Park Commission. No meeting since last Council meeting, no report.

Council Member Kozloski – No report.

A motion was made by Council Member Bartel and seconded by Council Member Taylor to adjourn the meeting at 10:02 pm.

PUBLIC IN ATTENDANCE – The following individuals signed the sign-in sheet: Danny McCullough, Laura Raisbeck, William Raisbeck, Kathy Alexander, Jeff Givens, Diane and Dave Rogers, illegible signature.

Respectfully submitted,

Heidi Honey, City Clerk