

**Monday, June 6, 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, and Zoning Administrator Ben Gozola.

**Guests:** Three Rivers Park District – Dakota Regional Trail Representative Danny McCullough.

- 1. Mayor Skalla called the meeting to order at 7:00 p.m.**
- 2. Administrator Gozola led the Pledge of Allegiance.**
- 3. Approve Agenda for the June 6, 2016 City Council Meeting.**

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

**4. Approve Minutes**

4.1. Regular Meeting of May 9, 2016

Mayor Skalla asked Administrator Gozola if he brought itemized billing to show the percentage of work billed for his work and for Laura Chamberlain. Administrator Gozola will submit this at the next meeting. Mayor Skalla asked Administrator Gozola for his recommendation of how to effectively communicate to residents that they are allowed a one-hour zoning consultation for no charge and that they will be billed for time beyond that one hour. Administrator Gozola stated that he is being proactive with people and explaining the process to them. He believes this is working so far but the City may want to have an administrative permit for residents who have not applied for a building permit but request zoning services.

**A motion was made by Council Member Lindstrom and seconded by Council Member Kozloski to approve the Council meeting minutes of May 9, 2016. With all members voting in favor, the motion carried.**

**5. Open Forum – no discussion**

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

6.1. **Police Report – May**

Sergeant Stensrud was not in attendance. Administrator Griffin will forward the May Police Report to Council when she receives it.

6.2. **Guest Speaker – Three Rivers Park District – Dakota Regional Trail Representative Danny McCullough**

Representative McCullough updated Council on public safety issues. He reported that officers spent seven hours over the last few weeks at the intersection of Lake Road and the Dakota Rail Trail to address concerns previously raised by Council. The officers issued 15-20 verbal and written warnings and issued four tickets. They have downsized from 21 to 12 officers. Representative McCullough went on to explain that they are working with Orono Police on future saturations. Council Member Kozloski asked if there were specific patrol requirements in the agreement for the trail. Representative McCullough said he will look into it and report back to the City. He explained that trail coverage is substantially less than it was four or five years ago. Council Member Taylor asked if a reduction in officers has affected enforcement. Representative McCullough stated they typically go into problem areas, educate users, give warnings, and then they elevate enforcement to citations. Representative McCullough and Susanne will research if there were any conversations about the amount, if any, of enforcement promised to the City.

He went on to say there are six upcoming events but the only one going through Minnetonka Beach is the Warrior Ride on September 10 with approximately 150 riders. The Warrior Ride is a fundraiser for military soldiers injured in combat.

Three Rivers is working on sign changes at various intersections but there are no sign changes expected in Minnetonka Beach. Some low use areas have replaced stop signs with yield signs.

Even though the trail is not maintained over the winter, they surveyed the trail to gauge the amount of usage and found there were 34,000 people using the trail between Mound and North Shore Drive during winter months. They will release an official report when it is ready. He also said there will be a major closure of the trail west of Mound next year.

#### **7. Public Hearing – Stormwater Pollution Prevention Program – Annual Report and Public Hearing**

Mayor Skalla opened the public hearing at 7:25 pm. Administrator Griffin referenced a memo in the packet which explains the annual meeting and public hearing process. It is a requirement of the Stormwater Pollution Prevention Program (SWPPP) which is ultimately a requirement of the MN Pollution Control Agency. The Stormwater Pollution Prevention Program consists of a number of different components required by the City's MS4 Permit in which the City has various goals to achieve including public education and outreach. In 2014, the City's MS4 permit was re-approved with new requirements. With the help of Stantec, the City has met all of the requirements. The Documentation Implementation Report in the packet gives a summary of the required tasks. Administrator Griffin went on to say that it has been difficult to find stormwater management training for staff and elected officials. Council Member Lindstrom asked what other cities do to complete their checklist. Administrator Griffin will contact other cities to see what they do for training requirements. Mayor Skalla suggested Administrator Griffin to ask the MCWD for suggestions for training. There were no public comments.

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve the adjourn the Stormwater Pollution Prevention Program Public Hearing. With all members voting in favor, the motion carried.**

Mayor Skalla closed the SWPPP Public Hearing at 7:30pm.

## 8. Consent Agenda

- 8.1. Fire Report – May
- 8.2. LMCD Preliminary Budget
- 8.3. City Assessor Contract Renewal
- 8.4. Special Event Permit – St. Martin’s Church at Swimming Beach – August 14, 2016 – 10 a.m. to 1 p.m.
- 8.5. Dock Permit Approval – Neslund – Dock 20-1 (priority 2)
- 8.6. Consider Prairie Restoration Contract for Buckthorn Treatment in Fall
- 8.7. **Resolution 2016-16** - Designate Bridgewater Bank as Official Depository

Council expressed many concerns with the Lake Minnetonka Conservation District (LMCD) budget and would like the LMCD to discuss the budget at a Council meeting. Administrator Griffin stated that the LMCD plans to approve their budget at the June 8<sup>th</sup> meeting. Dennis Klohs did not have the budget available for discussion at the May Council meeting. Council directed Administrator Griffin to send an email to the LMCD stating that Minnetonka Beach City Council objects to the draft budget as presented and would like further clarification.

**A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to remove item 8.2 LMCD Preliminary Budget from the Consent Agenda and approve consent agenda items 8.1, and 8.3 through 8.7 as amended. With all members voting in favor, the motion carried.**

## 9. Treasurer’s Report

- 9.1. **Approve Checks: June**

**A motion was made by Council Member Bartel and seconded by Council Member Kozloski to approve 36 checks numbered 15605 through 15640 in the amount of \$59,652.20. With all members voting in favor, the motion carried.**

- 9.2. **2016 YTD vs Budget, Prior Year Comparison, and Legal, Zoning and Engineering Reports**

Public Works Director Young explained the process and costs for televising the sewer lines.

Mayor Skalla stated that the City is \$10,000 behind in income from last year because less permits have been pulled to date. Expenses are up significantly with fire and police. Police and fire costs increased 3% and 8% but the rest of the increase can most likely be explained by timing.

Administrator Griffin will verify that by the next meeting. Zoning is at \$30,000 to date. The City budgeted \$45,000 for Zoning with \$30,000 of that for the Zoning code update.

- 9.3. **Outstanding Accounts Receivable Report**

City Administrator Griffin notified residents who are over 90 days delinquent explaining that they are eligible for a special assessment. In August or September, the resident will receive a letter regarding the potential special assessment, which Council will consider in November. Outstanding receivables would then be certified to the county for assessment to property taxes.

## 10. Planning and Zoning

### 10.1. Zoning Code Amendment Update

Administrator Gozola explained that the updates presented tonight were previously discussed at a Council and Planning Commission meeting. Administrator Gozola then proceeded to discuss language recommendations from the Planning Commission for Council's consideration as summarized in his memo. On page 52, Planning Commission wanted to reserve final comments until they review the language under "Uses" but felt it was on the right track. Administrator Gozola suggested using common terms for BBQs and Fire Pits but Planning Commission thought they may need specific definitions so that will be researched. He went on to explain that they use regular dictionary terms when the term is undefined.

The Planning Commission thought corner visibility regulations are needed for safety. Administrator Gozola suggested increasing visibility angles for streets that come together at less than 90 degrees for more safety.

Administrator Gozola then discussed side yards in Table 3-6 on Page 61. The Planning Commission recommended keeping existing side yard setback standards. Council requested eliminating the Minimum Principal Structure Width and Floor Area columns from the table.

Administrator Gozola described the Shoreland Overlay District where he combined existing regulations from various sections of the code with the DNR's template Shoreland ordinance. The Overlay District specifies DNR involvement. The draft Lakeshore Setbacks Map on page 160 establishes specialized setbacks for all lakeshore lots in the City. Administrator Gozola emphasized that the Planning Commission made sure that the setback line does not take away landowner's current use of land. Council discussed various properties on the map and the effect this district would have on them if they were remodeled or torn down and rebuilt. Administrator Gozola will review each property file to determine if the setback line would take away existing land use. Planning Chair Andrew Myers added that the Planning Commission reviewed the setback line and changed its position for 15-20 homes to protect landowners. Administrator Gozola went on to explain the maps and reviewed specific properties as examples of how the Shoreland Overlay District would work in determining lakeshore setbacks. Administrator Gozola was trying to eliminate the lakeshore variance requirements and the DNR's involvement in variances. Side yard and street setbacks are not impacted by the Shoreland Overlay District as presented. Council discussed grandfathering in existing lakeshore setbacks and directed Administrator Gozola to look into it.

Administrator Gozola stated that the provisions on stairways, lifts and landings are universal throughout the state and are mandated regulations from the DNR governing how lakeshores are accessed. Planning Commission requested an allowance for in-ground staircases which is incorporated in this draft. On page 94, the Planning Commission eliminated a requirement that roads, driveways and parking areas meet structural setbacks. This only comes into play when new roads are developed. Administrator Gozola then reported that pages 94 through 110 are a reorganization of Section 211. Council discussed Green Roofs. The Green Roof language is from the existing code and may be there to satisfy MS4 requirements. Administrator Gozola moved on to discuss the Planned Unit Development District. The Planning Commission requested the new planned unit development regulations be removed for consideration in the future. The only property

that can potentially develop under a PUD is Lafayette Club. Without PUD regulations, they would be required to develop under current code.

Administrator Gozola said the Planning Commission recommended no change to the height standard. They added specifics on how measurements are taken. He went on to explain that the Planning Commission thought changing the building height measurement would allow homes to be built too tall on the lakeside and it would change the current feel of the city.

#### 10.2. Lot Combination (Minor Subdivisions)

Administrator Gozola stated an application has been submitted for a potential lot combination. City Code defines a lot combination as a minor subdivision. Provided a number of conditions are met, the minor subdivision process results in a lot combination application going directly to City Council. If the applicant wishes to avoid the 11 conditions to qualify for a minor subdivision, they may pursue a standard subdivision by going through a preliminary and final platting process. The preliminary plat would go before the Planning Commission. Administrator Gozola wanted Council to be aware of the application and understand their authority in the process. Administrator Gozola will research the Comprehensive Plan and point out to Council what it says about this area of the town. Given that information, Council will need to decide if this lot combination meets the character of the neighborhood. Gozola asked if Council thought they would ultimately refer this to the Planning Commission because it may be subject to the 60 day rule instead of the 120 day rule. (The process is for it to go directly to Council but Council could refer it to the Planning Commission.)

### 11. Old Business

#### 11.1. Personnel Policy Update

Administrator Griffin referenced a memo and draft policy in the packet. In it, she listed the significant changes from the existing policy. In the draft policy, everything existing in black is the League of Minnesota City's model policy, everything in red is the City's policy. Administrator Griffin asked Council to provide direction on the issues and then she will forward it to the City Attorney. Mayor Skalla asked what the impact is on the city for reducing the benefit earning employee to 20 hours per week from 30 hours. This refers to the part time postal and utility billing clerk who would now be eligible for prorated sick leave, vacation and insurance. Mayor Skalla would like to see the impact based on today's current costs. Council Member Kozloski explained that you expect a salaried person to work 40 hours but the City's hours of operation are not 40 hours. Council discussed that the City can be open less than 40 hours but employees may still work 40 hours. Council can change the hours at any time. Mayor Skalla stated hours of operation are not the same as workweek hours. Administrator Griffin stated the language that is crossed out regarding core hours is actually very accurate. Council decided to keep core hours and hours City Hall is open. Mayor Skalla suggested breaking down expectations between exempt and non-exempt. Administrator Griffin stated they will work on this section. Administrator Griffin asked Council Member Lindstrom since she has experience writing personnel policies if she had issues with the hours of operation. She did not.

Mayor Skalla asked about pre-employment medical examinations. The City did not do them in the past but the policy says that it may. Council Member Kozloski says you are setting yourself up for a lawsuit if you do not treat each employee equally. Council Member Lindstrom suggested getting a

legal opinion on that requirement. Council Member Lindstrom said background checks and drug testing is routine policy for many businesses. She feels they are proactive and they should be required if supported by the City Attorney. Council Member Kozloski recommended drug testing and background testing as a requirement once a job has been offered but not given to all applicants. Council agreed. Council discussed requiring these tests for seasonal employees. Administrator Griffin will get legal pros and cons for medical examinations. She will get a legal opinion on test requirements for seasonal employees. She will also make the change that background checks will be required but that will also be reviewed by the City Attorney.

Council went on to discuss compensation. Administrator Griffin stated that although the City no longer has a step program, they use the step chart as a starting point for employees. The City does not use the steps for automatic annual pay increases, regardless of performance. She went on to explain the difference between salaried, exempt and non-exempt employees. Council Member Kozloski thought the structured compensation plan should be referenced in the policy but not written as part of the personnel policy. The policy would not have to be re-written every time there is a salary or other type of change. Council agreed to keep compensation as written.

Council then discussed Performance Reviews. Council would need to establish a personnel sub-committee. Council Member Lindstrom liked how it was written but thought it may need to be amended when they see how it works. Council went on to review benefits. Council Member Kozloski said benefits change annually and are different for single versus family coverage so the policy should reference the benefits but not be written as part of the policy. Mayor Skalla thought the City should have broad percentages specified in the policy. He thought there should be addendums for these items that change. The addendum can be changed annually during the budget process.

Mayor Skalla asked what amount other cities have for a cap on sick leave. He wants to make sure the city's 960 hours is in line with other cities. He also requested the sick leave and vacation hours be an addendum to the policy. Administrator Griffin will benchmark the policy with other cities. Mayor Skalla requested that the financial impact to the City be determined for part-time employee vacation accrual.

Administrator Griffin explained that the Family and Medical Leave Act (FMLA) is a separate policy because a lot of it applies to larger organizations. Council discussed reviewing the provisions in the LMC's FMLA policy and then seeing which apply to the city of Minnetonka Beach. From there they can determine which provisions they would like to include in the City's policy. Administrator Griffin will research which provisions affect cities with less than 50 employees.

Council Member Lindstrom noted the following. She thought it should be mentioned that the Council is responsible for the adoption and content of the policy. She will work with Administrator Griffin on the language. She then discussed page 11, which discusses staff communicating on behalf of the City. She thought this is more like training and not policy. Mayor Skalla recommended removing the quotes but state that training will be provided. Council Member Lindstrom thought the section on sexual harassment was confusing. Council decided to move Possession and Use of Dangerous Weapons after Retaliation. Administrator Griffin will move that section.

Administrator Griffin will make the recommended changes and forward a revised, clean copy to Council. She will also get feedback from the City Attorney. She will report back at the July meeting. Mayor Skalla asked Administrator Griffin to summarize what the City is currently offering and how the proposed policy changes and would impact the City financially. She will report that at the August Council meeting for budget discussions.

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

### 12.1. Council Meeting Action Notes

- Council would like to wait and see what happens with the Met Council reform.
- The City is waiting for the Minnehaha Creek Watershed District to contact the City regarding phosphorous reduction. When they do, the City will present information on studies regarding street sweeping and the impact on phosphorus removal.
- Mayor Skalla asked to have the Dock Committee Chair attend the next Council meeting to educate Council on the dock process.
- The City currently has no regulations on short term rentals. Administrator Griffin will find out when the Planning Commission will be considering short term rentals.

### 12.2. Director of Public Works Young

Public Works Director Young reported that the lift station by Woodbridge was down because of a piece of 2 x 4 stuck in the pump.

### 12.3. City Clerk's Report

Clerk Honey gave Council an update on election dates, how to vote absentee, e-poll book training and the need for more election judges.

### 12.4. Administrator Griffin

Administrator Griffin updated Council that Jane Burgess will not be leaving. She sent a letter to Council soliciting input for the Capital Improvement Program (CIP). The Public Hearing for the CIP is June 27 at the Planning Commission meeting. She reminded Council to think about the fee schedule for the upcoming budget process.

Council Member Bartel asked when the sidewalk at City Hall will be installed. Public Works Director Young continues to follow up with the contractor but he is behind. Council Member Lindstrom asked about a letter in the Council packet regarding a fence between the Bank and McLaughlin residences. Administrator Griffin explained this is a matter between private property owners.

## **13. Council Reports**

13.1. Mayor's Report – Mayor Skalla had no report.

13.2. Liaison Reports-

Council Member Bartel –

Council Member Kozloski –

Council Member Taylor – Mound Fire had their annual fish fry on Saturday. They had a good turnout as usual. Their new ladder truck is being delivered in September. He distributed the annual report from the fire department.

Council Member Lindstrom – Civic Committee met. They are doing well financially. New merchandise is available that includes hats, travel mugs, and visors. They will begin selling a lot of merchandise now that it is summer. The Progressive Dinner was very successful. Utilities Commission meets next Monday.

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to adjourn the meeting at 10:55 pm. With all members voting in favor, the motion carried.**

**PUBLIC IN ATTENDANCE – The following individuals signed the sign-in sheet: Greg Meland, Danny McCullough, Andrew Myers, and Mike Fasching.**

**Respectfully submitted,**

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**Heidi Honey, City Clerk**