

**Monday, March 9, 2015 7:00 PM**  
**CITY OF MINNETONKA BEACH**  
**CITY COUNCIL MEETING MINUTES**

**Roll Call:** Mayor Rick Skalla, Council Members: Jill Bartel, Jaci Lindstrom, Mike Taylor  
Treasurer: Randy Gilster. Absent: Council Member Paul Kozloski

**Staff Present:** City Administrator Susanne Griffin; City Clerk Heidi Honey; Public Works Director Ben Young

**Guests:** Police Officer Chad Stensrud, LMCD Representative Dennis Klohs

**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 March 9, 2015, City Council Meeting.**

Council Member Lindstrom requested adding 4.3 Minutes from City Council Special Session of February 9, 2015 at 2932 Northview Road.

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

Mayor Skalla asked City Administrator Griffin about adding a deadline to the Planning Commission item regarding the Building Permit ordinance review and checklist review. He suggested a target completion date of June 9, 2015. City Administrator Griffin stated City email addresses for Council members would cost is \$50 per address annually. Council Member Taylor asked if it is recommended to separate personal and City business. Council Member Lindstrom asked if other city councils do this. City Administrator Griffin stated some do and others do not. She also stated the current City personnel email policy should be reviewed and an email policy should be developed for elected officials as well. Mayor Skalla thinks Council needs separate City email addresses. City Administrator Griffin will discuss it with City Attorney Hilke and report back to Council at the April 13 Council meeting.

Public Works Director Young will report back on the City Hall steps at the April 13 Council meeting. Park Commission Chair Jody Sperduto had the trees removed by Bartlett. The funds were in the budget to have the work completed. Public Works Director Young will report on the reflective stakes at the April 13 Council meeting.

**4. Approve Minutes**

4.1. Regular Meeting of February 9, 2015

Council Member Lindstrom asked to add City Attorney Wally Hilke to the guest list. She also suggested defining the setback distance in the motions by adding the 127.5 foot setback for the proposal submitted by Mr. Dawson on page 9 and adding the 143.3 foot setback to Alternative One on pages 9 and 11.

Council Member Bartel asked for clarification on John Gabos' statement that Council almost unanimously denied the variance request. She thought he meant the Planning Commission meeting.

There was discussion that he may have meant that or he may have meant a previous Council meeting. Clerk Honey will review the audio. Council Member Taylor corrected the spelling of Boschwitz.

Mayor Skalla referenced page 5 of 12 and asked City Clerk Honey to clarify who was speaking with regards to the sentence, “the City Council said Council Member Skalla said the Planning Commission recommendation of 68 feet was made after careful consideration...”. Clerk Honey will check the tape and clarify. Mayor Skalla also asked who was speaking on page 6 asking “Which line is closest to what Dawson’s are proposing?” Clerk Honey will review the tape and clarify. Mayor Skalla asked to note that Council Member Kozloski is liaison to Minnehaha Watershed District and that is why he was asked to attend a meeting the Mayor is unable to attend. Mayor Skalla also thought that the discussion about the variance that occurred after Liaison Reports needed clarification on the timing because those reports were discussed while staff was out of the Council chambers preparing the new resolution on the variance.

**A motion was made by Council Member Taylor and seconded by Council Member Bartel to approve the Council meeting minutes of February 9, 2015 as amended. With all members voting in favor, the motion carried.**

4.2. Minutes of Work Session of February 9, 2015

Council Member Lindstrom asked to add Council Member Kozloski as in attendance at the Work Session.

**A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to approve the Council Work Session minutes of February 9, 2015 as amended. With all members voting in favor, the motion carried.**

4.3. Minutes of Special Session of February 9, 2015 at 2932 Northview

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve the Council special meeting minutes of February 9, 2015 as submitted. With all members voting in favor, the motion carried.**

**5. Open Forum**

No discussion.

**6. Police Report - February**

Sergeant Stensrud stated there was a report of cars at Ray Peters Park, but they dispersed before the police got there. There was a report that Lafayette Club may have had fireworks but it was noise carried across the lake from the Mound Legion. The water rescue was resident Ryan Neslund who went through the ice in his truck. Orono police assisted the water patrol on the rescue. There was a fatal car accident on Shoreline Drive. Sergeant Stensrud could not give out any information other than what was in the press release. Mound City Council has asked for evacuation training in the event of an emergency at their city hall. Mayor Skalla said there are times staff is alone at City Hall and asked to have someone come here and talk with staff about general daily safety precautions and evacuation. Sergeant Stensrud said to contact Chief Farniok to arrange that. Council Member Bartel asked if some city halls are locked during the day or if they are all open. Sergeant Stensrud thought

all have to be open during business hours. This discussion arose from a shooting at a council meeting in New Hope.

**7. LMCD Representative Report – Dennis Klohs**

LMCD Representative Dennis Klohs reported on two specific things going on with LMCD. The first is the process change for approving dock variances. The current process through LMCD is difficult and any changes require ordinance amendments. LMCD is creating a negotiated process which gives control back to the cities and allows each city to have an envelope or guidelines to work within. The number of docks and square footage cannot change but the City could move docks, put them out into the lake further and create more density in popular areas such as the swimming beach. LMCD finished the process for yacht clubs and marinas and expects that municipalities will be completed soon. The swimming beach would have the most flexibility if the Dock Committee would want to consider moving some docks. It would make things more convenient and the lake safer. After ordinances are passed, then the Dock Committee would be involved so this would be applicable for next year. There was discussion about the number of docks in Minnetonka Beach that are utilized and the current process. This new process would allow changes by the City without having to involve LMCD. City Administrator Griffin asked Mr. Klohs if he wanted to attend a Dock Committee meeting but Mr. Klohs said he would speak with Dock Committee Chair Lee Goehring first.

The other item Mr. Klohs discussed was the high water level of 2014 necessitating no wake which shut down the lake for two months. Properties north of Seton Channel had dramatic damage from high water. Residents in that area put together a request for extended quiet water areas. Mr. Klohs stated LMCD has had hundreds of requests for permanent no wake days. Mr. Klohs believes the best way for LMCD to implement no wake times or days is to get a group of people or a municipality to lead. He asked Council to consider leading the effort at the municipal level with a resolution requesting LMCD to research this or have a test period on the lake. If it was sponsored by a municipality, it would carry the most weight. Council Member Bartel stated it may look self-serving unless other cities are also involved. There was discussion about determining interest level and specific ideas. Council Member Taylor asked Mr. Klohs what he has heard most people are interested in doing. Mr. Klohs said odd/even days or No Wake Wednesdays would probably pass the LMCD majority vote requirement which is 8 of the 14 cities. Mr. Klohs thought LMCD would approve a No Wake Wednesday demonstration project for a year to see how it goes and implement no wake restrictions based on that. He also stated that notification to lake users and enforcement would be easy for LMCD and Water Patrol. Mayor Skalla likes idea of exploring it and asked Council to think about it and discuss it at the next Council meeting. This item will be added to the next Council meeting agenda.

**8. Treasurer's Report**

8.1. Consider Motion to Approve February Checks

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve checks numbered 14912 through 14956 in the amount of \$55,132.97. With all members voting in favor, the motion carried.**

8.2. YTD Budget Report and Previous Year Comparison Report

Treasurer Gilster stated dock permits for January/February 2015 appear 30% less than 2014. City Administrator Griffin clarified that it was a timing issue with packets going to Council on Friday

and another deposit being done today. The total for docks is now \$17,740 so it is actually higher than last year and more will be coming in. Council Member Taylor asked if we know of any expected building permit revenue yet. City Administrator Griffin said the MacKinnon house at 3017 Brooks sold and we anticipate there will be a building permit for that property and that Dawson's at 2932 Northview Road have not submitted a building permit yet. Treasurer Gilster stated all other expenses were in line for the current period.

8.3. Report of Outstanding Accounts Receivable

Treasurer Gilster noted that the aging detail for outstanding invoices is helpful. City Administrator Griffin stated the Lang account was paid today and she also added that invoices over 90 days received notice on their statement that their taxes can be assessed.

**9. Consent Agenda**

Mayor Skalla thanked Kevin Decker and Keith Menzel for coming to this Council meeting and for offering to serve on the Utilities Committee. Mr. Decker previously served on Park Commission. He has been a resident 4 years and is looking forward to serving the City. Mr. Menzel has not been involved in any other committees. He has a deep interest in the community and is excited to serve.

9.1. Fire Report – January

9.2. **Resolution 2015 – 15** Gambling Exemption Request – Ducks Unlimited – Lafayette Club, April 23, 2015

9.3. Special Event Permit – Wells Fargo Half Marathon, Sunday, May 3, 2015

9.4. **Resolution 2015 – 16** Consider Appointing Kevin Decker and Keith Menzel to the Utilities Committee

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

Treasurer Gilster noted that a second LMCC representative is needed to serve with him since Leonard MacKinnon is moving. Council can see if anyone is interested and appoint them at the next meeting. Mr. MacKinnon leaving will also affect the Utilities Committee. Mayor Skalla will approach Alan Carlson about becoming the Chair. There was discussion about recognizing Leonard MacKinnon for all of his years of service to Minnetonka Beach. City Administrator Griffin will contact him to see when he would be available to attend a Council meeting.

**10. Staff Reports**

10.1. Public Works Director Young

Public Works Director Young reported on catch basins which had frozen up. He chopped the ice, put salt down and they are cleared out. Last week Public Works Director Young went to a wastewater training class but missed the first day due to the snow. He will make up the 6 hours at another class on April 15. Road restrictions go on Wednesday, March 11.

10.2. City Clerk Honey

City Clerk Honey reported she will be attending Clerk Certification training May 4 through 8. She attended the Park Commission Town Hall meeting and the notes were in Council packets. At the meeting, they discovered there were more maintenance issues than requests for additional playground equipment. The Step to It program will start May 1<sup>st</sup> and we hope there will be more resident participation. There will be information in the Beachcomber about it.

### 10.3. Administrator's Report

City Administrator Griffin gave a Planning & Zoning Administrator replacement update. The selection team will be reviewing 6 responses and hope to meet tomorrow to narrow the list to the top 3 for interviews. City Administrator Griffin's current dilemma is that P&Z Administrator Krier is unavailable and the City has been approached about a possible subdivision or moving a property line. In the past, if P&Z Administrator Krier had to recuse himself, the City used Bill Thibault. For this situation, City Administrator Griffin is not sure of Mr. Thibault's knowledge of the City's subdivision ordinances. She asked Council if the City still considers Mr. Krier as the P&Z Administrator or if the City needs to appoint someone in the interim. She added that the City has not accepted his resignation yet. She would like to talk to P&Z Administrator Krier and determine his availability. There is a sale pending on a property which is dependent on the possible subdivision. Mayor Skalla suggested she talk with P&Z Administrator Krier first. City Administrator Griffin stated she can consult City Attorney Wally Hilke to help interpret the code to answer this subdivision question. There was discussion about the City's practice for charging people for City time in analyzing these situations. City Administrator Griffin stated the City usually allows a one hour for an initial meeting because the City encourages people to meet with the Zoning Administrator prior to submitting plans.

City Administrator Griffin asked Council if they would prefer electronic packets instead of printed ones. She does this for Planning Commission. Council discussed various items such as plans and other things that need analysis and financials. Mayor Skalla suggested that anything other than normal business and financials should be printed, and normal business items can be electronic. Electronic packets will start next month. Mayor Skalla suggested that City Administrator Griffin notify Council Member Kozloski.

City Administrator Griffin notified Council that she will be on vacation on March 11 through March 19.

## 11. Council Reports

11.1. Mayor's Report – Mayor Skalla thanked Staff for their hard work. Mediation for the Brooks Lane lawsuit took a full day. The City's Insurer along with the other defendants involved in the case reached an agreement. It was determined that the City did nothing wrong and had strong defenses but the City's Insurer thought it was best if the City's Insurer pay because it would cost much more to litigate it in the future. The language of the agreement should be finished by the end of March. Part of the issue was a grading permit that was approved on its own merits because it met the code and not a part of the settlement. The City's Insurer paid out \$10,000 but the City does not know the total amount of the agreement.

### 11.2. Liaison Reports-

Council Member Taylor – Planning Commission. City Administrator Griffin already discussed where Planning Commission is at in the replacement process. The MS4 permit requirement discussion was very difficult and confusing. There is a state requirement for lots over 1 acre which the City is required to follow. For lots under an acre, the City can determine the requirements. Planning Commission determined that the City's current requirements are more restrictive for lots above and below an acre and they will meet state compliance.

Council Member Lindstrom – Civic Committee. She wrote the minutes for Civic meeting.

Council Member Lindstrom – Utilities Committee. They are activating the Utilities Committee. There is one remaining open spot.

Council Member Bartel – Finance Committee. No report.

Council Member Bartel –Park Commission. She had nothing to add to Clerk Honey’s report on the Town Hall meeting. She thought it was interesting that it was difficult to get a child out of the ADA swing. She thought that rubber mat would be really good at the parks. Mayor Skalla said Parks Commission should bring additional needs that came up at the Town Hall meeting to Council if they would like to have them done. There may be room in the budget and this is the time to look at ways to beautify the City. Council Member Taylor stated that the City does not want to spend money on things a large number of residents don’t want.

**A motion was made by Council Member Taylor and seconded by Council Member Bartel adjourn the meeting at 9:00pm.**

**PUBLIC IN ATTENDANCE – The following individuals signed the sign-in sheet: Keith Menzel, Peyton Menzel, Kevin Decker.**

**Respectfully submitted,**

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**Heidi Honey, City Clerk**