

**CITY OF MINNETONKA BEACH
CITY COUNCIL MEETING MINUTES
Monday, May 12, 2014 7:00 PM**

Roll Call: Mayor Joann Anderson, Council Members: Jill Bartel, Jaci Lindstrom, Rick Skalla, Mike Taylor, and Treasurer Randy Gilster

Staff Present: City Administrator Susanne Griffin; City Clerk Diane Tiegs; Public Works Director Ben Young

Guests: Orono Police Sergeant Boris; Three Rivers Park District (TRPD) Assistant Superintendent Boe Carlson and TRPD Police Chief Hugo McPhee, LMCD Representative Dennis Klohs

Residents: Mike Bloom, Michael Fasching, Terri Elliott

1. Mayor Anderson called the meeting to order at 7:06 p.m.

2. Pledge of Allegiance was led by City Clerk Tiegs.

3. Approve Agenda

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.

3.1. Council Meeting Action Notes

Council Member Lindstrom inquired about the ACH utility billing program that City Clerk Tiegs has been assigned to research. City Clerk Tiegs responded that information will be presented during her staff report.

4. Approve Minutes

4.1. Regular Meeting of April 14, 2014

A motion was made by Council Member Lindstrom and seconded by Council Member Taylor to approve the meeting minutes of April 14, 2014. With all members voting in favor, the motion carried.

5. Open Forum: None Present

6. City Assessor Report

Due to illness City Assessor Rolf Erickson was unable to attend the Council meeting.

7. LMCD Representative Report

LMCD Representative Dennis Klohs updated Council on current issues being addressed at the LMCD. Lake Minnetonka is experiencing a very high water level which is currently 10

inches above normal. Representative Klohs stated that he expects the LMCD to declare a no wake zone if the lake continues to rise.

Representative Klohs suggested that the Council review the plans on the City of Wayzata's website for the improvement plans of their downtown bay area. The plans for the project which includes boardwalk, pier, and tunnel, were approved at the City level but have not submitted to the LMCD. If Minnetonka Beach has any comments or concerns on the project, now would be the time to express them. All the initiatives will require special approval from the LMCD.

The LMCD has changed their policy for marinas allowing docks to extend 200 feet which will allow the design and operation of the facilities to be more efficient.

There have been requests for designation of a quiet water area by the Arcola Bridge. Due to the lack of information available, the group will need to obtain some technical measurements to support their request and present the findings to the LMCD.

8. Police Report

8.1. Police Report

Orono Police Sergeant Boris reviewed the April incident report for Minnetonka Beach. Sergeant Boris reviewed several incidents which were; ID theft with no loss reported, a person was stopped on a warrant arrest and tagged with possession of a controlled substance, fifth degree assault which has been referred for charges, suspicious person reported – loud thud at neighbors shed no issue was found, individual car broke down looking for assistance.

Council inquired about theft cases from the March incident report, one was a business owner reporting theft of gift cards no loss incurred, an incident of theft from a building is still under investigation. Administrative Citations are now in effect for the City of Orono. The weight restriction enforcement was heavy in the area. The Orono Police patrolled and ticketed over weight vehicles because of the road damage that is caused by the vehicles.

8.2. Three Rivers Park District/Dakota Regional Trail

TRPD Assistant Superintendent, Boe Carlson, will do monthly trail incident reports to Council for the season. Currently, trail clean-up and police enforcement is beginning on the trail. TRPD Police Chief McPhee has been out twice officially on the trail. Chief McPhee relayed that four policing trail saturations are scheduled, one in mid-June, two during the month of July and one in August. The Orono Police will assist with the saturation.

TRPD Superintendent Cris Gears is retiring effective July 3, 2014. The TRPD Board is conducting an internal search to fill the position. Other changes include two board member terms up for re-election.

Mayor Anderson requested Assistant Superintendent Carlson relay to Commissioner Steele that an article on trail etiquette for the early morning trail users would be appreciated to remind them of being more respectful about trail noise for the residents along the trail.

9. Treasurer's Report

9.1. Consider Motion to Approve May Checks

Treasurer Gilster answered questions regarding the May expenditures.

A motion was made by Council Member Bartel to approve the May checks numbered 14432 through 14470 in the amount of \$ 41,089.37; the motion was seconded by Council Member Lindstrom. With all members voting in favor, the motion carried.

9.2. YTD Budget Report

Treasurer Gilster reported that building and dock permits are up from the previous year. City Administrator Griffin answered Council questions regarding the SAC fees collected. Council Member Skalla asked about work completed on a residence that is different from the permit applied for and approved. City Administrator Griffin said the building official is responsible for reviewing and if the approved permit does not match the work completed another permit must be submitted for the change or extra work.

9.3. Previous Year Comparison Report

Council Member Taylor stated that the bond payments increased by \$35,000 but the bottom line still looks the same as the previous month. Treasurer Gilster said the extra revenue from building permits is offsetting the increase in bond payments. Going forward Treasurer Gilster will highlight categories that show significant change.

Mayor Anderson addressed City Assessor Rolf Erickson's cancelled report due to illness and asked if Council would like him to make a report at the June meeting. After discussion the Council felt a written report would be sufficient to answer questions regarding the property valuations in Minnetonka Beach. Council Member Taylor would like a response to resident Heather Parris's question about the disparity between valuation rates. Specifically for the list of addresses provided, have a 3-year history of increases or decreases on those properties along with a comparison of Orono and Minnetonka Beach 3-year comparison of valuation increases or decreases.

Mayor Anderson reported that at a recent mayor's lunch they all relayed that all communities are facing property tax increases in the lake area. Resident Heather Parris researched properties but they were not in Minnetonka Beach. The next step for Minnetonka Beach residents is to make an appeal to Hennepin County by May 21, 2014. Staff will send an email blast to remind residents of the closing appeal date. Council Member Skalla talked about the sunset of the provision that didn't allow for an increase of property of tax over 10 percent several years ago. Perhaps Mayor Anderson could contact Representative Cindy Pugh to address this issue. The League of MN Cities would be another contact for lobbyists.

Council Member Skalla inquired about the general bond funds leftover from the water project. There is a time limit of three years to use those funds for anything related to the water main project. Mayor Anderson said the funds were set aside for street repairs. City Administrator Griffin said an option could be apply to the funds to the principal balance. Treasurer Gilster and City Administrator Griffin will provide options to Council at the June meeting.

10. Consent Agenda

Mayor Anderson introduced resident Cory Orehek, 2215 Shoreline Drive. Mr. Orehek stated that he is new to Minnetonka Beach and that he and his family intend to be here for many years. After speaking with residents he became aware of the open position on the Planning Commission. He hopes to bring a fresh outlook to the group and his goal is to alleviate conflicts and encourage open communication especially during the process of building a home in Minnetonka Beach.

- 10.1. Fire Report – April
- 10.2. Consider Approval of Amended Donation Policy (as reviewed by City Attorney)
- 10.3. **Resolution 2014 – 19** – Consider Election Judge Hourly Wage Increase
- 10.4. **Resolution 2014 – 20** – Consider Appointment of Corey Orehek to Planning Commission
- 10.5. **Resolution 2014 – 21** – Dock Applications (Ridgeway, Pottebaum, Studsrud)

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

11. Old Business

11.1. Bench on the Dakota Regional Trail

Resident Mike Bloom addressed Council on the subject of a park bench at the Margaret Dahl Library. Mr. Bloom attended a recent Parks Commission meeting where there was discussion of placing a park bench at the Library. Mr. Bloom said that there was an agreement with Three Rivers Park District that no amenities would be on the trail in Minnetonka Beach. He told the Park Commission that a bench was in violation of that agreement.

The Park Commission did not take directed Council action due to the information Mr. Bloom presented. City Administrator Griffin responded that there is nothing in the user agreement regarding park benches being placed on the trail. Mr. Bloom said at a Council meeting last summer the issue of the bench was discussed and denied however, at the next month's meeting, the issue was reintroduced and approved. Residents were initially told that to alleviate negative effects of the trail noise, no amenities would be in Minnetonka Beach and now five years later we are going back on the promise made.

The current Orono Police incident report has listed identity theft and burglaries as some incidents in the area. Residents along the trail have to be diligent in keeping their garage doors closed and property secure. Mr. Bloom presented 25 signatures of residents against a park bench on the trail. If a trail user wants to sit, there is a bench on City Hall property for their use.

Mayor Anderson stated if Council chooses to reconsider the park bench issue it should be on the meeting agenda. Council Member Bartel stated it should be reviewed if 25 residents are against it. The park bench was requested by residents that live in Minnetonka Beach. Resident Terri Elliott stated that groups congregating along the trail are at times slightly

confrontational. She does not want a bench placed along the trail to encourage people to congregate in Minnetonka Beach. Resident Mike Fasching posed the question that Council should consider the difference between a park and a trail. A park bench is a small thing but can lead to incremental creeping of out of control. This will affect the noise that is already disruptive to residents along the trail. Park bench will become more of an issue. It would be worth giving residents the opportunity to weigh in on this issue.

A motion was made by Council Member Taylor and seconded by Council Member Skalla to reconsider the park bench at the Margaret Dahl Library and hold a public hearing at the June 9, 2014, City Council meeting. With all members voting in favor, the motion carried.

11.2. Minnetonka Beach Mission Statement

Council Member Lindstrom shared a draft of a mission statement crafted by the Planning Commission:

“The Mission of the City of the Village of Minnetonka Beach is to sustain and enhance our unique lakeshore community. We respect our rich heritage, embrace our current character, and look forward to an even more vibrant future.

We commit to:

- *Maintaining and instilling civic pride through continued neighborhood involvement;*
- *Making decisions based on integrity, creative approaches, and fairness; and*
- *Operating in a culture of fiscal responsibility.”*

Council directed the Planning Commission to develop the mission statement which guides in the comprehensive planning process. Resident Helen Lindsay stated that the mission statement was too broad. She questioned Council on what are we preserving. What heritage of Minnetonka Beach is preserved because currently the community is demolishing historic homes, splitting lots, and eliminating the character of the community.

Council Member Lindstrom stated that the comprehensive plan was used to craft the mission statement by consolidating the four community character statements of the current plan. The purpose of a mission statement is to say what the community stands for and to use as a guide. Mayor Anderson feels it should be put into play and can change as the comp plan is changed. Council Member Skalla said obviously Mrs. Lindsay does not think the community is moving in the direction proposed in the mission statement. He said if the mission statement is not going to serve a purpose perhaps it should be postponed until the 2016 comprehensive plan review. Council Member Taylor stated this is a guiding document taken from the comprehensive plan.

A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to adopt the Minnetonka Beach mission statement. Council Members Bartel, Lindstrom, and Taylor voted in favor; Council Member Skalla against, the motion carried.

12. New Business

12.1. Luxury Parade of Homes Special Event Permit Application – 3016 Northview Road – Weekends - June 6-22nd

Will Haack of Gordon James Construction spoke to Council about the Special Event Application. Due to the harsh winter weather a large number of builders have cancelled out of the Luxury Home Tour. Mr. Haack estimates the attendance will drop considerably and is proposing on-site parking for 10 vehicles. City Administrator Griffin explained that the City does not want to have cars parking all over the Village. City Administrator Griffin said no parking was allowed on any City streets during previous tours in Minnetonka Beach due to the narrow roadways. The applicants were required to shuttle people to and from the event. This event is during the prime summer season at the Beach and will cause extra traffic and parking congestion.

Mayor Anderson asked Mr. Haack if the Lafayette Club and St. Martins Church have been contacted for parking options. Mr. Haack stated no contact has been made with them for parking arrangements.

Resident Mike Bloom relayed to Council the issues neighbors of the building project have been experiencing. He stated there are issues with trash, contractors are working after hours and on weekends. Mr. Bloom stated that the builder is running a commercial business by using this home to solicit future projects and this is not a builder that has been good for our community.

Mr. Haack stated they are aware of some issues and are addressing violations because they do want to be a “good neighbor”. Council Member Skalla stated that this permit should have been filed months ago rather than waiting until the last minute because the builder was public about the Luxury Home Tour from the beginning of this project. Council Member Lindstrom said that these types of events are a disruption to residents and the City Ordinance should be amended to limit this type of activity.

After in-depth discussion the Council could consider approving the permit if conditions set forth by Council are met. Mr. Haack stated he will comply with conditions and would like City Administrator Griffin to supply a written document for him to follow. He also suggested that a time frame should be outlined on the Special Event permit application. Council discussed conditions to be met; no on street parking, they must hire a law enforcement officer, signs will be posted the entire length of Northview, Lake, and Westwood Roads on both sides. Sign will state No Luxury Home Tour Parking spaced 300 feet apart and within the 10 foot right of way, and a maximum of 4 cars are allowed to park on the property. A shuttle no larger than a Suburban or van will be hired to transport Luxury Home Tour attendees from their vehicles to the home site.

A motion was made by Council Member Taylor and seconded by Council Member Skalla to approve the Luxury Home Tour special events permit with the understand that all conditions must be in compliance as follows: no on street parking in Minnetonka Beach,

Gordon James Construction must hire a law enforcement officer, Gordon James Construction will post signs stating No Luxury Home Tour Parking the entire length of Northview, Lake, and Westwood Roads on both sides; the signs will be spaced 300 feet apart and within the 10 foot right of way, and a maximum of 4 cars are allowed to park on the property. A shuttle no larger than a Suburban or van will be hired to transport Luxury Home Tour attendees from their vehicles to the home site. With Council Members Bartel, Taylor, and Skalla voting in favor and Council Member Lindstrom opposed, the motion carried.

City Administrator Griffin will provide the list of conditions to the applicant at her earliest opportunity.

Council Member Lindstrom would like to make a recommendation to amend the policy for special event permits. Council Member Lindstrom would like Council to consider luxury home tours and similar events should no longer happen in Minnetonka Beach.

A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to discuss an amendment to the special events policy at the June 9, 2014 meeting. With all members voting in favor, the motion carried.

City Administrator Griffin will check with the Cities of Greenwood and Deephaven for information on their special event policy.

13. Staff Reports

13.1. Public Works Director Young reported he is in the process of spring clean-up. Road restrictions were lifted on May 8, 2014. The streets will be swept the week of May 12 and the speed bumps will be installed.

13.2. City Clerk Tiegs updated Council on the ACH transfer module from Banyon. She also provided a recent update of home sales in Minnetonka Beach.

13.3. Administrator's Report

City Administrator Griffin updated Council of a recent letter from resident Steve and Lynn Foley sent to the City of Minnetonka Beach regarding the short term rental of the property at 2909 Westwood Road. The letter was reviewed by Planning and Zoning Administrator and the City Code is inconsistent. The inconsistent sections of the City code should be forwarded to the Planning and Zoning Commission for review and clarification. At this time the short term rental use does not violate the policy.

A motion was made by Council Member Taylor and seconded by Council Member Lindstrom to refer the City Code definitions 205 to the Planning Commission for review. With all members voting in favor, the motion carried.

Resident Helen Lindsay asked Council about future discussion regarding bee habitats in Minnetonka Beach because City Code does not allow bee keeping. A member of the Bee Squad from the University was scheduled to speak but the forum was cancelled due to lack of interest. Council Member Taylor asked Staff if there was interest in the subject and City Administrator Griffin responded that City Hall received three or four calls after the forum

cancellation asking why it was cancelled. Those residents were interested in the education of bees but not necessarily keeping them. City Administrator Griffin will send a letter to Mrs. Lindsay explaining that at this time the Council will not act on the matter. Council Member Taylor suggested Mrs. Lindsay speak at a Council meeting during open forum to educate and gain resident's support on the issue.

City Administrator Griffin wrote a letter to our legislative representatives regarding Inflow & Infiltration (I & I) legislation which would allow communities to apply for funding for mitigation. An example of funding would be the televising of the pipes to discover cracks and erosion. This is an expensive project that may qualify for funding.

Effective immediately, Planning Commissioner Lee Goehring has resigned his position due to his personal workload and other volunteer commitments. The Planning Commission is short one member.

City Administrator Griffin prepared notes for Council review of the Storm Water Study Session. The Planning Commission meeting on June 2 will be a joint meeting with the Utility Committee to discuss the chart/matrix that was put together by the engineer for the study session.

City Administrator Griffin reported that on May 20th there will be a meeting with the Hennepin County Transportation Department for information and sharing on pedestrian crossings. The City Engineer will attend and it is of interest to Council that Stantec was part of the pedestrian crossing that was installed in Maple Plain. Planning Commission Liaison Lindstrom relayed to Council that a number of residents attended the May meeting because they want timely action for a pedestrian crossing and the Civic Committee has requested that it be put back in the Capital Improvement Program. A Resident group has been formed to explore and push the issue with resident Jim Haag tasked to gather information in support of the project. Mayor Anderson reviewed the history of a pedestrian crossing with Council.

Council Member Skalla asked for clarification on the process when residents bring forth requests/concerns. Council Member Skalla asked if the pedestrian crossing request is enough of an issue to have an open forum and if the community and Hennepin County will provide support for the cost of this project. It seems that action is taking place before the item has become part of the 2015-2019 CIP.

City Administrator Griffin explained the CIP process each year is that all city commissions and committees are asked for input. The information is compiled and given to the Planning Commission for review to determine if the request is consistent with the Comprehensive Plan. The Planning Commission held a public hearing for the CIP in May and it is continued to the June meeting so more information can be gathered.

14. Council Reports

14.1. Mayor's Report – No report

14.2. Liaison Reports

Council Member Taylor reported on the Builders Round Table held at City Hall on April 28. There were four builders represented. Council Member Taylor said that good information was gathered regarding what works and what does not work for the building permit process. There were four issues that the builders shared concerns about:

1. The inconsistencies with interpretation of the City Code.
2. The inconsistency of the application of our City policies.
3. The procedure gives less incentive to the Planning and Zoning Administrator to close and issue permits quickly because he can bill by the hour rather than by a fixed fee.
4. Inconsistencies and interpretation of applying the hardcover application.

Builder recommendations are for consistency among the beach communities. An example is in the City of Orono the building permit fee includes all fees along with planning and zoning administration. In Minnetonka Beach the permit fee does not include fees from the planning and zoning department. Mayor Anderson responded that the builders in attendance were builders that did not follow the check list of information required before submitting their permit application.

Mayor Anderson requested City Administrator Griffin to have a list compiled of the contractors that have worked in Minnetonka Beach during the past year along with any complaints or issues that occurred during a project. This will clarify and demonstrate all sides of the issues.

Council Member Skalla said that builders were hesitant to attend the discussion because they felt the City would not really address issues but justify the process. Council should not dismiss negative comments made by the builders because they are currently building homes in Minnetonka Beach and they are reputable builders. Council Member Skalla stated that the builders should be taken at their word because for whatever reasons, they feel doing business in Minnetonka Beach is different than in other surrounding communities.

Council Member Skalla said the Civic Committee is a formal organization and affects City business so he is requesting meeting minutes. City Administrator Griffin will request meeting minutes from the Civic Committee. Council Member Skalla also stated Council should consider all contracted services with the City go through a bid process every few years. Council Member Taylor asked if there was a policy regarding the expiration of outside contracted services. City Administrator Griffin stated that there is not a policy in place and some contracted services renew automatically but require a 30 to 60 day termination notice.

Council Member Taylor reported that the Mound Fire Department budget goal is an increase of 2% or less. Mound Fire would like to purchase a new ladder truck. Great news is that their pension plan has made up a deficit of almost a million dollars to around negative \$45,000. There are six new firefighters but recruiting is still a challenge. Due to recruitment area wide there is exploration to have a west metro fire department.

- 15. A motion was made by Council Member Bartel and seconded by Council Member Taylor to adjourn the meeting at 10:43 p.m. With all members voting in favor the motion carried.**

Respectfully Submitted,

Diane Tiegs, City Clerk