

**Monday, May 9, 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. Absent: Council Member Mike Taylor and 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 Hugo McPhee, Lake Minnetonka Watershed District (LMCD) Representative Dennis Klohs, and Planning Commission Chair Andrew Myers.

- 1. Mayor Skalla called the meeting to order at 7:00 p.m.**
- 2. Council Member Lindstrom led the Pledge of Allegiance.**
- 3. Approve Agenda for the May 9, 2016 City Council Meeting.**

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

- 4. Approve Minutes**
  - 4.1. Regular Meeting of April 11, 2016

**A motion was made by Council Member Bartel and seconded by Council Member Kozloski to approve the Council meeting minutes of April 11, 2016. With all members voting in favor, the motion carried.**

**5. Open Forum**

**Greg Meland, resident at 1921 Beach Lane** – Mr. Meland informed Council that stormwater travels down Beach Lane and Palm Lane which causes flooding at the Breazeale, Ferguson, Enlow and Palm properties on Beach Lane. Mr. Meland showed Council photos of the flooded areas after a rain. When Mr. Meland built his home, he raised the grade to help with flooding issues. He recently purchased Reuben Palm's property on Beach Lane and plans to tear down and add to his house. If he corrects the drainage issue on this new property, it will affect other properties. He went on to say that the flooding in this area has been a known issue in the City but Council tabled studying the area. Mr. Meland walked the property with City Engineer Darren Amundsen and has spoken with Public Works Director Ben Young. Council Member Lindstrom asked when he plans on doing the construction. He replied that he is finalizing plans and would like to start within a month or two. Council Member Lindstrom explained to Mayor Skalla that the site was dry when the Utilities Commission inspected it and the area had been a high priority area for stormwater issues. She then confirmed the Palm Lane study was tabled until they found out what Mr. Meland planned to do with the property. It is a public to private issue. Mayor Skalla asked Council if they want to refer this to

City Engineer Amundsen to study the area. Council supported the idea of having him study the drainage issue.

**A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to have City Engineer Amundsen submit a proposal for a stormwater drainage study on Beach Lane affecting the Palm, Ferguson, Breazeale and Enlow properties. With all members voting in favor, the motion carried.**

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

### **6.1. Police Report – April**

Sergeant Stensrud stated there was nothing out of the ordinary on the police report. Five citations were issued over the weekend for parking without a permit at the beach. The Wells Fargo Half Marathon had 3,000-4,000 runners and only one complaint. Council Member Lindstrom said she alerted Chief Farniok about a suspicious person parking in the end stall at the Lafayette Club tennis courts at approximately 9:45 pm on various evenings. Sergeant Stensrud said Orono Police have not encountered him. He told Council Member Lindstrom to call 911 when she sees him again.

### **6.2. Guest Speaker – Three Rivers Park District – Dakota Regional Trail Representative Hugo McPhee**

Representative McPhee recently discussed trail saturations with Orono Police Chief Farniok and he learned Orono Police are not going to participate in saturations any longer. Verbal warnings have been given out for 16 low level violations. The most common violation is bikers not stopping at driveways. Council discussed that trail users not stopping at County Road 19 is a big problem. Mr. McPhee also discussed numerous bags of dog waste along the trail from people are not throwing them in trash cans. Three Rivers Park District officers plan to be out frequently in the early season to enforce rules and hopefully change behavior. Last year they used Ambassador Volunteers to educate trail users. Mayor Skalla stated that saturations at the beginning of the year are very helpful. Although Orono Police will no longer participate in saturations, Three Rivers still plans to do saturations in Minnetonka Beach on Wednesdays and Saturdays. Mr. McPhee explained that his staff are trained to not cite people if they are going slow enough that they can look both ways and stop in time if needed at a driveway. Council discussed that residents see stop signs being ignored all the time. Council wanted Mr. McPhee to inform the other officers that trail users not stopping on Lake Road is a very serious problem. Three Rivers Park District issues administrative citations for \$65 to \$95. If they are not paid, the citation is reissued as a Hennepin County ticket. In the past, the county did not prosecute these violators but there is a new county prosecutor who is willing to prosecute. Mayor Skalla stated the City supports enforcement of speed and stop sign regulations. Safety is a big concern. Council thought word of mouth that Three Rivers will ticket people who go through stop signs may be the best way to educate trail users.

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

The Lake Minnetonka Watershed District (LMCD) is looking for a new Executive Director. Mr. Klohs stated that the LMCD Levy for Minnetonka Beach is going up \$319.00 for 2017. He said this amount is a very small percentage of total costs as well as a very small increase compared with other cities. He stated the LMCD has been trying to do too many things. Mr. Klohs is hopeful that the LMCD can go back to focusing on what they do best such as safety and dock regulations and rely on other organizations such as the Minnehaha Creek Watershed District, Three Rivers Parks District

and the DNR to do what they do best. Mr. Klohs informed Council that Sam Heins next to Dock 10 has indicated he will pursue a variance from the LMCD to move Dock 10 to the south.

## **8. Treasurer's Report**

### **8.1. Approve Checks: May**

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to approve 43 checks numbered 15562 through 15604 in the amount of \$55,534.99. 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 stated everything looks on track.

### **8.3. Outstanding Accounts Receivable Report**

City Administrator Griffin said the Bank invoices should be paid now that their Certificate of Occupancy has been issued. She will send a letter to those accounts 90 days past due to explain the assessment process on outstanding receivables.

## **9. Consent Agenda**

- 9.1. Fire Report – April
- 9.2. **Ordinance No. 109, 2<sup>nd</sup> Series** – Amending Section 514 Dogs and Cats: Licensing and Control increasing the limit from two to three animals per household
- 9.3. Consider Staff Recommendation to Hire Liz Honey, Seasonal Beach Clean- up Worker
- 9.4. League of MN Cities Insurance Trust Tort Liability Waiver
- 9.5. Recommendation to change June Council meeting date from June 13, 2016 to June 6, 2016
- 9.6. Authorize Public Works Director to sell Public Works 1990 GMC Truck
- 9.7. Dock Permit Approval – Bank, Dock 24-2 (priority 5)

Council Member Bartel noted that the word “months” was missing in Ordinance 109, 2<sup>nd</sup> Series in reference to the age of the animal. Clerk Honey will make the correction.

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

## **10. Planning and Zoning**

### **10.1. Zoning Administrator (Sambatek) Staffing Update**

Administrator Gozola reported that Laura Chamberlain resigned. Based on his experience with the City and knowledge of the code, he is confident that he can efficiently serve Minnetonka Beach without Laura. He explained that it is helpful to have another planner to do daily building permits and correspondence so Sambatek may consider hiring another planner. If the City prefers to just have one planner, they can request to have Administrator Gozola as the only planner. Mayor Skalla asked Administrator Griffin to calculate the percentage of the billing to date for Administrator Gozola and for Laura Chamberlain.

### **10.2. Zoning Code Amendment Update**

Mayor Skalla stated they will be discussing two parts of the zoning code update. The first update covers Chapters 1 and 2 which have been reviewed by the Planning Commission. The second update discussion is an overview of Chapters 3 and 8 which will be reviewed by the Planning Commission at their next meeting. Concerns brought up by Council on this section tonight will be forwarded on to the Planning Commission for their consideration at the next meeting. Council is reviewing the Chapters in this manner to stay on the zoning code update timeline.

Administrator Gozola reviewed the proposed changes of the zoning code highlighted in yellow in the packet. He stated Chapter One outlines the roles of each party involved. Planning Commission Chair Myers stated some Planning Commissioners wanted to make sure the City Planner does not have authority to act without Council approval. Mayor Skalla stated it is not about supervision but more of the process and deciding if the proposed applications meet requirements. He also stated that Council has final approval. Council Members Lindstrom and Kozloski think the current language is adequate. Administrator Gozola then discussed page 15 which addresses fees. Some Planning Commissioners suggested adding the term “reasonable” but Administrator Gozola explained that fees should never be unreasonable. He went on to say that the term reasonable is subjective. Chair Myers stated the bills from Sambatek are detailed and more transparent than those of the previous Zoning Administrator. Administrator Griffin reviews invoices for accuracy and she has a fiduciary responsibility to citizens. Council prefers to keep “reasonable” out of the language. Administrator Griffin discussed who is responsible to pay for time spent by Administrator Gozola to respond to resident or realtor inquiries about potential projects when there is no application submitted. The City usually pays for an initial consultation for up to an hour with the Zoning Administrator but they need a way to inform people that they will be responsible for paying for his time beyond that. The City may want to update the process by requiring the potential applicant to sign something acknowledging that they will be responsible for fees beyond an hour consultation with zoning. Mayor Skalla asked Administrator Gozola and Administrator Griffin to come up with ideas of how to address this issue.

Administrator Gozola then discussed page 18, Required Action Deadline, and his recommendation which would protect the City from a possible 15.99 claim. State Statute 15.99 automatically approves an application if the City does not take action on an application within a certain timeframe. Administrator Gozola recommended adding language authorizing the Zoning Administrator to forward an application to Council if it is necessary to ensure compliance with state mandated deadlines. He explained that the intent is that the Zoning Administrator can forward an application to Council due to time constraints, for example if the Planning Commission did not have a quorum so they could not review the application. Planning Commissioners were concerned the Zoning Administrator would usurp the Planning Commission and go directly to Council. Administrator Gozola explained this would only happen in special situations as needed to speed up the process and avoid a legal claim. Council decided the proposed language is acceptable and it does not need to go back to the Planning Commission.

Page 23 discusses Zoning Code Amendment Approval Criteria. Planning Commission recommended adding “any other criteria deemed appropriate by the Planning Commission or City Council. Administrator Gozola suggested it needed more specificity or to be reviewed by the City Attorney. Council did not see a need for this criteria because it is broad and unnecessary.

Administrator Gozola stated that current code allows a homeowner up to four years to act on a variance. He suggested this time period is too long because the variance is granted based on facts surround the home at the time it is approved. On page 26, he recommends limiting it to one year with a possible one year extension. The Planning Commission suggested two years with a one year extension. Variances are transferrable with the property. An extension can always be added to the specific variance and approve it as such. Council recommended a limit of one year and extensions of one year may be granted.

Administrator Gozola then discussed the Appeal of Administrative Decisions process on page 37. He recommended setting a statute of limitations for making an appeal. There is no time frame in the current code. He has seen a ten business day limit in other cities. One issue to consider is if a person does not begin work until after the time limit to make the appeal. They could consider the time frame beginning on the date when activity commences. Mayor Skalla said that if someone is building something that is completely within City ordinance, a neighbor has the right to appeal but they probably would not because everything is within code. It really only comes up when there is a dispute of interpretation of code. Administrator Gozola can have Planning Commission determine a time limit or suggest they use the language date upon which authorized activity begins.

Another component on this page is requiring staff to send a copy of their report to the applicant who is making an appeal. Administrator Gozola suggests this should be practice driven and not be part of an ordinance. Council agreed it is best practices and not needed in the zoning code.

Administrator Gozola then gave a quick overview of Chapter 3: Zoning Districts. The lakeshore setback district is the only new district and he will have the details available in the following weeks. He updated the setback table to eliminate redundancy. He is not recommending changes for code that has been working. Administrator Gozola pointed out “Construction Uses and Structures” in the current code. Council could not define any permanent structure for this category. He then discussed possibly having street sideyard setbacks as defined in Chapter 8. Administrator Gozola pointed out that he changed “setback requirements” to “yard requirements”. Council Member Bartel asked that the Planning Commission discuss “corner visibility” on page 58. Even though this requirement is currently in the code, Council asked Administrator Gozola to discuss this with the Planning Commission as it currently may not be enforced and it could possibly change the look of the City. Council Member Bartel asked if cottage businesses are part of the Comprehensive Plan. Administrator Gozola stated this language was taken from the Comprehensive Plan. Council may wish to review the allowable uses and requirements for cottage businesses. Administrator Gozola then discussed existing regulations of development standards on page 61 and stated that other cities have minimum development standards. Council Member Bartel would like to hear what the Planning Commission thinks about minimum standards. Administrator Gozola recommended capping the height of “exceptions to the height requirements” for things like cupolas and flag poles. He asked if Council wants historical structures to be treated the same as all other structures. Council agreed to treat them the same. Administrator Gozola went on to review Chapter 8: Rules and Definitions. Council discussed building height on page 109 and recommended the Planning Commission discuss this section and report back to Council.

Planning Chair Myers stated that he will continue to send the Planning Commissioners emails with the next sections of the code update to review at home so they will be prepared for the meeting. The

Planning Commission will have a public input session for the transportation study at the June meeting.

## **11. New Business**

### 11.1. Personnel Policy Update

Administrator Griffin worked with Council Members Bartel and Kozloski on updating the City personnel policy. Administrator Griffin explained their method of comparing the League of Minnesota Cities model policy with the current City policy. In the end, they favored the LMC policy language and added things specific to Minnetonka Beach such as vacation accrual. She went on to say that they discussed core hours, business hours, benefits for part time employees, back ground checks, and drug screening. The existing policy and the proposed policy are in the Council packet. Council had difficulty comparing the two policies and Mayor Skalla asked if there was a simpler way to compare the policies. Council Member Kozloski suggested using a word document comparison tool which would compare both of the policies. Mayor Skalla requested a list of the major changes as well as a side by side comparison of the proposed and existing policies for the next Council meeting. Council Members Bartel and Kozloski can meet with Administrator Griffin to do this if needed.

**A motion was made by Council Member Lindstrom and seconded by Council Member Bartel to table the Personnel Policy Update to the June 6, 2016 Council meeting. With all members voting in favor, the motion carried.**

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

### 12.1. Council Meeting Action Notes

The City is still waiting to hear from the Minnehaha Creek Watershed District about the phosphorous reduction credits. Council Member Lindstrom asked Administrator Griffin to organize a Utilities Commission meeting to get their input for the Capital Improvement Program (CIP). Council discussed an article about the Metropolitan Council. They will pursue hearing more from the representatives.

### 12.2. Director of Public Works Young

Public Works Director Young reported that he cleaned and televised a portion of the City sewer system from Arcola Lane to Lake Road and Northview Road to the golf course. They didn't see anything out of the ordinary and he will review the video when he receives it. Street sweeping was completed. The City plans to sweep the streets two times next year. He installed speed bumps. The City will be selling the old plow truck through K-Bid. Mayor Skalla asked if he has summer help. He has someone in mind but does not need him yet.

### 12.3. City Clerk's Report

Clerk Honey attended Clerk's Institute training last week. She and Administrator Griffin will be attending E-Pollbook training on May 19<sup>th</sup> and then getting ready for the election.

### 12.4. Administrator Griffin

Administrator Griffin gave Council their new login and password information for their new City email addresses. Clerk Honey will put the new email addresses in the Beachcomber, and include the email addresses in a utility bill insert. Council Members can get an app for their phone to access

their email. Administrator Griffin announced that Jane Burgess will be leaving. Her last day will be June 17.

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to authorize the Mayor and City Administrator to recruit and hire a part time Utility Billing and Postal Clerk and bring it to Council for approval at the June 6, 2016 meeting. With all members voting in favor, the motion carried.**

Council Member Lindstrom asked about status of Infoseek. Administrator Griffin will report on that at the next Council meeting. Administrator Griffin stated that the hardwood floors in the public areas of City Hall will be re-done the week of May 24.

### **13. Council Reports**

13.1. Mayor's Report – Mayor Skalla said the police contract meeting is scheduled for June 28.

13.2. Liaison Reports-

Council Member Bartel – The Park Commission decided to reduce EAB from \$10,000 to \$8,000 on even number years and from \$5,000 to \$2,000 on odd number years for CIP. She asked Director Young when they will be starting the City Hall sidewalk project. Director Young hopes next week when it is not raining. She went on to say the Park Commission discussed goose mess at the beach. The DNR has a new goose removal program with extensive planning and public hearing requirements. They will evaluate the problem this year to determine if they need to start the process next year. Signe Koehler will be leaving the Park Commission. Joe Pagano is interested in joining. The Park Commission is recommending to Council to not pursue the sign at the west end of the City. Lafayette Ridge owners don't want the sign on their private property and further east did not make sense to them. They also decided there are maintenance issues for additional landscaping. Since a sign cannot be placed on Lafayette Ridge property, they recommend not pursuing the sign.

Council Member Bartel asked if the City is considering regulating short term rentals. The issue has been referred to the Planning Commission as part of the zoning code update. Orono put the issue on hold because they already had ordinances in place to deal with issues such as parking and noise.

She went on to discuss the beach area. The Dock Committee wants to possibly store docks on the northerly section of the beach but the Park Commission is against it. The grass gets driven on when people park at the beach and there is little grass left. Public Works Director Young thought of widening that area when he patches with asphalt but they will likely still park on the grass.

Council Member Kozloski – No report

Council Member Taylor – Absent

Council Member Lindstrom – Civic met. They discussed the upcoming progressive dinner and merchandise. Utilities has not met.

**A motion was made by Council Member Bartel and seconded by Council Member Lindstrom to adjourn the meeting at 10:33 pm. With all members voting in favor, the motion carried.**

**PUBLIC IN ATTENDANCE – The following individuals signed the sign-in sheet: Greg Meland, Dennis Klohs, and Sue Kozloski.**

**Respectfully submitted,**

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**Heidi Honey, City Clerk**