

**OFFICIAL MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
April 28, 2015**

1. CALL TO ORDER

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 7:00 p.m.

2. ROLL CALL

Members present: Councilmembers Anderson, Clapp and Grothe. Mayor De La Vega and Councilmember Ansari were absent. Also present were City Administrator Kohlmann and City Attorney Penberthy.

3. APPROVAL OF AGENDA

Clapp moved to approve the agenda as submitted. Grothe seconded the motion. Ayes 3. Motion carried.

4. CONSENT AGENDA

Grothe moved to approve the consent agenda as presented approving:

- A. Regular Meeting Minutes of April 14, 2015
- B. Board of Appeal Minutes of April 8, 2015
- C. Financial Report
- D. Board of Appeal Minutes of April 14, 2015 (Continued)

Clapp seconded the motion. Ayes 3. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

A. Lake Minnetonka Association

Kohlmann introduced Judd Brackett who would speak on behalf of the Lake Minnetonka Association.

Judd Brackett, 125 Woodpecker Ridge Road was present to request our annual support of milfoil treatment in Gideons Bay. He stated it is anticipated that this year, only spot treatments would be done. He stated more and more of the milfoil is being treated. He indicated the DNR allows spot treatments on alternate years.

Clapp stated there is \$5,000 in our budget, and he asked if spot treatments would cost less. Brackett stated it does, but there was added expense in 2014. He stated he needed a reserve to move into a year, because they never know what will happen when they treat the bay. The reserve was hit

for \$10,000 in 2014. He stated he also received funding from Excelsior and Shorewood.

Brackett explained the creation of Lake Improvement Districts (LID) on the lakes which resulted in a taxing district for a bay in Deephaven and Excelsior. It is hoped that program can be expanded into the various bays on Lake Minnetonka.

Brackett responded to questions from members of the audience about treating other bays on the lake. He explained how the areas are currently treated to avoid native plants. He discussed the uncertainty of being able to expand the program into other bays.

Anderson stated we were told the lagoon would be treated last year and it was not. He asked if it would be treated this year. Brackett stated the company the City uses did not treat the bay for some reason. The DNR made an assumption that one person was handling all the City's locations.

Clapp moved to approve the \$5,000 request for the treatment of Gideons Bay which is funded from the Dock Fund. Grothe seconded the motion. Ayes 3. Motion carried.

7. PUBLIC HEARINGS

A. Simple Subdivision – Alan Chazin Homes – PID #27-117-23-24-0010 – Lot bounded by Lakeview and Sunrise Avenues

Kohlmann explained the public hearing process for the benefit those in attendance who might wish to comment on the request.

Erin Purdue, City Planner reviewed basic information about the request for a preliminary plat for a 90,000 square foot site located in the Shoreland Overlay District. It is zoned R-1B and is currently vacant property. She reviewed an overview of the area. Four new single family homes are proposed. She noted there are wetlands on one of the lots. Lot widths range from 75 to 100 feet. All of the lots have double frontage with the exception of Lot 4.

Purdue stated the wetland has been delineated preliminarily, and a final delineation will be forthcoming. One correction will be needed to be made on Lot 1 where the side is shown as a rear setback where it should be a front setback. The lot has plenty of room to accommodate the additional setback

required.

Purdue stated the proposal has been examined to meet all requirements in the subdivision ordinance. Lots are consistent with the Comprehensive Plan, R-1B zoning, and meet the minimum requirements for lot size. She indicated the individual parcels must meet environmental requirements before they can be built. Other issues that are outstanding include a park dedication. Cash is being recommended at the time of the final plat. There are also basic improvements that need to be met such as the placement of monument corners. Erosion control is needed. There are a couple conditions that deal with the wetland ordinance that need to be met.

Purdue stated staff is recommending conditional approval of the preliminary plat. She reviewed the recommendations for approval.

Grothe stated the wetlands will be delineated and not moved. Purdue stated that is correct. Grothe stated he believed the wetland is larger than what is shown. Purdue stated 25' of untouched area around a wetland is what we require.

Grothe asked if there is a reason we would want to require a financial statement. Purdue stated it is part of what we require.

Grothe asked if there should be more of erosion control on this property Purdue stated the City Engineer believed it should be handled by each individual lot and reviewed each time a building permit is issued.

Grothe stated it appears Lot 2 is wider on the Sunrise Avenue side. Purdue stated she misspoke when she said wider. Grothe questioned if the character of the lot is changed if there is a double front yard situation. Purdue stated the ordinance is meant to create uniformity. If the garage is attached, they will still have to be set back in a uniform way from Lakeview Avenue. You also need an additional twenty feet of screening when there is a double front yard.

Grothe asked if the park dedication would come back with the final plat. Purdue stated the cash in lieu should be determined at the time of final plat.

Clapp stated there aren't any proposed grades or showing where the driveways will be going. He stated he wanted to see more on the preliminary plat, because the residents don't know where the drainage will be going.

Penberthy stated if it meets the requirements of the ordinance for the preliminary plat, you can't vote against the request. Basically, you are just drawing lot lines on paper. Nothing will change until there is construction, and then there will be controls in place. There will be another review of this request as part of the final plat process.

Don Peterson, engineer for Alan Chazin Homes stated an earlier proposal for this property was approved for five lots but was never filed with the County. He stated they made the decision to reduce this to four lots. He stated all the driveways are proposed to be on Sunrise Avenue with the exception of Lot 1. The City can decide where they want the driveways to be located. He stated we had to wait until the frost was out for the wetland delineation. He just received the drawing today and more will be submitted to the City. The wetland will be shown on the final plat. They have already met with the MCWD. The setback from the wetland has been increased to 25' per their request. He stated grading and drainage plans will be provided at the time of the building permits.

Grothe asked if the wetland plan has changed from what is being shown tonight. Peterson stated it is deeper but pretty much the same width. It will impact the building pad for Lot 1. He stated Mr. Chazin has received one call from a resident regarding drainage.

Anderson opened the hearing for public comments.

Linn Maki, 200 Sunrise Avenue asked if any of the people who have spoken have driven in this area. She stated this is a wetland area. It was originally a pond, and it tries to go back to a pond whenever it can. She invited people to come down there after a rain. Sunrise Avenue floods when it rains. The drainage is horrible, and extra water drains into this property. Lakeview Avenue is a little country lane and not a street.

Mickey Christiansen, 175 Lakeview Avenue stated this area was always wet until the owner put fill into it. There weren't any problems with wet basements until that happened in 2002. She believed the water is an issue and should be dealt with as one piece of land and not as separate lots.

Mike Maki, 200 Sunrise Avenue believed the property should be returned to its former wetland as shown in the photo provided this evening. He believed something should be left natural.

Dave McCulloch, 235 Lakeview Avenue asked that it be determined whether or not it is really a wetland. Grothe stated that was done. The results of the test are provided. McCulloch asked if it could be questioned. Grothe stated the applicant has gone through all the proper channels. Purdue stated they will be required to go through the MCWD and DNR processes for this request. McCulloch stated he wants to talk to whoever will be doing that. Penberthy suggested they contact the owner to find out who they talked to. McCulloch asked if there is a reason the request was not approved before. Peterson noted one lot was approved. Penberthy recalled there was an approval for a simple subdivision to divide into two parcels, and that's as far as it got.

Candace Gordon, 220 Sunrise Avenue asked where the parkland would be. Grothe stated a portion of the property is usually given back to the City. In this case, you ask for a fee based on land value. We will request a monetary fee in lieu of a land dedication.

Gordon stated she didn't understand why the drainage plan wouldn't be done during the plat approval process. Clapp stated it isn't part of the preliminary plat process here. Gordon discussed the drainage problem at the end of Sunrise, and indicated the City has no storm water drainage system in that location. They have water that runs through there and goes to the fire lane. Is there something the City can do to put in some kind of drain to alleviate that issue? Grothe stated it is something outside of this request. Penberthy stated the issue could be addressed. Gordon stated it might be tied into this request. Penberthy stated the emphasis is on "might".

Tim McClellan, 220 Sunrise Avenue discussed drainage plans in the area. Penberthy discussed the current drainage system on Sunrise Avenue.

Annick Pratbernon, 180 Lakeview Avenue stated she is concerned that anything that will be done on this property will impact her home. She had serious flooding on her property last year. She discussed her concerns about drainage and the four new homes that will drain onto her property.

Sharon McCarthy, 230 Sunrise Avenue stated there are a lot of questions about how this property was delineated and how it was filled over the years. She stated it is concerning that there isn't a representative from the LMCD or DNR about how the property was delineated. The water is a problem. If we don't address it as one large parcel, there will be more problems down the road.

Christiansen asked if the ditch was constructed by the City. Penberthy stated that wasn't the City's ditch. He stated he didn't know how it became to be.

Mike Maki asked if the driveways on Sunrise can be as wide as they want. Penberthy stated they can only be a certain width. No variances are allowed under DNR rules.

McClellan asked if there is a way to find out what the delineation is. Kohlmann asked Peterson to explain how a wetland is delineated.

Peterson discussed rules which protect wetlands and how they are designated. In most cases, they are determined by the type of vegetation and how long they stay wet. He stated the delineation is done by a certified wetland delineation expert. He stated they are willing to do whatever is required by the City. Penberthy suggested contact information be provided for himself and copies of the delineation be provided for whoever requests. Peterson agreed he would do that.

McCulloch stated in the Nine Mile Creek Watershed rules, a wetland is an area for water to pool up. He stated that is why he would like to dispute the delineation. Penberthy stated Nine Mile Creek has no jurisdiction in Tonka Bay and suggested McCulloch contact MCWD with his questions.

Tom Aldritt, 105 Sunrise Avenue discussed his concerns about drainage and stated once the curb was put in, the problems increased. Clapp asked when the curb was installed and if it was a request was by the owner. Penberthy stated it was by the request of the owner. He guessed it was done about ten years ago.

Scott Schmitt, 165 Lakeview Avenue stated there is standing water on that property all year long. He believed the wetland delineation is accurate. The fact still remains the soil does not absorb the water, and it goes into the street. He stated it will be a City problem soon.

A member of the audience asked if the City Council would have the ability to approve the drainage plan per the City Engineer's recommendations. Penberthy indicated they would.

Clapp moved to direct staff to prepare Resolution 15-07 approving the

preliminary plat subject to conditions listed in the staff report. Grothe seconded the motion. Ayes 3. Motion carried.

8. **OLD BUSINESS**

None

9. **NEW BUSINESS**

A. **Temporary Sign Permit – Sanctuary Salonspa**

Kohlmann requested a temporary sign permit request from Sanctuary Salonspa.

Grothe moved to approve the request for a temporary sign permit for Sanctuary Salonspa. Clapp seconded the motion. Ayes 3. Motion carried.

B. **Deer Feeding**

Kohlmann reviewed information provided regarding deer feeding. Information from the City of Shorewood has been provided. He indicated Mayor De La Vega would like to be part of the discussions on this item.

Grothe moved to continue this item to a future City Council meeting. Clapp seconded the motion. Ayes 3. Motion carried.

C. **Employment Agreement**

Kohlmann stated the employment agreement has been provided, and Lindy Crawford is in attendance tonight. She will be starting on May 18.

Clapp moved to approved the employment agreement and adopt:

**RESOLUTION NO. 15-08
A RESOLUTION**

Grothe seconded the motion. Ayes – Anderson, Clapp and Grothe. Motion carried.

10. **MATTERS FROM THE FLOOR**

None

11. **REPORTS**

- A. **Administrator** – Kohlmann stated the first quarter revenue and expenditures report has been provided for review. The General Fund is at 24.1% which is slightly under budget. Clapp thanked Kohlmann for his service to the City of Tonka Bay.
 - B. **Anderson - Finance, Fire Lanes and Public Access, Technology** – no report
 - C. **Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – absent
 - D. **Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC** – Grothe stated “no fishing” signs need to be back on the dock gates. Penberthy stated the shoreland restoration area is also a “no fishing” area. He also stated he wasn’t sure what was decided about whether Woodpecker Ridge Road is on for seal coating this year. He stated there are some horrible cracks on the road now. Kohlmann stated another layer will be installed on Woodpecker Ridge Road by the property owner who did the slurry installation previously.
 - E. **Clapp - Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks** – no report
 - F. **Attorney's Report** – no report
 - G. **De La Vega - Public Works, SLMPD, Administration** – absent
12. **ADJOURNMENT**
There being no further business, it was moved by Clapp to adjourn the meeting at 8:33 p.m. Grothe seconded the motion. Ayes 3. Motion carried.

Attest:

Clerk