OFFICIAL MINUTES

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
May 13, 2014

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

3. **APPROVAL OF AGENDA**
Anderson moved to approve the agenda as submitted. Clapp seconded the motion. Ayes 4. Motion carried.

4. **CONSENT AGENDA**
Ansari moved to approve the consent agenda as presented approving the regular meeting minutes of April 22, 2014. Anderson seconded the motion. Ayes 4. Motion carried.

Ansari stated she wanted to go on record as saying it is important to look at the requests coming in for homes. She didn't believe the architects were being held accountable for this request. She believed there is a lot of impact to the adjoining property on the north side that could have been changed. De La Vega noted we are restricted to what is presented to us and must abide by ordinance requirements. Penberthy stated if someone asks for a variance, there is good case law for the Council to question the variance issue without redesigning the home.

Anderson moved to adopt Resolution 14-08, Variance/CUP – 275 Lakeview Avenue. Clapp seconded the motion. Ayes – Ansari, Clapp, De La Vega and Anderson. Motion carried.

5. **MATTERS FROM THE FLOOR**
None

6. **SPECIAL BUSINESS**
None

7. PUBLIC HEARINGS

A. Variance/CUP Request – Griffin, 4240 Circle Road

De La Vega stated the applicants have requested this public hearing be continued.

Anderson moved to continue the public hearing for 4240 Circle Road to the May 27, 2014 meeting. Clapp seconded the motion. Ayes 4. Motion carried.

B. First Reading – Section 803, Cable TV Franchise

Kohlmann stated this is the first reading for an amendment to the cable TV franchise ordinance.

Councilmembers discussed changes to the language of the franchise agreement.

De La Vega suggested the language be changed to: "the City Council may decrease or increase the PEG fees at any time".

De La Vega moved to amend the language as discussed. Anderson seconded the motion. Ayes 4. Motion carried.

8. OLD BUSINESS

A. Animal Ordinance Review

Kohlmann stated the current and proposed uniform animal ordinances are attached for review. He stated the uniform ordinance is for preliminary discussion and has been adopted by several South Lake cities already.

De La Vega stated although this is considered uniform, all cities have amended to meet their particular city's special needs. He discussed our current ordinances. Penberthy gave a historical perspective on the "donkey" ordinance.

Penberthy asked what the problem is in Tonka Bay that would require the adoption of the uniform ordinance. He stated the enforcement now is of the current ordinance and State statutes.

De La Vega stated he had heard this was being proposed so there would be uniformity from one SLMPD city to the next. He noted every City has their nuances in spite of what this ordinance says. He was concerned about the noise portion of the ordinance and the detail included in the

ordinance.

Ansari asked if we choose not to adopt this, will this throw a monkey wrench in the works. De La Vega stated the police would still enforce our current ordinance. He stated the new ordinance will regulate more animals. As Penberthy indicated, exotic animals are covered by State statute. He wasn't convinced all that is in the ordinance is needed. He didn't know what problems will be solved by the passing of this ordinance. Council concurred that there isn't a real advantage to Tonka Bay to pass this ordinance.

B. LRT Trail Bridge

Kohlmann stated portions of the plans have been provided by Three Rivers for the Council's review and staff's signature prior to submittal to the State.

De La Vega stated on sheet C31, there is some signage that needs to be changed. He stated the color of the bridge and materials used are not provided, and he is interested in that for coordinating the City monuments.

Clapp noted the existence of a 16-car parking lot south of the former All American Recreation building. De La Vega stated there is no way to get to it. He stated if they are expanding the parking lot without coming to the City for approval. It was believed the parking is temporary and would go away when the construction has been completed.

Anderson moved to authorize City Administrator Kohlmann to sign the construction documents. Ansari seconded the motion. Ayes 4. Motion carried.

9. NEW BUSINESS

A. LMCD Representative

Kohlmann stated Doug Babcock has resigned as LMCD representative after seventeen years of service. De La Vega stated Doug has done an excellent job serving the citizens of Tonka Bay. He was sorry to see him leave and wished him well. He recommended a plaque or some sort of recognition be provided.

De La Vega moved to accept Babcock's resignation. Anderson seconded the motion. Ayes 4. Motion carried.

Kohlmann stated Councilmember Clapp has offered to volunteer as LMCD

representative. A resolution could be provided for adoption at the next meeting.

Clapp stated he would be happy to serve as the LMCD representative. He wondered if the City has to do its due diligence and advertise the position.

De La Vega stated he would like Clapp to serve until the end of the year, and we will have an opportunity to review all our appointments the first of the year.

Anderson moved to appoint Jeff Clapp as interim LMCD representative and confirm this appointment through adoption of a resolution at the May 27, 2014 meeting. Ansari seconded the motion. Ayes 4. Motion carried.

B. **Fourth of July Fireworks**

Kohlmann stated we have a request for Fourth of July funding. This is an annual request. Historically, the City has provided funding for police services at the event.

Clapp moved to authorize $1500 for the Fourth of July police services. Ansari seconded the motion. Ayes 4. Motion carried.

C. **Scenic Byway Resolution**

Kohlmann stated information is provided on the scenic byway proposed including the route and what there is to see. The resolution included supports the continuation of further study.

Councilmembers discussed the scenic byway and its highlights.

Anderson moved to adopt:

RESOLUTION NO. 14-12

A RESOLUTION AUTHORIZING A FEASIBLITY STUDY FOR A LAKE MINNETONKA SCENIC BYWAY CONCEPT

Clapp seconded the motion. Ayes – De La Vega, Ansari, Anderson, and Clapp. Motion carried.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator – Kohlmann stated the speed trailer results for Birch Bluff Road are attached. The trailer collected data from both directions. Data was collected in June of 2013.

De La Vega asked if there is a plan to repeat the collection. Kohlmann stated there isn't a plan to do so.

Clapp stated the number of vehicles is a concern to him. De La Vega stated there are 500 per day which is incredible.

De La Vega stated there are alternatives to alleviate the problems. He suggested police patrol in the area during peak hours. As a short term solution, he suggested raising the awareness.

Phil Roe, 85 Birch Bluff Road discussed his concerns about the aggressiveness of the drivers along Birch Bluff Road. He stated it is keeping residents off the streets because of the dangerous situation. He stated there is also a resident who now has his own speed limit sign. FedEx trucks are also unsafe drivers.

The possibility of installing speed bumps and closing off the street were discussed. Roe offered to ask neighbors what they believed would be a viable solution to the problem. De La Vega stated there is definitely a problem, but he didn't want to solve the problem unless it is palatable to the residents of the area. He welcomed Roe to come back to a future City Council meeting.

Clapp stated the residents should be given the option of installing speed bumps or closing off the street. He stated either way it goes will affect the Public Works Department.

B. Anderson - Finance, Fire Lanes and Public Access, Technology – no report

C. Ansari – EFD, Sanitation and Recycling, Southshore Community Center – no report

D. Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC – none

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** – De La Vega stated he will be attending a SLMPD Coordinating Committee meeting on May 14.

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 8:18 p.m. Clapp seconded the motion. Ayes 4. Motion carried.

Attest:

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Clerk