

**OFFICIAL MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
June 14, 2016**

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, Clapp and Grothe. Also present were City Administrator Crawford and City Attorney Biggerstaff.

3. APPROVAL OF AGENDA

Anderson moved to approve the agenda as submitted. Ansari seconded the motion. Ayes 5. Motion carried.

4. CONSENT AGENDA

Anderson moved to approve the following consent agenda items:

- A. Regular Meeting Minutes of May 24, 2015: Page 3 of 7, second paragraph – Grothe questioned the need for the utility easements. Page 4 of 7, 4th paragraph, change Grothe asked to Grothe stated. De La Vega stated we should also include discussion of the encroachment onto the other property on page 4 of 7, paragraph 9.
- B. Resolution 16-19, 80 Wildhurst Simple Subdivision
- C. Hennepin County Letter of Support – De La Vega stated he would also like to pull this item for more discussion. Anderson stated it is in the year 2021 that they would request the funding from the Federal government. De La Vega stated he was glad to see this bridge getting some attention.
- D. Resolution 16-20, Appoint Election Judges and Establish Absentee Ballot Board

Ansari seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

- A. Dennis Richards, 5100 Manitou Road discussed an e-mail he sent to the City Council. He summarized his concerns about the request under Item 6A.

6. SPECIAL BUSINESS

- A. LMCD Review and Comment – 10 Crabapple Lane

Crawford stated this was not a public hearing. As an adjacent property owner, the City was given an opportunity to comment. She reviewed the details of the LMCD variance request.

De La Vega stated we do not have the authority to make the decision, that rests with the LMCD. He asked for City Council input.

Clapp asked if the LMCD had anything else we should know about. A member of the audience stated it is on the July agenda.

De La Vega stated the issue would be that the property line would be encroached upon when the boat is at the dock. He stated the proposed dock deck section, in his mind, would be a question where it is part of the deck or separate.

Clapp asked if there would be a setback for the dock that appears to be on shore. **Gregg Thomas, LMCD Representative** discussed how the setback requirement would be determined for areas in the water. If it is on the water, LMCD has jurisdiction. Following discussion, it was determined the deck on the dock would require a variance from the City.

Clapp noted the deck couldn't be installed until the variance from the City was approved.

Clapp asked if the neighbor at 20 Crabapple Lane would be willing to move his dock. **Jerry Martin, 10 Crabapple Lane** noted the dock is permanent and cannot be moved.

Clapp asked how often similar variances are approved at the LMCD level. Thomas explained how this was an unusual request due to converging lot lines. He did indicate there haven't been a lot of these requests, and hardship must be proved for the LMCD to consider approving such a request.

Clapp asked what would happen if the boats were switched. Martin discussed issues with drainage off County Road 19 that causes fill issues. He would switch them if he was permitted to dredge the area.

De La Vega stated he would like to enter into an encroachment agreement between the City and the property owner regarding the usage if the application was approved by the LMCD.

B. LMCD 2017 Budget

Gregg Thomas, LMCD Representative updated the City Council on recent LMCD activity which included: participation in Celebrate Wekota in April, contracting with Three Rivers to perform aquatic invasive species inspections, successfully completed the annual financial audit, held boater safety training, gave Lindbo Landing the go ahead to submit their marina expansion application following a successful EAW, and meetings with Hennepin County Sheriff's Department to consider creating a dedicated landing for emergencies. He stated the Board also approved the 2017 LMCD budget.

Jim Brimeyer, LMCD Executive Director discussed the proposed 2017 budget. He stated the proposed levy would increase by 6.3%. He stated Tonka Bay's share was 2.4% which would be a slight increase over 2016. He also discussed recently held boater safety programs.

C. Chamber of Commerce – 4th of July

Laura Hotvet, Chamber of Commerce Executive Director discussed the 4th of July annual event held in Excelsior since 1888. She stated costs continue to rise.

De La Vega asked how much the bill from the SLMPD and EFD was last year. Hotvet stated there is a new police chief and wasn't sure if there would be a change. She attended the EFD meeting, and their bill would be around \$4,000 this year.

She presented a video showing a recent celebration. She stated volunteers are still needed for the event.

De La Vega asked why we are paying for SLMPD and EFD again if we already contribute to their budget on an annual basis. Hotvet stated safety was the top priority. De La Vega stated he didn't see why SLMPD charged a ten percent administrative fee on top of salaries in the past.

Clapp asked if other cities were asked for increases. Hotvet stated one city increased their donation. She stated she would like an increase of 25% this year.

De La Vega stated this has been part of our budget for many years, and he didn't think there had been an increase in recent years.

Clapp asked if we had another \$500 to add to our currently budgeted amount.

De La Vega stated we should discuss adding to the amount when we are budgeting for next year. He stated there are a lot of our own expenses.

Crawford stated \$1500 has already been paid this year as we were invoiced.

Hotvet stated there is a link on their website for donations for the event.

7. **PUBLIC HEARINGS**

None

8. **OLD BUSINESS**

A. **Special Event – Lake Minnetonka BBQ & Beer Fest, Temporary Liquor Permit**

Crawford stated the special event was approved in November 2015 for the event at Manitou Park. Tonight's request was for a temporary liquor permit for Hazellewood Grill & Tap Room for liquor sales. Crawford stated the actual event is on August 13, and they do have the park reserved for the 12th as well. Hotvet indicated the 12th would be for set up.

Clapp asked if they are the only vendor serving liquor. De La Vega stated they are not, and the license needs to be for one vendor.

Hotvet updated the City Council on this event. She noted there is a website dedicated to this event. There will be 36 barbecue teams, and there is a 12-team waiting list. She thanked the volunteers who painted the rink. She discussed plans for craft beer service and musical entertainment. She also thanked staff for removing two of the posts adjacent to the parking lot so vehicles could easily access the site. She indicated there would be a shuttle service from several locations. The plan is to only have the shuttle bus entering/exiting the parking lot.

Crawford stated there would be a safety meeting in July to go over final details on the event.

De La Vega asked if the trail construction would be completed by then. Crawford indicated the work should be completed the end of June.

De La Vega asked if there would be a charge for the event. Hotvet stated there would be a charge for the beer. Hotvet stated there would be food trucks and family friendly events for use.

De La Vega stated the request would be to approve a 1-4 day temporary liquor permit for Hazellewood Grill & Tap Room.

Anderson moved to approve the temporary liquor permit for Hazellewood Grill & Tap Room for August 13, 2016 at Manitou Park. Clapp seconded the motion. Ayes 5. Motion carried.

B. Special Event Amendment – Minnetonka Explorers Club Field Day

Crawford reviewed the request for a special event amendment for the recently approved Minnetonka Explorers Club Field Day at Manitou Park. **Kari Kroll, Minnetonka Explorers Club representative** indicated more kids have signed up than what was originally anticipated. Kroll indicated more port-o-potties would be brought in. Kroll also described what events would be held.

Anderson moved to approve the amended request. Clapp seconded the motion. Ayes 5. Motion carried.

9. NEW BUSINESS

A. Temporary Seasonal Sales Permit – Untiedt’s Garden Market

Crawford stated this is an annual request for the sale of seasonal fruit and vegetables.

Anderson moved to approve the temporary seasonal sales permit for Untiedt’s Garden Market. Ansari seconded the motion. Ayes 5. Motion carried.

C. Entrance Monument Sign Quotes Entrance Monument Sign Quotes

Crawford reviewed quotes for an entrance monument sign. She discussed funding possibilities. She also reviewed a picture of the proposed sign at the south end of the city.

De La Vega noted the sign would match the existing fence. He stated painted aluminum was not a very durable choice and could rust easily or be damaged. He believed powder coated would be good and anodized aluminum would be the best choice.

Grothe stated he would lean towards the powder-coated option. He stated anodized would be better, but the cost would be a concern.

Clapp also favored powder coating.

De La Vega stated the Sign Source had undesignated shipping costs in their quote. He believed a ten percent addition would probably cover the shipping costs. He suggested a not-to-exceed amount should this quote be accepted.

Anderson moved to approve the quote from Sign Source for a powder-coated sign in an amount not to exceed \$7,000. Clapp seconded the motion. Ayes 5. Motion carried.

C. Dock Gate Locks Quotes

Crawford stated staff has researched the cost of dock gate locks for discussion and inclusion in the 2017 budget.

Clapp stated this would be a good idea for the 2017 budget so dock renters could be informed they would be installed. He stated the best option would be the kind that would have a separate code for each renter.

De La Vega agreed it should be a budget item.

D. Credit Card Policy and Agreement

Crawford stated staff was directed to create a credit card policy and agreement for review and approval.

De La Vega suggested minor changes.

Anderson moved to approve the credit card policy and agreement as amended. Ansari seconded the motion. Ayes 5. Motion carried.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator – Crawford stated we have seen a couple requests come through for solar panel installation, and we don't have any language in our

ordinance addressing this type of construction. She requested ordinance language be created. De La Vega suggested residential wind turbines also be addressed. Biggerstaff stated solar panels could be addressed in the zoning ordinance. He stated sample policies have been created which could be reviewed. Crawford stated we could probably say it would be an accessory use. Staff was directed to research an ordinance. Crawford stated she would be at a League of Minnesota Cities conference the rest of the week.

- B. **Anderson - Finance, Fire Lanes and Public Access, Technology** – no report
- C. **Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – Ansari stated there could be a financing opportunity for the aerial truck purchase. Biggerstaff discussed the need to look at each city to see if they are permitted by law to help with financing.
- D. **Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC** – Grothe stated Ryan Foss, a Tonka Bay resident, was unable to complete a fundraising race across the Pacific Ocean due to an injury his teammate sustained.
- E. **Clapp - Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks** – no report
- F. **Attorney's Report** – Biggerstaff stated we need additional guidance from the City Council on what should be done with the tower and whether it is up-to-date technologically. He discussed options to: do nothing, seek an agreement with Nextel allowing the City ownership, approach the other tenant to see if they wanted to become the owner, or to require Nextel to return the land to its original condition. De La Vega stated he thought there was a provision that if they left, they would have to construct a new tower or dedicate the current one to the City. Biggerstaff stated he would take another look at that. De La Vega stated the second option would be his preference which would give the City ownership. De La Vega asked what the remaining rental agreement would be from the other tenant. Crawford stated she would find that out but believed it is a significant amount. Biggerstaff stated another option would be to rent space on the water tower which could be explored. De La Vega stated we might want to look at the third-party brokerage possibility again.
- G. **De La Vega - Public Works, SLMPD, Administration** – De La Vega stated we have received a letter from William Davy that he would not be renewing his contract as City Assessor. He stated he reviewed an RFP which the City Attorney was also reviewing. It would be brought to the next meeting. He stated they are reviewing a new idea for SLMPD funding options. The option would be for the city of Shorewood to have two votes on the JPA and pay fifty percent of the budget. The simple majority would

be required for votes (3/5). Any future amendment to the JPA would require unanimous votes. The definition of a quorum may need to be redefined. A majority vote would be required to pass the budget. He asked the City Council for their thoughts. Grothe understood why Shorewood wanted to do it. Clapp stated he supported the changes.

12. **ADJOURNMENT**

There being no further business, it was moved by Anderson to adjourn the meeting at 9:13 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk