

**OFFICIAL MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
August 25, 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: Mayor De La Vega, Councilmembers Anderson, Ansari, Clapp and Grothe. Also present were City Administrator Crawford and City Attorney Penberthy.

3. APPROVAL OF AGENDA

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

4. CONSENT AGENDA

Anderson moved to approve the consent agenda as presented approving:

- A. Budget Work Session Minutes of August 11, 2015**
- B. Regular Meeting Minutes of August 11, 2015**
- C. Resolution 15-15 – Variance – Pfohl, 165 Woodpecker Ridge Road**
- D. Resolution 15-16 – Variance/CUP – Schwartz, 195 Mound Avenue**
- E. Financial Report**

Clapp seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

A. Lake Minnetonka LRT Regional Trail Update

Crawford stated representatives from Three Rivers Park District and SRF Consulting are present to update the City Council on the status of the LRT Regional Trail.

Jonathan Fleming, Three Rivers Park District reviewed the history of the trail project and explained why it wasn't built as originally planned. He indicated the long term solution is to still build a grade separated crossing that would likely be in conjunction with road reconstruction of County Road 19. Right now, this is not in the 5-year plan. He noted there is funding for next year to review other options. In the meantime it is important to move as quickly as possible to do improvements at the current site.

Craig Vaughn, SRF discussed what is being proposed at the current site. He reviewed a number of solutions proposed to improve the trail crossing. He stated a flashing light will be installed which can be turned on when a pedestrian or bicyclist reaches the intersection. He reviewed aerial photographs of the existing intersection.

Josh Bowe, SRF Consulting discussed the public meetings held and the three options which were voted on. He stated work sessions were then held to discuss the results. He stated another open house will be held on September 10 at 4:00 p.m. to review the preferred option. After the open house, they will come back to the cities to get formal approval from the city councils. Design will begin over the winter months with finalization of the project next summer.

Grothe asked if the left turn to the Xcel property is of any concern to them. Bowe stated a video showed there were very few vehicles turning onto the site during the day.

Grothe stated he dislikes the road reflectors as it makes it difficult to see someone standing at the intersection. He believed the flashing sign would be helpful. He stated there needs to be a barrier to keep people from going over into the bike lane.

Ansari asked if people understand the hash mark bike lane. Bowe stated symbols are also proposed. Grothe suggested painting the bike lane green to see if that helps.

Clapp stated the proposal is not going to work. He believed it is a temporary fix. The only safe option is an overhead bridge. He stated the problem is vehicles not knowing what to do especially when the light starts flashing. Bowe stated it is a mid-block crossing, and cars have the right-of-way. He indicated walkers will know to cross when the vehicles slow down. Clapp stated it still won't work. Clapp stated there isn't any additional signage proposed for vehicles.

Grothe agreed an overhead bridge is the best option. Bowe stated an education component will also be developed.

De La Vega asked if a flashing red light is an option. Bowe stated the flashing red light has not been approved by traffic safety features which can be implemented. De La Vega suggested another blinking light be installed

farther away as a warning. He also asked if there will be enough room for a car to veer off in case of a sudden stop incident. Bowe stated they haven't got to that sort of detail in the planning.

De La Vega asked who is responsible for maintaining the vegetation in that area. Bowe stated they haven't reached that point in the details, but either Hennepin County or Three Rivers Park District would be responsible.

B. Municipal Dock Hearing

Crawford reported a notice for hearing for slip #22 was sent to the renter's last known address. She reviewed the background of the rental and non-payment of fees and discussed outstanding payments required. She stated staff is recommending the City keep the \$800 cash currently on hand and request the \$860 which has been promised and revoke the license. Revocation would be effective September 8.

De La Vega asked if the boat has been secured at all. Crawford stated staff was waiting for this hearing.

Clapp asked about the \$860 which was "set aside". Crawford stated has been waiting per Council action to advise the renter what to do. Penberthy stated if the permit is revoked tonight, the \$860 becomes part of the collection process.

Clapp believed they should be removed as of the end of the month. Penberthy stated if the permit is revoked, the renter has to remove the boat within ten days. He stated a notice the permit has been revoked has been prepared. He stated there is a renter who is willing to move into the slip. The problem will be getting the boat out. He discussed the issue about the renter not getting the notice to remove the boat.

Council discussed the boat removal process. Crawford asked if the police or fire could remove the boat. Penberthy stated they could not; a special boat removal company should be used.

Clapp asked if there has been any talk about criminal action. Penberthy discussed options available.

De La Vega stated we need to find out how this even happened and why the boat was docked for so long.

Anderson moved to revoke the dock permit for slip #22 effective immediately and authorize staff to send notice that unless the boat is removed by September 8, the City will remove it, and further authorize staff to proceed to attempt to collect the balance due and to bring back to the Council or pursue a criminal action under the NSF statute. Grothe seconded the motion. Ayes 5. Motion carried.

7. PUBLIC HEARINGS

A. First Reading – Amend Section 710 – Public Peace

Crawford stated there is a need for a process to allow special events in public parks. A draft special event process and application is provided for review as well as an amendment to Section 710 to allow alcohol in public parks.

De La Vega asked if special event should be referenced in another document. Penberthy stated language could be added in the ordinance.

Grothe asked if the same word as is used under fireworks could also be used where it refers to special permit. Penberthy stated special permit refers specifically to fireworks.

Council discussed the wording. De La Vega suggested additions and changes to the special events instructions and the application. He stated sanitary facilities need to be added to the application.

Council discussed referencing the special events application in the ordinance.

De La Vega opened the public hearing for comments.

Laura Hotvet, Excelsior-Lake Minnetonka Chamber of Commerce explained how they work this permit with alcohol in Excelsior and the need to have someone with off-site catering licenses through the State.

De La Vega closed the public hearing.

Staff was directed to prepare the documents to reflect tonight's recommended changes and bring back to Council for a second reading.

8. OLD BUSINESS

A. Second Reading – Amend Section 600 – Liquor

Crawford stated the requested changes were made to the proposed ordinance amendment.

De La Vega suggested the number of licenses available not be indicated in the ordinance. He asked what the definition of beer vs. malt liquor is. Penberthy indicated it was statutory, and the statute can be provided.

Council discussed Section 600.02 and reference to social events and sponsors. De La Vega believed sponsor should read special event organizer. Council discussed temporary licenses. Ansari explained how other cities handle off-site liquor sales and licensing.

Council will reconsider this item at the next City Council meeting.

B. Second Reading – Amend Section 1024 – C-2 General Commercial District

Crawford reviewed information provided for the second reading of this ordinance amendment.

De La Vega discussed the amendment to the brewery and taproom language relating to barrel production. Crawford stated the number of barrels is a state statute.

Anderson moved to approve the Ordinance 2015-02 amending Section 1024. Ansari seconded the motion. Ayes 5. Motion carried.

Anderson moved to adopt: RESOLUTION NO. 15-18, A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF AN ORDINANCE OF THE CITY OF TONKA BAY, MINNESOTA AN ORDINANCE AMENDING CHAPTER X - ZONING, SECTION 1024 C-2 GENERAL COMMERCIAL DISTRICT. Ansari seconded the motion. Ayes – De La Vega, Ansari, Anderson, Clapp and Grothe. Motion carried.

C. Monument Signs

Crawford stated staff has been working with Hennepin County and Tonka Village to determine the best location for our monument signage on the south side of Tonka Bay. Staff has confirmed the location of County easements, so if the sign were in the way for a project, signage could be demolished. There are existing sight line easements along Smithtown Road, so no one is allowed to place signage there. The property owners

do not wish to add an additional sign to their monument sign. Staff has concluded the best location would be on the retaining wall closer to Country Club Lanes. The City is responsible for maintaining this wall, and a copy of language from the agreement is included in the packet. Staff believes lettering would be more cost effective and easier to maintain over the years.

De La Vega noted the style of lettering could be discussed at the Park Committee level. He discussed lettering styles that would be most appropriate.

Grothe stated his biggest concern is the visual side of this location. He stated he would have to look at the sight line restrictions. He stated there is always going to be the issue of constructing on a right-of-way. He believed it could be constructed on the County right-of-way without being in the way. He stated the problem with having a committee picking the font style is the number of choices available.

Ansari stated she liked the idea of the Parks Committee picking the style.

Grothe stated in terms of signage, it is best to keep the wording down to a single line. He asked if a similar style of lettering would be at the north end.

Crawford asked if she would provide choices for the Parks Committee. De La Vega stated that would get the ball rolling.

Ansari asked Grothe if he selected a font when he has designed signage. Grothe stated it is generally good to have 3-5 choices. He indicated it might be good to select basic font styles.

D. City Hall Fence

Crawford stated at the last meeting staff was directed to clarify the cost for a tan fence. Staff has prepared two numbers with Public Works removing the fence or Hanson Brothers removing the fence. She noted the price difference was about \$200.

De La Vega asked if the gate is included. Grothe stated he understood from Bowman the existing gate would be used. Crawford stated she would need to confirm that information.

Clapp moved to authorize Mayor and City Administrator to execute the contract with Hanson Brothers for a tan fence at a cost of \$14,990.00 with installation in 2015. Anderson seconded the motion. Ayes 5. Motion carried.

9. NEW BUSINESS

A. Amendment to 2012-2015 Hennepin County Recycling Agreement

Crawford stated the 2012-2015 agreement was approved in May of 2012. An amendment is requested to extend this agreement through 2016 and to add organics funding to the agreement.

Anderson moved to adopt RESOLUTION NO. 15-19, A RESOLUTION AUTHORIZING AMENDMENT TO RESIDENTIAL RECYCLING GRANT AGREEMENT WITH HENNEPIN COUNTY. Ansari seconded the motion. Ayes – Ansari, Anderson, De La Vega, Clapp and Grothe. Motion carried.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator – Crawford stated she gave a presentation at Minnesota State University Mankato about our cityscape project earlier today. Photos are included in the folders tonight of drainage issues on Sunrise Avenue and asked for staff direction on how to proceed. De La Vega stated it appears to be a 24-hour event that clears itself up. Clapp stated this is a major problem, and we need to do something about it. Penberthy suggested monitoring it pending the development of the Chazin property. De La Vega agreed. Clapp suggested adding rainfall amounts on the photos once that information is available.

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

C. Ansari – EFD, Sanitation and Recycling, Southshore Community Center – Ansari thanked the Council for funding park improvements.

D. Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC – no report

E. Clapp – Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks – Clapp thanked staff for the continued maintenance of the parks.

F. Attorney's Report – Penberthy discussed the foreclosure of property at 410 Lakeview Avenue. The end result is we ended up with a lot that has 3,100 square feet which was excluded from the foreclosure.

- G. De La Vega – Public Works, SLMPD, Administration** – De La Vega asked about the lot across from the Caribbean and the dead trees. Grothe stated a neighbor has contacted the owner to get permission to remove the trees and use the firewood. De La Vega stated we have a new Police Chief. Michael Meehan is the current Deputy Chief in Crystal. He will begin his duties on September 14.

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 9:03 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk