

**OFFICIAL MINUTES  
TONKA BAY CITY COUNCIL  
REGULAR MEETING  
December 8, 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. Ansari seconded the motion. Ayes 5. Motion carried.

**4. CONSENT AGENDA**

Clapp moved to approve the following consent agenda items:

- A. Regular Meeting Minutes of November 24, 2015 – page 3, 3<sup>rd</sup> paragraph, convert soccer field to all-purpose field.
- B. Work Session Meeting Minutes of November 24, 2015
- C. Approve 2016 License Renewals
- D. Wellhead Protection Plan, Phase Two

Ansari seconded the motion. Ayes 5. Motion carried.

**5. MATTERS FROM THE FLOOR**

None

**6. SPECIAL BUSINESS**

None

**7. PUBLIC HEARINGS**

**A. Continued Public Hearing – Variance/CUP – Steele, 160 Sunrise Avenue**

Perdu reviewed the continuation of a variance and CUP request. She noted additional flood proofing measures and an additional side yard setback were the only changes to the request. She reviewed lot size and zoning for this location.

Perdu explained the flood proofing measures and identified the side yard setback required for a cantilever on the house. She reviewed the variance criteria which staff felt meets the requirements.

Perdu discussed the CUP criteria for this request. She indicated the City Engineer has reviewed the additional flood proofing measures as has the building inspector.

Perdu stated staff recommends approval of the request.

Grothe asked if there are two openings. It was noted there are two openings which meet Army Corps of Engineers, MN/DNR, and State Building Code requirements.

Ansari asked if there would be any impacts on surrounding homes. It was noted this would not disrupt drainage.

De La Vega opened the hearing for public comments. There were none, and the hearing was closed.

Clapp stated he supported the request as long as grades would remain the same.

**Anderson moved to direct staff to prepare Resolution 15-29 for approval of variances and CUP requests at 160 Sunrise Avenue based on findings of fact and subject to conditions. Clapp seconded the motion. Ayes – Ansari, Anderson, Clapp, De La Vega and Grothe. Motion carried.**

**B. Continued Public Hearing – CUP – McMahon, 60 Wildhurst Road**

Crawford stated staff received a letter withdrawing their request for a CUP for additional height. She stated they have applied for a building permit.

De La Vega opened the hearing for public comments. There were none, and the hearing was closed.

**Anderson moved to accept the withdrawal letter for 60 Wildhurst Road. Clapp seconded the motion. Ayes 5. Motion carried.**

**C. Variance/CUP – Gordon/McClellan, 220 Sunrise Avenue**

Crawford stated the side yard setback request was left off the public hearing notice, and staff and the applicant request this be continued to allow proper noticing of the public hearing.

De La Vega opened the hearing for public comments. There were none, and the hearing was continued.

**Anderson moved to continue the public hearing to January 12, 2016. Grothe seconded the motion. Ayes 5. Motion carried.**

**D. 2016 Truth-in-Taxation/ Approve 2016 Budget and Levy**

Crawford reviewed the proposed levy and budget for 2016 which was a 1.64% increase over 2015. She stated public comment must be received.

De La Vega opened the hearing for public comments. There were none, and the hearing was closed. De La Vega thanked staff for their diligent efforts. He stated the end result is something he is comfortable with.

**Anderson moved to adopt Resolution 15-30, A Resolution Approving 2016 Budget and Levy. Clapp seconded the motion. Ayes – Anderson, Ansari, Clapp, De La Vega and Grothe. Motion carried.**

**8. OLD BUSINESS**

**A. Pleasant Park Restoration**

Justin Messner, City Engineer presented the desktop review for Pleasant Park. He explained it analyzes the history of the site based on a number of databases. He stated historical aerial photographs were also reviewed.

Messner stated an MPCA file showed there was an oil leak on this site. The site was not shown as free of contamination. The Department of Health showed seven domestic wells on the site. Only one of the wells is still in use today. He stated they could research the well during the next phase.

Messner noted the site was a gravel pit at one time. He recommended test pits be excavated to screen the material. It would then be run through an ionizer to identify any petroleum odors. The content and level of contamination would then be identified as part of a limited phase two environmental site assessment.

Messner stated Public Works staff has indicated they would be able to do the excavation of the site.

Messner reviewed three proposals for the excavation.

Grothe asked when he recommended the work be done. Messner stated now is a good time to proceed.

Clapp asked if there are any grants available for the engineering portion of this work. Messner stated he did not know if there were.

De La Vega asked if the sinkholes are in the gravel pit area. Messner indicated they were. De La Vega asked if the oil tank was also in this area. Messner stated an exact location was not identified in the MPCA files.

De La Vega asked if the excavation would be concentrated in the gravel pit area. Messner indicated it would.

De La Vega stated he would like to have the neighbors notified prior to the beginning of the job.

**Anderson moved to select WSB & Associates for the work in an amount not to exceed \$3,500. Clapp seconded the motion. Ayes 5. Motion carried.**

**B. Speed Trailer Data Update**

Crawford reviewed the results from the second speed trailer placement on Birch Bluff Road and Pleasant Avenue. She indicated there was a software malfunction during the placement on Pleasant Avenue, and the data could not be retrieved.

Crawford stated she learned that winter months do have an impact on driving behavior and stated the Council may want to conduct another speed trailer placement at a later date.

**C. Sign Ordinance – Signs and Outdoor Advertising**

Penberthy asked for questions on his memorandum relating to the sign ordinance. He stated signs on utility poles are a city-wide prohibition.

Councilmembers discussed the sign ordinance language.

Grothe believed it might be better if the shopping center would just put the signs up on their own private property.

De La Vega asked if the Council would have the authority to approve a variance. Penberthy discussed additional criteria the Council would need to consider. Crawford stated she has confirmed with the County that they own the poles.

De La Vega stated he was not convinced that light poles and utility poles are the same thing. He stated when he looks at the ordinance, he believes a utility pole is not a light pole. He stated we missed an opportunity, and he does not want this to happen again. He believed having a successful commercial area is an acceptable use of public funds.

Council discussed the prohibition of banners and the use of banners in other cities and directed staff to look into other city sign ordinances.

**D. Second Reading – Amend Chapter 402, Fee Schedule**

Crawford stated the proposed changes to the fee schedule are redlined in the fee schedule.

**Anderson moved to approve the ordinance amendment. Ansari seconded the motion. Ayes 5. Motion carried.**

**Anderson moved to adopt Resolution 15-31 approving the ordinance summary. Ansari seconded the motion. Ayes – Anderson, Ansari, Clapp, De La Vega and Grothe. Motion carried.**

Grothe asked if this information will be in the newsletter. Crawford stated the information will be included in the next newsletter.

**9. NEW BUSINESS**

**A. Cancel December 22, 2015 City Council Meeting**

Crawford stated the City Council traditionally holds only one meeting in December and cancels the second meeting.

**Anderson moved to cancel the December 22, 2015 City Council meeting. Ansari seconded the motion. Ayes 5. Motion carried.**

**B. City Administrator Performance Review**

De La Vega thanked the City Council for responding the request for performance reviews. He discussed his review with Crawford. He recommended she be approved as a permanent employee and her salary be increased to 72.5% of the maximum, retroactive to the six-month start date.

Anderson moved to approve the end of the probationary period and increase her salary to 72.5% of the maximum, retroactive to the six-month start date. Ansari seconded the motion. Ayes 5. Motion carried.

10. **MATTERS FROM THE FLOOR**

11. **REPORTS**

- A. **Administrator** – no report
- B. **Anderson - Finance, Fire Lanes and Public Access, Technology** – no report
- C. **Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – Ansari thanked Crawford for looking into the Mediacom contact information for complaints. Ansari stated Arctic Fever is right around the corner.
- D. **Grothe – Building Inspection and Municipal Buildings and Grounds** – no report
- E. **Clapp - Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks** – Clapp thanked Ansari and Crawford for applying for and obtaining the grant for recycling containers.
- F. **Attorney's Report** – no report
- G. **De La Vega - Public Works, SLMPD, Administration** – De La Vega stated mediation will be held on December 10 for the Southshore Center.

12. **ADJOURNMENT**

There being no further business, it was moved by Anderson to adjourn the meeting at 8:12 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

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Clerk