

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING March 8, 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 (arrived at 7:19 p.m.), Clapp and Grothe. Also present were City Administrator Crawford and Interim City Attorney Monge.

3. **APPROVAL OF AGENDA**

Anderson moved to approve the agenda as submitted. Grothe seconded the motion. Ayes 4. Motion carried.

4. **CONSENT AGENDA**

Anderson moved to approve the following consent agenda items:

- A. Regular Meeting Minutes of February 23, 2015
- B. Restrictive Covenant Agreement - 60 Wildhurst Road
- C. 2016 Marina License Renewals

Grothe seconded the motion. Ayes 4. Motion carried.

5. **MATTERS FROM THE FLOOR**

None

6. **SPECIAL BUSINESS**

A. **LMCD Update**

Gregg Thomas, LMCD Representative updated the City Council on recent LMCD activities. He stated the Board recently approved a separation agreement with Greg Nybeck, the LMCD Executive Director. De La Vega extended his appreciation on behalf of the City Council to Nybeck for his years of service. Thomas reported the LMCD's attorney passed away shortly after retiring from his role as attorney. He also reported another police officer has been funded by the LMCD to help on the lake from Memorial Day through Labor Day. Thomas updated the City Council on the legal challenges faced with regard to the Brown's Bay Marina reconfiguration. He also reported on milfoil harvesting and future funding,

resignation of Judd Harper, challenge to lighting requirement on boats, the need to look at all ordinance language, watercraft inspections, changes to de-icing ordinance, salary increases, and the election of LMCD Board officers. He stated there has been a request from Lindbo Landing for an EAW on a future marina expansion proposal.

Ansari arrived at 7:19 p.m.

7. **PUBLIC HEARINGS**

A. **Preliminary Plat – Alan Chazin Homes – Lakeview/Sunrise Avenue Property**

Erin Perdu, City Planner stated the preliminary plat application included a proposal for three lots and one outlot. She noted it was for one lot less than the first proposal. She noted the location of the proposed development. She stated net lot acreages range from 21,768 to 27,774 square feet. She discussed proposed storm water management plans for the outlot. She noted no construction would be proposed at this time. She stated lots one and two fronts on Sunrise Avenue while lot three fronts on Lakeview Avenue. She indicated all lots meet setback requirements. She stated the wetland delineation has been determined.

Perdu stated there are several issues that would be reviewed and evaluated on a parcel-by-parcel issue such as hardcover when the building permit applications are received. She stated staff recommended approval of the request. She indicated a maintenance agreement would be required with the development agreement as a condition of approval.

Anderson asked for clarification of condition #10. Perdu stated it could be made clearer in the final resolution.

Grothe asked if the park dedication was handled already. Perdu believed it would be determined as part of the development agreement.

Clapp stated the wetland showed 931.1 ft. as the deepest elevation. Messner indicated they proposed 930.5 ft. as the elevation. Clapp stated there was a history of flooding on this road. He asked how the residents would be guaranteed the road with drain property. Messner indicated the water would not be able to drain because of existing vegetation. He stated ditch maintenance would be required as well as working with the property owner to create a drainage swale for storm water maintenance. Clapp asked why that couldn't be in the plans for the property owner to do. Messner stated it could be proposed in the development agreement. Clapp

didn't think the pond looked like it would be deep enough. Messner stated we may be able to increase the size of the basin. Grothe indicated we would not be able to touch the wetland area.

Ansari asked for information on the existing pipe running to Lakeview Avenue. Messner explained how the pipe would drain. He stated we would need to approach the property owner and discuss possible improvements.

De La Vega opened the hearing for public comments.

Don Peterson stated they worked with MCWD to resolve drainage issues. He stated the swale between the outlot and lot three existed, and no changes would be proposed. He stated an area between lot two and lot three would provide additional storm drainage. He stated there weren't any plans to do anything to the wetland. He stated they would be willing to dedicate the outlot to the City should they need it for storm drainage. He discussed building areas and floor area ratios for the lots. He stated they plan to begin the final plat process once the preliminary plat would be approved.

Larry Barnett, 255 Lakeview Avenue asked if the curb area is preventing proper drainage. Peterson stated they aren't making any changes to the curb opening. An existing drain would be cleaned out. He indicated it would be up to the city.

Sharon McCarthy, 240 Sunrise Avenue asked what the City plan would be to correct the drainage problem that has been an ongoing problem. She was concerned about adding more complications to the problem with this development. De La Vega stated the City has been monitoring this problem. He stated there are a combination of parties involved with this. He stated the Council is very concerned, and this would be a long process to resolve.

Tom Aldritt, 190 Sunrise Avenue asked if the curb could be removed. De La Vega stated our engineers would help determine if that would be a solution.

De La Vega closed the public hearing.

De La Vega stated there won't be any effect of this development tonight.

All that was being considered is the location of the preliminary plat and whether it made sense.

McCarthy commended the City and the builder for looking at what was viable and reducing the request by one lot. She asked what would become public as the process continues. De La Vega stated the agreement with the developer would include information needed to resolve issues. McCarthy stated she would look to the experts to know what to put into the document. De La Vega stated unless we find something that violated City ordinances, we need to move forward with the request. McCarthy stated she had concerns over the year regarding what was done in this area. De La Vega stated the City wants to solve the drainage problem. He proposed the developer donate the outlot to the City so the ponding issue could be addressed and resolved. Peterson stated the developer would have no problem donating the outlot to the City, and this would be a part of the development agreement.

Grothe asked if donating it to the City would change the compensation area. Peterson stated that has been worked at over the last several months, and nothing would change. Peterson discussed the ponding process.

Clapp stated he wouldn't want to take ownership of the outlot until after the pond improvements were done.

McCarthy was concerned that the area would not be maintained properly. De La Vega stated we want it to be maintained.

Clapp believed Sunrise Avenue should have some infrastructure work done, but he did not want the City to have to pay those costs. He stated the developer should pick up the costs.

Peterson stated three lots are proposed over two acres, and homes across the street are fifty-foot lots with no storm water rules. He indicated the developer would do what the City asked and what the MCWD required and asked for approval. De La Vega stated the developer wasn't doing anything that was not allowed. He discussed road improvements and funding options. Messner stated we could not correct the flooding issue by moving the flooding to a private property.

Grothe thanked Peterson for changing the lot configuration to allow for some flexibility.

McCarthy discussed the curbs which have impeded drainage in the area. She indicated it wasn't a problem before the curbs were installed.

Barnett urged everyone to work together to resolve the problem.

De La Vega stated under the current situation, the developer would be responsible to maintain the outlot. He felt if the City owned the property, we would have more rights to get the work done rather than work through a third party. The curbs would be removed, and our staff would maintain the outlot. The alternative would be for the developer to provide park fees and maintain the outlot themselves.

Clapp stated removing the curb and taking ownership of the outlot would be the right solution for the City. Peterson stated there is nothing that keeps the water from flowing into the wetland. He believed there was a grade problem.

Clapp asked if there was a restriction on how large the rain garden could go. Messner stated the only requirement would be to avoid the wetland area that encroaches onto the outlot.

De La Vega stated grant funding might be available as well should we own the property.

Council discussed conditions to add to the motion for approval.

Anderson moved to direct staff to prepare Resolution 16-09 approving the preliminary plat for Alan Chazin Homes at Sunrise and Lakeview Avenues. Grothe seconded the motion. Ayes – Anderson, Ansari, Clapp, De La Vega and Grothe. Motion carried.

8. OLD BUSINESS

A. Cityscape/ Parks Action Plan

Crawford stated the Parks Committee has been working to create a Parks Action Plan following approval last year of the cityscape project. She discussed funding for the projects and indicated projects approved for this year would need to be included in the budget for funding.

Crawford requested approval of the Plan.

De La Vega thanked the Parks Committee for their hard work. He stated his issue was with the resolution due to the fluidity of the Plan. He would prefer that it be approved without the resolution.

Grothe stated there are issues with Crescent Beach that need to come to the forefront. Crawford indicated she would be meeting with Shorewood to discuss maintenance of Crescent Beach on March 9.

Council discussed Crescent Beach's shared maintenance with Shorewood and costs associated with maintenance.

Anderson moved to adopt the Parks Action Plan as presented. Ansari seconded the motion. Ayes 5. Motion carried.

Crawford thanked the Parks Committee for all their hard work. Clapp thanked Crawford for her hard work as well to get the Plan completed.

B. Second Reading – Amend Section 420, Soliciting Ordinance

Crawford stated proposed amendments to this section were reviewed at the last meeting. She indicated the City Attorney researched the limitation on the number of licenses and indicated it should be kept out of the ordinance.

She indicated the City does not charge a permit fee now for this type of permit and should discuss requiring a fee. De La Vega stated he believed a fee would be appropriate to cover staff time. Grothe agreed there should be a small fee.

Anderson moved to pass Ordinance 2016-01 and Resolution 2016-10, Summary Publication. Clapp seconded the motion. Ayes – Anderson, Ansari, Clapp, De La Vega, and Grothe. Motion carried.

9. NEW BUSINESS

None

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator – Crawford reminded the Council that there would be interviews for legal services at 6:30 p.m. on Monday, March 14. She indicated she would be on vacation from March 23 through March 28.

- 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** – no report
- 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** – no report

12. **ADJOURNMENT**

There being no further business, it was moved by Anderson to adjourn the meeting at 8:38 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk