CITY OF TONKA BAY
ITEM NO. 4A

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
March 25, 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, Clapp and Grothe. Also present were City Administrator Kohlmann 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**
Anderson moved to approve the consent agenda as presented approving the worksession and regular meeting minutes of March 11, 2014; financial report; and Resolution 14-05, Thoele – 40 Interlachen Lane. Clapp seconded the motion. Ayes 5. Motion carried.

5. **MATTERS FROM THE FLOOR**
   A. **Philip Roe, 85 Birch Bluff Road**
   Roe complimented the Public Works Department on their continuous exemplary performance. He stated something needs to be done about the herd of deer in his neighborhood. He was also concerned about speeding vehicles on Birch Bluff Road with little response from the police department. He stated the police have ignored his requests.

   De La Vega stated staff will collect information. The Council requests and bring back this item on a future agenda. He stated we could also check out what Shorewood has done to get rid of their large number of deer in their City.

6. **SPECIAL BUSINESS**
None

7. PUBLIC HEARINGS

A. Variances/CUP Request – James/Betty Konerza, 140 Brentwood Avenue

Kohlmann reviewed the public hearing process for the benefit of those in attendance.

Kelsey Johnson, City Planner reviewed a request from 140 Brentwood Avenue and discussed the unique nature of the lot. She reviewed the variances required for their addition. She noted the footprint will not be enlarged as the owners are proposing a second story addition. She reviewed the building elevations and discussed criteria for approving this request. She discussed the need for a variance because of the three front yards. If the Code were followed, there would only be eight feet left to build on. She stated the height will not change, and floor area ratio will be below the 30% requirement.

Johnson stated they would like to add a fifth condition to make sure durable materials are used, also to handle storm water runoff is handled along the northeast side and snow does not fall off the roof onto the neighbor's property based on Engineer's recommendations.

In response to a question from De La Vega, Johnson clarified the fifth condition.

De La Vega opened the hearing for public comments.

Duane Anderson, 55 Florence Drive discussed the similar circumstances he has on his lot. He supported the request.

De La Vega closed the hearing following public comments.

De La Vega stated this is a very unique lot.

Councilmembers and staff discussed the air conditioner location.

Grothe stated whatever can be done to be neighborly will be the best solution to the neighbor's concerns. He stated the construction itself will be a challenge due to the closeness to the neighbor's property.

Ansari asked how long the project would take to complete. A member of the audience indicated it would take up to six months.

Anderson moved to direct staff to prepare a resolution approving the variances and conditional use permit for the second story addition for James and Betty Konerza, 140 Brentwood Avenue based on findings of fact and subject to conditions set forth in the staff report. Grothe seconded the motion. Ayes – Ansari, De La Vega, Anderson, Clapp and Grothe. Motion carried.

8. OLD BUSINESS

None

9. NEW BUSINESS

A. Wells Fargo Lake Minnetonka Half Marathon

Kohlmann reviewed the annual request for approval of the half marathon through Tonka Bay on Sunday, May 4.

Anderson moved to approve the half marathon on Sunday, May 4. Clapp seconded the motion. Ayes 5. Motion carried.

B. MN Gardens Temporary Seasonal Permit

Kohlmann stated Minnesota Gardens is requesting a temporary seasonal sales permit historically held by Linder's.

De La Vega encouraged the business owners to keep the site in check, similar to Linder's.

Clapp moved to approve the 2014 permit for Minnesota Gardens. Anderson seconded the motion. Ayes 5. Motion carried.

C. Mediacom – Franchise Agreement

Kohlmann stated the attorney for Mediacom has provided us with a franchise agreement similar to that of the City of Victoria. He stated staff has not had a chance to review and comment on this draft. The next step is to have the City Attorney review this document following tonight's Council review.

De La Vega stated there are a couple typos he will pass on to Penberthy. He believed this version will give the residents the service they expect and will also give the City flexibility.

De La Vega stated at some point, we should address the LMCC program which is no longer shown to residents. Meetings such as the LMCD, SLMPD, and EFD meetings are no longer shown to Tonka Bay cable customers. He stated we have a financial interest in seeing those meetings.

Grothe stated the language should be open-ended to include all LMCC programming. He stated he would like to expand it beyond the LMCC. Penberthy stated the franchise agreement addresses Mediacom. He stated LMCC could be reinserted. Councilmembers discussed suggested language to include other cities' programming.

De La Vega noted the $60,000 advance was also stricken from the agreement in Attachment D, page two. He believed it should be left off as we are getting our first payment soon.

De La Vega suggested the City Attorney review the document and come back with recommendations. Penberthy stated he didn't have anything to add; he believed it does a good job, generally speaking.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator – Kohlmann stated we had been noticed from Sprint that they no longer want to terminate their antenna lease agreement. He updated the Council on the status of the dock rentals.

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

C. Ansari – EFD, Sanitation and Recycling, Southshore Community Center – Ansari stated she would be attending the EFD meeting on March 26th.

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 7:40 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

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Clerk