

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING April 12, 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 Ansari, Clapp and Grothe. Councilmember Anderson was absent. Also present were City Administrator Crawford and City Attorney Biggerstaff.

3. **APPROVAL OF AGENDA**

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

4. **CONSENT AGENDA**

Grothe moved to approve the following consent agenda items:

A. Regular Meeting Minutes of March 22, 2015 – page 3, sign permit request, vote was 3-1; top of page 4, last sentence, change to read: She indicated the final plat approval must be within ninety days of approval of the preliminary plat.

B. Resolution 16-12 – Amend 16-01, Appointments – City Attorney

Clapp seconded the motion. Ayes 4. Motion carried.

5. **MATTERS FROM THE FLOOR**

None

6. **SPECIAL BUSINESS**

A. **Brand Identity**

Crawford introduced Jill Maki from Franke + Fiorella.

Maki discussed the process and outcomes of the process to create a new brand strategy for the City. She indicated the process began with a survey, followed by interviews of residents, Councilmembers and business owners throughout the community. She discussed results of the survey and proposed steps moving forward to improve on what the city offers. She stated she audited other cities and showed signage they used. Current

Tonka Bay signage and office forms were also reviewed. She discussed the importance of consistency. She presented the current and proposed logos. She also showed how the proposed logo would look on the water tower, on vehicles, on the south monument sign area, business cards, keychains, and wearables.

In response to a question from the audience, De La Vega discussed the north location of the monument sign. The southern location was also discussed.

Douglas Kruhoeffer stated he liked the proposed logo and looked forward to merchandise.

De La Vega thanked Maki and all those who were interviewed. He stated the unveiling is the first step. He stated there is a little more work to do. He stated we would be bringing this back to the next meeting for approval. Clapp stated there will be funding issues moving forward.

Grothe moved to table this item to the next meeting. Clapp seconded the motion. Ayes 4. Motion carried.

Crawford stated the proposed logo is on the website. She urged residents to share it with their neighbors for their input.

7. PUBLIC HEARINGS

A. Variance Requests – Hadland, 275 Lakeview Avenue

Erin Perdu, City Planner reviewed the request for variances by viewing an aerial perspective of the property. She showed the existing home and noted the location of the hedges and proximity to adjacent properties. She noted a landscaped hedge is considered a fence in Tonka Bay. A variance would be required because of the height. She stated a variance would also be required for an electric gate.

Perdu discussed the statutory requirements for variances as they related to the fence request as well as the City's requirements. She also discussed the request for the electric gate. She stated staff recommended approval of the hedge fence and denial of the electric gate. She stated the property owner to the north submitted a letter of support of the hedge request. A letter with concerns was also received which did not support the request.

De La Vega reviewed the public hearing process and opened the floor to comments from the City Council.

Grothe asked if any variances were required for the monument itself. Perdu stated there would not be a variance needed. Grothe asked if irrigation pumps are addressed in any of our ordinances. Perdu stated there was not any she was aware of.

Clapp stated the hedges were planted already. De La Vega stated the 12' hedges are in already. The others are owned by the other property owners.

Ansari asked if there could be a restriction on the height. De La Vega stated we have a 6' limit on height. If there isn't a variance, they would have to be trimmed to 6'.

De La Vega stated he understood it is incumbent upon the property owner to assure the hedges will not encroach onto adjoining properties. We could only recommend that the installers be careful where they locate the plantings.

De La Vega stated the other issue was with regard to water runoff. He stated Engineering has identified drainage plans. De La Vega indicated he didn't see any plan in the area where the hedges were located. He wanted to make sure all the water off the property doesn't drain onto adjoining property. Another item would be to call Gopher State for locates.

Ben Dunlap, Streeter and Associates indicated the telephone line was cut because the neighbor's line went under this property's driveway. He assured the Council that Gopher State would always be called.

De La Vega stated the metal fences attached to the hedges would not cause any issues. Perdu stated they would be ok.

De La Vega opened the hearing for public comments.

Bob Schneider, 265 Lakeview Avenue stated they support the request and love everything that has been done on the property.

Chris Hadland, 275 Lakeview Avenue discussed the fence variance request as well as other hedge locations/heights on his property. He understood the gate would be considered an electrically-controlled fence which required the variance. He believed no variance would be required if the gate were manually opened and closed. He believed the nature of the objections to it being out of character to the neighborhood were not pertinent to the variance of an electrified fence. He stated the ordinance was intended to prohibit the electric fence that would pen livestock. De La Vega stated the ordinance could be interpreted that way. He understood where Hadland was coming from.

Grothe stated we have talked about the fact we don't like gated communities. According to our ordinance, the gate could be installed and opened manually but might not be in character with the neighborhood.

Clapp asked what if the electric source was solar powered. Biggerstaff stated this whole discussion highlights the difficulty of interpreting the ordinance. He didn't think the source would be relevant. Looking solely at the language we have to interpret, the strict interpretation would apply to an electrified gate. In terms of this application, we would need to look at the ordinance that is in existence.

Hadland discussed the need for the variance for the gate. He stated there is a need to make the property more private and safe. De La Vega understood Hadland's concerns for safety. De La Vega stated Hadland's request is out of the norm for the community. It is the Council's job to determine whether this would be a departure from what would be consistent with how we want the City to evolve.

Dixie Grothe, 5040 Manitou Road asked if there would be a safety plan for police and fire access to the property.

Travis Van Liere, Van Liere Studios stated all gates have emergency Knox boxes with emergency keys for access. He indicated stated the gate could be programmed to open at dawn and shut at dusk. He stated the address monument would also indicate that their driveway is not a through street. Councilmember Grothe asked how the 6' height of the arborvitae would be maintained. Van Liere stated people have become more cautious and used burlap to protect the hedges. On this property, the burlap would be more likely to be added inside the property. On the

subject of heights, they recommended a maintenance regime for the landscaping.

De La Vega closed the public hearing.

Clapp asked if we said the "green" arborvitae is approved, 7' should even be a consideration. Biggerstaff stated 6-7' should be included in the variance for the blue and green areas.

Van Liere stated once the arborvitae are planted, they would be topped off at 6'. De La Vega stated the reason for the height would be to maintain sight lines.

Grothe stated he would prefer none of the arborvitae extend past the proposed gate.

Councilmembers discussed the "blue" arborvitae section and determined there were no issues with them.

Councilmembers discussed the gate. Clapp stated he was okay with the gate as long as it was not electrified. He believed the ordinance is out-of-date.

Grothe stated he did not want to have the gate electrified either. He stated staff recommended this not be approved, and he agreed it not be approved.

Ansari also stated the request should not be approved for the electrified gate.

De La Vega stated there is one councilmember absent today, and this could be continued.

Hadland stated they are requesting a variance to power the gate electrically. He understood he had the right to install a fence. He believed the basis for staff's recommendation to deny the request for the gate is the fact they are opposed to the gate itself. He asked for clarification. De La Vega stated he hadn't read any staff report based on the fact that a gate is requested. Perdu reviewed the criteria that were not met. The request was before the Council because it is electrified.

Laura Hadland, applicant understood they could put in a gate, but it could not be electrified. De La Vega agreed indicating it would take some time to make any changes to the ordinance. Hadland stated their intent was never to close out the community.

Councilmembers and staff discussed the 60-day deadline. Biggerstaff stated the City could extend this request an additional 60 days.

Grothe moved to continue discussion for sixty days of the gate. Ansari seconded the motion. Ayes 4. Motion carried.

Grothe moved to direct staff to draft Resolution 16-13 to allow the 6 and 12-foot arborvitae at 275 Lakeview Avenue. Clapp seconded the motion. Ayes 4. Motion carried.

B. Conditional Use Permit Requests - Van Neste, 81 Wildhurst Road

Crawford stated this is a conditional use permit request for a metal shed at 81 Wildhurst Road.

Erin Perdu, City Planner stated the request is for a metal shed within the side setback. She reviewed the aerial photograph of the site. Another variance would be required for building materials. She indicated a similar structure has been there for several years, and the proposal is to add metal siding. She reviewed the general criteria for approval of conditional use permits. She discussed the location of the structure. She indicated there was a maintenance agreement which would allow access on all sides.

She indicated the siding would not match the existing home, but she believed it would blend in with the natural surroundings. Based on criteria, staff recommended approval of the structure. The maintenance easement would need to be recorded with Hennepin County within sixty days.

Grothe stated his issue was with the metal siding as this is not something we have in our city. He didn't think the building materials fit in with the neighboring properties. He asked if there was a door.

Travis Van Neste, applicant stated his plan would be to enclose the structure and have an overhead door. He didn't know of an ordinance that would prohibit metal siding. Perdu stated metal-sided accessory structures are allowed with a conditional use permit under certain conditions.

De La Vega stated he has been contacted by a neighbor who does not support the request. He asked if putting siding on makes this a violation. Crawford stated this would be a CUP application after the fact, to correct a code violation.

Ansari stated she was concerned about construction within 100 feet of a wetland. Perdu noted the wetland setbacks are shown on aerial maps. She stated there are limited areas where the structure could be located.

De La Vega asked if it would create a problem that the building is closer to a home not lived in by the applicant. Perdu stated it would not be.

Van Neste clarified the ownership of the property and the various addresses. He also discussed the application and the agreement with the neighbor for access. He stated the building is properly set back from the wetland as required.

De La Vega opened the hearing for public comments.

Dixie Grothe, 5040 Manitou Road asked if this is a typical thing that would be allowed as she would not like to see it happen all over the neighborhood. De La Vega stated we typically react to a complaint rather than searching for illegal uses.

Van Neste stated his goal is to have a legal use from this point on.

Van Neste and the Council discussed the CUP process.

Grothe stated the issue here was that we went from a covering for a boat to a structure that could be used as a structure. He didn't believe this was matching the character of the homes in the area.

Clapp stated the previous request was approved for arborvitae that were already planted. He stated the shed is there now. Grothe stated he knew of several neighbors who are not happy with the shed.

De La Vega stated it is incumbent upon the City Council to keep an eye out for compliance issues.

De La Vega closed the public hearing.

Clapp moved to direct staff to draft Resolution 16-14 to approve the CUPs at 81 Wildhurst Road to allow the structure within the side setback and approve the additional metal siding with the addition of a door and enclosure on the ends. Ansari seconded the motion. Ayes 3-1. Grothe voted against the motion. Motion carried.

8. **OLD BUSINESS**

A. **Soliciting Permit Application**

Crawford stated she reviewed the soliciting permit application with Councilmember Anderson. Anderson requested all forms be revised once the brand identity is determined.

Grothe moved to accept the application as written. Clapp seconded the motion. Ayes 4. Motion carried.

9. **NEW BUSINESS**

A. **Enter into Agreement with Hennepin County for Poll Books**

Crawford stated Hennepin County provides the poll books for every precinct.

Clapp moved to authorize the City Administrator to enter into an agreement for Hennepin County for poll book technology. Grothe seconded the motion. Ayes 4. Motion carried.

10. **MATTERS FROM THE FLOOR**

None

11. **REPORTS**

A. **Administrator** – Crawford stated the LRT Trail crossing construction will begin in May. City staff has received over a dozen requests for automatic payment availability. She asked the Council for their input. She also asked that the City be allowed to have its own credit card. De La Vega agreed research could be done. Biggerstaff stated he was familiar with the credit card technology used by other cities. De La Vega stated there are many issues that need to be determined. Clapp suggested other small cities be researched as well. De La Vega stated the credit card for the city is less of an issue and is a simple thing. He stated there would need to be one person to sign.

- B. **Anderson - Finance, Fire Lanes and Public Access, Technology** – absent
- C. **Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – Ansari invited everyone to attend the Celebrate Wekota Park event on Saturday.
- D. **Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC** – Grothe stated he attended the last EFD meeting. The year in review was discussed. Chief Gerber would like to have a work session to get input from the JPA Councilmembers and Mayors.
- E. **Clapp - Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks** – no report; De La Vega noted there would be an open house for Greg Nybeck soon.
- F. **Attorney's Report** – Biggerstaff thanked everyone for welcoming him.
- G. **De La Vega - Public Works, SLMPD, Administration** – De La Vega stated a SLMPD meeting is April 13 as well as the Board of Appeals meeting.

12. **ADJOURNMENT**

There being no further business, it was moved by Clapp to adjourn the meeting at 9:42 p.m. Grothe seconded the motion. Ayes 4. Motion carried.

Attest:

Clerk