CITY OF TONKA BAY
ITEM NO. 4A

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
April 22, 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, Attorney Callies and Public Works Superintendent Bowman.

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 regular meeting minutes of April 8, 2014 as amended: Anderson adjourned the meeting; Board of Appeals meeting minutes of April 9, 2014; and Financial Report. Ansari seconded the motion. Ayes 5. Motion carried.

5. **MATTERS FROM THE FLOOR**
   A. **Duane Anderson, 55 Florence Drive** – discussed his concerns about the 5-year seal coating program. He stated there haven't been many potholes with the 3-year program. He also had a request about the fire lane between 30 and 50 Florence Drive. He stated since the City has taken over the mowing of the fire lane, you can't get to the lake. The French drain is overgrown with brush, etc. He asked that it be maintained in the manner it used to be. Bowman stated it would be checked out.

6. **SPECIAL BUSINESS**
None

7. **PUBLIC HEARINGS**
   A. **Variance/CUP Request – Berghoff/Hadland, 275 Lakeview Avenue**
   Kohlmann stated Paula Callies will be the attorney for this public hearing. For the benefit of those in the audience, Kohlmann discussed the public

hearing process.

Kelsey Johnson, City Planner reviewed the request for 275 Lakeview Avenue. Through the use of aerial photographs, she noted the unusual shape of the lot.

Johnson reviewed the requested variances from lot width, rear yard setback, and floodplain buffer. She reviewed surveys showing what is existing vs. what is proposed. She reviewed building elevations and the plan for landscaping. She noted a small fence is also proposed.

Johnson discussed the requested variances needed for the proposed construction. She noted the height of the building does conform to City Code as does the floor area ratio. The hardcover request is for 34.5% which requires administrative and engineering review. Infiltration trenches will be required for drainage purposes.

Johnson reviewed the criteria required for approval of the request. She stated staff is recommending approval of the request and discussed the conditions for approval.

De La Vega asked the Council for questions for the City Planner.

De La Vega asked if the plant materials will run afoul of the fence ordinance. Kohlmann stated the request would have to be reviewed in relation to the fence ordinance, and the adjacent property owner would have to sign off.

Clapp noted there is also a fence. Johnson stated the fence is in the rear yard and would be allowed.

De La Vega stated this property is bounded on three sides by the lake. He asked how the side yard was determined. Johnson explained how the side yard was determined in relation to the other setbacks. She stated that really there is no side yard.

De La Vega opened the hearing for public comments from those in the audience.

Bob Schneider, 265 Lakeview Avenue stated they are giving up a lot with this proposed construction. He was concerned about the a/c units, privacy, smoke from fireplace if it is a wood burning unit, loss of views of the lake.

He was also concerned about the dog run adjacent to their property. He was also concerned about the height of the Japanese yews proposed. He asked the Council to eliminate the dog run or moving it back, and spread out the a/c unit locations since there are three.

Sally Schneider, 265 Lakeview Avenue stated much of their living space is adjacent to the dog run and the fire pit.

David Wilson, landscape architect stated they have worked closely with City staff on developing this property. He discussed the intent to keep the mass of the house close to the street. He discussed the problem with relocating the a/c units. He stated the dog run is located adjacent to the laundry room for the owner's convenience. He was sure the owners would be reasonable and work with the neighbors to address noise issues.

Duane Anderson, 55 Florence Drive stated the shrubbery looks like it will be right on the property line. If it gets much higher, it will have to be eight feet off the property line.

Bob Schneider was concerned that the sun would be lost on all their garden spaces with the proposed landscape plan.

Grothe was concerned about the fireplace on the north side and whether it should be considered in the setback. He asked if it had to be where it is proposed. He stated the City Council does not have the right to protect the neighbors' views. He was concerned about the height of the Japanese yews and sight lines. He asked if the motor court is oversized. He believed adjusting the size could result in moving the building footprint. He suggested the side yard setback be increased to ten feet. He stated the dog run is a fence issue.

Clapp suggested the fireplace be moved to the east side of the patio instead of the north side. He stated that would help the neighbors out.

De La Vega stated there seems to be tall vegetation on the site now. He asked if they will remain. B. Schneider noted they are on their property. Wilson noted the additional landscaping will serve as an additional buffer from the neighboring property.

De La Vega stated the fence ordinance should be considered. He also asked how the dog run would be used. Wilson noted the dogs are inside dogs are will only be outside for short periods of time. He also commented

on the fence and shrubbery height proposed.

De La Vega noted the dog ordinance will be enforced if noise is an issue. He believed the new owners will be willing to work with the neighbors on issues. He stated we have to abide by the City ordinances. The property is in compliance for the most part. He discussed the uniqueness of the property which determines the setbacks.

Ansari asked the City Planner if she had any recommendations to help out the neighbors. Johnson discussed the property owners' intent to alleviate most concerns. She discussed the uniqueness of the lot. Councilmembers and staff discussed the request.

Grothe moved to direct staff to prepare a resolution (Resolution 13-08) approving the request based on findings of fact and subject to conditions noted in the staff report and noted Condition #6 is now in compliance with City Code. Anderson seconded the motion. Ayes – Anderson, Clapp, De La Vega and Grothe. Ansari voted against the motion. Motion carried.

B. SWPPP – Annual Review

Kohlmann stated this is a public hearing and comments will be taken from the audience.

Bowman reviewed the SWPPP process. He noted there haven't been any changes to the document since the previous year's review.

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

8. OLD BUSINESS

A. Mediacom Franchise Agreement

De La Vega stated the Mediacom attorney has reviewed this document and made comments. He stated the next step is to formalize this agreement which will be in final form for the next meeting.

B. Three Rivers – LRT Trail Bridge – Resolution

De La Vega stated this resolution supporting the bridge construction was discussed at the last meeting. He asked if there is any status on

discussions with property owners. Kohlmann stated negotiations are still underway.

Grothe moved to adopt:

RESOLUTION NO. 14-09
A RESOLUTION OF SUPPORT FOR THE ACQUISITION OF THE LAKE MINNETONKA REGIONAL TRAIL COUNTY ROAD 19 GRADE SEPARATED CROSSING IN THE CITY OF TONKA BAY

Clapp seconded the motion. Ayes – De La Vega, Ansari, Anderson, Clapp and Grothe. Motion carried.

9. NEW BUSINESS

A. Water Tower Wash/Clean

Bowman reviewed quotes received for the water tower wash and clean. He stated it is a recommended practice to have the water tower cleaned on the inside every two years. He explained how this is done and the resulting report provided. The exterior will also be cleaned.

De La Vega asked if draining the water tower will have an impact on the water pressure and usage. Bowman stated we will not lose pressure because the old tank in the water plant is used as backup.

Anderson moved to accept the quote from Badger in the amount of $9200.00. Clapp seconded the motion. Ayes 5. Motion carried.

B. 2014 Seal Coat Rock Quotes

Bowman reviewed the 2014 seal coat rock quotes received. He discussed the size and quality of the rock which will be used.

De La Vega asked if there are any concerns with the 5-year schedule. Bowman stated all the cities he has ever worked for have been on a 5-year schedule. He felt comfortable with the 5-year schedule proposal.

De La Vega asked if there have been concerns about potholes. Bowman discussed the varying seasons and potholes. He stated there will always be potholes.

Anderson moved to approve the quote from Martin Marietta in the amount of $8,280 for seal coat rock. Clapp seconded the motion. Ayes 5. Motion carried.

C. 2014 Seal Coating Quotes

Bowman reviewed the quotes received for applying the seal coat rock in 2014. He recommended Allied Blacktop be awarded the job.

Anderson asked if we have had a discount by going in with another City. Bowman stated we have not received a discount. We are charged more because of the topography of the streets throughout the city.

Kohlmann stated the City Engineer is not involved in this quote this year which is part of the cost savings.

Anderson moved to approve the quote from Allied Blacktop in the amount of $36,771 for seal coating city streets in 2014. Clapp seconded the motion. Ayes 5. Motion carried.

De La Vega asked if there are any other unexpected expenses that will use the remainder of the budget. Bowman stated patching and pothole repair will use the remainder of the $60,000 budgeted.

D. SLMPD – JPA Amendment

De La Vega stated this relates to the budget process for the police department. He reminded the Council of the majority vote requirement. The proposed provision would require that at least two cities not approve the budget before it goes into default.

Council and staff discussed the default provision.

Kohlmann noted there is another Coordinating Committee meeting on May 14 so there is time to consider this item.

10. MATTERS FROM THE FLOOR
None

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** – 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 8:34 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

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Clerk