CITY OF TONKA BAY
ITEM NO. 4A

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
September 9, 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 approving:

A. **Budget Worksession Minutes of August 26, 2014 as amended: De La Vega suggested the following change to the minutes: Item 3, Paragraph 3, second sentence: strike sentence that reads: "He stated there was discussion about that point"; then on Item 3, Page 2 of 3, 5th paragraph, last sentence, where we were talking about "Councilmember Clapp stated that mixing the salt and sand in the parking lot is an MPCA concern. Councilmembers recognized it as an issue without any immediate solutions." De La Vega thought we continued on and recommended that staff investigate options. He didn't want to leave it without any solutions. We are looking into that. De La Vega stated that is all he has for the Budget Worksession minutes. He asked if anyone else had any changes. There were none.**

B. **Regular Meeting Minutes of August 26, 2014 as amended: De La Vega suggested the following change to the minutes: Item C, EFD Budget, the first full paragraph towards the middle, says: "In response to his questions, there are new fees proposed for those who participate in events to pay for this position." De La Vega stated he was unsure of the phrasing. The intent was he had asked the EFD Board for a revenue plan for the proposed new position, the point being that they were proposing a new position and suggesting it was going to be paid for through new revenues that were going to be charged for events, yet they hadn't developed the fee itself or identified which events they were going to be at. There was no real plan in order to finance the new position. De La Vega stated the last sentence "The current fire inspector is not being totally utilized in this position." The full thought**

was "due to continuing non-inspector responsibilities" would be how that should be phrased.; 6th paragraph down, "De La Vega reminded the Council the increase is $27,000 more than it should have been due to the fire relief contribution" should be amended to add "one-time" before fire relief and "in 2013" at the end of the sentence; last paragraph, "De La Vega stated he is not in favor of this budget because the proposed budget will result in a 39% reserve", add: "when the auditor recommends 20-30% and recommends the reserves be drawn down to 35%, and the reduction be used to reduce the new city contributions to the EFD. He stated the thought is the EFD is about 9% over reserved yet they are requesting additional new funds. The concept is to lower the funds and reduce contributions to the cities; Item 11, Item G, delete last sentence and replace with: "The Three Rivers Park District will be taking a regional look at the area and how the pedestrian rail safety will be handled in the future". He stated basically the bridge is not going to happen due to budgetary issues. They are going to step back and take a broader look at the entire trail system and come up with a new approach to dealing with the trail crossing there on County Road 19. De La Vega stated that is all he has for changes to the minutes.

Grothe seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR
None

6. SPECIAL BUSINESS
None

7. PUBLIC HEARINGS

A. 42 Woodpecker Ridge Road
Kohlmann stated this is a public hearing and so that everyone knows, our City Planner, Kelsey Johnson, will give a presentation on the request. After that, the applicant will have an opportunity to speak and answer questions about the request and then the City Council will open the public hearing for public comment. Once all comments are heard, the City Council will close the hearing and debate the merits of the request. They usually have the opportunity to approve, deny or table the request so with that, I will turn this over to Kelsey Johnson.

Kelsey Johnson, City Planner stated we do have a request for a few variances for an application for 42 Woodpecker Ridge Road. The applicants are John Maakestad and Beverly Turbin who reside at 42 Woodpecker Ridge Road. The existing land use of the property is single family residential land use, zoned R-2A which allows for the duplex. The lot size is just over 30,000 square feet. The Comprehensive Plan guides it for single family which allows for the duplex in the future. Just an overview, the property is located just down the street here from City Hall. The unique shape of the parcel is very elongated, very wide and not very deep, and the access onto Woodpecker Ridge Road is through a City right-of-way. It acts more like a driveway so if you have driven back there it seems a little more private in nature rather than public. The house is located on the southern portion of the lot closer to Woodpecker Ridge Road. What is being proposed is a detached, 2-car garage which will be in the front yard. Currently, our Zoning Code does not allow accessory buildings to be located in the front yard nor are they allowed to be within a certain setback from that front property line in which case this violates both of those provisions of our Code. Additionally, the accessory structure can only be a certain percentage of the overall square footage or floor area ratio of the principal structure in which case this is exceeding that. If you've visited the site or seen the area there, it is a duplex and the garages are tuck-under garages so when we take our calculations for floor area ratios, we exclude basements or the tuck-under garages. So what we are really basing our floor area ratio on instead of the two-story duplex home that you would typically think of in terms of the overall mass is really the second-story floor square footage and so that is why it seems a two-stall garage would not necessarily exceed a floor area ratio in most cases. In this case because of that limitation and how we make our calculations, we are pushing that threshold.

Johnson stated this is a standard two-car garage. We take the height into consideration as it relates to principal structure. In this case the height is under the principal structure and under our ordinance threshold for maximum height to the peak. The applicant has indicated the garage will match the house although they may paint the house. The garage will be one color but the house will be following that at that time. They will be consistent and compatible in terms of their architectural standards, colors, and materials.

Johnson stated there are three variance requests. The first variance is to allow for the construction of a detached garage in the front yard of the

property. There is a 33.02 foot variance to allow for the construction of a detached garage 16.98 feet from the front lot line where in an R-2A a 50-foot setback is required, as well as a 14.6 percent variance to allow for the construction of a detached garage that exceeds the maximum allowable percentage of gross floor area of the principal building which in an R-2a District is 30 percent.

Johnson stated when you take a look at the statutory requirements for granting variances, we take a look at: is it in harmony with the intent and purpose of the ordinance; is it consistent with the Comprehensive Plan in terms of land use; is it a reasonable use of the property; are there circumstances unique to the property; and will it maintain the essential character of the locality. We talked about the property and its unique topography, the site generally slopes up, and where the applicant is proposing to place the garage is a flat area already and will not result in the loss of any significant trees. It is already a cleared area. She stated we do have a growth of trees on three sides of the property and wetlands across the street.

Johnson stated the consistency criteria with City Code requirements, it will not have an impact to the light and air on adjoining properties. In this case, it is not adjacent to any of the neighboring properties. It will not increase the congestion. It is already being used as a duplex. It will continue to be used as a duplex with a garage and it will not endanger public safety or diminish the property values. Actually having the additional storage and places to put things into as opposed to outside storage which is currently happening now on the property because of lack of storage availability will certainly help that.

Johnson stated staff is recommending approval of the variances based on the findings in the report and subject to conditions. The applicant is available for questioning, and Johnson would be happy to answer any additional questions.

De La Vega asked the Council if they had any questions.

Grothe asked if the shed that is on the site would go away. He stated it is kind of in the area of where it is at. Johnson stated it is under consideration whether or not it will be removed. We have to take a look at it to insure that it meets our Zoning Code in terms of compliance with the overall site. We are already exceeding it for accessory structures, so we've been indicated

by the applicant that he is open to removal of that.

Grothe asked how close the garage will be to the significant trees. Johnson stated she would have to verify that information but our indication is it would be far enough away to not affect the root system or the canopy with a close location.

Grothe stated with the letter from the applicant to the City talking about the new property line, has that issue been taken care of. Johnson stated it has not. The City's process to shift the lot line is a lot more complicated than simply shifting the lot line. It actually requires us to replat it, go through the certificate of survey process to realign that and would require Council action. While we are recognizing that this is a legal, non-conforming structure in the existing structure, we are comfortable with our standpoint to allow the garage. Any changes to the structure would have to come back to the City Council. Grothe noted it is in process and is moving forward.

Clapp asked if the proposed garage is going to be used for the renter as well. **John Maakestad, 42 Woodpecker Ridge Road** stated the garage will be used by both units. They live on one side and have tenants on the other side. Dutcher was very frugal with space when he built these, and there is absolutely nowhere to store anything so we need the space for protecting vehicles and storing things. The back northeast corner just makes it to the tree line. Those are all ash trees, 2-4" in diameter, and they are all starters. Unfortunately, they are all dying.

De La Vega asked for additional questions. There were no further questions, so he opened the public hearing.

Maakestad stated obviously, they are owner-occupants and any units that are owner-occupants are better for the community. He stated he believed it is a good thing for the Council to support their request. He discussed building materials proposed.

De La Vega asked if there was anyone else in the audience who wished to speak to this request. He closed the public hearing.

Ansari asked if anything had to occur technically before the request can occur.

Penberthy stated it is not material to the variance request as they do not

impact the lot line. If that property were needed as area, then it would be

material. It may be that the lot line may never get resolved. He stated he shouldn't say it may never get resolved.

Maakestad discussed the lot line issue.

De La Vega stated he thought the proposal as recommended by staff is one that he can support. He thought the need for additional storage space is valid. He drove by there today and saw things out that could be put away and that is always a good thing. He also noticed there is a hill behind that would make it difficult to build any further back so the front yard setbacks and the location given what he saw was really one of the only places he saw to build.

Grothe suggested it not be moved back and push it into the hill because animals and children could get on the roof and other issues could come up with that. He thought it was the best place as proposed.

Clapp stated he could support it as well and would like to make sure you get proper erosion control. De La Vega stated you do have that wetlands area to be protected.

Anderson moved to direct staff to prepare a resolution of approval for the requested variances to allow for the construction of a detached garage building in the front yard of the property that exceeds the maximum allowable gross floor area based on the gross floor area of the principal building based on the findings of fact listed in the report. Furthermore, the approval shall include the conditions listed within the staff report as may have been amended here tonight, Items A-I and Conditions 1-6. Grothe seconded the motion. Ayes – Anderson, Ansari, Clapp, De La Vega and Grothe. Motion carried.

8. OLD BUSINESS

A. 275 Lakeview Avenue

Kohlmann stated we have a revised plan from the residents at 275 Lakeview Avenue. Kelsey has outlined in her memo the changes proposed. I will turn this over to Kelsey should you have any specific questions, but we are just looking for approval to accept the plans as

submitted for the alterations that have been made since the public hearing for this property.

Johnson stated at the April 22nd Council meeting, you will recall there were a number of variances that were approved for the redevelopment of the property at 275 Lakeview Avenue – variances from lot width, required rear yard, the floodplain buffer, as well as the rear yard setback for the air conditioning units. There was a lot of discussion about patios and the landscaping and some of that. Since that time, the applicants have come back with a revised plan. What is before you tonight, and I will go through the modifications to the plan which are also outlined in the memo, but the purpose of bringing it back is the variances were approved based on the old plan set. While the modifications do not require variances, we wanted to bring it back to point out what the modifications are. We are looking for a motion of approval of the revised plan. The new plan reduces the hardcover from 34.4% to 32.2%, floor area ratio reduction from 24.3% to 20.3%, raise the building height from 22.5 feet to 24.08 feet which is well within our parameters. The average ground elevation is shifting slightly but still acceptable from a zoning standpoint from 933.28 to 933.08. The new plan will add a 2-6' crawl space. The first floor will have 8' ceilings rather than 9' ceilings. The second-story overall square footage was originally proposed to 2,115 square feet and will be reduced to 1138 square feet. The area was taken away from above the garage.

Johnson stated staff supports the alterations.

De La Vega asked the Council if they have any questions.

Grothe stated we aren't actually changing any of the setbacks. Johnson stated that is correct.

Grothe asked how the crawl space would be accessed. A member of the audience indicated there is a hatch to access the crawl space.

Clapp asked what the concrete removed was replaced with. The audience member stated it is being replaced with grass.

De La Vega asked if we still have the dog runs on the side of the house. The audience member indicated that we have not removed the dog runs.

Anderson moved to acknowledge the modifications made to 275

Lakeview Avenue which was previously approved on April 22nd as outlined in the staff report. Clapp seconded the motion. Ayes 5. Motion carried.

B. Birch Bluff Road

Kohlmann stated staff had begun ways to move this issue forward. Upon review of the City Code, it was noted the road allows for 1000 vehicles per day. Current volumes do not exceed this parameter. Staff has also provided what other cities' guidelines are for traffic and requirements for a dead end street. This information has been provided to the City Council before any further review is done.

De La Vega stated he had asked staff to share this information with those who would be interested in the information. He hoped they would come to the same conclusions we are. He stated he would open up the discussion with regard to the specific issues we are dealing with. He stated the last time we met we were talking about whether we had a volume problem or a speeding problem. One of the first things we wanted to do was to step back and take a look at the information we have, what conclusions we can draw from that, what additional studies, if any, are needed so we can actually understand the problem better, and consequently develop a solution that is workable.

De La Vega stated his first reaction to the information we have been provided is do we have a volume problem. The first time he heard the number based on the traffic study is that 500 vehicles seemed like a lot. It is a lot but apparently, given what we now know, is our own ordinances indicate those streets could carry 1000 cars a day. The other issue is the speeding. When he looked at the data, he was a little confused. The speed limit is stated as 20 miles per hour. He discussed the SLMPD's speeding threshold. When he ran the numbers, there were 9.6% of people exceeding the limit. Fifty-two of the people exceeded 40 miles per hour. It was noted they all occurred within a one-hour time period. He stated that seemed odd to him. He stated it is quite possible we need another approach at this information. He was not personally confident that this data reflects the reality that happened during this time period, but he thought we need to understand this data better.

De La Vega stated as was discussed previously, school is in session now. He stated it might be worth our time and effort to have the police put the

traffic device out there again. He wasn't comfortable he was looking at good solid information. He asked for comments.

Phil Roe, 85 Birch Bluff Road stated he didn't have a chance to read all the data. He stated the ten trips per household seems out there. He thought it wouldn't be appropriate if a decision was based on that figure. He believed traffic, including service traffic, is up. He believed another study is warranted in order to draw reasonable conclusions. De La Vega agreed with that especially now with the school year beginning.

Roe stated there was a universal agreement there was a traffic problem. He believed there is an obligation to solve the problem. His preconceived notion is to address the problem and come up with a resolution that is acceptable to both neighborhoods.

Eric Lindquist, 120 Birch Bluff Road stated one direction captured more traffic than another. He believed the machine may have needed to be calibrated. He stated where it was placed removed fifty percent of the residents on Birch Bluff Road. He agreed the data should be challenged. He suggested there be a way to do the traffic study without letting people know it is happening. He didn't know if that would be possible.

Tom Hallin, 220 Birch Bluff Road stated most of the speeders are in the morning, and they are on their cell phones. The others are late in the afternoon. He stated there isn't a speed limit sign except for a block away from the beach. He was concerned about kids walking and riding bikes. He believed the speed limit should be 15 mph. He also suggested a "Children at Play" sign.

Tom Rehman, 130 Birch Bluff Road stated there has been at least 2-3 times this issue has been brought to the City Council, and it never got very far. He was glad to heard the Council thought something has to be done. He also challenged the data. He stated there has been negative data on speed bumps. He urged the Council to keep an open mind when deciding what to do.

Dave Soltau, 60 Birch Bluff Road thinks there is a speeding problem and the data should be run again. He stated there should also be data for Smithtown Road which is the road that should be carrying the majority of this traffic. He believed the data is subject to an underestimation without question. He has been out there many times and people are speeding

and are on their cell phones. He was concerned something is going to happen unless something is done. He stated he won't let his children ride their bikes on Birch Bluff Road. He believed the staff report had a lot of negative comments rather than positive ones. He believed speed bumps are a practical application. He stated if a restudy is done, both roads should be done. He stated if we ever get to the point where the road would be blocked off, he would like to know how their streets compare with other streets in the City.

Marge Johnson, 245 Birch Bluff Road stated she was unclear what the proposal is. She asked if the road will be blocked off. De La Vega stated until we understand the problem, we don't know what the solution is. Johnson asked if the study is from 2013. De La Vega indicated it was.

Johnson stated she has a better understanding of the traffic than anyone else does and the traffic is not as bad as they say it is. She stated to say you can't walk your dog or bike is not represented correctly as people are out there all hours of the day and night. She stated if the road is closed, insurance rates will be raised. She also didn't want her property taxes to go up. She believed volume and speed are two separate issues. She stated speed is a law enforcement issue She didn't believe volume is what everyone says it is.

De La Vega stated that is the bottom line with this whole effort. As a Council, we need to respond. The only information provided so far has some potential issues. He also agreed that unless we get a study that is more representative of reality, and I think having a big sign flashing your speed does affect the results that you are going to get from a study. Part of the reason I am hoping Kelsey is still here is to get a sense of what the issues are so as we look to solving whatever the problem is that we first understand it correctly by designing the study that captures the data as accurately as possible. That is the first step. With regards to the information Joe brought forward, there are always two sides to everything. We need to apply the data to our situation. He also agreed the speeding issue is a law enforcement issue, and he had some ideas he would talk to Chief Litsey about. He stated there are other areas in the city that have issues. He stated a solution will not happen overnight. He believed the school year has higher volumes. He stated we have to respond but we need to get a sense of whether we have what we need. He stated we need to step back and engage a professional study and come up with solutions that engage the entire community. He asked residents for their

help. He stated we are not about throwing money at problems. We want to solve the problem but we want to understand it first so we know what the solutions are.

Grothe stated if we go with the information we have, we wouldn't be able to do anything due to the traffic volume. Although there is speeding on other roads, he couldn't recall a street that goes through. He thought it was good to check some things further. He asked if a count could be done which would calculate speed. De La Vega stated he would approach it with several counts to see how the road is used.

Kelsey Johnson stated counters could be put out as it exists today. It could also be closed to through traffic to determine how it is being used.

Phil Roe asked if the trailers would be placed on both streets at the same time. De La Vega stated that would be the preferred approach to get the same data at the same time for the same roads.

Roe stated there was a very universal agreement between the two neighborhoods that there were volume and speed problems. He believed we need to avoid getting all wrapped up in what solutions are available.

Eric Lindquist asked for clarification of the 1000 trips per day. He stated he would also like to see a traffic count on another street such as Birch Bluff Road past Eureka Road.

Clapp stated when vehicles are going southbound on 19, there isn't a stop sign off Birch Bluff Road. They are flying. He believed the traffic study should be for Birch Bluff and Pleasant. He stated he puts in speed bumps for a living, and there are many cities that love them. He stated the study is a place to start. He didn't believe we should do a traffic study for another city. He stated there are also ways to capture vehicle traffic for non-residents. De La Vega stated it is a complicated combination of things that are occurring on those two streets that are creating this need for action. The better we understand it, the better solution, and consequently, the better the results. He stated he is an advocate for taking our time. He stated we will bring this back to Council and instruct staff to work with a proposed study of design for capturing the information we have been taking about this evening.

A member of the audience stated the vehicles traveled the slowest when there was road repair in progress.

De La Vega thanked those present for taking the time to attend the meeting. He stated we would stay in touch.

C. LMCD Representative Applications

Kohlmann stated we have received four letters of interest for the LMCD representative. Staff has provided the letters for review. He discussed a possible interview process. De La Vega suggested he, Clapp and Kohlmann sit in on interviews. Dates will be scheduled.

9. NEW BUSINESS

A. 2015 Budget and Tax Levy

Kohlmann stated the proposed budget, tax levy and capital improvement plan has been provided for 2015 reflecting a zero percent increase. He stated a resolution needs to be adopted certifying a levy amount.

De La Vega stated this is the fifth year in a row with a zero increase. He stated there were some items we struggled with but, overall, this is a good plan. He stated he hasn't received any calls complaining about things. He was proud to say we were able to hold taxes down for the last five years.

Anderson moved to adopt:

RESOLUTION NO. 14-28

A RESOLUTION APPROVING 2015 TAX LEVY, COLLECTIBLE IN 2016

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

B. 120 Sunrise Avenue

Kohlmann stated two surveys have been provided in the staff report relating to this address. He stated the second survey is for the approved landscaping plan from 2006. The first survey shows a dotted line around

the driveway which is what is currently at the address. It is actually City property located in the fire lane. He stated there are a few different things that can be done. The applicant can meet City standards, we can enter into a license agreement or vacate the property, He believed there would be more requests for vacations if this one goes forward.

De La Vega asked why there was one plan and another plan ended up being built and if it was before the as-built survey requirement. He noted currently the property is impinging on City property. To correct that, there are three approaches. He stated he was not versed enough to know which is more suitable and if Council has an opinion on what the best approach would be.

Kohlmann stated the residents who got approval for the 2006 plan later sold it to the current owners.

De La Vega asked if a change was being made to the house.

Christine Erdahl, 120 Sunrise Avenue stated they have lived there since 2009, and the driveway continues to sink and they are interested in replacing the driveway which is when the issue came to light. It involves 308 feet of land. She noted the location on a picture. She indicated the fence, boulders, and mailbox are all on City property.

James Erdahl, 120 Sunrise Avenue stated the jag was created for a plan to construct another road that never was constructed. He stated they want to be able to improve their driveway without causing trouble for the City.

De La Vega stated the area was never platted that way, and the jag still exsists.

Christine Erdahl stated she talked to staff about a variance to keep the City property separated. It was discovered it would be too close to the other boulder wall. You would have to drive around the block to get into the driveway.

Clapp asked if it is hindering on the fire lane. De La Vega stated you have to look at where the "jag" is located.

Grothe stated there is a process in place now to require as-built surveys, and this wouldn't happen now.

De La Vega stated he is struggling with what we have, and how do we best position the City's interests so there isn't a flood of requests, yet this needs to be resolved. He asked Penberthy for information on licensing vs. vacating.

Penberthy stated licensing is more of a temporary solution which wouldn't be used in a case like this because this is a permanent solution. A vacation would give up the property permanently. He stated we have done licensing where it was an after-the-fact case such as a garage being built on top of a sewer lateral. The license says if we have to repair the sewer, we can tear down the garage to do so.

Penberthy stated this is a difficult situation for the property owners.

De La Vega stated he was unsure what would need to be done for a vacation. Penberthy stated the main question is if it is in the public interest to vacate the fire lane. The Supreme Court stated it is okay to accommodate the adjoining owner but you have to put heavy weight on the public good. The Council is not in a position to determine the public good for the future. He stated one other complicating factor is you also need to notify the DNR who do not approve vacations of land adjacent to Lake Minnetonka.

De La Vega stated he could understand that if you were vacating the entire fire lane. Penberthy stated the argument might be you are vacating a possible parking spot for lake access.

De La Vega discussed how a license might be offered so the homeowner would be able to use the space as currently exists with the City retaining the right to access the area if needed.

Penberthy stated he would have to research whether they can be done with a public street. He was unclear whether the City had the right to do that. He stated licensing may not even be allowed.

Grothe asked if the plantings on the opposite side of the fence are the property owner's plantings. Christine Erdahl stated they are.

Grothe asked how wide the driveway is. It was noted it is about twelve feet wide.

James Erdahl stated in the five years they have lived there, there has only been one person who has walked on the fire lane. He stated no one is able to access the lake because of the topography.

Penberthy stated there are four encroachments to the fire lane. There is the boulder wall and the driveway into the fire lane, and the border wall in the fire lane and right-of-way and the neighbor's property.

Penberthy stated had this been proposed today, it wouldn't happen. The plan was approved and it was not constructed according to plan, and now the current owners are suffering. If you are going the license route or the vacation route, you are giving up the property forever.

Grothe stated it is not in the public good to give up the property.

De La Vega stated we have vacated streets before.

Penberthy stated if the triangle is vacated, the boulder wall will be on private property. The other issue is the driveway would not have to be moved.

De La Vega believed the vacation would resolve many issues.

Grothe stated he is hesitant to give up the whole thing. He discussed opening up the corner more in order for the City to retain more of the triangle.

De La Vega stated there are legal complications involved with the licensing and/or vacation. There may be thousands of dollars involved.

Christine Erdahl asked why it would cost the City money to vacate property. De La Vega explained there would be legal fees involved.

Penberthy stated any vacated street goes to the abutting property. They would then own the property.

Clapp stated the City's fees should be paid for if the property is turned over.

De La Vega believed vacation was the more permanent solution and the need to begin the process. Penberthy stated fifty percent of the abutting property owners need to petition the City Council for the vacation. He noted there are only two property owners. He stated if fifty percent petition for vacation, they would need a 3/5 City Council vote. If the City petitions, there would need to be a 4/5 vote. He explained the process to the residents.

Clapp asked if they are interested in putting a driveway in this fall. Erdahl stated she would like to construct it before winter. Clapp asked if the residents could begin the work before the hearing.

Penberthy noted there is a public hearing required. If the driveway is constructed and the vacation is denied, there is a driveway in place.

In response to a question from Penberthy, the Erdahls indicated they would proceed with a petition for a vacation.

De La Vega reiterated that the residents would need to help with the fees.

Penberthy stated they would also need to weigh in the balance and be prepared to state for the record how the public benefits from this foreclosure.

Grothe asked if the dark area on the survey is where you are looking to put in the driveway. Christine Erdahl stated they are going to keep the same footprint. Grothe suggested a solution that would not involve such a complicated process.

Penberthy stated the driveway could be moved over a foot to the southwest. That would take it out of the triangle completely.

Grothe stated we could go through the entire process and not have the neighbor's approval. The reality is this could fail and you wouldn't get your driveway.

Christine Erdahl asked how the City would be benefitting. Grothe stated we have to prove that it is a benefit to give it to the property owners.

De La Vega stated whenever we have variances or property issues, are we improving the neighborhood. He stated there was an old school idea of making this road another way that never happened. He stated we would never give up the fire lane, but there is a piece of the fire lane that does not benefit anyone. It would create a more saleable lot.

Penberthy asked if the conclusion is the driveway won't be moved. If the driveway gets moved 2 feet, we don't have a problem. The applicants indicated they want the petition.

The applicants will petition the City for a street vacation.

C. Reschedule November 11 Meeting and Set Canvass Board Date

Kohlmann recommended the November 11 meeting be rescheduled and the Canvass Board meet five minutes before the meeting begins on November 10.

Anderson moved to reschedule the November 11 meeting to November 10 and set the Canvass Board meeting to 6:55 p.m. on the same night. Clapp seconded the motion. Ayes 5. Motion carried.

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 – Ansari stated we didn't qualify for the recycling grant but we have been redirected to other sources of funding.

D. Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC – Grothe he had heard two other cities denied the EFD budget. De La Vega stated Deephaven did not pass either budget, Greenwood passed both budgets, and so did Excelsior. Grothe stated he also is concerned about the temporary signage at Danberry and KoKo Fit Club and now the bus garage. De La Vega stated there haven't been any approvals for these signs. Penberthy stated the Public Works Superintendent used to pull these signs.

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 9:02 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

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Clerk