

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING January 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, and Grothe. Councilmembers Anderson and Clapp were absent. Also present were City Administrator Crawford and Interim City Attorney Mattick.

3. **APPROVAL OF AGENDA**

Grothe moved to approve the agenda as submitted. Ansari seconded the motion. Ayes 3. Motion carried.

4. **CONSENT AGENDA**

Grothe moved to approve the following consent agenda items:

- A. Regular Meeting Minutes of December 8, 2015
- B. Adopt Resolution 16-01, Appointments
- C. Adopt Resolution 16-02, Water and Sewer Connection Charges
- D. Resolution 16-03, Variance/CUP – Steele, 160 Sunrise Avenue
- E. Liquor License Renewals – The Caribbean

Ansari seconded the motion. Ayes 3. Motion carried.

5. **MATTERS FROM THE FLOOR**

None

6. **SPECIAL BUSINESS**

A. **Hennepin County Commissioner Callison**

Commissioner Jan Callison updated the Council on recent County activity. She noted the demand for services in Hennepin County increased. She noted the numbers are for 2010-2014 and showed a 42% increase. The increase in Tonka Bay was 107%. Significant increases also occurred in the number of welfare and food stamp clients. She also discussed the 2015 Metropolitan Mosquito Control District activity in Tonka Bay. Callison stated a fence would be installed again this year along County Road 19, but it would not be as long as the previous year to still allow people to fish and provide safety.

De La Vega asked for information on the inspection of the Narrows Bridge. He stated the area on County Road 19 in the Old Orchard Park area does not have guardrails, and he asked for information on whether the County could install some. Callison stated she would check on both items.

Ansari asked for an update for banners on utility poles in County right-of-way. Callison stated the County does not require a permit for installation of banners and recommended the Chamber work with the City.

Grothe asked if the posts along County Road 19 in front of City Hall were necessary. Callison would also research this topic.

7. **PUBLIC HEARINGS**

A. **Variance/CUP – Gordon/McClellan, 220 Sunrise Avenue**

Crawford briefly reviewed the request. Perdu reviewed the request for a teardown and reconstruction of a single family home in the R-1B Shoreland Overlay District. The lot is just over 4600 square feet. She noted the location of the property through an aerial photograph. She also reviewed existing and proposed surveys for the property. She discussed the required variances for the request. She noted the overall height of the structure to the top of the flat roof was thirty feet which is still within the ordinance requirement. The height variance related to an exception for 2-1/2 stories. She discussed a proposed gambled roof. She also discussed the required variances from lot area, lot width, front setback, side setback, rear setback, floodplain buffer, requirement for a two-car garage, and driveway setback in addition to the height variance. She reviewed the statutory requirements for variance criteria review. She also reviewed the City's requirements for approval of variances. Perdu reviewed the conditional use permits required for floor area ratio, shoreland impact plan for hardcover, and alternative flood proofing measures. **Justin Messner, City Engineer** reviewed the shoreland impact requirements and alternative flood proofing measures for the property. Perdu stated the reduced dimensions proposed for the garage reduced the magnitude of variances required. She stated conditions for approval have been provided.

Grothe asked if the existing wooden steps are something they wantec to keep. Perdu stated they proposed a stairwell that is 9" above the ground which was considered a structure and required a variance.

De La Vega opened the hearing for public comments.

Tim McClellan discussed issues related to configuring the new construction on the property. Council discussed the two-car garage requirement with the applicant. McClellan agreed a two-car garage could be added.

Crawford stated support in written form was received from the applicant at 210 Sunrise Avenue.

Gordon asked if extending the garage four inches would create a need for another meeting or if it is encompassed in this request. Mattick stated it could be accomplished without another meeting.

De La Vega closed the hearing.

Grothe moved to direct staff to prepare Resolution 16-04 approving the requests for variances for all but the minimal garage size (variance #7) and for the conditional use permits for the property at 220 Sunrise Avenue based on findings of fact including amended sections A-J. Ansari seconded the motion. Ayes – De La Vega, Ansari and Grothe. Motion carried.

B. Variance – PMJ Tonka LLC (Tonka Village Shopping Center), 5609-5665 Manitou Rd

Perdu reviewed a two-variance request for a sign at Tonka Village Shopping Center. The zoning district was C-2, and the lot size was 6.29 acres. She reviewed an aerial view of the property and noted the size location on an existing pier. The variances are from the maximum allowable sign area and to allow the sign to change every minute rather than once per hour. She showed several photos of the proposed signage from varying levels and locations. She discussed the statutory requirements for approval of variances. She noted the allowable area for the sign was based on the pier area. She stated the request would not impact the area negatively. She stated the proposal was for the sign to change every sixty seconds. Other ordinances allowed for 5-10 second intervals. She recommended approval of both variances based on the findings of fact in the report.

Council and staff discussed the requirements for monument and wall signs. Grothe asked for the purpose of the sign change.

De La Vega opened the hearing for public comments.

Peter Knudsvig stated sixty minutes was a very long time. He stated it took 3-4 seconds to catch the average person's attention. He stated the City of Tonka Bay could also advertise on the sign for future events.

In response to a question from Grothe, Peter explained how the wording could be changed from his office to accommodate businesses.

De La Vega stated messages would need to be quick because of the time vehicles would be in the sight line area. He stated he might want them to consider dimmed lighting on the sign during the evening hours. He stated traffic patterns changed during the day, and there wouldn't be the volume of traffic later in the evening. He stated he wanted to leave the door open to deal with any future complaints. Peter stated the sign is designed to be seen, and he indicated it could be shut off overnight.

Martha Anderson, Anderson Properties asked if the sign should change faster than 5-7 seconds. De La Vega stated we want to move forward with the request for one minute and see how that works out.

Gary Ezell, Joey Nova's thanked the City Council for their consideration of this request and their willingness to work with the business community.

Crawford stated she received a call in support from Koko Fit regarding this request.

Grothe moved to direct staff to prepare Resolution 16-05 to approve the variances from the maximum allowable sign area and changeable messages subject to findings of fact and to approve the sign permit. Ansari seconded the motion. Ayes – Grothe, De La Vega and Ansari. Motion carried.

8. OLD BUSINESS

A. Cityscape/ Parks Improvement Plan

Crawford stated the final version of the cityscape/parks improvement plan was provided for the Council's consideration. De La Vega stated there was a lot to do and that the good news was the Parks Committee was in place to work on this. He stated we need to come up with money for these improvements. He indicated there are grants available.

Grothe moved to adopt the Cityscape/Parks Improvement Plan as a guideline for the Parks Committee and City Council to follow. Ansari seconded the motion. Ayes 3. Motion carried.

B. Accept Comprehensive Plan Update Contract

De La Vega noted the contract stated that Sambatek would own the final document. He stated this was not acceptable, and he was assured in writing that this would not be the case.

Grothe moved to direct the City Administrator to enter into a contract with Sambatek subject to language change in the contract. De La Vega seconded the motion. Ayes 2-1. Ansari voted against the motion. Motion carried.

C. Establishing Operating Principles

Crawford stated the City Council reviewed these in November. They have since been revised, and the final document was provided. She indicated the final principles would be used for employee engagement, performance reviews and basic operating guidelines. De La Vega stated this was a living document and they should be changed as needed.

Grothe moved to approve the organizational operating principles to be used for employee engagement, performance evaluations and basic operating guidelines for all city staff members. Ansari seconded the motion. Ayes 3. Motion carried.

9. NEW BUSINESS

A. Accept Public Space Recycling Grant Contract

Crawford stated staff applied for a recycling grant and was recently awarded the grant. Staff was requesting authorization to enter into the contract with Hennepin County.

De La Vega asked if they would look the same as the garbage containers. Crawford indicated they would but would have blue lids. She indicated the grant would pay for eight receptacles, foundation materials and bags, and everything else needed with the exception of staff time. She discussed reporting requirements.

Grothe moved to accept the contract and authorize the City

Administrator to enter into said contract. Ansari seconded the motion. Ayes 3. Motion carried.

B. City Attorney Request for Proposal

Crawford stated the City Council discussed the possibility of going out for RFPs for legal services. A draft document was provided for review.

Grothe asked if we would also go out for engineering and planning services as well. De La Vega stated the decision was made to do one at a time.

City Council discussed and suggested changes to the RFP. Crawford stated the Excelsior City Attorney has offered to help with reviewing the final document.

Grothe moved to accept the document as amended and authorize staff to send out RFPs. Ansari seconded the motion. Ayes 3. Motion carried.

C. Change Meeting Schedule in 2016

Crawford stated both election dates fall on City Council meetings date. Staff proposed the meeting dates be changed to August 10 and November 9.

Grothe moved to change meeting dates to August 10 and November 9. Ansari seconded the motion. Ayes 3. Motion carried.

D. 2016 Local Board of Appeal and Equalization Meeting Date

Crawford stated this year's Board of Appeal and Equalization meeting date was scheduled for April 13. De La Vega suggested the meeting start time be 7:30 p.m. due to a meeting conflict.

Grothe moved to set the Board of Appeal and Equalization meeting for 7:30 p.m. on April 13. Ansari seconded the motion. Ayes 3. Motion carried.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

- A. **Administrator** – Crawford stated she had received calls and e-mails regarding our soliciting ordinance. Residents felt it was not strong enough. She talked to the police chief who indicated there was a need for a stronger ordinance. Grothe suggested looking at other cities' ordinances. Mattick stated there have been recent First Amendment rights that would need to be considered.
- B. **Anderson – Finance, Fire Lanes and Public Access, Technology** – absent
- C. **Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – Ansari thanked the city staff for their snow sculpture efforts and for the recycling grant efforts.
- D. **Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC** – Grothe stated the Parks Committee and branding efforts subcommittee continue to meet and make progress.
- E. **Clapp – Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks** – absent
- F. **Attorney's Report** – no report
- G. **De La Vega – Public Works, SLMPD, Administration** – De La Vega extended sincere thanks to former City Attorney Jim Penberthy who will be sorely missed. **De La Vega moved to authorize staff to prepare a letter to send to Mr. Penberthy. Grothe seconded the motion. Ayes 3. Motion carried.**

12. **ADJOURNMENT**

There being no further business, it was moved by Grothe to adjourn the meeting at 9:01 p.m. Ansari seconded the motion. Ayes 3. Motion carried.

Attest:

Clerk