CITY OF TONKA BAY
ITEM NO. 4A

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
October 14, 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, City Attorney Penberthy, 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**
Ansari moved to approve the following consent agenda items:
A. Regular Meeting Minutes of September 23, 2014
B. Resolution 14-31, 105 West Point Avenue
C. Resolution 14-32, 35 West Point Avenue

Anderson seconded the motion. Ayes 5. Motion carried.

De La Vega moved to accept the minutes from the following meetings:
D. Shoreline Safety Committee Minutes – August 25, 2014
E. Shoreline Safety Committee Minutes – October 6, 2014

Anderson seconded the motion. Ayes 5. Motion carried.

5. **MATTERS FROM THE FLOOR**
None

6. **SPECIAL BUSINESS**
None

7. **PUBLIC HEARINGS**
None

8. OLD BUSINESS

A. Birch Bluff Road/Pleasant Avenue – Traffic

Kohlmann stated staff reviewed the minutes from the last meeting in order to address all items raised will be addressed this evening. He stated he called the equipment manufacturer to determine what went on during the one hour period. It appears something was parked in front of the speed terminal. He stated the quote from WSB is being brought back in order to identify the quote and the areas that will be studied. He stated a quote for a speed trailer is also provided should that be another option.

De La Vega stated the data accuracy was reviewed and a couple numbers were off. He stated the traffic study had a date issue. It sounds like if we don't do this soon, we shouldn't do it until next spring. He asked how soon we should be prepared to understand this study and mobilize the proper people.

Kohlmann stated WSB is proposing to start on October 20th in order to inform emergency professionals.

Clapp asked if they would start with the road open or closed. Kohlmann stated the road would be open. Clapp stated that would give us more time to notify.

De La Vega stated one other thing is that timing is an issue. The other issue is the money. He stated it will be a $4,000 cost to the city to undertake this study. He asked if we would be doing our own analysis of the report. Kohlmann stated they would provide an analysis. De La Vega asked if there is a breakdown of the cost. Kohlmann stated it would be preparation of the report which would then be brought back to the Council.

De La Vega asked if it was based on an hourly rate. Kohlmann stated it is at a not-to-exceed $4,000 price.

De La Vega asked if they gave any reason why it couldn't be done sooner, quicker, or less expensive. Councilmembers discussed the parameters of the quote.

De La Vega stated we don't have this amount budgeted. He asked if this is something that would qualify, so to speak, for the road. Penberthy stated the general fund is tax dollars for the entire city. To take an amount and

focus on a specific neighborhood would need to be researched. He stated it could be assessed to the property owners. It could include funds for the study and any other funds to follow. It may be a good idea to hold a public hearing regarding the funding.

De La Vega stated we should explore the funding. We don't want to spend money that we legally cannot spend.

Clapp stated putting this off to another meeting would can the study for this year.

Penberthy stated our subdivision ordinance prohibits dead end streets. He stated this is not technically a subdivision, and it is something we don't have an answer to right now without Council direction.

Phil Roe, 85 Birch Bluff Road stated it seemed to him in the last 2-3 sessions, the dead end came up as an option. He didn't quite understand why it is still there. He lives on Birch Bluff and would like to see it dead ended. Most residents did not want it.

De La Vega stated the last time we spoke he recalled it wouldn't be closed at Birch Bluff Road but at the Johnson's property and Pleasant Avenue.

Penberthy stated the dead end he was talking about was for the study. He stated he wasn't talking about a permanent solution.

Roe stated the possibility of the dead end going through is small and is splendid with problems and issues. He asked why not study what needs to be studied and study it well. Clapp stated the dead end will help calculate what kind of traffic is coming through.

Penberthy stated the ordinance states you can't have a dead end.

Roe stated a traffic count going into Shorewood would have the same impact as a dead end. To have a dead end would slow us down and cost us money.

De La Vega stated we will know how many people are going through without the traffic count.

Roe stated if Birch Bluff Road is closed, residents on Pleasant Avenue will

be up in arms and it isn't fair to them. We need a way to calm traffic on both streets. He believed the important thing is to spend the money wisely and get the best data we can get.

De La Vega stated he didn't know any questions have been answered. He stated he hasn't seen the data to answer whether there is a volume or a speeding problem. Given what he has read, would this study produce the data to answer those questions?

Roe asked whether fourteen days is long enough to get the answers to those questions. He would prefer fourteen days in two random weeks. He would defer to the experts.

Clapp asked if the cost of the proposal includes the closure. Kohlmann stated it would. He indicated it would lead to that end.

Kristin Viger, 45 Pleasant Avenue asked what the tolerance is for traffic. What good is the data if you don't know what you are looking for? De La Vega stated ordinance set the volumes and speed limits. He believed the data we have now is flawed.

Viger stated as a resident on Pleasant, there are speeding issues. If the data comes back and it misses the mark, did we waste the money. De La Vega stated we don't know what the answer is. If the data comes back stating there is no speeding and there isn't a volume problem, then yes. He stated it hasn't been determined who will pay for this yet. He stated this is a very specific study for specific roads and will benefit certain residents.

Viger stated it would be nice if something was done such as sidewalks or speed bumps. De La Vega stated sidewalks would be assessed to the property owners. He didn't know about speed bumps. Whatever the solution is, there is a price to pay.

Viger stated the questions to answer should be a part of the study. De La Vega asked if there are other questions. Viger stated data has been collected by the police department. There was a speed cart on Pleasant Avenue. She sent an e-mail to everyone. Pleasant Avenue exceeds the 1000 vehicles per day. There is data that has been collected for free. De La Vega stated we could do it again if we want to stand in line to get the cart.

Viger stated it would be nice if the residents were involved in when the data is collected. De La Vega stated we want it during the school season. He thanked Viger for her analysis of the information provided. He agreed Pleasant and Birch Bluff should be combined into the study.

Viger asked if the closure would be clarified so it doesn't get closed on one side and another. De La Vega agreed.

Viger stated it would be nice to do the speed study closer to where there are residences and not in vacant areas.

Penberthy asked if the Council would be interested in purchasing their own speed trailer. He stated it could be used throughout the entire city. The data could be used to concentrate enforcement. He stated the advantage is the general fund could be used, because it would be used city wide. You can do it anytime of the year.

Andrea Andersen, 20 Pleasant Lane West stated you could buy removable speed bumps and use them all over the city. Penberthy stated speed bumps could be the result of the data collection.

Grothe stated when we first started this we talked about a survey situation where the actual end of the city was determined. He still hasn't seen the response to that. He stated the horseshoe closure is interesting, but he believed it is outside our boundary. Kohlmann stated he did not get a quote on that but was able to find a survey showing it is all in Tonka Bay.

Grothe stated purchasing the speed trailer has merit. We've been having discussions about traffic issues on other streets in the city. De La Vega stated he would prefer to use the free speed trailer.

Clapp asked if speed bumps could come out of the general fund. Penberthy stated it is the same issue. If you adopt a policy to put speed bumps throughout the city, it could come out of the general fund.

De La Vega asked Kohlmann to approach SLMPD to gather data one more time.

Clapp stated he would rather spend the money on temporary speed bumps to see if that is the solution. It was noted we do not know if that is the problem. De La Vega stated we need a new view. The data we have

available doesn't show there is a problem.

Grothe stated putting in speed bumps still won't resolve the issue. He didn't know what can be done to change people's attitudes. He agreed there is something that needs to be done with a study like this. He had issue with the timing. The more we can do without spending money the better, but he was unsure where we are going. We need the data.

De La Vega stated the first issue is whether we can spend the money.

Council discussed the purchase of a speed trailer.

De La Vega asked Kohlmann to have the speed trailer set up on Birch Bluff Road and Pleasant Avenue.

Kathy Ottum, 30 Lilah Lane discussed where the speed trailer on Pleasant Avenue should be placed.

De La Vega stated part of the solution is more enforcement as well.

Viger asked if the display will still collect data if it is turned off. De La Vega stated it would be asked.

Roe stated a speed cart sounds great to him. He stated time and date are all variables. He stated some kind of protocol needs to be developed to define what we want to do and why we want to do. He would prefer this be done in the spring rather than start next week.

De La Vega suggested a committee be formed.

B. EFD Budget – Revised Proposal

Kohlmann stated the 2015 EFD budget has been revised and discussed the changes. De La Vega asked Ansari for her input.

Ansari stated requests were taken into consideration and compromises were made. She stated it felt that items brought up in the August meeting were looked at and scrutinized, and some considerations got hashed out. She recommended approval of the budget.

Grothe asked for clarification of the $30,000 being returned to the cities. De La Vega stated instead it appeared a check would be cut. Ansari stated

they believed that would be cleaner accounting.
De La Vega asked how the floors in the building became a priority. He asked if the money could be set aside for the chief's new car instead. Ansari stated they looked at all the possibilities the chief requested, and the floors came up as a concern because of structural gaps. Kohlmann stated the floors were the next item on the 5-10 year building improvements program.

Council and staff discussed the Fire Relief Fund.

Grothe asked if there is anything in the budget for a boat. Kohlmann noted the Relief Association paid for the boat motor to be repaired.

Grothe asked if we really need all the vehicles we have. He noted whenever there is a fire, there are five other departments present. De La Vega stated fifty percent of the calls are for medical reasons, and we aren't equipped for those. There is a change occurring, and those are the kind of questions we need to ask.

Anderson moved to adopt:

RESOLUTION NO. 14-34

**A RESOLUTION APPROVING
2015 EXCELSIOR FIRE DISTRICT BUDGET
AND CAPITAL EQUIPMENT PLAN**

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

C. **Shoreline Safety Committee Recommendation**
Ansari discussed recent meetings held with area residents to come up with some protocol in order to be prepared for the next fishing season. The focus of the committee was to come up with a safe option. She indicated there weren't a lot of options available. It is unknown what situation we will be in next year. She stated the group met two times and reviewed what was put in place last spring. She indicated we have similar recommendations. The intent is to reduce numbers and not reduce fishing. The only solution is to try and restrict parking.

Grothe stated a permanent sign with dates included is the proposal. He

believed this is the best solution for that. He would like to have an official record to go to the County to have permanent signage on Manitou Road. That is our real concern.

Penberthy stated we cannot say no to loitering. De La Vega stated there is no standing or stopping signage on the Narrows Bridge. Penberthy stated as long as the word "loitering" is not used.

De La Vega believed there should also be signage on West Point Road where there was parking as well. He stated restrictions should be placed on West Point Drive to the monument signs. Council agreed. He asked if the "No Fishing" would be permanent. Ansari stated it would be along West Point Road.

De La Vega asked if the condominiums were involved in any of these discussions. Penberthy indicated David Wheaton had agreed to contact them.

Penberthy discussed State signage guidelines that must be met in order for enforcement to occur.

Grothe asked if we are changing an ordinance by accepting this. Penberthy agreed.

Anderson moved to adopt:

RESOLUTION NO. 14-35

**A RESOLUTION RESTRICTING PARKING
ON WEST POINT ROAD FROM APRIL 1ST THROUGH JUNE 30TH**

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

Anderson moved to adopt:

RESOLUTION NO. 14-36

**A RESOLUTION RESTRICTING PARKING
ON INTERLACHEN LANE AND INTERLACHEN COURT
FROM APRIL 1ST THROUGH JUNE 30TH**

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

9. NEW BUSINESS

A. Lot Split/Combination – 89/90 Wildhurst Road

B. Lot Split/Combination – 90 Wildhurst Road

Johnson reviewed the request for a lot split/combination for 89 and 90 Wildhurst Road which are currently two separate parcels. The first request is for a simple subdivision and a lot combination and the second request is just for a subdivision. A small portion of 90 would become part of 89 to make the lots more rectangular in nature. She reviewed the requirements that must be met for lots in the R-1A Single Family Residential District. What is being done is making 89 more conforming. She discussed lot width and area requirements.

Johnson stated there is a tennis court currently on the site. Conditional approval will be given with the requirement the tennis court be removed by November 1, 2015. She reviewed additional recommendations for newly created lots. One would be a utility easement which would be a separate document. Easements would be dedicated and would come back to the City Council for approval before being recorded.

Johnson stated the applicant has submitted a wetland delineation form. This wetland should be included in another easement. A legal description of the wetland is requested which will also be recorded.

De La Vega asked if the applicants would like to make any additional comments.

Mike Maney, 90 Wildhurst Road stated they have taken out the tennis court already. A couple light poles remain which will be removed. He had a question about the easements which he thought would already exist. Johnson stated they need to be submitted as part of the subdivision process. She stated she would work with him on the legal descriptions.

Grothe stated from what he is seeing, there will be three new lots. He asked for clarification of the wetland buffer. Johnson discussed the requirements and the need for the buffer area to remain in its natural state.

Grothe asked if the house at 89 Wildhurst Road will remain. It was

indicated it would remain. Johnson stated if there is a plan in the future to expand, they would need to come before the City Council.

Anderson moved to direct staff to prepare two resolutions (Resolution 14-37 and 14-38) for approval for the requested simple lot subdivisions and lot combination based on findings of fact a-f listed in the staff report. Furthermore, the approval shall include the conditions 1-5 listed within the staff report as may have been amended here tonight. Clapp seconded the motion. Ayes 5. Motion carried.

C. **Temporary/Seasonal Sales Permit – 5420 Manitou Road**

Kohlmann reviewed the request for a temporary/seasonal sales permit for 5420 Manitou Road. The request is to operate from November 24 – December 24 on the site adjacent to the LRT trail, formerly All American Recreation.

De La Vega stated he didn't see where the tent would be located on the property. The shaded area was noted on the submittal.

Mike West, applicant noted the tent location adjacent to the grassy area.

De La Vega stated that is a tricky location to get in and out of. He hoped it would be successful. He asked what the hours of operation would be. West indicated the hours would be 10 a.m. – 8 p.m.

West noted trees would not be sold and discussed other items for sale. He stated he would have a wreath located on the outside. He would have banners made. De La Vega asked if signs are included. He stated signs would have to be approved in advance. Tonight we are approving the location and the activity and not the signage.

Grothe stated it is a good idea to have something like this. He was concerned about the actual location and how it faces out on the lot. He was concerned about any sight line issues. Anderson stated the grass median will separate the tent from the street.

De La Vega asked if the opening to the tent would be facing the street or the building. West stated he was contemplating facing the building or the entrance. He stated he could move it back if requested. Councilmembers had no issue. Ansari suggested some safety cones be placed for traffic purposes.

Grothe was concerned about distracting lighting for neighbors but there really aren't any.

Anderson moved to approve the request. Clapp seconded the motion. Ayes 5. Motion carried.

D. **Woodpecker Ridge Road – Berm**

Kohlmann staff has received complaints about the berm on Woodpecker Ridge Road. There have been suggestions the berm be built up. Public Works has estimated the elevations. The proposal is to rebuild the berm to 931'. The first step is to get a topographical survey completed.

Clapp questioned the cost estimate to prepare the survey and plans. De La Vega stated the issue is to determine where it is below 931'.

Grothe stated the reality is we want to build it to 931'. To have someone do that, you need plans and all the surveys to get to that point. Anderson stated we only have plans from the existing. Grothe stated we don't know how much has settled. The plans will indicate what needs to be filled. The hard part is it seems like a lot of money.

De La Vega stated we had plans to begin with. Whether those plans are acceptable is unknown. We used the plans to get the approval to build it, and now we need to repair it.

Anderson stated it will require ongoing maintenance. Clapp stated there is a lot more involved with silt fencing, erosion control, etc.

Judd Brackett, 125 Woodpecker Ridge Road believed Public Works did the work originally. The other wild card in this is if the berm would been built six inches higher, we can make it as high as we want to at this point. He also thought if this takes the winter to figure out how to make it work and the mitigation thing brings shivers to Mr. Kohlmann. He wondered if it were raised six inches, how much would need to be mitigated somewhere else. Once you are at 931.5', you can go as high as you want to.

De La Vega believed any increase will impact the wetlands. Brackett stated you cannot do it without permission. There isn't any mitigation required after 931.5'.

De La Vega discussed issues with the hydrant at the other end which is also a problem. He stated there are two tracks to go to 931' feet or go to 931.5' which would result in different permitting needs. He suggested getting it to 931' and going to 931.5' at some point in the future. Brackett asked if it would be better off to go for 931.5' because of the permitting. He asked how much mitigation is required.

Grothe stated this is the worst year we have ever had. If we go through the mitigation, it would allow us to do whatever we want.

De La Vega asked why we would have to go through the permitting process again as we have done it already.

Clapp suggested starting going with a survey of the berm. De La Vega stated it will need to be done no matter what we do. Penberthy suggested bringing the watershed rules back to the next meeting which would answer most of our questions. We may spend money on a survey and the rules will not permit us to do what we want to do. He stated the question is if we stay at 931' whether we still need a permit. Clear and precise answers can be provided at the next meeting.

Penberthy stated the original plan required mitigation at the docks and over by Wekota.

De La Vega stated we can't assume we will get approval even though we had approval for 931' originally. He stated it may be possible to receive FEMA funding for this as it is a means to mitigate flood damage.

Penberthy stated you may not want to spend money on a survey without any answers first. If we have answers at the next meeting, it won't hurt the project. Clapp asked if we don't have the answer that we can build it up to 931'. Penberthy stated the ultimate answer will come from the Watershed District.

Grothe stated you are getting late in the season now. Planning can be done now for work in the spring.

Penberthy stated we will know what kind of planning is possible if we know what the rules are.

Deb Bierbaum, 195 Woodpecker Ridge Road stated they have seen a significant drop in the berm. She was concerned if dirt is dumped there, how will it be kept there. De La Vega stated it might be a question worth asking as we go through this, but it may be the berm will require ongoing maintenance. Bierbaum was concerned about the integrity of the street as a result.

De La Vega asked if we are looking at the same funding situation here similar to Birch Bluff Road where the property owners would pay.

Peter MacDonald, 215 Woodpecker Ridge Road stated the discussion has covered many of his questions. He stated there seems to be confusion about the berm level. He noted the berm was breached at his end on May 31st. The lake level on May 30th was 930.21. On June 1st, it was 930.58 which was quite an increase in two days. The level of the berm is possibly six to nine inches below 931'. He stated he would be a strong advocate for an expeditious return to 931' rather than chasing 931.5.

De La Vega stated we need to proceed as fast as we can.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator – Kohlmann stated he has talked to DTS who indicated they are unable to bring the board out to City Hall. He asked for a volunteer to check it out at their office. De La Vega stated he reviewed on-line videos about the equipment. His only question was the ability to draw something and have it show up on the white board. He stated the PCs aren't really interactive. They cannot link the two. It is more of a large monitor. It might eliminate some of the large drawings we have to deal with. Clapp suggested calling around to other cities to see what they are using. Kohlmann stated he believed what is being proposed is cutting edge technology. De La Vega stated it has a lot more functionality than just a screen. How much are we willing to pay for this? Grothe stated we need something. De La Vega stated we are finally getting into this century. We also need to see if we can link to the camera. Kohlmann stated he believed it is possible but would verify that for sure.

B. Anderson - Finance, Fire Lanes and Public Access, Technology – Anderson asked for an update on the signage at the bus garage property. Councilmembers discussed the actual location and whether it is located in

Tonka Bay or Shorewood. Penberthy believed the sign is in Shorewood and would need to comply with their ordinance. Grothe stated there are also flags at the Danberry Building, and KoKo Fitness also had a sign up.

C. **Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – Ansari stated Shorewood will have a proposal soon for the Southshore Center.

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** – De La Vega reported on the ICA food shelf dash for groceries fundraiser. Over $13,000 was raised.

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 9:21 p.m. Grothe seconded the motion. Ayes 5. Motion carried.

Attest:

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Clerk