

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING February 9, 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 Anderson, Ansari, Clapp and Grothe. Also present were City Administrator Crawford and Interim City Attorney Mattick.

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 following consent agenda items with the exception of Item 4C:

A. Regular Meeting Minutes of January 26, 2015

B. Resolution 16-06 – Variance – McMahan, 60 Wildhurst Road

C. Restrictive Covenant Agreement – McMahan, 60 Wildhurst Road – De La Vega stated he had a question about the body of the agreement where it stated the garage would not be used as living quarters. He suggested a time frame be added whether temporarily or permanently. He also wanted there to be a right to inspect statement and penalties should it be used in that manner. Mattick stated the first statement could easily be added, and he understood the request to inspect the premises. He stated you would have a right to inspect as part of a permit, but you would be on the edge. De La Vega asked if someone reported it as living quarters, could we then have the right. Mattick stated what we typically have done was to get a temporary search warrant through a judge. Mattick discussed what would happen if someone were to violate an approval. He stated he would check again on penalty measures. Grothe suggested a specific penalty be added. Clapp suggested a timeline be added should it be a rental situation. Mattick stated a landlord/tenant situation would make it very tricky but could look into this as well. He stated a court order would probably be necessary.

D. Resolution 16-07 – Lake Minnetonka Emergency Management Operations Plan

Grothe seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

A. 160 Sunrise Avenue Demolition

Crawford stated the land use application for 160 Sunrise Avenue was approved on December 8, 2015. She observed on a site visit in January that the home had been demolished to the foundation. She stated this would be a violation of the permit approval. She stated she believed that this is now a reconstruction rather than a remodel. The language in the approved resolution contemplated an addition rather than a redevelopment.

She stated staff was seeking guidance on the next steps. She indicated the developer was present to discuss this issue.

Grothe stated the wording referred to an addition to the property in the staff report. He noted the plans indicated an addition rather than a new construction.

Ansari was concerned about what could come up twenty years from now if this were not handled correctly now.

Clapp stated it wasn't clear whether it was foundation or weight-bearing walls to be removed on the plan.

Grothe stated he wasn't sure if the wording would impact other agencies involved either.

Anderson stated it's gone and what should we do.

Ansari hoped the owners understood what was going on.

Preston Fox, 4Square Builders stated it was very clear on the plan what walls would remain and which would be removed. The owners were clear with what the plan entailed.

De La Vega stated he didn't think there was any willful intent to pull a fast one. He believed it was more of a confusion in terms. He didn't think the

City Council's decision would have been any different. He said at this point we need to sync the approvals with the application. He indicated the title of the resolution needed to be amended. He stated the plans would still be the same. From his perspective, he didn't think anything else needed to be done except correct the resolution.

De La Vega stated we would still need a final inspection. Crawford stated an inspection for the final demo would be required.

Clapp stated he would like to hear from the attorney. Mattick discussed the request and what should be done going forward with applications. He stated legally speaking, once the variance was granted, the footprint was adjusted and that became the new footprint moving forward.

De La Vega asked if any action was required. Mattick stated staff could go ahead and process the application for a permit, and we would bring back an amended resolution.

7. **PUBLIC HEARINGS**

None

8. **OLD BUSINESS**

A. **Pleasant Park Restoration – Phase II ESA**

Crawford stated the Phase II ESA was completed recently in Pleasant Park. She discussed the project and indicated no contaminated material was found. Sinkholes were caused by voids created by tree branch deterioration underground.

De La Vega stated he had asked staff to share this information with residents in the area. He stated we still don't know if there might be any sinkholes in the area. He had asked if there was some technology that could identify the possibility.

Anderson asked if this was the end to this project. De La Vega stated it would be unless there was any future problem.

9. **NEW BUSINESS**

None

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 attended a League of Minnesota Cities conference on city engagement and grant possibilities.
- 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 there was a hearing on the Southshore Center on February 5. The final decision was in the hands of the judge.

12. **ADJOURNMENT**

There being no further business, it was moved by Anderson to adjourn the meeting at 7:33 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk