

# ITEM NO. 4A

**MINUTES  
TONKA BAY CITY COUNCIL  
REGULAR MEETING  
June 28, 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 City Attorney Biggerstaff.

**3. APPROVAL OF AGENDA**

Anderson moved to approve the agenda as submitted. Clapp seconded the motion. Ayes 5. Motion carried.

**4. CONSENT AGENDA**

Anderson moved to approve the following consent agenda items:

- A. Regular Meeting Minutes of June 14, 2016
- B. Accounts Payable
- C. Three Rivers Park District Letter of Support
- D. Resolution 16-21, Adopt 2017 LMCD Budget

Ansari seconded the motion. Ayes 5. Motion carried.

**5. MATTERS FROM THE FLOOR**

A. Mitch Davis, 415 Lakeview Avenue discussed his concerns about the purchase of a home near him that has become a VRBO (vacation rental home). He stated there are often three different families there on any given weekend. He believed the use falls under the category of a hotel. De La Vega asked for the address of the property. Davis believed it was 425 Lakeview Avenue. He asked the City Council to take a look into the issue. He stated he would submit materials to Crawford during the week for further review.

**6. SPECIAL BUSINESS**

None

**7. PUBLIC HEARINGS**

**A. Variance/CUP Requests – MJM Enterprises, Inc., 5420 Manitou Road**

Crawford introduced the request for variances and CUPs for 5420 Manitou

Road.

**Addison Lewis, Assistant Planner** discussed the request which is zoned C-2 Commercial with a Shoreland overlay. He stated the Comp Plan guides the property for commercial use. He reviewed the property location. He stated the applicants are proposing to add retail and warehouse space and a coffee shop.

De La Vega asked if there was any proposed change to the current building. Lewis stated there would not be a change.

Lewis reviewed the variances and CUPs requested for the site. He also discussed the current use of the site, parking spaces proposed, entrance to the property, and reconstruction of the paved area so it would no longer encroach on the property line.

Lewis discussed criteria for approval of variances as well as City Code requirements. He also discussed criteria for approval of CUPs.

Lewis discussed the need for a shoreland impact plan. A storm water maintenance agreement would be required prior to issuance of a building permit. He noted the location of a proposed rain garden and grass swale to direct storm water runoff.

Lewis stated staff recommended approval of the request based on findings and conditions.

Grothe asked for clarification of the parking lot layout. Lewis discussed the layout.

**John Struder, Kinghorn Construction** discussed the stacking diagram and noted the engineering plan had the most accurate information.

Grothe asked if a coffee shop is for sure. Struder stated the applicant is in discussions now, but there would be no need to sign until this process would be approved.

Grothe stated the drive thru appears to be tight and there may be ways to reconfigure it. He stated if there would be a coffee shop, he asked if there would be a call box as a customer drives in. Struder stated there aren't any plans for one at this point.

Grothe stated patio seating was shown. He asked if it was figured into the hardcover percentage. Struder stated patio seating has been withdrawn.

Grothe stated a fence line was shown on the north and west lines. Struder stated fencing was not proposed.

Grothe stated the setback from Manitou Road was inaccurate.

Ansari asked if the drive thru would be integral to the entire project. Struder stated it would be for a coffee shop. Ansari stated the stack up of vehicles would be a concern of hers. She asked if there were any plans for shrubbery in the front. Struder stated a landscape plan would be provided showing shrubbery and green areas at the time of application for a building permit

Clapp stated he didn't like where the drive thru was positioned. It appeared vehicles leaving the drive thru would be blocked. He stated he has never seen a coffee shop without a call box. He stated he would want the okay from Three Rivers that this use would not impede the future bridge. Crawford stated as neighboring property owners, they were given notice of the public hearing.

Clapp stated he was concerned about which plan they proposed. Struder stated a final set of construction documents would be provided.

De La Vega was also concerned about traffic and the stacking of vehicles. He didn't know how big of an issue it would become until it is constructed. He was concerned about the location of dumpsters and how the trash would be removed when a line of vehicles would be present. He believed they are trying to do a lot in a small area. He stated he wouldn't have a problem with the request if the drive thru weren't part of the request.

Clapp believed there could be a better design.

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

**Anderson moved to close the public hearing. Ansari seconded the motion. Ayes 5. Motion carried.**

Grothe stated he liked the idea of the businesses proposed.

De La Vega didn't like the stacking of vehicles. Grothe indicated it would be similar to what is already happening at Caribou. De La Vega indicated we don't want to repeat that situation.

Anderson stated it would be difficult to use a drive thru where you would be unable to loop around the building.

De La Vega stated operationally, it would appear to be a big issue.

Struder stated the applicant's goal would be to find a reasonable use for the property. There would probably never be an occasion when there would be sixteen cars lined up in the drive thru.

De La Vega stated we can't create more of an issue than already exists at this site.

Clapp stated he liked the concept but not the drive thru. He stated he could almost see the drive thru on the north side of the building. Crawford stated cars might then stack on Manitou Road.

Ansari stated there are coffee shops without a drive thru that are very successful. She stated she wouldn't sacrifice the project for a drive thru.

De La Vega suggested having coffee available but not have it be what you lead with.

Clapp noted you could also get more parking spaces without the drive thru.

Grothe stated there would never be more than a few cars in line. If there are more than six cars in line, the seventh would park and go inside or drive away. He stated the issue would be the drive thru. The site is already being used for warehouse and storage.

In response to a question from Grothe, Lewis discussed the storm water requirements for this size of site. Runoff would need to be directed off site. Storm water would be treated more effectively with the proposed plan than what is done there now.

Biggerstaff discussed conditions which could be included in a conditional use permit approval and findings which would support that approval.

Crawford stated the request could also be tabled for additional information. Biggerstaff discussed a site plan review as a possible way to give feedback.

Councilmembers discussed the request and possible conditions which could be placed. They agreed they liked the request with the exception of the drive thru.

De La Vega stated we could move forward and table the request for the drive thru. He asked the City Attorney if this would be permissible and have them come back with a new plan. Biggerstaff agreed that it would be a valid request. De La Vega stated he would not be ready to make a recommendation for a drive thru CUP. Biggerstaff suggested addressing the five items the Council supported and table the CUP for the proposed drive thru.

Struder stated that would be their preference.

**Anderson moved to direct staff to prepare Resolutions 16-22, 16-23 and 16-24 approving CUPs for impervious surface and limited warehouse and variances for 77% impervious surface and setbacks and tabling the CUP request for a drive thru. Grothe seconded the motion. Ayes 5. Motion carried.**

**8. OLD BUSINESS**

**A. Crescent Beach Agreement**

Crawford stated a revised agreement was received from Shorewood. She requested Council input.

**Anderson moved to approve the Crescent Beach agreement and directed staff to send it to the City of Shorewood for approval. Clapp seconded the motion. Ayes 5. Motion carried.**

**9. NEW BUSINESS**

**A. Manitou Park Parking Lot Scope of Work**

**Justin Messner, City Engineer** reviewed a scope of work for Manitou Park parking lot improvements including topographic surveys, preliminary concepts of the parking lot, and landscaping features.

De La Vega stated the asphalt trail connecting to the LRT trail was to be part of the Three Rivers Park District access. He asked if the District would take care of it. Clapp noted the parking lot was changing as part of these

plans. Messner stated the concept would be shown on the plans. He indicated the Council could encourage Three Rivers to pay for a portion of the parking lot as a trailhead location.

De La Vega stated we would like to see savings where possible on the price proposed.

Clapp asked when bids would be let. Messner indicated they would go out in December. Clapp indicated the project would need to be done in phases. Crawford stated \$45,000 was set aside in 2016 and again in 2017 for this project.

De La Vega asked if a new proposal would be provided. Messner stated that could be done. Clapp asked if the concept drawings could be approved as well as the topo.

Clapp asked if there would be any grants for parking lots. Messner stated the DNR offers grants for park improvements, but the use would be locked in the future for improvements. He stated most grants wouldn't be worth the extra work and expense involved.

**Clapp moved to approve the concept drawings, data collection, survey and topography plan from WSB in the amount of \$3600. Anderson seconded the motion. Ayes 5. Motion carried.**

**B. Nextel Lease Update**

Biggerstaff updated the City Council on the Nextel lease. He stated additional information was requested on contract information. He discussed three options: do nothing, invoke the contract provision requiring the site to be brought back to pre-tower condition, and the third would be to require them to remove the tower and replace it with a new one and grant it to the City. Another option would be to have Nextel grant the existing tower to the City. He stated the City has met the notification requirements. At this point it would be up to the City Council to determine how to proceed.

De La Vega asked if Nextel has responded in any way. Crawford indicated they have not responded to the City but have to Biggerstaff. Biggerstaff discussed his conversations with Nextel.

Clapp asked if the second and third options would end up costing the City money.

De La Vega stated it is our decision what to do next. He believed keeping the current tower or having them build a new one would be the options to consider.

Clapp stated he would like to get rid of the current tower and pay costs of relocating tenants to the water tower.

Councilmembers discussed options.

Following discussion, Biggerstaff discussed the next steps. The Council agreed to request maintenance costs, keep the old tower, and request ownership.

**C. Assessing Services Request for Proposal –**

De La Vega stated our current assessor will be retiring August 1, and we need to go out for an RFP.

**Anderson moved to request RFPs for a new assessor. Grothe seconded the motion. Ayes 5. Motion carried.**

**10. MATTERS FROM THE FLOOR**

None

**11. REPORTS**

**A. Administrator** – Crawford stated the state has adopted a new law which will go into effect on September 1 which would allow temporary health care facilities in residential areas. Cities are able to pass an ordinance to opt out. If we do not, it will go into effect. Crawford stated the LMC has a model ordinance. Staff was directed to move forward. Crawford stated the newsletter will now be named the “Tonka Bay Link” in honor of Clare Link.

**B. Anderson - Finance, Fire Lanes and Public Access, Technology** – no report

**C. Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – Ansari stated the EFD budget proposal was discussed at a recent meeting. De La Vega stated there is some question whether Shorewood met the deadline for appealing the court’s decision regarding the Southshore Community Center. Biggerstaff stated there will be a supplemental ruling early in July. De La Vega stated the four cities involved will be changing the percentage of how much they pay towards the litigation costs based on the percentage they will receive.

- 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 to Anderson adjourn the meeting at 8:44 p.m. Grothe seconded the motion. Ayes 5. Motion carried.

Attest:

---

Clerk