

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING July 24, 2012

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 LaBelle, Councilmembers Marceau, Anderson and Holscher. Councilmember De La Vega was absent. Also present were City Administrator Kohlmann and City Attorney Penberthy.

3. **APPROVAL OF AGENDA**

Marceau moved to approve the agenda as submitted. Holscher seconded the motion. Ayes 4. Motion carried.

4. **CONSENT AGENDA**

Marceau moved to approve the consent agenda as presented approving the regular meeting minutes of July 10, 2012 as written. Holscher seconded the motion. Ayes 3-0-1. LaBelle abstained from voting. Motion carried. Holscher moved to approve the Accounts Payable as submitted. Marceau seconded the motion. Ayes 4. Motion carried. Marceau moved to approve Resolution 12-20, Variance Requests, Michael/Holli Johander, 245 West Point Road. Holscher seconded the motion. Ayes 4. Motion carried.

5. **MATTERS FROM THE FLOOR**

None

6. **SPECIAL BUSINESS**

None

7. **PUBLIC HEARINGS**

None

8. **OLD BUSINESS**

None

9. **NEW BUSINESS**

A. **North Waseca Fire Lane** – Kohlmann stated staff has received a number of complaints relating to the North Waseca fire lane. He stated the issues are outlined in the staff memo with staff's response. LaBelle noted there are a number of people present who wish to be heard. He urged the attendees to be civil and keep their comments to 2-3 minutes. **Kathy Aanenson, 120 Lakeview Avenue** distributed copies of a petition to the City Council and a report which highlighted five main points from the ordinance relating to commercial businesses. She stated the concern of the neighbors is the commercial use on the fire lane is a nuisance. She stated the business is using the fire lane for more than fifteen minutes. She asked if the main use of the fire lane is as a fire lane to a business location. She stated she was concerned about the comment that the residents should hire someone to police the area. LaBelle stated we are looking at any or all options, and that is not being advocated at this time. **Ken Pittel, Bay Rentals, 70 Pleasant Avenue** stated these people don't own lakeshore, and he has lived in Tonka Bay for many years. He was concerned about the behavior of those complaining and their use of foul language. He was concerned about the appearance this behavior has on visitors to the City. He stated summer is short, and soon this will be over. He stated Bay Rentals offers a service to the community, and they give back to Tonka Bay. He stated they have been through this issue with a previous City Council. He stated he has the support of the Hennepin County Water Patrol and Lake Minnetonka Conservation District. He stated the public should be made aware if the fire lane will be closed. Aanenson stated it is not her business to regulate, and it is her business to bring this up to the City Council. Aanenson stated she is a property owner in response to a comment from Pittel about not being a resident. **Andrea Pittel, 70 Pleasant Avenue** stated this is a very large business, and the only thing that occurs at the fire lane is in and out of the water. **Steve Jones, 130 Lakeview Avenue** stated there are 32 signatures from neighbors who are opposed to the fire lane use. He stated time spent at the ramp on July 23 was 2 hours and 50 minutes. He stated people are coming in from all over the place and are parking in the neighborhood. He urged the Council to regulate the fire lane use by not allowing rental businesses. Pittel stated he is providing a service by bringing his clients down to the lake. He is there less than five minutes. He stated the residents use it as a public beach. He backs in and puts the people in the lake. If his clients are not there yet, he waits in the waiting area. He stated this is an access area to get on the lake. He stated he runs his business from elsewhere. He is providing a service for the public, and he is the public. He stated he operates a summer business. There is more traffic in the summer, and we all have a right to enjoy our lives. **Ronald Pierce, 10 Sunrise Avenue** stated he has been a resident since 1959. He stated he was concerned about the impact this would have on all the marinas that also use the fire lane. He feared the fire lane would be barricaded should this situation get out of hand. He supported Pittel's use of the fire lane. He stated he has never seen any of the Bay Rental's employees causing any kind of problems. LaBelle thanked everyone for their comments and moved

comment portion to the Council. Holscher stated she had a concern regarding public behavior, such as public urination. She asked that staff address that problem. She would like a port-a-potty on the site. **Tim Kinkaid, 110 Waseca Avenue** stated there is a parking problem in the area, and it gets so bad and creates a safety issue. LaBelle stated it's not as easy as one might think to control parking. It's a public street, and there are certain limits that can be placed. Kinkade urged the Council to consider parking regulations. Marceau stated there is a petition with 32 names on it, and there are issues down there. He stated staff needs to look at this to find out what we can do there. Anderson stated there is a problem with parking. He stated one of the rental customers parked in his driveway today according to his daughter. **Terry Kirkpatrick, 10 Sunrise Avenue** stated a majority of the names on the petition don't even live near the fire lane, and it doesn't involve them. LaBelle stated he has a vested interest in the fire lane even though he lives a couple miles away. He stated there is a perceived problem, and it will not be solved overnight or maybe even this season. He noted it would take time to make any changes. He stated he would like to look into commercial regulation of the fire lanes and potential courses of action. He urged those present to be patient and try to get along. He asked anyone who uses the fire lane to abide by the fifteen minute rule. A member of the audience asked if the fifteen minute rule applied to anyone using the beach. LaBelle believed it applied to launching vehicles only. Pittel urged the Council to consider other commercial uses of the fire lane that are already taking place. He stated he felt like Bay Rentals was being picked on. He discussed his concerns about the difficulty getting on the lake. Members of the audience discussed behavior when Mr. Pittel is not present, noise levels, and the perceived sense of entitlement. Jones stated the petition is signed by people within 500 feet of the launch and not "miles away". He stated this is a residential neighborhood, and there is constant business activity in a residential neighborhood. The neighborhood is not designed for commercial businesses. Pittel discussed his concerns about the use of the fire lane as a public beach and parking issues. He stated he hasn't had time to get a petition, but there are more than thirty people who disagree with you. Aanenson thanked the Council for hearing the comments this evening and looking into this issue.

B. Land Title Summons – 90 Wildhurst Road – Penberthy stated the City vacated Willow Street in the early 1900's, and it appears there is a portion that belongs to the property to the west. It appears the legal description over the years did not include this portion. He recommended a motion be approved to not oppose the applicant's request to register their land title. Marceau asked if there is another way to handle this. Penberthy stated this is the process that must be taken. **Marceau moved to not contest the proceedings and request to register a land title. Holscher seconded the motion. Ayes 4. Motion carried.**

10. MATTERS FROM THE FLOOR

None

11. **REPORTS**

A. **Administrator** – Kohlmann stated the mid year revenues and expenditures reports have been provided. He noted everything appears to be around the fifty percent mark. He noted the third quarter payments for the SLMPD and EFD are included in this report. We also received our tax settlement the week after this report which would increase revenues to 54 percent

B. **Holscher – Building Inspections, Municipal Buildings and Grounds, LMCC, Southshore Senior/Community Center** - no report

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

D. **De La Vega – EFD Board, Parks and Playgrounds, Sanitation and Recycling, LMCD** - absent

E. **Marceau – Finance, Commercial Marinas, Municipal Docks** – Marceau stated staff is continuing to pursue investment options.

F. **Attorney's Report** – no report

G. **LaBelle - Public Works, SLMPD Coordinating Committee, Administration** – LaBelle stated he and Kohlmann attended the SLMPD Coordinating Committee meeting, and a proposed budget will be discussed at the next City Council meeting on August 15. He noted the meeting in August will be moved to the 15th because of the Primary Election.

12. **ADJOURNMENT**

There being no further business, it was moved by Marceau to adjourn the meeting at 7:54 p.m. Holscher seconded the motion. Ayes 4. Motion carried.

Attest:

Clerk