

ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING September 27, 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, 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

Grothe moved to approve the following consent agenda items:

- A. Regular Meeting Minutes of September 13, 2016
- B. Accounts Payable
- C. Resolution 16-33 – Variances – Jennings, 35 West Point Avenue
- D. Resolution 16-36 – CUP – Jennings, 35 West Point Avenue
- E. Resolution 16-37 – CUP – Jennings, 35 West Point Avenue

Ansari seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

A. 35 Lakeview Avenue Storm Sewer Pipe Relocation

Crawford stated Gary Ehrreich at 35 Lakeview Ave met with staff regarding the settlement and cracking in his garage floor and basement ceiling. Ehrreich made claims the settlement was due to an existing storm sewer pipe that currently runs beneath his home. The League of Minnesota Cities has reviewed the claim and ruled the settlement was not related to the storm sewer, however recommended the city abandon and relocate the storm sewer from underneath the structure.

De La Vega asked what the issue would be to leave the pipe at its current location. City Engineer Messner stated it is like all infrastructure and has a

surface life. The pipe degrades as time goes on and has a potential to degrade.

De La Vega asked how deep the pipe is below the foundation. Messner stated he did not know. Bowman stated it could be anywhere from 4-30 feet deep.

De La Vega stated it seemed to him the pipe was there to begin with. He had issue with the only benefit being for the resident. We would be using City funds to redirect a pipe, and this is a lot of money. He stated he was looking for a way to getting this solved without using City funds.

Ansari asked if we know the shelf life of the existing pipe. Messner stated clay pipe lasts between 50-60 years. The joint sealer around the pipe degrades within 40-50 years. Clapp stated relining would be an option. Messner stated we have a public facility underneath a private home that would need to be addressed.

Grothe asked why the easement was obtained in 1991 and nothing was ever done. Crawford stated there was nothing in the minutes to show why.

Gary Ehrreich, 35 Lakeview Avenue stated the issue was raised before the City Council in 1989. He agreed, after closer inspection, that the line was not causing the garage issue. He stated the main part of the house was constructed in 1939, and he doubted there was a pipe at that time. He stated the City signed off on permits to allow the garage on top of the pipe. Ehrreich stated he was not made aware there was a pipe when he bought the house. He stated it would have to be disclosed in order to sell the house.

De La Vega asked if there are any issues with using City funds for one home. Biggerstaff stated you would be addressing the issue of the City's pipe, and this wouldn't be like writing a check to an individual property owner. Repairing the pipe would be a benefit for the future.

De La Vega asked Ehrreich if he would be willing to participate in the cost of repair. Ehrreich stated he would not and discussed the expenses he would be incurring for garage repair and shoreline restoration.

Clapp stated he would like to get a cost estimate for lining to budget for in the future. De La Vega stated we are going to move it at some point, it

would just be an additional expense. Clapp stated it would buy us time. De La Vega stated if we are going to do this, we should do it once and do it right.

Grothe stated we would need an agreement from the property owner to reline the pipe.

Clapp stated even if we go for the relocate/repair, it won't happen this year. Messner stated he could prepare plans and specifications and the earliest they could go out would be November 3. He stated he has done this work in December before. It would cost 15-20% more to do it now.

De La Vega asked what would happen if this is delayed until spring. Messner stated it is unknown as it has lasted 50-60 years now.

Clapp suggested a December repair and an alternate to see if we can save for the spring. Biggerstaff stated that could be added to the resolution.

Anderson moved to adopt Resolution 16-38 ordering plans and specifications and ordering advertisement for bids for the Lakeview Avenue storm sewer improvement project to include a winter/spring alternate. Clapp seconded the motion. Ayes – Anderson, Ansari, Clapp, De La Vega and Grothe. Motion carried.

B. Metropolitan Council of Environmental Services I/I Grant Agreement

Messner reviewed the I/I grant from Metropolitan Council of Environmental Services the City received which will help pay for work done since 2014. Once the agreement has been executed, he will begin submitting requests for reimbursement of monies the City spent on sewer lining projects. He explained each City would receive at least \$25,000.

Anderson moved to adopt Resolution 16-29. Grothe seconded the motion. Ayes 5. Motion carried.

7. PUBLIC HEARINGS

None

8. OLD BUSINESS

A. 10 Crabapple Ln Encroachment Agreement

Crawford stated that Jerry Martin, property owner of 10 Crabapple Ln was granted a variance from the LMCD for an adjusted dock use area and side

setback requirements. One of the conditions to the variance is that the property owner enter into an encroachment agreement with the City. This was also requested by the City Council at the June 14 City Council meeting.

De La Vega stated the property is being sold which was a surprise to him. Jerry Martin, 10 Crabapple Lane said it is currently under contract. De La Vega stated he was concerned because we are entering into an agreement with someone who will no longer live there. Martin stated the new owners are fine with the agreement, and the purchase agreement has the encroachment agreement as a condition for approval. He stated the new owners could provide a document stated they approve of the agreement.

Clapp stated he would like to have the new property owners sign the agreement. Martin stated they would have to go back to the LMCD as well.

De La Vega stated he would like to have the agreement with the new owner but knew this agreement passes on to the property owner.

Grothe stated it looks like the deck area has moved. Martin stated that would be a variance which would need City approval.

Grothe stated he would be agreeable to enter into the agreement with the current homeowner but have a document from the new owners. Crawford stated the new owners have contacted her, the LMCD and the MWCD.

De La Vega noted the deck portion would have to come back for approval. Ansari asked if the new owners are aware of that. De La Vega indicated they may not want to even do that.

Biggerstaff stated the agreement protects the City doing something right up to the property line, and the property owner recognizes the City's right to do so.

De La Vega stated there is a limit of \$15,000 maximum in the agreement to reset the property to its original condition. He didn't want to put the City in a position to pay more. Biggerstaff stated it is in the agreement to show that it is a waiver of any charges.

Anderson moved to direct the City Administrator to execute the encroachment agreement for 10 Crabapple Lane. Grothe seconded the motion. Ayes 5. Motion carried.

Martin thanked the City Council and City Administrator for all their hard work.

B. Zoning Ordinance Amendments Sections 1002 and 1011

Crawford stated staff is recommending reviewing pages 27-34 of Section 1002 and Section 1011.20 Alternative Energy Systems of Section 1011.

Definitions were reviewed beginning with residential care facilities to update state department listed.

Solar energy systems were reviewed which was a new item. De La Vega was concerned about getting too specific which tended to weaken the language. He cited the specific reference to domestic water heating. This was captured under heating and cooling of buildings. Crawford stated it could be removed. Grothe stated domestic water heating refers more to shower water, etc., rather than heating a building. Upon further review, the Council agreed the language could remain.

Language was changed to read “drive-up window” as a definition.

The remaining definitions were reviewed.

Council continued review of Section 1011.20, Alternative Energy Systems.

De La Vega stated we haven't talked about this yet, and the provided information in very detailed. He didn't think he had the sense of where the Council wants to be as far as how new homes would be regulated. He stated the system discussed in this ordinance with regard to wind would never come our way, such as wind farms. He stated he would like to step back from adopting this ordinance in order to come to terms with what we want to regulate.

Grothe stated he treated wind regulation as it pertains to residential properties. He indicated the reality is we won't have a wind farm.

Crawford stated wind energy systems would only be permitted in C-2 districts.

Council discussed wind system uses.

De La Vega stated he would like to reserve this for future discussion. Crawford asked if there was any information the Council would like to see relating to solar. Council discussed solar uses. De La Vega stated he was

looking for baseline fundamental information on solar energy. He was concerned about glare issues. Crawford stated glare was addressed in the ordinance. She indicated any information can be brought back for further review. Perdu encouraged the Council to continue to review this information.

9. **NEW BUSINESS**

A. **Water Plant Skylight and Heat Stacks Repairs**

Bowman stated the City Council approved \$7,750 in the 2016 Water CIP for the repair/replacement of the skylights on the roof of the water plant. He explained with this project, any leaking heater stack pipes that need attention will be sealed, downspouts from the roof that run inside the water plant and back out would also be sealed. He reviewed the three quotes.

De La Vega suggested frames be replaced as well as long as the skylight is being replaced.

Anderson moved to approve the quote from Restoreline (Option 1) in the amount of \$5,600 for repair of the skylight and fix leaky spots in the water plant as well as up to \$2150 to repair frames. Ansari seconded the motion. Ayes 5. Motion carried.

B. **2017 Budget and Tax Levy**

Crawford stated Certification to Hennepin County of the preliminary budget levy is required on or before September 30th.

She stated the proposed property tax levy for the General Fund is \$1,037,944. The proposed levy for the Capital Improvement Plan is \$57,000. The preliminary 2017 budget and tax levy is \$1,094,944. This is an increase of \$29,192 or 2.67% over last year's budget.

She requested that the City Council set the budget meeting date. The City Council may determine a final budget and levy at this meeting which requires a public comment period. This meeting must occur after November 25, and it must be held after 6 pm. She recommended the regular City Council meeting on Tuesday, December 13 at 7 pm for the final budget meeting date.

Anderson moved to adopt Resolution 16-40 adopting the preliminary budget and preliminary 2016 tax levy and to establish and announce the City Council will hold a Truth in Taxation meeting at the City Hall on Tuesday, December 13 at 7 pm at which time the budget and levy will

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

10. MATTERS FROM THE FLOOR

None

11. REPORTS

- A. Administrator – Crawford stated there is a Park Committee meeting on October 4 at 6 p.m.
- B. Anderson - Finance, Fire Lanes and Public Access, Technology – no report
- C. Ansari – EFD, Sanitation and Recycling, Southshore Community Center Ansari stated there was further discussion on the aerial truck purchase. The EFD would come back to the City Council for a further review at some point.
- D. Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC – no report
- E. Clapp - Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks – Clapp reported the Caribbean requested a slow buoy in front of the fire lane at the last LMCD meeting. One was approved at the LMCD meeting. He told the owner to put an additional sign up at the end of his docks.
- F. Attorney's Report – Biggerstaff stated he continues to contact Nextel for their response to our correspondence.
- G. De La Vega - Public Works, SLMPD, Administration – De La Vega stated a meeting was held to discuss funding the purchase of the aerial truck. The most the City could finance would be \$200,000. We don't know what Shorewood is financing this for. Currently, we can get better rates at the bank. We would have to accept whatever deal Shorewood offers on the financing. We would be looking at three points or better.

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 8:24 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk