

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING February 23, 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 Monge.

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 remove Item 4C, Restrictive Covenant Agreement, from the Consent Agenda and move it to Old Business. Grothe seconded the motion. Ayes 5. Motion carried.

Anderson moved to approve the following consent agenda items as amended:

- A. Regular Meeting Minutes of February 9, 2015
- B. Accounts Payable
- D. Resolution 16-08 –160 Sunrise – Clarifying Resolution 16-03

Ansari seconded the motion. Ayes 5. Motion carried.

5. **MATTERS FROM THE FLOOR**

- A. Brenda McCulloch, 235 Lakeview Avenue asked what was going on with the tree removal at Wekota Park. Crawford stated dead trees are being removed. McCulloch asked if more were planned for removal. Crawford stated they should be done at this point. McCulloch asked if the trees would be stumped. Crawford stated they are typically ground down and that would happen in the spring.

6. **SPECIAL BUSINESS**

None

7. **PUBLIC HEARINGS**

None

8. **OLD BUSINESS**

A. **Restrictive Covenant Agreement – McMahon, 60 Wildhurst Road**

Crawford stated the City Council reviewed this agreement at their last meeting regarding the accessory structure at 60 Wildhurst Road.

De La Vega invited members of the audience come forward to speak.

Wendy McMahon, 60 Wildhurst Road stated they would be willing to sign the covenant presented at the last meeting.

Dan Murphy, builder stated the owners had issues with the CUP revocation item added to the agreement following the previous meeting's discussion. He asked why it was being added based on another address in Tonka Bay. He questioned why the agreement wasn't the same. Crawford explained why the covenant was drafted for the original address. Murphy stated they weren't looking to create a nuisance and were willing to sign the February 9 document. De La Vega stated the agreement received from the McMahon's attorney was a starting point for the city to add their own enforcement wording.

McMahon stated he understood if the covenant were not followed, it would be a misdemeanor. Murphy believed some of this would be repetitive since City Code was law. Monge' verified City Code was law. He understood the additional language was added in order to enforce the conditional use permit. Murphy stated he wanted a rationale to the fact if it worked in the past, why would more be added. Crawford stated every covenant would be a case-by-case issue. De La Vega stated this situation was not compared to another address. This situation seemed as if a structure was being created that could be a livable structure. He stated if a shower or bathroom was not on site, we wouldn't be having this conversation. De La Vega cited cases where the garage would be considered living quarters. Murphy suggested finding a way where this would be a permitted use in the future, and he offered to help the City with the wording. De La Vega understood the need for the ordinance to mirror current needs, and it would take time to make changes if the Council desired.

Murphy requested the paragraph relating to the CUP be stricken from the agreement which was added. The City Council reviewed the language proposed for deletion. Ansari asked if there were redundancies that allowed us to move forward. De La Vega stated this would be over and above what ordinances allowed. He stated if Council did not feel it was something that was needed, they should vote for the current agreement. Monge´ stated this agreement would stand alone as far as enforcement would be concerned.

Murphy asked what enforcement of the City Code would entail. De La Vega discussed the process.

De La Vega stated an agreement of some sort was required as this was a condition of the CUP approval. He stated we might want to direct staff to look at how our ordinances deal with multi-generational living situations.

Grothe stated he was open to having the agreement with either wording.

Clapp moved to amend the restrictive covenant agreement by removing the fourth paragraph. Ansari seconded the motion. Ayes 5. Motion carried.

9. NEW BUSINESS

A. First Reading – Section 420, Peddlers, Canvassers and Solicitors

Crawford introduced the proposed amendments to Section 420. Monge´ clarified the title, the addition of “transient merchants”, and explained the various activities of each.

Clapp asked if transient merchants needed two licenses. Monge´ indicated they would need a County and city license.

Grothe asked how this ordinance would apply to our annual requests for flower and produce stands. Monge´ stated they would be exempt. De La Vega believed they would be transient merchants as they do not grow the actual products they sell.

Clapp asked what the fee would be for this permit. Crawford state she was unsure but would check into the price.

Grothe asked if any license fees could be waived in the case of a special event with many vendors. Ansari stated another city she was aware of

had one fee for the entire event.

Anderson asked for more clarification of a transient merchant which Monge´ explained in more detail.

Crawford asked if transient merchants could be removed from this ordinance. Monge´ stated it could be removed.

Grothe asked if we would be losing anything by removing transient merchants from this ordinance, and aren't we regulating them through other ordinances. Monge´ agreed. Crawford noted they would have to be approved by the City Council as they currently are in temporary/seasonal sales.

The Council agreed transient merchants should be removed from the ordinance.

De La Vega asked if we would want to limit the number of times people could get this permit, should we limit the number of licenses issued at any one time, and do we want City Council approval of these licenses.

Clapp suggested the number of times be limited to quarterly. Monge´ stated he had concerns about the number of permits that could be issued at one time.

Council members discussed hours of operation.

Crawford asked if the Council should approve these permits. It was determined the City Administrator would approve the permits.

Staff was directed to bring back the ordinance with suggested amendments for the second reading.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator – Crawford stated staff has the CIP scrub meeting with the Mayor on Wednesday.

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

- C. **Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – Ansari stated the Parks Committee has discussed the creation of a foundation to collect park donations. She asked for permission to look into it. De La Vega stated it was a complicated process. Clapp suggested looking into it. He suggested looking into the sale of merchandise with our new logo.
- 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 stated he would like one more councilmember to screen the attorney applications prior to interviewing. He stated he would like the entire City Council at the interviews. Grothe volunteered to help.

12. **ADJOURNMENT**

There being no further business, it was moved by Anderson to adjourn the meeting at 8:33 p.m. Grothe seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk