

ITEM NO. 4B

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING November 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 City Attorney Biggerstaff.

3. APPROVAL OF AGENDA

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

4. CONSENT AGENDA

Anderson moved to approve the following consent agenda items:

- A. Regular Meeting Minutes of October 25, 2016 as amended: Page 2, change “dock” in third and eighth paragraphs to “deck”.
- B. Resolution 16-42, Variances – 85 Lakeview Avenue – change number of resolution from 16-62 to 16-42 and verify setback requirement.

Grothe seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

6. SPECIAL BUSINESS

- A. Senator David Osmek
This item was continued to the November 22 meeting.

7. PUBLIC HEARINGS

None

8. OLD BUSINESS

- A. Zoning Ordinance Amendments Sections 1002 and 1011

Crawford stated staff completed the requested revisions for basement, driveway, and wind conservation systems in Section 1002 and discussed the changes to basement. Council discussed the preferred definition. Biggerstaff stated for purposes of defining basements, the one selected would be the one used. He stated reference to basements could be included in Section 1040. Staff will make revisions.

De La Vega stated the “blue” definition of basement under “floor area, gross” may need to be revised.

De La Vega asked if the lodging house and lodging room should be revised or completely removed. He stated he wasn't anxious to take them out until the VRBO issue was discussed.

De La Vega asked if the term "primary purpose" in the solar energy section infers that there are multiple things that you do, and this would be the most important. He believed primary purpose might be overly specific. He didn't know if he wanted to determine that with every case.

Crawford suggested the paper copy version of the definition of "visually impairing element" be reviewed, and revisions could be incorporated into the ordinance language. De La Vega didn't think the term opacity needed to be included. He stated he didn't believe we needed that level. He believed it would be cumbersome. He believed the term opacity would complicate matters. De La Vega stated under Item b, he believed clusters would mean a circular configuration. Crawford stated the concern was whether we would allow someone to plant one tree vs. a cluster. Council discussed tree varieties, planting locations, and setbacks. De La Vega discussed the protection of sight lines for property enjoyment. He stated regulating plantings as a fence would be awkward. Biggerstaff stated there is no other city that has a limitation on views. Grothe stated the reality is you only have control over your own property, and if you want to control your neighbor's property, buy it. Grothe suggested single trees would not be considered as visually impairing. De La Vega stated the only place a resident could not plant would be within 50' of the lakeshore. Crawford stated landscapers would not be aware of the requirement.

Council discussed tree height regulation language. Grothe stated something six-foot high would block views if you have a one-story home. Grothe agreed the opacity language could be removed, Item a would be fine, and Item b could be simplified to include single trees. De La Vega believed the ordinance portion captures what we intended. The following changes were proposed: delete the opacity language, and change Item b to single tree, dropping the rest.

Crawford asked for comments on the Section 1011 language. De La Vega indicated he liked it but suggested the word "proposed" be removed before "building site". Crawford indicated it is the same language in Section 1070. Biggerstaff suggested it read "lot". De La Vega suggested it read "parcel".

Council continued by reviewing the solar energy ordinance similar to what St. Anthony currently used and revised it to meet our needs. De La Vega stated our ordinance would prohibit accessory buildings. He stated there are two sentences

that are inconsistent as they state we prohibited and allowed them. Grothe believed they should be allowed on free-standing buildings such as detached garages. Crawford stated the decision needs to be made whether you want them or not on accessory buildings, and the language should be written next.

De La Vega stated he didn't want to restrict solar power on older homes. He was okay with pergolas with solar panels on them. Clapp stated he doesn't like them. Grothe stated he was opposed to free-standing solar units. Anderson stated he didn't care where they were located. Ansari stated she was okay with it. Biggerstaff stated requirements could be added where written information could be provided by a structural engineer. Council concurred a pergola could be allowed. De La Vega stated the sentence should be removed which stated solar energy panels could be added to an accessory structure.

Council reviewed the section dealing with setback requirements. De La Vega asked if we wanted to remove the paragraph and allow installation within a setback if a variance had already been approved. Grothe believed the paragraph should be completely removed. We're saying they can be flush mounted on an accessory building whether it is legal or not. Council concurred the entire building integrated paragraph should be deleted.

Council reviewed the section dealing with height requirements and building-mounted systems. They agreed to the 10' height in commercial and park districts. They discussed areas around the systems which would need to be kept open for safety vehicles. It was determined the units could not cover more than eight percent of a structure.

Council reviewed installation mounted on a light pole. Grothe stated we don't want these, and they are similar in size to a traffic sign. Staff suggested removing this Section. The Council agreed.

De La Vega suggested changing operator to owner in item 4, deleting ground-mounted in item 2a.

9. **NEW BUSINESS**

None

10. **MATTERS FROM THE FLOOR**

None

11. **REPORTS**

A. **Administrator** – Crawford stated City Hall will be closed on Thursday, and there will be no Thursday message. She also reminded the Council the Canvass Board will be

held on Monday at 5:30 p.m.

- B. Anderson – Finance, Fire Lanes and Public Access, Technology – no report
- C. Ansari – EFD, Sanitation and Recycling, Southshore Community Center – no report
- 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 we have received a proposal from the City of Shorewood on how to finalize the transfer of ownership of the Southshore Center. The offer was the amount suggested in mediation that was rejected. Shorewood is also proposing a 5-year buyout at no interest. He stated the four mayors would be meeting to create a unilateral proposal for all the cities. He asked the Council for their input on their preferred proposal. Grothe asked what interest would be. De La Vega stated it would be eight percent interest. Council concurred Tonka Bay would prefer to move forward with the original deal.

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 8:17 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk