OFFICIAL MINUTES

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
January 28, 2014

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 Kohlmann and City Attorney Penberthy.

3. **APPROVAL OF AGENDA**
Clapp moved to approve the agenda as submitted. Anderson seconded the motion. Ayes 4. Motion carried.

4. **CONSENT AGENDA**
Anderson moved to approve the consent agenda as presented approving the regular meeting minutes of January 14, 2014 as amended: Page 3 of 4, second paragraph, second sentence, strike the word "always"; and the Financial Report. Clapp seconded the motion. Ayes 4. Motion carried.

In response to a question from De La Vega, Kohlmann updated the Council on the Woodpecker Ridge Road fire hydrant and work at 30 Birch Bluff Road.

5. **MATTERS FROM THE FLOOR**
None

6. **SPECIAL BUSINESS**
A. **Southshore Center – Vantage Program Report**

Members of the Vantage Program were present to update the City Council on the results of their survey of the Southshore Center usage. There were 193 responses to the survey. It was noted awareness of the Center was a big issue. The group interviewed other community centers in the area and identified programs held elsewhere that could be held at the Center. Programs identified included: boater education, AA meetings, and being a Toys for Tots drop off. It was suggested the annual Oktoberfest become a fundraising event. The Facebook page needs to be updated more often as well as the webpage. Marketing efforts could be handled by a high school intern. It was also suggested a kids program be held at the Center in the

summer.

New furniture and decorating were also suggested to update the look of the Center. There is also a need for more organization of events with more details provided relating to who rented the Center, how much the rent was, etc.

The group reviewed the cost of implementing suggested programs and updating the interior. Funding sources were discussed. A suggested cost for Tonka Bay would be $10 per household.

The group discussed the need for advertising and marketing which would increase the revenue as a result.

De La Vega thanked the group for their hard work.

7. PUBLIC HEARINGS

A. Conditional Use Permit and Variance Request – Fred Hanus, 5531 Manitou Road

Kohlmann reviewed the public hearing process for the benefit of those present and introduced City Planner Johnson.

Kelsey Johnson, City Planner reviewed the requests for the bus garage at 5531 Manitou Road. She discussed Comprehensive Plan designation, lot size and location. She noted the request to expand the existing parking lot which will require amendments to the existing conditional use permit and numerous variances.

Johnson explained the applicant is requesting 77% hard cover. She noted over time, the hard cover has increased from the approved 57% in 1986 to 70% today. An underground storm water chamber system is proposed following execution of a storm water maintenance agreement. The applicant is also requesting an increase in the number of buses from 80 to 100, which requires a variance.

Johnson reviewed the criteria for approval of any conditional use permit request and recommended approval of the request.

De La Vega opened the hearing for public comments.

Fred Hanus, applicant reviewed the history of the bus garage usage and need for the requests. He also discussed water runoff and noted all runoff stays on the site.

Clapp asked when the hard cover increased to 70%. Hanus stated nothing has ever been done to increase the hard cover and believed the calculation in the beginning was incorrect.

De La Vega asked if there is always someone on site should bus alarms go off. Hanus indicated there is not. The buses have sensors that sometimes go off in very cold weather.

De La Vega asked about turning off backup alarms. Hanus stated they cannot be turned off.

De La Vega asked Kohlmann about the noise issues at the bus garage. Kohlmann noted First Student was very responsive to complaints.

Grothe asked why a 25% increase in buses is required. Hanus explained why the additional buses are required.

Paul Bourgeois, Minnetonka Public Schools discussed the bus count of 47 regular routes per day. In 2010, special education buses were added. There is a ten percent reserve in case buses do not start. He believed 100 buses should be enough to handle their needs.

De La Vega asked if the twenty additional buses will be added as needed. Bourgeois didn't believe twenty new buses would be brought in right away. Hanus discussed the need for a number of buses for all after-school activities. Bourgeois believed the additional twenty buses would set up the bus garage for the long term.

Anderson asked if it would ever be possible that non school district buses would be stored there such as for the casino. Bourgeois stated there haven't been any historically, but it is not prohibited in the contract.

Grothe discussed his concerns about the request. He stated he has had complaints from the neighbors on Brentwood Avenue, particularly about noise. He was concerned about the increase in hardcover to 77%. He stated where it is proposed will take out a large wooded area and require a large retaining wall. He also was concerned about the addition of more

buses.

Councilmembers discussed bus noise and complaints from neighbors on Brentwood Avenue.

Cindy Kohman, 115 Brentwood Avenue stated the noise they get on Brentwood Avenue is from the Shorewood Public Works garage and there is light pollution from Xcel Energy.

De La Vega stated he was concerned about noise at the site. He stated there is little that can be done about what is happening in Shorewood and Xcel Energy.

Grothe was concerned about the use of tanks to handle runoff rather than a holding pond. The applicant's engineer discussed the underground pond system.

Clapp stated he was ok with the plan as proposed.

Ansari also favored the request as proposed.

Bus route times and access to the site were discussed. De La Vega suggested the possible use of traffic control during the busier times of the day. Bourgeois discussed traffic control contracting in other cities. He indicated they would be willing to contract for that service in Tonka Bay if it were available. In response to a question from De La Vega, Kohlmann believed the police department would handle this service.

Councilmembers and the applicants discussed school start times.

De La Vega recommended looking into having SLMPD officers handle the traffic control.

De La Vega asked if the holding pond would need to be deeper. Grothe noted tanks would be used in place of the holding pond. Runoff was discussed.

Grothe asked if something could be done about the noise and the light trespass from Xcel Energy. De La Vega stated Shorewood would be notified of issues with noise.

Anderson moved to direct staff to prepare a resolution approving the conditional use permit, conditional use permit amendments, and variances based on the findings of fact and conditions in the staff report.

Clapp seconded the motion. Ayes – Ansari, De La Vega, Clapp, and Anderson. Nays - Grothe. Motion carried 4-1.

8. OLD BUSINESS

A. Woodpecker Ridge Road Fire Lane

De La Vega stated several documents have been reviewed, and several e-mails addressing the issues were received today. He stated the effort has been made to get the Woodpecker Ridge Road fire lane closed. He stated he is not in favor of keeping it open. He believed fewer accesses to the lake are okay with him.

De La Vega reviewed a copy of the original fire lane ordinance from the 1980's. He noted an ordinance amendment would be required to change the ordinance to close the fire lane.

Judd Brackett, 125 Woodpecker Ridge Road stated the street is totally different than it was originally. He stated the intent is to not close the fire lane access. The request is to not have cars and trucks in the winter. He clarified the request is to have it be a Class II fire lane which would continue to allow snowmobiles. He explained how two residents of Tonka Bay access the fire lane on their snowmobiles. He stated in conversations with SLMPD, they have indicated they cannot do anything until there are more complaints. He stated the residents are trying to be proactive before something is done. He stated other cities have determined that fire lanes in residential areas are deemed for passive use only. He urged the Council to direct staff to verify this information and to make a responsible decision.

Grothe asked if snowmobiles are allowed on roads. Clapp noted they are not allowed in parks. Grothe stated if snowmobiles are allowed, then 4-wheelers should also be permitted.

Clapp was concerned that if Woodpecker is closed, the residents on Bay Street will want their fire lane closed as well. Council and Brackett discussed whether it is appropriate to keep the fire lane open and what other cities are doing to regulate their access to the lake.

Cindy Kohman, 115 Brentwood Avenue discussed her concerns about the history of fire lane accesses in Tonka Bay. She stated the only reason accesses are closed is because residents are doing it. She didn't believe Woodpecker Ridge Road was a gated community. She stated there are four fire lanes in her area, and only one can be accessed.

De La Vega stated the issue is the lake is not the same as it was thirty years ago. There is more vegetation which prevents proper freezing. As we move forward, we have to keep remembering that things are not the same as they were in the past. He stated the freedom of access to the lake is first and foremost for residents in Tonka Bay. We need to begin to evolve.

Penberthy stated that if the Council wants to amend the ordinance, they should begin the process. If they do not want to change the ordinance, they should state on the record that no action will be taken.

Clapp moved to keep the fire lane open as is and take no action on the petition to close the fire lane. Anderson seconded the motion.

Councilmembers discussed enforcement of the fire lane and signage. Penberthy stated the signage issue should be approved by resolution.

Grothe stated he would not be in favor of shutting down a public amenity and changing the ordinance.

Ayes 4-1. De La Vega voted against the motion. Motion carried.

9. NEW BUSINESS

A. SLMPD – Sales Tax Resolution

De La Vega stated this is a technical issue. Cities have been given an exemption from paying sales tax. The SLMPD is a special district and were not included in the sales tax exemption. Chief Litsey has taken action to make this an issue with the Legislature. He believed he is on the right side of this question. He stated the Legislature will have to amend the statute to include special districts such as the SLMPD.

Penberthy asked if there will be a resolution from the joint powers. De La Vega stated there will probably be. Penberthy discussed efforts taken state wide to change the statute. He was concerned that the city, which is already exempt, is asking for something the organization should be asking

for. He stated organizations are asking state-wide for this.

Councilmembers discussed the sales tax exemption and how it impacts the City and its contractors.

De La Vega agreed with Penberthy's comments.

Kohlmann stated no action is needed on the resolution.

B. Franchise Agreement and Videotaping

De La Vega stated we can probably purchase a camera and save money. He stated he would rather contract with a professional organization rather than an individual. He stated he asked staff to check into the purchase of a camera. He stated there might also be other organizations that could do it.

Clapp asked Kohlmann if he has checked with other cities. Kohlmann stated he has talked to the cities of Victoria and Orono.

Council and staff discussed filming the meetings and upload capabilities.

Clapp asked if there have been any complaints so far. De La Vega stated there has not.

Councilmembers discussed the cost of buying a camera. De La Vega stated something needs to be done sooner than later.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator – Kohlmann reviewed revenues and expenditures for year-end 2013. De La Vega stated those numbers are the best in the last ten years and a step in the right direction. He noted it is without the liquor fund transfer.

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

C. Ansari – EFD, Sanitation and Recycling, Southshore Community Center – Ansari thanked the Council for giving the Vantage Group a chance to report. She stated work will continue on a pilot project. De La Vega stated consideration was not given to sale of the building.

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 Clapp to adjourn the meeting at 8:40 p.m. Anderson seconded the motion. Ayes 5. Motion carried.

Attest:

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Clerk