OFFICIAL MINUTES

MINUTES
TONKA BAY CITY COUNCIL
SPECIAL MEETING
May 22, 2014

1. **CALL TO ORDER**
The special meeting was called to order at 7:00 p.m.

2. **ROLL CALL**
Members present were: Mayor De La Vega, Councilmembers Anderson, Ansari, Clapp and Grothe. Also present were City Administrator Kohlmann and City Attorney Penberthy.

3. **APPROVAL OF AGENDA**
Anderson moved to approve the meeting agenda. Ansari seconded the motion. Ayes 5. Motion carried.

4. **FISHING ON COUNTY ROAD 19 (MANITOU ROAD)**
Kohlmann stated staff has received a number of communications from residents regarding fishing on County Road 19. Pictures and documentation have been compiled. He stated Jan Callison, Hennepin County Commissioner and Jim Grube, Hennepin County Engineer are also in attendance.

De La Vega discussed the procedure for tonight's meeting beginning with discussion by the City Council. He indicated this is a county road and falls under their jurisdiction.

Callison thanked the Mayor for inviting her to attend the meeting. She indicated this is a very complex issue. She stated Minnesota law gives people the right to fish from a public easement but cannot fish on private property. The County has a right to protect public safety.

Callison distributed copies of a map of the area in question. She stated the County road is on an easement. She noted a survey crew was out there today and marked the road and water line locations. She outlined those areas that are in the public right-of-way and those that are not. She stated it all varies depending on what the water level is at any given location. She stated there are certain sections where there is a public safety issue. She proposed posting no fishing where there are issues as early as May 23rd.

Grothe asked if the County has an easement through private property. Callison stated the road is on private property at some point in an easement. The first 209 linear feet is public property, the next 566 feet is private property, and the final 620

linear feet is public access based upon where the water touches the road.

Jim Meffert, 4354 Manitou Road asked where the signs would be posted. Callison stated the signs would not be posted where it is private property. It was noted the City would not have any ability to post on private property.

Jim Grube, Hennepin County Engineer identified safety issues along County Road 19. He stated from his perspective, there are a couple hundred feet of the 620 linear feet where it is particularly troublesome. He stated "No Loitering" and "No Fishing" signs should be posted.

Dennis Hayes, 4420 Manitou Road asked who took it upon themselves to change the spawning area and take an action to open it up to fishing. He stated it is not a safe road to be walking on to begin with. He stated there are plenty of other places on the lake to fish.

Brad Olson, 4436 Manitou Road appreciated the County and City's responsiveness. He stated 100 people were there the previous Sunday. He was disappointed with the police department's response. He was concerned about the possibility of it becoming an enforcement nightmare.

De La Vega stated we have been living with this for a while now. He stated there are things occurring there that have never occurred before. He stated the DNR removed the signs. The City was not notified. He stated the information provided tonight is also new to us.

Ed Bauman, 65 Interlachen Drive abdicated for a public access for people on the lake. He stated ninety percent of the fish are in ten percent of the water. He stated the fish are in the channel for 2-3 weeks. He was concerned if these issues are raised, what other alternatives are there. He stated the area stopped being a spawning area in 1992. He stated he would be willing to work on a committee to come up with long term solutions. He stated he would prefer the City be foresighted rather than reactionary when there is a problem.

Jennifer Estrem, 55 Interlachen Drive discussed her concerns about safety issues.

Janice Thacker, Circle Road stated Circle Road has been busy with fishing all the time.

Kohlmann asked the County Engineer where signage would be placed along County Road 19. He also clarified that at some point, this would become a private

property issue.

Wheaton asked who at the County is responsible for the erosion and breakdown of brush in the area and other environmental issues. Callison stated someone from the County will check that out once it is clarified who are the landowners. Wheaton asked if someone from the County come out on the weekends to re-evaluate the safety issue when there are 50-100 people fishing. Callison stated SLMPD is responsible for policing the area.

James Meffert, 4354 Manitou Road asked who owns the property. Bauman stated he owns from Interlachen Lane all the way down to West Point Road. Meffert stated it is a huge safety issue. If he owned it, he would put up "No Fishing" signs.

De La Vega stated this is not a straightforward situation. He stated he wasn't sure there was a solution. He believed the fishing problem is a precursor to the safety issues. He stated private property is not the City's jurisdiction.

Callison stated a message board can be placed on County Road 19 this weekend to warn drivers of people fishing.

Ansari asked about working with the DNR on having the area evaluated for ecosystem identification. Callison stated she could have County staff contact staff to discuss their experience and explore that possibility. Callison stated this is a long term issue that will not be resolved in one season.

Dennis Hayes, 4420 Manitou Road asked if the Public Works Department could place road cones to slow down traffic for the weekend. Clapp stated we can't do that because it is a County road.

De La Vega stated it is not very likely that the area will be re-established as a spawning area. He agreed we should sit down with the stakeholders responsible for managing the lake to discuss. He also agreed some kind of message board would be a good idea. He stated the traffic will only increase in the future. He encouraged Bauman to speak to his attorney.

Grothe stated he was not opposed to fishing. He was, however, concerned when it moves out into the shoulder and becomes congested with people or vehicles. He hoped the County would help with signage or other safety measures.

Clapp suggested a task force be started. He was afraid the water level would be down next year, and it would be a greater issue.

A member of the audience suggested barriers be installed. De La Vega stated that would also be a concern with people sitting on them.

5. PARKING ON INTERLACHEN

Kohlmann stated there are parking issues on Interlachen. He reviewed a map showing where parking is already prohibited. He reviewed two options to prohibit parking in the entire Interlachen area or just certain areas.

De La Vega stated the problem occurs when you prohibit parking, the problem moves somewhere else. He agreed this is a residual issue that has occurred because of the root problem (fishing). He was concerned about more safety issues. He was not convinced this is the correct solution.

Brad Puls, 90 Interlachen Lane stated this is a public lake and fishing should be encouraged where possible. He stated parking is also an issue on his street. He indicated his neighborhood struggles now when there are construction projects in process. He believed this is putting a band aid on a problem. He stated while the fishing is a problem, he would advocate putting the signs up.

Bauman stated the problem with no parking signage is that parking is prohibited. He foresaw problems with restricting parking. He suggested it be limited to the dates April 1 to June 15.

Estrem agreed it is a challenge at the bus stop. She also favored the temporary parking period.

Chris Hogle, 4231 Circle Road stated if parking is prohibited on Interlachen, it will move to Circle Road.

Thacker asked why it is okay for residents to park there and not other people. She believed everyone should be able to park there. It is discrimination.

Puls stated the issue is about what the roads can handle not who is parking there. He stated there are a variety of solutions and suggested parking permits.

Jessica Lewin, 65 Interlachen Lane stated her kids cannot ride their bikes because of all the added vehicles. She favored temporary no parking signs.

David Wheaton, 4430 Manitou Road believed the priority should be given to residents and encouraged no parking for non-residents.

De La Vega stated the streets are not meant to be used for what they are currently being used for. He stated he is very concerned about the number of people that will be there over the holiday weekend. He stated we need to re-establish that as a spawning area over the long run if at all possible. He stated a shoreline restoration project might be another option. He stated we have a short term problem and something needs to be done. Unfortunately, we don't have authority over the majority of the area.

Janice Thacker, 4231 Circle Road stated people have fished there for as long as she can remember and believed people should be able to fish. She didn't want it to be a dangerous situation but believed there is a compromise.

Sandy O'Brien, 60 Interlachen Lane stated her biggest concern is the safety of the children because traffic has gotten out of hand.

Dave Rice, 10 Interlachen Lane discussed his concerns about the area being posted for no parking.

Wheaton thanked the City and County for addressing this issue. He stated it is first and foremost a safety issue. He disagreed that only 200' of the road is dangerous. He questioned how posting the road would even be enforced. He believed enforcement would need to be there every day. He stated residents are all for anyone using the lake in a safe manner. He urged the Council to find ways to do more. He also stated he is in favor of prohibiting parking and creating some sort of permitting system.

De La Vega stated there are private land rights here that we cannot usurp. He stated there are safety concerns that need to be addressed. He was concerned about the lack of supervision. While it is occurring on private land, there is nothing we can do about it. Callison stated as the water recedes, there will be less public access. It will change from year to year.

Grothe asked if "No Stopping" signs could be installed in areas where it is troublesome. Grube stated there are restrictions that could be placed. He stated a shoulder itself is, by design, a place to pull over for a short period of time. He stated staff would look and see what else can be done.

Wheaton asked who owns the water and if the City can post no fishing signs ten feet from shore.

De La Vega stated there are ways to prohibit parking that are not totally restrictive.

Grothe stated part of the issue is we don't have a typical curb and gutter construction. He stated he opposed no parking on the streets. We have very small lots and garage areas. He believed parking on the streets deters speeding.

Councilmembers discussed signage and limiting the period when it is prohibited. Kohlmann stated we have signs currently that are similar to the ones on West Point Road.

Penberthy suggested the resolution be adopted tonight and further discussion be held at some point in the future.

Following additional discussion, Penberthy suggested a committee be formed to study long term problems.

Ansari was concerned about parking over the holiday weekend. Kohlmann stated Chief Litsey is waiting to hear what the outcome is of tonight's meeting.

Dave Chizek, 36 Interlachen Court suggested a sign be posted that stated parking would be allowed for residents and guests. De La Vega stated a sign like that would be difficult to enforce.

Bauman stated the resolution can be adopted and the first block be posted for no parking. Penberthy stated if the resolution is adopted as proposed, the signs must be posted as indicated.

O'Brien agreed spot parking is not a good idea. She indicated neighbors could communicate to all the residents to pick up a permit to park. De La Vega indicated City Hall is closed Friday and Monday and could not issue such a permit.

Rice discussed his concerns about restricting parking.

Kohlmann stated if parking is prohibited now, the issue could be re-evaluated at the June 10 meeting.
Penberthy suggested adopting the resolution and instructing Public Works to remove the signs on Tuesday following the holiday. Clapp stated he believed it would continue to be a problem. He didn't like the idea.

A member of the audience volunteered to be on the committee.

De La Vega stated this is a serious enough issue where another special meeting could be an option.

Clapp moved to adopt:

RESOLUTION NO. 14-13

A RESOLUTION AUTHORIZING THE PLACEMENT OF "NO PARKING" SIGNAGE ON INTERLACHEN LANE; INTERLACHEN PLACE; and INTERLACHEN COURT

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

Clapp moved to review the no parking signage on June 10. Anderson seconded the motion. Ayes 5. Motion carried.

6. **PARKING ON CIRCLE ROAD**

Kohlmann stated parking is already prohibited on the "outer ring" of Circle Road. A resolution has been prepared to prohibit parking on the remainder of Circle Road that are not Hennepin County designated parking.

De La Vega stated he was concerned about the island area where the City's signage is located. Kohlmann stated the most northerly portion of the island is City property. Penberthy was sure it was County right-of-way. De La Vega suggested having the County post no parking signs in that area.

Clapp suggested this resolution be carried over to the June 10 Council meeting.

Penberthy stated there are too many unresolved questions for him to advise signage be posted on the area.

Members of the audience discussed posting no parking on Circle Road.

Grothe agreed we should keep this as an open issue and discuss it again at the June meeting.

Clapp moved to continue this item to the June 10 meeting. Anderson seconded the motion. Ayes 5. Motion carried.

7. **ADJOURNMENT**

There being no further business, it was moved by Anderson to adjourn the

meeting. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

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Clerk