**OFFICIAL MINUTES**

**MINUTES**
**TONKA BAY CITY COUNCIL**
**REGULAR MEETING**
**June 24, 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**
**Anderson moved to approve the agenda as submitted. Clapp seconded the motion. Ayes 5. Motion carried.**

4. **CONSENT AGENDA**
**Anderson moved to approve the consent agenda as submitted approving:**
**A. Regular meeting minutes of June 10, 2014**
**B. Financial Report**
**Clapp seconded the motion. Ayes 5. Motion carried.**

5. **MATTERS FROM THE FLOOR**
None

6. **SPECIAL BUSINESS**
**A. Senator Dave Osmek**
Senator Osmek discussed recent legislative action. He noted the SLMPD will become tax exempt in 2016.

De La Vega asked if there is any action coming on declaring emergency situations in the area due to storms. Osmek stated Hennepin County is the main contact for any kind of relief. He urged the City Council to contact him if he can help in any way.

**B. SWPPP Plan**
Kohlmann stated the SWPPP plan should have been an item on the agenda this evening.
A Representative of WSB was present and discussed the 2013 MS4 program in Tonka Bay. He stated there are twelve months from January of

2014 to complete programs outlined in the new program. A draft proposal has been created which needs MPCA approval. He stated training of the Public Works staff will continue.

De La Vega asked for public comments. There were none.

## 7. PUBLIC HEARINGS

### A. Variances/CUP Request – Brennan, 35 Interlachen Lane

Kohlmann discussed the public hearing process for the benefit of those in attendance who might wish to comment on this request.

**Kelsey Johnson, City Planner** reviewed the request for 35 Interlachen Lane. The applicants propose to remove an existing structure and add a new garage on the lot. A two-foot variance is requested from the side yard setback, 22-foot variance from the front yard setback, and a conditional use permit for the building height.

Johnson identified the property through aerial photography. She reviewed the building elevations.

Johnson reviewed the criteria for approving variances and discussed circumstances which determine the uniqueness of the lot.

Johnson discussed the request for a conditional use permit for the building height. She noted homes in the area are all two story structures. She stated it is reasonable to request a two-car garage. She stated there isn't any reason the applicant cannot meet existing codes. She recommended the request for the variances be denied but approve the conditional use permit. She also indicated there was a petition from all the neighbors supporting the request.

Clapp asked if there will be running water in the garage. Johnson indicated there would not.

Ansari asked what would happen if the variances are denied. Johnson discussed alternatives which the Council could undertake including approval of all the variances requested. Ansari asked if there is any way an existing tree can be saved. Johnson stated it could be saved.

De La Vega opened the hearing to public comments for or against the proposal.

**Terry Brennan, applicant** stated the existing structure was not built as a garage. The entire structure sits inside the setback. They desire to construct a garage similar in style to the existing house. He stated to put the garage set back behind the house in the yard would not be aesthetically sound and would reduce property values. He stated if the setback is met, a tree will be cut down, and the garage will sit in the middle of the yard. He noted the existing garage is so narrow it just misses an existing tree and telephone pole.

De La Vega asked where the telephone pole is located. Brennan identified the location of the telephone pole.

De La Vega closed the public hearing.

Councilmembers discussed their concerns about the setback requests.

De La Vega stated the side yard setback was an issue to him but believed the plan will be an improvement to the site.

Grothe stated the height is not an issue to him. He liked that the garage will be moved back from the street. Overall, it is an improvement to the parcel.

**Clapp moved to direct staff to prepare a resolution (Resolution 14-19) to include findings and conditions set forth in the staff report. Anderson seconded the motion. Ayes – Anderson, Ansari, Clapp, De La Vega and Grothe. Motion carried.**

**B. Variances Request – Bierbaum, 195 Woodpecker Ridge Road**

Kohlmann discussed the public hearing process for the benefit of those in the attendance who might want to comment for or against the proposal.

**Kelsey Johnson, Planner** reviewed the request for 195 Woodpecker Ridge Road. She identified the location of the property and discussed the variances requested from the lake side, side yard, and rear yard setback. A variance from the floodplain buffer is also required. The city engineer has been working with the applicant to address drainage on the property.

Johnson reviewed the proposed addition to the property and discussed criteria for approval of the variances being requested. She also discussed the unique circumstances impacting this request which include the property

topography and elevation. She also discussed the consistency of the proposal with City requirements. She recommended approval of the variances requested.

Johnson stated the City Engineer is working with the applicant and will require a storm water agreement as part of this approval prior to issuance of the building permit.

De La Vega asked if there will be an improvement on the hardcover. Johnson stated there will be some improvement.

De La Vega opened the hearing for public comments.

**Justine Haselow, 225 Woodpecker Ridge Road** stated this is one of the oldest houses on the street. She favored the improvement to the property. She believed all the neighbors support the request.

**Deb Bierbaum, 195 Woodpecker Ridge Road** stated they have been slowly renovating the property since 2010. Their desire is to make this their primary residence and need a garage that will not flood every time it rains.

De La Vega closed the public hearing.

Clapp stated it is a great improvement. He stated the garage does indeed flood.

Grothe stated he likes that there will be less asphalt on the property. He didn't see an issue with any of the requests.

De La Vega stated they will be surrounded by two-story homes on the area.

**Anderson moved to direct staff to prepare a resolution (Resolution 14-20) to include findings and conditions set forth in the staff report. Grothe seconded the motion. Ayes 5. Motion carried.**

C. **Variance/CUP Request – Griffin, 4240 Circle Road**

Kohlmann stated there is an indication the applicants will be withdrawing their request but have not submitted anything official.

De La Vega opened the hearing.

**Clapp moved to continue the public hearing to the July 8, 2014 meeting. Anderson seconded the motion. Ayes 5. Motion carried.**

## 8. OLD BUSINESS

None

## 9. NEW BUSINESS

### A. Request to Extend Demolition Period – 40, 50, and 60 West Point Avenue

Kohlmann stated the property owner has requested an extension to the demolition period. He noted there was a June 15th deadline to demolish the existing home. He noted they did recently close on the property. He stated the applicant is present to speak to the request to extend to December 15, 2014. He stated staff is looking for direction to come back with a resolution.

**Anderson moved to direct staff to prepare a resolution (Resolution 14-23) extending the demolition period to December 15, 2014. Ansari seconded the motion. Ayes – Ansari, Anderson, Clapp, De La Vega and Grothe. Motion carried.**

### B. Budget Timeline – Schedule Work sessions

Kohlmann stated Staff is proposing three work sessions to discuss the 2015 budget.

Council reviewed the proposed dates of August 14, August 26 and September 9 before scheduled meetings.

**Anderson moved to set August 14, August 26 and September 9 at 6:00 p.m. for budget work sessions. Ansari seconded the motion. Ayes 5. Motion carried.**

### C. LMCD Budget

Kohlmann stated the 2015 LMCD budget is included for review and approval of a resolution.

De La Vega stated they are holding the line pretty well. He didn't have any major issues with it.

**Anderson moved to adopt:**

**RESOLUTION NO. 14-21**

**A RESOLUTION ADOPTING 2015 LMCD BUDGET**

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

D. **Southshore Center**

Kohlmann stated there is a request from the City of Shorewood for action by the City of Tonka Bay.

Ansari stated the letter from Shorewood didn't have any actionable items or specific requests.

De La Vega stated Shorewood is not the sole owner of the Southshore Center and cannot take this action unilaterally. He stated there is an option for Shorewood to pay us back.

Clapp asked what our original investment was in the Center. De La Vega stated it was $55,000.

Councilmembers discussed the existing JPA which is still in effect.

De La Vega stated we are all in our right to stand our ground.

Clapp asked what the response has been from the other cities. Ansari stated Deephaven has already withdrawn prior to this letter.

De La Vega stated the property was provided to the five cities and is part of this ownership. He stated there is a need to change the JPA, and there isn't a proposal to do so. There is also not a proposal on how to operate the Center.

**Lowell Day, 25 Pleasant Avenue** asked if there wouldn't be an appreciation on the original investment. He also asked if Tonka Bay's share would increase to 25% given the withdrawal of Deephaven. He believed it is a wonderful jewel to our communities. He stated we put so much money into parks and youth programs; why can't we support the senior citizens. He stated seniors need a place to go for something to do.

De La Vega stated he doesn't see the building going away.

Day discussed possible options for the use of the building. He stated he is concerned about what inactivity does to people. He stated we always seem to forget the senior citizens. People are living longer, are still active, and need a place to go.

Council concurred that no action is needed.

**10. MATTERS FROM THE FLOOR**

**Lowell Day, 25 Pleasant Avenue** stated there was supposed to be a committee on the Birch Bluff Road issue, and he volunteered to be on such a committee. He asked if there is a way to raise the ball field in Manitou Park and add a drainage system so kids don't have to play in a "swamp".

De La Vega stated most of the improvements to the park have been from the South Tonka Little League group.

**11. REPORTS**

A. **Administrator** – Kohlmann stated a proposal has been requested from WSB for a survey. He also reported on recent activity over the weekend on flooding and resulting issues. De La Vega asked if seal coating or painting of the parking lot will be delayed. Kohlmann stated it is not being delayed at this point. Anderson asked about the bog. Kohlmann stated he has received complaints about the bog breaking off. His policy has been if it is a problem for 48 hours, he will contact someone to remove it. The chunks have usually moved on quickly. De La Vega thanked all those involved with sandbagging Woodpecker Ridge Road over the weekend.

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** – Clapp stated the beaches will be a mess when flooding recedes. He asked if they could be restored once that happens. Kohlmann stated sand was added at Wekota at the beginning of the season. Clapp noted there have been a lot of good comments on the "no-wake" on Lake Minnetonka.

F. **Attorney's Report** – no report

G. **De La Vega - Public Works, SLMPD, Administration** – De La Vega stated the budget process for the SLMPD has begun.

**12. ADJOURNMENT**

**There being no further business, it was moved by Anderson to adjourn the meeting at 8:25 p.m. Clapp seconded the motion. Ayes 5. Motion carried.**

Attest:

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Clerk