

**OFFICIAL MINUTES  
TONKA BAY CITY COUNCIL  
REGULAR MEETING  
July 25, 2017**

**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 Ansari, LaBelle, and Jennings. Councilmember Anderson was absent. Also present were City Administrator Crawford and City Attorney Biggerstaff.

**3. APPROVAL OF AGENDA**

**Ansari moved to approve the agenda as amended: add Closed Session as Item 12. Jennings seconded the motion. Ayes 4. Motion carried.**

**4. CONSENT AGENDA**

**LaBelle moved to approve the following consent agenda items:**

- A. Regular Meeting Minutes of July 11, 2017**
- B. Financial Report**
- C. Building Permit Activity Report**
- D. Tort Limits**

**Ansari seconded the motion. Ayes 4. Motion carried.**

**5. MATTERS FROM THE FLOOR**

None

**6. SPECIAL BUSINESS**

- A. Senator Dave Osmeck

Senator Osmeck was not in attendance.

- B. Special Event Permit Application – Park Nicollet Apple of the Lake Run

Crawford stated the Chamber has applied for a special event permit for the Park Nicollet Apple of the Lake Run. She stated Laura Hotvet has requested a waiver of fees.

LaBelle asked if any fees have been waived in the past. Crawford indicated they have not.

De La Vega stated the fee schedule and application have different fees, and the most we can charge for this event is \$150. He stated he would like to propose a fee of

\$75 for this application due to it being a local sponsorship.

Ansari concurred as did Jennings.

**Jennings moved to approve the 2017 Apple of the Lake Run special event permit request and to charge a fee of \$75. Ansari seconded the motion. Ayes 4. Motion carried.**

**7. PUBLIC HEARINGS**

None

**8. OLD BUSINESS**

A. Birch Bluff Rd/ Pleasant Ave Traffic Study Proposal

Crawford stated it was requested that WSB revise the traffic study cost by removing Shorewood's participation in the study and increasing the study period to two weeks for a final cost of \$5562.00.

Ansari discussed residents' concerns about reclaiming the rights-of-way along Pleasant Avenue and purchasing speed bumps.

LaBelle agreed there are short-term options but would like to hear from the experts.

Jennings discussed concerns from a resident about the cost of the study. He agreed with LaBelle's comments and is interested to hear the results.

De La Vega supported the traffic study and the cost.

**LaBelle moved to approve the traffic study proposal in the amount of \$5,562.00 and direct staff to include the amount in the 2018 budget. Jennings seconded the motion. Ayes 4. Motion carried.**

B. Short-Term Rental Housing Ordinance

Crawford stated staff was directed to bring back examples of short-term rental housing ordinances.

LaBelle stated this is a fundamental property rights issue. He stated our current ordinance is vague.

Biggerstaff stated there is often disagreements about how to regulate this use. The fundamental issue is what is the purpose of the zoning code. He believed it is difficult to regulate this use through the zoning code. He discussed options to create a licensing procedure.

LaBelle stated he would be okay with a prohibition if it can be defended.

De La Vega stated what we have now is not suitable for what will be coming. He stated he could not support commercializing short-term rentals. Property owners should be required to live in the home half the time. He believed there should be a licensing process. Residents are concerned that they don't know who is renting. He stated we need to safeguard our interests and would like to move forward.

Jennings asked what the legal protocol would be to get someone out of a short-term rental. Biggerstaff stated if it was the owner, there could be a license revocation. For a tenant, we could craft an ordinance that would deal with that kind of issue.

De La Vega stated he would like to make this ordinance as tight as we want. He stated there is always the option of not allow the use at all but would prefer drafting an ordinance first.

Mitch Davis, 415 Lakeview Avenue stated there is more than the short-term rental rights to consider. He stated the current use in his neighborhood is owned by someone who has never lived there. He stated when property rights are considered, current residents should be taken into consideration.

Laurie Davis, 415 Lakeview Avenue stated she was unsure how this could ever be policed when there are out-of-state visitors in and out of the property.

Curt Larsen, 435 Lakeview Avenue stated there are a lot of unknowns when trying to craft an ordinance to regulate this. He stated the use on Lakeview Avenue is being used as a hotel. He cited several instances when renters have trespassed on his property. He supported using the Shorewood ordinance as a model.

Konrad Krueger, 4831 Manitou Road stated he wants to share his house which is on an abandoned railroad right-of-way. He stated the problems he has had have been from Tonka Bay residents. Councilmembers discussed whether to move forward with an ordinance regulating short-term rentals.

De La Vega suggested crafting an ordinance for review. He stated the prohibition ordinance is basically written, given the Shorewood example. De

La Vega stated he want to make sure the ordinance is tight enough to be easily enforced.

Crawford stated an e-mail survey could also be an option to get input from the community.

De La Vega stated the Stillwater model would be the closest to what we could consider.

**9. NEW BUSINESS**

- A. Renew Court Services JPA with State of Minnesota  
Crawford stated in 2012, Tonka Bay entered into a 5-year agreement with the State of Minnesota's Bureau of Criminal Apprehension which allows access to their data.

**LaBelle moved to adopt Resolution 17-25 to authorize the Mayor and City Administrator to enter into the Joint Powers Agreement on behalf of Prosecuting Attorney and Court Data Services Subscriber Amendment. Jennings seconded the motion. Ayes – Ansari, De La Vega, Jennings and LaBelle. Motion carried.**

**10. MATTERS FROM THE FLOOR**

None

**11. REPORTS**

- A. Administrator's Report – Crawford stated the second quarter revenue/expenditure report has been provided for comments and questions. De La Vega stated it looks like we are doing better in revenue than we expected and asked if we are taking that into consideration. Crawford stated that it could be in some cases. De La Vega also commented on expenses listed under miscellaneous accounts. Crawford stated the Tonka Bay and Shorewood City Councils approved the Crescent Beach agreement in 2016. An error was found after the agreement was approved, and the correction will be brought forward to both Councils for review. Crawford stated she interviewed seven applicants for the Administrative Assistant/ Deputy City Clerk position on Monday.
- B. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology - absent
- C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling, Southshore Community Center – no report
- D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks – Jennings gave an update on the EFD Dance. He will be attending an EFD Board

- meeting on the 26th.
- E. Bill LaBelle – Building Inspection, Municipal Buildings and Grounds – no report
  - F. Attorney's Report – Biggerstaff updated the Council on the Sprint check and the discussion with the attorney for the residents at 275 Lakeview Avenue.
  - G. Gerry De La Vega –SLMPD, Administration, Public Works – De La Vega discussed the review of the 2018 SLMPD budget. He stated he and Lindy met to discuss her performance. He recommended a step increase to the second year pay scale retroactively to May 18. De La Vega moved to approve the step increase as recommended. Ansari seconded the motion. Ayes 4. Motion carried.

**12. CLOSED SESSION**

**De La Vega moved to go into closed session at 8:20 p.m. pursuant to Minn. Stat. 13D.03 as the discussion constitutes a matter involving: Labor Negotiations. The following persons were in attendance:**

- 1. Gerry De La Vega, Mayor**
- 2. Elli Ansari, Councilmember**
- 3. Adam Jennings, Councilmember**
- 4. Bill LaBelle, Councilmember**
- 5. Lindy Crawford, City Administrator**
- 6. Andrew Biggerstaff, City Attorney**

**The subject matter of the meeting was: Labor Negotiations. Jennings seconded the motion. Ayes 4. Motion carried.**

**De La Vega moved to adjourn the closed session at 8:58 p.m. LaBelle seconded the motion. Ayes 4. Motion carried.**

**13. ADJOURNMENT**

**There being no further business, it was moved by LaBelle to adjourn the meeting at 8:59 p.m. Jennings seconded the motion. Ayes 4. Motion carried.**

Attest:

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Clerk