

**OFFICIAL MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
August 10, 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. Ansari seconded the motion. Ayes 5. Motion carried.

4. CONSENT AGENDA

Anderson moved to approve the following consent agenda items with the exception of Items 4B and 4D:

- A. Regular Meeting Minutes of July 26, 2016 – as amended - see Item 4D
- B. 10 Crabapple Lane Encroachment Agreement – Grothe stated in the letter we received, he believed the LMCD did not approve the boat dock location. Crawford stated the LMCD is meeting right now, and this is not a City project. She stated the LMCD has indicated their approval would be contingent upon approval of permits from the MCWD and the City of Tonka Bay. De La Vega stated he didn't believe there was a rush on this. The item was pulled from the Consent Agenda.
- C. Tort Limits
- D. Resolution 16-28, Variances, 200 Birch Bluff Road – Grothe stated the variance from the rear yard is shown as originally proposed and needs to be changed to a variance of seven feet. He stated the minutes should be changed to include the change in the motion for approval of the variance resolution.
- E. Resolution 16-29, CUP, 200 Birch Bluff Road
- F. Resolution 16-30, CUP, 200 Birch Bluff Road

Clapp seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

- A. 2017 EFD Budget

Scott Gerber, EFD Fire Chief stated the EFD Board recommended approval of the proposed 2017 EFD budget. He indicated it would be a .6% increase over 2016. He indicated the EFD will become tax exempt on January 1, 2017 which will result in less expenses.

Gerber reviewed the proposed budget. He stated the aerial truck expenses will come at or under budget no matter what aerial truck they end up purchasing.

De La Vega stated our share has gone down \$10,000 for 2017. He stated we had discussed interest in participating in loans to the EFD which would result in a better return on our investments. Gerber stated he understood Tonka Bay and Shorewood would be interested in financing options.

Gerber noted this year is the EFD's 125th Anniversary. He discussed plans for a community celebration on September 10.

Anderson moved to adopt Resolution 16-31 approving the proposed 2017 operating budget and capital expenditures. Ansari seconded the motion. Ayes 5. Motion carried.

7. PUBLIC HEARINGS

A. Variance Request – Baker, 65 Clay Cliffe Drive

Erin Perdu, City Planner reviewed the request for a variance from side setbacks for an accessory structure in an R-1A zoning district. She reviewed the aerial photograph of the site and indicated the location of the shed.

She indicated this is an after-the-fact variance request. She reviewed a survey of the lot and the statutory requirements for approval of a variance. She stated given the size of the lot, the shed location does not appear to be a necessary location. There are other locations where the shed could be relocated. Based on the fact there are two requirements that were not met, staff recommended denial.

Clapp asked if any landscaping buffer is proposed. Perdu indicated there was not.

Grothe asked if it was completely constructed. Crawford indicated the siding and roof have not been completed.

De La Vega opened the hearing for public comments.

Bruce Barringer, 155 Wildhurst Road submitted photos of the shed view from the road, from his back yard, and from the east side. He believed it decreased his property value and it is something neighbors will see when they walk up and down the road. He indicated the fence line would block the view of the shed for the applicant.

Grayson Baker, 65 Clay Cliffe Drive stated he had documentation from the Clay Cliffe Homeowner's Association approving the shed and was unaware he needed a permit from the City. He stated he received a stop work order and ceased construction. He didn't believe it would devalue property values.

Crawford stated letters were received from 190 Wildhurst Road not in support of the request and approvals from a Clay Cliffe resident (address unknown) and 55 Clay Cliffe Drive.

De La Vega closed the public hearing.

Clapp stated he would not want to have this view from his back yard. He would not support the variance request.

Ansari asked if other options would be minimal. Crawford stated the other option would be to move the structure, and variances would not be required.

Grothe stated he supports the staff recommendation to have the shed moved to another location, and there isn't enough of a hardship to grant the request.

De La Vega stated there are more reasons why the shed should not be at this location than there are why it should. He stated the Council is very adamant approving a request based on staff's recommendation.

Anderson moved to direct staff to prepare Resolution 16-32 denying variance request for shed at 65 Clay Cliffe Drive based on findings of fact. The Council discussed a deadline for removal of the shed. Clapp stated he would like to add a sixty-day deadline to the resolution. Grothe seconded the motion. Ayes 5. Motion carried.

B. First Reading – Zoning Ordinance Amendments Sections 1002 and 1011

De La Vega stated this is the first reading on zoning ordinance amendments.

Crawford stated this includes many amendments. De La Vega proposed a small chunk of this be reviewed tonight. He suggested a few of the definitions be reviewed in Section 1002.

De La Vega reviewed the definition of basement. He believed we needed to define it as we use it. He stated a walkout basement would have a different definition. Anderson stated “cellar” was also confusing.

De La Vega stated he was unsure why the reference to Comprehensive Plan was removed in the conditional use definition.

De La Vega had issue with the driveway definition where it referred to a driveway not being an area for parking. Perdu stated the intent was to distinguish a residential driveway from a parking area.

De La Vega discussed the fence definition and struggles with definitions and relationship to planting materials. Crawford discussed the problems with administering planting materials as fences. De La Vega suggested additional language that would address height. Crawford asked how high they should be. De La Vega stated he didn't think they should be higher than 3-4 feet. Councilmembers discussed the height definition as well as landscape walls. Perdu stated the wording could be changed for landscape walls.

De La Vega discussed the fence boundary line. Perdu stated it is considered a boundary line fence when it is within five feet.

Grothe stated rather than putting in a height for planting materials, it could be defined to include when it becomes a visual screening element.

De La Vega discussed fence height. Perdu clarified the definition.

De La Vega stated staff should make the changes as discussed.

8. OLD BUSINESS

None

9. NEW BUSINESS

A. Utility Payment – Meyer, 90 Tonka Bay Rd

Crawford reviewed the request from Tom Meyer for a refund or a credit on his utility account.

Tom Meyer, 90 Tonka Bay Road didn't think the City's present system of testing meters is valid. He believed they should be field tested. He believed he was overcharged for four quarters beginning at 7/1/15. He was also concerned about whether the new meter is working properly. He requested a credit for 54,000 gallons and \$40 for the water meter test.

Clapp stated he would like to know what the dollar amount would equal.

De La Vega stated the meter was in place, the usage changed, and the meter was tested and found to be correct. Mr. Meyer believed the testing was not correct and should be done on site. Crawford stated meters are always sent off site for non-biased testing. De La Vega stated there was a period of time when the old meter was not reading correctly. He stated we can't tell if it was working. He indicated the question would be whether we are confident with our meter testing.

Clapp asked if we still have the meter. Crawford stated she could check with Public Works.

Grothe stated it is the homeowner's responsibility to review their bill to determine whether their usage is appropriate. He was not opposed to reimbursing for the test since the original meter was replaced.

Ansari agreed with Grothe's comments.

Anderson moved to credit Meyer's utility bill \$40 for the meter test only. Grothe seconded the motion. Ayes 5. Motion carried.

Meyer was still concerned about the decision and requested a compromise. De La Vega discussed the testing process. Grothe stated what we saw is a meter that was working.

B. City Administrator Employment Agreement Amendment

De La Vega stated we have a contract with the City Administrator for her employment. The amendment would document the salary scale to the employment agreement.

Anderson moved to accept the amendment to the City Administrator Employment Agreement. Clapp seconded the motion. Ayes 5. Motion carried.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

- A. Administrator – Crawford discussed the results of the blood drive held on August 9. The plan would be to have two a year. She reminded the City Council the Lake Minnetonka Beer & BBQ event is August 13. The south entrance sign will be installed on Friday.
- 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 their support of the EFD budget.
- 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 – Biggerstaff stated the letter to Nextel is currently being reviewed by their legal staff.
- G. De La Vega - Public Works, SLMPD, Administration – no report

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 8:18 p.m. Ansari seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk