

**OFFICIAL MINUTES  
TONKA BAY CITY COUNCIL  
REGULAR MEETING  
October 27, 2015**

**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 Penberthy.

**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 consent agenda as presented approving:**

**A. Regular Meeting Minutes of October 13, 2015 – De La Vega stated a motion to go into closed session should be added to the minutes and should include a reference to State statutes; strike the word “will” and add “pending” under closed session topics.**

**B. Financial Report**

**C. Quarterly Building Activity Report**

**Grothe seconded the motion. Ayes 5. Motion carried.**

**5. MATTERS FROM THE FLOOR**

None

**6. SPECIAL BUSINESS**

None

**7. PUBLIC HEARINGS**

**A. Variance and CUP Request – Uhl, 4348 Manitou Road**

Crawford introduced the City Planner who presented this request.

**Erin Perdu, City Planner** reviewed the request which is zoned R-1A, Single Family Residential in a Shoreland Overlay District, is 9,828 square feet. She showed surrounding uses through the use of aerial photography. The proposal was to remove the existing house and construct a new one.

Perdu reviewed the variances requested. She indicated a minimum 20,000

square foot lot is required in this zoning district, and the lot is also narrower than what is required. She stated a 59' front yard (lake side) setback is required. The air conditioner unit requires a setback on the side. She also reviewed the CUP requests. A 37.75% floor area ratio and a shoreland impact plan are required for the impervious surface.

Perdu reviewed the existing survey of the property. She indicated an existing detached garage will also be removed. The proposed layout showed an attached garage.

Perdu noted the 42.4% impervious surface percentage is actually lower than what currently exists on the property.

Perdu reviewed the requirements for approval of variances and conditional use permit criteria. She indicated the City Engineer and MCWD have approved the shoreland impact plan and approved the plan. She stated staff is recommending approval of the request.

De La Vega questioned the terminology "it appears" and whether it is an opinion. Perdu stated it is a relatively subjective statement. She stated she should have left the storm water runoff to the engineering report.

Council discussed alternate locations for the a/c unit.

**David Uhl, 4348 Manitou Road** stated they have given some consideration to locating the a/c unit on the other side of the house. The resident on the south side is here tonight, and they could work out the issue regarding the location. He stated he didn't know if it would be possible to buffer it with landscaping. He stated they certainly do not want it to be a nuisance. Clapp suggested other locations. Uhl reviewed possible locations on the south side of the house that would not disrupt his neighbor's property.

De La Vega asked if the current location of the deck is going to be improved upon. Perdu stated the proposed deck is further back from the lake than what currently exists on the site.

Clapp asked if the north side of the driveway is within the eight foot setback. Grothe noted a driveway can be right up to the property line.

De La Vega opened the hearing for public comments. There were none, and the hearing was closed.

**Anderson moved to direct staff to prepare a resolution approving this request for variances and conditional use permits for the property located at 4348 Manitou Road. Clapp seconded the motion. Ayes – Anderson, Ansari, Clapp, and De La Vega. Motion carried.**

**B. Variance Request – Steele, 160 Sunrise Avenue**

Crawford stated that following the review of this request, staff is recommending continuance of this request. The public hearing notice was published, so the City Council must open and continue the hearing.

De La Vega opened and closed the public hearing.

**Anderson moved to continue the public hearing to November 10, 2015. Ansari seconded the motion. Ayes 5. Motion carried.**

**8. OLD BUSINESS**

**A. Second Reading – Amend Section 1040, General Floodplain**

Crawford stated at the last meeting, the proposed amendments were reviewed. There were no changes recommended from the first reading.

De La Vega stated he had a couple issues with the proposed language but noted the language comes from State statutes. He stated he was unsure of the last word where “impractical” is used. He believed it was very subjective and without basis. He suggested the language be changed to “impossible without adversely impacting the neighboring properties”. He asked for legal input. Penberthy stated the problem is you add two new standards that may defeat the purpose of a conditional use permit. Clapp suggested “not possible”. Penberthy stated that would also be too strong. He recommended leaving it as it is. He stated the actual language in the statutes, floodplain, building code and FEMA guidelines can be provided for review. Following discussion, De La Vega stated the term impractical will give us more flexibility.

**Anderson moved to pass Ordinance 2015-05 Amending Chapter X – Zoning, Section 1040 – General Floodplain. Clapp seconded the motion. Ayes 5. Motion carried.**

**Anderson moved to adopt: Resolution No. 15-25, A Resolution Authorizing Summary Publication of an Ordinance of the City of Tonka Bay, Minnesota – An Ordinance Amending Chapter X – Zoning, Section**

**1040 – General Floodplain. Clapp seconded the motion. Ayes – De La Vega, Ansari, Anderson, Clapp and Grothe. Motion carried.**

**9. NEW BUSINESS**

**A. Temporary/ Seasonal Sales Permit Request – 5420 Manitou Road**

Crawford stated that Matt Midboe, owner of 5420 Manitou Road, and Michael West, Pristine Lighting applied for a temporary/seasonal sales permit to sell wreaths. She stated this is a similar request to 2014.

**Michael West, Pristine Lighting** stated they want to try it one more year to see how sales go. It will be the same set up. They will begin November 14 rather than the November 7 indicated on the permit application. De La Vega asked if there will be any kind of signage because a permit would be required. West discussed the type of signage proposed and stated he would work with Crawford to complete the application.

**Anderson moved to approve the temporary/seasonal sales permit request for 5420 Manitou Road to begin operation November 7 through December 24. Clapp seconded the motion. Ayes 5. Motion carried.**

**B. Brand Strategy**

Crawford stated to begin the process of identifying the City's brand strategy; five cities need to be identified to audit. A number of key stakeholders will also need to be identified and interviewed. Franke + Fiorella would like to interview 7-10 people including the Mayor and Council. They would also like to establish a working group to review findings and provide input on brand strategy. The working group would be comprised of two council members and one staff member.

The Council discussed the selection of a fifth city to be reviewed. Greenwood and Mound were suggested. Ansari stated Mound is currently going through an identify change and might be a good choice. Council discussed options for the fifth city. The Council determined Mound was their choice with the back up of Minnetonka Beach.

De La Vega stated he would like to see Hazellewood as an option as well as Heartbreaker which is one of the longest businesses. Clapp suggested the new business coming in. Crawford stated they aren't familiar with the City yet. Grothe suggested the historical society.

De La Vega suggested a number of residents who have been active over the years to be stakeholders. Crawford indicated this group would just be interviewed and would not be part of the working group. Clapp suggested past councilmembers as possibilities. Council agreed they didn't need to approve this list.

De La Vega stated the last part is to establish the working group. He stated Crawford has indicated this group would meet during the day. De La Vega suggested Clare Link as the staff representative. Grothe stated he would like to be a part of the working group. Ansari also volunteered to be a part of the group.

10. **MATTERS FROM THE FLOOR**

None

11. **REPORTS**

- A. **Administrator** – Crawford stated revenue and expenditure guideline reports for the third quarter are provided. The Park Committee met to view the survey responses, and the students will be presenting their findings to the City Council on November 24. Crawford stated it has come to our attention Tonka Bay does not plow our portion of the LRT trail. Shorewood is willing to enter into an agreement whereby they would plow for us. De La Vega stated he would be willing to consider such an agreement. Crawford stated Shorewood used to plow it. She indicated she would certainly want an agreement. She indicated Excelsior plows their portion of the trail, but it is not a high priority. De La Vega stated we've never plowed our portion of the trail.
- 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 MCWD is looking into the e-coli situation at the beaches and educational tools that could be used. De La Vega asked what the status is of the slide at Wekota Beach. Clapp stated it will be covered by insurance. Crawford stated the warranty has expired, and all the matching colors have been discontinued. She is working with the vendor. Crawford stated a police report was filed. De La Vega stated that part of the park is very dark and needs lighting. Grothe stated Manitou Park is also a park that needs lighting. Clapp stated he sent an

e-mail to the police department asking them to join the overdosed kits program through Hennepin County.

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 Anderson to adjourn the meeting at 8:14 p.m. Grothe seconded the motion. Ayes 5. Motion carried.

Attest:

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Clerk