

CITY OF TONKA BAY ITEM NO. 4B

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING April 13, 2010

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 LaBelle, Councilmembers Marceau, Tessness, Folley, and De La Vega. Also present were City Administrator Kohlmann, City Attorney Penberthy, City Planner Gozola, and Public Works Superintendent Kluver.

3. APPROVAL OF AGENDA

De La Vega moved to approve the agenda as submitted. Tessness seconded the motion. Ayes 5. Motion carried.

4. CONSENT AGENDA

Kohlmann stated there was some discussion under Item 5B about the agreement South Tonka Little League has with the City of Shorewood. De La Vega stated he just wanted it to be clear in the minutes who will be responsible to pay for electrical and water at the park going forward. Marceau moved to approve the consent agenda as presented approving the regular meeting minutes of March 23, 2010 as revised: Add under Item 5B as the fourth to the last sentence: "There was short discussion about water usage, and Grant Leum stated they reimburse the City (Shorewood) for water and electrical." De La Vega seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

A. City Assessor – Bill Davy, City Assessor stated he wanted to discuss a few items prior to the following evening's Board of Appeals and Equalization meeting. He discussed the role of an assessor which must follow state statutes and how valuations are determined. He explained how the sale prices for the year are compared and used to calculate estimated market valuations. He noted there are 618 residential properties in the city, and there were nine sales in 2009. He stated valuation notices were mailed in March, and he had received about fifteen calls concerning valuations. He reviewed seven

properties as a result. He stated he anticipates a few people in attendance at the Board meeting who did not call in advance. He stated the Council will review the testimony given at the meeting, he will review their request or make plans to visit the property, and bring back his recommendations to the Council for final action. De La Vega asked if the meeting would be more of a listening session. Davy stated it is a time for the property owners to state why they believe their valuation is incorrect. De La Vega asked if we recommend to the County there be a reduction. Davy stated the Board has the power to reduce or increase a valuation. LaBelle stated we try to resolve as many as possible at the Board meeting or direct Davy to revisit the property. Marceau asked what would happen if there is another review. De La Vega noted there would be a recess to another meeting.

7. PUBLIC HEARINGS

A. **Tonka Village LLC – Variance Request, 5609 Manitou Road** – Kohlmann stated Tonka Village is seeking a six-foot variance from the eight-foot setback requirement, a variance to allow the sign to be within the required corner vision clearance triangle, a twelve square foot variance to allow the proposed sign to exceed the maximum size of twenty-four square feet, and a variance to allow the proposed sign to display more than date, time and temperature information. He introduced Planner Gozola who would provide more details on the request. **Ben Gozola, City Planner** reviewed the property location. He reviewed the proposed sign and the request for an electronic reader board. He reviewed aerial photos of the site and the proposed sign location. He stated staff is recommending denial of the reader board request. A change to the Code would be required to allow a reader board. He stated the other variances basically overlap. He stated with regards to the corner vision triangle, the request is reasonable as it meets all guidelines for safety. Safety is also met for the front yard setback request, provided the sign does not interfere with safe ingress and egress to and from the site. Gozola stated it is reasonable for a commercial property owner to want as large a sign as possible, so this criterion is also met. Gozola reviewed whether the variance requests present unique circumstances. For corner vision, every corner in the city has a different set of facts that determine whether a sign is appropriate. In this case, there are no safety concerns and this criterion is met. For the front yard setback, the location of the entrance and the topography and alignment of the road supports the location of a low-profile sign. These signs have less visual impact and are more desirable. He noted the sign would be partially within a drainage and utility easement and a Met Council sewer pipe. The Met Council is aware of the request and would require an agreement. LaBelle noted the proposed sign is designed to be easily removed. Kohlmann stated that is the case. This criteria is met conditioned upon the necessary legal agreements being in place. Gozola stated there are not any unique circumstances where a larger size would be necessary. The visibility on Manitou Road is wide open, and the criterion is not met. Gozola discussed whether the variances would alter the essential character of the locality. He

stated it is common to see this type of sign as close to the road as possible, and the sign location would not alter the character of the locality, so these criteria are met. The increased sign size would not meet the criteria. Gozola noted all the requests would not impair an adequate supply of light to adjacent properties, increase congestion in the street, increase danger of fire or endanger the public safety or diminish/impair established property values within the neighborhood. Gozola stated the requests would not violate the intent and purpose of the Comprehensive Plan. Gozola discussed whether undue hardship would result if the variances are denied. He stated denial of the corner vision and the front yard setback variances would result in undue hardship. The proposed location would not impact safety at the intersection, and a sign would be forced more into the middle of the parking lot. There are no real special circumstances warranting an increased sign size, so this criteria would not be met. Gozola reviewed whether the literal interpretation of the ordinance provisions would deprive the applicant of rights commonly enjoyed by other properties in the same district. This would be the case for the corner vision triangle and front yard setback request variances should they be denied. Denial of the sign size variance would not deprive the applicant of rights. Gozola discussed whether the special conditions and circumstances causing the undue hardship are the result of the applicant's actions. Gozola stated the corner vision and setback request approvals would not confer any special privileges on the applicant while approving the size variance would be conferring a special privilege. He stated staff is recommending denial of the electronic reader board variance, approval of the corner vision triangle and front yard setback variances, and denial of the maximum sign size variance. He stated the sixty-day period expires on May 8. Tessness asked for clarification of the corner triangle sight variance. Gozola clarified the definition of the triangle area and showed the area of concern. De La Vega asked for clarification of the engineering guidelines for sign safety. Gozola stated the guidelines stated there needs to be a certain amount of vision for the road to be safe. De La Vega stated there are residents who will not take a left turn in some areas because of the safety issues. He had a concern about a flashing and changing sign. He asked if other locations were considered. Gozola stated that would be a question for the applicant. Marceau asked if there were any County setbacks that would be an issue. Gozola replied there were not any he was aware of. Folley asked what the maximum size allowed is. Gozola stated the sign dimensions have changed with every plan set submitted. It is twelve feet over what is allowed by code. Folley asked if the sign is that small, can it be read when you drive by it. Tessness stated he was not as concerned about the size. De La Vega stated he is concerned about the visibility and turning left. Marceau stated the changing sign is not the issue, it is the size of the sign. LaBelle stated it is all minor considering none of it is allowed by our current code. Marceau asked if the 24' would be allowed under the code. LaBelle noted eight feet with time and temperature are allowed. LaBelle invited the applicant to speak. **Phillip Chaffee, Tonka Village owner** stated they have worked really hard with the city to provide services to the city through the shopping center. Their request tonight is because

of the need. He noted they have lost three tenants over the last two years. Sales have suffered for the tenants on the northern side of the center. Those tenants don't have the visibility, and they believe the signage will help. They are equally concerned about safety. **David Kirkland, Tonka Village owner** stated they are unsure of what they are going to do with the property between the liquor store and the bowling alley. The proposed sign will help the existing tenants. People don't have a chance to look over when they drive by to see what is in the center. The sign is not proposed to change frequently. It will only chance once a day. There is a real need for an anchor tenant. The future of signage is in electronics. He stated they would be open to a partnership with the city and would advertise community events. He discussed similar signs in other communities and working with the city in those cases. He noted the design was changed to accommodate Met Council's concerns, and a slab-on-grade design was created. The entire sign can be moved if excavation is necessary in the area. Kirkland explained why there is no other location for the sign on the property. He noted the fire hydrant location is the ideal place where the sign should have been. De La Vega asked if the island between the entrance and exit is a possible location. Kirkland stated it is too busy of a location to put there. They prefer to have garden items in that location. Marceau stated it is possible it would create more blind spots. De La Vega suggested the sign be raised higher. Marceau asked if the size of the current sign is similar to the proposed sign. Kirkland stated it is smaller. De La Vega stated he would be more open to it if it were located in the center island and were higher. LaBelle opened the hearing for public comments. There were none. LaBelle closed the public hearing. Councilmembers discussed the intent of the current sign ordinance. LaBelle stated the sign ordinance needs to be revisited. De La Vega suggested the proposed sign location be staked so he can check the safety issues. He suggested even a piece of cardboard similar to the actual sign size be on site in the proposed location.

8. OLD BUSINESS

None

9. NEW BUSINESS

A. 2009-2030 Comprehensive Plan – Final Approval – Kohlmann stated a resolution had been provided for adoption for final approval of the 2009-2030 Comprehensive Plan. He reviewed a brief history of its development. LaBelle thanked staff for creating the Plan and saving the city money. **Marceau moved to adopt Resolution 10-07 approving the 2009-2030 Comprehensive Plan. De La Vega seconded the motion. Ayes – Tessness, Folley, Marceau, De La Vega and LaBelle. Motion carried.**

B. Minnehaha Creek Watershed District – Response – Kohlmann stated the city's proposed comments to the MCWD's rule changes is provided for review. The comments discuss how the proposed rule changes will impact Tonka Bay. Also included

are responses from other cities as a result of a task force recently created. LaBelle noted the cities are working together but making their own separate comments. De La Vega asked when comments are due. LaBelle noted Tonka Bay has been given an extension on the due date of April 12. **Marceau moved to direct the Mayor to send the provided letter. De La Vega seconded the motion. Ayes – 5. Motion carried.**

10. MATTERS FROM THE FLOOR

11. REPORTS

A. Administrator – no report

B. Marceau – Finance, Marinas – no report

C. Tessness – Buildings, Building Inspection, Fire Lanes and Municipal Docks – no report

D. Folley - Animal Control, LMCC, Technology, and Southshore Senior/Community Center – no report

E. De La Vega - EFD, Parks, Sanitation, and LMCD – De La Vega stated the 2011 EFD Operating Budget and CIP were discussed recently. It will be reviewed again on April 20 and then again on May 12. The Council is invited to attend a more detailed meeting on June 16.

F. Attorney's Report – no report

G. LaBelle - Public Works and SLMPD – LaBelle stated there is a SLMPD Coordinating Committee meeting tentatively scheduled on Wednesday, May 5.

12. ADJOURNMENT

There being no further business, it was moved by Marceau to adjourn the meeting at 9:05 p.m. De La Vega seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk