

ITEM NO. 4A

APPROVED MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING August 13, 2019

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 and Jennings. Also present were City Administrator Tingley, Public Works Superintendent Bowman and City Attorney Biggerstaff.

Absent: Councilmember LaBelle.

3. APPROVAL OF AGENDA

Anderson moved to approve the agenda as submitted. Ansari seconded the motion. Ayes 4. LaBelle absent. Motion carried.

4. CONSENT AGENDA

Anderson moved to approve the following consent agenda items:

A. Regular Meeting Minutes of July 23, 2019

B. Tort Limits

De La Vega noted an item number correction under item 4 of the Regular Meeting Minutes of July 23, 2019.

Anderson amended his motion to include the correction noted by De La Vega. Ansari seconded the motion. Ayes 4. LaBelle absent. Motion carried.

5. MATTERS FROM THE FLOOR

None.

6. SPECIAL BUSINESS

None.

7. PUBLIC HEARINGS

A. 65 West Point Ave – Variance and Conditional Use Permit Requests

Tom Ramler-Olson presented on the proposed project at 65 West Point Ave to demolish a home and detached garage and build a new home with an attached garage. The project would require three variances and a conditional use permit.

Ramler-Olson detailed existing conditions, proposed conditions and the requests. The requests were consistent with statutory requirements and City tests. Ramler-Olson explained the engineering considerations and noted that staff recommended approval of the variances and CUP requests.

Jennings, De La Vega, Ansari, Tingley and Ramler-Olson discussed the letter received from the neighbor at 75 West Point Avenue and the project.

De la Vega opened the public hearing.

John Peirsol, 70 West Point Avenue, explained his property was directly across the street from the project. Peirsol explained he was in agreement with Staff's opinion on the project. Peirsol noted the substandard lots of West Point Ave.

Mark Briol, 65 West Point Avenue homeowner and applicant, noted he also owned the property to the South of 65 West Point Avenue. Briol noted that he put resources into the house to increase the value of the neighborhood and property. He explained that staff and his contractor put a lot of time in to create the proposal and given the clarity of the recommendations, he was requesting approval of his project.

Bob Fischer, 75 West Point Avenue, noted he owns the house to the North of 65 West Point Ave and that he sent the letter. Fischer noted that they were not well versed on the ordinances. He explained that he loved the neighborhood and hadn't made many modifications to his structure, only refurbishments. Fischer detailed the property and windows in the house and said the project would impact the views of the property.

De La Vega closed the public hearing.

Jennings thanked everyone for their hard work on the project. Jennings noted that Councilmembers must abide by the ordinances and that he was for the project.

Jennings, Ansari and De La Vega discussed the project.

De La Vega noted that Council as very protective about lake views and that he appreciated Fischer's concerns but that they had to abide by the ordinances.

Anderson moved to direct staff to prepare a resolution of approval for the requested variance to allow a lot within the R-1A District an area of 7,726

square feet at the property located at 65 West Point Avenue based on the findings of fact listed in the report items a - i as well as recommended conditions 1 – 7. Jennings seconded. Ayes 4. Labelle absent. Motion carried.

Anderson moved to direct staff to prepare a resolution of approval for the requested variance to allow a principal structure to encroach into the rear yard setback by 9.2 feet, resulting in a rear yard setback of 15.8 feet at the property located at 65 West Point Avenue based on the findings of fact listed in the report items a - i as well as recommended conditions 1 – 7. Jennings seconded. Ayes 4. Labelle absent. Motion carried.

Anderson moved to direct staff to prepare a resolution of approval for the requested variance to allow a minimum finished fill elevation to extend a minimum distance of 0 feet from the foundation of the principal structure at the property located at 65 West Point Avenue based on the findings of fact listed in the report items a - i as well as recommended conditions 1 – 8. Jennings seconded. Ayes 4. Labelle absent. Motion carried.

Anderson moved to direct staff to prepare a resolution of approval for the requested conditional use permit to allow a floor area ratio of 0.44 at the property located at 65 West Point Avenue based on the findings of fact listed in the report items a - g as well as recommended conditions 1 – 7. Jennings seconded. Ayes 4. Labelle absent. Motion carried.

8. OLD BUSINESS

A. 365 Lakeview Ave – Variance Request

Tingley explained the 365 Lakeview request was presented at the June 25, July 9 and July 23 Council meetings. On July 23, the Council requested more information.

Tom Ramler-Olson presented on the project and the history of Council actions on the property. The project was originally to allow expansion of the second story of a legal, non-conforming structure on a riparian lot that encroaches upon the side yard and rear yard setbacks. Staff was informed after the variance discussions that there was a proposed demolition.

Ramler-Olson detailed existing conditions, proposed conditions, legal nonconformities and the requests. The project would require three variances and a conditional use permit, all but one which were previously approved. The final variance request is to allow a second story expansion to encroach upon the side yard and rear yard setbacks.

Ramler-Olson reviewed the requests in light of statutory criteria and city tests. Ramler-Olson explained the engineering considerations and noted that staff recommended denial of the variance request.

De La Vega, Jennings, Ramler-Olson and Biggerstaff discussed the project and legal considerations.

Anderson, Ansari, De La Vega, Nick Priesler, Jennings and Biggerstaff discussed staff recommendations, the project, Council precedent, reducing nonconformities, the foundation and conditions to the variance.

Ansari and Tingley discussed the timeline and cost for the project.

De La Vega, Ramler-Olson, Todd Jackson, Jennings and Ansari discussed the proposed conditions and reasons to go against staff recommendations and approve the project.

Anderson moved to direct staff to prepare a resolution of approval for the requested variance allowing a side yard setback of 5 feet and rear yard setback of 5.9 feet for the proposed second floor expansion at the property located at 365 Lakeview Avenue based on the findings of fact discussed and recommended conditions 1 – 7. Ansari seconded the motion.

De La Vega, Biggerstaff, Jennings and the contractor discussed the project.

Ayes 4. Labelle absent. Motion passed.

9. NEW BUSINESS

A. 2020 EFD Budget

Tingley explained the Excelsior Fire District budget was reviewed extensively by the EFD Fire Board.

De La Vega noted he was impressed with the work done on the budget.

Jennings made a motion to adopt Resolution 19-36 approving the 2020 EFD budget. Ansari seconded. Ayes: Ansari, Jennings, Anderson, De La Vega. Labelle absent. Motion carried.

B. 2020 SLMPD Budget

Tingley explained the South Lake Minnetonka Police Department Coordinating Committee referred the budget to the adjoining cities for approval.

De La Vega noted there was a surplus in 2018 and detailed where that was used. De La Vega explained a lot of the budget was for staff and depended on union negotiations.

Jennings and De La Vega discussed the budget.

Anderson made a motion to adopt Resolution 19-37 approving the 2020 SLMPD budget. Jennings seconded. Ayes: Ansari, Jennings, Anderson, De La Vega. Labelle absent. Motion carried.

C. 2020 Assessing Contract

Tingley explained the city sent out an RFP and that two proposals were received, one from Hennepin County and another from Southwest Assessing.

De La Vega, Ansari, Tingley and Jennings discussed the contract.

Anderson moved to accept the bid from Southwest Assessing in the amount not to exceed \$23,057 to extend the current agreement for an additional year. Ansari seconded. Ayes 4. Motion carried.

D. Manitou Parking Lot Expansion

Nick Priesler explained the history of the Manitou parking lot expansion project, noting the increase in parking spots and relocation of the baseball field. Priesler noted the parking lot would most likely be constructed in 2020 with a wider window allowed for construction to aim for lower bids.

Ansari, Priesler, De La Vega and Anderson discussed tree removal, project costs and details.

Anderson moved to approve the Manitou Park parking lot expansion and associated project cost increases. Ansari seconded. Ayes 4. Labelle absent. Motion carried.

E. Wekota Basketball Hoop

Tingley explained Bowman requested bids for a new basketball hoop with the leftover funds from the resurfacing project.

De La Vega, Anderson, Jennings and Bowman discussed the hoop options.

Anderson moved to approve the quote from Rainbow Midwest for \$2,508.00

and add \$100.00 for the tougher acrylic backboard. Ansari seconded. Ayes 4. Labelle absent. Motion carried.

10. MATTERS FROM THE FLOOR

None.

11. REPORTS

A. Administrator's Report –

Tingley noted Doran and Staff discussed the easement Shorewood holds on the property. Doran is looking to redesign the project to avoid using the easement. Doran requested a work session with Council.

De La Vega noted that Doran could present a concept plan at a Council meeting.

Tingley provided an update that the agreement with the MBA was signed and that the MBA indicated the field move would be later in the month.

Tingley explained that the new Wekota Park playground equipment was expected to be ready by Labor Day. Bowman explained that the old equipment was donated.

Tingley noted his last day was August 29 and that the job was posted.

B. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology –
No report.

C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling –
Ansari explained she was keeping an eye on the LMCD stories. She noted that she was excited for the new playground equipment.

De La Vega and Jennings noted they heard positive feedback from the Parks Committee.

D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks –
Jennings noted the newly owned Caribbean was doing well.

De La Vega, Jennings, Tingley, Jennings and Priesler discussed docks on the Caribbean lots and the LMCD.

Tingley noted proposed changes to the ordinance would be brought to Council.

Ansari and De La Vega discussed the fence ordinance.

- E. Bill LaBelle – Building Inspection, Municipal Buildings and Grounds – Absent.
- F. Attorney's Report – No report.
- G. Gerry De La Vega –SLMPD, Administration, Public Works – De La Vega noted he met with Tingley to discuss his review and that Tingley was doing an exceptional job and exceeded all position expectations. He noted Tingley would be at part time hours with adjusted salary going forward.

De La Vega made a motion to retroactively increase Tingley's salary. Anderson seconded. Ayes 4. Motion carried.

De La Vega thanked Tingley for his hard work.

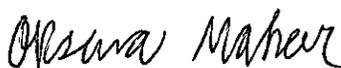
12. ADJOURNMENT

There being no further business, Anderson moved by to adjourn the meeting at 8:57 p.m. Ansari seconded the motion. Ayes 4. Motion carried.



Gerry De La Vega, Mayor

Attest:



Oksana Maher, City Clerk