

## ITEM NO. 4A

### MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING March 13, 2018

**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, LaBelle, and Jennings. Also present were City Administrator Crawford, Public Works Superintendent Bowman 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:**

**A. Regular Meeting Minutes of February 27, 2018**

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

**5. MATTERS FROM THE FLOOR**

Ross McGlasson, 365 Lakeview Ave, requested the fire lane sign next to his property be removed because he will be putting his house up for sale; curb appeal and first impressions are important.

De La Vega directed staff to examine and report to Council about fire lanes.

De La Vega suggested that McGlasson indicate to potential buyers that the subject is under review by the City Council.

McGlasson inquired when fire lanes will be on the agenda. De La Vega responded once the staff has concluded their research.

**6. SPECIAL BUSINESS**

**A. Hennepin County Commissioner Jan Callison**

Jan Callison, Hennepin County Commissioner, provided an update of various County initiatives.

De La Vega asked about the timeline and disruptions during the Narrows Bridge renovation. Callison replied that she does not have that information with her, but will contact him once she does.

LaBelle inquired of an update of the Southwest Light Rail. Callison discussed the recent developments.

De La Vega and Callison discussed the fishing fence and the pedestrian crossing at LRT and County Road 19.

**7. PUBLIC HEARINGS**

None.

**8. OLD BUSINESS**

A. Water Treatment Plant Lime Softening Feed System Improvements

Nick Preisler, City Engineer, discussed the manner of grouping the individual improvements for the water treatment plant. LaBelle stated that this information should be broken out into phases and a timeline should be determined. Preisler commented that the groups could be revised; however, the priority levels were a good indicator of urgency of the project.

Preisler discussed his opinion of bidding the filter control console with the slaker and asked the Council if the filter control console should be bid as an alternate. He stated that the electrical engineering sub consultant, Barr Engineering Co., has been contacted to provide estimated costs and schedule impacts if the filter control console were to be bid as an alternate to the slaker project. Preisler indicated that adding the filter control console to the slaker project could delay it from two weeks up to a month with a preliminary cost estimate of \$17,000 to \$20,000..

De La Vega, Preisler and Bowman discussed the failings of the current control console.

Preisler inquired if Barr Engineering Company should submit a proposal to be a subconsultant and to provide preliminary construction costs for the filter control console and to do the work.

LaBelle asked about funding for this project. Crawford explained the various funds which could be used.

De La Vega commented that this should be done in a timely manner.

Anderson asked if the filter control console cost and schedule impacts be added to the resolution motion. Crawford stated yes.

**Anderson moved to approve Resolution 18-07 accepting the Water Treatment Plant Lime Softening Feed System Improvements plans and specifications and ordering advertisement for bids adding the filter control console as an additional item. Jennings seconded the motion. Ayes – Anderson, Ansari, LaBelle, Jennings and De La Vega. Motion carried.**

B. Water Tower Floatdown Evaluation

Crawford stated that the Council previously requested a floatdown evaluation of the water tower as part of the Water Treatment Plant Study and it has been completed by Badger State Inspection LLC.

De La Vega commented that the water tower is not necessarily an immediate emergency, but according to the evaluation, it should be done in the next one to two years. Kelly Mulhern, Badger State Inspection LLC, replied yes and explained about the corrosion and added that it could possibly be pushed out to three years.

Anderson asked for clarification regarding 2.2.2. Mulhern responded that this section is regarding the paint system. De La Vega and Mulhern discussed the age and condition of the current paint.

De La Vega and Mulhern discussed if funding came from a PFA loan; prevailing wages would have to be paid. Mulhern continued that the quoted cost is the recommended bid amount. Furthermore, if the city were to wait to work on this project, the cost will increase. De La Vega and Preisler discussed low interest rate loans. Preisler commented that many contractors pay close to prevailing wages, thus low interest loans should also be considered for a funding source.

LaBelle questioned if it would be prudent to do both the inside and outside of the water treatment plant at the same time. Mulhern answered yes and explained the cost savings.

Jennings and Mulhern discussed safety issues of the water tower and the required safety standards of the various associations.

De La Vega remarked that this project cannot be added to this year's budget, but it can be put in the budget for next year. Crawford noted money is ear marked

specifically for this project in the next couple of years and to be completed in 2021. Furthermore, this could be included in bonding discussions as well.

Mulhern stated that he would write the bid request with the requested specifications.

Anderson asked about photos 11 and 12. Mulhern explained that it was sediment at the bottom of the tower, which was cleaned during the examination. Additionally, photo 12 was taken of the current drain plug; that it was more likely than not rusted and it should be replaced with a frost-free drain plug.

Mulhern noted that a floatdown evaluation was not done because it was decided not to take the tank out of service.

Crawford indicated she has made appointments with municipal bond advisors. Although it appears the City may not qualify for the PFA loan, the City will still be placed on the project priority list. However, it will take approximately six months for confirmation if the City will receive any funds from PFA.

C. Amend Chapter IV, Business and Trade Regulation – Short Term Rental

Crawford stated that the Council began discussing short term rentals in July 2017 and last council meeting staff was directed to incorporate minor outstanding suggests. Also, a public hearing regarding the addition of Short Term Rental fees has been scheduled for the March 27 Council meeting.

**Anderson moved to waive the second reading of Ordinance 2018-03 Chapter IV Section 425 Short Term Rental. Jennings seconded the motion. Ayes 4. Nays 1. Motion carried.**

**Anderson moved to approve Ordinance 2018-03 Chapter IV Section 425 Short Term Rental. Jennings seconded the motion. Ayes 4. Nays 1. Motion carried.**

**Anderson moved to approve Resolution 18-06 authorizing summary publication ordinance adding Chapter IV Section 425 Short Term Rental. Jennings seconded the motion. Ayes – Anderson, LaBelle, Jennings and De La Vega. Nays – Ansari. Motion carried.**

**9. NEW BUSINESS**

A. Land Use Grievance

Crawford discussed the email correspondence Council received from J. Sven

Gustafson regarding his grievance with a recent land use review process.

Sven Gustafson, Stonewood, LLC, 153 East Lake Street, Wayzata; Katheryn Alexander, Alexander Design Group, 401 East Lake Street, Wayzata; Kristy Raasch, Alexander Design Group; Nick Netley, 35 Fairhope Ave were present.

LaBelle noted that this grievance was placed on the agenda because Gustafson requested to meet with the Council. De La Vega discussed the open meeting law requirements.

Gustafson explained what had transpired and his frustrations with the City's land review process. He requested direction from the Council for the next step; if a variance was applied for he would like to know that Council would approve it.

Alexander stated that her specialty is custom homes and is accustomed to receiving answers from cities within a 24 to 48 hour time period. Her goal for knowing City's building specifications is so they can design within the ordinance guidelines. She also indicated she would like to avoid the variance process.

LaBelle apologized for their experience and explained why and how the land review process was created. He stated he would like to see this project continue moving forward but the proper procedure must be followed. LaBelle stated his concern of the accuracy of information any municipality would provide within a 24 hour period.

Gustafson stated Netley would like to move forward on the smoothest path. De La Vega responded that the smoothest path is to follow the established procedure and that plans need to be reviewed prior to the Council making a decision whether to approve or deny the plans. Furthermore, the Council has worked with homeowners to find a compromise; to preserve the integrity of the neighborhood but also to allow what the homeowners want. He apologized for any misunderstanding, but without any information or plans, it is difficult to conduct a review.

Gustafson said there was no miscommunication, rather WSB gave incorrect information. The City and WSB were contacted to determine the appropriate ordinances prior to designing a home. Later, they learned the supplied information was incorrect. Gustafson indicated they were trying to gauge the reasonableness of what they were hoping to design. De La Vega stated that the Council determines the reasonableness of the plans during their review process.

LaBelle asked about the status of this project. Crawford answered that the pre-application letter has been issued and explained the next steps of the process. In this

situation, a variance and/ or CUP will need to be applied for. De La Vega asked if those steps are outline in the pre-application letter. Crawford replied yes.

Gustafson and LaBelle discussed other cities processes.

Crawford noted that these are the types of calls she receives on a daily basis. In addition, prior to submitting the pre-app, the applicant was unsure of what they were going to build; thus, the numerous email exchanges and referring them to WSB for engineering technical questions.

Raasch commented that they are trying to be conservative with costs and don't want Netley to have to pay for plan revisions. De La Vega responded that the Council does not want people spending money if they don't have to; however, the City requires complete plans to determine either approval or denial.

Alexander stated that in her field, asking about setbacks and height is common. Crawford agreed that the correct height specification should have been know and apologized for WSB relaying incorrect information. However, setbacks are dependent on the lot; especially for this specific property due to three lake front sides. De La Vega agreed.

De La Vega explained the reason for the pre-application process.

Raasch stated that the point of this meeting was to make the Council aware of what transpired. De La Vega said that there is a difference between the process and what happened; that the process is clear but what happened is due to incorrect information.

Gustafson indicated that they will proceed to the next step.

**10. MATTERS FROM THE FLOOR**

None.

**11. REPORTS**

A. Administrator's Report – Crawford reported that Shorewood and Excelsior have approved and signed the Jet Truck Agreement and Bowman will be ordering the truck on March 14.

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

C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling – Ansari discussed the topics of the EFD meeting she attended.

D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks – Jennings

stated he will report on the dock survey in April.

E. Bill LaBelle – Building Inspection, Municipal Buildings and Grounds – No report.

F. Attorney's Report – No report.

G. Gerry De La Vega –SLMPD, Administration, Public Works – No report.

**12. ADJOURNMENT**

**There being no further business, it was moved by Anderson to adjourn the meeting at 8:15 p.m. Ansari seconded the motion. Ayes 5. Motion carried.**

Attest:

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Clerk