

ITEM NO. 4A

**MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
July 10, 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 Tingley, Public Works Superintendent Bowman, City Attorney Biggerstaff and City Planner Perdu.

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 June 26, 2018

B. Resolution 18-21 – Approving an Amendment to the 2030 Tonka Bay Comprehensive Plan Increasing the Maximum Density of Property Within the Mixed-Use Future Land Use District.

Ansari seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

Mark Ohnstad, attorney for Jim and Christine Erdahl of 120 Sunrise Avenue, described the current condition of the Erdahl's driveway and that a portion of the driveway is on the City's right-of-way. He noted that approximately four years ago the Erdahl's discussed this issue with Council and summarized Council's decision of the City vacating the piece of property. Ohnstad inquired if the process of the City vacating the property has changed in four years. Biggerstaff stated that the process has not changed and detailed the process and other options.

Beth Hustad, 135 Crabapple Lane, discussed the erosion on the banks of the North and South Channels, in front of her house and the house at 255 Woodpecker Ridge Road. She asked Council to consider addressing the erosion issue.

Sandy Carlson stated that her late father Richard Bury, 70 Interlachen Lane, entered

into a Contract for Deed with Joshua and Millie Mutize. The Mutzie's failed to pay several utility bills. Because it is a Contract for Deed, the unpaid utility bills and fees were assessed against the house in her father's name. Carlson also added that she foreclosed on the Mutzie's; thus, they no longer live in the house. She asked the Council to consider forgiving the late penalties and fees assessed against the property. LaBelle directed staff to provide recommendations at the next Council meeting on how to proceed.

6. SPECIAL BUSINESS

A. Presentation by Hennepin County Sheriff Rich Stanek
Hennepin County Sheriff Rich Stanek discussed the 2017 activities and the 2018 priorities of the Hennepin County Sheriff's Office.

B. Lake Minnetonka Association Annual Update
Tingley introduced representatives of the Lake Minnetonka Association (LMA).

Eric Evenson, LMA Executive Director, summarized the LMA's various projects and sponsored activities and discussed invasive weeds in different areas of Lake Minnetonka.

Judd Brackett, 125 Woodpecker Ridge Road, LMA Bay Captain, explained that the provided study addresses milfoil issues in Gideons Bay, the areas of Gideons Bay to be treated and thanked the Council for their past support. Brackett requested a donation to aid in the removal of milfoil from Gideons Bay.

Ansari asked about the study. Brackett explained the reason for the study, who conducted it and funding for it.

Jennings and Brackett discussed LMA working with the LMCD and the flow of water into Gideons Bay.

De La Vega remarked that the LMCD previously spoke to the Council; the LMCD will no longer be conducting boat inspections. De La Vega, Brackett and Evenson discussed the apparent lack of urgency of other agencies.

Ansari and Brackett discussed the status of the LMA fundraising campaign.

De La Vega thanked Brackett and Evenson for their efforts.

Anderson moved to donate \$5000.00 to the LMA for milfoil removal in Gideons Bay. Jennings seconded the motion. Ayes 5. Motion carried.

7. PUBLIC HEARINGS

A. Public Hearing for Conditional Use Permit and Variance Requests - 245 Lakeview Avenue

Tingley stated that the residents of 245 Lakeview Avenue are seeking approval of several variances and conditional use permits (CUP).

Perdu explained the variances and CUPs of 245 Lakeview Avenue.

LaBelle and Perdu discussed the lack of the need of front and rear setbacks.

De La Vega opened the public hearing.

Dave McCulloch, 235 Lakeview Avenue, detailed his concerns with the variances and CUPs and commented on the changes to the City Zoning Code. LaBelle noted the reasons for the zoning changes.

Thomas Schultz, 245 Lakeview Avenue, stated that he recently received staff's report and would like an opportunity to address the specified concerns with staff. Furthermore, it is his intent to have this resolved within the 60-day timeframe.

Hearing no other comments, De La Vega closed the public hearing.

Tingley noted that Schultz has an appointment to meet with staff to discuss the various concerns and this subject will be presented to Council at the July 24 meeting.

Anderson moved to table the variances and CUPs for 245 Lakeview Avenue until July 24. Jennings seconded the motion. Ayes 5. Motion carried.

8. OLD BUSINESS

A. Speed Humps – Birch Bluff Road/Pleasant Avenue

Tingley stated that the staff memo has been rearranged at the request of Council.

De La Vega and Bowman discussed the placement of the speed humps.

De La Vega, LaBelle, Tingley and Bowman discussed the quantity of speed humps required.

Jennings inquired if the speed humps hindered water drainage, could they be moved. Bowman responded yes.

The Council discussed staff's recommended speed hump option.

Jennings moved to approve speed humps for \$7,105.00 and \$1,746.60 signs and manpower cost for a total of \$8,851.88. Ansari seconded the motion.

LaBelle inquired of the timeline. Bowman stated that the speed humps would be shipped later this week with installation approximately the week after.

Tingley remarked that the speed humps would be removed in the fall and reinstalled in the spring.

Ayes 5. Motion carried.

B. Financing Water Treatment Plant/Water Tower Improvements

Tingley recapped the search for a municipal advisor.

De La Vega and Labelle commented that they have not yet met with LaBelle's acquaintance.

LaBelle stated that he is not ready to commit to a municipal advisor.

Tingley explained that the municipal advisors would not be paid until a bond was issued.

De La Vega and Tingley discussed the possibility of a utility rate study and the duties of a municipal advisor.

The Council and Tingley discussed the timeline for bonding. Rusty Fifield, Managing Director/ Municipal Strategist of Northland Public Finance, discussed the process and timeline of bonding and various other funding options.

C. Draft Financial Management Policy

Tingley discussed the proposed Financial Management Policy.

LaBelle asked what is unique in the proposed Financial Management Policy to Tonka Bay. Tingley explained the uniqueness of the proposed Financial Management Policy as it relates to Tonka Bay.

The Council and Tingley discussed several wording changes to the document.

The Council directed staff to present the amended document at the July 24 Council meeting.

9. NEW BUSINESS

A. HCSP Contract Renewal

Tingley recapped the Health Care Savings Plan program, that the contract has expired and needs to be renewed.

Anderson moved to approve the Health Care Saving Plan contract with the Minnesota State Retirement System. Jennings seconded the motion. Ayes 5. Motion carried.

B. Right-of-Way Tree Removal – 315 Lakeview Avenue

Tingley discussed that per Council's direction, staff examined the removal of trees in the public right-of-way at 315 Lakeview Avenue.

Bowman stated that George Sherman, 315 Lakeview Avenue, indicated he would pay for the trees to be removed and donate four trees to the City if the City would aid in the disposal of them.

The Council discussed this proposal.

Anderson moved to approve George Sherman's request for the removal of four trees located in the public right-of-way at 315 Lakeview Avenue and the donation of four hardwood trees to the City to be planted in a park or greenspace of its choosing. Jennings seconded the motion. Ayes 5. Motion carried.

10. MATTERS FROM THE FLOOR

None.

11. REPORTS

A. Administrator's Report – Tingley stated that two residents owe for back payments for the ability to have a dock in the lagoon on Woodpecker Ridge Road. He is seeking direction from Council on how to proceed. LaBelle replied that a letter indicating the amount due to become current should be sent to the specified residents.

Tingley updated the Council of:

-The owner of 420 Lakeview Avenue informed the City that the property was removed from VRBO as a short-term rental;

- Other short-term rentals;
- The gazebo in the fire lane at 4330 Manitou Road; and
- The docks in the fire lanes at 435 and 455 Lakeview Avenue.

Tingley indicated he received a call from Gabe Jabbour of Tonka Bay Marina at 220 Tonka Bay Road regarding the cost of the second quarter utility bill; Jabbour is not refuting the water bill, but rather the sewer bill because the water from an underground broken hose discharged into the lake and not the sewer. Tingley asked the Council for direction.

Anderson, LaBelle and Tingley discussed how Met Council bills for sewer usage. Jennings directed staff to verify the Met Council's method of determining sewer usage.

Tingley reminded the Council that the first budget work session is on July 24 at 6:00 PM.

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

C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling – Ansari commented on the email received from Mary Babcock at 75 Lakeview Avenue and recommends the Council to reexamine the Visually Impairing Elements (VIE) section of Ordinance 1101.

De La Vega and Tingley discussed the planting of trees at 75 Lakeview Avenue.

De La Vega explained his opinion that VIE items should be handled on a case by case basis.

Jennings stated that the VIE specifications should be codified and detailed the reasons.

Tingley suggested adding a clause grandfathering established vegetation or requiring a variance for new VIE.

De La Vega directed staff to bring the VIE back for Council review.

D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks – No report.

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 – De La Vega commented that he attended the EFD meeting and summarized the meeting discussion.

Jennings inquired about the Fire District budget. De La Vega responded that the 2019 budget will be approved at the July 25 Fire Board meeting.

De La Vega noted that he will be attending a SLMPD meeting on July 11 to discuss the 2019 Police budget.

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 9:18 p.m. Ansari seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk