ITEM NO. 4A

APPROVED MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
July 24, 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, City Attorney Biggerstaff, City Planner Perdu and City Engineer Preisler.

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 July 10, 2018 as amended by Anderson: page 6 Section C Paragraph 4, 'Anderson' to 'Jennings'.
B. Financial Report
C. Building Permit Activity Report
D. Tort Limits

Ansari seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

None.

6. SPECIAL BUSINESS

None.

7. PUBLIC HEARINGS

A. 200 Birch Bluff – Conditional Use Permit Revision Request

Tingley summarized the reason for the conditional use permit revision request.

Preisler explained the details of the conditional use permit revision request.

De La Vega questioned how other cities dealt with permeable pavers. Preisler stated

that the Minnehaha Creek Watershed District (MCWD) considers pavers as hard cover; thus, other cities in the area do not offer hard cover credits. Preisler commented that Tonka Bay also follows these guidelines.

De La Vega opened the public hearing.

David Wagner, Sala Architects, 326 E. Hennepin Avenue, Minneapolis, explained the architecture of the improvements of 200 Birch Bluff Road.

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

LaBelle, Jennings and De La Vega stated they support this request.

Anderson moved to direct staff to prepare a resolution of approval of the requested amended conditional use permit for excess impervious surface on the property located at 200 Birch Bluff Road based on the findings of fact listed in the staff report. Furthermore, the requests shall include the conditions 1 through 7 as listed within the staff report as may have been amended here tonight. Ansari seconded the motion. Ayes 5. Motion carried.

8. OLD BUSINESS

A. 35 Fairhope – Variance Request for Accessory Structure

Tingley discussed the timeline of the variance request for an accessory structure at 35 Fairhope Avenue.

Perdu detailed the accessory structure variance request.

Jennings, De La Vega and Perdu discussed setback requirements.

Ansari inquired how it was determined that property values would not necessarily be affected by the construction of the accessory structure. Perdu answered that it was based on the evidence and compliance of requirements stated in the ordinance.

De La Vega, Preisler and Perdu discussed the structure height.

De La Vega questioned the impact the construction of the accessory structure would have on the vegetation. Preisler indicated that per the survey, the tree on the island should not be affected.

Because the public hearing was closed at the April 24, 2018 City Council meeting, the Council entertained comments from the audience.

Susan Campbell, 29 Fairhope Avenue, stated she is against the accessory structure and described the negative impact the accessory structure may have on her lake view and property value.

Stuart Campbell, 29 Fairhope Avenue, agreed with Mrs. Campbell. He added that the height of the structure will be increased due to the building on pilings, the ground would be disturbed when amending for water runoff and listed safety concerns.

Howard Root, 25 Fairhope Avenue, does not support the construction of the accessory building, citing safety concerns and unsupported statements in the staff report.

Bruce Meyer, 75 Fairhope Avenue, explained of the extreme dissatisfaction of the surrounding neighbors due to the request of building an accessory structure on the island.

Beth Heinemann, 25 Fairhope Avenue, stated that once built, the accessory structure will affect her and her neighbor's lake view and property values.

Kristy Raasch, Alexander Design Group, 401 East Lake Street, Wayzata, commented on the height of the accessory structure. She also stated that it is her opinion they have made many compromises.

Sven Gustafson, Stonewood, LLC, 153 East Lake Street, Wayzata, spoke of the tree, effects on property values and utilities to the accessory structure.

Conrad Roal, 120 West Point Road, stated that he is concerned about the reduction of property values.

Nick Netley, 35 Fairhope Avenue, expressed his frustrations that his rights as a property owner were not being considered.

Mr. Campbell, 29 Fairhope Avenue responded to Netley's comments regarding the comparison of the foot prints of their houses.

LaBelle stated that comments of life style choices were not relevant to the variance request. He also recognized the compromises made by Netley, Raasch and

Gustafson and stated that it was their decision to make those compromises. LaBelle continued that he does not support the variance request and explained his reason. Ansari agreed.

Jennings commended Netley on making the various concessions and stated he supports the variance. Anderson agreed.

De La Vega stated he understood the property rights position; however, he agreed with LaBelle and explained his reasons.

Biggerstaff noted that the 120-day deadline will occur prior to the next Council meeting and listed the options on how the Council may proceed.

Anderson moved to approve Resolution 18-22 approving a variance from the minimum rear setback to allow for the construction of an accessory structure on the property located at 35 Fairhope Avenue. Jennings seconded the motion. Ayes – Anderson and Jennings. Nays – Ansari due to the impact the accessory structure would have on neighbors, De La Vega because the accessory structure would diminish property values and LaBelle because the accessory structure would diminish property values. Motion failed, and request was denied.

B. Municipal Docks Gate Lock Quotes

Tingley discussed the various municipal dock gate lock quotes.

Jennings explained his reservations regarding gate locks utilizing keys and pass codes and is in favor of gate locks with keycards.

The council discussed keycards and key FOBS.

De La Vega explained his preference of gate locks requiring pass codes.

LaBelle explained his opinion of why a gate lock utilizing a key or bluetooth should be used.

Based on the Council's discussion, staff was directed to further research gate locks.

C. Financial Management Policy

Tingley discussed that changes have been made to the proposed Financial Management Policy per the Council's suggestions.

De La Vega suggested additional changes.

LaBelle and Biggerstaff discussed the consequences if Council had to deviate from the policy.

The Council and Tingley discussed debt limits.

D. Dredging Survey Quotes
Tingley discussed the dredging survey quotes.

Preisler explained the differences of the quotes.

The Council and Preisler discussed water depth.

De La Vega, Jennings, LaBelle and Ansari discussed shoreline erosion of the channel.

Anderson moved to approve the quote from WSB for $2,352.00 to perform the dredging survey. Jennings seconded the motion. Ayes 5. Motion carried.

9. NEW BUSINESS

A. Proposed Long Grass Ordinance – Information Only
Tingley discussed the proposed long grass ordinance.

The Council and Biggerstaff discussed the enforcement section.

Council directed staff to present this at a future Council meeting.

B. Tonka Bay Marina – 265 Tonka Bay Road – Billing Adjustment Request
Tingley explained Tonka Bay Marina's 2nd Quarter Sewer bill and the reduced payment amount request.

Jennings and Tingley discussed MET Council's process of calculating the City of Tonka Bay's sewer usage.

De La Vega questioned if a caveat may be added to the resolution if the MET Council requires Tonka Bay to pay for sewer use irrespective of water going through the sewer. Tingley responded yes and Biggerstaff explained why.

Anderson moved to reduce the sanitary sewer bill for 265 Tonka Bay Road to $319.15. Jennings seconded the motion. Ayes 5. Motion carried.

C. Public Works Shop Air Compressor
Tingley stated that the 2018 Equipment Capital Improvement Plan designated money for a new air compressor in the Public Works maintenance shop and discussed the options.

Anderson moved to approve the proposal from Northern Tool in the amount of $1,229.98 to purchase an air compressor. Jennings seconded the motion. Ayes 5. Motion carried.

D. 70 Interlachen Lane – Billing Adjustment Request
Tingley explained the request for the billing adjustment for 70 Interlachen Lane.

LaBelle moved to waive $241.55 in late fees for utility bills so far in 2018. Jennings seconded the motion. Ayes 5. Motion carried.

10. MATTERS FROM THE FLOOR

None.

11. REPORTS

A. Administrator's Report – Tingley recapped the City vacating a portion of the driveway at 120 Sunrise. Biggerstaff detailed the process of vacating. The Council discussed vacating the area.

Tingley noted that the resident of 125 Woodpecker Ridge Road declined to retroactively pay the fee to be allowed to have a dock in the lagoon. He continued that the other two properties are in compliance with the agreement.

Tingley discussed the lack of a City of Tonka Bay sign when entering Tonka Bay from Shorewood at the Birch Bluff Road/ Pleasant Avenue intersection. He indicated that a sign would cost approximately $100.00. The Council directed staff to present this topic at an upcoming Council meeting.

Tingley updated the Council of the 4370 Manitou Road gazebo located in the fire lane. Biggerstaff recommended requiring a license for the gazebo. Jennings stated licensing the gazebo was acceptable. De La Vega directed staff to present this topic at an upcoming Council meeting.

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

report.

C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling – No report.

D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks – Jennings noted there will be a EFD Board meeting July 25.

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

F. Attorney's Report – Biggerstaff discussed the reason why he may not be in attendance at the next Council meeting.

G. Gerry De La Vega –SLMPD, Administration, Public Works – De La Vega remarked that the SMPLD 2019 budget was approved.

De La Vega summarized the meeting with LaBelle and LaBelle's finance acquaintance. De La Vega, LaBelle and Ansari discussed the process of having the City rated. De La Vega recommended meeting with David Drown. Tingley and the Council discussed finding a municipal advisor.

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 8:58 p.m. LaBelle seconded the motion. Ayes 5. Motion carried.

Attest:

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Clerk