

## ITEM NO. 4A

### MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING October 10, 2017

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 and City Attorney Biggerstaff.

3. **APPROVAL OF AGENDA**

**De La Vega amended the agenda; added Item 9A Ordinance Section 1011.05 Visually Impairing Element.**

**Ansari moved to approve the amended agenda. Anderson seconded the motion. Ayes 5. Motion carried.**

4. **CONSENT AGENDA**

**Anderson moved to approve the following consent agenda items:  
A. Regular Meeting Minutes of September 26, 2017.**

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

5. **MATTERS FROM THE FLOOR**

None.

6. **SPECIAL BUSINESS**

None.

7. **PUBLIC HEARINGS**

None.

8. **OLD BUSINESS**

**A. Short-Term Rental Ordinance Outreach**

De La Vega discussed the possibility of a community outreach meeting regarding the regulation of short-term rental properties. Due to only a few residents articulating their

opinions, De La Vega inquired of the council if they should have meeting to gain a broader perspective.

LaBelle indicated he is receptive of the idea if it provides additional clarity. He also stated they may be back in the same conundrum as they are now.

Anderson commented that only residents who do not want this will voice their opinion.

Ansari indicated she would like community outreach.

De La Vega asked what form should the outreach take.

Ansari responded as a survey.

De La Vega stated that crafting a survey is difficult to do. Additionally, this topic has not been covered by the newspaper. He indicated there should be steps to increase awareness; a newspaper article followed by a community meeting.

LaBelle acknowledged that there is another short-term rental property within the city; the description of the property on the rental website restricts certain activities.

De La Vega stated that they are somewhat under a time crunch; residents have expressed to him they would like to rent out their homes for the Super Bowl, and soon some residents will be leaving for the winter.

De La Vega discussed residents should be made aware of this topic and it would be a good opportunity for the council to hear residents' opinions.

Crawford recommended having a community meeting October 24 before the city council meeting.

LaBelle suggested starting the meeting at 6pm and commented that if too many people attend, it is ok to postpone and reschedule to a different place.

**9. NEW BUSINESS**

**A. Discussion of Section 1011.05 Visually Impairing Element**

De La Vega discussed the evolution of the ordinance; regulation of vegetation borders previously was under the fence ordinance, now it is regulated under this ordinance.

De La Vega acknowledged that it has been brought to the council's attention that the situation of when one property is adjacent to a swimming pool on another property is not documented in the ordinance as it is currently written.

De La Vega commented he added this item to the agenda to get council's opinion as to whether the pool situation should be discussed in the ordinance.

LaBelle discussed there are many situations and it would be difficult to include them all.

Jennings, Anderson, Ansari and De La Vega agreed with LaBelle.

De La Vega stated that the neighbors had worked together for a favorable conclusion. Additionally, he reviewed LaBelle's viewpoint; that because there was a complaint and it was found the residents were in violation of the ordinance; thus, the vegetation should be removed. However, the neighbors had worked together to resolve the issue.

Labelle asked Biggerstaff if a CUP could be issued.

Biggerstaff replied no because a CUP was not outlined in the ordinance. He stated the council has two options: 1) to allow a variance or 2) amend the ordinance.

Crawford stated that these are not new plantings and they are illegal because a fence permit was never sought by those who planted the vegetation.

Jennings asked about the process of building a pool now.

De La Vega replied that it is a multi-step process and many ordinances come into play.

Jennings inquired about how often pool applications come in.

Crawford stated that she has not processed one in her tenure with the city but there is the possibility of one coming-up soon.

LaBelle, De La Vega, Jennings and Anderson discussed amending the ordinance to accommodate situations which include accessory structures or include a statement that if a neighbor agrees to allow a vegetation screen, there will be a signed agreement which would follow the house.

Biggerstaff commented that interjecting private action into a legislative decision is difficult to create.

Dirk McMahon, 60 Wildhurst, commented that using a capital structure is a logical place to draw the line. He also noted the City Planner in March 2017 told the council that no other city regulates vegetation due to unintended consequences and no one is guaranteed a view of the lake.

LaBelle responded that a lot of the city's ordinances do regulate the view.

De La Vega commented that it is council's responsibility and intent to maintain the value of properties and that there will be unintended consequences. He continued that the McMahon's have an agreement with their neighbor's and are allowed to leave the vegetation. Furthermore, if this topic continues to be pursued, City Council will have to enforce the ordinance and the vegetation will have to be removed.

Mr. McMahon stated they are looking to council for a permanent solution rather than relying on agreements with neighbors.

De La Vega stated that this has always been regulated either as a fence or now under this ordinance.

De La Vega asked again how the council would like to proceed.

Jennings would like to think more about this before giving an answer.

Mrs. McMahon noted that they had come to an agreement with their neighbors, but the neighbors do not support a variance which is a concern for them. When the vegetation grows it may impede the neighbors view and they don't want to have to take it down in the future and it is very expensive. Thus, they are looking for something longer term.

De La Vega stated this item will be discussed at the next council meeting.

**10. MATTERS FROM THE FLOOR**

None.

**11. REPORTS**

- A. Administrator's Report – Crawford conveyed that the State of the Cities will be October 19 at 11:30AM at Southshore Community Center. She also reminded the council of the upcoming blood drive on October 23 from 10: 30

am to 4:30 pm. De La Vega reminded everyone of the Board of Appeal training.

- B. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology – No report.
- C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling, Southshore Community Center – Ansari discussed the Parks Committee meeting; the original intent has been met and it is suggested the committee reassembles as a task force and meets on an as needed basis. The council agreed.
- D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks – Jennings stated that on October 16 from 6-7pm there is an informal information session docks interest group meeting. Additionally, an agenda will be sent out later this week.
- 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 will be attending a SLMPD meeting on October 11 and a closed session to discuss the chief's salary as well as performance appraisal.

**12. CLOSED SESSION**

**De La Vega announced the closed session. De La Vega moved to go into closed session at 7:51 p.m. pursuant to Minn. Stat. Sec. 13D.05, subd. 3, paragraph (b) as the discussion constitutes a matter involving information protected under the attorney-client privilege. The following persons were in attendance:**

- 1. Gerry De La Vega, Mayor**
- 2. Jeff Anderson, Councilmember**
- 3. Elli Ansari, Councilmember**
- 4. Adam Jennings, Councilmember**
- 5. Bill LaBelle, Councilmember**
- 6. Lindy Crawford, City Administrator**
- 7. Andrew Biggerstaff, City Attorney**

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

**Anderson moved to adjourn the closed session at 8:22 p.m. Jennings seconded the motion. Ayes 5. Motion carried.**

**13. ADJOURNMENT**

**There being no further business, it was moved by LaBelle to adjourn the meeting at 8: 23 p.m. Jennings seconded the motion. Ayes 5. Motion carried.**

Attest:

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Clerk