

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING April 9, 2013

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, Clapp and Grothe. Also present were City Administrator Kohlmann, City Attorney Penberthy, and Public Works Superintendent Kluver.

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 consent agenda as presented approving the regular meeting minutes of March 26, 2013 as amended: Page 4, amend sentence to read: regarding a possible Public Works Department merger. Clapp seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

None

7. PUBLIC HEARINGS

A. SWPPP – Annual Review - De La Vega opened the public hearing. Jeff Peters, WSB & Associates was present to discuss the SWPPP public meeting. He discussed the MS4 permitting process and the City's involvement. He noted it is a Federal law regulated by the State of Minnesota. He noted the City is required to have a meeting annually to receive comments from residents on the program. He discussed the six minimum control measures which are a part of the program. He discussed what the City is doing to conform to these measures and plans for 2013 and 2014. He noted we are currently operating under an old permit. He stated we are always looking for grant opportunities for storm water projects. De La Vega opened the floor for public comments.

Ansari asked for clarification of the enforcement response procedures. Peters explained they are procedures the city develops such as explaining how the ordinance is enforced and the next steps taken. He stated an ordinance would be the best way to begin with this procedure. Grothe asked what we currently have in place. Kluver stated we have created a storm water map, developed an inspection program to inspect the storm water infrastructure (he noted we inspect 100% annually), and made necessary repairs. Clapp asked if there has been any movement on coal tar sealant bans. Peters stated he would suggest the City hold off on any action as there might be a State-wide ban in the future. De La Vega asked if there are any other areas that may need to be addressed. Peters stated nothing has been identified specifically. He stated there are some regional issues that are being addressed. Penberthy asked if Watershed does the monitoring of bacteria. Peters stated MCWD monitors bacteria levels. De La Vega asked what the timeline will be for conforming to the new Plan. Peters stated once the new Plan is adopted, we have ninety days to conform. De La Vega closed the public hearing as there were no public comments.

8. OLD BUSINESS

None

9. NEW BUSINESS

A. Wells Fargo Lake Minnetonka Half Marathon Annual Request – Kohlmann reviewed the request for the half marathon to use our service road as a water stop and asked for approval. Anderson noted this is a huge event. **Anderson moved to approve the request to use the service road on Sunday, May 5 for a water stop for the Wells Fargo Lake Minnetonka Half Marathon. Grothe seconded the motion. Ayes 5. Motion carried.**

B. Municipal Dock Survey – Gates – Kohlmann noted a quote for \$7500 was received for gates but we need to design the gates. He also reviewed survey results when 2012 dock renewals were mailed in 2011. He stated staff is looking for direction as to what to do about installing gates. De La Vega stated there were issues with thefts in 2012. He noted it is easy to get on and off the docks. He believed we would get more responses if the survey was done again. Kluver discussed possible gate designs. Councilmembers and staff discussed possible access through the gates and other security measures. De La Vega assumed this would not increase the cost to the dock renters' fees for the year. Clapp stated he would rather see the money go towards dredging because of the low dock levels. He believed there needs to be a substantial rain event to bring the level up at least one foot. De La Vega asked if there is a plan for dredging. Kohlmann stated there is a plan to dredge from the beginning of the dock levels out to the bay. He noted it is a seasonal job and that season has passed. He also noted it would cost about \$100,000. Council discussed options available for gate installation. Grothe discussed design options for the gates. Kluver stated from a

maintenance standpoint, it would be best to attach the gates to the existing docks. De La Vega stated there are funds available if dredging is necessary. He stated the gate issue is a separate issue. He stated residents will be more concerned about getting their boat out of the marina rather than getting into the marina. He stated he would like to revisit options for gate designs and have another survey mailed.

C. Fire Lanes – De La Vega stated there are three separate discussion points on this particular item. He stated the first issue is the current definitions of the four different classes of fire lane types that we have. He stated a resident has pointed out there is an inconsistency in the definitions and the actual application of the definition as it applied to the Woodpecker Ridge Road fire lane. He noted under the Definitions, Class II, there are four fire lanes are identified as Class II, two of which, #14 Woodpecker and #18 Bay are identified by an asterisk which refers to the bottom of the page where it states that these fire lanes shall be allowed to have winter motor vehicular traffic access to the lake. He stated we have a definition for Class II that does not include winter motor vehicular traffic access but yet in this particular case we amend that via an asterisk and make that access to only two of those four Class II fire lanes. De La Vega stated he is not in favor of having ordinances with exceptions. He stated he would rather redefine and make it clear as to what we intend there. He stated the inconsistency that was pointed out to him on #18 Bay; it's not possible to have winter vehicle access as there are two posts installed in the fire lane. On Woodpecker, they don't have the posts and there is access. He stated the other point in all this is that in Class III we do permit winter vehicle access. He stated we have a little bit of a hodge podge – what we want and what we feel is suitable for these fire lanes in the ordinance. He stated this is one point he would like to have discussion on tonight and what we would like to do in terms of solving that and correcting what we currently have. Grothe believed the first thing is the difference between Class II and Class III, though, is that if you take the asterisks away and change it to Class III you would be allowing boat launching. He stated the other thing is whether we really want winter vehicle access. He questioned whether a truck with an ice house being towed behind it would expect to come through on Woodpecker or is there a way to put just a weight restriction for just snowmobiles and four wheelers and that kind of vehicle. Clapp stated he has been going on the Woodpecker fire lane for many years with an ice house and just noted this year that it was blocked by snow. He stated he would like to see it opened up in the winter for motor vehicles. Anderson stated Bay Street needs to be fixed so it can be accessed or remove the asterisk. Clapp stated Bay needs to be changed to a Class I because you can't get on the lake there anyway. De La Vega stated there are posts that prevent you from getting to the lake with a motor vehicle. Kohlmann stated there was getting to be a considerable amount of sod damage on the fire lane which is why posts were installed on Bay Street. Anderson suggested the asterisk be removed. Grothe asked if there is a terminology that would work or is there a gross weight that would work. De La Vega asked why the asterisk was added or if there is some history of why it was written this way. Penberthy stated there are two possibilities –

one is it that it was an oversight when the classification was made and the City Council took note of the historic use and added the asterisk. He stated he was just speculating. He did not recall the actual discussion. Ansari stated other than the machine damage, are there any other safety issues at Woodpecker or is there any reason why. Kohlmann stated there are none he is aware of. De La Vega stated is no other signage that there is access. De La Vega indicated the person complaining would not like it to be an access point and the argument was that we do have Class III which is defined for that purpose available within the City limits and that that is an access point that could and should be used rather than one that was never intended to be. De La Vega stated the point he was making is we need to have them both the same or change how they are listed in the ordinance. De La Vega noted a change to the asterisk for Bay would resolve that. De La Vega noted there isn't parking available for the Woodpecker fire lane. The ordinance is the reason something should be done. Anderson stated he didn't believe there is any other access to Gideons Bay except off Woodpecker. De La Vega stated there isn't any other access via a fire lane. He did know that there is access in other areas in the City. De La Vega stated this fire lane (Woodpecker) has other interesting components. Kluver stated they have been surveyed and there are posts showing the boundaries so people accessing the fire lanes know the boundaries. Kohlmann stated he does continue to hear from residents that the fire lane surveys are incorrect. Penberthy stated there could be a dispute between two surveyors about boundary locations but they were surveyed and boundaries have been identified. De La Vega stated he would be in favor of removing the asterisk from both fire lanes and making them both a Class II without motor vehicle access and putting up a couple barriers on Woodpecker and using the one Class III we have that is defined for that purpose be the access point. Anderson stated he would not be in favor of taking away an access that has been there historically and has been used. Grothe had a question about the signage part of it and how it has to be designated. He asked if it could be modified. De La Vega stated right now the signage part of it is currently classified as Class II. Grothe asked if there is additional signage that could allow snowmobiles. De La Vega stated that is currently there and we could make it equal to a Class III in terms of signage. Anderson stated without the boat launching. De La Vega discussed the importance of providing safe access to the lake as there have been a number of vehicles falling through the ice and numerous deaths this season. Anderson disagreed noting people are going to get on the lake anyway and driving them all to one fire lane won't solve whether or not they fall through the ice. Clapp agreed and stated he would like to change the asterisk and take out snowmobiles just access for the winter. He didn't want to see boat launching there. De La Vega stated the easy solution would be to just declassify #18 Bay. Penberthy asked the Council for their thoughts on just upgrading Bay. Anderson asked if that would mean taking the posts out. Penberthy stated they shouldn't have been there in the first place under the ordinance. The reason they are there is because of the grass damage. The way to solve the problem is to make the fire lane accessible and upgrade it to the same standards as Woodpecker. Kluver stated the

grass could be changed to a traveled surface. Grothe asked if there have been complaints about Bay not being open for access. Penberthy recalled the posts were put in to accommodate neighbors who have since moved from Tonka Bay. He stated if is meant for vehicular access, one option is to take the posts out and put in a good traveled surface. Grothe discussed his concerns about snowmobiles accessing the lake next to the fishing pier in Old Orchard Park this winter. He stated that is not a designated access and what can be done about that. Penberthy stated there is a restriction to snowmobiles in the parks and the issue in that case is enforcement. Grothe questioned the language in the resolution which stated that no vehicle can be operated on shore that is intended for lake use. De La Vega replied that this meant that watercraft cannot be "gunned up" when not in the water. He stated it is a noise kind of situation. Anderson stated it was also concerning hovercraft issues. De La Vega stated we have a couple way to handle the issues. He stated one option is to remove the posts. The other is to remove the asterisk off #18 and continue to have Woodpecker as it currently exists. Anderson stated he amended his thought to remove the asterisk and go towards removing the poles. Anderson stated the fire lane should be fixed so it meets the intent of the ordinance. **Anderson moved to remove the poles on #18 Bay and leave all the wording of the ordinance exactly as it currently exists.** Clapp asked if that would alleviate the Woodpecker residents' problems with the fire lanes. De La Vega stated it would not relieve the issue at Woodpecker. Clapp agreed with removing the posts. Ansari asked if signage would help. De La Vega stated the signage is correct for these for Class II. Neither one of them have signage that permits vehicle access which would have to be changed. Ansari asked if signage is the issue. De La Vega stated they would have to be changed. De La Vega stated the only solution on Woodpecker that would make the resident happy would be to install posts there. Kluver noted access on Woodpecker Ridge Road was blocked with snow by a private resident and indicated Public Works opened it back up. De La Vega stated Anderson is proposing to make Bay like Woodpecker and remove the posts and not change the vehicular access to both the fire lanes. **Anderson added the change to the signage to his motion. Clapp seconded the motion.** Kluver discussed the upgrading of the Bay Street fire lane to make it accessible. He stated once it is made accessible it will be open to all kinds of uses. The only way to restrict the use is to put a weight limit on it. Penberthy asked how a weight limit would be monitored. Kluver stated it would be similar to how regular road restrictions are placed by calling the police when there is a violation in progress that would then have to come out and scale them. Penberthy asked if the upgrading of the fire lane should be added to the motion as well as a gross weight limit. **Anderson added making #18 Bay the same as Woodpecker. Penberthy suggested staff be asked to come back with some actual language for weight restrictions. Kluver stated he would provide some actual language for winter access that sets dates for the winter access. De La Vega summarized the current motion and stated staff can bring information on weight limitation use and time. Kluver stated an estimate on the cost of upgrading**

the road can also be brought back. Grothe asked if that would also look at making all fire lanes the same gross vehicle limit. De La Vega stated we are going to direct staff to come back with specific language that is related to the motion that is proposed. Anderson agreed. Ayes 4-1. De La Vega voted against the motion. Motion carried. De La Vega stated the second issue is the 10,000 pound weight restriction for North Waseca fire lane. He stated there is a resolution provided which incorporates all the North Waseca fire lane task force recommendations which is currently being reviewed by the SLMPD. The police have a large role to play in the enforcement and we are seeking their input before we move forward with this change. He stated staff will be directed to come back with language for the weight restrictions for this fire lane to a future meeting. Ansari asked if other cities have the same language in order to coordinate access. De La Vega stated the fire lanes are our streets and we have authority over them as the City Council. We do not coordinate with other cities. Grothe agreed with setting a limit to the weight and hoped for consistency throughout all the fire lanes. Anderson asked if it was possible to set a weight limit on vehicles with axles vs. boats. Penberthy stated we are attempting to differentiate between vehicles and boats. The question is what does the most damage – probably both. On the other hand, it is for boat launching. Anderson stated often the vehicle that weighs the least often does the most damage. De La Vega stated the other issue with North Waseca is that the access is tight. Clapp asked if there has been a study of having temporary sanitation facilities at the North Waseca fire lane. De La Vega stated that is still out there. Clapp believed that is what residents in the area are most concerned about. De La Vega stated other residents are concerned about having to see a sanitation facility at the fire lane. Penberthy stated a procedure could be adopted to study this issue if they want to move it forward. He hoped the SLMPD would respond back soon.

10. **MATTERS FROM THE FLOOR**

A. **David Osmek, District 33 State Senator** – Osmek introduced himself and discussed his background.

11. **REPORTS**

A. **Administrator** – no report

B. **Anderson - Finance, Fire Lanes and Public Access, Technology** – no report

C. **Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – no report

D. **Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC** – Grothe stated he will be working on ideas for future building maintenance projects once the new Public Works employee begins.

E. **Clapp - Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks** – no report

F. Attorney's Report – no report

G. De La Vega - Public Works, SLMPD, Administration – De La Vega reminded the Council that the Board of Appeals meeting will be Wednesday at 6:30 p.m.

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 8:50 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk