

ITEM NO. 4B

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING November 14, 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 and LaBelle. Also present were City Administrator Crawford, Public Works Superintendent Bowman and City Attorney Biggerstaff.

Members absent: Councilmember Jennings.

3. APPROVAL OF AGENDA

Anderson moved to approve the agenda as submitted. LaBelle seconded the motion. Ayes 4. Motion carried.

4. CONSENT AGENDA

Anderson moved to approve the following consent agenda items:

A. Community Meeting Minutes of October 24, 2017

B. Regular Meeting Minutes of October 24, 2017 as amended by De La Vega: Page 3 Section 7 Paragraph 2, 'closed' to 'continued'.

Ansari seconded the motion. Ayes 4. Motion carried.

5. MATTERS FROM THE FLOOR

None.

6. SPECIAL BUSINESS

A. 2017 Sanitary Sewer Lining Project

Nick Preisler, city engineer, discussed the cost and bid process.

De La Vega asked if any part of the sewer system should be replaced. Preisler answered he is aware of one specific location; however, the location will be televised to determine if it could be rehabbed until a potential street project takes place in that location. Thus, the street would only have to be torn up once.

De La Vega commented that it appears every winter there are sewer line and water

main breaks. Bowman responded that this occurs due to the lake shift.

De La Vega noted that Met Council typically has grants/programs available for these projects. Preisler stated that Met Council used to award large grant sums which would allow communities to tackle big projects at one time. However, Met Council has moved away from doing that practice, but still offers grants and stated we will apply for it.

Anderson made a motion to adopt Resolution 17-36 accepting the 2017 sanitary sewer lining project plans and specifications and ordering advertisement for bids. Ansari seconded the motion. Ayes-Anderson, Ansari, LaBelle, De La Vega. Motion carried.

B. Water Plant Engineering Study Proposal

Bowman discussed the study will aid in the decision of how to proceed with the aging water plant.

De La Vega asked about the time frame. Bowman replied as soon as the proposal is approved; this week or next. Preisler stated he has already notified Greg Johnson who is ready to begin working on the study.

De La Vega noted that the city has set aside CIP monies for this year for replacing the slaker. The Council is waiting for the conclusion of the study for spending it on appropriate projects.

De La Vega requested that the water tower be a part of the study.

Anderson made a motion in accepting the approving WSB water plant engineering study proposal not to exceed \$16,700.00 as recommended by the Minnesota Department of health. Ansari seconded the motion. Ayes 4. Motion carried.

C. Water Plant Chemical Door Replacement

Bowman discussed the need for a new door and the quotes.

LaBelle questioned if the lock and latch were included. Bowman stated they were included in the quotes and recommends accepting the quote from Bredemus Hardware Co., Inc.

Ansari asked the difference between the quotes. Bowman stated the doors are supposed to be equivalent.

Anderson made a motion to approve the quote from Bredemus Hardware Co., Inc. in the amount of \$2,680.00 to replace the chemical door of the water plant. Ansari seconded the motion. Ayes 4. Motion carried.

7. PUBLIC HEARINGS

A. CUP Request – Anderson, 4370 Manitou Road

Erin Perdu, city planner, discussed the CUP request. Preisler discussed the engineering considerations.

De La Vega mentioned that this is the first time the council has heard of storm chamber systems. Preisler described the storm chamber system.

De La Vega opened the continued public hearing, hearing no comments, the hearing was closed.

Anderson moved to direct staff to prepare a resolution of approval for the requested conditional use permit for hardcover proposed at 38.6 percent for property located at 4370 Manitou Road based on the finding of fact Items A through G and recommend conditions 1 through 7. Ansari seconded the motion. Ayes 4. Motion carried.

B. Variance Request – Steel, 160 Sunrise Avenue

Perdu discussed the after the fact variance request.

De La Vega opened the public hearing, hearing no comments, the hearing was closed.

LaBelle stated to the owner of 4Sqaure, that the council does not like to grant after the fact variances. De La Vega commented that the council takes a lot of time and consideration when reviewing plans for the city and that this should not have occurred.

Anderson moved to direct staff to prepare a resolution of approval for the requested rear yard setback variance for a single-family home at 160 Sunrise based on the findings of fact Items A through H. LaBelle seconded. Ayes 4. Motion carried.

8. OLD BUSINESS

A. Short-Term Rental Ordinance

De La Vega discussed what has been done to date and asked for Council's position

on the matter.

LaBelle stated short-term rentals should be regulated.

Ansari stated they should be prohibited and explained her reasoning.

Anderson stated he understands both sides.

Anderson, Ansari and De La Vega discussed the homestead statement in the ordinance. De La Vega explained why that statement was added.

De La Vega does not currently want to act on an ordinance and explained his reasoning.

Anderson stated he is on the side of homeowners and property rights and does not currently want to act on an ordinance.

De La Vega commented he is aware of lawsuits against cities which have prohibited short-term rentals. Ansari inquired if there are any lawsuits in Minnesota. Biggerstaff replied he does not know of any.

De La Vega noted that there are other short-term rentals currently in the city with no issues.

De La Vega stated that the council is split, thus they are unable to vote. Additionally, the council should hear Jennings' opinion.

Jim Kuhlemeir, 425 Lakeview Avenue, stated that there are property rights for the neighbors. He thinks this should be prohibited and continued that if it is regulated, then at least the city is aware of which houses are short-term rentals.

De La Vega and LaBelle discussed the number of licenses to be issued.

LaBelle stated the ordinance gives a mechanism of control.

Sharon McCarthy, 240 Sunrise Avenue, stated she was surprised at the language used in the ordinance and thinks it is intrusive.

Lori McCloskey, 50 West Point Place, thinks this is a dynamic issue and inquired of the Kuhlemeir's if the issue is how it is being rented or the rental situation. She continued that the offensive situations may occur regardless if it is the homeowner or

the renters.

Suzanne Kuhlemeir, 425 Lakeview Avenue, stated that this should be prohibited because one doesn't know what is going to happen. She commented that the house seems like a motel and if it's regulated it would be open for 90 days rather than the entire year. De La Vega asked if 90 days was ok. She responded no, she does not want this at all and it affects her property value.

De La Vega reiterated that the council is split and the discussion should be tabled. He encouraged the audience to bring forth any new information.

Ansari asked what the next step of the process. Crawford stated that it will be on the next agenda. De La Vega stated that by default, nothing will be done and explained why it is not being voted on and the process up until the Council is able to vote on it.

LaBelle and McCarthy discussed the term 'resident'. Biggerstaff commented that the definition in the ordinance is for relative homestead which is defined by the state, the ordinance does not define who is legally eligible for a license.

B. Review 2018-2040 Comprehensive Plan

De La Vega discussed recommended changes and updates to the Comprehensive Plan.

De La Vega, LaBelle and Anderson debated whether it should be stated in the Plan that the council is fiscally conservative. Ansari commented that it is important for future councils to know and explained why.

De La Vega stated he will forward his changes to Crawford.

Crawford noted that Chapters 6 and 7 are required to be completed by the Council.

De La Vega discussed several policy issues for Chapter 6. LaBelle discussed the sections Issues and Needs of Chapter 6.

Ansari discussed the transit system in Tonka Bay, that by changing the bus schedules may draw more people.

The council discussed resiliency and sustainability topics of Chapter 7.

Crawford inquired if the Council would like to set a deadline to receive the missing chapters from Sambatek. LaBelle recommended December 2nd.

9. NEW BUSINESS

A. Field Rental Fee Study

De La Vega, Crawford and LaBelle discussed the \$10 flat fee and possible maintenance agreements.

Crawford indicated she discussed this with Minnetonka Baseball Association and Tonka United.

De La Vega inquired what would happen if the city and the associations would like to use the fields on the same day. Crawford responded that the city and associations would have to coordinate the days.

De La Vega recommends going with the proposal. If there is push back, the topic could be revisited.

Anderson moved to set the fee rate and encourage a maintenance agreement for sports associations at \$10 per day. Ansari seconded the motion. Ayes 4. Motion carried.

10. MATTERS FROM THE FLOOR

None.

11. REPORTS

A. Administrator's Report – No report.

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 – No report.

D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks – Absent. Jennings, Ansari and Crawford are unable to attend the upcoming meeting. Anderson volunteered to attend.

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

F. Attorney's Report – Biggerstaff commented on 275 Lakeview Avenue; their attorney received the City's letter, Monday was the deadline but there are no indication as to whether electricity has been disconnected or the gate has been removed. This will be discussed at the next Council meeting.

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 9:10 p.m. LaBelle seconded the motion. Ayes 4. Motion carried.

Attest:

Clerk