

ITEM NO. 4A

APPROVED MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING January 14, 2020

1. **CALL TO ORDER**

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 7:00 pm.

2. **ROLL CALL**

Members present: Mayor De La Vega, Councilmembers Ansari, LaBelle and Anderson. Also present were City Administrator Laur, City Attorney Biggerstaff, City Engineer Nick Preisler and City Planner Tom Ramier-Olson. Absent: Councilmember Jennings.

3. **APPROVAL OF AGENDA**

Mayor De La Vega noted that the oath of office was written down in error on the agenda and the Minnetonka Community Services Advisory Board Representative under item 5C was now Sarah Sirna.

Laur noted amount adjustments under new construction water and sewer charges.

Anderson moved to approve the agenda with changes. Ansari seconded the motion. Ayes 4. Motion carried.

4. **CONSENT AGENDA**

- A. Regular Meeting Minutes of November 26, 2019
- B. Regular Meeting Minutes of December 10, 2019
- C. Resolution 20-01, Appointments and City Council Meeting Schedule
- D. Resolution 20-02, Water and Sewer Charges
- E. Resolution 20-03, Retention Schedule
- F. Resolution 20-04 Fee Schedule for 2020
- G. Ordinance 19-08, The Reduction of Clear Water in the Sanitary Sewer System

Anderson moved to approve the consent agenda items albeit item 4B. Ansari seconded the motion. Ayes 4. Motion carried.

Anderson moved to approve consent agenda item 4B Regular Meeting Minutes of December 10. Ansari seconded the motion. Ayes 3. Abstain: De La Vega. Motion carried.

5. **MATTERS FROM THE FLOOR**

None.

6. **SPECIAL BUSINESS**

None.

7. **PUBLIC HEARINGS**

A. Variance for 140 Sunrise Avenue

Ramler-Olson provided an overview of the four variance and two conditional use permit requests from 140 Sunrise Avenue, owned by Jeffrey Megna, as part of a proposed remodel project. He noted the current property was an illegal nonconforming structure and detailed existing and proposed conditions.

Ramler-Olson explained the variance and conditional use permit proposals were consistent with statutory and city tests and noted engineering considerations.

Staff recommended approvals of all requests with conditions noted on the staff report.

De La Vega noted the public hearing process to the attendees.

LaBelle and Priesler discussed hardcover.

De La Vega opened the public hearing.

John Daly, Wayzata, the applicant with Revision explained the background of and reasons for the property requests, noting the homeowners were retiring to Minnesota. Daly explained the addition to the third-floor space was essentially an attic storage space and they were looking to do a main floor renovation and addition.

De La Vega closed the public hearing.

LaBelle, Laur, Ansari and De La Vega discussed the project.

Anderson moved to direct staff to prepare a resolution of approval for the requested variance to allow an expansion of a legal non-conforming structure at the property located at 140 Sunrise Ave based on the findings of fact listed in the report items A-I and recommended conditions 1-7. Ansari seconded the motion. Ayes 4. Motion carried.

Anderson moved to direct staff to prepare a resolution of approval for the

requested variance to allow a second story expansion of a legal non-conforming structure to encroach a distance of 20.8 feet into the rear yard setback at the property located at 140 Sunrise Ave based on the findings of fact listed in the report items A-I and recommended conditions 1-7. Ansari seconded the motion. Ayes 4. Motion carried.

Anderson moved to direct staff to prepare a resolution of approval for the requested variance to allow a principal structure to encroach a distance of 0.8 feet into the north side yard setback at the property located at 140 Sunrise Ave based on the findings of fact listed in the report items A-I and recommended conditions 1-7. Ansari seconded the motion. Ayes 4. Motion carried.

Anderson moved to direct staff to prepare a resolution of approval for the requested variance to allow a home to exceed the maximum height of a principal structure through the addition of a third story at the property located at 140 Sunrise Ave based on the findings of fact listed in the report items A-I and recommended conditions 1-7. Ansari seconded the motion. Ayes 4. Motion carried.

Anderson moved to direct staff to prepare a resolution of approval for the requested CUP for a FAR of 0.54 at the property located at 140 Sunrise Ave based on the findings of fact listed in the report items A-G and recommended conditions 1-7. Ansari seconded the motion. Ayes 4. Motion carried.

Anderson moved to direct staff to prepare a resolution of approval for the requested CUP for a hardcover amount of 40.7 percent at the property located at 140 Sunrise Ave based on the findings of fact listed in the report items A-G and recommended conditions 1-7. Ansari seconded the motion. Ayes 4. Motion carried.

B. Variance for 440 Lakeview Avenue

Ramler-Olson presented the proposal for a new home at 440 Lakeview Avenue which included a request for a variance to allow a principal structure to encroach upon the side yard setback of a corner lot, requesting a setback of 29.6 feet where a minimum of 50 feet is required.

Ramler-Olson detailed general information about the property request along with existing and proposed conditions. Ramler-Olson explained the variance and conditional use permit proposals were consistent with statutory and city tests and noted engineering considerations.

Staff recommended approval of the variance with recommended conditions.

Anderson, Ramler-Olson and Preisler discussed how the address was assigned and the driveway location.

Ansari and Ramler-Olson discussed safety and corner lots.

De La Vega opened the public hearing.

Rodney Colson, applicant with Colson Custom Homes, noted he was there to answer any questions that may arise.

LaBelle and Colson discussed the property sale plan.

De La Vega closed the public hearing.

LaBelle, Anderson and Ansari noted their support for the project.

Anderson moved to direct staff to prepare a resolution of approval for the requested variance for a side yard setback, along Aspen Street, of 29.6 feet where 50 feet is required for the purpose of locating a proposed home at the property located at 440 Lakeview Ave based on the findings of fact listed in the report, items A-I and recommended conditions 1-7. Ansari seconded. Ayes 4. Motion carried.

8. OLD BUSINESS

A. Update on Narrows Bridge Project

Laur explained that the city received the 90% plans from Hennepin County for the Narrows Bridge Project and noted the closure would begin in May and was expected to go through August.

De La Vega and Preisler discussed the project and boat traffic.

B. Ordinance 20-02 Administrative Citations

Laur explained the administrative citation proposed ordinance was edited based on the December 10 Council discussion.

De La Vega, Biggerstaff, Laur and LaBelle discussed appeals, fine amounts, language included and city authority.

Anderson moved to adopt Ordinance 20-02, an ordinance adopting Section 270 of the Tonka Bay City Code enacting Administrative Citation procedures applicable to violations of the city code. Ansari seconded.

LaBelle noted he wasn't sure of the effectiveness but was interested to try it.

Ayes 4. Motion carried.

C. Ordinance 20-03 Adopting Section 811 of the Tonka Bay City Code Regulating Nonessential Water Usage Upon Critical Water Deficiency

Laur provided background on the ordinance noting that the Met Council requires certain regulations on water usage during a water emergency as part of its approval of the plans.

Anderson moved to adopt Ordinance 20-03 Section 811 of the Tonka Bay City Code Regulating Non-Essential Water Usage Upon Critical Water Deficiency. Ansari seconded. Ayes 4. Motion carried.

D. Proposed Ordinance 20-04 Amending Chapter V, Section 520 of the Tonka Bay City Code Related to Licensing and Regulation of Commercial Boat Dock Businesses

Laur noted this was the second reading of the proposed ordinance originally discussed August 27. Laur noted as per council discussion that private dock rentals and dry stacking were addressed.

De La Vega, Laur, Biggerstaff, Anderson, LaBelle and Ansari discussed regulating private rentals, how much a license might cost, how long the license would be valid for and whether or not to regulate.

Council requested the item be brought back the following meeting.

9. NEW BUSINESS

A. Archaeological Study/Manitou Park Parking Lot Project

Preisler explained that the design for the Manitou Parking Lot Expansion was started but during the permitting process, it was discovered that while it seems to be a wetland, it may be an archeologically significant site and need additional research and oversight.

Preisler recommended seeking a proposal from an outside consultant to provide the Phase One Archaeological Study.

LaBelle, Preisler and De La Vega discussed the study cost and process.

De La Vega instructed staff to get a quote for the archeological study.

B. Municipal Dock Policy Updates

Laur explained that at the December 10 meeting, it was decided to go to a one payment structure for dock rentals.

De La Vega noted it seemed like there were no issues with it from Councilmembers.

Anderson moved to amend the dock policy to a one payment structure. Ansari seconded. Ayes 4. Motion carried.

C. Position Reclassifications

Laur noted that she was doing some housekeeping since arriving and had observed both the Deputy City Clerk/Administrative Assistant and Financial Coordinator/Utility Billing Clerk in their positions and was recommending changes to their titles based on their position descriptions.

De La Vega, Laur, Biggerstaff, Ansari and LaBelle discussed the Deputy City Clerk position description, title and salary.

Laur, De La Vega discussed the City Treasurer position description, title and salary.

Anderson moved to approve the reclassification of the Deputy City Clerk/Admin Assistant position to Deputy City Clerk and reclassification of Financial Coordinator/Utility Billing Clerk to City Treasurer omitting the salary ranges.

De La Vega and Anderson discussed the motion.

Ansari seconded. Ayes 4. Motion carried.

D. Proposed Ordinance 20-05 Special Assessments

Laur detailed that the LMC recommended a Special Assessment ordinance to establish rules before the need for special assessments arises. Laur noted this was important given needed infrastructure improvements.

De La Vega, Laur, Biggerstaff and LaBelle discussed the guidelines for initiation of public improvement projects and the reasons for having a policy.

LaBelle and De La Vega requested the policy be brought back to Council in February.

10. MATTERS FROM THE FLOOR

None.

11. REPORTS

A. Administrator's Report --

1. Joey Nova's

Laur reported that Joey Nova's Restaurant sold liquor to an underage minor during a routine police test.

LaBelle, De La Vega, Ansari and Laur discussed the history of the policy.

2. The cost of water main breaks in 2019

Laur detailed the water main breaks bills received thus far from 2019. Laur noted that \$23,000 was budgeted and the water main breaks billed so far put the City \$105,733.02 over budget. Laur explained that attached in the packet were the water main break locations and year.

De La Vega requested the breakdown for the previous 5 and 10 years.

De La Vega, LaBelle, Preisler discussed the water main breaks, county involvement and whether or not insurance against the breaks was possible.

Staff was instructed to see if there were insurance or grant opportunities available for water mains.

Anderson and Preisler discussed heating manholes.

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

C. Elli Ansari -- Parks and Playgrounds, LMCD, Sanitation and Recycling --
Ansari noted there were new Arctic Fever signs this year.

Ansari requested that Council do a retreat for brainstorming goals for the year.

Anderson, De La Vega and Ansari discussed reviewing the goals of Council and the grand opening of the playground.

D. Adam Jennings -- EFD, Commercial Marinas, Municipal Docks --
Absent.

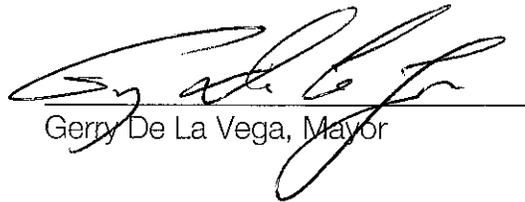
E. Bill LaBelle -- Building Inspection, Municipal Buildings and Grounds --
No report.

- F. Attorney's Report –
No report.

- G. Gerry De La Vega –SLMPD, Administration, Public Works –
De La Vega detailed that the SLMPD Coordinating Committee authorized the Chief to increase the staffing for police officers from 15 to 16 without a change in the budget for the current year.

12. ADJOURNMENT

There being no further business, Anderson moved by to adjourn the meeting at 9 pm. Ansari seconded the motion. Ayes 4. Motion carried.


Gerry De La Vega, Mayor

Attest:


Kathy Laur, City Administrator