

## ITEM NO. 4A

**APPROVED MINUTES  
TONKA BAY CITY COUNCIL  
REGULAR MEETING  
July 9, 2019**

**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, Public Works Superintendent Bowman and City Attorney Biggerstaff.

**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 June 25, 2019
- B. Resolution 19-24 – A resolution approving a variance to the lakeside setback required for riparian lots to allow construction of a deck at the property located at 35 Interlachen Place - PID: 21-117-23-41-0013
- C. Resolution 19-25 – A Resolution approving a Conditional Use Permit to hardcover amount in excess of the maximum allowed on a detached, single-family residential lot at the property located at 145 West Point Court - PID: 28-117-23-11-0077
- D. Resolution 19-26 – A resolution approving a Variance to the maximum amount of hardcover allowed on a detached, single-family residential lot at the property located at 145 West Point Court - PID: 28-117-23-11-0077
- E. Resolution 19-27 – A resolution approving a variance to the north side yard setback for a principal structure on a detached, single-family residential lot at the property located at 145 West Point Court - PID: 28-117-23-11-0077
- F. Resolution 19-28 – A resolution approving a variance to the rear yard setback for a principal structure on a detached, single-family residential lot at the property located at 145 West Point Court - PID: 28-117-23-11-0077.

Ansari seconded the motion. Ayes 5. Motion carried.

**5. MATTERS FROM THE FLOOR**

Mark Ohnstad, attorney representing Jim Erdhal at 120 Sunrise, explained the

Erdhal's Right-of-Way vacation request. He noted the driveway is sinking and that he discovered a notch of the driveway is owned by the city. Ohnstad explained a legal description had been completed with Biggerstaff and was sent to the DNR. A public hearing for a Right-of-Way vacation has been tentatively scheduled for September 10<sup>th</sup>.

**6. SPECIAL BUSINESS**

A. Lake Minnetonka Association – Presentation and Donation Request for Milfoil Removal in Gideon's Bay.

Judd Brackett, 125 Woodpecker Ridge Road, a representative of the Lake Minnetonka Association, introduced himself and explained the annual request for a donation to help manage milfoil in Gideon's Bay. Brackett noted that despite the cold winter, the above average weed growth doubled the costs. Brackett explained the materials he brought and the details of the project.

De La Vega, Jennings and Brackett discussed participation in the project, the materials used and the possibility of a Lake-Improvement District in the area.

Tingley explained that Tonka Bay contributed \$5,000 in 2018 and up to \$5,000 was budgeted for this year.

Ansari, De La Vega and Brackett discussed the U of M involvement, the lake and species involved.

Eric Evenson, Executive Director of the Lake Minnetonka Association, provided additional details on Lake Minnetonka.

LaBelle moved to make a contribution of \$5,000 from the Dock Fund for weed treatments in Gideon's Bay. Ansari seconded the motion.

LaBelle, De La Vega, Jennings, Brackett and Evenson discussed the budget.

Ayes 5. Motion carried.

**7. PUBLIC HEARINGS**

A. 365 Lakeview Avenue – Second Story Setback Variance Request and Land Use Approvals

Tingley introduced Ramler-Olson and noted that the resolutions discussed at the previous meeting were included in the packet.

Ramler-Olson provided an overview of the project proposal to expand the floor area

of the existing home's second story, the variance request, the history of the project and the existing conditions.

Ramler-Olson reviewed the variance requests with statutory criteria and city tests, noting they meet all criteria. Ramler-Olson noted that engineering reviewed but had no additional considerations and staff recommended approval of the variance and CUP requests.

Ansari and Jeff Konen, 3355 Robinson Bay Rd., Wayzata, the contractor for the project, discussed trees on the property.

De La Vega opened the public hearing. No one chose to speak.

De La Vega closed the public hearing.

LaBelle noted he typically did not support expanding nonconforming structures, but he appreciated the practical difficulties and was in favor of the project.

Anderson moved to direct staff to prepare a resolution of approval for the requested variance allowing a side yard setback of 5 feet and rear yard setback of 5.9 feet for the proposed second floor expansion at the property located at 365 Lakeview Avenue based on the findings of fact listed in the report items a-i and recommended conditions 1-7. Ansari seconded the motion. Ayes 5. Motion carried.

Anderson moved to approve Resolution 19-29 a variance to allow a lot within the R-1A District an area of 7,635 square feet at the property located at 365 Lakeview Avenue based on the findings of fact listed in the report.

Anderson moved to approve Resolution 19-30 a variance to allow a principal structure to encroach into the side yard setback by 3 feet, resulting in a side yard setback of 5 feet where the minimum is 8 feet at the property located at 365 Lakeview Avenue based on the findings of fact listed in the report.

Anderson moved to approve Resolution 19-31 a variance to allow a principal structure to encroach into the rear yard setback by 21.9 feet, resulting in a rear yard setback of 3.1 feet where the minimum is 25 feet at the property located at 365 Lakeview Avenue based on the findings of fact listed in the report.

Anderson moved to approve Resolution 19-32 conditional use permit to allow an FAR up to 0.53 on a lot within the R-1A District where the maximum is 0.30 at

the property located at 365 Lakeview Avenue based on the findings of fact listed in the report.

Ansari seconded. Ayes: Ansari, LaBelle, Jennings, Anderson, De La Vega. Motion carried.

**8. OLD BUSINESS**

A. 15 Northrup Avenue Petition – Regarding fence at 25 Northrup Avenue

Tingley provided an overview of the Petition presented by Peggy Lietzke, 15 Northrup Avenue, regarding the fence at 25 Northrup Avenue. He also noted emails from Lietzke and Dan Frieier at 25 Northrup were presented to Council.

Jennings asked if Biggerstaff contributed to the report and Biggerstaff affirmed.

De La Vega asked the Council if there were any questions or discussion.

Jennings noted that there does not seem to be any new information and that based on the email, the neighbors were talking and that seemed like a good course of action.

De La Vega noted the staff report suggested a private resolution and Jennings agreed.

Tingley, De La Vega, Ansari, Jennings, Anderson, Lietzky and Hallblade discussed the posts, safety and the petition.

Anderson moved to waive the reading of the petition received from 15 Northrup Avenue on June 25, 2019 under city code section 200.10 Subd. 5.

Jennings, Tingley and De La Vega discussed the motion.

Steve Fischer, 70 Florence Drive, asked if both sides would need to sign off on the fence since it was on the lot line. Fischer also asked about the fence height.

De La Vega, Fischer, Lietzky and LaBelle discussed the Tonka Bay fence application process.

Jennings seconded the motion. Ayes 5. Motion carried.

B. Manitou Park Parking Lot and Northeast Ballfield Relocation Update

Tingley noted that staff met with the Minnetonka Baseball Association regarding

moving the baseball field. Tingley explained the proposal for the City to pay for the parking lot reconstruction and expansion while the Minnetonka Baseball Association would pay for the field realignment. Tingley provided an overview of the field location.

De La Vega, LaBelle and Tingley discussed the field location.

Kyle Heitkamp, President of the Minnetonka Baseball Association, noted the field was predominantly used by the 8-year-old baseball teams and often for practice. Heitkamp explained the move would allow the field to meet regulations. Heitkamp also noted they would be looking to make some drainage improvements.

De La Vega, Heitkamp, Tingley and LaBelle discussed excavation and drafting an agreement.

LaBelle thanked Heitkamp for his cooperation and Heitkamp noted it had been a great partnership over the years.

Tingley noted staff would work on an agreement.

C. 60 Highland Avenue – Various Variance and CUP Requests

Ramler-Olson reviewed the 60 Highland Avenue proposal to add a deck, stairs and landing to the lakeside of home, requiring two variances and one conditional use permit. The request was previously tabled at the June 25<sup>th</sup> Council Meeting.

Ramler-Olson explained the updated proposed conditions and hardcover changes. Ramler-Olson also reviewed the variance and CUP requests considering statutory criteria, city tests and CUP review criteria, noting it met requirements. Ramler-Olson detailed engineering considerations and noted staff recommended approval of the variances and CUP requests.

De La Vega and Jennings noted support for the project.

Anderson moved to direct staff to prepare a resolution of approval for the requested variance to allow a front yard (lakeside) setback of 37.1 feet from the OHWM for a proposed deck, landing, and stairs at the property located at 60 Highland Avenue based on the findings of fact items a-l as well as recommended conditions 1-7, listed in the report. Jennings seconded the motion. Ayes 5. Motion carried.

Anderson moved to direct staff to prepare a resolution of approval for the requested variance to allow a hardcover setback of 37.1 feet from the OHWM

for a proposed deck, landing, and stairs at the property located at 60 Highland Avenue based on the findings of fact items a-l as well as recommended conditions 1-7, listed in the report. Jennings seconded the motion. Ayes 5. Motion carried.

Anderson moved to direct staff to prepare a resolution of approval for the requested conditional use permit to allow a hardcover amount of 40.2 percent to allow construction of a deck, landing, and stairs at the property located at 60 Highland Avenue based on the findings of fact items a-l as well as recommended conditions 1-7, listed in the report. Jennings seconded the motion. Ayes 5. Motion carried.

**9. NEW BUSINESS**

A. None.

**10. MATTERS FROM THE FLOOR**

A. None.

**11. REPORTS**

A. Administrator's Report –

Tingley noted contractors for the water treatment plant project would be on site starting Wednesday, July 10. Tingley explained the water would be harder for about 30-45 days during the project. Tingley noted the completion date was expected in November.

De La Vega, Tingley, LaBelle, Bowman and Ansari discussed communicating the project with the public.

Bowman explained the water will be treated but not softened throughout the entire project and will be completely safe.

Tingley noted staff would work on drafting the project communication.

Tingley explained Doran is looking to submit the General Plan of Development in July. Tingley noted Doran would need to work with Shorewood regarding Shorewood's public easement.

Anderson, Tingley and Biggerstaff discussed the easement.

Tingley noted assessing RFP applications were due July 11. Interviews are scheduled for July 22 – August 2.

Tingley noted he and Bowman met with Manual Jordan regarding the trees. Tingley noted the trees were in fairly good condition overall but that Jordan noted concern regarding the ash trees and Emerald Ash Borer.

Tingley provided an update regarding electronic utility payments, noting 17 payments went through so far and the number was climbing every day.

B. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology – None.

C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling – Ansari thanked Bowman and Tingley for their help with the dog park. Ansari noted a banner would be put up.

Ansari noted the LMCD had an RFP for a new communications person.

De La Vega, Bowman and Tingley discussed the gate entrance.

D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks – Jennings explained the Fire Budget with the other cities at the last work session and there were no concerns.

De La Vega, LaBelle, Ansari and Anderson discussed dock lots and asked staff to prepare a report.

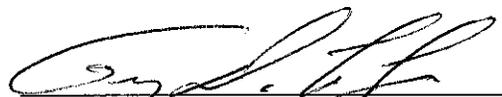
E. Bill LaBelle – Building Inspection, Municipal Buildings and Grounds – LaBelle noted he would be out of town July 23.

F. Attorney's Report – None.

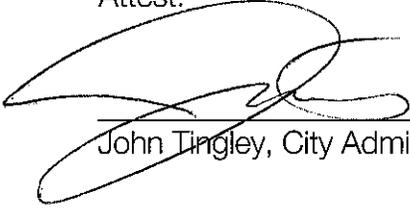
G. Gerry De La Vega –SLMPD, Administration, Public Works – De La Vega requested Council to return the review forms of the Administrator.

**12. ADJOURNMENT**

**There being no further business, it was moved by to adjourn the meeting at 8:35 p.m. Jennings seconded the motion. Ayes 5. Motion carried.**

  
Gerry De La Vega, Mayor

Attest:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

John Tingley, City Administrator/City Clerk