

ORIGINAL

ITEM NO. 4A

**APPROVED MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
June 25, 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 and City Attorney Biggerstaff.

3. APPROVAL OF AGENDA

Tingley noted a request to switch 7A, 60 Highland Avenue – Variance and Conditional Use Permit Requests, with 7E, Caribbean Restaurant and Marina Liquor License.

Anderson moved to approve the agenda with the switch of 7A, 60 Highland Avenue – Variance and Conditional Use Permit Requests, with 7D Caribbean Restaurant and Marina Liquor License. Jennings 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 11, 2019**
- B. Financial Reports**
- C. Resolution 19-XX, Establishing A Planned Unit Development (PUD) and Approving PUD Concept Plan for 5609 Manitou Road.**
- D. Resolution 19-XX, Approving Height Variance for 5609 Manitou Road.**
- E. Special Parking Request – 55 Fairhope Avenue**

Ansari seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

Peggy Lietzke, 15 Northrup Ave, brought a petition with 22 signatures regarding the partially built fence at 25 Northrup with 22 signatures. Lietzke detailed the petition and noted that the petition signers agreed that the fence was a nuisance.

De La Vega explained that Staff would review the request and bring their research

back to Council.

Lietzke and De La Vega discussed next steps.

LaBelle requested a report from Staff regarding what is happening in the area, whether there were new developments, if the current area was in compliance with current ordinances and if there were any relevant State Statutes.

Jeff Wuensch, 90 Brentwood Avenue, asked about the consent agenda item regarding Establishing A Planned Unit Development (PUD) and Approving PUD Concept Plan for 5609 Manitou Road and Approving Height Variance for 5609 Manitou Road.

De La Vega noted the Planned Unit Development, PUD Concept Plan and Height Variance were approved.

6. SPECIAL BUSINESS

A. Hennepin County Commissioner Jan Callison

Callison thanked the Council for the opportunity to update the city about what is going on at Hennepin County.

Callison explained that the County was in the 6th straight year of growth in property values and outlined the property documents she brought.

Callison noted that a \$20,000 grant was awarded to Tonka Bay for new park equipment in Wekota Park.

Callison explained items discussed at their Committee meeting on June 25, including a tobacco ordinance and vehicle taxes.

Callison noted that work scheduled at the intersection of County Roads 15 and 19 in Orono was postponed until 2020 due to high bids. The Tanager Bridge project is scheduled to begin in 2019.

Callison noted that County Road 19 is not in the County's Capital Improvement Plan for the next five years. Callison explained that improvements were made in 2005.

De La Vega noted concerns about exits and entrances on County Road 19.

De La Vega, Jennings and Callison discussed concerns about County Road 19 and

the effects of upcoming construction projects.

Anderson and Callison discussed the County Road 44 closure.

Ansari thanked Callison for the award of the Playground Equipment Grant.

B. LMCD 2020 Budget Presentation

De La Vega introduced Gregory Thomas, LMCD Board of Directors, and Vickie Schleuning, LMCD Executive Director.

Thomas presented on the 2020 budget and noted that the overall proposed budget increase is 1.1 percent while the Tonka Bay levy was proposed to go down.

De La Vega, Thomas, Jennings, LaBelle and Schleuning discussed budget items including an item marked other, AIS Management, Legal, Personnel Services and Reserves.

Schleuning explained the LMCD initiatives including the Lake Minnetonka Vegetation and Aquatic Invasive Species (AIS) Master Plan.

De La Vega, Schleuning, Thomas and Jennings discussed the project, state legislation and high-water declarations.

Schleuning provided an update on the website and thanked Council.

7. PUBLIC HEARINGS

A. Caribbean Restaurant and Marina Liquor License

Tingley explained that the City received a license application for On-Sale Wine, On/Off Sale 3.2 Malt Liquor License and Consumption and Display (set-ups) from The Caribbean Tonka Bay, LLC dba The Caribbean Marina.

Tingley detailed the application process.

LaBelle and Jennings noted their neighbors were looking forward to the Caribbean re-opening.

De La Vega opened the public hearing. No members of the public spoke regarding the topic.

De La Vega closed the public hearing.

LaBelle and Tingley discussed the application.

Anderson moved to approve the On/Off Sale 3.2 Malt Liquor License, On-Sale Wine including Malt Liquor stronger than 3.2% and Consumption and Display permit. Jennings seconded the motion. Ayes 5. Motion carried.

B. 145 West Point Court – Variance and Conditional Use Permit Requests

Ramler-Olson presented the staff report regarding 145 West Point Court proposal to maintain current location of principal structure and hardcover amount which required variance and conditional use permit requests.

Ramler-Olson provided an overview of the proposal, and reviewed the variance requests with statutory criteria, city tests and CUP review criteria.

Ramler-Olson detailed engineering considerations including hardcover and stormwater treatment.

Ramler-Olson noted that staff recommended approval of the variance and CUP requests with the condition that hardcover not exceed existing amount of 45.9%.

De La Vega explained the process for the hearing.

De La Vega noted that the requests focused on making the property a legal nonconforming property.

De La Vega opened the public hearing.

Alison Swan, 145 West Point Court, explained the goal of the project was to add another bedroom and would not change the footprint of house. Swan noted that they decreased hardcover upon moving into the house.

De La Vega closed the public hearing.

LaBelle noted his support for the project and said they would need to set a specific hardcover limit.

De La Vega, Priesler, Jennings, LaBelle, Tingley, Swan and Ansari discussed hardcover and stormwater treatment.

Anderson moved to direct staff to prepare a resolution of approval for the requested variance allowing the principal structure to encroach into the north side yard setback by 0.5 feet at the property located at 145 West Point Court based on the findings of fact listed in the report items a-l and recommended conditions 1-7. Jennings seconded. Ayes 5. Motion carried.

Anderson moved to direct staff to prepare a resolution of approval for the requested variance allowing the principal structure to encroach into the rear yard setback by 0.3 feet at the property located at 145 West Point Court based on the findings listed in the report items a-i and recommended conditions 1-7. Jennings seconded. Ayes 5. Motion carried.

Anderson moved to direct staff to prepare a resolution of approval for the requested variance allowing a hard cover amount in excess of the maximum of 35 percent, not to exceed existing amount of 45.9 percent, requiring only City Administrator and City Engineer approval at the property located at 145 West Point Court based on the findings of fact listed in the report. Jennings seconded. Ayes 5. Motion carried.

Anderson moved to direct staff to prepare a resolution of approval for the requested conditional use permit allowing a hard cover amount in excess of the maximum of 35 percent, not to exceed existing amount of 45.9 percent, requiring only City Administrator and City Engineer approval at the property located at 145 West Point Court based on the findings of fact listed in the report items a-g and recommended conditions 1-7. Ayes 5. Motion carried.

C. 365 Lakeview Avenue – Variance and Conditional Use Permit Requests

Ramler-Olson detailed the proposal to expand the floor area of the existing home's second story which would require approval of three variances and a conditional use permit. Ramler-Olson explained that a fourth variance request would be heard at the July 9th City Council meeting.

Ramler-Olson provided an overview of the project proposal, the variance requests, the history of the project and the existing conditions. He pointed out that a second variance for the project will be before Council on July 9th.

LaBelle, De La Vega, Biggerstaff, Tingley and Ramler-Olson discussed the request.

De La Vega opened the public hearing.

Jeff Konen, the contractor for the project, requested more information on the July 9th Public Hearing for a variance.

Tingley, Konen, De La Vega and LaBelle discussed the variances.

Todd Jackson, 365 Lakeview, requested Council review the variances as he would be unable to attend the next meeting.

Jackson explained that they were not changing the footings but rather adding above the garage.

Jackson, LaBelle, Tingley and De La Vega discussed project and variance process.

De La Vega closed the public hearing.

Ramler-Olson presented on the proposed conditions.

Jackson noted there was a concrete circle that would be removed.

Ramler-Olson provided an overview of the second story expansion, elevations and the CUP request. Ramler-Olson reviewed the variance requests with statutory criteria, city tests and CUP criteria.

Ramler-Olson detailed engineering considerations including hardcover and stormwater treatment.

Ramler-Olson noted that staff recommended approval of the variance and CUP requests.

Jennings, Ramler-Olson, LaBelle and Tingley discussed the project.

Preisler noted that there will be erosion control in the fire lane.

Anderson moved to direct staff to prepare a resolution of approval for the requested 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 items a-i listed in the report as well as recommended conditions items 1-7. Ansari 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 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 a-i listed in the report as well as recommended conditions items 1-7. Ansari 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 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 a-i listed in the report as well as recommended conditions items 1-7. Ansari 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 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 a-i listed in the report as well as recommended conditions items 1-7. LaBelle seconded the motion. Ayes 5. Motion carried.

De La Vega, LaBelle and Jackson discussed the next public hearing.

D. 35 Interlachen Place – Variance Request

Tingley provided background on the project, explaining the deck was partially built before a permit was submitted. The deck is infringing on the front yard setback. Tingley explained the applicants were applying for a variance to build the deck.

Ramler-Olson provided an overview of the project and explained the proposal to add on to the existing deck located in the front yard (lakeside) of property and the variance requested.

Ramler-Olson explained the proposed conditions and reviewed the variance request with statutory criteria and city tests.

Ramler-Olson also detailed engineering considerations.

Ramler-Olson noted that staff recommended approval of the variance.

De La Vega opened the public hearing.

Paul Eidsness, 35 Interlachen Place, apologized for starting the job before getting approval. Eidsness explained the project history.

Eidsness, De La Vega and LaBelle discussed the project.

Anderson moved to direct staff to prepare a resolution of approval for the requested variance from the front yard (lakeside) setback to build a deck off the principal structure at a distance of 52.6 feet from the OHWM at the property located at 35 Interlachen Place based on the findings of fact items a-i listed in the report as well as recommended conditions 1-7. Ansari seconded the motion. Ayes 5. Motion carried.

E. 60 Highland Avenue – Variance and Conditional Use Permit Requests

Tingley introduced Ramler-Olson to present the staff report.

Ramler-Olson provided an overview of the project and explained the proposal to add deck, stairs and landing to the lakeside of the home and the variances and CUP requested.

Ramler-Olson explained the proposed conditions and current hardcover. Ramler-Olson also reviewed the variance and CUP requests considering statutory criteria, city tests and CUP review criteria, noting areas where it did not meet statutory requirements.

Ramler-Olson also detailed engineering considerations including hardcover and stormwater treatment.

Ramler-Olson noted that staff recommended denial of the variances and CUP requests.

Tingley noted there was a water and sewer line within the utility easement. He noted the applicant spoke with him on Monday and there was discussion about installing a rain garden.

Preisler noted that the areas available for stormwater treatment are limited.

De La Vega opened the public hearing.

Cory Ludens, 60 Highland Avenue, thanked Council for moving his agenda item. Ludens noted there is a rain garden encroaching on his property. Ludens explained

that the prior deck was unsafe and removed before a permit was applied for. Ludens explained the private drive and hardcover issues.

Ansari, Ludens and Tingley discussed the property.

De La Vega closed the public hearing.

LaBelle, Ludens, Jennings, Preisler, De La Vega and Ramler-Olson discussed the deck, hardcover and driveway.

Ludens stated he would like to discuss more with his contractor and return to council.

Anderson made a motion to table the variance and Conditional Use Permit request for 60 Highland Ave. Ansari seconded the motion. Ayes 5. Motion carried.

8. OLD BUSINESS

A. None.

9. NEW BUSINESS

A. None.

10. MATTERS FROM THE FLOOR

11. REPORTS

- A. Administrator's Report –
Tingley reported that the 125 and 135 Crabapple Lane projects are functional and will be fully completed soon.

Tingley noted that the Old Orchard swing set did not fit in the footprint of the previous swing set.

De La Vega and LaBelle supported moving the swing set closer to the parking lot.

Tingley noted that there was a place to donate the previous playground equipment for a savings of about \$4000.

Tingley explained that Judd Bracket reached out and was interested in

discussing improving the berm on Woodpecker Ridge Road with Council.

Tingley noted that the RFP for assessing was sent to the newspaper and due July 11th.

Tingley noted that staff was working on a Commercial Marina ordinance update.

Tingley noted he was attending the League of Minnesota Cities conference on a scholarship.

Tingley noted that the petition from Peggy Lietzke would be reviewed and brought back in a staff report.

- B. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology – None.
- C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling – Ansari noted her appreciation for the LMCD presentation. Ansari noted that she went to the LMCD meeting regarding the Lake Minnetonka Vegetation and Aquatic Invasive Species (AIS) Master Plan and that it was an ambitious plan. Ansari was looking forward to following the plan.

De La Vega and Ansari discussed the LMCD plan and staff.

Tingley noted the Temporary Dog Park was set to open July 1st.

- D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks – Jennings noted he attended Curtis Mackey's pinning ceremony to welcome the new Fire Chief.

Jennings noted an open budget session for Wednesday, June 26th.

- E. Bill LaBelle – Building Inspection, Municipal Buildings and Grounds – None.
- F. Attorney's Report – None.
- G. Gerry De La Vega –SLMPD, Administration, Public Works – None.

12. **ADJOURNMENT**

There being no further business, Anderson moved to adjourn the meeting at 9:34 p.m. Jennings seconded the motion. Ayes 5. Motion carried.



Gerry De La Vega, Mayor

Attest:



John Tingley, City Administrator/City Clerk

