

ITEM NO. 4A

**APPROVED MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
May 12, 2020**

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 Ansari, LaBelle, Jennings and Anderson. Also present were City Administrator Laur and City Attorney Biggerstaff.

3. APPROVAL OF AGENDA

Anderson moved to approve the agenda with changes. Jennings seconded the motion. Ayes: LaBelle, Jennings, Anderson, Ansari, De La Vega. Motion carried.

4. CONSENT AGENDA

A. Meeting Minutes of the Regular City Council Meeting from April 28, 2020

B. Minutes of the Local Board of Appeals and Equalization Meeting from April 30, 2020

C. Resolution #20-26 - 295 Lakeview Ave.

D. Hennepin County 2020 First Half Property Tax Distribution Schedule

De La Vega noted a change from the word recess to adjournment on the minutes of the Local Board of Appeals and Equalization Meeting from April 30, 2020.

Anderson moved to approve consent agenda with the edit to the minutes. Ansari seconded the motion. Ayes: LaBelle, Jennings, Anderson, Ansari, De La Vega. Motion carried.

5. MATTERS FROM THE FLOOR

De La Vega noted anyone who would like to speak to the Council on matters not otherwise on the agenda could raise their hand on Zoom.

Kristin Viger, 60 Pleasant Avenue, noted she wanted to follow up on the timeline for the speed bumps, the dock at Crescent beach and basketball hoops.

De La Vega, Jennings, Laur, Bowman and Viger discussed speed bumps, docks and the basketball hoops.

6. SPECIAL BUSINESS

None.

7. PUBLIC HEARINGS

A. 165 Mound Avenue – Tom Ramler-Olson

Ramler-Olson provided background on the proposed project at 165 Mound Avenue, noting the applicant had worked to eliminate one of the original variance requests. Ramler-Olson explained the variance requests, existing conditions, proposed variances and provided an overview of nearby properties.

Ramler-Olson detailed engineering considerations and the consistency of the proposal with City tests.

De La Vega, LaBelle and Ramler-Olson discussed the setbacks and hardcover.

De La Vega opened the public hearing.

Phillip Kothrade, JPC Custom Homes and the applicant, explained that they looked at various design options and tried to make the house as narrow as possible. Kothrade provided more background on the garage grading, house height variance request and floor area ratio.

Shelli Wojciechowski, 165 Mound Avenue, provided background on the project.

Dennis Nelson, 135 Mound Avenue, discussed the project and concerns regarding how the setback was calculated. Nelson also asked about the fence.

Nelson, Ramler-Olson and Kothrade discussed the lakeside setback calculations.

De La Vega noted a letter was received from John Kaster, 155 Mound Avenue with concerns regarding the deck depiction on the survey.

Kothrade and De La Vega discussed the requests.

De La Vega closed the public hearing.

LaBelle, Ansari, De La Vega, Ramler-Olson, Jennings, Kothrade and Wojciechowski discussed the variance requests, setbacks, height, grading and overall project.

Anderson moved that we direct staff to prepare a resolution of approval for the requested variances to allow the proposed home for 165 Mound Ave to encroach by 1.32 feet into the south side setback and 1 foot into the north side setback, have an FAR of 0.37, and a principal structure height of 31 feet based on the findings of fact listed in the report a-g and recommended conditions 1-8. Jennings seconded.

LaBelle noted his concerns about the proposal.

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

8. OLD BUSINESS

A. Joey Nova's Violation

Kathy provided the history on Joey Nova's prior liquor violations. Laur noted that the employees of Joey Nova's regularly attend alcohol compliance training through the Licensed Beverage Association or the SLMPD. The employee who served the minor, Molly Hensrud, had not attended training. Hensrud skipped her court date and now has a warrant out for her arrest.

Laur noted the police report and Liquor Ordinance were attached.

Laur noted staff sympathizes with the restaurant during this time but the event occurred prior to the stay at home order. Staff suggested Joey Nova's should be fined the amount noted in the city's ordinance.

De La Vega, LaBelle, Jennings, Anderson and Biggerstaff discussed the violations and the ordinance.

Anderson moved to approve Resolution 20-29 and Consent Order Imposing a Civil Penalty on Pars Food Service D/B/A Joey Nova's Pizzeria in the amount of \$2,000. LaBelle seconded. Ayes: LaBelle, Jennings, Anderson, Ansari. Nays: De La Vega. Motion carried.

B. Brentwood Ave. Drainage -- Nick Preisler

Preisler explained the history of the Brentwood Avenue drainage issues and noted Council previously requested staff bring back long-term solutions. Preisler detailed options for improving the storm sewer system along Brentwood Avenue.

De La Vega, Preisler, LaBelle and Ansari discussed the options, cost, adding a budget item for a future year and timing.

De La Vega requested staff look into the issue further to identify the extent of the issue.

C. Water Tower Rehabilitation Project – Nick Preisler

Preisler presented bidding documents and order advertisement for bids on the 250,000 gallon water rehabilitation project. Preisler explained there was a bid alternate option to complete the work in 2021.

De La Vega and Anderson discussed the bids.

Anderson moved to adopt Resolution 20-30 approving bidding documents and ordering advertisement for bids for the 250,000 Gallon Water Tower Rehabilitation project managed by WSB & Associates. Ansari seconded the motion. Ayes: LaBelle, Jennings, Anderson, Ansari, De La Vega. Motion carried.

9. NEW BUSINESS

A. Dredging/Adding Docks

Laur presented information about dredging the lake by the municipal docks and adding additional docks. Laur provided the quotes Council requested from 2018 for surveying the areas of municipal docks that needed dredging the most. Laur noted that the City currently had 49 docks but was licensed to add 48 more. Laur noted there is \$292,000 in the Dock Fund for 2020.

Staff recommended Council approve the dredging of the municipal docks and the addition of more docks.

De La Vega, Laur, Preisler and LaBelle discussed the dock locations and dredging.

De La Vega asked WSB to return with a feasibility study.

B. Non-conforming Usage Permit (NUP) – Andrew

Biggerstaff gave an overview of the proposed changes to City Code related to lawful non-conforming use permits (NUP), including updates to bring it in line with state statute and provide a process for issuing a non-conforming use permit.

De La Vega, LaBelle, Biggerstaff, Jennings and Anderson discussed the permit process, nonconforming rights and state law changes.

C. Proposed Ordinance 20-14, Sanitary Sewer Line Inspection

Biggerstaff provided an overview of proposed Ordinance 2020-14 related to inflow and infiltration (I&I) inspections when there are proposed changes in property ownership. Biggerstaff explained the Metropolitan Council calculates the anticipated level of I&I occurring within each community and may impose surcharges to cities not taking steps to limit the amount of I&I occurring.

Bowman provided additional background regarding televising and the I&I.

LaBelle, De La Vega, Bowman, Jennings and Anderson discussed I&I, the proposed ordinance, televising review criteria.

De La Vega requested staff continue to work on the Ordinance.

10. MATTERS FROM THE FLOOR

No one raised their hand.

11. REPORTS

A. Administrator's Report –

- Dog Banner Program \$900
Laur noted that there were 6 advertiser banners at the dog park which brought a revenue of \$900. Laur explained the details of the program and noted the banners would be up for the summer.

De La Vega, LaBelle and Laur discussed the program.

Laur requested Council send their reviews to Mayor De La Vega.

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

C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling –
Ansari requested additional communication sent to residents regarding the Hennepin County Narrows Bridge project.

D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks –
No report.

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 also requested Council turn in their reviews.

12. ADJOURNMENT

There being no further business, LaBelle moved by to adjourn the meeting at 9:37 p.m. Anderson seconded the motion. Ayes: LaBelle, Jennings, Anderson, Ansari, De La Vega. Motion carried.



Gerry De La Vega, Mayor

Attest:



Kathy Laur, City Administrator