

ITEM NO. 4A

APPROVED MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING May 14, 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

- A. Regular Meeting Minutes of April 23, 2019**
- B. Board of Appeals Meeting Minutes of April 22, 2019**
- C. Board of Appeals Meeting Minutes of May 8, 2019**
- D. 2019 Excelsior Park & Dock Patrol**
- E. Contract Renewal with AmeriPride Services**
- F. Resolutions for 180 Wildhurst Road Variance Requests**

Anderson made a motion to approve the consent agenda items 4 A, D, E and F. Ansari seconded the motion. Ayes 5. Motion carried.

Anderson made a motion to approve the consent agenda items 4 B and C. Jennings seconded the motion. Ayes: LaBelle, Jennings, De La Vega. Abstained: Anderson, Ansari. Motion carried.

5. MATTERS FROM THE FLOOR

A. Gabriel Jabbour at 265 Tonka Bay Road introduced himself and as the owner of Tonka Bay Marina.

Jabbour noted that he was unhappy about recent events. Jabbour explained his opinion that the LMCD should be abolished.

Jabbour addressed Councilmember Jennings comment in the Sun Sailor regarding pendingstate legislation. He noted that De La Vega and LaBelle had discussed the issue with him when it came up.

De La Vega, Jabbour, LaBelle and Jennings discussed the legislation and the City's role in regulating dry stacking.

LaBelle noted that this was a multifaceted issue and noted that Jabbour has done a lot for the lake over the years.

De La Vega said that Council will keep an eye on the legislation going forward.

6. SPECIAL BUSINESS

None.

7. PUBLIC HEARINGS

A. 50 Clay Cliffe Drive – Variance Requests

Tom Ramler-Olson from WSB presented on the variance requests for 50 Clay Cliffe Drive. Ramler-Olson explained the requested variances, including a swimming pool fence and a patio. Ramler-Olson discussed the existing and proposed conditions.

Ramler-Olson discussed the consistency of the proposal with statutory requirements. He noted that the fence height meets all statutory criteria while the patio setback does not meet one of the criteria.

De La Vega explained the process for public hearings.

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

Lincoln Danforth, contractor for 50 Clay Cliffe Drive, the property owner Margaret Herbert and John Daly with Revision LLC introduced themselves.

De La Vega opened the meeting to public hearing.

Danforth noted that the new patio would not be higher than the existing patio and they are just looking to increase the size.

LaBelle, De La Vega and Danforth discussed the variance and lakeside view.

Danforth stated that the Clay Cliffe Homeowners Association approved the project.

John Daly from Revision LLC noted that he was part of the discussion with the homeowner related to the project and explained the porch, retaining walls.

Herbert thanked Council for having them tonight and explained her vision for the home.

LaBelle noted that he believes the lot is unique, relative to the shape and position of adjacent houses and supports both variance requests. Jennings, Anderson, Ansari and De La Vega agreed.

Anderson moved to direct staff to prepare a resolution of approval for the requested variance to increase the maximum height of a fence within the area between the building line and the OHWM to four (4) feet at the property located at 50 Clay Cliffe Drive based on the findings of fact listed in the report; and to direct staff to prepare a resolution of approval for the requested variance to allow a patio with an elevation greater than nine (9) inches above the average grade to encroach into the front (lakeside) yard setback on the property located at 50 Clay Cliffe Drive based on the findings of fact listed in the report

Jennings seconded the motion. Ayes 5. Motion carried.

8. **OLD BUSINESS**

A. 2040 Comprehensive Plan Update

Erin Perdu with WSB presented the 2040 Comprehensive Plan updates in response to the Metropolitan Council and MCWD letter, dated January 2019.

Perdu detailed revisions to incomplete areas of the Comprehensive Plan. She explained how the forecasts and land use sections were updated, including projected development, residential and non-residential.

De La Vega and Perdu discussed the housing component and affordable housing. Perdu outlined commonly used tools related to the development of affordable housing.

LaBelle, Perdu, Jennings and De La Vega discussed the affordable housing tools.

Perdu outlined what was added to the wastewater and surface water sections.

Perdu explained the next steps including requesting City Council approval to resubmit to the Met Council.

De La Vega and Perdu discussed deadlines and thanked Perdu for working on the plan.

LaBelle made a motion for staff to resubmit the 2040 Comprehensive Plan. Jennings seconded. Ayes 5. Motion carried.

B. 125/135 Crabapple Lane Sewer Lift Station Project Approval

Tingley recapped the project, including the de-watering discussion. Tingley outlined cost saving areas, including savings on projects and cancelling a purchase of a new Planer Milling Attachment in 2019.

Jennings commended Tingley for his work on the project.

LaBelle and Tingley discussed the project totals.

De La Vega proposed that if de-watering was not needed, funds be put back toward the purchase of a planer.

Anderson made a motion to approve the quote from Parrott Contracting for the Lift Station upgrade at 125 and 135 Crabapple Lane not to exceed amount of \$69,450.00. Jennings seconded the motion. Ayes 5. Motion carried.

Anderson moved to approve the Supplement to the Infrastructure Installation Agreement. Jennings seconded the motion. Ayes 5. Motion carried.

9. NEW BUSINESS

A. First Reading – Ordinance 19-04, Section 910, Parking Requirements

Tingley gave an overview of the updates to Section 910, including clarifying special event parking and giving authority to the City Administrator to approve parking related to approved building permits.

Tingley thanked Biggerstaff for drafting the document.

De La Vega noted his support for the changes.

Anderson moved to forgo the second reading of draft Ordinance 19-04, Chapter

IX, Section 910 Traffic Regulations. Jennings seconded the motion. Ayes 5. Motion carried.

Anderson moved to adopt Ordinance 19—04, amending Chapter IX, Section 910 Traffic Regulations. Jennings seconded the motion. Ayes 5. Motion carried.

Anderson moved to approve Resolution 19-18 authorizing summary publication of the Ordinance amending Chapter IX, Section 910, Traffic Regulations. Ayes – Ansari, LaBelle, Jennings, Anderson, De La Vega. Motion carried.

B. Wekota Park Basketball Court Resurfacing

Tingley noted that the tennis courts were resurfaced in the previous year and it was split into two. Tingley noted the low bid was from Surface PRO at \$3,750.00.

Tingley, Bowman and De La Vega discussed the contractor and budget.

De La Vega and Bowman discussed the cracks on the tennis court.

Anderson made a motion to approve the quote from Surface PRO for \$3,750.00 to resurface the Wekota Park Basketball Court. Ansari seconded the motion. Ayes- 5. Motion carried.

10. MATTERS FROM THE FLOOR

None.

11. REPORTS

A. Administrator's Report –

Tingley explained that the auditor will attend the May 28th Council meeting and John will be meeting with him prior to the meeting.

Tingley noted that the VAC truck had arrived and was being stored at the City of Excelsior.

Tingley noted that he heard from Hennepin County and that the grant will be reviewed May 21.

Tingley explained that speed bumps are being installed along Birch Bluff Road and Pleasant Avenue. Tingley noted some calls came in regarding placement and the feedback was being saved for the following year.

Tingley noted that Minnetonka Community Education, the sponsor of Tour De Tonka, emailed him and stated their concern about the speed bumps and requested they are moved for the event. Tingley noted that the Police Department also shared concerns. The two options would be to reroute the race or have Public Works remove them temporarily.

LaBelle, Anderson, De La Vega and Tingley discussed the options.

De La Vega noted that he doesn't support spending money on temporarily removing the speed bumps for the event.

Tingley noted that in the Planned Unit Development (PUD) Ordinance, Section 1006, a 4/5ths vote from the Council is needed to approve a PUD, but that this may not hold up if challenged. Biggerstaff provided more background on the Ordinance and that the Council should follow precedent of a majority vote to approve land use applications.

De La Vega, Biggerstaff and Tingley discussed changing the Ordinance in the future.

Tingley reminded Council to complete his one-year performance review.

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

C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling –
Ansari explained that Paint-a-Thon is June 8th at 10 AM. Tingley noted that Public Works will provide paint and that attendees are asked to bring paint rollers.

D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks –
Jennings provided an update on the Fire Department hiring process and explained that the Board was scheduled to meet on May 15 to interview the final Fire Chief candidates.

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 thanked staff for their work on the Wekota Park event that was well-

attended.

Ansari said Oksana Carlier did a good job pulling the event together.

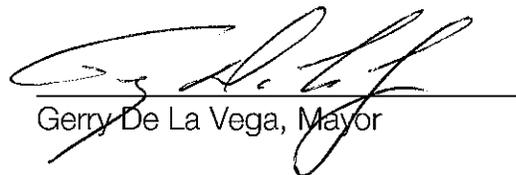
De La Vega noted that the Police and Fire Departments were present, Joey Nova's provided food and the event is getting better every year.

De La Vega noted that he asked Jabbour to attend and start the discussion regarding the pending legislation effecting the LMCD.

Tingley, LaBelle, Anderson, Jennings, Ansari and De La Vega discussed the legislation and the role of the LMCD,

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 9:01 p.m. Jennings seconded the motion. Ayes 5. Motion carried.



Gerry De La Vega, Mayor

Attest:



John Tingley, City Administrator/City Clerk