

ITEM NO. 4A

APPROVED MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING September 10, 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 Ansari, LaBelle and Jennings. Also present were Public Works Superintendent Bowman, Deputy City Clerk Maher and City Attorney Biggerstaff.

Absent: Councilmember Anderson.

3. **APPROVAL OF AGENDA**

LaBelle moved to approve the agenda as submitted. Jennings seconded the motion. Ayes 4. Motion carried.

4. **CONSENT AGENDA**

Jennings moved to approve the following consent agenda items:

A. Regular Meeting Minutes of August 27, 2019

B. Budget Work Session Minutes of August 27, 2019

C. Resolution 19-43 – Approving 20 Woodlane Street Side Yard Setback Variance

D. Resolution 19-44 – 95/105 Clay Cliffe Drive Simple Subdivision Request

Ansari seconded the motion. Ayes 3. Abstain: LaBelle. Motion carried.

5. **MATTERS FROM THE FLOOR**

None.

6. **SPECIAL BUSINESS**

None.

7. **PUBLIC HEARINGS**

A. 120 Sunrise Avenue - Vacation/Variance Requests

Biggerstaff explained the vacation request submitted by James and Christine Erdahl, property owners at 120 Sunrise Avenue and Terri Biedler, property owner at 110 Sunrise Avenue. The vacation request was for a notch of existing right-of-way

adjacent to the property at 120 Sunrise Avenue. Biggerstaff noted a typographical error but that the parties agreed on the correct language.

De La Vega noted he did not have any concerns.

De La Vega opened the public hearing.

De La Vega closed the public hearing.

Jennings moved to adopt Resolution 19-45, a resolution vacating certain public right-of-way located within the City of Tonka Bay pending confirmation of the legal descriptions. Ansari seconded the motion. Ayes 4. Motion carried.

Ramler-Olson presented on the variance and CUP requests at 120 Sunrise Avenue as part of a project to rebuild the driveway. Ramler-Olson detailed existing conditions and noted the East side yard setback variance request complied with all statutory requirements and city tests. Staff found that the CUP requests complied with statutory requirements. Ramler-Olson reviewed engineering considerations and noted staff recommended approval of the requests.

De La Vega and Priesler discussed the Shoreland Impact Plan.

De La Vega opened the public hearing.

De La Vega closed the public hearing.

Jennings, LaBelle and Ansari noted support of the project.

Jennings moved to direct staff to prepare a resolution of approval for the requested variance for the existing attached garage to encroach 8 inches into the east side setback at the property located at 120 Sunrise Avenue based on the findings of fact listed in the report a-i with recommended conditions 1-8. Ansari seconded the motion. Ayes 4. Motion carried.

LaBelle moved to direct staff to prepare a resolution of approval for the requested conditional use permit to allow a FAR up to 0.41 on a lot within the R-1B District where the maximum is 0.30 at the property located at 120 Sunrise Avenue based on the findings of fact a-g listed in the report and recommended conditions 1-7. Ansari seconded the motion. Ayes 4. Motion carried.

Jennings moved to direct staff to prepare a resolution of approval for the requested conditional use permit to allow the existing hardcover amount of 42.63 percent at the property located at 120 Sunrise Avenue based on the findings of fact listed in the report a-g along with recommended conditions 1-8. Ansari seconded the motion. Ayes 4. Motion carried.

B. 40 Old Orchard Lane - Variance Requests

Ramler-Olson presented on the variance requests at 40 Old Orchard Lane as part of a larger project to remove existing stairs, deck and retaining wall, restore the bluff, add new stairs, rails, deck and landing and to expand the accessory structure. Ramler-Olson noted there were nine approvals required and detailed existing and proposed conditions along with evaluating the consistency of requests with statutory requirements and city tests. Ramler-Olson detailed engineering considerations, noting the bluff restoration is an improvement to existing conditions.

Staff recommended denial of the variance to allow expansion and intensification of the non-conforming lakeside accessory structure and denial of the variance to allow more than one accessory structure on a lot. Staff recommended approval of the remaining variances.

De La Vega noted he had a business relationship with the contractor Outdoor Escapes but that he did not have a financial interest in the project.

Ansari, De La Vega, Ramler-Olson, Priesler and LaBelle discussed accessory structure definition and utilities.

De La Vega opened the public hearing.

Jason Cornelius, 40 Old Orchard Lane, thanked Council for their patience on the complex application and presented on the project background and history of the lot along with providing a historical photo of the property. Cornelius noted they were hoping to make a safe descent to the lakeshore, to remove part of the wooded area and create a more natural look along with making sure the hillside stayed stable. Cornelius introduced the contractors involved in the project.

John Daly with Revision, LLC from Wayzata explained that the project was a few years in and that their goal was to refer to this as a restoration project. He noted the project aimed to address a major safety concern in getting down to the lakeside and in restoring the accessory structure. Daly explained that the structure played a vital role in the overall planning of the project. Daly explained the plan with regards to the

structure and the pitched roof.

De La Vega asked about the steps and replacement materials.

Drew Torrence with Outdoor Escapes explained the stairs would be wood steps.

De La Vega, Torrence and Cornelius discussed the project and accessory structure.

Kathy Alexander, the design contractor from the project, from Wayzata, noted that the existing structure was falling apart and noted the width and dept were not expanded along with explaining more of the project.

Ramler-Olson noted the height of the accessory structure was expanding a nonconformity and detailed state statute related to the expansion.

De La Vega closed the public hearing.

LaBelle noted that Council wanted to work with residents to stabilize the shoreline and allow safe lake access but explained the Council had not ever increased nonconformance on the lakeshore. LaBelle was not in support of the expansion of the second accessory structure.

Jennings noted that he was in support of the project and explained his reasons including that the structure was on a hill.

Jennings, De La Vega and Biggerstaff discussed the Council's options related to the project.

Ansari, Cornelius and De La Vega discussed the structure's relevance to the neighboring properties.

De La Vega, LaBelle and Preisler discussed the accessory structure and retaining walls.

De La Vega asked the applicants if they had considered other solutions.

Daly and De La Vega discussed the project, different solutions and accessory structures.

De La Vega and LaBelle discussed the accessory structure.

Hanz Freeze, President of Outdoor Escapes noted that other solutions had been explored such as tiered retaining walls, but they would require extensive excavation and considerations.

De La Vega, Alexander and LaBelle discussed the reasoning behind the roof.

Ramler-Olson noted that an additional consideration was an intensification of use.

De La Vega, Cornelius and Ansari discussed the intensification of use and retaining walls.

De La Vega, LaBelle, Priesler, Biggerstaff, Jennings and Ansari discussed the roof height change.

Jennings moved to direct staff to prepare a resolution of approval for the requested variance allowing expansion and intensification of a legal, non-conforming accessory structure at the property located at 40 Old Orchard Lane based on the findings of fact listed in the report a-i and recommended conditions 1-7. Ansari seconded the motion.

Biggerstaff noted that it would be the positive rather than the negative of the conditions listed.

Jennings amended the motion. Ansari seconded the amended motion. Ayes 3. Nays 1. Motion carried.

Jennings moved to direct staff to prepare an amended resolution of approval to allow continuance of a second accessory structure at the property located at 40 Old Orchard Lane based on the findings of fact listed in the report a-f and recommended conditions 1-7. Ansari seconded the motion. Ayes 4. Motion carried.

Ramler-Olson noted a language change suggested for the third motion.

Jennings moved to direct staff to prepare a resolution of approval for the requested variances to allow (1) encroachments by an accessory structure, deck, stairs, and landing into the riparian setback, (2) encroachments of an accessory structure, deck, stairs, and landing into the bluff impact zone, (3) impervious surface of boulder retaining walls, an accessory structure, deck,

stairs, and landing in the riparian setback (4) excessive landing size, and (5) slopes in excess of 30 percent at the property located at 40 Old Orchard Lane based on the findings of fact listed in the report a-i and recommended conditions 1-7. Ansari seconded. Ayes 4. Motion carried.

8. OLD BUSINESS

A. Tonka Village Concept Re-Design – 5609 Manitou Road

Erin Perdu with WSB presented on the updated Tonka Village Concept Re-Design at 5609 Manitou Road. Perdu noted staff determined the new plan was different enough that the new concept plan would need to be re-approved.

Perdu noted the reason for redesign was to avoid utility easement with the City of Shorewood.

Tony Kuechle with Doran development and from Bloomington detailed background on the project. Kuechle noted that in a meeting with Shorewood to discuss the easement, Shorewood city staff said there would be no issues as it meets their requirements. Kuechle explained that in a second meeting with Shorewood city staff that staff said they would not be able to come in front of Council until October or November and suggested they work around the easement and noted traffic concerns.

De La Vega, Kuechle, Perdu and Biggerstaff discussed the project, easement and next steps. De La Vega requested Kuechle go before Shorewood City Council with the easement request and Kuechle agreed.

B. Water Treatment Plant Project Update

Priesler provided an update on the Water Plant Improvement project while Bowman presented photos. Priesler explained the background of the project and noted that the substantial completion date was scheduled for November 15, 2019 with a final completion date of December 13, 2019.

De La Vega and Priesler discussed the project and clarifier corrosion.

Priesler detailed the progress and activities that remained. Priesler noted that there were no changes requested to the contract amount, but that clarifier work would add a 7-day extension. Priesler noted an added cost for a larger meter on the water treatment plant.

LaBelle, Priesler, De La Vega and Bowman discussed the project.

C. Picnic Tables and Park Benches

Bowman noted that City Council approved picnic tables and park benches for 2019 in the amount of \$8,000.00 coming from 409 CIP Fund for 2019 and the following four years.

Bowman suggested beginning installing the tables and benches at Wekota Park since there was no plan for where to install first. Bowman recommended going with Midwest Playscapes for the benches.

De La Vega and Bowman discussed the contractors, quotes and future funding.

Ansari asked if the Parks and Landscape Committee could review the benches and tables for colors and the Council agreed.

Jennings, LaBelle, Ansari, Bowman and De La Vega discussed the benches and tables, budget and colors and progress on park projects.

9. NEW BUSINESS

A. Hire New City Administrator

De La Vega explained that four candidates were interviewed by Mayor De La Vega and Councilmember Jennings.

De La Vega and Jennings discussed the progress and next steps.

LaBelle and Ansari agreed to be part of the second-round interviews.

Maher agreed to notify candidates and schedule interviews.

10. MATTERS FROM THE FLOOR

11. REPORTS

A. Administrator's Report –

Carlier updated that the Wekota Park project was still in progress as stakes were being re-ordered.

Bowman and De La Vega discussed the project.

B. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology –
Absent.

- C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling –
Ansari thanked Council for allowing the Parks and Landscape Committee involvement and thanked Bowman for the information regarding Wekota Park.

De La Vega requested a date to be set for the Ribbon Cutting once the stakes were in.

De La Vega and Ansari discussed the LMCD.

- D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks –
Jennings explained he was going to work with city staff to schedule a meeting regarding the docks to check in and get feedback after the first year of dock gate locks.

De La Vega and Biggerstaff discussed the dock ordinance.

- 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 –
No report.

12. CLOSED SESSION

LaBelle moved to go into closed session at 9:10. De La Vega noted it was pursuant to Minn. Stat. 13D.03 as the discussion constitutes a matter involving: Labor Negotiations.

The following persons were in attendance:

1. Gerry De La Vega, Mayor
2. Elli Ansari, Councilmember
3. Adam Jennings, Councilmember
4. Bill LaBelle, Councilmember
5. Oksana Maher, Deputy City Clerk
6. Andrew Biggerstaff, City Attorney

Ansari seconded the motion. Ayes 4. Motion carried.

De La Vega moved to adjourn the closed session at 9:25p.m. Ansari seconded

the motion. Ayes 4. Motion carried.

13. ADJOURNMENT

There being no further business, it was moved by to adjourn the meeting at 9:25 p.m. Ansari seconded the motion. Ayes 4. Motion carried.



Gerry De La Vega, Mayor

Attest:



Oksana Maher, City Clerk