

**APPROVED MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
August 28, 2018**

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, City Attorney Biggerstaff and City Engineer Preisler.

3. APPROVAL OF AGENDA

Anderson moved to approve the agenda as submitted. LaBelle seconded the motion. Ayes 5. Motion carried.

4. CONSENT AGENDA

Anderson moved to approve the following consent agenda items:

- A. Regular Meeting Minutes of August 15, 2018**
- B. Work Session Meeting Minutes of August 15, 2018**
- C. July Financial Report**

Ansari seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

None.

6. SPECIAL BUSINESS

None.

7. PUBLIC HEARINGS

- A. Amend Sections 1003 and 1004 -- Voting Requirements

Tingley discussed the voting requirements detailed in Zoning Code Sections 1003.01 and 1004.03 and the proposed amendments.

De La Vega and Biggerstaff discussed the proposed voting requirements in Section 1003.01 Subd. 11 and Subd. 12.

De La Vega opened the public hearing, hearing no comments De La Vega closed the public hearing.

Anderson moved to waive the second reading of Ordinance 2018-09 amending Sections 1003 and 1004 of the Tonka Bay Zoning Ordinance. Jennings seconded the motion. Ayes 5. Motion carried.

Anderson moved to approve Ordinance 2018-09 amending Section 1003 and 1004 of the Tonka Bay Zoning Ordinance. Jennings seconded the motion. Ayes 5. Motion carried.

Anderson moved adopt Resolution 18-30 approving ordinance summary for publication. LaBelle seconded the motion. Ayes – Anderson, Ansari, Jennings, LaBelle and De La Vega. Motion carried.

8. OLD BUSINESS

A. Amend Section 1130 – Nuisances

Tingley discussed the amendments to Section 1130 Nuisances.

The Council and Tingley discussed Section 1130.03 Subd. 11. Jennings expressed concern that as it is currently written, it appears that ornamental grasses would also be included as long grass/non-noxious weed. Tingley stated that the intent was to allow for planting of native prairie grasses and rain gardens in yards and to regulate turf grass and/or non-noxious weed height.

LaBelle and Tingley discussed how other cities regulate long grass.

Biggerstaff commented that the proposed wording is standard, and many cities utilize it.

De La Vega questioned whether Section 1130.03 Subd. 2 should be amended due to the increased use of outdoor decorative lighting, which may hang less than fifteen feet above the ground.

LaBelle asked if wire hanging over private or public property. Biggerstaff commented that the intent was for the health and safety of the public and applied to any type of wire.

De La Vega commented that the word 'page' is not correct in Section 1130.03 Subd. 5. The Council determined it should read 'passage'.

De La Vega suggested adding 'may' to the last sentence in Section 1130.04 Subd. 1, so that it would read 'the nuisance may be abated by the city'.

Anderson made a motion to table amending Section 1130 Nuisances ordinance. Jennings seconded the motion. Ayes 5. Motion carried.

Tingley stated that this would be presented to Council at the September 11, 2018 meeting.

9. NEW BUSINESS

A. Information Only – Visually-Impairing Elements Code Language

Tingley explained the proposed amendments to Section 1011.05 Visually Impairing Elements (VIE).

De La Vega asked for clarification regarding 1011.05 Subd. 2(b)(d)(5a). Tingley replied that the statement refers to the distance between trees rather than the height.

Jennings remarked that many residents may not be aware that there are specifications when replacing dead/fallen trees. Tingley explained that staff receives landscape notices from Gopher State One and he emails the VIE ordinance to the landscape contractor

De La Vega noted that pool fence height should be part of a fence ordinance discussion and not part of the VIE discussion. The Council and Tingley discussed pool fence height and what is required by Minnesota State Statute.

De La Vega inquired how it was to be demonstrated which vegetation was present prior to enacting the VIE. He also recommended exempting items which could be defined as VIE but which have not generated complaints or hindered sightlines. The Council discussed exemption and enforcement of VIE.

Biggerstaff explained about non-conforming rights; it was a constitutional issue and was based on the legal principle of something once was legal, the law changed making it illegal and thus, not punishing people because of the law change.

Tingley proposed re-examining the definition of VIE.

B. Petition – Woodpecker Ridge Road Weight Restriction

Tingley described the weight limit restriction on Woodpecker Ridge Road and the petition signed by Willow Woods Drive residents to move the weight limit restriction past Willow Woods Drive.

Jennings asked about the possibility of improving Woodpecker Ridge Road to allow for heavier vehicles. Preisler explained possible road improvement solutions and the reason for taking core samples from various locations on Woodpecker Ridge Road.

The Council and Preisler discussed the various elevations on Woodpecker Ridge Road and core samples.

Tingley told the Council that if the weight limit restriction was moved, trucks would have to back out due to the lack of a turnaround.

Jennings inquired about garbage haulers traveling on Woodpecker Ridge Road. Tingley answered they were exempt. Preisler stated that Bowman, the Public Works Superintendent, indicated garbage trucks were required to pick up garbage on Woodpecker Ridge Road before the rest of the City because the trucks would be empty.

Tingley noted that on Woodpecker Ridge Road, near Willow Woods Drive, there were areas of the street which may be increased in size for trucks to use as a turnaround.

Sharon Stillman, 30 Willow Woods Drive, stated that the residents on Willow Woods Drive requested the weight limit restriction be moved because it hinders deliveries to them. Furthermore, Willow Woods Drive should not be included in the weight limit restriction; it did not have similar issues as the portion of Woodpecker Ridge Road south of the fire lane. She also noted that garbage trucks back out, they do not turnaround and she is not aware of Willow Woods Drive ever flooding.

Judd Brackett, 125 Woodpecker Ridge Road, described the history of the portion of Woodpecker Ridge Road south of the fire lane. He also stated he is in favor of upgrading the street and does not view the weight restriction as an inconvenience.

The Council and Preisler discussed the construction previously done on Woodpecker Ridge Road and the possibility of improving the road.

LaBelle recapped the history of the weight restriction and the reason for protecting the portion of Woodpecker Ridge Road south of the fire lane. Moreover, the decision of the placement of the weight limit restriction sign was not done haphazardly. LaBelle commented he would be amenable to changing the location of the sign if a better solution was presented.

Jennings suggested to rename a portion of the road to minimize confusion if the weight limit restriction was moved.

Mike Danielson, 45 Willow Woods Drive, suggested issuing permits to trucks needing drive to Willow Woods Drive. He indicated that at the time of permit issue, it could be detailed by staff where it was permissible for the truck to drive.

Tingley stated that issuing a permit is a good idea; however, it would be difficult to administer because of limited staff. De La Vega commented that it would be an opportunity to educate the driver, but logistically it could be problematic for staff to enforce.

De La Vega and LaBelle discussed weight limits for other Tonka Bay city streets. Tingley mentioned that Woodpecker Ridge Road is the only City street with a year-round weight limit restriction.

The Council discussed the consequences of various solutions.

Tingley stated that Resolution 08-27 would have to be amended. He proposed adding pavement at the fire lane or at the end of Willow Woods Drive to allow for a turnaround and possibly placing an object which would narrow Woodpecker Ridge Road past the fire lane.

Biggerstaff stated that it was not standard practice to place a weight limit restriction sign approximately half way down the road because it reduces the opportunity trucks have to turnaround.

De La Vega stated he would like to move the weight limit restriction sign if there was a way to prevent trucks from driving on Woodpecker Ridge Road south of the fire lane.

De La Vega directed staff to research weight limit signage, truck turnaround options, begin discussions with residents on Woodpecker Ridge Road and determine an approximate number and cost for taking core samples along Woodpecker Ridge Road.

De La Vega and LaBelle acknowledged that the previous restoration and rehabilitation of Woodpecker Ridge Road south of the fire lane was costly. Therefore, that portion of Woodpecker Ridge Road should be protected and preserved from trucks weighing more than four ton per axle.

Tingley noted that at the September 11 Council meeting, there will be an opportunity to discuss adding money to the CIP for the study and road repair.

10. MATTERS FROM THE FLOOR

None.

11. REPORTS

A. Administrator's Report – Tingley updated the Council on the application status of the Hennepin County Youth Sports grant for new playground equipment for Wekota Park. He asked Council for suggestions regarding possible organizations the City may contact for partnership. De La Vega recommend NFL Play 60 and Minnetonka School District. Ansari noted the Auxiliary Club.

Tingley stated that Ansari contacted Jill Maki regarding the Welcome to Tonka Bay sign at the Pleasant Avenue/Birch Bluff Road intersection. Tingley relayed that Maki could create a sign. A design for the sign may be completed by the September 11 City Council meeting.

Tingley stated he was compiling a fact sheet of Lake Minnetonka LRT Trail crossing contact phone numbers. This information would be given to any person calling the City about the trail crossing.

Tingley informed the Council that staff was still inquiring on quotes for municipal dock gate locks.

Tingley commented on:

- Receiving quotes for dump trucks and the possibility of leasing one;
- Hennepin County Organics will be requiring curbside organic recycling in 2022, but communities less than 10,000 are exempt if a recycling drop off site was provided;
- The City's contract with Republic will be negotiated in 2022;
- That at the September 11 Council meeting there will be a public hearing for an On-Sale Liquor License for Country Club Lanes; and
- Possibly requiring a proof of insurance of municipal dock renters.

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

C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling – No report.

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 - No report.

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 8:49 p.m. Jennings seconded the motion. Ayes 5. Motion carried.



Gerry De La Vega, Mayor

Attest:



John Tingley, City Administrator/City Clerk