

**APPROVED MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
December 11, 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 Anderson, Public Works Superintendent Bowman and City Engineer Preisler.

3. APPROVAL OF AGENDA

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

4. CONSENT AGENDA

Anderson moved to approve the following consent agenda items:

- A. Regular Meeting Minutes of November 27, 2018; as amended by De La Vega: Page 3 Paragraph 4, 'drives' to 'guides'.**
- B. Work Session Meeting Minutes of November 27, 2018**
- C. Cancel December 25th, 2018 Council Meeting**
- D. Resolution 18-43 – Approving 2019 Polling Location**
- E. Resolution 18-44 – 25 West Point Avenue Variance Request**
- F. Resolution 18-45 – 25 West Point Avenue Conditional Use Permit Request**
- G. Financial Reports**

Ansari seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

Heidi Lietzke, 15 Northrup Avenue, expressed her opinion of the fence installation at 25 Northrup Avenue and summarized the history with her neighbor.

6. SPECIAL BUSINESS

- A. 2018 Lake Minnetonka Conservation District (LMCD) Update**
Gregg Thomas, Tonka Bay Representative for the Lake Minnetonka Conservation District (LMCD), updated the Council of LMCD's invasive weed harvesting program.

De La Vega and Thomas discussed that there were private companies which harvest invasive weeds on Lake Minnetonka.

De La Vega mentioned that a committee of stakeholders exist and inquired of the committee's opinion of invasive weed harvesting in Lake Minnetonka. Thomas indicated that the committee did not specify whether invasive weed harvesting should continue or halt.

De La Vega discussed a presentation he attended by a University of Minnesota research scientist regarding alternative invasive weed removal processes.

De La Vega stated that if the LMCD decided to try an alternate invasive weed removal method, there should be metrics in place to help determine the impact of that specific method.

De La Vega and Thomas discussed the City of Orono's resolution mandating the LMCD halt invasive weed harvesting on Lake Minnetonka.

Thomas described possible improvements to LMCD's invasive weed harvesting program.

De La Vega stressed that there are many organizations working separately towards improving Lake Minnetonka's invasive weed problem and that these organizations should be working together. Thomas agreed.

De La Vega and Thomas discussed various invasive weed harvesting funding sources.

Vickie Schleuning, Executive Director of the LMCD, discussed the current Lake Minnetonka ice thickness and ice safety precautions.

7. PUBLIC HEARINGS

A. 2019 Truth-in-Taxation Hearing/Approve 2019 Budget and Levy
Tingley discussed the 2019 budget process and the 2019 Tax Levy.

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

De La Vega noted that Public Safety was approximately 56% of the City's budget, the largest budgeted item.

Anderson moved to adopt Resolution 18-46 approving the 2019 budget and tax levy. Jennings seconded the motion. Ayes – Ansari, LaBelle, Anderson,

Jennings and De La Vega. Motion carried.

8. OLD BUSINESS

A. 2040 Comprehensive Plan Approval

Tingley discussed the history of the 2040 Comprehensive Plan and the remaining timeline of the approval process.

De La Vega commented on the 2040 Comprehensive Plan approval process.

LaBelle confirmed that the vision statement was amended. Tingley indicated it was amended.

Anderson moved to adopt Resolution 18-47 authorizing the submittal of the Tonka Bay 2040 Comprehensive Plan to the Metropolitan Council. Jennings seconded the motion. Ayes – Ansari, LaBelle, Jennings, Anderson and De La Vega. Motion carried.

B. Water Treatment Plant Financing Discussion w/David Drown Associates, Inc.

Tingley stated that the City was recently notified that it was eligible for a Minnesota Public Facilities Authority (PFA) loan and explained the loan process.

Shannon Sweeney, David Drown Associates, Inc., detailed the PFA loan program and its requirements.

Sweeney and De La Vega discussed the current interest rates.

Preisler described how a PFA loan could affect the water treatment plant improvement project timeline.

De La Vega questioned if the number of contractors bidding on the project may decrease due to the possible timeline change. Preisler did not think so and explained why.

LaBelle and Tingley discussed the step for applying for a PFA loan.

De La Vega and Preisler talked of the plan review process for a PFA loan.

De La Vega directed staff to apply for the PFA loan.

C. Manitou Parking Lot Discussion

Tingley summarized the previous discussions of the Manitou Park parking lot.

De La Vega inquired why Concept 3 cost less. Preisler answered that Concept 3 proposed the least amount of improvement to the parking lot; only seal coating and restriping, no addition of curb and gutter and the tree would not be removed.

Preisler explained Concepts 1 and 2.

De La Vega, Jennings and Preisler discussed the feasibility of the concepts.

De La Vega asked about the current number of parking spaces. Preisler stated that there were 77 parking spaces, four of which were designated handicapped parking.

De La Vega and Preisler discussed the ordinance compliance issues and remedies to the parking lot.

De La Vega commented that he did not want to reduce the number of parking spaces.

Jennings and Preisler talked of the parking spaces of the different concept plans and how slanted lines affect the number of parking spaces and the drive aisle.

Jennings indicated he favored Concept 1 but would like a rendering of it with slanted lines.

De La Vega asked Council's opinion of Concept 3. LaBelle stated that he does not prefer Concept 3 because it did not improve accessibility. De La Vega agreed.

Council and Preisler discussed the various reasons for improving the parking lot.

De La Vega, Tingley and Anderson discussed liability issues of the parking lot.

Preisler described that it was not necessary to increase the size of the parking lot to make it ADA compliant with current state statutes. LaBelle requested an illustration of the parking lot in ADA compliance. Preisler said he could create an illustration.

Jennings and De La Vega talked of the possible addition of trails and connecting with the LRT.

Preisler recapped that the Council would like to recondition the parking lot without curb and gutter.

Council and Preisler discussed the possible cost of reconditioning the parking lot. Preisler indicated he would amend the concept plans and costs and present to Council at a future meeting.

Ansari asked if the flooding of the smaller ball field could be addressed during the parking lot rehab. Preisler stated that the ball field would have to be rebuilt to resolve the flooding issue.

Jennings requested staff to determine the cost to revitalize the path to the playground. Preisler remarked that he would examine the path and present commendations at a future Council meeting.

De La Vega inquired of any funding sources for a path. Preisler replied that he would research any grant opportunities.

D. Municipal Dock Gate Locks

Tingley stated that the gate lock system was the same price regardless if it was a key fob or a key card system. However, key cards are less expensive than key fobs.

De La Vega asked if the key cards can be reprogrammed. Tingley answered yes.

Council and Tingley discussed the number of key cards assigned to each slip.

Anderson moved to approve the proposal from Bredemus Hardware Co., INC in the amount of \$6,640.00 for the dock gate locks. Ansari seconded the motion. Ayes 5. Motion carried.

9. **NEW BUSINESS**

A. Approve Purchase of Double Barrel Asphalt Roller

Tingley discussed the proposals for a double barrel asphalt roller.

Bowman described the double barrel asphalt roller and detailed the benefits of purchasing one.

LaBelle and Bowman discussed differences in the quote prices.

Anderson moved to approve the quote from RMS for the Volvo double barrel asphalt roller in the amount of \$23,500.00, after the \$3,000.00 trade-in. Jennings seconded the motion. Ayes 5. Motion carried.

B. Approve 2019 Liquor and Electronic Amusement Licenses Renewals

Tingley discussed the 2019 liquor and electronic amusement license renewals.

De La Vega and Tingley discussed various definitions of the different liquor licenses.

Anderson moved to adopt Resolution 18-48 for the approval of the 2019 liquor and electronic amusement licenses renewals. Ansari seconded the motion. Ayes – Ansari, LaBelle, Jennings, Anderson and De La Vega. Motion carried.

C. Fence Regulations Discussion, Section 1011.05.

Tingley recapped the various conversations which ensued after the fence installation at 25 Northrup Avenue. He also discussed that the fence regulation ordinance lacks guidance on visually impairing elements.

De La Vega did not think that the fence installation at 25 Northrup Avenue aligned with the spirit of the Visually Impairing Elements (VIE) code or the fence code. Furthermore, he asked the Council what could be changed in the fence code to preclude a future similar situation. LaBelle agreed and commented that perhaps a neighbor's consent requirement be added to the code. De La Vega suggested adding language pertaining to structures to the VIE code.

Tingley remarked that the setbacks specified in the fence code could mimic the setbacks specified for VIE.

Tingley, City Attorney Anderson and Council discussed the possibility of incorporating the neighbor's consent requirement into the code.

Tingley indicated he would add wording to the fence ordinance and provided possible wording examples.

Labelle questioned if the wording would apply to any fence. De La Vega responded that it would be applicable to riparian lots only.

Jennings inquired about the visual inspection conducted by staff. City Attorney Anderson commented that it could be argued that staff had too much discretion. Anderson also noted that a fence could be viewed as a private nuisance between the two property owners.

Ansari noted that a similar issue may arise when marsh or bog views are compromised. Tingley explained non-riparian lots do not have setbacks, but that height is specified.

Council, City Attorney Anderson and Tingley discussed fence height.

Council directed staff to present two language options regarding fencing on riparian lots at a future Council meeting; the options being a three-foot fence from the front of the house to the lake or a three-foot from the back of the house to the lake.

10. MATTERS FROM THE FLOOR

Ann Nelson, 4620 and 4650 Manitou Road, expressed her concern for safety and increased traffic due to the proposed development at Tonka Village Shopping Center. LaBelle noted that no building plans have been submitted. Jennings stated he had similar concerns. De La Vega commented that Hennepin County has jurisdiction of County Road 19, not Tonka Bay. Nelson, De La Vega and Tingley discussed speed monitoring signs.

Council discussed traffic concerns on County Road 19.

11. REPORTS

- A. Administrator's Report – Tingley updated the council of:
- The next Park Commission meeting is January 7 and listed agenda items;
 - Submittal of a tree canopy grant application to Hennepin County;
 - Lake Area Managers meeting discussions; and
 - Each Councilmember received a review form for his review.

Tingley indicated that he received correspondence from a resident regarding parking on Sunrise Avenue between Waseca Avenue and Lakeview Avenue. The correspondence described that snowplows miss his driveway because of cars continually parked in front of his house. Additionally, another resident concurred of the parking situation on Sunrise Avenue and was also concerned that a snowplow truck would not be able to safely navigate the road due to the parked cars. LaBelle suggested that the City could notify the resident not to park on the street; that due to

the narrowness of the road, safety vehicles and snowplows are unable to safely navigate that portion of the street. Council discussed parking on Sunrise Avenue.

Tingley explained that the City has been contacted by Sprint wanting to install fiberoptic cable in the antenna on the water tower and the adjoining 5609 Manitou Road property. However, there were easement discrepancies between Sprint's survey and Doran Development's survey of 5609 Manitou Road. He advised Sprint to contact the property owner of 5609 Manitou Road. Tingley also stated that Sprint has not submitted an application with the City.

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

C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling – Ansari thanked staff for the help at the Tree Lighting Ceremony.

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

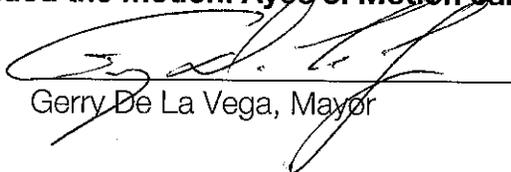
E. Bill LaBelle – Building Inspection, Municipal Buildings and Grounds – No report.

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 8:56 p.m. Jennings seconded the motion. Ayes 5. Motion carried.



Gerry De La Vega, Mayor

Attest:



John Tingley, City Administrator/City Clerk