

**APPROVED MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
November 13, 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, Public Works Superintendent Bowman, City Engineer Preisler, City Planner Perdu 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

Anderson moved to approve the following consent agenda items:

- A. Regular Meeting Minutes of October 23, 2018**
- B. Special Meeting Minutes of October 30, 2018**

Ansari seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

None.

6. SPECIAL BUSINESS

- A. Canvass 2018 General Election Results**

Tingley discussed the Tonka Bay 2018 General Election results.

Jennings moved to adopt Resolution 18-36 A Resolution Certifying the Local Results of the 2018 General Election. Ansari seconded the motion. Ayes – Anderson, Ansari, Jennings, LaBelle and De La Vega. Motion carried.

- B. State Senator Dave Osmeck**

Senator Dave Osmeck provided an update of various legislative issues.

Jennings, De La Vega and Osmeck discussed funding options for removal of aquatic invasive species in Lake Minnetonka.

C. Presentation of Preliminary Development Plans -- 5609 Manitou Road

Tingley discussed the preliminary development plans for 5609 Manitou Road.

Tony Kuechle, Doran Development, LLC, detailed the preliminary development plans at that site.

Jennings asked if the approved traffic study would also examine the intersection for Highway 7 and County Road 19. Kuechle explained that the traffic study does not include that intersection and specified the studied intersections. Preisler stated that specific traffic counts would not be taken at the Highway 7/County Road 19 intersection; however, the intersection would be part of a regional traffic model which could be used to determine the direction of traffic travel.

Ansari and Kuechle discussed the option of three-story versus four-story buildings.

De La Vega and Kuechle talked of the easement to the water tower.

Andrea Anderson, 20 Pleasant Lane West, commented on the lack of parking for the businesses in the preliminary plans. Kuechle answered that the presented parking satisfied the City Code requirements.

De La Vega and Kuechle discussed the access and use of parking near the proposed apartments/townhomes.

Jennings and Kuechle talked of the parking lot ratio, the current ratio and the anticipated ratio at the completion of construction.

The Council and Kuechle discussed the portion of the building to be demolished.

Dennis Nelson, 135 Mound Avenue, indicated he was concerned about the amount and speed of traffic on County Road 19.

Travis Van Neste, 85 Wildhurst Road, and Kuechle discussed the flow of traffic exiting onto County Road 19. Van Neste inquired if the 2030 Comprehensive Plan was amended to accommodate this project. Labelle stated no. De La Vega answered that the 2030 Comprehensive Plan was amended to address the potential redevelopment of the site and the proposal presented tonight was for preliminary proposes only. Jennings remarked that although the 2030 Comprehensive Plan was amended, that was not indicative of what may be built; that Council has final voting authority to approve or deny plans.

Cindy Kohman, 115 Brentwood Avenue, and De La Vega discussed the proposed hardcover. Kuechle described the proposed stormwater management. Kohman also asked about the lighting of the buildings. Kuechle stated that lighting would only be by the front door. Kohman and the Council discussed building height requirements.

Tingley asked if the water quality could be affected by the apartment complex being approximately 100 feet from the water tower. Preisler stated no and that the water pressure would remain good.

Kristin Viger, 60 Pleasant Avenue, and Kuechle discussed the one car per bedroom ratio and the traffic flow through the parking lot to Country Club Lanes.

Wendy Van Neste, 85 Wildhurst Road, asked how this development would help the City of Tonka Bay. Kuechle stated that it was anticipated to help support the remaining retail businesses in the Tonka Village Shopping Center and increase the City's tax base.

Jeff Wuensch, 90 Brentwood Avenue, stated he was concerned about parking and traffic.

Paige Kieffer, reporter for Sun Sailor newspaper, asked if the City of Tonka Bay would be partnering with the City of Shorewood to address the County Road 19 and Smithtown Road intersection since it affects both cities. Tingley stated that the intersection exiting the proposed development was discussed with the City of Shorewood.

LaBelle and De La Vega both agreed that the proposed development would allow an opportunity for residents who want to downsize and to stay in the community.

Brad Larson, 15 Bay Street, and Kuechle discussed the underground parking and the traffic study.

Perdu explained planned unit developments and the application process.

Ansari, De La Vega and Kuechle discussed the building exterior finishes.

7. PUBLIC HEARINGS

A. 85 Lakeview Variance Requests – 2nd Driveway Access and Fence
Tingley discussed the variance requests for 85 Lakeview Avenue.

Perdu explained the variance requests for 85 Lakeview Avenue.

Anderson recalled from a previous City Council meeting that a circular driveway was discussed; it was his impression that if the driveway was continuous, two driveway entrances were allowed. Perdu answered that there was discussion of circular driveways, the approved policy does not provide guidance for circular driveways and in the past Council has not allowed circular driveways. Tingley noted that there were houses in the City with driveways with two entrances, but the most recent one was approved in 2007, with the majority dating from the 1970's and 1980's.

De La Vega opened the public hearing at 8:23 p.m.

Christine and Dave Peterson, 85 Lakeview Avenue, provided to the Council hard copies of a slide show presentation. The Peterson's explained the reasons for the variance requests.

Hearing no further comments, De La Vega closed the public hearing at 8:45 p.m.

LaBelle noted that he was in favor of the fence variance and that there was sufficient space on the property to allow a turnaround parking pad rather than having a second driveway. Jennings agreed.

De La Vega inquired if the Peterson's submitted a permit for the second driveway prior to construction. Tingley answered no.

De La Vega asked the Peterson's if they had applied for a permit. Mr. Peterson answered no because it was under the hardcover maximum limit. Mrs. Peterson stated that the blocks were set on top of and not placed into the ground.

De La Vega stated that he agreed with staff's recommendations regarding the second driveway and the fence.

Anderson, De La Vega and Biggerstaff discussed the definition of a driveway.

Jennings moved to direct staff to prepare a resolution of denial for the requested second driveway and approval of the six-foot fence to be constructed at the property located at 85 Lakeview Avenue based on the findings of fact listed in the report a. through g. and the recommended conditions 1. through 5. LaBelle seconded the motion. Ayes - 4. Nays - Anderson. Motion carried.

B. 95 Crabapple Lane – Grade Modification and Front Yard Setback

Tingley discussed the variance requests for 95 Crabapple Lane. Additionally, the variance request for the minimum setback was withdrawn by the applicant.

Perdu explained the variance request for 95 Crabapple Lane.

LaBelle left at 8:52 p.m.

Tingley indicated that he provided Council with two letters he received from residents regarding the 95 Crabapple Lane variance request. He summarized the letters.

De La Vega opened the public hearing at 8:56 p.m.

David Ronald, 55 Crabapple Lane, discussed his apprehension with the proposed variance. The Council, Preisler and Perdu addressed his concerns.

Jerry Martin, 95 Crabapple Lane, stated why he wanted the variance, his correspondence with the Minnehaha Creek Watershed District and addressed Ronald's concerns.

Mitch Liftin, architect for the 95 Crabapple Lane project, spoke of the modification to the natural grading.

Albert Foster, 105 Crabapple Lane, described his concerns of the proposed plans.

Martin commented about the progress of the easements and spoke to Foster's concern about tree loss.

Hearing no further comments, De La Vega closed the public hearing at 9:29 p.m.

Jennings and De La Vega indicated they agreed with staff's recommendation of denial.

Ansari stated she was concerned with the loss of trees.

Anderson noted that the 60-day deadline was December 24, 2018 and if this application were to be denied, the applicant would have to restart the process again.

Anderson moved to table the variance request for 95 Crabapple Lane. Jennings seconded the motion. Ayes 4. LaBelle was absent. Motion carried.

Ansari requested that staff work closely with Martin. Tingley confirmed they would.

C. 295 Lakeview Avenue – Front Yard and Rear Yard Setbacks

Tingley discussed the variance requests for 295 Lakeview Avenue.

Perdu explained the variance requests for 295 Lakeview Avenue.

The Council and Perdu discussed the setbacks.

De La Vega opened the public hearing at 9:44 p.m.

Bill Costello, Elevations Homes, 18312 Minnetonka Boulevard, stated that the carport is not attached to the garage but to the house and stated that his client, Larry Holtz, would like to utilize the lot as much as possible.

Hearing no further comments, De La Vega closed the public hearing at 9:45 p.m.

The Council commented that the neighbors wrote letters of support.

Anderson moved to direct staff to prepare a resolution of approval from the required front yard (riparian side) and rear yard setbacks for the new home to be constructed at the property located at 295 Lakeview Avenue based on the finding of fact the property will improve the current nonconformities. Jennings seconded the motion. Ayes 4. LaBelle was absent. Motion carried.

Anderson moved to take a recess at 9:50 p.m. Jennings seconded. Ayes 4. LaBelle was absent. Motion carried.

The Council reconvened at 9:57 p.m.

8. OLD BUSINESS

A. Proposal for Lime Pond Cleaning

The Council discussed accepting the proposal for cleaning the lime pond.

Anderson moved to enter into an agreement with Liztau Excavating, Inc. for the excavation and removal of lime by-product at a unit price of \$13,300 for 2018, \$14,000 for 2019 and \$14,700 for 2020. Ansari seconded. Ayes 4. LaBelle was absent. Motion carried.

9. NEW BUSINESS

A. Water Treatment Plant Plans and Advertisement for Bids

Preisler described the water treatment plant plans and advertisement for bids.

Jennings and Preisler discussed the time line for the advertisement for bids.

Anderson moved to accept Resolution 18-37 A Resolution Accepting the Water Treatment Plant Improvements Plans and Specifications and Ordering Advertisement for Bids. Jennings seconded the motion. Ayes – Anderson, Ansari, Jennings and De La Vega. LaBelle was absent. Motion carried.

B. 2018 Sewer Lining Plans and Advertisement for Bids

Preisler described the 2018 sewer lining plans and advertisement for bids.

Anderson moved to accept Resolution 18-38 A Resolution Accepting the 2018 Sewer Lining Project Plans and Specifications and Ordering Advertisement for Bids. Jennings seconded the motion. Ayes – Anderson, Ansari, Jennings and De La Vega. LaBelle was absent. Motion carried.

C. City Attorney Contract

Tingley discussed the proposed contract with Kennedy & Graven for municipal attorney services through 2020.

De La Vega stated that he was in favor of continuing the contract for two more years.

Anderson moved to renew the contract between the City of Tonka Bay and Kennedy & Graven for municipal attorney services through 2020. Ansari seconded the motion. Ayes 4. LaBelle was absent. Motion carried.

D. Municipal Dock Policy Update

Tingley discussed the amendments to the municipal dock policy.

The Council and Tingley discussed the proposed requirement of providing proof of insurance.

The Council stated that the policy was lacking information/guidance regarding the loss of an issued gate key fob.

De La Vega commented on the following:

- A date should be specified rather than using the arbitrary term 'reasonable timeframe' in Section 2 Subd. 3 and Section 4 Subd. 4 and suggested 30 days;
- The date the gate key fob must be returned should be denoted and suggested November 30;

- Additional Provision item a., the renter may cause damage to other areas of the marina, not just to the assigned dockage and recommended generalizing the statement; and
- Additional Provision item e., November 1 should be changed to November 30.

Jennings and De La Vega discussed the refunds mentioned on Section 2 Subd 4 and in Section 4 Subd. 5.

Jennings agreed that renters should be notified via email but was concerned of emails possibly delivered to junk folders. He recommended that after several email attempts have been made with no response, a certified letter could be sent.

The Council and Tingley discussed the rental priority of canoe/kayak rentals.

Jennings and Tingley spoke of how South Lake Minnetonka Police Department and Excelsior Fire District would gain access to the municipal docks in case of emergency.

Anderson moved to accept the Municipal Dock Rental Policy with additional amendments as discussed.

Jennings remarked that he would like to read the amended version prior to approving it. Tingley stated the amended policy would be brought to Council at the November 27 meeting.

10. MATTERS FROM THE FLOOR

None.

11. REPORTS

A. Administrator's Report – Tingley summarized the speed bump community meeting.

Tingley reminded the Council that:

- There was a Parks Committee meeting November 19 at 6:00 p.m.; and
- The next budget meeting was scheduled for November 27 at 6:00 p.m.

Tingley briefed the Council of the November 27 Council Meeting Agenda.

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

C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling – Ansari commented on the revival of the Parks Committee and the status of Arctic

Fever.

Ansari and Tingley discussed the remaining tasks for the Tree Lighting Ceremony on November 29 at 6:00 p.m.

D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks – Jennings recapped the community speed bump meeting.

Jennings stated that the Excelsior Fire District meeting was November 14 at 6:00 p.m. and everyone was welcome to attend.

E. Bill LaBelle – Building Inspection, Municipal Buildings and Grounds – Absent.

F. Attorney's Report – No report.

G. Gerry De La Vega – SLMPD, Administration, Public Works – De La Vega directed the Council to send him their review comments of the city administrator.

De La Vega told Bowman that the tennis court was cracked. Bowman said he would contact the installation company, but the cracks possibly were caused by the cold weather.

De La Vega reviewed the Lake Minnetonka Association Administrators and Mayors meeting he attended with Tingley and Gregg Thomas, City of Tonka Bay Lake Minnetonka Conservation District representative.

12. **ADJOURNMENT**

There being no further business, it was moved by Anderson to adjourn the meeting at 10:29 p.m. Ansari seconded the motion. Ayes 4. LaBelle was absent. Motion carried.

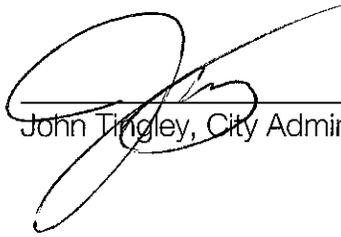


Gerry De La Vega, Mayor

Attest:

City of Tonka Bay
Regular City Council Meeting
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John Tingley, City Administrator/City Clerk