

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING March 12, 2013

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 (arrived at 7:15 p.m., Ansari, Clapp and Grothe. Also present were City Administrator Kohlmann, City Attorney Penberthy, and Public Works Superintendent Kluver.

3. APPROVAL OF AGENDA

Grothe moved to approve the agenda as submitted. Ansari seconded the motion. Ayes 4. Motion carried.

4. CONSENT AGENDA

Grothe moved to approve the consent agenda as presented approving the regular meeting minutes of February 26, 2013. Clapp seconded the motion. Ayes 4. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

A. Lake Minnetonka Association – Milfoil Treatment – Dick Osgood, Executive Director discussed plans for milfoil treatment including a brief background on the contributions and treatments to date. He stated the LMCD has created a Comprehensive Management Plan for future milfoil treatment which is in draft form at this point. He reviewed the proposed budget for this year. He noted there is \$15,000 remaining from last year for Gideons Bay. He requested funding, noting Tonka Bay contributed \$5,000 in 2012. He asked Tonka Bay to consider contributing more. De La Vega stated he was unfamiliar with the funding program and asked what the treatment cost would be for Gideons Bay. Osgood explained the funding process and segregation of funds for each bay. The estimated cost for this year is \$79,000. De La Vega asked how DNR grants are distributed among the bays. Osgood explained the grants from the DNR are designated to a particular bay. Clapp asked why the lagoon is not treated.

Osgood stated a pre-treatment delineation would be required and there is not much milfoil in the lagoon. He discussed the treatment process. Judd Brackett, bay captain for Gideons Bay also discussed the treatment process. He also discussed how Tonka Bay's contribution is used. Councilmembers discussed funding. De La Vega noted we have budgeted \$5,000 for the milfoil treatment this year. He preferred the amount be increased in the future as he believed this problem will not be going away.

7. PUBLIC HEARINGS

A. Conditional Use Permit Request – Chris/Alison Schmidt, 45 West Point Avenue – Kohlmann discussed the public hearing process for the benefit of those present in the audience. Kelsey Johnson, City Planner stated this request is for an amendment to the conditional use permit previously approved for an increase to the floor area ratio. She reviewed the property location and discussed lot size and zoning of the site. She reviewed the plan previously approved and the area which would be added. She noted there is no change to the amount of impervious surface on the site as a result. She stated building elevations will also remain the same. She stated the new floor area ratio will be .467%. She reviewed the findings for approval of the request. She recommended approval of the request. De La Vega opened the hearing for public comments. There were none. Grothe discussed his concerns about the two-foot overhang and the fireplace location in the setback. De La Vega recommended a workshop be held at some point to discuss floor area ratios. Kohlmann reviewed the resolution to be considered for approval. **Grothe moved to adopt:**

**RESOLUTION NO. 13-09
A RESOLUTION APPROVING AN AMENDMENT TO THE EXISTING CONDITIONAL
USE PERMIT TO ALLOW AN INCREASE TO THE FLOOR AREA RATIO
FOR CHRIS AND ALISON SCHMIDT
AT 45 WEST POINT AVENUE**

Based on the following findings of fact:

1. Granting the requested conditional use permit amendment will not impair an adequate supply of light and air to adjacent parcels.
2. Granting the requested conditional use permit amendment will not increase congestion in the public street. The use of the property as a single family home will stay the same and not increase congestion.
3. Granting the requested conditional use permit amendment will not increase the danger of fire or endanger the public safety.
4. Granting the requested conditional use permit amendment will not diminish or impair established property values in the neighborhood. The proposed reconstruction of the home should increase property values in the neighborhood.

5. Granting the requested conditional use permit amendment will not alter the essential character of the locality. The proposed home will fit in with other homes in the neighborhood.
6. The proposed use as a single-family home is a reasonable use for the property. It is how the property is zoned and it is how the property is currently used.
7. Granting the requested conditional use permit amendment will not result in an increase in impervious surface.

And subject to the following conditions:

1. The applicant shall obtain all necessary permits and approvals from the City of Tonka Bay and other applicable entities with jurisdiction prior to any construction. This includes, but shall not be limited to permits from the Minnehaha Creek Watershed District (MCWD) and the Lake Minnetonka Conservation District (LMCD).
2. The MCWD shall review and approve the final grading plans approved by the City Engineer prior to any work being authorized. Proof of MCWD approval shall be provided to the city prior to a building permit being authorized.
3. Silt fencing shall be shown on the building permit plans and shall be subject to review and approval by the City Engineer.
4. A sump pump inspection must be completed by the City of Tonka Bay prior to C.O. being issued.
5. A water meter inspection must be completed by the City of Tonka Bay prior to C.O. being issued.
6. Overhangs or eaves shall not project more than two (2) feet into a required yards. The Plans must be modified accordingly prior to issuance of a building permit. Construction shall follow the survey and plans as modified or as otherwise required to be updated by the City Engineer.
7. Building of structures shall not occur within any existing or proposed easements on the property.
8. The City Engineer shall inspect the property at the property owner's expense during the construction process to ensure on-going compliance with all engineering requirements.

Clapp seconded the motion. Ayes – Clapp, Grothe, Anderson, Ansari and De La Vega. Motion carried.

8. OLD BUSINESS

A. LMCC – Resolution Request – Kohlmann stated comments from the previous meeting were incorporated into a proposed resolution relating to the cable TV franchise. He noted it is similar to the one adopted by Greenwood. De La Vega discussed the purpose of the resolution and asked for the Council's input, if any. Anderson asked if we adopt the resolution, do they have to accept it? De La Vega confirmed it is the LMCC's discretion. Councilmembers discussed the purpose of the resolution. **Anderson moved to adopt:**

RESOLUTION NO. 13-10

A RESOLUTION IN SUPPORT OF EXCLUSIVE REPRESENTATION BY THE LAKE MINNETONKA COMMUNICATIONS COMMISSION IN CABLE TV FRANCHISE NEGOTIATIONS AND SUPPORT OF FRANCHISE FEE DISBURSEMENTS TO CITIES

Clapp seconded the motion. Ayes – Clapp, Grothe, Anderson, Ansari and De La Vega. Motion carried.

9. NEW BUSINESS

A. Linder's Temporary Seasonal Sales Permit – Tonka Village Shopping Center – Kohlmann reviewed the annual request for a temporary/seasonal sales permit for Linder's at Tonka Village Shopping Center. He noted there have not been any complaints about the use. Anderson asked if straw will be in place to direct drainage away from the bowling alley. It was noted it would be in place. **Anderson moved to approve the temporary/seasonal sales permit for Linder's at Tonka Village Shopping Center from April 8 through July 8. Ansari seconded the motion. Ayes 5. Motion carried.**

B. 2013 Marina License Renewals – Kohlmann reviewed the annual request for 2013 annual marina license renewals. He stated there were no issues discovered following recent inspections. Grothe asked if there have been any negative comments raised. Kohlmann stated he has not received any negative comments. Council discussed the boat club leases at the Caribbean. **Anderson moved to approve the 2013 marina license renewals. Clapp seconded the motion. Ayes 5. Motion carried.**

10. MATTERS FROM THE FLOOR

None

11. REPORTS

- A. Administrator – no report
- B. Anderson - Finance, Fire Lanes and Public Access, Technology – no report
- C. Ansari – EFD, Sanitation and Recycling, Southshore Community Center – Ansari noted the director of the Southshore Community Center is leaving. Discussions are underway regarding the replacement plans.
- D. Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC – no report
- E. Clapp - Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks – no report
- F. Attorney's Report – no report
- G. De La Vega - Public Works, SLMPD, Administration – no report

12. ADJOURNMENT

There being no further business, it was moved by to adjourn the meeting at 8:05 p.m. Ansari seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk