

## ITEM NO. 4A

### MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING July 26, 2016

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, Clapp and Grothe. Also present were City Administrator Crawford 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 July 12, 2016
- B. Accounts Payable
- C. Quarterly Building Report
- D. Resolution 16-25 - CUP – Drive Thru, MJM Properties, LLC, 5420 Manitou Road

Clapp seconded the motion. Ayes 5. Motion carried.

5. **MATTERS FROM THE FLOOR**

None

6. **SPECIAL BUSINESS**

A. **Receive CenterPoint Energy Community Partnership Grant**

Crawford stated staff has applied for a grant to purchase a 4-gas monitor necessary for use in confined areas during hazardous situations. CenterPoint Energy presented a check for this purchase.

Jen Stokes, CenterPoint Energy discussed the Community Partnership Grant Program which funds projects throughout the company's service area to purchase safety equipment. She presented a check for \$850 for the purchase of a 4-gas monitor.

Anderson moved to accept the check for the purchase of a 4-gas monitor. Clapp seconded the motion. Ayes 5. Motion carried.

**B. 2017 SLMPD Budget**

SLMPD Chief Meehan discussed the proposed 2017 SLMPD budget. He stated the Coordinating Committee was discussing the funding formula. He was present to answer any questions.

De La Vega stated the budget amount we are looking at included an allocation that could change. He stated the allocation is a projected amount. He stated the SLMPD resolution language would be changed to reflect a projected amount. He stated he would recommend approval of the resolution included in the packet.

Anderson moved to approve Resolution 16-27 approving the 2017 SLMPD budget as amended. Clapp seconded the motion. Ayes – Ansari, Anderson, Clapp, Grothe, and De La Vega. Motion carried.

**7. PUBLIC HEARINGS**

**A. Variances/CUP – Patrick Matre, 200 Birch Bluff Road**

Erin Perdu, City Planner reviewed the request for variances and CUPs to demolish an existing home and rebuild a new house. Variances would be required for lot width and area, setbacks, finished fill elevation buffer, and CUPs for floor area ratio and shoreland impact plan for impervious surface coverage. She reviewed a survey showing the existing conditions on the lot as well as a proposed survey. She discussed the proposed elevations and noted the location of an elevated walkway and reviewed the statutory requirements for approval of the variances requested.

Justin Messner, City Engineer discussed engineering review of the request as they related to the finished fill elevation buffer variance. He stated the home would need to be constructed above the floodplain elevation. The home would be constructed in such a way that flooding would come under the home. They would be required to obtain a grading and fill permit through the city and the MCWD.

Perdu reviewed the CUPs requested as they relate to City requirements.

Messner discussed the need for a shoreland impact plan which would address storm water runoff. A storm water maintenance agreement would also be required.

Perdu stated a letter was received from a neighbor who opposed the request.

Staff recommended approval of the requests and reviewed conditions for approval.

Grothe asked what the square footage and floor area ratio vs. the present home. Perdu reviewed the footprints of the existing vs. the proposed.

David Wagner, SALA Architects discussed plans for storm water management on the site. He stated building a basement would not be possible for this site. They intend to keep the home to a very modest scale.

Grothe asked for clarification of the square footage amount. Wagner reviewed the square footage amounts which would be a 3% increase over the existing home.

Grothe stated the house would be raised up for an elevated walkway. Wagner stated they proposed the house 2-1/2' above the floodplain to allow for good drainage. Wagner indicated the walkway would be part of the retention area.

De La Vega opened the hearing for public comments.

Brad Bloss, 210 Birch Bluff Road stated this property is a bit lower and he discussed his concerns about the runoff. Messner discussed the plan for infiltration on the site as well as sub-surface drainage. He explained the rain gardens are not designed to hold water for a long period of time.

Jim Price, 190 Birch Bluff Road was also concerned about drainage but loved the design as proposed.

De La Vega closed the public hearing.

Clapp stated he liked the plan and believed it was an improvement to the drainage.

Ansari asked what the plan would be for the cottonwood trees on the site. Patrick Matre, 200 Birch Bluff Road stated the trees would be replaced once they died.

Wagner discussed the layout of the garage and the elevated walkway on the site as it related to that of the neighbor's garage.

De La Vega stated the City Council tries to minimize the number of variances requested when a homeowner rebuilds. In essence, we are approving a legal, non-conforming property.

Grothe stated the garage meets the setback. He believed the elevated walkway could be adjusted down some. De La Vega stated it shows 5-6' feet of extension and he questioned why it was set out that much. They could still enter the house.

Wagner stated the hardship would be the property to the north is non-conforming and much closer to the street. The access to the front door would be challenging as a result. He discussed the intent to create a welcoming gesture to the home.

Following additional discussion, De La Vega indicated the walkway portion of the request could be tabled to allow for a new plan.

Grothe asked the applicant if they would be willing to reduce the walkway in order to move forward with this particular variance. Wagner stated he would prefer that option rather than tabling the request. He stated it could be brought back to half the size.

Clapp stated the applicants are asking for a 13' variance, and he would be comfortable with a 7' variance.

Anderson moved to direct staff to prepare Resolutions 16-28, 16-29 and 16-30 , as amended for the approval of variances and CUPs for 200 Birch Bluff Road. Clapp seconded the motion. Ayes 5. Motion carried.

## **8. OLD BUSINESS**

### **A. Electronic Payment Study**

Crawford reviewed the revised electronic payment study.

De La Vega agreed the City Council should look at it the next budget discussion.

Biggerstaff discussed the differences between credit/debit payments and ACH payments.

De La Vega stated he liked the concept but that we are seeing a lot of additional costs this year.

**9. NEW BUSINESS**

None

**10. MATTERS FROM THE FLOOR**

None

**11. REPORTS**

- A. **Administrator** – Crawford stated she and the City Attorney have been researching short term vacation rentals and asked for additional input from the City Council on whether they would want to regulate them as they related to a room or the entire house. De La Vega stated the resident who spoke at a previous meeting was looking at regulating entire houses. Councilmembers discussed vacation rentals. Biggerstaff stated the distinction would usually be thirty days or less. He was unaware of a city that created regulations for a transient situation such as the Ryder Cup. Grothe stated when a house becomes a hotel, that would be when it becomes an issue. Crawford asked if we would be looking at restricting rather than prohibiting the use. De La Vega agreed they should look into that. Crawford stated the revenue and expenditure reports are provided for the second quarter. She stated the Parks Committee meeting has been rescheduled to October 4. The blood drive is scheduled for August 9. The first budget work session will be held on August 10 prior to the City Council meeting.
- B. **Anderson – Finance, Fire Lanes and Public Access, Technology** – no report
- C. **Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – no report
- 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** – Biggerstaff reported the letter to Nextel has been mailed, and we are waiting for a response.
- G. **De La Vega – Public Works, SLMPD, Administration** – De La Vega stated we have received RFPs from three assessing services and asked for input from the City Council. Councilmembers discussed the various RFPs, suggested length of contracts, and services provided. De La Vega stated he preferred Southwest Assessing. **Anderson moved to direct staff to begin contract negotiations with Southwest Assessing. Ansari seconded the motion. Ayes 5. Motion carried.** A final contract would be brought back to a future City Council meeting.

**12. ADJOURNMENT**

There being no further business, it was moved by Anderson to adjourn the meeting at 8:14 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

---

Clerk