

**MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
January 9, 2007**

1. CALL TO ORDER

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 7:30 p.m.

2. ADOPT RESOLUTION APPOINTING NEW COUNCILMEMBER - LaBelle outlined the process used to find a person to fill the council vacancy. **Marceau moved to adopt Resolution 07-01 appointing Gerry De La Vega as the new councilmember. Folley seconded the motion. Ayes - LaBelle, Marceau, Folley and Tessness. Motion carried.**

3. OATH OF OFFICE - City Administrator Sandin administered the Oath of Office to Gerry De La Vega to fill the councilmember seat.

4. ROLL CALL

Members present were: Mayor LaBelle; Councilmembers Marceau, Folley, Tessness and De La Vega. Also present were City Administrator Sandin, City Attorney Penberthy, and Recording Secretary Link.

5. APPROVAL OF AGENDA

Marceau moved to approve the agenda as submitted. De La Vega seconded the motion. Ayes 5. Motion carried.

6. APPROVAL OF MINUTES - Regular Meeting - December 12, 2006

Marceau moved to approve the minutes of the regular meeting of December 12, 2006 as written. LaBelle seconded the motion. Ayes 2-0-3. New councilmembers abstained from the vote. Motion carried.

7. CONSENT AGENDA - Accounts Payable - Folley moved to approve the Consent Agenda as presented. De La Vega seconded the motion. Ayes 5. Motion carried.

8. MATTERS FROM THE FLOOR

A. Tracy Weathers, 410 Lakeview Avenue - asked for an update on an abandoned house on Sunrise Avenue. Sandin stated the owners have not made the city aware of their intentions. Weathers asked if glass is needed in the windows. Sandin stated the owners were told to secure and board up the house. Council could be asked to have the building, health, and fire inspectors visit the site. LaBelle stated the City would look into it.

9. **PUBLIC HEARING**

A. Continued Variance Request - Shari Fahey/Jason Dudek, 380 Lakeview Avenue - Sandin reviewed the request to add a garage. A previously proposed sidewalk has been removed as has an existing shed and a concrete patio. The setbacks have increased with the narrowing of the proposed garage. The garage has also been moved back. The second floor to the garage has also been removed. She reviewed the conditional use permit and variance requests. A gutter system and storm water garden were suggested by the City Engineer. Weathers stated the garage has been moved back so that a second story can never be built. LaBelle opened the hearing for public comments. He noted there are six variances proposed. There were no public comments. De La Vega asked if there is some percentage plus or minus that is used to accept a variance. LaBelle explained that each variance application must be considered on its own merit. He stated this lot has a hardship for lot size. Tessness stated he believed it would be a great addition to the neighborhood. Marceau stated the applicants haven't created the need for the variances. **Marceau moved to adopt Resolution 07-02 approving the variance requests subject to compliance with the engineer's report (storm water garden or infiltration basin in the northwest corner of the property, and the addition of a roof gutter system. Folley seconded the motion. Ayes - LaBelle, Folley, Tessness, Marceau, and De La Vega. Motion carried.**

B. Continued Conditional Use Permit Request - Shari Fahey/Jason Dudek - 380 Lakeview Avenue - LaBelle opened the hearing for public comments on the requested hardcover of 36.78% and FAR of 37.45%. There were none, and the hearing was closed. Folley noted the original hardcover and floor area ratio requests were much higher than what is now proposed. He saw a hardship because of the need for a garage. Tessness stated they have been reduced significantly. De La Vega asked if the floor area ratio includes second floors. LaBelle stated that it did. Marceau stated he favored the request because the applicants have reduced the square footage of the garage, moved it back from the rear setback, and have removed the second story garage. Folley asked if there had previously been a wetland in that area. Weathers stated there had not. He noted the previous city engineer was not concerned with the drainage in the garage area believing any water would dissipate before it got to the garage. LaBelle stated he is usually not in favor of a FAR in the 30's, but he didn't remember dealing with a lot so small before. He discussed the need for a garage, and he supported the request. **Folley moved to adopt Resolution 07-03 approving a conditional use permit for a floor area ratio of 37.45% and a hardcover not to exceed 36.78% subject to the engineer's comments.** Penberthy stated a variance would be required if the property owner wanted to add a second story at some point in the future. **Marceau seconded the motion. Ayes - LaBelle, De La Vega, Marceau, Folley and Tessness. Motion carried.**

Penberthy removed himself from the Council table. Matt Brokl joined the Council table for the Lauer public hearings.

C. Continued Conditional Use Permit Request - Tom/Mary Lauer, 305 Lakeview Avenue - Wussow reviewed the proposal noting side yard setbacks, rear yard setback (5' variance required). He noted a conditional use permit is required for the floor area ratio and hardcover. Variances are also required for lot area, lot width, zoning non-conforming, floodplain non-conforming, required fill, and lowest floor elevation (931.5). He reviewed information from the DNR which explains how the lowest floor elevation is determined. Wussow explained how the front setback was determined. He reviewed the floor plans noting a small decrease in the floor area ratio. Wussow discussed his concerns about the applicant's lowest floor elevations. He was concerned about making the determination without a set of plans. Marceau asked for an explanation of what a wing wall is. Wussow stated it is a short wall that is used to screen garbage cans or exist on its own. He also noted that it meets code. **Tom Lauer, 315 Lakeview Avenue** clarified the lowest floor elevation of the crawl space. LaBelle asked what is required. Wussow stated the requirement is to be 2' above the 931.5' elevation. Lauer gave a background on the previous conditional use permit requests and how the mass of the structure has been reduced. LaBelle opened the hearing for public comments. **Tracy Weathers, 410 Lakeview Avenue** discussed his concerns about the floor area ratio. He wondered if some of the floor area ratio could be removed. He was interested in clarification on how the Council views floor area ratio. There were no further comments. Lauer reviewed other properties with high floor area ratios, and he noted they were approved because there isn't an ability to build a basement. Lauer agreed with Weather's comment that the council needed to take a more universal approach to approvals in the future. Marceau stated he was concerned with the floor area ratio and suggested it be reduced. He believed the applicant was heading in the right direction. Lauer stated his main concern this time was to reduce the mass down. He asked the council to look at the reason the floor area ratio is where it is rather than the number. LaBelle asked if staff was satisfied with the elevation. Wussow stated he was not. If 931.5 were proposed as the crawl space elevation, he was concerned about the lack of a proper topography map. Proper information is needed. He stated average ground level determinations are also needed. Marceau suggested floor area ratio discussion be added to a proposed worksession. He believed the council would have a better understanding to review this application. **Marceau moved to continue the public hearing request to January 23, 2007. Folley seconded the motion. Ayes 5. Motion carried.**

D. Variance Request - Tom/Mary Lauer, 305 Lakeview Avenue - LaBelle opened the hearing for public comments. There were none. **Folley moved to continue the public hearing to the January 23, 2007 meeting. De La Vega seconded the motion. Ayes 5. Motion carried.**

E. Continued Public Hearing - Woodpecker Ridge Road Reconstruction - Sandin stated this is continued from the December 12 meeting. At that meeting, the Council stated they would like to schedule a workshop for further discussion. Some residents have submitted letters of support for the project. Sandin stated it would be a

non-televised public meeting. The 23rd of January at 6:00 p.m. was suggested. LaBelle opened the hearing for public comments. Penberthy suggested continuing the public hearing to the 6:00 p.m. meeting. Generally, public input is not taken at worksessions. LaBelle stated he would like public input at the worksession and continue the actual public hearing to the regular meeting. **Marceau moved to continue the public hearing to the regular January 23 meeting and to establish a worksession at 6:00 p.m. to discuss Woodpecker Ridge Road where public input will also be taken. Tessness seconded the motion. Ayes 5. Motion carried.**

10. **OLD BUSINESS**

A. Adopt Resolution Maintaining the Liquor Fund - Marceau moved to adopt Resolution 07-04 maintaining the liquor fund. De La Vega seconded the motion. De La Vega discussed his concerns about limiting the use of the liquor fund balance by defining it as an investment. He was concerned about what might happen if an emergency arose where the money might be needed. LaBelle stated the resolution can be rescinded at any time. **Ayes - LaBelle, De La Vega, Folley, Tessness and Marceau. Motion carried.**

B. Verizon Lease Termination Agreement - Sandin stated the antenna lease expires at the end of 2007, and Verizon has removed all their equipment and paid for 2007. De La Vega asked if an inspection has been done to assure satisfaction with the condition of the site following equipment removal. Sandin stated the Public Works Superintendent verified the site is in a satisfactory condition. **Folley moved to authorize Mayor and City Administrator to execute the termination agreement. De La Vega seconded the motion. Ayes 5. Motion carried.**

11. **NEW BUSINESS**

A. Adopt Resolution Approving 2007 Appointments - LaBelle stated he and Sandin have proposed the appointments for 2007. Marceau noted that his wife, Lora Marceau, is serving in the capacity as MCES representative for the city. Sandin noted a representative for the LMCC is needed. The EFD has requested that two people be appointed to the discussion panel regarding the funding formula. **De La Vega moved to adopt Resolution 07-05 approving 2007 appointments as amended. Marceau seconded the motion. Ayes - LaBelle, D, Folley, Tessness and Marceau. Motion carried.**

B. Adopt Resolution Approving 2007 Water and Sewer Connection Charges - Marceau moved to adopt Resolution 07-06 to approve the water and sewer connection charges. Folley seconded the motion. **Ayes all. Motion carried.**

12. **MATTERS FROM THE FLOOR**

A. Robert Bragg, 110 West Point Road - asked whether the worksession to discuss floor area ratio would be open to the public. He was assured it would.

13. REPORTS

Sandin - Sandin reported that the bonds for the public safety building refinancing will result in a reduction of \$700,000. The building permit activity report for 2006 was submitted for general information. She stated that a meeting will be held on Tuesday, January 16 at 6 p.m. to discuss an LRT trail crossing. The meeting is sponsored by Hennepin County and will be held at city hall. A list of 2007 meeting dates was included in the packet. Sandin suggested a worksession be held sometime in February to discuss goals and other administrative items.

Marceau - Marceau discussed the need for the council to learn more about floor area ratios. LaBelle stated it would also give the new planners to find out what our expectations are. He congratulated the mayor on his first evening.

Tessness - no report

Folley - thanked the Public Works department for the fine plowing job on New Year's Eve. The LMCC voted to raise cable fee an additional thirty cents.

De La Vega - no report

Attorney's Report - no report

LaBelle - Public Works and SLMPD - no report

14. ADJOURNMENT

There being no further business, it was moved by Marceau to adjourn the meeting at 9:06 p.m. Folley seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk