

**MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
April 10, 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. ROLL CALL

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

3. APPROVAL OF AGENDA

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

4. APPROVAL OF MINUTES - Regular Meeting - March 27, 2007

Marceau moved to approve the minutes of the regular meeting of March 27, 2007 as written. De La Vega seconded the motion. Ayes 5. Motion carried.

5. CONSENT AGENDA - Resolution 07-17, Accounts Payable, Adopt Resolution 07-19 Amending Resolution 07-05 - Official City Appointments

Marceau moved to approve the Consent Agenda. Folley seconded the motion. Ayes 5. Motion carried.

6. MATTERS FROM THE FLOOR

A. Kirk Bernhagen, 130 Sunrise Avenue - Bernhagen had concerns about the junk conditions at several properties in Tonka Bay. Properties included: 175 Tonka Bay Road, 110 Sunrise Avenue, 5 Waseca Avenue, and 95 Sunrise Avenue. He asked the City to do something other than send a letter to the property owner. He stated he is trying to sell his home with little success because of the condition of these properties.

B. Tracy Weathers, 410 Lakeview Avenue - Weathers was equally concerned about the junk conditions at 110 Sunrise Avenue and nothing being done to correct the situation. He was also concerned about the condition of 95 Sunrise Avenue which has been abandoned. LaBelle shared their concerns. He stated there is a process in place that the City Administrator and City Attorney have developed to follow up on the situations. He urged them to stay in touch with city staff. Marceau agreed the situation should be addressed. De La Vega stated property values can definitely be impacted, and he was interested in cleaning up where possible.

7. SPECIAL BUSINESS

A. EFD Capital Equipment Plan - Scott Gerber, EFD Fire Chief - Chief Gerber was present to give an overview the EFD's Capital Equipment Plan. He discussed the difficulty of planning twenty years in advance. He noted the plan was reviewed with the Operating Committee and EFD Board. Both have approved the plan.

He noted that four of the five cities have to approve the plan. He explained that the proposed plan addresses more kinds of equipment as well as financing for apparatus. He noted financing was not included in previous plans. A \$15,000 increase is proposed to be spread over the five cities. De La Vega stated it is important to note that the plan is reviewed annually. The numbers will be changed as financial costs related to purchases are determined. Two funds will be created - a building fund to help maintain the facility and a technology fund to upgrade and improve existing technology. Gerber noted the SLMPD is also proposing to create a building fund. Folley asked if the increase proposed is ten per cent. De La Vega stated it is important to keep in mind that two new funds are being created. Marceau appreciated that the replacement of an expensive engine would be delayed for four years and asked that more of this be done. Folley was concerned about the proposed costs for PCs. Gerber stated they would be fiscally responsible when the time comes. LaBelle asked what the major purchase in 2007 would be. Gerber stated that a new Engine 21 would be purchased in 2007, and the old one would remain. Folley asked if other cities have approved the plan. Gerber noted Excelsior and Greenwood have approved the plan. Shorewood and Deephaven have delayed their approval requesting additional information on technology. Folley was in favor of getting more information on technology purchases. LaBelle noted the Operating Committee recommended approval. De La Vega noted he also recommended approval. **Marceau moved to approve the Capital Equipment Plan as submitted subject to additional scrutiny of the technology budget. Tessness seconded the motion. Ayes 5. Motion carried.**

B. South Tonka Little League - Safety Improvements at Manitou Park - Sandin introduced Tim Beduhn from the South Tonka Little League who is proposing two safety improvements at Manitou Park. The organization would pay for the improvements. Improvements would include a PVC cover for the top of the fence and a tarp to cover the dugout areas. Penberthy has proposed that an interim use permit be issued for the 2007 season. Beduhn noted that the organization would be responsible for replacement and maintenance. Marceau was concerned that the fence topping would detract from the look of the park and asked if other options were considered. Beduhn stated that the other options were not a consideration. Marceau questioned whether the Park & Trail Committee should look at what is being proposed. De La Vega stated there might be other alternatives, but safety is an important consideration. He would support the proposal, but he would have to abstain from voting. **Folley moved to approve the gift and interim use permit for the 2007 season. Tessness seconded the motion. Ayes 3-1-1. Marceau voted against the motion. De La Vega abstained from voting. Motion carried.**

8. PUBLIC HEARING

A. Conditional Use Permit Request - Christopher/Katherine Moses, 25 Cedar Street - Sandin stated the applicant is requesting a CUP to allow a roof pitch over

45 degrees. **Ben Gozola, City Planner** reviewed the request. He stated the applicant has disagreed with the staff's interpretation of the existing code language. He clarified the code language by showing elevations with measurements to the top peak and building height. He stated the problem exists because of the roof pitch. He reviewed the criteria that must be met in order to approve this request. He recommended approval of the request. Tessness was concerned about whether there would be a safety issue with the steep roof line. He was satisfied with the roof because of the large distance between the roof and neighboring properties. LaBelle opened the hearing for public comments. There were none, and the hearing was closed. Marceau supported the request as did LaBelle. De La Vega asked if there were other functions of roofs that we might be overlooking. Tessness believed it is completely a safety issue. Folley supported the request. **Folley moved to adopt Resolution 07-20 approving the CUP request for a roof pitch over 45 degrees for Christopher and Katherine Moses, 25 Cedar Street, based on the following findings of fact and conclusions, and subject to the following conditions:**

FINDINGS OF FACT

- 1. The proposed roof pitch will not alter the character of the neighborhood in anything but a positive manner and will not be nonconforming to the Comprehensive Plan.**
- 2. The proposed roof pitch will be more compatible with present and future land uses in the area.**
- 3. The proposed roof pitch will be of nothing but a benefit to the surrounding properties. Requiring the applicant to conform to code would add mass to the structure and be counterproductive towards protecting surrounding properties from loss of light.**
- 4. The proposed roof configuration will have less impact on surrounding properties than would a standard roof configuration.**
- 5. The proposed roof pitch will not tend to or actually depreciate the area in which it is proposed.**
- 6. The existing home is currently utilizing city services and allowing a roof pitch in excess of 45 degrees will not impact the City's service capacity.**
- 7. Allowing the proposed roof pitch will actually decrease the potential solar access impact for surrounding property.**

CONCLUSIONS

1. The request satisfies all criteria outlined by code for the granting of such a request.
2. The proposed increase in roof pitch will not impact solar access to any of the surrounding properties and will actually decrease the potential impacts that could be created by a roof pitch of less than 45 degrees.

CONDITIONS

1. Authorization for a roof pitch in excess of 45 degrees is limited to structures less than 35' in height to the roof peak as measured from the average ground level.
2. The applicant shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any construction.
3. Construction to follow the building plans as submitted.
4. No construction shall occur within any existing easements on the property.

Tessness seconded the motion. Ayes - Tessness, Folley, Marceau, De La Vega and LaBelle. Motion carried.

9. **OLD BUSINESS**

None

10. **NEW BUSINESS**

A. Review 2007 Seal Coat Rock Quotes - Sandin reviewed quotes received for this year's seal coat rock. Martin Marietta Aggregate provided the low quote in the amount of \$12,675.00. The cost will be shared with the city of Shorewood and meets the amount budgeted. Tonka Bay's share would be \$6,780. LaBelle noted the cost is for the rock only and not the application of the rock. Sandin stated Kluver believed the amount is in line. De La Vega asked how the cost is calculated. It was noted Tonka Bay pays a percentage based on total street miles. **Marceau moved to approve the quote from Martin Marietta Aggregates in the amount of \$12,675.00 (Tonka Bay's share would be \$6,780). De La Vega seconded the motion. Ayes 5. Motion carried.**

B. Bookkeeper/Utility Billing Clerk - Sandin reported that Lori Mealey has accepted the position of Bookkeeper/Utility Billing Clerk. She will begin on April 16. **Tessness moved to approve the hiring of Lori Mealey at the rate of \$16.85 per hour. De La Vega seconded the motion. Ayes 5. Motion carried.**

C. Schedule Workshop with SLMPD - Chief Litsey would like to meet with the City Council on current services, other services that could be provided, and discussion

of current crime trends. He recommends May 8 prior to the City Council meeting at either 6:00 or 6:30 p.m. LaBelle suggested 6:30 p.m. **Marceau moved to schedule a workshop with Chief Litsey on Tuesday, May 8 at 6:30 p.m. Tessness seconded the motion. Ayes 5. Motion carried.**

11. MATTERS FROM THE FLOOR

A. Michael McDaid, 4436 Manitou Road - stated there was a watermain break in his area over the weekend. He was told by a neighbor that it happens all the time. He asked whether there was an infrastructure fund. LaBelle stated it is not a regular occurrence at this particular location. He stated the City has an incredibly well-maintained water system. He suggested he spend time with the Public Works Superintendent to get more information.

12. REPORTS

Sandin - Sandin stated the EFD would like to place the fire boat at the municipal dock for a short period of time this spring while a dock is constructed at their permanent location in Shorewood. Council concurred it would be okay. She also stated six residents on Woodpecker Ridge Road received certified letters requesting their docks be removed.

Marceau - Finance, Marinas - no report

Tessness - Buildings, Building Inspections, LMCD, Municipal Docks, Fire Lanes - no report

Folley - Animal Control, LMCC, Technology - no report

De La Vega - Excelsior Fire District, Parks, Sanitation, and Southshore Senior/Community Center - De La Vega reported the Parks & Trail Committee met for the first time. There was a good turnout and excellent discussion. Another meeting will be held on the first Tuesday of every month. The EFD Relief Association will give a presentation on their fund on April 25 at 6:00 p.m.

Attorney's Report - no report

LaBelle - Public Works and SLMPD - LaBelle will attend a quarterly SLMPD meeting tomorrow night.

12. ADJOURNMENT

There being no further business, it was moved by Marceau to adjourn the meeting at 8:42 p.m. Folley seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk