

ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING August 22, 2017

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 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:

B. Regular Meeting Minutes of August 8, 2017

C. Financial Report

D. Approve Revised Crescent Beach Agreement

Jennings seconded the motion. Ayes 5. Motion carried.

Anderson moved to approve the following consent agenda item:

A. Work Session Meeting Minutes of August 8, 2017.

Jennings seconded the motion. Ayes 4-0-1. LaBelle abstained from voting. Motion carried.

5. MATTERS FROM THE FLOOR

Wendy McMahon, 60 Wildhurst Road discussed her correspondence relating to the new landscaping requirements. She requested the City Council consider properties on the lakeside who live next door to a property with a pool.

De La Vega stated the City has not received any complaints about this in the past. He suggested working with the neighbors to work out a compromise. McMahon stated her landscaping would never comply with the new ordinance.

6. SPECIAL BUSINESS

None

7. PUBLIC HEARINGS

A. Variance/CUP Request – Spellman, 80 Interlachen Lane

Addison Lewis, Assistant City Planner, discussed the request for a variance and CUP to construct an addition. He discussed the lot area, lot width, and current setbacks. Lewis stated two CUPs are also requested for floor area ratio and impervious surface.

Lewis discussed the construction plans and building elevations. He reviewed the statutory requirements for approval of variances as well as City Code requirements for both the variances and CUPs. Staff did not recommend approval of the westerly side setback.

De La Vega opened the hearing for public comments.

Debra Spellman, applicant discussed the purpose of the cantilever feature.

LaBelle stated he couldn't recall ever allowing the expansion of a legal, non-conforming structure. He asked if there would be any way to change the plan. It was noted it could be moved, but the hardcover would be increased.

De La Vega stated the current CUP might also have to change. Crawford stated there would also be the potential for an increase to the floor area ratio, and the request could be tabled.

Spellman discussed options to the request and was willing to modify the plan.

Anderson moved to direct staff to prepare Resolution 17-28 for variances and Resolutions 17-29 for a CUP to allow 31.1% floor area ratio and Resolution 17-30 for a CUP to allow 42.7% impervious surface coverage. Jennings seconded the motion. Ayes 5. Motion carried.

Anderson moved to direct staff to prepare Resolution 17-31 to deny the requested variance for the side yard setback. LaBelle seconded the motion. Ayes 5. Motion carried.

B. Variance Request – Anderson, 4370 Manitou Road

Lewis reviewed the request for a variance request from the minimum lot size for 4370 Manitou Road to allow for construction of a single-family home. He reviewed the lot location. The hardcover approval can be done

administratively. He discussed the variance criteria which must be met to approve the request as well as City requirements.

De La Vega opened the hearing for public comments.

Tom B., JMS Custom Homes thanked the Council for their consideration.

De La Vega closed the hearing.

Anderson moved to direct staff to prepare Resolution 17-32. LaBelle seconded the motion. Ayes 5. Motion carried.

- C. Variance Request – Leighton, 5040 Manitou Road
Lewis noted this item can be continued to consider the entire request at the September meeting.

De La Vega opened the public hearing. There being no comments, he closed the hearing.

Anderson moved to table this hearing until the September 12 meeting. Jennings seconded the motion. Ayes 5. Motion carried.

8. OLD BUSINESS

- A. Short-Term Rental Ordinance
Crawford stated the draft ordinance provided is based on the Stillwater ordinance. She requested Council discussion and comments.

De La Vega stated there are two types of short-term rentals. He reviewed the hosted and unhosted options. He stated he would prefer the option where the home is the primary residence of the owner.

Council discussed situations where the property owner would be present.

Lewis stated it would be like a bed and breakfast business.

Council discussed whether the property should be homesteaded to guarantee the property owner will be living there six months and a day.

De La Vega asked if trust or LLC ownership would complicate this. Biggerstaff stated it could be researched.

LaBelle asked what the timetable would be for implementing the ordinance. Crawford stated that would be up to the Council to determine this. De La Vega stated it would be important to get this ordinance right before we move forward.

Council discussed building regulations. Jennings stated Spring Lake Park has a document that would be helpful.

Council discussed whether relatives and friends staying in a house for a snowbird would count as a Type A category.

Council reviewed setting limitations and requiring contact information on all renters and whether liability insurance should be required. Biggerstaff discussed homeowner's insurance requirements. He stated he would research options as they relate to the City. De La Vega suggested checking with the League and the City's exposure.

Council discussed the cap on the number of licenses allowed in the City at one time. De La Vega asked if we would maintain a waiting list for the next license if there are currently twenty. LaBelle stated he would be surprised if we had twenty requests. After further discussion, it was recommended the number be lowered to ten.

Council discussed license revocation. De La Vega suggested the revocation be for a one-year rather than six-month term.

Council discussed when neighbors should be notified of a revocation and the public hearing procedure. De La Vega suggested neighbors be notified when a neighbor is granted a temporary rental license, rather than before a revocation.

Council discussed limiting the number of guests based on the number of bedrooms plus one. LaBelle asked if a bedroom would be based on the State Building Code definition. Council discussed the definition. They agreed the guest limit was adequate.

Anderson asked whether children were considered the same head count as adults. De La Vega stated he had seen something where children under five were not counted.

Council discussed reporting requirements to the City. De La Vega stated he would like a report every time it is rented. Lewis suggested both types of rentals be required to provide the same reports.

Council discussed revocation fees for first, second, and third violations.

De La Vega asked what would happen to the current rental property if this ordinance were adopted. Biggerstaff stated the operation would not have legal, non-conforming status. He stated he would research this further.

Jennings suggested the type B license be limited to five rather than ten licenses. Ansari stated she would be comfortable with ten and would vote no on a decrease to five.

Jennings suggested property owners be required to provide a parking map to all those who rent their home. Council discussed parking requirements.

Council directed staff to revise the draft and bring back for review.

9. NEW BUSINESS

- A. Special Event Permit Application – Jennings for Congress Kick-Off
Crawford reviewed the request from Jennings for Congress for a kick-off event at Manitou Park on September 9. She noted the organization would have to work with the EFD on any tent inspections.

Anderson moved to approve the Jennings for Congress Kick-Off special event permit request at Manitou Park on September 9 from 10 a.m. to 2 p.m. Ansari seconded the motion. Ayes 4-0-1. Jennings abstained from voting. Motion carried.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

- A. Administrator's Report – Crawford stated Anderson, Ansari, and Jennings need to complete Board of Appeals training.
B. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology – no report
C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling, Southshore Community Center – no report
D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks – Jennings stated there have been four thefts recently from boats at the City docks. He

stated he wanted to revisit the idea of gate locks. De La Vega stated it would be discussed during the enterprise funds budget work session. Jennings suggested another survey be prepared. Crawford stated the survey should be sent out now. LaBelle asked for an update about the bog. Crawford stated removal may have been completed at this point.

- E. Bill LaBelle – Building Inspection, Municipal Buildings and Grounds – no report
- F. Attorney's Report – Biggerstaff stated the payment from Sprint has been approved at this point and should not take much longer to receive.
- G. Gerry De La Vega –SLMPD, Administration, Public Works – no report

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 8:48 p.m. Jennings seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk