



CITY COUNCIL REGULAR MEETING AGENDA

OCTOBER 11, 2022 – 7:00 pm

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONSENT AGENDA¹
 - A. City Council Work Session Minutes from September 27, 2022
 - B. City Council Regular Meeting Minutes from September 27, 2022
5. MATTERS FROM THE FLOOR² (*maximum time of five minutes per person*)
6. SPECIAL BUSINESS
 - A. None
7. PUBLIC HEARING
 - A. None
8. OLD BUSINESS
 - A. Resolution 22-37: Approving Floor Area Ratio Variance at 20 Bay Street
9. NEW BUSINESS
 - A. Accept Greg Thomas's Resignation from the LMCD Effective 12/31/2022
 - B. Cancel or Reschedule November 8th Council Work Session & Regular Meeting due to Election
10. MATTERS FROM THE FLOOR² (*maximum time of five minutes per person*)
11. REPORTS
 - A. Administrator's Report
 - B. Contract Staff Report(s)
 - C. Jeff Anderson: Finance, Fire Lanes and Public Access, Technology
 - D. Kristin Viger: Parks and Docks, Sanitation and Recycling
 - E. Kelly Wischmeier: Building Inspection, Municipal Buildings and Grounds
 - F. Tim Connelly: EFD, Commercial Marinas, LMCD
 - G. Adam Jennings: SLMPD, Administration, Public Works, Employee Advisory Board
12. ADJOURNMENT

All matters listed within the Consent Agenda are considered to be routine items to be enacted upon by one City Council motion. Items on the Consent Agenda are reviewed in total by the City Council and may be approved through one motion with no further discussion by the Council. Any item may be removed by any Council Member, staff member or person from the public for separate consideration.

²For individuals who wish to address the Council on subjects which are not a part of the meeting agenda. Typically, the Council will not take action on items presented at this time but will refer them to staff for review, action and/or recommendation for future Council action.

ITEM NO. 4A

**APPROVED MINUTES
TONKA BAY CITY COUNCIL
WORK SESSION
SEPTEMBER 27, 2022**

1. CALL TO ORDER

The work session was called to order at 6:04 pm.

2. ROLL CALL

Members present: Mayor Jennings and Councilmembers Anderson, Connelly, Viger and Wischmeier. Also present were City Administrator Tolsma and City Engineer Gadbois.

3. DISCUSSION TOPICS

Draft Budget & Preliminary Levy Discussion

The preliminary levy was discussed by looking at several individual property values and how raising the levy different percentages would affect each one. Potential projects that could be completed by raising the levy between ten and fifteen percent were also discussed.

Schedule Open House for Brentwood Area Project

Not discussed.

Miscellaneous

None.

4. ADJOURNMENT

There being no further business, Council moved on to the City Council meeting.

Adam Jennings, Mayor

Attest:

Rachel Myskevitz, City Clerk

**DRAFT MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
SEPTEMBER 27, 2022**

1. CALL TO ORDER

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 7:00pm.

2. ROLL CALL

Members present: Mayor Jennings, Councilmembers Anderson, Connelly, Viger and Wischmeier. Also present were City Administrator Dan Tolsma, City Engineer Adam Gadbois and City Planner Brandy Howe.

3. APPROVAL OF AGENDA

Anderson moved to approve the agenda. Connelly seconded the motion. Ayes: Anderson, Connelly, Viger, Wischmeier, Jennings. Motion carried.

4. CONSENT AGENDA

- A. City Council Work Session Minutes from August 23, 2022**
- B. City Council Work Session Minutes from September 13, 2022**
- C. City Council Regular Meeting Minutes from September 13, 2022**
- D. Resolution 22-34: Reimbursement Resolution for Anticipated Expenditures Associated with the Manitou Road Water Main Replacement Project**
- E. Resolution 22-35: Reimbursement Resolution for Anticipated Expenditures Associated with the Brentwood Area Street and Utilities Reconstruction Project**

Anderson moved to approve the consent agenda items A, B, C, D and E, amending item B to include Councilmember Viger's name in the third sentence on page 2. Connelly seconded the motion. Ayes: Anderson, Connelly, Viger, Wischmeier, Jennings. Motion carried.

5. MATTERS FROM THE FLOOR

None.

6. SPECIAL BUSINESS

None.

7. PUBLIC HEARINGS

A. 20 Bay Street Floor Area Ratio Variance Request

City Planner Howe gave a review of the variance request to allow an increase in floor area ratio from 0.30 to 0.352 at 20 Bay Street. Review of the building permit application found that the proposed new house met all zoning requirements with the exception of impervious surface coverage. The new site improvements yield a hardcover ratio of 30.16%, which exceeds the 25% limit but is less than the existing nonconformity of 30.23%. In reviewing the building permit application, staff looked at the project and site holistically and determined that the overall nonconformities were reduced to satisfaction, and thus a variance was not required for the hardcover nonconformity. The building permit was therefore issued, and construction has since begun on the new home. Since then, the applicant has modified their home plan slightly to move some interior walls and increase the ceiling height of those areas so that they now count as livable area and contribute toward the floor area ratio. This adjustment has resulted in a floor area ratio of 0.352 which exceeds the FAR of 0.30 that is allowed per the zoning ordinance. The applicants have therefore requested a variance to increase the allowable FAR. The proposed site improvements are consistent with the Comprehensive Plan residential designation for this site. The modified building plan does not substantially change the design or height of the structure and is not expected to negatively impact adjacent properties, endanger the public safety, increase congestion, or the alter the city's service capacity. The site improvements will increase the value of the property and will not be contrary to the intent of the zoning ordinance. Given the anticipated discussion on the variance criteria for this project, staff does not offer a recommendation. Councilmember Connelly asked for an explanation of Floor Area Ratio (FAR) and why it matters. City Administrator Tolsma replied that it is basically livable space.

Mayor Jennings opened the public hearing.

Robert Doerr of 40 Bay Street spoke in his support of the variance approval.

Mayor Jennings closed the public hearing.

Anderson moved to approve the variance request to allow increase in floor area ratio from 0.30 to 0.352 at 20 Bay Street. Connelly seconded the motion. Ayes: Anderson, Connelly, Viger, Wischmeier, Jennings. Motion carried.

8. OLD BUSINESS

None.

9. NEW BUSINESS

A. Resolution 22-36: Adopting Preliminary Tax Levy

Anderson moved to approve Resolution 22-36 Adopting preliminary 2023 tax levy General Fund of \$1,214,840.00 and Capital Improvement Funds of \$180,862.00 for total 2023 levy amount of \$1,395,702.00. Connelly seconded the motion. Ayes: Anderson, Connelly, Viger, Wischmeier, Jennings. Motion carried.

B. Establish Truth in Taxation Meeting Date & Time of December 13, 2022 at 7:00 pm

Anderson moved to approve the Truth and Taxation Meeting date and time of December 13, 2022 at 7:00 pm at Tonka Bay City Hall. Connelly seconded the motion. Ayes: Anderson, Connelly, Viger, Wischmeier, Jennings. Motion carried.

10. MATTERS FROM THE FLOOR

None.

11. REPORTS

A. Administrator's Report

No report.

B. Contract Staff Report(s)

City Engineer Gadbois spoke of the upcoming neighborhood meeting regarding the Brentwood Avenue street project he would like to have on October 19 starting at 5:30 pm.

C. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology

No report.

D. Kristin Viger – Parks and Docks, Sanitation and Recycling

Councilmember Viger spoke about the Park and Docks Commission meeting the just had the night before.

E. Kelly Wischmeier – Building Inspection, Municipal Building and Grounds

No report.

F. Tim Connelly – EFD, Commercial Marinas, LMCD

Councilmember Connelly spoke about EFD Open House October 6th, 2022. He notified the council that Gregg Thomas, the Chair and LMCD Tonka Bay representative was stepping down.

G. Adam Jennings – SLMPD, Administration, Public Works, Employee Advisory Board

Mayor Jennings spoke about the League of Women Voters candidate meet and greet event also happening October 6th at the Shorewood Community Center across the street from the fire station.

12. ADJOURNMENT

There being no further business, Anderson moved to adjourn the meeting at 7:33 pm. Connelly seconded the motion. Ayes: Anderson, Connelly, Viger, Wischmeier, Jennings. Motion carried.

Adam Jennings, Mayor

Attest:

Rachel Myskevitz, Deputy City Clerk

RESOLUTION NO. 22-37

**A RESOLUTION APPROVING
VARIANCES AT 20 BAY STREET
PID: 2811723440017**

WHEREAS, the City of Tonka Bay is a municipal corporation, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Tonka Bay (“City”) has adopted zoning regulations in the Tonka Bay City Code (“City Code”) to promote orderly development and utilization of land within the city; and

WHEREAS, VLADIMIR AND ANNA GOMELSKY (“Applicants”) applied for the following variances at 20 Bay Street which is legally described as follows; and

All of Lot 26 and that part of Lot 25, Manitou Harbor, and part of vacated Lafayette Avenue embraced within the following described tract: Beginning at the Southeast corner of Lot 26; thence Northwesterly along Southwesterly line of Lot 26 and 25 to a point therein, distant 105 feet Southeasterly of most Westerly corner of Lot 24 in Manitou Harbor, as measured along Southwesterly line of Lots 24 and 25; thence Northeasterly in a straight line to the shoreline of Lake Minnetonka, said straight line passes through a point 61.05 feet Southeasterly of most Northerly corner of Lot 24, as measured along a line drawn at a right angle to the Northwesterly line of Lot 24; thence Easterly along said shoreline to the Northerly extension of East line of Lot 26; thence Southerly along East line of Lot 26 and same extended to point of beginning, Tonka Bay, Hennepin County, Minnesota (“Property”)

WHEREAS, the Property is located within the R-1A zoning district and within the Shoreland Overlay District; and

WHEREAS, Brandy Howe, City Planner, issued a report to City Council dated September 27, 2022, that analyzed the request against the Comprehensive Plan and City Code; and

WHEREAS, the City Council held a public hearing and considered the application on September 27, 2022, and in consideration of the above-described requests, makes the following findings of fact:

1. The property in question meets the “practical difficulties” tests:
 - a. The Applicant intends to use the property in a reasonable manner not permitted in the City Code;
 - b. There are unique circumstances to the Property not created by the Applicants that create a practical difficulty; and
 - c. The variances, if granted, are not expected to alter the essential character of the locality.
2. The requested variances will not:
 - a. Impair an adequate supply of light and air to adjacent property;
 - b. Unreasonably increase the congestion in the public street;
 - c. Increase the danger of fire or endanger the public safety;
 - d. Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of the City Code;
 - e. Violate the intent and purpose of the Comprehensive Plan; or
 - f. Violate any of the terms or conditions of Section 1004.02, subd. 4 of the City Code.
3. In addition, the proposed improvements:

- a. Are in harmony with the general purpose and intent of the City Code;
- b. Are consistent with the Comprehensive Plan and will be compatible with present and future land uses of the area;
- c. Will not have an impact on the character of the surrounding area;
- d. Are reasonable for residential properties in the locality; and
- e. Can be accommodated with existing public services and will not overburden the City's service capacity.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approve the following request as shown on the plans provided by the Applicant:

Variance to allow an increase in floor area ratio from 0.30 to 0.352 at 20 Bay Street

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Applicant must meet the following conditions related to approval of the requests:

- 1. Construction shall occur in substantial conformance with the plans presented at the September 27, 2022, City Council meeting.
- 2. The Applicants must obtain all other permits as may be required.
- 3. The Applicants shall comply with all applicable federal, state, and local laws, rules, and ordinances.
- 4. The Applicants must adhere to and remain in compliance with the requirements of this Resolution, applicable performance standards, and such other requirements as may apply.
- 5. All conditions of the requests must be complied with, shall run with the land, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership of the Property.
- 6. This Resolution is subject to the condition that all representations, written and oral, made by the Applicants and their agents and representatives to the City contained in and concerning the Applicants' application for the requests must have been true, complete, and accurate at the time they were made, and that they remain true and accurate for the duration of the variance.
- 7. By undertaking the activities approved by the requests, the Applicants agree to all conditions.
- 8. Failure to comply with any conditions of this Resolution may result in its revocation.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 11th day of October 2022.

Motion introduced by _____ and seconded by _____.

Roll call vote:

Councilmember Wischmeier
 Councilmember Connelly
 Councilmember Anderson
 Councilmember Viger
 Mayor Jennings

 Adam Jennings, Mayor

ATTEST:

 Rachel Myskevitz, City Clerk

ITEM NO. 9A

RECEIVED

SEP 26 2022

CITY OF TONKA BAY

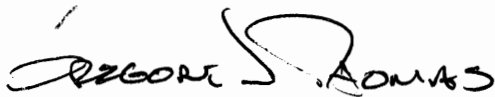
September 21, 2022

Adam Jennings, Mayor
Tim Connelly, Councilmember
Dan Tolsma, City Administrator
Tonka Bay City Hall
4901 Manitou Road
Tonka Bay, MN 55331

Mayor Jennings, Councilmember Connelly, and Mr. Tolsma:

I will be stepping down from my role as the City of Tonka Bay's representative on the Lake Minnetonka Conservation District's (LMCD) Board of Directors effective December 31, 2022, or earlier should you find someone else to serve prior to that date. I was appointed to this role by the City Council on September 23, 2014. It has been a privilege to support Lake Minnetonka and our community in this capacity.

Sincerely,



Gregory J. Thomas
50 Highland Avenue
Tonka Bay, MN 55331

cc. Vickie Schleuning, LMCD Executive Director
Troy Gilchrist, LMCD Civil Attorney