

**OFFICIAL MINUTES  
TONKA BAY CITY COUNCIL  
REGULAR MEETING  
June 23, 2015**

**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 Penberthy.

**3. APPROVAL OF AGENDA**

**Anderson moved to approve the agenda as submitted. Clapp seconded the motion. Ayes 5. Motion carried.**

**4. CONSENT AGENDA**

**Anderson moved to approve the consent agenda as presented approving:**

**A. Regular Meeting Minutes of June 9, 2015 – Item B, De La Vega stated we should monitor the planner’s performance closely. Page 5 of 8, second sentence, remove the sentence, “De La Vega stated the Shorewood option might be a violation of buffers”.**

**B. Public Works Summer Hours – moved to Old Business, Item 8C.**

**C. Financial Report**

**Ansari seconded the motion. Ayes 5. Motion carried.**

**5. MATTERS FROM THE FLOOR**

None

**6. SPECIAL BUSINESS**

**A. LMCD Update, 2016 Budget**

Gregg Thomas, LMCD Representative, gave an update on recent LMCD activities. His report included the following: denial of a request for a quiet water area, Save the Lake boater safety education for 12-17 year olds, AIS inspections, annual financial audit, addition of a dedicated Hennepin County Water Patrol officer during the summer, and results of a survey of stakeholders regarding satisfaction with the LMCD. He indicated the findings will be rolled into the strategic plan to address issues.

Clapp asked for clarification of the non-intoxicating malt liquor license for the

pedal boat approval. Nybeck stated it is for 3.2% sales which are required in order for people to bring their own alcohol.

Thomas stated the 2016 budget is proposed to be 10.4% lower than 2015. This will result in a levy decrease for Tonka Bay.

**Greg Nybeck, Executive Director** discussed program changes to watercraft inspection and a reduction in the milfoil harvesting program.

Council discussed LMCD salary adjustments.

**Anderson moved to adopt:**

**RESOLUTION NO. 15-10  
A RESOLUTION ADOPTING 2016 LMCD BUDGET**

**Grothe seconded the motion. Ayes – De La Vega, Ansari, Anderson, Clapp and Grothe. Motion carried.**

**B. Tour de Tonka**

A representative of Tour de Tonka presented the plans for this year's event and highlighted the success of the 2014 event.

**7. PUBLIC HEARINGS**

None

**8. OLD BUSINESS**

**A. MnWARN Membership**

Crawford stated this is a follow-up from the June 9<sup>th</sup> meeting relating to insurance. A resolution is provided for adoption.

**Anderson moved to adopt:**

**RESOLUTION NO. 15-11  
A RESOLUTION AUTHORIZING TONKA BAY TO BE A PARTY  
TO MINNESOTA WATER AGENCY RESPONSE NETWORK (MnWARN)**

**Grothe seconded the motion. Grothe asked Penberthy if there are any legal ramifications. Councilmembers discussed how other cities would be reimbursed. Penberthy stated he didn't see any outstanding issues.**

**The important thing for Tonka Bay is to make sure we are covered by LMCIT. Ayes – De La Vega, Ansari, Anderson, Clapp and Grothe. Motion carried.**

**B. Deer Feeding – Additional Information**

Crawford stated additional information has been provided from other cities on deer feeding from the cities of Duluth, Oakdale and St. Cloud.

Ansari stated Shorewood writes a letter to a resident in violation stating there is a \$300 fine. They rely on resident complaints to make them aware of those residents who are violating the ordinance.

Council members and Penberthy discussed wetland ordinance prohibitions which would relate to deer feeding. Penalties and the use of mediation as an alternative were also discussed.

De La Vega suggested the first step would be to enforce the current wetland ordinance and continue to move forward on crafting language for administrative procedures in order to get a global ordinance in place.

De La Vega suggested the ordinances provided be reviewed for language. Penberthy suggested the administrative procedure used by Shorewood also be reviewed.

**Dean Pierson, West Point Court** asked if Shorewood has taken any deer issues to court. Ansari stated it didn't appear that has ever been done.

Pierson asked how you determine where the wetland area is located. Penberthy stated the only way to find out is to have a wetland delineator.

Crawford stated she will need the address of the property in order to do a site inspection.

**C. Public Works Summer Hours**

Crawford stated this item was presented at the last Council meeting to change hours from five days a week to four 9-hour days and one 4-hour day. Anything over 9 hours would be overtime through Labor Day this summer. She stated there is some concern about staff using comp time on Fridays as had been originally discussed. She stated the way the policy is currently written, comp time could potentially be used every

Friday.

Penberthy suggested that under no circumstances would the employee be allowed to determine the comp time. The Public Works Superintendent would not allow comp time to be used on Fridays and would only allow it to be used after the overtime is earned. This could be done on a staff level in order to ensure there will be someone working on Fridays.

De La Vega stated he understood a motion to reconsider this item could be made. A second motion would be to bring a policy to the next meeting.

**Clapp moved to reconsider last meeting's motion to clarify comp time in the motion for Public Works summer hours. Grothe seconded the motion. Grothe asked for clarification of the overtime and comp time. Council members and staff discussed the designations. Ayes 5. Motion carried.**

**Clapp moved to bring this item back to the next Council meeting with a proposed policy. Grothe seconded the motion. Ayes 5. Motion carried.**

9. **NEW BUSINESS**

A. **City Hall Fence**

Crawford stated Clapp has asked that this item be placed on the meeting agenda so Council can discuss replacing the fence around the lime ponds at City Hall with something more attractive, durable and secure.

Clapp stated he is looking to replace the yellow area and the gate along County Road 19. He stated this will go a long way to making the City look better.

De La Vega stated he didn't know what kind of wooden gate would allow trucks to drive through. He asked if we are looking for something similar to what Excelsior currently has.

Clapp stated a little higher than the currently than what exists would work. He stated he would be okay with what Excelsior has done.

Clapp stated he could get some quotes for a fence. Crawford stated Bowman has been gathering information on prices already. She also

indicated the gate installation was around \$2,000.

Staff will gather information on this item.

**10. MATTERS FROM THE FLOOR**

None

**11. REPORTS**

- A. **Administrator** – Crawford stated it is time to think about the budget and updating the Comprehensive Plan. She asked the Council to start thinking about any community engagement we might want to do. The plan needs to be updated in 2018 and will extend through 2040. De La Vega asked if an entire rework is proposed. Crawford stated that is up to the City Council. She indicated she has also talked to WSB about an update. She will be attending an Emergency Management meeting in Corcoran. Interviews of applicants for the Police Chief begin next week.
- B. **Anderson – Finance, Fire Lanes and Public Access, Technology** – no report
- C. **Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – Ansari attended an EFD budget meeting. De La Vega stated he attended the meeting as well and had many of his questions answered.
- D. **Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC** – no report
- E. **Clapp – Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks** – Clapp stated information was sent out about the MCWD this week. Tonka Bay is not a member of the Advisory Committee, and he asked Crawford to check into it. They indicated there is room available for a representative for Tonka Bay. He indicated he was interested but believed the Council should discuss. Clapp agreed to participate.
- F. **Attorney's Report** – no report
- G. **De La Vega – Public Works, SLMPD, Administration** – De La Vega stated an SLMPD budget meeting will be held on the 8<sup>th</sup> of July.

**12. CLOSED SESSION**

De La Vega stated we will now close this meeting because the matters to be discussed constitute the purchase of real property under Minnesota Statutes. No further City Council business will be conducted after the closed meeting other than to adjourn.

The following persons will be in attendance at the closed meeting: Mayor De La Vega, Councilmembers Anderson, Ansari, Clapp, and Grothe, City Administrator Crawford, and City Attorney Penberthy. Members of the audience were dismissed.

**Anderson moved to go into closed session at 8:48 p.m. Grothe seconded the motion Ayes 5. Motion carried.**

**13. ADJOURNMENT**

**Following the closed session, it was moved by Clapp to adjourn the meeting at 9:20 p.m. Anderson seconded the motion. Ayes 5. Motion carried.**

Attest:

---

Clerk