

**OFFICIAL MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
October 13, 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 Ansari, Clapp and Grothe. Council member Anderson was absent. Also present were City Administrator Crawford and City Attorney Penberthy.

3. APPROVAL OF AGENDA

Grothe moved to approve the agenda as submitted. Ansari seconded the motion. Ayes 4. Motion carried.

4. CONSENT AGENDA

Grothe moved to approve the consent agenda as presented approving:

- A. Regular meeting minutes of September 22, 2015 – Item B, page 2, correct the spelling of cities.**

Clapp seconded the motion. Ayes 4. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

A. LMCD Update

Crawford introduced Gregg Thomas, our LMCD representative, and Greg Nybeck, LMCD Executive Director.

Thomas reviewed LMCD activity since his last report. He stated work is continuing on their strategic plan and putting finishing touches on it. It will be completed by the end of the year. He stated they have met with yacht clubs to work on ordinance language that would help them and still preserve the lake's amenities. An ordinance amendment was approved relating to yacht clubs. Boat safety programs were held during the past few months and will continue throughout upcoming years. He indicated they were very successful. He discussed media coverage of Fourth of July events and issues arising from the celebration. He stated a zero

waste event was held over the Labor Day weekend which was very successful. He discussed a change to an ordinance to extend dock use area out to 200' for cities where that would be possible. This allowed for less impact to shorelines. Thomas stated the LMCD Attorney will be retiring in the near future.

Nybeck stated Councilmember Clapp served as an interim LMCD Representative for the City for a short time in 2014. He recognized Mr. Clapp's service to the Board and presented him with a token of the group's appreciation.

Clapp thanked Thomas for stepping into the Vice Chair position. He asked about the grant money the LMCD might be losing. Nybeck stated the DNR will have 1/3 the amount of grant money in 2015 that they had originally proposed.

De La Vega discussed his concerns about the dangers of electricity in close proximity to docks. De La Vega stated he was concerned about the close proximity of Wekota Beach to Tonka Bay Marina. Nybeck stated there are best management practices that can be used to educate the community going forward.

B. Adopt Resolution Accepting Brand Identity Donation

Crawford stated Franke+Fiorella would like to donate in-kind services to help with the City's brand identity. She explained Jill Maki, an employee of the company, is on the City's Park Committee.

Maki stated she welcomed the opportunity to serve on the Park Committee. She stated she wanted to talk to the City Council about their identity and brand guidelines. She proposed pro bono services to identify this.

Maki discussed the company's background and client list. She explained their development process and discussed their proposal for Tonka Bay.

De La Vega thanked Maki for her presentation. He stated there is a need for what is being proposed. He was very appreciative that they are willing to do this work pro bono.

Grothe stated he was also excited to see what will be proposed. He stated

there will be a much more professional starting point.

Clapp and Ansari stated they were also excited and thanked them for their generous donation.

Fiorella commented on the proposal from the audience.

Grothe moved to adopt Resolution 15-24, A Resolution Accepting a Gift to the City from Franke+Fiorella. Ansari seconded the motion. Ayes – Ansari, Clapp, De La Vega and Grothe. Motion carried.

7. PUBLIC HEARINGS

A. First Reading – Amend Section 1040, General Floodplain

Crawford reviewed a proposed amendment to Section 1040, General Floodplain. She indicated the comments from the DNR have been included in the proposed amendment. She stated the City Attorney will be able to help with any questions the City Council might have on this proposed amendment.

De La Vega stated he was not quite sure what is meant by the change as proposed. He understood that the entire City is considered a floodplain by ordinance and, consequently, any change in properties or developments must comply with this ordinance. He understood we don't have a provision for conditional use permits to allow for certain things to occur. Penberthy agreed that is the purpose of this amendment. He stated the first floor of a structure has to be at 933.5' and a buffer at 932.5'. The problem we run into with small lots is that if that is done, the neighbors get flooded. The theory behind the change is to give homeowners an alternative without having to apply for a variance.

Grothe asked if a request would then come to the City Council as a conditional use permit. Penberthy stated that would be the case, and the Council would have full review of the request. De La Vega discussed his concerns about granting a conditional use permit. He stated there are so many players and conditions, and we need to be careful when we do our deliberations to look at the request from all angles. He stated there should be a list of qualifications or requirements. Penberthy stated there is a specific requirement to FEMA in the ordinance.

Grothe believed it would be easier for homeowners to get flood insurance

with the CUP process. Penberthy agreed. He stated the DNR has indicated there may be some new recommendations coming later this year that might require another amendment to this ordinance.

In response to a question from De La Vega, Penberthy stated there are other cities in the area that have the CUP provision in their ordinances.

Crawford stated she often gets questions about this issue from builders.

Councilmembers discussed the proposed ordinance amendment and homeowners' flood insurance requirements. Grothe stated he didn't see any problems with what is proposed.

De La Vega stated we will go through all the other regulations as we go through this process. He stated we have a couple more readings. Crawford noted there is one more reading. Penberthy asked if there is anything staff should do for the second reading.

Grothe asked if there is any reason to wait until the DNR changes come forward. Penberthy stated we don't know exactly when the DNR will officially have the changes.

De La Vega stated he is okay with moving forward to the second reading. Crawford asked the Council to provide her or Penberthy with additional changes prior to the second reading if there are any.

De La Vega asked for comments. There were none.

8. OLD BUSINESS

None

9. NEW BUSINESS

A. Approve Annual De-icing Permits

Crawford reviewed the de-icing permit renewals.

De La Vega asked if we need to have a de-icing permit at our marina. Clapp believed we are okay.

Grothe moved to approve the annual de-icing permit renewal requests. Ansari seconded the motion. Ayes 4. Motion carried.

10. **MATTERS FROM THE FLOOR**

None

11. **REPORTS**

- A. **Administrator** – Crawford stated the resident survey for input on parks went out the previous Wednesday. She indicated the City Hall fence has been installed and will be completed on October 15. She stated she will be making a State of the City report on Thursday at the Chamber of Commerce luncheon.
- B. **Anderson - Finance, Fire Lanes and Public Access, Technology** – absent
- C. **Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – Ansari stated she attended an EFD meeting recently. She stated she has received a complaint about Mediacom service. De La Vega stated when we left the LMCC; we took on the role of customer service for complaints about cable television service. Council members discussed cable options. Ansari thanked Crawford for bringing the Park Committee to fruition.
- D. **Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC** – no report
- E. **Clapp - Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks** – Clapp asked when the survey results would be available. Crawford stated it closes on the 21st, and the Park Committee will be reviewing the responses on the 26th. She was unaware if it would come to the City Council on the 27th.
- F. **Attorney's Report** – no report
- G. **De La Vega - Public Works, SLMPD, Administration** – De La Vega stated the SLMPD held a special meeting to discuss bond refinancing. The refinancing will result in a savings of over \$400,000.

12. **CLOSED SESSION**

At 8:33 p.m., De La Vega stated the City Council would now go into closed session as the discussion constitutes a matter involving litigation. The following persons were in attendance:

1. Gerry De La Vega, Mayor
2. Elli Ansari, Councilmember
3. Jeff Clapp, Councilmember
4. Jonathan Grothe, Councilmember
5. Lindy Crawford, City Administrator

6. Jim Penberthy, City Attorney

The subject matter of the meeting was: Pending Litigation.

Clapp moved the City Council enters into closed session pursuant to Minn. Stat. 13D.05 Subd. 3(b) to discuss pending litigation. Ansari seconded the motion. Ayes 4. Motion carried.

Grothe moved to end the closed session. Clapp seconded the motion. Ayes 4. Motion carried.

12. **ADJOURNMENT**

There being no further business, it was moved by Clapp to adjourn the meeting at 9:05 p.m. Ansari seconded the motion. Ayes 4. Motion carried.

Attest:

Clerk