

CITY OF TONKA BAY

ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING April 23, 2013

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 Kohlmann, City Attorney Penberthy, and Public Works Superintendent Kluver.

3. **APPROVAL OF AGENDA**

Anderson moved to approve the agenda as amended: add Item 9F, Sign Permit, Sanctuary Salon Spa. Clapp seconded the motion. Ayes 5. Motion carried.

4. **CONSENT AGENDA**

De La Vega moved to pull Item 4B and approve the minutes at the next meeting. Anderson seconded the motion. Ayes 5. Motion carried. Anderson moved to approve the consent agenda as presented approving the regular meeting minutes of April 9, 2013 as amended: remove the sentence: "he stated that residents were more concerned about getting their boats out..." Ansari seconded the motion. Ayes 5. Motion carried. Anderson stated he thought we were completely done buying the trash receptacles last summer. Kluver noted there was one remaining to be bought. Anderson asked what is kept in a safe deposit box that could not be kept in the basement. Staff was directed to find out if the box rental fee is annual. De La Vega asked the Council to take a look at the first page of the financial document and questioned why so much money is kept in the checking account. He stated it would seem it would make sense to move it into accounts that yield more interest. Clapp questioned the need for the Manitou Seawall fund. Anderson moved to approve the Accounts Payable. Clapp seconded the motion. Ayes 5. Motion carried.

5. **MATTERS FROM THE FLOOR**

None

6. **SPECIAL BUSINESS**

None

7. **PUBLIC HEARINGS**

None

8. **OLD BUSINESS**

None

9. **NEW BUSINESS**

A. **Bid Award** – **Justin Messner, City Engineer** reviewed the bid for the sanitary sewer improvement project. He noted the low bid from Visu-Sewer in the amount of \$439,027.15 with Tonka Bay's share of \$224,936.55. It was noted we received a grant for 25% of the cost which will lower our share. Messner reviewed items which could change. Anderson stated there are extraordinary differences between the engineer's estimates and the bidding process and asked if this would serve as a benchmark to adjust estimates. Messner explained how and when the estimates are adjusted. Councilmembers reviewed the bids received. De La Vega asked if number one in the resolution should show the Tonka Bay portion rather than the entire amount. He suggested it be changed to show Tonka Bay's share. Penberthy suggested Excelsior be added into the language. Messner suggested the language be similar to the language in the cover letter. **Anderson moved to adopt:**

RESOLUTION 13-11

**A RESOLUTION AWARDING A BID FOR THE
2013 SANITARY SEWER IMPROVEMENT PROJECT**

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

B. **Accept Resignation** – **Greg Kluver** – Kluver thanked the City Council and staff and submitted his letter of resignation. De La Vega thanked Kluver for all his years of service. **Anderson moved to accept Kluver's letter of resignation effective May 27, 2013. Ansari seconded the motion. Ayes 5. Motion carried.**

C. **Approval of Employment Agreement with Robin Bowman** – De La Vega noted a change which was made to the agreement pertaining to the commencement date from April 23 to May 13, 2013. Kohlmann noted other minor housekeeping changes. **Anderson moved to approve the employment agreement with Robin Bowman as amended and direct the Mayor and City Administrator to enter into said agreement. Clapp seconded the motion. Ayes 5. Motion carried.**

D. **Pay Equity** – Kohlmann stated he has worked with the State Management and Budget Office relating to the pay equity report. Following further examination, the report was altered and we are in compliance now. He stated the Council should approve the amended report. De La Vega stated we still need to pursue the issues and questions

we had so we have a better understanding of potential issues again. Councilmembers discussed the motion. Penberthy stated there needs to be a better understanding of the system in the future. **Anderson moved to approve the amended pay equity report. Clapp seconded the motion. Ayes 5. Motion carried.**

E. Antenna Leases – Kohlmann reviewed a brief history of the antenna leases. He reviewed two proposals which have been received to purchase some or all of the leases. He stated there is a lot of legal work that needs to be done to review these proposals and staff is requesting Council action on whether this is worth pursuing. De La Vega discussed the revenue stream received from the leases in detail. He stated in order to evaluate the proposals, time and money must be spent. He stated many cities have pursued this opportunity. Clapp asked if there is an estimate of the legal costs. Penberthy stated this is something he would normally do and he believed it would depend on what the issues are and needed negotiations, analysis and discussion by the City Council. He believed it would be no more than 100 hours. De La Vega suggested negotiating with only one proposal. Councilmembers discussed a recent request to place fiber optics in an easement near the water tower. De La Vega reviewed the motion for this item. Anderson stated he was fine to leave things as they currently exist. Clapp asked if they could be asked to pay all our legal fees. Penberthy stated it could be done. If that were the case, he would prefer that the legal review be done by someone else. Grothe was concerned if we do nothing, would there be an issue with fiber optics? Penberthy stated you could investigate more as a separate issue or direct Kohlmann to state we are not interested in allowing fiber optics in easements. De La Vega stated he would like to see more information before a motion is made on the fiber optic issue. It was the consensus of the City Council that nothing be done about the antenna lease proposals. Staff was also directed to bring back the fiber optic request.

F. Sign Permit – Sanctuary Salon Spa – De La Vega stated this is a regular request from Sanctuary Salon Spa and suggested these be done on an annual basis. Anderson asked if this needs to be reviewed by the City Council. Kohlmann stated that it needs to come to the City Council per the current ordinance. **Anderson moved to approve the request for a temporary sign permit for Sanctuary Salon Spa. Ansari seconded the motion. Ayes 5. Motion carried.**

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator – Kohlmann stated the quarterly revenue and expenditure reports have been prepared. He reviewed expenditures noting the Council Publishing line item is higher due to publishing the ad for the Public Works Superintendent position. He reviewed revenues.

B. Anderson - Finance, Fire Lanes and Public Access, Technology – no report

C. Ansari – EFD, Sanitation and Recycling, Southshore Community Center – Ansari stated she recently attended the EFD budget workshop meeting. They are contemplating adding a duty crew of fire fighters but nothing has been decided. Council discussed the Fire Chief's salary and compensation. The pension fund was also discussed. Kohlmann believed there would be another meeting before a worksession is scheduled.

D. Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC – no report

E. Clapp - Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks – Clapp stated a meeting is scheduled on Thursday relating to grants and trail development that he is unable to attend. He asked someone to attend in his place. Ansari stated she might be able to attend. Clapp stated he would like to give staff the permission to trap the beavers at the municipal dock before the boating season begins. Kluver stated he would check on their availability to see if they can get in before boating season begins. In response to a question, the City needs to provide a letter stating we are allowing the trapper to trap beavers on our property. He noted we are charged \$100 per beaver plus \$200. Penberthy suggested the DNR be copied on the letter. Ansari asked if they are live traps. It was noted they are not. Staff was directed to proceed.

F. Attorney's Report – no report

G. De La Vega - Public Works, SLMPD, Administration – no report

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 8:45 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk