CITY OF TONKA BAY
ITEM NO. 4A

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
July 8, 2014

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 and City Attorney Penberthy.

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 consent agenda approving:
A. Regular Meeting Minutes of June 24, 2014
B. Resolution 14-19 – Variances/CUP – 35 Interlachen Lane
C. Resolution 14-20 – Variances – 195 Woodpecker Ridge Rd.
D. Resolution 14-23 – Amend Resolution 13-25, 50 West Point Avenue
Ansari seconded the motion. Ayes 5. Motion carried.

5. **MATTERS FROM THE FLOOR**
None

6. **SPECIAL BUSINESS**
None

7. **PUBLIC HEARINGS**
A. **Griffin, 4240 Circle Road**
Kohlmann stated this is a continuation of a public hearing. He recommended denial of the request. He indicated the applicants missed the deadline to withdraw their request. Penberthy stated the e-mail letter was not a proper withdrawal. To be safe, we are recommending denial within the 60-day period.

Anderson moved to adopt:

RESOLUTION NO. 14-22
A RESOLUTION DENYING PRELIMINARY PLAT AND VARIANCE REQUEST FROM THE MINIMUM LOT AREA REQUIREMENT TO ALLOW FOR THE SUBDIVISION OF THE PROPERTY FOR JOHN J. GRIFFIN, MCVEIGH J. GRIFFIN, CHRISTOPHER D. GRIFFIN, GAIL T. GRIFFIN AND JONATHAN W. GRIFFIN 4240 CIRCLE ROAD

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

8. OLD BUSINESS
None

9. NEW BUSINESS

A. Joint Cooperation Agreement with Hennepin County for CDBG Program

Kohlmann stated the attached agreement is for the CDBG program. We have been a member for many years and wish to continue.

De La Vega stated he didn't see any problem with the agreement as proposed.

Anderson moved to adopt:

RESOLUTION NO. 14-24
A RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT COOPERATION AGREEMENT BETWEEN THE CITY OF TONKA BAY AND HENNEPIN COUNTY FOR PARTICIPATION IN THE URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM IN FY 2015 – 2017

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

B. Renew Contract with City Assessor

Kohlmann stated we have a contract with Bill Davy attached. He stated the Assessor is proposing a five percent increase in 2015. The contract is the

same as other years otherwise. De La Vega stated this contract has worked well over the years.

Anderson moved to authorize the Mayor and City Administrator to execute a new contract with the City Assessor as proposed. Ansari seconded the motion. Ayes 5. Motion carried.

C. **Municipal Marina – Bog Issues**

Kohlmann stated there have been a number of complaints about the bog in the City's marina. He stated we would have to apply by August 1 for a permit. We have to apply for the permit as property owner. He noted it has moved back across the lagoon as of tonight. He asked the Council for their comments.

Anderson asked if we actually own the bog. Penberthy stated we are the riparian owner. He explained the legal qualifications to be considered the owner. He indicated this is a DNR Rule and not a State statute. As the riparian owner, we are the only entity that can make application for the permit.

Clapp stated as the lake level recedes, the bog will move less. He stated he would prefer to take action once that occurs. Councilmembers and staff discussed the permitting process, timeliness of an application, definition of what kind of mass we are dealing with, and whether it is considered an aquatic nuisance.

Grothe asked if there is any way it can be anchored so it will not move. Councilmembers discussed the possibility.

Anderson suggested applying for the permit so we have permission should we decide to move forward with the bog removal. Council concurred.

Councilmembers discussed the bog removal.

Virgil Fasching, 45 Lilah Lane stated he couldn't even get out when the boat was next to his boat. He stated if there is three feet of water or more, the bog will float. He encouraged the Council to get something done to remove the bog.

Anderson moved to authorize the City Administrator to deal with the bog issue and spend up to $1000 plus the permit cost of $35, if

needed, and to explore other options for removal that are not costly. Clapp seconded the motion. Ayes 5. Motion carried.

10. MATTERS FROM THE FLOOR
None

11. REPORTS

A. Administrator – Kohlmann received a letter from Terry Foster who is interested in being the City's LMCD representative. He asked for direction from the City Council. If directed, he could prepare information to have it available at the next meeting. De La Vega stated he sounds like a qualified candidate. He asked Penberthy if this needs to be opened up for volunteers. Penberthy stated we are not required by law to seek candidates. Clapp stated he could go resign if directed.

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

C. Ansari – EFD, Sanitation and Recycling, Southshore Community Center – no report

Grothe discussed the formation of a committee to study the shoreline issues. De La Vega stated he would like to formalize the formation of the committee.

Anderson moved to approve the creation of the Shoreline Safety Committee. Ansari seconded the motion. Ayes 5. Motion carried.

De La Vega asked for an update on Birch Bluff Road. Kohlmann stated he talked to WSB. A feasibility study is required. WSB will be providing a big picture quote to prepare the feasibility study or consider other options.

Councilmembers and staff discussed what is being proposed.

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

E. Clapp - Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks – Clapp asked what the survey results were from the dock renters. Kohlmann discussed the results.

F. Attorney's Report – no report

G. De La Vega - Public Works, SLMPD, Administration – De La Vega stated work continues on the SLMPD budget.

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

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Clerk