

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING September 8, 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. Grothe 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 August 25, 2015 as amended: Page 3, change "De La Grothe to De La Vega".

B. Work Session meeting minutes of August 25, 2015

Clapp seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

A. Accepting Donation

Crawford stated a resident at 90 Birch Bluff Road would like to donate a sizeable amount of dirt to be used for various projects.

De La Vega asked what it would be used for and where it would be stored. Crawford stated the intent is to use it on the Woodpecker Ridge Road berm as well as other projects that come up.

Grothe asked if it would be stored at the Public Works storage area. Crawford indicated it would.

Ansari asked if it is known what the origin of the dirt is. Crawford stated it came from the property during their construction project.

Clapp stated it should be tested, because you want it compactable. De La Vega was concerned about the City accepting liability if it is contaminated.

Clapp stated he would be in favor of taking what is needed for the berm only.

Ansari asked how we would go about the testing. De La Vega stated he was unaware of what it would cost. Clapp indicated it would cost about \$600.

De La Vega stated it sounds like there are some concerns about this donation. He would like to set some conditions. Clapp stated we should not pay to get it tested.

Judd Brackett, 125 Woodpecker Ridge Road stated he understood the existing berm had a clay foundation. De La Vega stated clay would be a more durable foundation for that kind of a project. Staff was directed to request the dirt be tested.

Penberthy suggested the indemnification language be removed from the resolution.

7. **PUBLIC HEARINGS**
None

8. **OLD BUSINESS**

A. **Third Reading – Amend Section 600 – Liquor**

Crawford stated the proposed amendments were reviewed at the last City Council meeting. The suggested changes have been incorporated into the proposed language.

Anderson moved to pass Ordinance 2015-01 amending Chapter VI – Sale, Consumption and Display of Liquor, Beer and Wine, Section 600 General Provisions. Clapp seconded the motion. Ayes 5. Motion carried.

Anderson moved to adopt: Resolution No. 15-17, A Resolution Authorizing Summary Publication of an Ordinance of the City of Tonka Bay, Minnesota Chapter VI – Sale, Consumption and Display

of Liquor, Beer and Wine, Section 600 General Provisions. Clapp seconded the motion. Ayes – De La Vega, Ansari, Anderson, Clapp and Grothe. Motion carried.

B. Second Reading – Amend Section 710 – Public Peace

Crawford stated proposed amendments were reviewed at the last City Council meeting. She reviewed a proposed amendment as well as changes proposed to the special events permit based on comments made at the last City Council meeting.

Anderson moved to pass Ordinance 2015-03 amending Chapter VII – Public Health and Safety, Section 710 – Offenses Against Public Peace. Clapp seconded the motion. Ayes 5. Motion carried.

Anderson moved to adopt: Resolution No. 15-20, A Resolution Authorizing Summary Publication of an Ordinance of the City of Tonka Bay, Minnesota an Ordinance Amending Chapter VII – Public Health and Safety, Section 710 – Offenses Against Public Peace. Clapp seconded the motion. Ayes – De La Vega, Ansari, Anderson, Clapp and Grothe. Motion carried.

9. NEW BUSINESS

A. Woodpecker Ridge Road Seal Coating

Crawford stated in 2011, Mark Eliot proposed seal coating Woodpecker Ridge Road as a gift to the City. He is proposing the same work this year but not as a gift. Eliot has assured staff he has talked to all residents except for about four and has signatures supporting the work. Staff is recommending that we enter into a contract with Crius Corp upon review from the City Attorney.

Clapp asked when the berm is scheduled. Crawford stated we are hoping to stake this week but are hoping for dryer weather before we begin. We would ideally prefer to construct the berm before the seal coating occurs.

Clapp stated the season for seal coating is the end of September. He stated we are running out of time for this year. He stated he would not like to have the seal coating done before the berm. Grothe asked if we have delayed the work on the berm because of the soil donation. De La Vega stated it was moving forward without the donation. Crawford replied staff's goal is to complete the berm this year.

De La Vega stated the dirt might be usable for the sinkhole situation. De La Vega noted we are on a five-year schedule for seal coating, and this road was seal coated in 2011. We aren't quite at the five-year mark. In lieu of some of these other situations, maybe we should reconsider the seal coating.

Clapp stated his preference would be to push this to the spring. De La Vega stated he would like to see the berm constructed first. Grothe stated he didn't see a problem approving this now, but he didn't think the price would be good in the spring. De La Vega stated that it is Eliot's prerogative, and that the priority is the berm. He asked if there were any comments from the audience.

Deb Bierbaum, 195 Woodpecker Ridge Road stated some of the residents would like to continue with the burying of the overhead power lines and asked if this would be delayed because of the berm construction. De La Vega stated this is the first he has heard of it. Bierbaum stated there are five of the residents remaining who haven't had the lines buried.

Judd Brackett, 125 Woodpecker Ridge Road stated the buried lines are actually under the berm. When it was buried in 2003, the first three houses had underground utilities. He stated the residents paid for this. De La Vega asked Brackett what his opinion is of the berm construction and burying of lines. Brackett stated there will have to be some disruption. It is a very lengthy process. De La Vega suggested delaying the berm construction until all the lines are buried. Brackett stated if they take down the overhead wires, the three street lights would need to be replaced with more modern street lighting. The street lights would have to be moved to the berm side. De La Vega stated lighting is something that has not been addressed with regard to how we light our neighborhoods more attractively. He stated it can change a whole community, but it is expensive.

Brackett stated it appears now the residents are ready to bury the lines. He believed the street lighting would have to go along with it. Bierbaum stated they might be able to "knife" in the lines into the berm.

De La Vega stated we don't want to lose our existing permit if the berm project is delayed. He believed the seal coating should wait until the berm is completed.

Grothe believed the burying of the line would not impact the berm at all. Crawford agreed.

Council members discussed whether to move forward with the Crius Corporation contract. De La Vega asked if there are any legal issues. Penberthy stated there aren't as this is a proposal.

Grothe noted the proposal is only good for thirty days.

Anderson moved to reject the proposal from Crius Corporation based on the need to complete the berm project. Grothe seconded the motion. Ayes 5. Motion carried.

B. Pleasant Park Restoration

Crawford stated a scope of work has been prepared for tonight's discussion of how to restore the Pleasant Park area. She stated a desktop review and phase two would be approximately \$19,000 based on what is under the surface and causing the sinkholes.

De La Vega asked if the desktop review can be done without agreeing to the ESA II work. Crawford stated it can be done.

Clapp stated he was in favor of just the desktop review at this point.

De La Vega asked if we should bid this out to other firms. Crawford stated WSB is quite capable of doing this kind of environmental work.

Grothe stated he would support the desktop review as well. We could then bid out the second phase of the ESA II. Clapp asked what would happen if the phase two bidder wouldn't accept the results of the desktop review. De La Vega believed we could bid this out in a matter of a few days. He believed there is some continuity if you stay with the same company. There are also some firms that specialize in environmental work.

De La Vega suggested the dock/park and recreation fund be used to pay for the desktop review.

Clapp moved to approve the desktop review in an amount not to exceed \$2100 with funding from the dock fund. Anderson seconded the motion. Ayes 5. Motion carried.

C. Set Budget Meeting Date

De La Vega asked if we need to have a separate meeting for the budget meeting. Crawford asked if this has been handled at during a regular meeting in the past. Penberthy stated it is handled during a regular meeting. Crawford stated a public hearing would be held at a regular meeting.

Anderson moved to set the public budget meeting for Tuesday, December 8 at 7 p.m. Grothe seconded the motion. Ayes 5. Motion carried.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator – Crawford stated the Chamber of Commerce is requesting banners be attached to telephone poles in Tonka Bay during the holiday season. She is asking that a boom truck be rented at the Chamber's expense. She stated she would also like to have a Tonka Bay population sign attached to a light pole near Tonka Village. She asked if there would be a variance required.

Crawford stated our sign ordinance does not allow signage on any light poles or telephone poles. Penberthy stated it would be an application for a variance.

Crawford asked if Tonka Village would be an alternative location for the banners. Clapp stated there is too much up there already.

Grothe suggested the Chamber come and ask for whatever signage they want. He would prefer not to attach the city sign to a light pole. Penberthy suggested investigating options for the Chamber and bring this back to the next meeting. He stated he was unaware whether it was a variance or if there was some other option.

Crawford discussed possible locations for the Tonka Bay population sign. Clapp suggested adding the population to the sign on the retaining wall.

Grothe preferred the population sign be its own separate sign.

Crawford stated Public Works is continuing the monitoring of the water situation on Sunrise Avenue. The open house for the LRT trail discussion will be Thursday, September 10 at the Southshore Center beginning at 4 p.m. The first Park Committee meeting will be Tuesday, September 15 at 6 p.m.

- B. **Anderson - Finance, Fire Lanes and Public Access, Technology** – no report
- C. **Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – no report
- D. **Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC** – no report
- E. **Clapp - Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks** – no report
- 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 8:00 p.m. Grothe seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk