

# CITY OF TONKA BAY ITEM NO. 4A

## MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING February 26, 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**

Grothe 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 as presented approving the regular meeting minutes of February 12, 2013 as written and 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**

A. **Second Reading – Chapter 200, City Council – Ordinance Amendments** – De La Vega discussed his concerns about including more detail in the summary ordinance to let people know what has been amended. **De La Vega moved to include Items 1-6 from the staff report into the summary ordinance. Anderson moved to adopt:**

**RESOLUTION 13-06  
A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF AN ORDINANCE  
OF THE CITY OF TONKA BAY, MINNESOTA**

as amended to include Items 1-6 from the staff report in the resolution. Clapp seconded the motion. Ayes – Anderson, De La Vega, Clapp, Ansari and Grothe. Motion carried.

**9. NEW BUSINESS**

**A. Met Council I & I Grant – Sanitary Sewer Lining** – Justin Messner, City Engineer discussed the grant request for twenty-five percent of the cost for sanitary sewer lining. Anderson asked if the City's address is shown correctly in the documents. Messner indicated the address shown is his address. He noted he is administering the grant and all correspondence needs to come through him. **Anderson moved to adopt:**

**RESOLUTION 13-07  
A RESOLUTION ACCEPTING AND APPROVING THE GRANT AGREEMENT  
BETWEEN THE CITY OF TONKA BAY  
AND THE METROPOLITAN COUNCIL OF ENVIRONMENTAL SERVICES  
FOR THE IMPROVEMENT OF PUBLICALLY OWNED INFRASTRUCTURE  
(MCES Agreement #SG2013-028)**

as amended to reference execution by the Mayor and City Administrator. Grothe seconded the motion. Ayes – Anderson, De La Vega, Clapp, Ansari and Grothe. Motion carried.

**B. Sanitary Sewer Lining Plans, Specs and Advertise for Bids** – Messner gave a quick overview of the sanitary sewer project on several streets in Tonka Bay. He noted the existing clay pipe was constructed in the 1960's. He discussed the timeline once bids have been received. He stated completion is proposed by June. Clapp asked what portion of the cost is Tonka Bay's share since it is a shared project with Excelsior. Messner stated the price indicated is Tonka Bay's share. Construction hours were discussed and will be confirmed. Messner noted sealed bids will be opened at city hall. **Anderson moved to adopt:**

**RESOLUTION 13-08  
A RESOLUTION ACCEPTING THE  
2013 SANITARY SEWER IMPROVEMENT PROJECT PLANS AND  
SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS**

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

**C. Lift Station #8 Control Panel** – Kluver reviewed the plan to replace the control panel and pumps at Lift Station #8 on Interlachen Lane. He stated two proposals were sent out for quotes. He reviewed the low quote from Quality Flow Systems in the amount of \$28,680.00. Two quotes were received for the electric work as well with the low quote from A-1 Electric in the amount of \$3,019. Clapp asked how many lift stations are yet to be upgraded. Kluver stated this is the last major upgrade. **Anderson moved to accept the bid from Quality Flow Systems, Inc. in the amount of \$28,680 and authorize the Mayor and City Administrator to enter into a contract for said work. Clapp seconded the motion. Ayes 5. Motion carried. Anderson moved to accept the bid from A-1 Electric in the amount of \$3,019 and authorize the Mayor and City Administrator to enter into a contract for said work. Grothe seconded the motion. Ayes 5. Motion carried.**

**D. Sanitary Sewer Televising** – Kluver reviewed the plan to televise sanitary sewer in Tonka Bay. He noted proposals were received from three companies for the project. He reviewed the low proposal from Infratech in the amount of \$2,375. He noted they also were the low bidder in 2012. **Anderson moved to approve the low proposal from Infratech in the amount of \$2,375 for televising and to authorize the Public Works Superintendent to execute the agreement. Clapp seconded the motion. Ayes 5. Motion carried.**

**E. Parade of Homes Sign Request** – Kohlmann reviewed the sign permit request for Parade of Homes. He stated in addition there should be an indemnification agreement executed and insurance should be provided by the applicant. Grothe asked whether there should be additional “no parking” signs in the area of the home featured in the Parade of Homes. Kohlmann stated there will be people present to turn away vehicles to assure there will not be any parking in the area. De La Vega asked if signs could be placed temporarily. Kohlmann stated sign placement would need to be approved by resolution. Councilmembers discussed sign needs and placement requirements. Penberthy stated the Council should add whatever requirements it wishes to set at the site itself. Kohlmann stated an indemnification agreement should be executed as well as insurance naming the City as an additional insured. Penberthy stated this will protect the City against any accidents. **Anderson moved to approve the sign permit request and require the builder to enter into an indemnification agreement and provide a certificate of insurance naming the City as an additional insured and provide no parking signs in the area of the house. Grothe seconded the motion. Ayes 5. Motion carried.**

**F. LMCC Resolution Request** – Kohlmann stated a letter and resolution have been provided regarding with the franchise agreement. He stated staff is looking for direction on how to respond to the LMCC with regard to their request. Grothe reported on the last LMCC Board meeting which did not address the franchise negotiations. He stated the LMCC is looking to see who backs them. He noted Greenwood has already adopted their version of the resolution. He believed the LMCC

does provide a service. There are certain things they do that we do not want to take on as a City. He believed a similar resolution could be adopted requesting fifty percent of the franchise fees be returned to the City. De La Vega stated he has been a reluctant supporter over the years. He stated there are things in the LMCC budget that he will continue to question. He agreed with Greenwood's position that there should be some fees returned to the City. He noted Mound pays a significant amount less than other cities. He proposed we go back to the LMCC with the same arrangement. This would result in around \$15,000 to the City. He noted Tonka Bay has one vote with over 300 subscribers while another city has two votes for around 200 subscribers. He thought it might have something to do with possible subscribers rather than actual subscribers. He proposed the resolution be amended to reflect this. He believed it is important to provide the LMCC with our support to some extent. De La Vega discussed the LMCC's budget and the fact it is mostly paying for labor. He proposed language for the amended resolution similar to Greenwood's resolution and bring it back for review. **De La Vega moved to authorize staff to draft a resolution for review at the next meeting. Grothe seconded the motion. Ayes 5. Motion carried.**

**G. Antenna Lease Amendment – CellNet** – Kohlmann stated an antenna lease amendment from CellNet has been received for a three-year renewal. He stated the amendment and lease agreement are provided for review. Clapp asked if there were other options available. Kohlmann stated we have not received any requests from companies wishing to be added to the antenna. De La Vega discussed the current lease for this carrier. He noted he discussed the terms of the agreement with Kohlmann. The entire language will be deleted so that we don't lose the authority we have. The language being proposed will suffice and is a reasonable proposal. **Grothe moved to approve the proposed amendment and direct the Mayor and City Administrator to enter into such an agreement with CellNet for a three-year period. Anderson seconded the motion. Ayes 5. Motion carried.**

**H. 74 Birch Bluff Road Request** – Kohlmann reviewed a request from the property owner at 74 Birch Bluff Road relating to sewer charges on the property. Staff asked for Council approval to disconnect the sewer by June 1 as no one is using the property. Councilmembers discussed the request which would credit the sewer for a one-year period. De La Vega stated the City has had a policy that the account must be brought up-to-date before a decision is made whether there will be a credit given. **Anderson moved to work with the property owner at 74 Birch Bluff Road to have the sewer disconnected by June 1, 2013 and forgive charges accrued to that point. Clapp seconded the motion. Ayes 5. Motion carried.**

10. **MATTERS FROM THE FLOOR**

None

11. **REPORTS**

- A. Administrator – no report
- 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 – Clapp discussed the LMCD meeting held on February 21. They discussed supporting a requirement that all drivers of boats must be licensed and attend a safety course. They also discussed salary increases for LMCD staff and boat inspections this year.
- F. Attorney's Report – no report
- G. De La Vega - Public Works, SLMPD, Administration – De La Vega discussed the recent water main break.

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 7:50 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

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Clerk