

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING March 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, and City Attorney Penberthy.

3. APPROVAL OF AGENDA

Grothe moved to approve the agenda as amended: Pay Equity. Clapp 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 March 12, 2013 and the Accounts Payable. Clapp seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

A. Ross McGlasson, 365 Lakeview Avenue – McGlasson asked why there needs to be three Public Works Departments within a one-mile radius of each other. He asked the Council to give consideration to the future and what is in store for the South Lake area. He stated as tax revenue is shrinking, it might be time to look at what is happening. He believed with Kluver's retirement, it is time to think about whether we should be replacing him. He stated De La Vega indicated the position would be replaced and then to think about what the future holds. He suggested Kluver be replaced with a part-time person who is "borrowed" from another city. He stated he has observed that the three cities do a great job sharing resources over the years; however, there are three Public Works Directors with serious salaries and pensions. He stated he would help with any studies that need to be done to move forward with his suggestion. De La Vega stated he sees a lot of opportunities in the future for change. He stated he is all for looking into these opportunities. He agreed there is some potential savings with a merger. He stated the thought is to start the process of hiring someone to keep our options open.

6. **SPECIAL BUSINESS**

None

7. **PUBLIC HEARINGS**

None

8. **OLD BUSINESS**

A. **Public Works Superintendent Search – Interview Scheduling** - De La Vega stated applications were reviewed and narrowed down to seven finalists. He stated the next step is to begin the interview process. Anderson asked if in-person interviews are being done for those who live far away and suggested Skype be utilized. Kohlmann stated technology availability and timing are issues. He believed if they are interested in the job, they will take the time to be here. Councilmembers discussed the possibility of using Skype for interviews. Penberthy stated the key is everybody needs to see everybody else if it is used. Councilmembers and staff discussed whether future meetings should be recorded. Penberthy noted an audiotape is all that is required. De La Vega stated it is our choice to have a camera recording the meeting. He wondered how many people don't attend the meetings because they will be on camera. Councilmembers went back to topic and discussed Skype possibilities for the Public Works Superintendent interviews. Kohlmann stated he doesn't have faith in our Internet connection and was also concerned about losing the connection in the middle of the interview. Grothe believed the applicant who lives the farthest away should be given the option. De La Vega suggested the interviews be scheduled in two days. Kohlmann stated he would like to begin scheduling immediately for next week. He suggested three days be set aside but try and get them all done in two days. Interviews will be scheduled for April 2, 3 and 4.

9. **NEW BUSINESS**

None

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** – Ansari stated the EFD meeting is March 27.

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 – De La Vega stated we have been noticed by the State of Minnesota that we are not in compliance with regard to pay equity. There is a statute that requires that all employees fall within a certain percentage of each other regardless of gender. The change in City Administrator may have created a mathematical non-compliance in salaries. That means we can be fined up to \$100 a day back to January 1, 2012 for non-compliance. The union contract for Public Works has also created a disparity. He stated he didn't think what we are faced with is right and a city our size should be subject to the same standards as a larger city. It makes it look like we are treating one gender differently than another gender. He stated he is at a point where he wants to contest this decision. He believed it is an injustice to small cities. Penberthy stated it seems to him there is a combination of the City Administration gender in the past which skewed the results in the past as well as the larger increase in the union contract. He stated another option is to bring it into compliance which would cost about \$12,000. He stated we also need to be careful about the first 30-day deadline. If the state denies the appeal, the penalties will kick in. He hoped we could find some avenue of discussion short of an appeal so we do not put ourselves in a position and be out of luck financially. He stated the potential problem is timing, and we won't have another meeting before the deadline. He was also concerned they might consider any comments from the city as an appeal. De La Vega reviewed options to either ask for a grace period to submit a new report or request a reversal of the determination. Penberthy believed the second option would be deemed an appeal. Kohlmann noted it has been indicated that reconsideration could take as long as one year. He stated there is support to ask for reconsideration, but there could be a situation where it must be given retroactively. De La Vega stated we could also be hit with penalties for a year as well. Councilmembers discussed what option to take. Kohlmann reviewed deadlines. De La Vega stated another option is to get into compliance and then fight this. He stated the appeal process could be very costly. He stated we will continue to face this every three years. He stated legislators need to be motivated to change this. Councilmembers concurred to bring this into compliance and fight it later. **Anderson moved to bring the pay for clerical staff into compliance. Clapp seconded the motion. Ayes 5. Motion carried.** De La Vega stated there needs to be a process to look out in advance at whether a meeting should be canceled. He stated when there isn't enough to talk about, there shouldn't be a meeting. He stated more momentum needs to be created for the Councilmembers' assigned areas so agenda items can be created. Councilmembers discussed the possibility of having gates at the city marina. Grothe discussed key options. De La Vega stated the first decision is whether a problem exists. Councilmembers discussed a possible survey of dock renters again. Councilmembers also discussed lighting the flag at city hall since the current fixture has burned out, the

County Road 19 trail, and merging Public Works Departments. De La Vega noted he received a memo from Mayor Zerby of Shorewood regarding a possible merger. He indicated to Zerby that he is willing to listen to what he has to say. He stated he likes what we currently have. He didn't see a huge savings if there is a consolidation. De La Vega stated he would like to have all the Councilmembers contribute ideas to what should be on the agenda in the future. It was suggested looking a meeting ahead to see what might be on the agenda. It was also suggested a memo be sent out stating what might be on the agenda a week earlier. Councilmembers discussed the agenda preparation process. Councilmembers discussed an e-mail received from the resident at 10 Echo Bay Drive about removing a dumpster during road restrictions. Grothe believed any response should come from the City Administrator. De La Vega noted the resident was given solutions to remove the dumpster without violating road restrictions. The resident has asked the City Council to override city staff's suggestions. Penberthy stated the resident should make the effort to come to the City Council meeting since he does not agree with the administrative decision.

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 8:55 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk