

**CITY OF TONKA BAY
ITEM NO. 4A**

**MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
May 28, 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

Anderson moved to approve the agenda as amended: Add Item 9F, Temporary Sign Permit – Sanctuary Salon Spa. 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 May 14, 2013, Accounts Payable and Resolution 13-12, CUP – Burgess, 20 Clay Cliffe Drive. Clapp seconded the motion. De La Vega suggested the following changes: Page 5, De La Vega suggested a new paragraph be made beginning with the 5th sentence. Page 7, a noted change to the budget discussion of flooring. 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. **Approve Excelsior Dock and Patrol Services Agreement** – De La Vega stated this is the annual request from SLMPD to provide dock and patrol services to Excelsior. Our JPA requires that we approve any additional services provided to a City. He noted two of the other cities have already approved this request. **Anderson moved to approve the Excelsior Dock and Patrol Services Agreement. Ansari seconded the motion. Ayes 5. Motion carried.**

B. **Temporary/Seasonal Sales Permit – Sever's Farm Market** – De La Vega stated this is an annual request for a sales permit at Tonka Village Shopping Center. **Anderson moved to approve the temporary/seasonal sales permit for Sever's Farm Market. Clapp seconded the motion. Ayes 5. Motion carried.**

C. **Lifeguard Services Contract** – De La Vega stated this is continued from the previous City Council meeting. Kohlmann stated the contract as revised was approved by the school district and will be a two-year contract with reduced hours. De La Vega noted lifeguards will be on duty at Crescent and Wekota beaches from 12-5 p.m. The amount will be reduced to \$8,775 annually for the new two-year contract. **Anderson moved to approve the 2-year lifeguarding services contract as submitted and authorize the City Administrator to execute the contract in the amount of \$8.775 annually for the new two-year contract. Ansari seconded the motion. Ayes 5. Motion carried.**

D. **Animal Ordinance** – Kohlmann stated the JPA cities have been working with the SLMPD to create a uniform animal ordinance. He stated he has outlined similarities and differences in this ordinance as compared to our ordinance. He noted the new ordinance will also incorporate State statutes which deal with dangerous animals. He asked the Council for their input on the proposed ordinance. De La Vega stated this ordinance was discussed at the latest Coordinating Committee meeting. He noted the cities will be allowed to have an appendix to this ordinance which would address issues individual cities deal with. He also discussed the rationale behind the SLMPD's need for an ordinance that is uniform. Anderson discussed his concerns about the SLMPD's ability to proactively enforce this ordinance. Penberthy stated we need to know our prosecuting attorney has read this and approved it. He asked if there will be an Administrative Officer appointed and where will the funds come from to pay for that person. He was also concerned about whether this is consistent with State statutes. He was also concerned about regulations for dogs vs. cats and inconsistencies. He was also concerned about whether there is a public demand for the new ordinance. He stated we have asked for and not received information on patrol logs and other evidentiary evidence that is needed. He stated it is fair for the City Council and citizens to ask where the need for this ordinance comes from. Anderson asked how much prosecuting is there for

animal issues and are there differences among the four cities? Penberthy stated the intent is to create administrative review under this ordinance. He noted provisions in this ordinance are contrary to state statutes. He felt strongly that this ordinance should not be approved at this time. Anderson and Clapp agreed.

E. Fire Lane Ordinance – Kohlmann reviewed proposed language changes to address fire lane issues raised at the last meeting. Councilmembers discussed how dump trucks and larger vehicles would be addressed in the proposed language. Penberthy discussed the definition as written under State statute. The consensus was to keep it at 10,000 pounds which should cover any situation. Grothe believed 27 feet should remain in the language for boats. Councilmembers discussed seasonal access and how to determine what dates should be set. Grothe believed it should be defined more as a winter vehicle rather than winter access as there are specific vehicles used in different seasons. Councilmembers discussed how to calculate length. The consensus was to use the LMCD's "box language".

F. Temporary Sign Permit – Sanctuary Salon Spa – De La Vega stated he preferred an annual permitting process for these permits. **Ansari moved to approve the temporary sign permit for Sanctuary Salon Spa. 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 – Ansari stated the EFD budget meetings are continuing. De La Vega asked what was approved with reference to the weekend crew. Kohlmann stated a "tester" crew will be created for the weekends. This will be part of the existing budget. De La Vega asked what has happened with the Pension Fund. Kohlmann stated a worksession has been set to discuss this. The investments were also discussed.

D. Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC – Grothe stated the LMCC meeting held on May 15 included discussion of the joint powers agreement. The city resolutions were not discussed at that meeting. He stated fourteen of the seventeen cities have approved the agreement. He discussed the various cable fees collected, noting the peg fees cannot be returned to the cities. He also discussed withdrawal from the cable franchise, cable subscribers, and representation on the Board.

E. Clapp - Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks – Clapp stated a meeting was held with Shorewood and Excelsior to discuss park activities among the three cities. You can look at any city’s website to see what is at all the parks in the three cities and park activities. He stated Clare Link does a fantastic job informing residents of what is going on in Tonka Bay and surrounding areas and should be compensated even more than she already is.

F. Attorney's Report – no report

G. De La Vega - Public Works, SLMPD, Administration – De La Vega stated he attended the SLMPD Coordinating Committee to begin the budgeting process and review the animal ordinance.

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 8:20 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk