

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING February 12, 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 submitted. 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 January 22, 2013 as written. Clapp seconded the motion. Ayes 5. Motion carried.

5. **MATTERS FROM THE FLOOR**

None

6. **SPECIAL BUSINESS**

None

7. **PUBLIC HEARINGS**

A. **Section 200, City Council Amendments – First Reading** – De La Vega noted changes were made to the payment section of the ordinance as well as miscellaneous housekeeping items.

8. **OLD BUSINESS**

None

9. **NEW BUSINESS**

A. **WeCAN's Annual Request for Letter of Support** – De La Vega noted this is an annual request. Kohlmann noted WeCAN has provided an annual report for review.

Anderson moved to authorize staff to send a letter of support on behalf of the City Council. Clapp seconded the motion. Ayes 5. Motion carried.

B. Lake Minnetonka Conservation District – Bow Fishing – Doug Babcock, Tonka Bay's LMCD representative was present to discuss the LMCD's request for bow fishing regulations. He stated bow fishing is allowed by State law any time of the day or night on Lake Minnetonka. He stated the LMCD is looking for uniform regulations lake wide. He stated a proposed ordinance was drafted. He reviewed three options – to let State law prevail, approve the proposed ordinance, or create a more restrictive ordinance. He explained why he favored a more restrictive ordinance that would prohibit bow fishing from sunset to sunrise and restrict areas where fishing can occur. He recommended a balanced approach to an ordinance and asked for comments from the City Council. He stated the LMCD is looking for direction from member cities before a final ordinance draft is prepared. Clapp stated he supported the restriction from ice in to ice out and no night time fishing. Anderson asked how many people bow fish. Babcock stated he was aware of only a couple people in the Rogers area. De La Vega asked if a distinction should be made between on the land and on the water for bow possession. Penberthy noted our current ordinance prohibits even owning a bow in Tonka Bay. Councilmembers and staff discussed ordinance language. De La Vega didn't think the current State law was sufficient. He didn't think we wanted to get in the business of enforcing what goes on around the lake. He supported the idea of restricted areas, prohibiting night time fishing from sunset to sunrise, and limiting fishing to ice-out/ice-in only. Clapp suggested a restriction to keep bow fishing off docks. Babcock suggested a letter of support for option #3 be sent to the LMCD from the City Council. In other matters, Babcock updated the Council on other LMCD activities. **Clapp moved to direct staff to send a letter to the LMCD indicating the City Council's preferences for bow fishing regulations (night time fishing regulations, ice-in/ice-out, location, where to deposit fish, and limitation of seasons, and prohibit fishing on docks and at marinas). Grothe seconded the motion. Ayes 5. Motion carried.**

C. Position Description and Job Advertisement – Public Works Superintendent – Kohlmann reviewed the timeline to replace our current Public Works Superintendent and job description. He asked Council for their input as well as approval of the job description and permission to post the advertisement for the position and publish in the official newspaper. Clapp asked who would be interviewing the applicants. Kohlmann stated the City Council makes the hiring decision. The City Council will determine who should be interviewing. De La Vega noted he and Anderson have been in the meetings to review the job description. He welcomed any and all members to be involved. Clapp stated he would like to be involved with the process. Grothe was concerned about open meeting laws. De La Vega stated there are no problems with several Councilmembers in attendance as we would just have to post the meetings.

Grothe suggested the applications be provided for review. Penberthy suggested the Council meet and narrow down the applications to the interview list. Councilmembers discussed open meeting laws and data privacy. Penberthy stated a procedure can be developed to handle the process appropriately. Grothe stated he would also like to take part in the process. Kohlmann stated details will be hashed out in advance. Councilmembers discussed the interview process and interview questions. The Council agreed a worksession should be set after the closing date. **Anderson moved to approve the Public Works Superintendent job description and to direct staff to publish the advertisement for the position. 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 orientation for the EFD is February 13.
- D. **Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC** – no report
- E. **Clapp - Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks** – Clapp reported on the LMCD AIS task force he recently attended.
- F. **Attorney's Report** – no report
- G. **De La Vega - Public Works, SLMPD, Administration** – De La Vega stated he attended the first SLMPD Coordinating Committee for the year. Previous committee members were recognized. He also attended a meeting to discuss the reorganization and management of watershed districts. He stated he will also be attending a meeting of Lake Minnetonka mayors in the near future.

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:

Clerk