CITY OF TONKA BAY
ITEM NO. 4A

4B

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
November 25, 2014

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, and Grothe. Councilmember Clapp was absent. Also present were City Administrator Kohlmann, City Attorney Penberthy and Public Works Superintendent Bowman

3. **APPROVAL OF AGENDA**
Anderson moved to approve the agenda as submitted. Ansari seconded the motion. Ayes 4. Motion carried.

4. **CONSENT AGENDA**
Anderson moved to approve the consent agenda as presented approving:
A. Canvassing Board Minutes of November 10, 2014
B. Regular Meeting Minutes of November 10, 2014 – Bowman was absent
C. Financial Report
Ansari seconded the motion. Ayes 5. Motion carried.

5. **MATTERS FROM THE FLOOR**
None

6. **SPECIAL BUSINESS**
None

7. **PUBLIC HEARINGS**
A. Amend Section 402 – Fee Schedule – First Reading
Kohlmann stated this is the first reading to amend the fee schedule for 2015 to adjust the water rates base rates, sewer 3%, and 5% garbage and recycling. De La Vega stated the dock rates should indicate the rates for non-residents for slips 1-3 for clarification purposes.

B. Certification of Delinquent Utilities – Adopt Resolution 14-41
Kohlmann stated a list of delinquent accounts and a resolution for adoption

has been provided. De La Vega asked if a total amount should be included in the resolution. Kohlmann noted the County receives reports showing the totals.

Anderson moved to adopt:

RESOLUTION NO. 14-41
A RESOLUTION FOR THE COLLECTION OF DELINQUENT 2014 WATER AND SEWER UTILITY SERVICE CHARGES, GARBAGE AND RECYCLING CHARGES, AND STORM DRAINAGE CHARGES

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

8. OLD BUSINESS
None

9. NEW BUSINESS

A. Sign Permit
Kohlmann stated staff has received a sign permit request for a sign at the temporary/seasonal site at 5418 Manitou Road.

Anderson moved to approve the sign permit. Grothe seconded the motion. Ayes 5. Motion carried.

B. Liquor Violation – Joey Nova's
Kohlmann stated staff has received a liquor violation notice for Joey Nova's which is a first offense. The owner is in attendance. He noted this is an illegal sale to a minor.

De La Vega stated there was a similar situation a few years ago at MGM. He invited the owner to respond.

Mohammad A , owner stated this is a first offense, and the cashier failed to check ID's which is not the policy of the restaurant. The employee was not fired. He stated the owner is present to discuss what is being done to prevent this in the future.

Gary Ezell, manager stated we have acted on this aggressively and are now carding everyone. The employee in question had her hours reduced as a consequence. Since then, each new employee is trained on the

proper procedures. He apologized for the violation.

Grothe stated he realized the employee went to court and pled guilty. He asked if there was court action. Anderson noted she received a probationary sentence and was fined. Anderson stated the SLMPD doesn't tell us how many times they've been in there and the minor was not served.

De La Vega stated the restaurant has the responsibility to say more than they are not going to sell to minors any more. He stated they haven't been through the SLMPD training, and one of the potential actions is the restaurant employees must attend the training. That will help us feel better about the proper training taking place. He states it is all about slowing down. He stated we love the business, and we will not tolerate this happening again. If it does, we will not be as lenient next time.

Grothe stated he agreed employees should attend the training including new employees. De La Vega stated it should be a normal course of employee orientation. It is only held certain times of the year.

Grothe moved to direct staff to prepare a resolution requiring all current and future Joey Nova employees to attend alcohol training. De La Vega asked that staff be provided with the proof of training. Anderson seconded the motion. Ayes 4. Motion carried.

C. **Southshore Center – Letter to Shorewood**

Kohlmann provided a draft copy of a letter to be sent to Shorewood relating to the Southshore Center.

De La Vega reminded the Council that Shorewood has asked member cities to withdraw from the Center ownership and sign a quit claim deed. Based on our review, there is a current lease agreement signed by all cities. Under the agreement, Shorewood has all the rights they have outlined; however, the rest of the cities are still part of the decision-making process. He had suggested to Kohlmann that Shorewood has operation over the Center per the agreement dated June 25, 2009. He stated we are not giving up our ownership.

Councilmembers Ansari and Anderson suggested minor changes to the letter. Grothe suggested changes be made and the letter be sent the next day.

Grothe moved to approve the letter as amended and have it sent the next day. Ansari seconded the motion. Ayes 4. Motion carried.

D. **Deer Population Survey Questions**

Kohlmann stated staff has prepared some questions for a survey to send to residents relating to the deer population in Tonka Bay.

De La Vega stated this is the first step to take to determine what should be done. He suggested information be added indicating why we are asking for the survey. He stated depending on where you live, there will be different responses. He suggested there be a feeding prohibition question for deer and turkeys. He suggested question number four be deleted regarding hunting.

Grothe stated his only concern it state "other wildlife" rather than turkeys. De La Vega stated the comments he has received have been about deer and turkeys. He thought maybe it should be expanded to include other animals.

De La Vega stated one issue is do we want to add to our existing ordinance and another is do we have a problem. Grothe stated that may be something to include in the survey to ask if the ordinance should be amended to limit the feeding of deer.

Anderson was concerned about the confusing nature of the question regarding amending the ordinance. He believed the questions should be easy to answer yes/no questions.

Councilmembers discussed the survey questions – is there a problem? How many deer are there? If there are two deer, is that a problem?

Grothe stated the aerial survey is a second piece to this survey. De La Vega stated the survey will give us the extent of the problem at a perception level.

Ansari asked if the location will be on the survey. De La Vega stated it will have a place for name and address. Anderson stated he wouldn't fill it out in that case when it is so easy to just click three boxes and send.

Ansari asked if there is any other information about the lack of deer in other cities. Grothe stated it is just that we don't have hunters in the area in

Tonka Bay.

Anderson believed the people who think there is a problem are the ones who will respond.

Penberthy asked if there will be a questionnaire in the newsletter. Kohlmann stated that would be the option.

De La Vega stated there needs to be some sense of community. This is the opportunity to ask residents for their opinion. Grothe stated he likes the idea of having an introduction explaining why we are doing the survey.

E. One Ton Truck

Bowman reviewed the quote for the one ton truck which was budgeted for in 2013. He stated the state bid came in at $31,338.18 with a $5,000 trade-in allowance. He stated they would also like to add a flat bed and a crane for an addition $15,100. He recommended the purchase of the truck, flat bed and crane in the amount $44,518.98. He stated the new truck would be more user friendly for staff.

Anderson asked what is done now without a crane. Bowman stated there is a crane on an older truck that is very old. The new one would move with power and go where it is supposed to go.

Grothe stated the final cost seems wrong to him. When he adds it up, it is closer to $41,000. The final amount is $41,457.18 with the trade-in subtracted.

Anderson moved to approve the quotes from Midway Ford and Tool Master in the amount of $41,457.18. Grothe seconded the motion. Ayes 4. 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 invited all to attend the free kids' movie on December 6.

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 Chief Litsey's resignation has been accepted. We are in the process of looking for a replacement. Pierson is the Interim Chief. Department reorganization will be studied prior to the search for a replacement. A consultant chief will be hired in December or January as Pierson will be retiring next year. He also stated there is an open house for Chief Litsey's retirement on Monday, December 8 from 3-7 p.m. at the Southshore Center.

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 7:57 p.m. Grothe seconded the motion. Ayes 4. Motion carried.

Attest:

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Clerk