

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

**MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
November 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, 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 5. Motion carried.

4. CONSENT AGENDA

Clapp moved to approve the consent agenda as presented approving the regular meeting minutes of October 22, 2013 as written. Anderson seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

None

7. PUBLIC HEARINGS

A. 5531 Manitou Road

Kohlmann stated a letter was sent to the applicant requesting a traffic study to expand the bus garage. He stated the public hearing should be opened, hear comments, and continue the hearing.

De La Vega opened the public hearing. As there were no comments, De

La Vega called for the motion to continue.

**Anderson moved to continue the public hearing to November 26, 2013.
Ansari seconded the motion. Ayes 5. Motion carried.**

8. **OLD BUSINESS**

None

9. **NEW BUSINESS**

A. **LMCC Discussion**

Kohlmann stated representatives of the LMCC are in attendance.

Bob Vose, LMCC Attorney was present to discuss the JPA amendments or the Mediacom franchise renewal.

Grothe stated the specifics of the 2/3 vote is of concern to the City Council because it appears larger cities have more votes than smaller cities. Vose explained how the vote would transpire in the future based on the number of member cities.

De La Vega understood that under the current agreement that there needs to be 100% agreement. He noted a city that does not support the agreement has left. Vose noted Orono is committed to not remaining a member. They have not approved the JPA. Their withdrawal from the Commission will be effective January 1, 2014. He noted all the cities that are intending to remain have approved the JPA.

Councilmembers discussed proposed amendments. Vose noted there was a third amendment relating to who could be the City's representative on the LMCC Board.

Vose stated he believed it is likely that the cable franchise between the LMCC and Mediacom will briefly be extended into 2014 to tie up final details and nail down who is going to be a member.

Sally Koenecke, LMCC Executive Director was present to answer any questions the City Council might have.

Grothe asked Koenecke to talk about the proposal from Orono for the distribution of assets. Koenecke stated the distribution of assets was tabled in order to have Vose write a legal opinion. She noted it is on the LMCC

agenda for their next meeting, and it is not appropriate to talk about it here. She discussed the budget and franchise fees.

De La Vega questioned increases in salaries and utilities even though hours are being reduced. He asked if there are any plans to rework the budget. Koenecke stated it would be refined. She explained how the budget was divided 50/50 rather than actual costs for the office and the studio.

De La Vega asked why the EFD would be cut from the budget. Koenecke stated it is because she needed to cut several hundred thousand dollars.

De La Vega asked if there are still plans for a proposed increase to franchise fees or if that was PEG fees. Koenecke discussed the possibility of a communication tax for those who do not pay for cable TV services. She noted it is in the talking stages at this point.

Council discussed franchise and PEG fees.

De La Vega asked if there has been any discussion about weighted voting being based on subscribers. Koenecke indicated there has not. Grothe didn't believe it would make a difference.

B. Lime Storage Tank Dust Collector Filter and Fan

Bowman stated \$33,000 has been budgeted for a dust collector filter and fan. He explained the operation of the existing equipment and explained the new technology which is now available. He reviewed the quotes received to replace the filter and fan.

Anderson asked if there is a problem with A-1 Electric's quote being six months old. Bowman stated there should not be a problem.

The question was raised whether there was a trade-in allowance. Bowman indicated there was not.

Anderson moved to approve the quote from Glacier Technology in the amount of \$17,268.51 and A-1 Electric in the amount of \$1,250. Ansari seconded the motion. Ayes 5. Motion carried.

C. Review of Office Hours

Kohlmann stated the trial period for office hours has ended. He reviewed the report of calls and walk-ins since August 5. He noted staff is happy with

the hours.

De La Vega stated he hasn't received any complaints which are the real test. He stated he would like it to remain as a test to determine seasonal differences.

Grothe asked about how holiday hours would be determined when there is a day off which is a holiday. Council discussed hours.

De La Vega suggested a poll be done of other cities that have 4-day weeks to see what their holiday schedules are.

D. LMCC Review

De La Vega asked the Council for their input based on tonight's discussion.

Ansari asked what the bottom line is for the subscriber if we don't participate. Grothe noted the franchise fees will not change. In Orono's case, it would be up to the City to determine how they are distributed. If there was a problem with a pole, for example, you would call the City. The LMCC services would no longer be available.

Grothe believed from our situation, we would need to stay with the LMCC if we want to continue to have the services we have. He discussed how difficult it would be to charge everyone for viewing capabilities.

De La Vega discussed whether there is real value in the services offered. He stated over the years, the LMCC and revenues have continued to grow. He stated he believed we still have the same problem and core issues. He believed providing an exit clause on an annual basis is a good thing. He stated now we have time to make decisions.

Grothe discussed the lack of control over what is happening at the LMCC, including the budget process. He noted there are cities that don't want the money.

De La Vega stated we do need new technology here and that he would like to have the money returned.

Grothe discussed the possibility of a survey to residents to get their input on the value of cable TV in Tonka Bay. Councilmembers discussed the JPA amendments and whether Tonka Bay should withdraw from the LMCC.

Penberthy asked if the vote on the withdrawal would include the administration of any ordinance passed by the LMCC as indicated in the JPA. Councilmembers discussed a possible motion.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

- A. **Administrator** – Kohlmann stated 85 and 95 Sunrise Avenue have been demolished.
- 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 stated he cannot attend the Park Summit meeting on the 19th. Ansari she would attend.
- F. **Attorney's Report** – no report
- G. **De La Vega - Public Works, SLMPD, Administration** – De La Vega stated he and Kohlmann would attend the SLMPD Coordinating Committee meeting on November 13.

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 8:31 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk