CITY OF TONKA BAY
ITEM NO. 9C

Memo

To: Honorable Mayor and City Council

From: Joe Kohlmann, City Administrator

Date: June 11th, 2013

Re: North Waseca Task Force Recommendations – Resolution

Overview:

A Petition signed by 32 Tonka Bay property owners requested enforcement action to reduce safety, traffic and public nuisance issues at the North Waseca Fire Lane.

The North Waseca Task Force created at the August 14th, 2012 City Council Meeting met on August 22nd and August 29th. The two meetings combined lasted approximately 3hr. 45 min. There were six participants in the task force meetings. Participants included Former Councilmember Marceau; Former Councilmember De La Vega (current Mayor); City Administrator Joe Kohlmann; City Attorney Jim Penberthy; Bay Rentals owner Ken Pittel; and Tonka Bay homeowner Kathy Aanenson.

The task force discussed many issues, compromises and solutions. The solutions discussed ranged from allowing commercial rentals at municipal docks; reclassifying fire lanes; creating a permit process for commercial operations; revising language regarding fire lane use; imposing additional restrictions; and enforcement strategies. All of these ideas were discussed in great length while exploring the practicality of each solution.

Recommendations:

Conclusions: The existing Resolution No. 00-58 – *Establishing Rules and Regulations for the use of Class III Fire Lanes* provides rules and regulations for the management of the North Waseca Fire Lane and is in full force and effect.

Recommendation #1:
The Task Force recommends that the Tonka Bay City Council request from the SLMPD Chief of Police the following support so as to provide for the safe enjoyment by all citizens of the North Waseca Fire Lane:

a. Routine Patrol of the North Waseca Fire Lane as would be normal in the daily policing activities within the City of Tonka Bay, specifically, and particularly between Memorial Day and Labor Day.
b. Prompt response to any citizen calls relating to the North Waseca Fire Lane.
c. A incident report from June 1st through September 30th to be provided to the Tonka Bay City Council each year which would contain the following information:
    i. Number of calls to the North Waseca Fire Lane with response times.
    ii. Police Reports regarding calls at the North Waseca Fire Lane.
    iii. Citations written as a result of calls to the North Waseca Fire Lane.

Recommendation #2:
Signage at the North Waseca Fire Lane should be codified such that all rules and regulations are clearly communicated and visible.

Recommendation #3:
That swimming in the Area of the North Waseca Fire Lane be clearly identified as not permitted, due to the risk of accident or injury.

Recommendation #4:
That Staff study the possibility of providing for a seasonal and temporary restroom facility for the North Waseca Fire Lane.

Attached is a Memo from SLMPD Chief Litsey supporting the recommendations.
Attached is a Resolution Adopting the North Waseca Task Force Recommendations.
Attached is Resolution 00-58 Establishing Rules and Regulations for the Use of Class III Fire Lanes.

Council Action Requested:
Motion to approve the *Attached Resolution* Adopting North Waseca Fire Lane Task Force Recommendations.

SOUTH LAKE MINNETONKA POLICE DEPARTMENT
Serving Excelsior, Greenwood, Shorewood and Tonka Bay

BRYAN LITSEY
Chief of Police

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RECEIVED
JUN 03 2013
CITY OF TONKA BAY

MEMORANDUM

TO: Joe Kohlmann, Tonka Bay City Administrator

FROM: Bryan Litsey, Chief of Police

DATE: May 30, 2013 - Thursday

RE: North Waseca Fire Lane Task Force Recommendations

This memorandum is a follow-up to the meeting we had at our police station on the morning of April 2, 2013. Also present at that meeting were Deputy Chief Dave Pierson and Support Services Manager David Hohertz. The meeting focused on the recommendations of the North Waseca Fire Lane Task Force and what the South Lake Minnetonka Police Department (SLMPD) could realistically accommodate in terms of enforcement and documentation. It was my understanding that our suggestions would be taken into account as part of finalizing a resolution for the City Council to consider. The resolution recently sent to me for review does not reflect some of the key points we discussed at the aforementioned meeting. In particular, the SLMPD response to citizen calls relating to this location and the documentation provided annually to the City Council.

✓ It is unrealistic to expect that there will always be a "prompt response to any citizen calls relating to the North Waseca Fire Lane." Response time is dependent on a multitude of factors that are ever-changing. Obviously, an assault in progress or medical emergency takes priority over loitering or parking complaints. Hennepin County Dispatch prioritizes and stacks calls based on what personnel are available at the time and the severity of what is taking place. This criteria is also used in determining whether or not to request mutual aid from another police agency. The SLMPD has limited personnel resources and demand for service can be extremely high at times, especially during the summer months.

✓ It would be relatively easy to provide an annual report to the City Council regarding the number of calls to the North Waseca Fire Lane along with the number of citations and warnings issued between June 1 and September 30. Including the response time for each call could be more time consuming, depending on the number and how easy this is to accommodate through our new records management system. As discussed, Support

Services Manager Hohertz contacted Hennepin County Dispatch to add a specific identifier for the North Weseca Fire Lane. This will help track activities relating to this location. Providing the City Council with every police report for this location raises potential data practices issues. This would require us to manually review each report and redact any private and/or confidential information. It would seemingly make more sense to forward only those reports of particular interest to the City Council.

The SLMPD values it partnership with the City of Tonka Bay and strives to address issues of specific concern to your community. It would be helpful in the future to have SLMPD representation on any Task Force that involves police related issues. This allows us to be part of the process from start to finish rather than offering input after the fact.

Please let me know if you need anything further regarding this matter.

Cc: Mayor Gerry De La Vega, City of Tonka Bay

RESOLUTION 13-

A RESOLUTION ADOPTING NORTH WASECA FIRE LANE TASK FORCE RECOMMENDATIONS

WHEREAS, the North Waseca Task Force was created at the August 14, 2012 City Council following concerns raised by area property owners relating to safety, traffic and public nuisance issues at the North Waseca Fire Lane; and

WHEREAS, said Task Force met on two occasions to discuss issues, compromises and solutions relating to said fire lane; and

WHEREAS, the Task Force concluded the existing Resolution 00-58, A Resolution Establishing Rules and Regulations for the use of Class III Fire Lanes, provides rules and regulations for the management of the North Waseca Fire Lane and is in full force and effect; and

WHEREAS, the Task Force recommended that the Tonka Bay City Council request the following support from the South Lake Minnetonka Police Department Chief of Police in order to provide for the safe enjoyment of the fire lane by all citizens:

1. Routine Patrol of the North Waseca Fire Lane as would be normal in the daily policing activities within the City of Tonka Bay, specifically, and particularly between Memorial Day and Labor Day.

2. Prompt response to any citizen calls relating to the North Waseca Fire Lane.

3. A incident report from June 1st through September 30th to be provided to the Tonka Bay City Council each year which would contain the following information:
   a. Number of calls to the North Waseca Fire Lane with response times.
   b. Police Reports regarding calls at the North Waseca Fire Lane.
   c. Citations written as a result of calls to the North Waseca Fire Lane; and

WHEREAS, the Task Force also recommended that the Tonka Bay City Council adopt the following:

1. Signage at the North Waseca Fire Lane should be codified such that all rules and regulations are clearly communicated and visible.

2. That swimming in the area of the North Waseca Fire Lane is clearly identified as not permitted, due to the risk of accident or injury.

3. That Staff study the possibility of providing for a seasonal and temporary restroom facility for the North Waseca Fire Lane.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Tonka Bay that the aforementioned recommendations be adopted.

PASSED at a regular meeting of the Tonka Bay City Council this 11th day of June, 2013.

Motion introduced by _____ and seconded by _____.

Roll Call Vote: Ayes –
Nays –
Absent –

_____
Gerry De La Vega, Mayor

ATTEST:

_____
Joseph Kohlmann, Clerk/Administrator

RESOLUTION NO. 00-58

A RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR THE USE OF CLASS III FIRE LANES

WHEREAS, the City Council finds that as lake use and use of fire lane accesses increase, procedures and standards which have been adequate in the past have become inadequate and the danger to the public health, safety and welfare has increased; and

WHEREAS, the City of Tonka Bay desires to regulate the use of Fire Lanes by imposing conditions for said use; and

WHEREAS, it is the desire of the City Council to adopt said conditions by Resolution and also to adopt rules and regulations for all persons using said Fire Lanes; and

WHEREAS, the City Council determines that it is in the best interests of the community with respect to its health, safety and general welfare to adopt said conditions, rules and regulations.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Tonka Bay, Hennepin County, Minnesota, as follows:

RULES AND REGULATIONS FOR ALL USERS OF CLASS III FIRE LANES

1. No person shall use the designated launch area of the fire lane for a period of time exceeding fifteen (15) minutes to launch a vehicle. "Person" shall be defined as: "individual, firm, corporation, partnership, other legal entity or association of one or more individuals. "Vehicle" shall be defined as: "every device in, upon or by which any person or property may be transported or drawn upon a highway, lake, stream, channel or trail and shall include but not be limited to automobiles and other motor vehicles, boats, personal watercraft, snowmobiles, trailers, and parts thereof except devices moved by human power."

2. No person shall launch more than four vehicles at any one time.

3. No person shall launch a vehicle in the launch area or park a vehicle in the designated parking area between the hours of 11:00 p.m. and 7:00 a.m. Launch area and parking area are as designated on Attachment "A".

4. No person shall operate any vehicle on shore when said vehicle is intended to be

used on the water or ice and when said vehicle is launched at the fire lane. This rule shall not apply to persons operating vehicles arriving at the fire lane under their own power from another location and passing through the fire lane to gain access to and operate on the lake.

Penalty: Any person, firm or corporation violating any of the provisions of this resolution shall be guilty of a misdemeanor. Every day that such violation continues shall be a separate offense.

Passed at a regular meeting of the Tonka Bay City Council this 12th day of December, 2000.

Motion introduced by Mowry and seconded by Newberry.

Roll Call Vote: Ayes - Newberry, Mowry, Senescall, Sasanfar and Keller
Nays- None
Absent - None

_____
Douglas Keller, Mayor

ATTEST:

Robert Rys, Clerk/Administrator