

# CITY OF TONKA BAY ITEM NO. 4A

## MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING September 13, 2011

### 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 LaBelle, Councilmembers Marceau, De La Vega, Anderson and Holscher. Also present were City Administrator Kohlmann, City Attorney Penberthy, and Public Works Superintendent Kluver.

### 3. APPROVAL OF AGENDA

De La Vega moved to approve the agenda as amended: Move Item 9E before Item 9A. Marceau seconded the motion. Ayes 5. Motion carried.

### 4. CONSENT AGENDA

De La Vega moved to approve the consent agenda as presented approving the budget worksession and regular meeting minutes of August 23, 2011. Holscher seconded the motion. 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

E. Aquatic Invasive Species – Resolution Request – Kohlmann stated this letter and request was received from the Shorewood City Council requesting the MCWD takes the lead on the treatment of AIS in Lake Minnetonka. He stated Doug Babcock, our LMCD representative, is present to discuss this item. Doug Babcock, LMCD

**Representative** discussed the efforts being taken to treat AIS in Lake Minnetonka. He stated this has become more of a problem in surrounding areas in the last two years. He urged the Council to do their due diligence before adopting the proposed resolution. We are all in favor of protection of lakes that don't have zebra mussels, but we need to know what the MCWD plan will involve and that it has full community support. LaBelle asked who we are basically asking to empower in the proposed resolution. Babcock stated the MCWD is looking for full support to become the lead agency before they ask for funding. LaBelle asked if there has been any formal request from the MCWD to adopt such a resolution. Kohlmann stated we have not heard from the MCWD. LaBelle stated he would like to hear from the MCWD before any action is taken on this resolution. Babcock noted the LMCD has asked the MCWD to work together on this issue. He stated the MCWD has published the proposed plan before there has been any inter-agency commentary. Marceau stated we need to wait until we know the impact on Lake Minnetonka. De La Vega agreed that more information is needed. Babcock stated better cooperation is needed between their respective agencies. There are policies and procedures at the State level that need to be addressed before this policy can be adopted. Babcock discussed new technologies that may become available for AIS treatment noting Lake Minnetonka may be too large for them to be effective.

**A. 2012 Proposed Budget Levy Certification** – Kohlmann stated the proposed levy must be certified to the County by September 15. A levy with a zero percent increase is proposed and asked for a motion adopting the budget and levy as proposed. LaBelle stated this represents the culmination of our worksessions and discussions. **Marceau moved to adopt:**

**RESOLUTION NO. 11-16  
A RESOLUTION APPROVING 2012 TAX LEVY,  
COLLECTIBLE IN 2013**

**De La Vega seconded the motion. Ayes – Marceau, De La Vega, Anderson, Holscher, and LaBelle. Motion carried.**

**B. Set Budget (Truth-in-Taxation) Meeting Date** – Kohlmann stated we need to also certify to the County our Truth-in-Taxation meeting date which is traditionally held the last meeting in December. **Holscher moved to set Tuesday, December 13 at 7:00 p.m. as the budget meeting date. De La Vega seconded the motion. Ayes 5. Motion carried.**

**C. 2012 LMCC Budget** – Kohlmann stated we have received the proposed 2012 LMCC budget which is funded through franchise and PEG fees. He noted staff from the LMCC was present at last year's meeting to present the budget. He stated this

is being brought forward for consideration with a resolution for adoption. Marceau asked if there has been any research on options to opt out. LaBelle stated it was determined there wasn't a legal mechanism in place to make this happen. Kohlmann noted he was contacted by another city to opt out but hasn't heard back from them. LaBelle stated he has received four complaints in the last ten days relating to cable service. They are poor service providers. They are non-responsive, but we are stuck with them. He was unsure where our jurisdiction should start and end. De La Vega stated it is inconsistent with the state of the current environment for the LMCC to move forward with this kind of budget proposal given the state of the economy. He stated they are not realistic, and there needs to be some discussion. He stated we are stuck with Mediacom and the LMCC, and he didn't like their approach requesting large increases every year. Holscher stated she has been solicited to change her land line service to Mediacom. She noted they are out of service when needed most, and she will not change to their phone service from a safety standpoint. Marceau asked about the reserves. De La Vega stated it is ten percent of the budget again. They are a public service entity that is using funds that are provided to them, but it is still money out of our pockets. The funds are going for a product that is less than quality. The programming is very poor from what he has seen, and much of the time there is no programming. Marceau asked what would stop us from just not adopting the resolution to show them we are keeping an eye on them. LaBelle stated that is certainly an option. De La Vega stated part of the issue is that we are one part of a 13-city entity. At some point if we do want to change there is a need to be vocal. Holscher asked if there is a regulatory body that oversees the LMCC. De La Vega noted there is a representative from all 13 cities on the LMCC Board. Holscher asked if the Public Utilities Commission is involved. It was noted they are not. Penberthy stated part of the reason for the budget proposal is to get the City's feedback. If you do not respond, it is telling the LMCC you don't care. He suggested the Council provide the LMCC with their reasons why they have decided not to adopt the budget. We need to also respond by not approving or disapproving the budget but are just responding as part of our responsibility of being a party to the franchise agreement. Staff was directed to prepare such a letter and bring it back to the next meeting. De La Vega stated it is important to keep Mediacom and the LMCC as separate entities. He noted Mediacom provides money to LMCC. LaBelle asked the Council what their pleasure would be. It was suggested the letter be brought back to the Council at the September 27 meeting for approval.

**D. Sewer Lining** – Kluver discussed the plan to line 1000 feet of 9-inch clay tile sanitary sewer in 2011. He reviewed the two proposals received and noted Insituform Technologies USA, Inc. was the low proposal in the amount of \$35,223.66. LaBelle asked what the life of the lining is. Kluver stated it has a life of twenty years. He noted we have lined about ten percent of the lines in the City. **Marceau moved to approve the low proposal from Insituform Technologies USA, Inc. in the amount of**

**\$35,223.66 and authorize the Public Works Superintendent to enter into the contract. De La Vega seconded the motion. Ayes 5. Motion carried.**

**F. Basketball Court Grant Application** – Kohlmann stated staff has identified a grant possibility for funding for the basketball court at Manitou Park. LaBelle stated this is a worthwhile venture. **Marceau moved to authorize staff to seek support for the grant application and prepare an application to be submitted prior to the October 14 deadline. Holscher seconded the motion. Ayes 5. Motion carried.**

**10. MATTERS FROM THE FLOOR**

None

**11. REPORTS**

**A. Administrator** – Kohlmann reminded residents that this Saturday is Fall Cleanup and a hazardous waste collection will also be held at Shorewood Public Works. Staff has also been notified of a problem with the new docks where dredging might be needed. The application would be needed to be made as soon as possible. LaBelle suggested researching whether we qualify for “maintenance” dredging. De La Vega asked if the entire dock area would be done. Kohlmann stated the new section is being done; the other sections were done 4-5 years ago. It was suggested the work be done from a barge to prevent damage to the new docks. Staff is proposing the work be done as early as November 1. Council concurred.

**B. Holscher – Buildings, Building Inspections, Fire Lanes** - no report

**C. Anderson - Animal Control, LMCC, Technology, Southshore Center** – no report

**D. De La Vega – EFD, Parks, Sanitation, LMCD** – De La Vega stated all five cities have approved the 2012 EFD budget.

**E. Marceau – Finance, Marinas, Municipal Docks** – no report

**F. Attorney's Report** – no report

**G. LaBelle - Public Works and SLMPD** – no report

**12. ADJOURNMENT**

**There being no further business, it was moved by Marceau to adjourn the meeting at 7:55 p.m. De La Vega seconded the motion. Ayes 5. Motion carried.**

Attest:

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Clerk