

## OFFICIAL MINUTES

### MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING February 11, 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, 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 yz. Motion carried.

4. **CONSENT AGENDA**

Anderson moved to approve the consent agenda as presented approving the regular meeting minutes of January 28, 2014 and Resolution 14-03, 5531 Manitou Road. Clapp seconded the motion. Ayes 5. Motion carried.

5. **MATTERS FROM THE FLOOR**

None

6. **SPECIAL BUSINESS**

None

7. **PUBLIC HEARINGS**

A. **Schultz, 4330 Manitou Road**

Kohlmann provided an overview of the Public Hearing process. City Planner Breanne Rothstein provided a Staff Report presentation on the application. Councilmember Grothe discussed the measurement from the lot line and overhang. City Attorney Penberthy clarified where and why the setback is measured from the overhang in this particular application. He also provided information as to why a 12 ft. setback was required.

Mayor De La Vega provided information on Shoreland requirements and overhang provisions. City Planner Rothstein provided some detailed

information on the classification of various protrusions.

De La Vega opened the hearing for public comments. There were none, and the hearing was closed.

De La Vega stated this is a difficult lot because of the size. He was concerned about the neighbor to the south and requested the applicant design the home with them in mind when considering window location.

**Anderson moved to direct staff to prepare a resolution for approval of variances subject to conditions set forth in the staff report and findings of fact. Clapp seconded the motion. Ayes – Ansari, Anderson, Clapp, De La Vega and Grothe. Motion carried.**

8. **OLD BUSINESS**

None

9. **NEW BUSINESS**

A. **Request for Letter of Support from WeCAN**

Kohlmann stated this is an annual request for support of WeCAN's application for CDBG funding. An audit of provided services was included in the Council folder.

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

B. **WNAV, Inc. – Videotaping Council Meetings**

Kohlmann reviewed his discussion with the WNAV organization. The company is not interested in selling us a camera. He would be willing to provide services a la carte with the addition of another hour of service. We would purchase the equipment on our own. We would also have the option to find someone else if necessary.

De La Vega stated the open issue is finding a camera. He suggested National Camera be contacted as an example. Clapp suggested contacting Best Buy as well.

Kohlmann recommended entering into an agreement with WNAV, Inc. through the end of the year. Anderson stated this will be a learning curve for all of us.

De La Vega stated we need a camera before we hire them. He still hasn't heard any complaints about people missing the televised meetings. He stated we could hire these individuals and have them use their camera until we find one.

De La Vega suggested Joe find camera options and bring back suggestions to the next meeting and work on a draft agreement. Councilmembers and staff discussed what kind of camera to purchase.

Grothe stated he didn't want to go too cheap on the purchase. If someone has a good recommendation, he stated we should go ahead with the purchase. He suggested we set an upper limit for the purchase.

De La Vega stated a camera should be purchased and staff was directed to prepare a draft agreement.

Grothe asked if the DVD would be a legal document. Penberthy stated the DVD would be used if there is any resulting legal action. Councilmembers and staff discussed the legalities relating to filming meetings and having the recording taken off site.

**Grothe moved to authorize staff to purchase a camera and tripod at a cost not to exceed \$4000 and prepare a draft agreement for camera services with WNAV, Inc. Clapp seconded the motion. Ayes 5. Motion carried.**

**C. Server and IT Services**

Kohlmann stated the City has budgeted \$5000 for a new server. Monthly IT services are also to be considered. He stated we need a new server because it is filling up. We need more memory and a general upgrade. He stated servers can range in price considerably. He stated the first action is to determine who we should buy the server from. The second action is to determine whether we should invest in monthly IT services.

Kohlmann discussed the pros and cons to both companies who submitted quotes. Councilmembers and staff reviewed the two quotes and discussed their preferences.

De La Vega believed the difference in price will be in direct relation to the service received. He discussed his concern about our current computer exposure.

Kohlmann noted the agreement proposed with DTS is for 24 months. De La Vega stated he would recommend a 12-month agreement for service which will be a trial performance period.

Kohlmann suggested he and the City Attorney work on drafting an agreement for the next meeting for a 12-month period.

Following discussion, the Council concurred that whoever installs the server should also be hired to provide IT services. Staff was also directed to purchase the server in order to save on sales tax.

Councilmembers discussed terms which should be included in the contract. Kohlmann was directed to bring back the full DTS service agreement.

**D. Mediacom Franchise Agreement**

Kohlmann stated a resolution of what other cities' franchise agreement with Mediacom would look like has been provided for review as well as a copy of the one the city of Victoria uses.

Penberthy stated it is up to the City Council to determine how they want to move forward.

De La Vega stated the two page agreement adopting Orono's franchise agreement seems okay on the surface. It states the franchise fees would be similar to Orono's rates and would not give us the freedom to manage the rates for our residents. He stated he liked a lot of what Victoria has in their agreement. It would allow for us to bring in other services for our residents that other cable companies might offer. He stated they have done a really good job on the agreement. He stated 90-95% of our agreement would be the same as theirs.

Councilmembers discussed a possible franchise agreement and what services Mediacom provides to cities in other areas.

Grothe stated Mediacom is willing to come to a meeting to answer questions. We could also send them a list of questions which need clarification. Penberthy stated there are terms that need to be defined such as "exclusive" and "non-exclusive".

Kohlmann noted Victoria left the LMCC for similar reasons to ours which is

why he has included their agreement.

Grothe stated in general he liked the idea of taking Victoria's agreement and tailoring it to Tonka Bay's needs.

Councilmembers will review Victoria's franchise agreement to discuss at the next meeting. Kohlmann stated he would need questions to send to Mediacom by the end of the week to get responses back for the next Council packet.

**10. MATTERS FROM THE FLOOR**

None

**11. REPORTS**

A. **Administrator** – Kohlmann stated updates are provided in the folder of answers to questions raised at Council meetings, follow-up to question about fire hydrant, and a question about traffic control.

B. **Anderson - Finance, Fire Lanes and Public Access, Technology** – no report

C. **Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – Ansari stated work is continuing on a Southshore proposal she is working on with Mayor Kind of Greenwood. She stated the proposal will be discussed at the next Southshore Advisory Group meeting on February 12. New information will be provided at a later date.

D. **Grothe – Building Inspection, Municipal Buildings and Grounds** – 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** – no report

**12. ADJOURNMENT**

There being no further business, it was moved by Anderson to adjourn the meeting at 8:50 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

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Clerk