

**MINUTES  
TONKA BAY CITY COUNCIL  
REGULAR MEETING  
February 12, 2008**

**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, Tessness, Folley, and De La Vega. Also present were City Administrator Loftus, City Attorney Penberthy, and City Engineer Seifert.

**3. APPROVAL OF AGENDA**

Folley moved to approve the agenda as submitted. De La Vega seconded the motion. Ayes 5. Motion carried.

**4. CONSENT AGENDA**

Marceau moved to approve the consent agenda as presented approving Minutes of January 22, 2008 meeting. Tessness seconded the motion. Ayes 4-0-1. De La Vega abstained from voting. Motion carried. Marceau moved to approve the consent agenda approving Accounts Payable and authorizing the Mayor to send a letter of support to WeCan as part of their CDBG funding application. Ayes 5. Motion carried.

**5. MATTERS FROM THE FLOOR**

None

**6. PUBLIC HEARING**

None

**7. OLD BUSINESS**

**A. Woodpecker Ridge Road Mitigation Update** – Richard Seifert, City Engineer reviewed an updated cost estimate for the mitigation sites. More excavation is needed at Wekota Park, but a floating silt fence is required when work is done near the water. He also reviewed the 5-year monitoring program. Loftus asked if the Watershed District would just be looking to make sure plants are stabilized as part of the monitoring program. Seifert added that they want to make sure the correct species have been planted. The existing cat tails will be removed from the dock area which, in terms of public safety, will be a good thing. De La Vega asked if the signage is a requirement. Seifert stated he would check with the wetland specialist but believed it is a requirement for public education requirements. De La Vega asked what the rock construction entrance involves. Seifert stated it is required during construction so dirt isn't tracked back onto the public road. Loftus stated it is also a requirement for all new home

construction. Marceau asked Seifert what his opinion was on using the Wekota site versus the Old Orchard site. Seifert stated he liked the proximity of the Old Orchard site. Loftus asked if direction is needed from the City Council, and Seifert stated a motion would be good. LaBelle asked Seifert what kind of time frame he is looking at for completion of the mitigation. Seifert stated they would prefer to start the work at the earlier part of the growing season. Loftus noted the earliest the permit could be approved is May. Seifert noted the work would take 3-4 weeks to complete. LaBelle asked if there was any possible way to get the permit approved sooner. Loftus stated she understood it can't be approved until the delineation can be approved during the growing season.

**Marceau moved to approve the Old Orchard site as the preferred mitigation site and direct the City Engineer to submit the application for a permit and negotiate with the Watershed District for permit approval. Folley seconded the motion. Ayes 5. Motion carried.**

**B. Comprehensive Plan** – Loftus stated the City Council reviewed a draft Comprehensive Plan at their last worksession. The next action will be to circulate the draft plan to the adjacent communities. They are given six months to comment. Any comments on the plan will be brought back to the City Council. The draft plan is then submitted to the Metropolitan Council in September. **Folley moved to authorize staff to circulate copies of the 2010-2030 Comprehensive Plan to surrounding communities for comments. De La Vega seconded the motion. Ayes 5. Motion carried.**

**C. Code Compliance Appeal – 175 Tonka Bay Road** – Loftus reported the City has responded to complaints at 175 Tonka Bay Road. They were given notice in January to clean up all the code violations. They are now requesting more time. They have made progress in the last month, and she supports their request for an extension. She believed it should be in compliance by May 1. LaBelle agreed to give them a May 1 deadline but no more. Folley agreed. Tessness agreed they should have more time, but the line needs to be drawn somewhere. De La Vega was concerned about a precedent being set. Penberthy stated we are deviating from the schedule, but every case is unique. They are requesting more time to complete the work. **Folley moved to extend the compliance date to May 1 at 175 Tonka Bay Road. Tessness seconded the motion. Ayes 5. Motion carried.**

## **8. NEW BUSINESS**

**A. 2008 Open Book Meeting** – LaBelle stated the Open Book was formerly held at the City Council level. The County Assessor now holds the meetings in the Council Chambers. The date has been set for Thursday, May 1 from 5:00 – 6:30 p.m. **De La Vega moved to set the 2008 Open Book meeting on Thursday, May 1 from 5:00 – 6:30 p.m. Tessness seconded the motion. Ayes 5. Motion carried.**

**B. Charitable Gambling License Renewal** – Loftus stated this is a license renewal from Community Charities for pull tabs. Staff is recommending approval. It is a 2-year request. De La Vega asked if conditions could be set for this request based on the

results of the background check. Penberthy stated he is confused why it is part of the background check that the person is a suspect. It is unclear whether it is historical or it is an ongoing case. If there is a violation of the license related to the operation at Country Club Lanes, the City Council has a right to review and revoke the license request. LaBelle asked what time period the license is for. Penberthy noted it expires on 3/31/08. De La Vega was concerned this person is involved with the organization given the results of the background check. Penberthy stated it might not be material to this application. Marceau stated we have the remedy to revoke the license if necessary. **Folley moved to adopt Resolution 08-08 approving the license request. Tessness seconded the motion. Ayes – De La Vega, LaBelle, Marceau, Folley and Tessness. Motion carried.**

**9. MATTERS FROM THE FLOOR**

None

**10. REPORTS**

**A. Loftus** – Loftus stated we are following up on the West Point Road dock item brought up under Matters from the Floor in January, and it will be on the February 26 agenda. Loftus reported 42 people participated at the Republican Caucus held at City Hall.

**B. Marceau – Finance, Marinas** – Marceau stated he and Loftus met with LMCD to discuss municipal dock expansion. The LMCD responded favorably to the possibility. The Dock Committee will put together a conceptual plan to add twice as many docks.

**C. Tessness – Buildings, Building Inspection, LMCD, Fire Lanes and Municipal Docks** – The LMCD will meet on February 13 to discuss ordinance changes relating to boat density allowances and establishing boat density standards. He stated he will be unable to attend but would contact Doug Babcock to pass along the Council's concerns. LaBelle believed this would be a second reading. De La Vega asked if we have given Doug any idea what our position is. LaBelle stated we informed Babcock we want to know how this will impact the municipal docks. We still don't have those answers. De La Vega stated Babcock is representing the city and should carry our position to the meeting. LaBelle stated Babcock has no idea what the impact will be on the municipal docks. Marceau stated other cities will be present and be very vocal. De La Vega asked if we could advise Babcock to not vote on the item. Penberthy stated the problem is the LMCD Board will ask us what we are going to do so they can tell you what the impact is. We don't know what we are going to do. De La Vega asked if we would comply if we left it as it currently exists. Tessness stated we have to get three feet in depth, and that isn't an issue. Penberthy stated we don't have the factual background to give them as far as depth is concerned. **LaBelle moved to direct Doug Babcock to inform the LMCD the city is not in favor of any provisions of the recommendations of the Environmental Committee until we have an opportunity to assess the impact on the municipal**

**marina. Tessness seconded the motion. Ayes 5. Motion carried.**

**D. Folley - Animal Control, LMCC, and Technology** – Folley attended the Excelsior Fire District meeting in De La Vega's absence. The hovercraft will be arriving on February 13. Talks have started on technology needs. They are under budget so far this year. Rescue truck bids will be coming in soon. An emergency preparedness training session will be held on February 27, and Councilmembers are urged to attend.

**E. De La Vega - EFD, Parks, Sanitation, and Southshore Senior/Community Center** – De La Vega attended a Southshore Center held by just the cities to review the roles, responsibilities and organizational structure going forward. They will continue to work on a long term solution.

**F. Attorney's Report** – Penberthy stated the order dismissing the appeal has been entered.

**G. LaBelle - Public Works and SLMPD** – LaBelle stated he and Loftus attended the SLMPD strategic planning session and the quarterly Coordinating Committee. Items have been identified in the strategic planning session which includes adding officers, a K-9 unit, and replacing building HVAC units.

**11. ADJOURNMENT**

**There being no further business, it was moved by Marceau to adjourn the meeting at 8:00 p.m. Folley seconded the motion. Ayes 5. Motion carried.**

Attest:

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Clerk