

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING April 14, 2009

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 Public Works Superintendent Kluver.

3. APPROVAL OF AGENDA

Marceau moved to approve the agenda as amended: Add Item 8F, Floodplain Ordinance. De La Vega seconded the motion. Ayes 5. Motion carried.

4. CONSENT AGENDA

De La Vega moved to approve the consent agenda as presented approving the regular meeting minutes of March 24, 2009, Accounts Payable, and Resolution 09-05, Molldrem Variance and CUP. Tessness seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. PUBLIC HEARING

None

7. OLD BUSINESS

A. Southshore Center – Loftus noted the action item being considered tonight asks the Council to consider two interim agreements to keep the Southshore Center operational. The agreements give us until June 30 to explore options for operating the Center. She stated city representatives have received three RFPs and are interviewing two the next week. The only change in the present status, as presented in the packet, is that the appraisal is no longer an issue to address as Shorewood has made a motion to remove it from the agreement (#7 of the MOU). LaBelle opened the floor for public comments. He stated he has received comments for and against the Southshore Center.

Glenn Froberg, 35 Old Orchard Lane stated he has volunteered at the Center and served on the Board. He discussed the need for a Center and how to keep it operational. He presented a petition with over 800 signatures supporting the Center. He noted there are activities available for all ages, not just senior citizens. He gave a report on the Center's usage which included class attendance, rides, and meals served. He also discussed fundraising efforts. He discussed the agreement among the five cities, and he urged the Council to vote against selling the Center. **Bob Newman, 5230 Meadville Street, Greenwood** spoke on behalf of an independent group formed to help the cities and the public to facilitate and utilize the Center as a valuable asset for the community. He stated it is clear following the community meeting at the Center the previous week that the Center needs to remain in operation. He stated they are confident the Center will remain open and be better than ever. **Ed Bauman, 65 Interlachen Drive** stated he didn't presume to understand all the issues, but it is clear the City of Tonka Bay has worked hard to make this a viable operation. He would like the City Council to continue their efforts to keep the Center up and running. **Gary Thompson, 190 Wildhurst Road** stated a community asset such as the Center is important in the area. Tonka Bay needs to continue to work hard to support the Center. He urged the Council to continue their efforts to keep the Center open. **Lowell Day, 25 Pleasant Avenue** hoped the Center is still in operation in twelve years when he needs to use such a place. We support every other age group and need to also support seniors. **Loretta Holscher, 140 West Point Circle** stated that given the resources we all have to raise money creatively, it only makes sense to do so for the Center. There were no more public comments. LaBelle stated Greenwood has taken exception to the percentage of contributions and would like it to remain an ownership percentage. He stated he is confident Shorewood will be careful operators for the Center during this interim period. He noted the Council is not anti-Senior Center. All the Council has ever wanted is a sustainable plan. If it requires a financial contribution, so be it. He noted Councilmember De La Vega spent countless hours working toward a solution. He believed that what will emerge will be a very happy ending. De La Vega stated it was always our intent to create an entity that would be self sustaining into the future. We had a failing Center, and the cities were asked to help determine how to proceed. The cities are not service providers, and we needed a service provider in place. This is when Shorewood opted to sell the Center. It was never our belief that the Center was a facility that couldn't be operated on an ongoing basis. There is a long term solution. It is a misconception we have any other desire than for the Center to be operational. Folley wanted everyone to be aware there could be more costs involved. Tessness stated as owners, we have the responsibility to pay the operational costs. Marceau was concerned about the 20% and when it would end. LaBelle asked what we know about the effect of Greenwood's motion to change the percentages. De La Vega stated if there are four cities that agree to the document, then it will go forward. There is also an option to walk away from the agreement. Penberthy stated the Council

should look at the proposal from the perspective of Tonka Bay and take the necessary action. De La Vega stated the 20% ownership has to do with voting fairness. Shorewood believed if you vote equally, you should share in the costs equally. Penberthy stated if you want to consider the agreement as an amendment to the cooperative agreement that would require four votes. If you want to consider it as a new agreement, that would require three votes. LaBelle stated we are being asked to support a document that is in effect between now and June 30. Folley was concerned about what the percentage would be after June 30 and if we can go back to 9%. De La Vega stated that can be stipulated tonight. **De La Vega moved to accept the Memorandum of Understanding Regarding the Interim Operation of the Southshore Center as presented. Folley seconded the motion. Ayes 5. Motion carried.** De La Vega stated the second agreement is between the cities and the SSSP for the operation of the Center. **Folley moved to approve the Agreement for the Operation of the Southshore Center. De La Vega seconded the motion. Ayes 5. Motion carried.**

B. Capital Improvement Plan (CIP) – Loftus stated this item was presented at the March 10, and Council was given more time to review the document. The request is to approve the plan with the condition the assessment policy is accepted as part of the document but not become city policy. **Dave Martini, Bolton & Menk** was present for any questions from the Council. He encouraged the Council to review the plan on an annual basis to keep it updated. **De La Vega moved to approve the Capital Improvement Plan (CIP) with the condition that the sample assessment policy is accepted into the record but not adopted as policy. Marceau seconded the motion. Ayes 5. Motion carried.**

C. Request for Proposals (RFP) for Garbage, Recycling & Yard Waste Services – Loftus stated the current contract with Allied Waste will expire April 30, 2009. The Council directed staff to go out for RFPs for services. We received bids from Allied Waste and Waste Management. The low bidder was Allied Waste. They are proposing to begin single sort recycling beginning with the delivery of containers on May 4. LaBelle stated he is thrilled and delighted with the proposal. Single-sort recycling is a sign of the times. **Marceau moved to authorize the Mayor and City Administrator to enter into a contract with Allied Waste for a three-year period from May 1, 2009 through April 30, 2012. Tessness seconded the motion. Ayes 5. Motion carried.**

8. NEW BUSINESS

A. COPS Hiring Recovery Program – LaBelle stated SLMPD has applied for a grant, and there were 30,000 applications for 6,000 grants. Funding would come from stimulus money.

B. Outdoor Seasonal Sales Permit – Severs – Loftus stated Severs Farm Market is asking for a temporary seasonal sales permit from June 19 through August 30 similar to their 2008 request. **Folley moved to approve the outdoor seasonal sales**

permit for **Severs Farm Market**. **De La Vega seconded the motion. Ayes 5. Motion carried.**

C. Public Safety Interoperable Communications Grant – Kluver stated in December of 2008, he was asked to participate in a joint grant for 800 MHz radios with the cities of Shorewood and Excelsior. Shorewood is currently the only city with 800 MHz radios, and they have agreed to write the grant application. The grant will pay for eighty percent of the cost. On February 13, 2009, the city was notified that they have received an allocation of \$1875.43 towards the purchase of one radio and accessories. The remaining cost to the city would be \$811.93. The purchase was not budgeted for, but he feels it would be a good piece of equipment to add to help us communicate in emergency situations. He recommended funding of the \$811.93 balance be divided equally between the General, Water, Sewer and Storm Sewer repairs, supplies and maintenance budgets. He asked for authorization to enter into the necessary agreement. De La Vega asked for clarification of the warranty length. Kluver noted it would be two years. **Tessness moved to authorize the Mayor to enter into the sub-agreement with the Metropolitan Emergency Services Board. De La Vega seconded the motion. Ayes 5. Motion carried.**

D. Sewer Televising Proposals – Kluver reviewed the sewer televising schedule for 2009. He noted manholes are inspected, and ½ of the city's sewer lines are jetted each year. Three proposals were received, and the low quote was received from Pipe Services in the amount of \$2,650. Work would be completed in May. **LaBelle moved to approve the low quote from Pipe Services in the amount of \$2,650. Marceau seconded the motion. Ayes 5. Motion carried.**

E. Lawnmower – Kluver reviewed the price quote for a 2009 recycler lawnmower which is identified in the CIP. It will replace the current mower. Purchase will be done through the state's cooperative purchasing agreement. The successful bidder is MTI Distributing in the amount of \$19,436.68 with a trade-in allowance of \$7,000. The price would be \$13,335.08. **Marceau moved to approve the purchase of the lawnmower from MTI Distributing in the amount of \$13,335.08. Tessness seconded the motion. Ayes 5. Motion carried.**

F. Floodplain Ordinance – LaBelle stated he would like to direct staff to prepare a report on what needs to be done to amend the floodplain ordinance following discussion during the worksession. **Marceau moved to direct staff to prepare a report on what needs to be done to amend the floodplain ordinance. Tessness seconded the motion. Ayes 5. Motion carried.**

9. MATTERS FROM THE FLOOR

None

10. REPORTS

A. Loftus – Loftus stated MFRA had some redesign work on Woodpecker Ride Road, and the resulting bill has been reconsidered. We have been notified MFRA will write off the bill. Once the punch list is done, a summary will be brought back to the Council. The Excelsior Fire District's year in review has been provided for review.

B. Marceau – Finance, Marinas – Marceau stated a couple CDs are coming due this week. Quotes have been sent out, and they will be returned later this week. We will report at the next meeting. Loftus noted we will probably go for shorter terms given the low interest rates.

C. Tessness – Buildings, Building Inspection, Fire Lanes and Municipal Docks – no report

D. Folley - Animal Control, LMCC, Technology, and Southshore Senior/Community Center – Folley read a proclamation congratulating the Lake Minnetonka Communications Commission for 25 years of service to the community.

E. De La Vega - EFD, Parks, Sanitation, and LMCD – De La Vega stated he will meet with the LMCD on Wednesday to discuss their strategic plan. He will meet the following week with the Excelsior Fire District to discuss the budget. He also stated the cities are interviewing potential bidders for Southshore Center operations. The parks committee will continue to review the bids for playground equipment, and we have received a donation of rubberized floor for the warming house. We've also received a pea gravel donation.

F. Attorney's Report – Penberthy stated a settlement document has been received for the dock matter. The injunction will be dissolved, and the dock will be removed by May 12. If it is not removed, the city will do so. **Marceau moved to authorize the Mayor and City Administrator to enter into the settlement agreement with dock removal by May 12. De La Vega seconded the motion. Ayes 5. Motion carried.**

G. LaBelle - Public Works and SLMPD – no report

11. ADJOURNMENT

There being no further business, it was moved by Marceau to adjourn the meeting at 8:45 p.m. De La Vega seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk