

**MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
May 8, 2007**

1. CALL TO ORDER

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 7:30 p.m.

2. ROLL CALL

Members present were: Mayor LaBelle, Councilmembers Marceau, Folley, Tessness and De La Vega. Also present were City Administrator Sandin, City Attorney Penberthy, and Recording Secretary Link.

3. APPROVAL OF AGENDA

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

4. APPROVAL OF MINUTES - Regular Meeting - April 24, 2007

Folley moved to approve the minutes of the regular meeting of April 24, 2007 as written. Tessness seconded the motion. Ayes 5. Motion carried.

5. CONSENT AGENDA - Accounts Payable

Sandin stated the Valley Rich bill is for two watermain breaks. **Marceau moved to approve the Consent Agenda as submitted. De La Vega seconded the motion. Ayes 5. Motion carried.**

6. MATTERS FROM THE FLOOR

None

7. SPECIAL BUSINESS

A. Audit Presentation - Stuart Bonniwell, City Auditor was present to review the 2006 audit report. He reviewed the city's balance sheet including the general fund, and capital improvement funds and summarized receipts and disbursements for the year. Net assets and fund balances were also reviewed. All accounting procedures are in accordance with legal requirements. He discussed the city's investments which are very liquid. He stated the city needs to determine when they will assess the county road project. He suggested holding back on any transfers from the antenna fund, and they should be equal to the amount that goes into the fund. De La Vega asked if he would recommend the creation of an investment policy. Bonniwell stated the city follows the state statutes, and brokers sign a statement they will follow the statutory requirements. He must include a statement relating to the lack of an investment policy in the audit. Bonniwell noted that the amount of taxes certified and the amount collected are never equal. There are always delinquencies. He stated that, in general, the city's finances are very healthy.

8. **PUBLIC HEARING**

None

9. **OLD BUSINESS**

A. **Petition for Resolution of Woodpecker Ridge Road Dock Issue - Bob Haselow, 225 Woodpecker Ridge Road** presented a petition for the resolution of the Woodpecker Ridge Road dock issue. He discussed the desire of the residents to purchase the dock area from the City. He asked the Council to consider their petition. LaBelle stated the petition presented is requesting either the sale of the land or extension of the lease agreement. De La Vega stated he was not in favor of a lease extension; he would prefer a permanent long term solution. Folley stated there was a lot of work done on this issue ten years ago when the agreement was created. He believed if the property is sold, more than one bid should be solicited. Tessness would be for the sale of the property rather than a lease. De La Vega stated he would prefer the road and dock are sold as a whole. Marceau stated he didn't think it was a good idea to lease public land to private residents. He would like to look at the option of selling the property to the residents. LaBelle stated he is not in favor of an extension. If it is in the best interest of all the residents of Tonka Bay to sell the land, then it should be reviewed. He would suggest that the Council take action on whether the agreement should be extended. He also requested any docks be removed that are not permitted. There are a number of issues that need to be considered such as utility issues, snow plowing, etc. The value is also a consideration. He was willing to serve on a committee to start a dialogue. De La Vega stated that any unpaid fees should be paid. **Carl David, 145 Woodpecker Ridge Road** stated the residents are unified in looking for a permanent solution. The purchase of the property has always been their number one solution. He did believe, however, that the lease should be extended for one more year while negotiations are underway. **Folley moved to take no action on the lease agreement. Judd Brackett, 125 Woodpecker Ridge Road** stated it is more important to rescind the dock removal mandate. **Bob Haselow, 225 Woodpecker Ridge Road** sensed that the residents would want to proceed with the sale of the property. Sandin suggested the residents form an association to negotiate with the city. De La Vega stated he would prefer to work with one entity rather than make fourteen deals with fourteen property owners. **Motion failed for lack of a second. Marceau moved to deny the request for the lease extension. Tessness seconded the motion. Ayes 5. Motion carried.** LaBelle discussed the formation of a committee to begin discussions of a potential sale. Marceau asked if it would make sense to continue this discussion until the next meeting to allow the residents the time to discuss what they would like to see done. De La Vega stated he would like to see the group come together to give indication whether they have consensus, would like to proceed, and how. Marceau stated it wouldn't make sense to move forward if only a few of the residents are interested. Folley stated there are many unanswered questions. Penberthy stated the street abuts the water, and there isn't a strip of land between the

street and the lagoon. The street is basically in the water. Anything from the traveled portion to the lagoon is street right-of-way. If the street were sold, it would become private property. The city wouldn't be doing any more snowplowing so wouldn't need to be concerned about snow storage. These are the kinds of issues that will need to be discussed. If the land is sold, the city will not maintain the road. LaBelle stated the item could be placed on the agenda for the May 22 meeting. At that time, the residents can present how they want to proceed, who should be involved on the committee, and when they want to get together. In the meantime, LaBelle stated there is a deadline of June 1 for dock removal. He stated he will not, nor would he encourage other Councilmembers to get involved in discussions unless there is compliance. He stated he is not willing to negotiate with anyone who is not in compliance.

10. NEW BUSINESS

A. 180 Wildhurst Road - Tree/Fence Determination - Sandin stated there was a complaint raised about a row of trees planted on the property at 180 Wildhurst Road. Over the weekend, the property owner was able to reach agreement with the neighbors. She asked Council to determine whether the trees constitute a fence. **Bill McHale, 180 Wildhurst Road** explained what transpired and how the issue was resolved to everyone's satisfaction. LaBelle stated the plantings are a fence and cannot be more than three feet in height. Marceau agreed and said McHale could trim the trees to three feet or change the spacing. De La Vega suggested removing every other one to create some spacing between them. **Marceau moved to approve the plantings on the property line between 170 and 180 Wildhurst as not being a fence and the plantings on the property line between 180 and 190 as being a fence. Tessness seconded the motion. Ayes 5. Motion carried.**

B. 2008 Budget Timeline - Sandin presented a proposed timeline to begin the 2008 budget process. **Tessness moved to schedule worksessions on July 24 at 6:00 p.m. and August 14 at 6:00 p.m., and the Truth in Taxation Hearing on November 13. De La Vega seconded the motion. Ayes 5. Motion carried.**

C. Comprehensive Plan Update - Sandin discussed the timeline for the Comprehensive Plan update. She asked for direction to move forward. She stated one of the first steps would be to have a community meeting. The Council was comfortable with the timeline as proposed. They discussed a proposed survey requesting input and scheduling a community meeting. July 10 at 6:00 p.m. was the date proposed for the community meeting. **Tessness moved to schedule July 10 at 6:00 p.m. for the community meeting. De La Vega seconded the motion. Ayes 5. Motion carried.**

11. MATTERS FROM THE FLOOR

None

12. REPORTS

Sandin - Sandin stated the Lauer's' public hearing will be held at the next meeting. We have a new consulting attorney, Soren Mattick, who replaced Matt Brokl as the acting city attorney.

Marceau - Finance, Marinas - no report

Tessness - Buildings, Building Inspections, LMCD, Municipal Docks, Fire Lanes - no report

Folley - Animal Control, LMCC, Technology - Folley stated there are a lot of complaints about Mediacom. Residents should call LMCC.

De La Vega - Excelsior Fire District, Parks, Sanitation, and Southshore Senior/Community Center - De La Vega stated the second Parks & Trails committee met in May. Goal setting is being done. They will continue to meet monthly.

Attorney's Report - no report

LaBelle - Public Works and SLMPD - no report

13. ADJOURNMENT

There being no further business, it was moved by Marceau to adjourn the meeting at 9:10 p.m. De La Vega seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk