

**OFFICIAL MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
May 10, 2016**

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 Crawford, Public Works Superintendent Bowman, and City Attorney Biggerstaff.

3. APPROVAL OF AGENDA

Anderson moved to approve the agenda as submitted. Ansari seconded the motion. Ayes 5. Motion carried.

4. CONSENT AGENDA

Anderson moved to approve the following consent agenda items:

- A. Regular Meeting Minutes of April 26, 2015 as amended: Page 2, change to read: was not broadcast enough; 11A, reports – De La Vega indicated he would like to have a formal agreement on the logo.
- B. Board of Appeals Minutes of April 26, 2015
- C. Resolution 16-15 – Deny Variance Request for Electric Gate at 275 Lakeview
- D. Resolution 16-16 – Final Plat – Alan Chazin Homes – Sunrise/ Lakeview – under Item 5, page two, change preliminary to final plat. Item 3, Exhibit D rather than Exhibit A.

Clapp seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

- A. Dennis Richards, 5100 Manitou Road – discussed his concerns about the dock at 10 Crabapple Lane being on City property. He also discussed the new property owner's variance request with the LMCD for a dock reconfiguration and the City's comments regarding the request. He requested the city withdraw their comments. He also asked that the debris on city property also be removed. De La Vega thanked him for his input. Crawford stated she reviewed the variance request and didn't see any problems with the request. De La Vega asked Richards what the problem was with the request. Richards stated he had issues with the request because of views of the area and access to the lake when it is frozen.

6. **SPECIAL BUSINESS**

A. **Lake Minnetonka Association**

Judd Brackett, representing the Lake Minnetonka Association discussed his request for funding for the milfoil abatement project. He stated Excelsior and Shorewood are also involved. He stated the City has donated \$5,000 and \$10,000 in past years with funding from the dock fund. Brackett explained the process used to identify and map the weeds in Gideon's Bay.

De La Vega asked if the same chemical would be used on different kinds of weeds. Brackett replied the chemicals would be different.

Clapp asked if the treatment area for curly leaf in 2015 went up or down. Brackett presented a map showing the quantity treated in 2015. He stated the cost has not decreased despite the fact they are treating less acreage.

De La Vega asked who else funds this effort. Brackett stated Shorewood contributed \$1800. Excelsior has contributed \$2500 in the past. He stated there are no longer any grants from the LMCD or DNR.

De La Vega asked how the LID in St. Alban's Bay is progressing. Brackett stated this is the first year. Each lakeshore owner pays \$150. Marinas and those with lake access also paid certain amounts.

De La Vega asked how much was budgeted for this item. Crawford indicated \$5,000 was budgeted for 2016.

Anderson moved to approve the donation of \$5,000 to the LMA for 2016. Clapp seconded the motion.

Brackett stated as a thank you, they do treat the City's marina. Anderson indicated they forgot in 2015.

De La Vega suggested raising the rates for slips in 2017 which would be earmarked for milfoil abatement.

Ayes 5. Motion carried.

7. **PUBLIC HEARINGS**

None

8. **OLD BUSINESS**

None

9. **NEW BUSINESS**

A. **Tour de Tonka Special Event Request**

Crawford stated Tour de Tonka will be traveling through Tonka Bay again on August 6. She introduced the Tour representative, Jennie Bodurka.

Bodurka reviewed the statistics for the previous year's race. She indicated this would be the eleventh year for the race.

De La Vega asked if this is a competition of any kind. Bodurka stated this is all done for fun.

Anderson moved to approve the special event request for Tour de Tonka for Saturday, August 6. Grothe seconded the motion. Ayes 5. Motion carried.

B. **Approve Seal Coating Quote**

Bowman reviewed the three quotes received for seal coating. He also discussed whether Woodpecker Ridge Road would be a part of the seal coating.

De La Vega stated a letter should be sent to Mark Eliot stating the seal coating would be done by the City on Woodpecker Ridge Road in 2016.

Anderson moved to approve the quote for seal coating from Allied Blacktop Company in the amount of \$37,343.00. Grothe seconded the motion. Ayes 5. Motion carried.

C. **Approve Seal Coat Chips Quotes**

Bowman reviewed the three quotes received for seal coat chips. He recommended the quote be awarded to Martin Marietta.

Anderson moved to approve the quote for seal coat chips from Martin Marietta in the amount of \$10,734.50. Grothe seconded the motion. Ayes 5. Motion carried.

D. **Approve Parking Lot Striping Quotes**

Bowman reviewed the parking lot striping quotes. Council discussed striping a handicapped space at City Hall.

Ansari asked if there is a difference in quality in the striping quotes. Bowman stated the quotes are comparable.

Anderson moved to award the quote for parking lot striping to A-1 Stripes in the amount of \$800. Grothe seconded the motion. Ayes 5. Motion carried.

E. Approve Road Striping Quotes

Bowman reviewed three quotes received for road striping. He noted the prices don't vary much. He recommended awarding the quote to Twin City Striping in the amount of \$2,448.

Clapp asked if Birch Bluff Road needed to be striped. Bowman stated it helps to "calm" the traffic and keep the vehicles on their side of the street. Clapp didn't believe it is required under state guidelines to stripe it.

De La Vega stated there is an ongoing issue with traffic in this area, and there is a task force in place. He stated he wouldn't have an issue setting this aside until the task force comes up with solutions. Crawford stated she would be fine with that. She did, however, believe Tonka Bay Road should be striped.

Anderson moved to table award of the street striping quote indefinitely. Clapp seconded the motion. Ayes 5. Motion carried.

F. Crescent Beach Agreement

Crawford stated staff received several complaints about maintenance of Crescent Beach last season. She stated under a new agreement, maintenance would be the sole responsibility of Tonka Bay. She stated there may be a need to purchase additional equipment. She requested comments and approval from the City Council.

De La Vega stated the issue is the ongoing maintenance of the beach. It seemed when it is Shorewood's turn, we get complaints. He believed the cost of the lifeguards should continue to be a shared expense as well as equipment needed to maintain the beach.

Grothe discussed lifeguard costs.

Anderson asked if the use of the beach would be significant enough to even

need a lifeguard.

Ansari stated the increased population in close proximity to the beach would increase Shorewood residents' use of the beach.

Biggerstaff stated amendments to include shared costs of the lifeguard could easily be added.

De La Vega stated he would like to see a revised agreement brought back to the next meeting.

G. Joey Nova's Liquor Violation

Crawford stated Joey Nova's has failed a liquor compliance check failure, and the case has been continued. The owner was present and was given the opportunity to speak tonight. She discussed possible sanctions the Council could consider. She indicated seven employees attended SLMPD training.

Gary Ezell, Manager and Mo Hassanzadeh, Owner were present to comment on this violation. Ezell stated training will be mandatory for all employees. There was a termination of the employee involved. He stated there will only be adults over 21 at registers and as runners in the future. Also, each customer at each table must approach the counter to order alcohol. Customers who appear intoxicated will not be served. Hassanzadeh stated he was really surprised that this happened. He stated employees are well aware that all customers' ID's will be checked. Hassanzadeh stated terminating the employee involved sent an important message to all employees.

De La Vega asked why the training was not done following the last liquor compliance failure. Ezell stated they brought in an independent compliance company. De La Vega stated the requirement was to attend SLMPD training. Ezell stated that was his error.

Grothe stated he was also disappointed that this happened again.

Ansari asked if there is a cost for SLMPD training. De La Vega stated he didn't think so but that was beside the point.

De La Vega stated he was disappointed and didn't want them to continue to do this. He was dismayed the training did not take place. He believed this

should result in a fine. He recommended to the Council that the ordinance be enforced and a fine of \$2,000 be issued.

Clapp agreed with the fine imposed. He did not want to see them lose their liquor license.

Anderson asked if we received reports of how many times they passed a liquor compliance check. De La Vega indicated we do.

Anderson moved to direct staff to prepare a resolution imposing a \$2,000 fine and all new employees who serve alcohol will continue to attend SLMPD classes. Grothe seconded the motion.

In response to a question from Ezell, De La Vega stated all employees should attend SLMPD classes after they've been hired.

Ayes 5. Motion carried.

H. Hazellewood Liquor Violation

Crawford stated Hazellewood failed a liquor compliance check on December 18. This is their first violation. She discussed sanctions for the violation. Sixteen staff members attended training in April.

Tim Breeggemann, General Manager and Cathy Krueger, Office Manager were present to discuss the violation. Breeggemann noted the staff member who served alcohol was fired the same day. Krueger stated it is very clear in the employee manual that serving under aged customers would not be allowed.

De La Vega stated for the first violation, all employees must attend the SLMPD training, and this would be his recommendation.

De La Vega moved to direct staff to prepare a resolution requiring all employees serving alcohol to attend SLMPD classes. Anderson seconded the motion. Ayes 5. Motion carried.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator – Crawford stated a revised survey for the Chazin

development is provided that includes a right-of-way access easement the County is requiring. She indicated this would not impact the outlot. Crawford reminded Councilmembers to sign up and attend Paint Palooza on May 21.

- B. **Anderson - Finance, Fire Lanes and Public Access, Technology** – none
- C. **Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – none
- D. **Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC** – none
- E. **Clapp - Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks** – none
- F. **Attorney's Report** – none
- G. **De La Vega - Public Works, SLMPD, Administration** – De La Vega stated Tonka Bay prevailed on the Southshore Center court case. There were additional expenses of about \$2,000 involved for the case. The prosecuting attorney has asked whether the cities involved would like to recover these funds. Grothe agreed we should pursue the recovery since all the other cities agreed to do so. De La Vega stated he would be unavailable for the next few days.

12. **ADJOURNMENT**

There being no further business, it was moved by Anderson to adjourn the meeting at 8:34 p.m. Grothe seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk