

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING May 12, 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

Folley moved to approve the agenda as amended: Item 6A, Special Business, LMCD Update. De La Vega seconded the motion. Ayes 5. Motion carried.

4. CONSENT AGENDA

Marceau moved to approve the consent agenda as presented approving the regular meeting minutes of April 28, 2009 and accounts payable. De La Vega seconded the motion. Ayes 5. Motion carried. Tessness moved to approve the Excelsior seasonal park and dock patrol services contract. De La Vega seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

A. LMCD Update – Doug Babcock, LMCD representative noted zebra mussels are now in a lake in the Metro area, so enforcement efforts on Lake Minnetonka will be increased this season. He noted the proposed LMCD budget for 2010 will propose a zero increase. In response to a question from LaBelle, Babcock discussed the impact of zebra mussel colonies on boat intakes, power plants on lakes, dock installations, and beaches. He stated the bottom line is we do not want them in Lake Minnetonka. The responsibility lies with the boaters.

7. PUBLIC HEARING

A. SWPPP Annual Review – Kluver stated the city is required annually to hold a public hearing to address the Stormwater Pollution Prevention Plan. He gave a brief overview of the city's plan. LaBelle opened the hearing for public comments. There were none, and the hearing was closed. De La Vega asked how much of the plan needs to be revised every year. Kluver stated it is reviewed annually and can be revised if needed. Loftus stated we do submit an annual report on the progress.

8. OLD BUSINESS

A. Local Water Management Plan Update – LaBelle stated staff was instructed to get some alternate bids for a local water management plan. Loftus stated we received three proposals with similar scopes of service. She stated the low proposal was from Bolton and Menk in the amount of \$6,600. Tessness asked if Bolton & Menk has experience with other cities. Loftus stated they have provided the plans for several communities in the Lake Minnetonka area. They are also able to reuse a lot of the information from the capital improvements program they recently developed for Tonka Bay. **De La Vega moved to accept the proposal from Bolton & Menk in an amount not to exceed \$6,600. Marceau seconded the motion. Ayes 5. Motion carried.**

B. Lifeguard Services – Loftus stated staff was directed at the April 28th meeting to ask MCES for additional options. Four options have been provided: Option A is the original proposal, Option B is no service to Crescent Beach, Option C calls for the second lifeguard beginning on July 3, and Option D has one lifeguard on duty Monday through Thursday and two lifeguards Friday through Sunday. The third and fourth options fall within the budgeted amount, but we are not limited to these options. The contract begins June 12, and they are looking for Council direction. We still have time if none of the options fit the Council's needs. LaBelle stated he is not sold on the necessity of two lifeguards. He would still like to see a proposal that entails one lifeguard. He stated he would be in favor of Option D with only one lifeguard. Marceau stated he agreed with LaBelle completely. There might be a couple days when the beach is very busy, and he would like to see accountability moving forward showing rain outs, counts of usage, etc. The Council could then make a more informed decision for next season. De La Vega stated he was not comfortable that there is a rigorous set of criteria we can look at to determine when a second lifeguard is needed. More detailed data collected this year can be used next year. Tessness stated he would be in favor of Option D, but he believed there should be a cap on the amount given the asterisk note. LaBelle stated it isn't a blank check but an agreement to renegotiate. Penberthy stated the language states a lifeguard does not have the authority to call in another lifeguard and charge the city. If another lifeguard is called in, they are doing it on their own dime. He stated we don't know the standard for calling in another lifeguard. He believed they are using the Water Safety Instructor guideline, and it would be good to know what that standard says. He asked Marceau if he would like more specifics on numbers of swimmers on any given

day. Marceau stated if they have that information, it would be helpful to have actual figures instead of averages. De La Vega stated one of the thoughts was to run this control on an FTE hourly basis. We could figure out an hourly rate and determine what we want as a budget item for the entire program. LaBelle stated we need to set parameters. We will be able to place a more critical eye on the happenings at the beaches this year, so we will be in a better position next year. Marceau stated we don't have enough information to break it down to an hourly rate. LaBelle stated he would like to see an Option E before he acts on this item. Staff was directed to inform MCES we would like to see an additional option where they will be just one lifeguard at the beaches.

9. NEW BUSINESS

A. Manitou Park – Loftus stated this item is on the agenda in response to a complaint from Ms. Ottum regarding 25 plus years of storage at Manitou Park and its impact on the residents. In response to the complaint, the City Attorney has provided his opinion. Based on the opinion, Kluver has researched cost options to eliminate the storage area. Kluver identified items stored on the site and gave a background to the usage over the last 25 years. He stated there are no other large sites to store. It also provides a savings to the city. He stated items are stored on the site until there is a truckload full. He reviewed the cost of removing seal coat rock and watermain break materials immediately. He noted seaweed and blacktop material will now be stored behind the Public Works building. He stated he has been researching alternative storage sites, and he is talking to Hennepin County about possible storage in Navarre. LaBelle stated it is clear that we need to look at alternatives. He pointed out that the parkland was being used for this purpose as a convenience and to save money. Any alternatives will end up costing the taxpayers money. Folley asked if there is a time frame for material removal. Penberthy stated there is no legal requirement, but if you agree with the opinion, you can determine your own reasonable time for compliance. LaBelle asked when the next time material would be dumped. Kluver stated we still need a place to have the seal coat rock somewhere in the city for access. The cost to haul it from the quarry in St. Cloud on the day it is needed would be astronomical. The option would be to store it in the municipal parking lot next to city hall. He noted the only other item would be a watermain break. The option would be to have three additional tandem trucks on site which would haul the material out. It would increase the cost about \$1800 per watermain break. Ottum stated she would like to address the City Council. LaBelle stated this is not a public hearing. Ottum presented a signed petition. She stated she talked to ten other cities, and they don't have this problem with storage. She also requested the City Council adopt a resolution creating an Adopt a Park program. Kluver stated it would be a good idea to install a gate in the area where storage occurred at the park to discourage parking. LaBelle directed Kluver to check out the cost of such a gate. De La Vega suggested a post system also be researched. Ottum stated she would

donate the cost of a sign. LaBelle stated the Parks & Trails Committee could look into the Adopt a Park program.

B. Southshore Center – Bob Newman was present to discuss a statement presented for the Council's consideration. He explained the purpose of the statement is to officially declare their opinion of what the purpose of the Center would be. LaBelle stated we have probably communicated this already. Folley stated he likes the spirit of the statement. He believed all that is left is the funding. He reviewed the options remaining to pay as you go, opt out, or recognize the Center as a community center and proceed accordingly. He noted a decision needs to be made by June 30. Newman noted the statement states nothing other than a request for the city to declare that it will be a community center. Marceau stated our actions have already said that we want it to be a community center. Folley asked for direction from the Council he could take to the meeting on Thursday. De La Vega stated regardless of the dollars involved, is it still our vision to have a community center. We still have all the flexibility to negotiate our views into the agreement. **Folley moved to support the following statement: "We, the City Council of the City of Tonka Bay, support the use of the facility first and foremost as a community center and pledge to seek common ground with the other owner cities to secure a vibrant, active and successful enterprise therein."** De La Vega seconded the motion. Ayes 4-1. Marceau voted against the motion. Motion carried.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Loftus – Loftus stated there were ten people at the Open Book meeting. A memo will be provided at a later date.

B. Marceau – Finance, Marinas – Marceau stated some funds have been reinvested. Rates are not where we want them to be right now.

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

D. Folley - Animal Control, LMCC, Technology, and Southshore Senior/Community Center – Folley asked the Council for direction for the Southshore meeting. He again reviewed options to opt out or participate at the same level. Another option is to donate what we think it is worth to our community. De La Vega stated behind the scenes, Shorewood would run the center. The rest of the cities would contribute as they deemed appropriate. Shorewood would be responsible for any shortfalls. That way, the cities have full control over how much they contribute annually. Another option is a funding formula with all the cities involved in the management of the center. There is no clear

consensus where this is going to go, and he believed that is why Folley is looking for clear direction. Folley stated if one or two of the cities opt out, Tonka Bay needs to consider whether they still want to be a part of the center. LaBelle asked if any of the plans have contingencies for capital improvements. Loftus indicated that they do. LaBelle stated he would like to see a sustainable and affordable plan that covers ongoing maintenance and capital improvements. De La Vega asked if the Council would prefer to be involved in the actual management of the center, or would we prefer to be less active. LaBelle stated he would prefer little or no involvement in the day-to-day operations, but he would prefer involvement in the capital improvements or financial considerations. Folley stated he believed we should keep our involvement in the group. LaBelle believed there will be a comprehensive proposal coming before us. Loftus noted there has been significant progress finding a management company for the center. We have an idea of what it will cost us, and we have all agreed who the management company should be. We are now discussing how it will be paid for. The committee should get credit for this progress.

E. De La Vega - EFD, Parks, Sanitation, and LMCD – De La Vega stated there will be an EFD budget meeting on Wednesday. The single-sort recycling program has been initiated.

F. Attorney's Report – no report

G. LaBelle - Public Works and SLMPD – LaBelle reported there will be a SLMPD Coordinating Committee meeting in June.

12. ADJOURNMENT

There being no further business, it was moved by Marceau to adjourn the meeting at 8:19 p.m. De La Vega seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk