

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING June 23, 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 and City Attorney Penberthy.

3. APPROVAL OF AGENDA

Tessness moved to approve the agenda as submitted. Marceau 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 June 9, 2009 and Accounts Payable. De La Vega seconded the motion. Ayes 4-0-1. Folley abstained from the approval of meeting minutes of June 9, 2009 due to absence. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. PUBLIC HEARING

None

7. SPECIAL BUSINESS

A. 25th Anniversary – City Hall Mural – LaBelle stated the mural in the Council Chambers was originally commissioned in 1984. Rob Lahammer, director of Presbyterian Homes, read a letter from Al Holde's son honoring his father's accomplishment as the artist of the mural. LaBelle read a proclamation from the city honoring Mr. Holde. Al Holde thanked the City Council for the proclamation. Ron Gramenz spoke on behalf of the residents of Presbyterian Homes.

8. OLD BUSINESS

A. Southshore Center – Loftus stated the majority of the Council attended a worksession on June 3 where the Center's agreement was discussed. All the other cities have approved the agreement as of last night. Councilmembers have a clean version of what is being requested. De La Vega stated he was glad to see a viable outcome in place with Shorewood taking the lead. The proposed document is a good one that we can all live with. Folley thanked Shorewood for stepping up to run the Center. He would like Tonka Bay to stay involved in seeing the Center is run the way we want. Tessness stated he was glad to see it is a three-year agreement. Marceau stated this is the best alternative out there right now. LaBelle agreed with previous comments, and he was very pleased with the outcome. **De La Vega moved to approve the lease and agreement for the operation of the Southshore Community Center and authorize the Mayor and City Administrator to enter into the agreement. Folley seconded the motion. Ayes 5. Motion carried.**

9. NEW BUSINESS

A. Hill Street Fire Lane – Loftus stated a letter was received in April regarding a boat house on the Hill Street fire lane. This issue had previously been raised in 2001. There was a survey completed which determined the boat house is in the fire lane. Legal counsel and she met with the Holls, and they submitted a letter dated May 20 outlining their version of what is out there. Loftus reviewed options to order the structure's removal, consider vacation of the fire lane, or license the use. **Woody Love, representing John Barrow, 45 Highland Drive** was present to answer any questions on behalf of his client. **Gerry Holl, 15 Highland Drive** stated the boat house was there when they purchased the property and has been there for 65 years. He believes it should be grandfathered in, and the city should consider vacating the street. He didn't think anything should be done to the boat house except to fix it up. He stated when the Barrows originally moved in, they wanted to either have or share the boat house. Now that they're going to be moving, it is becoming a problem. He stated a previous Council approved the boat house location when subdivision discussions took place years ago. Folley asked if this was a street or a fire lane. Penberthy stated it is a street – all fire lanes are public streets that run to the lake. Holl stated this fire lane is very unique among others. LaBelle agreed, but he stated the community generally objects to requests to vacate a fire lane. He stated if any fire lane was without a purpose it is this one. He would, however, have a tough time supporting a vacation, but he did not have any opposition to the boat house being there. He would like to have some sort of license agreement and asked Holl if he would be open to that kind of a discussion. Holl indicated he would be in favor of a license agreement. He wholeheartedly supported public property remaining public. He would support a license agreement where the boat house would remain there as long as he is in possession of the property. **Mary Barrow, 45 Highland Avenue** asked if she could also have some sort of a license agreement since

they are also adjacent to the fire lane. Love stated the boat house is right on the property line and is in disrepair and is located on public land. He appreciated the fact that fire lanes are controversial in most cities. Holl stated the structure is sound and needs to be painted. He is perfectly willing to dress it up. LaBelle asked Barrow if the statements made about them wanting to share the boat house were accurate. Barrow stated she had no such conversation but her husband may have. She stated the structure is an eyesore, and there haven't been any improvements to it in nine years. Holl stated the boat house has always been there. Folley asked if the boat house shows as being owned by either property. Penberthy stated it is unknown, but structures generally do not show up in the chain of title. The city's position is that is a public street, and there is a structure on the public street. Barrow asked if the Holls are allowed to be the only user of the boat house. Tessness stated he was in favor of a license agreement. Love stated it is public land, and there is a private structure on public land. LaBelle stated in the past the City has entered into license agreements with residents, such as the license agreement for docks on Woodpecker Ridge Road. He was leaning toward a license agreement. He stated staff and the city attorney would most likely be directed to come back to the City Council with additional information. Folley stated we need an agreement to make sure it is maintained, and there needs to be a sunset clause on the agreement. Marceau was also in favor of a license agreement. Folley asked if there are different rules that apply since it is a shed. Penberthy stated there would be different provisions in a license agreement for a shed as opposed to a dock. De La Vega asked if there was any specific direction given in 2001 and if there is an issue with moving the structure. Holl stated there was no direction for action. De La Vega asked what the structure is used for. Holl stated it is used for storage. De La Vega understood it has been there for a long time, and we will look at an agreement very critically as it will be setting a precedent. At this point, he wouldn't approve a vacation. Loftus asked for input on how the recording of the license agreement would be paid. Marceau assumed the Holls would be responsible for the cost. Penberthy recalled discussions held in 2001. De La Vega asked Love what concerns he had. Love stated the structure's removal would result in a clear view of the lake, and the structure has no architectural significance. Penberthy noted the first step would be to create a license agreement and then determine whether the Holls would agree to it. Part of the negotiation would be to determine who is going to pay for the agreement. De La Vega agreed but was concerned about legally whether they should proceed to the second step if Penberthy should find too many road blocks when the license agreement is being written. Penberthy stated he wouldn't determine it isn't worth pursuing. **Folley moved to direct staff to proceed with exploring conditions or considerations for a possible license agreement. De La Vega seconded the motion. Ayes 5. Motion carried.**

B. Excelsior Fire District Budget – Loftus stated the full summary and budget recommended for approval by the Excelsior Fire District Board has been provided this evening. Council was asked to turn to the summary page which captured the budget

highlights. She explained the proposed budget is a zero increase from the 2009 budget. A large mandatory donation to the relief fund is required in 2010 that amounts to \$120,000 with two-thirds taken from reserve funds and one-third from operating funds. She reviewed Tonka Bay's share would result in an eight percent increase due to the changing formula to calculate contributions. De La Vega added the \$120,000 is potentially a multi-year situation. The funds withdrawn from this time might be available once again but not more than two more years. The Board will be cutting even more in the future if the market doesn't turn around. The relief fund contributions are state mandates. He asked for input on reinstatement priorities should the contributions be less than \$120,000. He believed the fund reserves should be the number one repayment priority. Councilmembers discussed the reserve funds and agreed with De La Vega. **De La Vega moved to adopt Resolution 09-10 approving the 2010 Excelsior Fire District budget and Capital Equipment Plan as proposed. Folley seconded the motion. Ayes – 5. Motion carried.**

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Loftus – Loftus reviewed the information provided by Administrative Assistant Link on the dock waiting list and this year's rental process. She asked the Council if they had comments on the process. De La Vega asked if it would make sense to offer the slips earlier in the season to help eliminate the quandary some residents are put into because of our time frame. Tessness agreed with De La Vega's comments. Councilmembers discussed the process. De La Vega stated he would like to have further discussions on the dock waiting list and make some proposals including having additional docks. Tessness stated he would be willing to set up a special meeting. Loftus stated Kløver performed fire lane inspections, and a memo has been provided detailing the results. Two letters have been sent to residents who have dock encroachments in the fire lanes. Folley asked how often inspections are done. Loftus stated they monitor the fire lanes regularly. De La Vega asked if letters have been sent previously to the two residents. Loftus stated they have been notified in the past. They typically correct the situation and gradually will encroach into the fire lane setback again as time goes by.

B. Marceau – Finance, Marinas – Marceau stated there was a meeting tonight regarding the trail. The plan is to get the three cities together to discuss the plan. The final number is \$15,000,000. Loftus stated the goal is to have the three cities support the plan, and the next step is to get on the Met Council's systems plan. Once it is been identified by the Met Council as an option, Three Rivers Park District can get involved. The cost proposed is not feasible alone on a local level.

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

D. **Folley - Animal Control, LMCC, Technology, and Southshore Senior/Community Center** – Folley stated the LMCC has purchased the building they are currently renting.

E. **De La Vega - EFD, Parks, Sanitation, and LMCD** – De La Vega stated the EFD budget is nearing completion. The LMCD budget is being narrowed down to the final details.

F. **Attorney's Report** – no report

G. **LaBelle - Public Works and SLMPD** – no report

12. **ADJOURNMENT**

There being no further business, it was moved by Marceau to adjourn the meeting at 8:10 p.m. De La Vega seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk