

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING July 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 and City Attorney Penberthy.

3. **APPROVAL OF AGENDA**

Marceau moved to approve the agenda as submitted. 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 June 23, 2009 as written. Tessness seconded the motion. Ayes 5. Motion carried.

5. **MATTERS FROM THE FLOOR**

None

6. **PUBLIC HEARING**

None

7. **OLD BUSINESS**

None

8. **NEW BUSINESS**

A. **Social Host Ordinance** – Loftus stated the Coordinating Committee has endorsed the enactment of this ordinance, and Chief Litsey is present to discuss the ordinance. LaBelle stated he has been exposed to this ordinance in his role on the Coordinating Committee. He would like the Chief to discuss the ordinance's significance. **Bryan Litsey, SLMPD Police Chief** stated this ordinance fills a gap in the current law

making it difficult for the police to enforce. He noted this draft ordinance is based on the city of Minnetonka's ordinance. He stated he would also like input on the draft ordinance from city attorneys. De La Vega asked for clarification on the gap that currently exists. Litsey stated what happens is a legal age resident will provide a venue for underage drinking to take place and not purchase the alcohol. Oftentimes, parents will also allow underage drinking. De La Vega asked if an underage sibling showed up at a legal aged brother's apartment with friends to drink if the legal aged brother would be charged. Litsey didn't think there would be a charge in this case. De La Vega asked for clarification of "standing order". Litsey explained it would involve a property owner giving the "standing order" that under age drinking is never allowed. De La Vega believed the ordinance is fraught with several opportunities to interpret it in many ways. He believed the language in the proposed ordinance could be tightened up. He believed this ordinance could be a solution in search of a problem. Litsey stated he would much prefer this be a county or state statute. Tessness asked how this ordinance can prove guilt. Litsey stated if they are present and there are intoxicating beverages and intoxicated under age drinkers present, they are guilty. He stated prosecuting attorneys would hold the police to a very high standard when prosecuting a case violating this ordinance. He stated there is a need for public dialog before enactment. De La Vega asked if there is any evidence that an ordinance of this type will impact the activity in the area. Litsey stated the organization, Tonka Cares, has that kind of information they would be willing to share. He would also provide additional information. De La Vega stated if kids are moved from one location, they will just go somewhere else. He was concerned about what kind of liability the city would have if this activity takes place at a city-owned location. Litsey stated he could provide more information from when Minnetonka considered adoption of this ordinance. It includes questions the Council had and how they were addressed. LaBelle thanked Litsey for his attendance.

B. Lake Minnetonka Communications Commission (LMCC) – Stimulus Grant – LaBelle stated the LMCC is applying for stimulus grant funding. **Dick Woodruff representing the LMCC** explained what the LMCC is planning to do. Over a year ago, the LMCC started talking about expanding the capability of communications in the 17-member community area plus Mound. Mound is not a member of the LMCC, but they buy their services from them. Congress has authorized funding to increase coverage areas for data and broadband communications. He explained what the program involves and how the LMCC will proceed to apply for a stimulus grant. The LMCC believes it is eligible for funding. The application process is very extensive. The grants will fund only capital and construction costs of \$47,000,000. Support is needed from all the members of the LMCC as part of the application. LaBelle asked how long it would take to set up the network if the funding is approved. Woodruff replied 67% must be completed within two years. LaBelle stated he didn't see any support from the companies that would profit the most, such as Mediacom. Woodruff stated they oppose this. He noted once the

network is in place, access has to be provided to Mediacom and others. De La Vega asked what the benefit is to LMCC, and who else would use the fiber network. Woodruff stated subscribers would have the opportunity to choose a package of services. It is an open network service, and it would have many applications. De La Vega asked if this is allowed in the LMCC's charter. Woodruff explained that it is allowed in the joint powers agreement. De La Vega asked what is expected in the way of road excavation. Woodruff stated there are contractors who do the installation. The LMCC is not far enough in the process to pick one. Areas will be bored or trenched rather than excavated. Loftus stated water meter readings might be an application the city would be interested in pursuing. Woodruff stated lift station monitoring is another possibility. **Folley moved to adopt Resolution 09-11. Marceau seconded the motion. Ayes – Folley, Marceau, De La Vega, Tessness and LaBelle. Motion carried unanimously.**

C. Assessor Contract – Loftus stated the assessment agreement between Hennepin County and Tonka Bay expires at the end of July. Staff was directed to go out for proposals for assessing services. Two quotes were received, one from Hennepin County and one from Bill Davy. She reviewed both proposals. Mr. Davy is a retired assessor from Hennepin County and is very familiar with Tonka Bay. Should the Council wish to go with Mr. Davy instead of Hennepin County, the Council would need to take over the Board of Review duties which the County has handled since 2004. Two members would need to attend training; however, she recommended that all the Council attend the training session. LaBelle stated the Board of Review meetings are not a big deal. The proposed service from Bill Davy reflects a 33% reduction over what we are currently paying. He doubted there is anyone who knew more about the valuation of property in Tonka Bay than Bill Davy. He stated we owe it to the taxpayers of Tonka Bay to go this route. Tessness agreed as did De La Vega. Marceau agreed noting \$9,000 is a lot of money. Folley was concerned about the term of a contract. Mr. Davy indicated he was flexible with the term of the contract. **Tessness moved to authorize the staff to work out a contract with William Davy to provide assessing services for Tonka Bay. Marceau seconded the motion. Ayes 5. Motion carried.**

D. Lake Minnetonka Conservation District (LMCD) Budget – Loftus stated the LMCD's budget for 2010 has been held at the same level as 2009. Tonka Bay's share will increase 4.2% due to increased property values. The LMCD is required to hold a public hearing should the Council wish to discuss this budget further. De La Vega stated he didn't have any issues with the budget as proposed. **De La Vega moved to adopt Resolution 09-12 approving the 2010 LMCD budget. Tessness seconded the motion. Ayes – Folley, Marceau, De La Vega, Tessness and LaBelle. Motion carried unanimously.**

9. MATTERS FROM THE FLOOR

None

10. REPORTS

A. Loftus – Loftus reviewed the report from Hennepin County on attendance at this year's Open Book meeting.

B. Marceau – Finance, Marinas – no report

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

D. Folley - Animal Control, LMCC, Technology, and Southshore Senior/Community Center – no report

E. De La Vega - EFD, Parks, Sanitation, and LMCD – De La Vega reported the annual Firefighters' Dance is Friday, July 17. All five cities have approved the fire budget for 2010.

F. Attorney's Report – no report

G. LaBelle - Public Works and SLMPD – LaBelle stated there was a police budget meeting recently. The Coordinating Committee is recommending a zero percent increase in salaries.

11. ADJOURNMENT

There being no further business, it was moved by Marceau to adjourn the meeting at 8:40 p.m. Tessness seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk