CITY OF TONKA BAY
ITEM NO. 4A

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
July 22, 2008

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, and De La Vega. Councilmember Folley was absent. Also present were City Administrator Loftus, City Attorney Penberthy, and Public Works Superintendent Kluver.

3. APPROVAL OF AGENDA

Tessness moved to approve the agenda as submitted. De La Vega seconded the motion. Ayes 4. Motion carried.

4. CONSENT AGENDA

Marceau moved to approve the consent agenda as presented approving the minutes of the regular meeting of July 8, 2008 and agreement with Bolton & Menk for long term planning assistance. Tessness seconded the motion. Penberthy stated Section 2 asks the city to designate a liaison person. Tessness and LaBelle were both under the assumption Kluver would be so designated. Marceau amended his motion, Tessness seconded the amended motion to include Kluver as the designated liaison. Ayes 4. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. PUBLIC HEARING

None

7. OLD BUSINESS

A. Drainage Request at 355 Lakeview Avenue – Loftus stated this item is returning to the agenda. The direction at the June 10 meeting was to come back with more information from the City Attorney. We also have included correspondence from the City Engineer and the residents at 345 and 355 Lakeview Avenue. The City Attorney has provided possible alternatives and solutions. LaBelle asked those present to speak to the City Attorney's memorandum. **Chadd Larson, representing 355 Lakeview**

Avenue stated he has three distinct areas of concern – the drainage on Lakeview Avenue for which he suggested a curb be installed. The second issue was the drainage in the fire lane west of his property. He believed the problem is caused by public runoff. The third issue is the swale modifications at the property at 345 Lakeview Avenue. The City Attorney has indicated it is a private issue. Penberthy stated he addressed what currently exists. Larson stated it is very difficult to clean out the swale short of removing the rocks. He stated there is a potential maintenance issue on the drain tile. The City doesn't have an easement to the property to access the drain tile. He stated the property is for sale now. He believed it might be in the best interest of the City to do something about the drainage swale. Larson stated his first preference and priority would be to contain the drainage from Lakeview Avenue. **Dan Conroy, 345 Lakeview Avenue** stated he has tried his best to maintain the swale on an annual basis. He unplugged the drain on his property, and they are working better than they ever have. He offered they could tie into his drain tile from their driveway, and that would help. Tessness appreciated his willingness to help out his neighbor. He stated it is the property owner's responsibility to handle their own drainage. Tessness stated repairing the driveway would also be a good idea. LaBelle asked Kluver if the curb is worth pursuing. Kluver replied at certain times, it would not be adequate. Marceau asked if the curb would benefit mainly the property or the rest of the city. Kluver stated it would benefit that property. LaBelle asked if there were any plans for the driveway repairs. Larson stated he has talked to the property owner, and they have indicated they are willing to replace the driveway if the drainage swale is fixed. LaBelle stated he didn't think the Council would be willing to fund an engineering study, and he urged Larson to work with an engineer on his own. Kluver stated he has manhole casting elevations which indicate the road has been raised 2-1/2 inches at Waseca and Lakeville and at 345 Lakeview Avenue. Larson stated the road being raised hasn't helped the drainage situation. LaBelle stated it is Larson's responsibility to correct the drainage problem that exists on the 355 Lakeview property. Staff can give their guidance, but the meter starts running when the City Engineer gets involved. Marceau stated the city could do the curb work and pass the cost on to the property owner. If the curb works, they might not have to go with any other improvement. Larson asked if the curb could be extended to the west. LaBelle stated he would not want to pursue that as it would be in front of the neighbor's property. Tessness didn't see it benefiting anyone but the property owner. De La Vega stated it wouldn't benefit the community, and he would expect to be reimbursed. He didn't believe it should be extended at all. In either case, he couldn't see a benefit to the community at large. We'd like to help him fix the problem, but we can't assess his costs to the other property owners. LaBelle asked how long it would take to construct the curb. Kluver stated it would be a one-hour job. LaBelle asked Larson if he would be willing to pursue the curb construction. Larson asked if the curb construction at his neighbor's house was constructed and charged accordingly. LaBelle stated this should be borne at his expense no matter what happened across the street. Marceau stated it appears to make sense to

charge Larson for the curb. Kluver stated the work would be done during the regular patching schedule. Loftus stated there is currently an open trench in the fire lane which needs to be addressed to either engineer a solution or direct Public Works to fill it in. Marceau asked when it would be filled in. Marceau stated the property owner has already cut a trench into the fire lane. LaBelle stated he isn't in favor of doing anything. He would like to see Larson work on a plan with staff, tie in the trench issue as one tight package that we can all support or not support. He wasn't convinced this is a city issue. Larson stated he would like some discussion of the swale between 345 and 355 Lakeview Avenue. De La Vega stated it was his understanding the swale at 345 Lakeview was constructed to address drainage between the adjoining properties and not to drain Lakeview Avenue. He didn't think it was the city's responsibility. De La Vega stated we don't have access to the swale on private property. The city doesn't have a way to maintain the swale. LaBelle stated we don't have any authority to do anything about it. LaBelle stated Larson can work with staff to come up with a solution to be brought back to one of the meetings in August. He stated Larson might consider bringing in his own engineer.

8. NEW BUSINESS

A. Minnehaha Creek Watershed District (MCWD) Shoreline Restoration Proposal – **Nat Kale, MCWD planner** discussed the Lake Minnetonka shoreline restoration project. He stated there is a site in the City that would be a good fit for the project at the Old Orchard Park/Municipal Dock area. The project consists of two phases. The first phase is to create a classification of the shoreline. The idea is to get a gauge of lake levels and get a guide of what is going on in the area. The overall goal is to encourage residents around the lake to use new ways to solve problem lake conditions. The second phase is to find four additional demonstration sites around the lake. One site has been identified in the headwaters area. The third factor to take into account is soils. There is a greater likelihood of erosion when soils are less cohesive and tend to break up easily. The final factor is slopes. Steeper slopes are more prone to erosion. An additional factor is custom wetlands. There are only so many public parcels around the lake, so it won't be possible to find four sites where each of the factors can be shown. Public access is also important. If the municipality has specific goals for their site, we want to make sure we tie in with their goals. If there are existing erosion issues, we would also like to deal with those at the same time. There are two areas proposed. The first is near the boat slide area, and the second area is near the fishing docks. Our plan is to put in vegetation along the upland site with a smooth transition from the upland into the water. The species with their deep root systems will hold the lakeshore in place. Temporarily, 16-inch fiber rolls would be installed which are constructed of straw or coconut fibers bound together with twine. Over time, plants will grow up around and between them. This project cost would be included in the MCWD's capital projects plan. They would also maintain the area for three years after which time it will be given back to the City for

maintenance. The area would be completely established by then. LaBelle stated we are very protective of our marina area. He noted there is a possible expansion of the municipal dock area in the area proposed for the restoration. He was concerned about the upkeep that needs to take place and how time consuming and labor intensive it would be. Kale stated the MCWD would establish the site, and it would be up to the City to determine the level of upkeep. An annual weeding and general maintenance would be involved. LaBelle asked if there are any photos available from other sites. Kale stated he could provide pictures of the work done in Gray's Bay headwaters area for the Council's review. He stated three separate angler access points are suggested along the area. He stated they could incorporate any of the City's suggestions. LaBelle asked when he would like more information. Kale stated he will be going before his Board of Managers on August 7 and would like input before then. Loftus stated there are some clearly significant erosion problems in the area now that would eventually need to be addressed through rip rap or a bioengineered solution. She asked if now would be the right time to correct the erosion problem. Kale stated it would be hard to say when the erosion would need to be corrected. Tessness asked if this could coincide with the proposed mitigation efforts. LaBelle didn't believe this would affect that project. Kale stated there shouldn't be a problem working around the proposed mitigation. As far as the marina is concerned, it would depend on how close to the shore the marina will be getting. LaBelle asked how it would co-exist with a dock expansion. Kale stated it should work. De La Vega asked if the dynamics of the erosion would change with docks there. Kale stated if this were a highly erosive site, having the docks there would change the site. Since this is a low energy site, he didn't see a problem with the demonstration at all. De La Vega asked if the split rail fence is an option. Kale stated it is the standard, and you want something to mark out the area to prevent trampling of the site. You want to make sure the area remains untouched. The split rail fence is just a suggestion, and something else could be used. Loftus asked if the fence would be permanent. Kale stated it would be a permanent structure. LaBelle stated he is interested in shoreline stabilization. Loftus stated the MCWD is not looking for final plan approval tonight, just approval of the concept. Kale stated he can go back to the consultants and ask for more visuals and cross-sections of the proposal. Kluver asked if there was a virtual drawing of the proposal. Kale stated he would check to see if that kind of information could be provided. De La Vega asked Kale to make sure that the design would take what is currently there into consideration. De La Vega asked if there would be any restrictions to storage of materials in the area. Kale stated they wouldn't want to store anything that would cause stress to the plants. Kluver stated you wouldn't want to do any of the work in the area where the boat slides are located. LaBelle asked that the slide area be eliminated from the proposal. LaBelle also stated correcting the erosion would help with sediment forming on the bottom and the need for dredging. Kale believed the site would work out very well for all concerned.

B. <u>South Lake Minnetonka Police Department (SLMPD) 2009 Budget Proposal</u> – **<u>Bryan Litsey, SLMPD Chief of Police</u>** was present to review the proposed 2009 SLMPD budget. He noted strategic planning is now a part of the budgeting process. As part of the strategic planning initiative, all member cities had an opportunity to identify issues and give feedback on the SLMPD organization. As a result, a Strategic Planning Group was created. The strategic plan requires annual approval. What we are looking at tonight is the implementation of the first year of the strategic plan. He stated the Greenwood and Excelsior City Councils have approved the proposed strategic plan and 2009 budget. Shorewood will review the proposal at their meeting on July 28th. The budget itself includes debt service on the building as well as the operating budget. The personnel and operating costs account for 81% of the budget. He stated one of the main reasons for the budget increase is to maintain the coordinated plan and fire pension plan amounts. These are legislative mandates. Ammunition costs have also increased dramatically, and gasoline prices are beyond our control. The SLMPD have switched over to more gas efficient vehicles whenever possible. He stated maintaining the building is also costly. He stated the proposed budget is a lean budget. Litsey reviewed the budget items that were affected by the strategic goals. He noted that half of the cost for the proposed police officer addition would be paid for in 2009. He stated they try to maintain five percent in reserves since revenues from the cities come on a monthly basis. He discussed the phasing in of officers beginning in 2000 following an "officer deficit" in 1999. In 2000 a separate Shorewood officer was also phased in. In 2001 a part time CSO was added. That transitioned to a full time position the following year. While the new building was being constructed, he didn't ask for any new officers. He stated there are a lot more requirements now when someone is put in jail. They do utilize the new CSO/animal control officer when possible. It is difficult to rely on mutual aid with other police departments. He stated if they could add as many officers as they needed, they would add four more. He reviewed officer staffing levels throughout the Metro area as compared to SLMPD. Those with a similar joint powers agreement strive to always have two officers on duty at all times. The annual cost of phasing in an additional officer and adding new technology would be about 50 cents a month per person in Tonka Bay. He stated having one officer on does affect recruitment as officers in the hiring cycle will actually ask if they have to work alone. He also has a hard time approving all officer requests for time off due to the concern about staffing levels. In general, it's a challenge to keep them on staff once they've reached 3-4 years of experience. De La Vega suggested numbering the pages in the budget and double siding the printing in the future. He also stated the bottom line budget amount is $1.935 million in one location and $1.941 million in another. Litsey stated the correct budget amount is $1.941 million. De La Vega discussed the span of control for the chief and deputy chief. Litsey noted the deputy chief would be retiring in 2009. Litsey stated the chief operates more as a manager/administrator. A lot of his work deals with individual cities and working with other agencies. The deputy chief's duties are similar to what some chiefs do in other

police departments. The deputy chief's duties are more organizational than the chief's duties. The deputy chief is responsible for contact with residents and scheduling. He stated scheduling is very time consuming and labor intensive to administrate. De La Vega stated it appears there is a scheduling and staffing issue. It seemed to him that there is a real "bottleneck" at the deputy chief position, and that person is retiring in 2009. Litsey stated there is a lot of give and take in the organization. He and the deputy chief have worked together for many years. Organizationally, things flow well. De La Vega stated in his experience, the answer has not always been to add more staff. He was cautious about doing so without looking at other possibilities and what everyone does. One example would be the tactical force and if that was truly needed. Litsey stated it was needed. There was a gap when the County wouldn't come out for a high risk situation, and something needed to be done. The crime fund contributed over $20,000 to outfit the tactical force. Litsey stated they spend a considerable amount of time figuring out how to best utilize the equipment they already have. Litsey stated Maynard's has helped with funding the program by having additional officers there on the weekends, and Excelsior pays for the dock master position in their city. De La Vega stated we're a small community, and we can't be all things. He noted DUI is a big issue in the area which makes the request for additional officers very sensible. The predominant issue is keeping drunk drivers off the road. He asked what other resources we have that may not be addressing our needs. He asked what computer forensics entails. Litsey discussed the purpose of computer forensics which would put a sequencing of events off a surveillance tape to find a stolen car, for example. Special training was paid for with a grant. He stated a conscious decision was also made to take reports on identify theft. He stated they looked at the budget to see what areas could be relocated and found it difficult to do so. When they looked at staffing, everyone was in agreement the priority needs to be in the patrol area. Marceau stated he assumed the hours for which there is only one officer in the area are when he would not feel at risk. Litsey stated they took the month of April and determined there were times when there was only one officer for sometimes ten or fifteen hours a day, often during prime times on a weekend. We even have problems when it comes to special detail at the bars, for example. Litsey stated there is something fundamentally wrong when there is only one officer on duty. Marceau stated the police do an excellent job which is why it is difficult for him to rationalize adding an additional officer. LaBelle stated it was a real eye opener to find out that there are times when there is only one officer on duty at a time. It is unconscionable that this occurs. He didn't see any other way around adding another officer. De La Vega stated he is concerned about how this will be funded. He asked if there were any discussions about using other funds. Litsey stated it is important to understand some of the funds, like technology, are high because they have an intended purpose. The proposed software will cost $100,000. De La Vega stated there is $136,000 that is undesignated. Litsey stated that is the reserve fund and is used for cash flow and emergencies. De La Vega suggested it be renamed something other than undesignated. Tessness stated he is definitely in favor of adding

the additional officer. Marceau agreed we need more patrol, but he was not in favor of the additional officer at this time. De La Vega stated he would like additional detail be added to the budget in the future. He also stated planning out one year is not enough to replace the deputy chief. Litsey stated he is also nearing retirement age. He also stated some of the sergeants will be able to take on some of the deputy chief's duties. **De La Vega moved to accept the budget as proposed. Tessness seconded the motion. Ayes – 3-1. Marceau voted against the motion.**

9. MATTERS FROM THE FLOOR

None

10. REPORTS

A. Loftus – Loftus stated a newsletter was sent to residents on Woodpecker Ridge Road regarding a gas main replacement. The mill and overlay will also take place in the near future. Previously, the City Council requested additional information on insurance purchased. Since 2004, the city has purchased excess liability insurance of $1,000,000 which costs $2,454.

B. Marceau – Finance, Marinas, - no report

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

D. Folley - Animal Control, LMCC, Technology – no report

E. De La Vega - EFD, Parks, Sanitation, and Southshore Senior/ Community Center – no report

F. Attorney's Report – Penberthy reported the League of Minnesota Cities will represent the city in the lawsuit from 245 Woodpecker Ridge Road. The LMC-appointed attorney will attend a future meeting.

G. LaBelle - Public Works and SLMPD – Kluver reported on storm damage as the result of the storm on July 17.

11. ADJOURNMENT

There being no further business, it was moved by Marceau to adjourn the meeting at 9:28 p.m. Tessness seconded the motion. Ayes 4. Motion carried.

Attest:

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Clerk