

**OFFICIAL MINUTES  
TONKA BAY CITY COUNCIL  
REGULAR MEETING  
July 28, 2015**

**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 (arrived at 7:14 p.m.), Clapp and Grothe. Also present were City Administrator Crawford and City Attorney Penberthy.

**3. APPROVAL OF AGENDA**

**Anderson moved to approve the agenda as submitted. Grothe seconded the motion. Ayes 4. Motion carried.**

**4. CONSENT AGENDA**

**Anderson moved to approve the consent agenda as presented approving:**

**A. Regular Meeting Minutes of July 14, 2015 as amended: change “secondary” to “irrevocable” on first page.**

**B. Financial Report**

**C. Quarterly Building Activity Report**

**Grothe seconded the motion. Ayes 4. Motion carried.**

**5. MATTERS FROM THE FLOOR**

None

**6. SPECIAL BUSINESS**

None

**7. PUBLIC HEARINGS**

**A. Wellhead Protection Plan Part Two**

Crawford introduced Leslie Storlie from WSB who presented this item.

**Leslie Storlie, WSB Engineer** discussed the status of the City's Part Two Wellhead Protection Plan. The first part was completed in June of 2011, and it delineated the wellhead protection plan and drinking water management area. She stated Part Two evaluated a group of data elements, such as geology and water surface elements and determined ways to protect these elements.

Storlie stated the plan was submitted in October to the MN Department of Health who identified required changes. She discussed the items which included removing potential contaminants and added a few items. Items added included the prioritization of the identification of unused wells and when they will be sealed. Also to be added will be the investigation of any unallocated Class V wells. She recommended the Council adopt the resolution which will allow the Plan to be resubmitted. She indicated once the plan is approved, Local Government Units will be contacted to let them know the Plan has been approved prior to implementation.

Clapp asked if we have a well sealing ordinance. It was indicated we do not.

De La Vega asked if there are any wells in Pleasant Park. Messner indicated he has not seen any. Storlie indicated there are three wells in the City – two are City wells, and one is a private well. De La Vega was concerned whether sinkholes in Pleasant Park might be caused by abandoned wells.

**Anderson moved to adopt: RESOLUTION NO. 15-12 , A RESOLUTION ACCEPTING PART 2 OF THE CITY OF TONKA BAY'S WELLHEAD PROTECTION PLAN FOR RESUBMISSION TO THE MINNESOTA DEPARTMENT OF HEALTH Grothe seconded the motion. Ayes – De La Vega, Anderson, Clapp and Grothe. Motion carried.**

**8. OLD BUSINESS**

**A. 2015 Sanitary Sewer Lining—Award Project**

**Justin Messner, WSB Engineer** reviewed the bid opening results for this project. The low bid was from Insituform in the amount of 36,892.50. The Engineer's estimate was 42,774.57. He indicated the contractor anticipates beginning work in September. November 15 is the completion date.

De La Vega asked if this is the same company that did the same work last year. Messner indicated it was. De La Vega stated at some point he would like to see a map prioritizing areas which need lining. Messner indicated he and Bowman are working on that.

**Anderson moved to adopt: RESOLUTION NO. 15-13, A RESOLUTION AWARDING A BID FOR THE 2015 SANITARY SEWER IMPROVEMENT**

**PROJECT. Grothe seconded the motion. Ayes – De La Vega, Anderson, Clapp and Grothe. Motion carried.**

**Ansari arrived at 7:14 p.m.**

**B. Deer Feeding**

Crawford stated additional information on ordinances from other cities as well as proposed language for a Tonka Bay ordinance which has previously been presented to the Council. She discussed recommended action for the City Council to take on this issue.

De La Vega asked if the Council wanted to create this ordinance now or table this item indefinitely.

Clapp stated he would like to table this item. Penberthy clarified the action to table indefinitely. Clapp stated he firmly believes people should be allowed to do what they want on their property.

Anderson agreed with Clapp's comments. He indicated there isn't overwhelming City-wide interest in this ordinance.

Grothe stated he wasn't too strongly opinioned one way or the other. He stated if we do an ordinance, it needs to be done in association with Shorewood's ordinance. He believed the Shorewood ordinance language should be used should we adopt an ordinance. He agreed it is an incident that is coming up in one area of the city.

Ansari stated she was in favor of the ordinance initially. In absence of other incidents in the area, she deferred to others' comments. It doesn't appear to be a problem now. She asked if there would be a determination of how many instances would need to occur before this is brought back.

**Dean Pierson, 115 West Point Court** stated he was very disappointed. He indicated he would rather see this voted up or voted down. He stated the issues are vegetation destruction and health and safety. He stated he is at his wit's ends. He stated he can't help if it is not a problem in other parts of the city. It is a problem in his neighborhood, and they are given nothing.

De La Vega stated he sensed Pierson's disappointment. He stated he didn't think Pierson wanted the Council to vote this down now.

**Deanna Erhart, 105 West Point Court** stated she is also disappointed. She believed deer will become sick down the line if they continue to be fed. If deer get sick, pets and humans will be next to get sick.

Council discussed ways to protect property from animals.

Grothe stated he did not want to craft an ordinance at this point in time.

De La Vega believed he got the sense that the Council did not want to move forward with this ordinance.

Clapp stated he did not oppose to thinning a heard if it should be needed. He did believe nature will take its course. He agreed we have enough ordinances already.

Ansari asked if the other incident of deer feeding has ended. A member of the audience noted it could not be seen due to the tree cover.

**Anderson moved to table the proposed deer feeding ordinance indefinitely. Clapp seconded the motion. Ayes 4-1. De La Vega voted against the motion. Motion carried.**

**C. City Hall Fence**

Crawford stated at the last City Council meeting staff was directed to research prices on 5-foot, 6-foot and 6-1/2 foot fences. She stated the 6-1/2 foot fence does not meet our City Code, and a variance would be required for that height. She stated staff is looking for the Council to discuss and authorize the purchase of materials.

De La Vega asked if there is one option that Bowman prefers. Crawford stated staff did not yet make a recommendation. She indicated with the storms this year, Public Works is busy with tree removal. She believed it would be in the best interests to work with an Eagle Scout. She indicated staff is interested in materials that would be easily maintained. Staff is looking for the Council to narrow this down to what they want and the price they are willing to spend.

Anderson stated a wood fence could be replaced three times for the cost of one vinyl fence, but we would have to replace the wood more often.

Clapp stated this would be a great project in the fall. He said the cedar fence looks good, but the longevity may be in question. He believed vinyl would last longer. He stated the work could wait a few months if necessary.

De La Vega reviewed options for installation. He agreed with Anderson that some of the options are three times the cost of having Public Works install the fence.

Clapp stated he would like to have a 6-foot vinyl fence installed if there is money in the budget. De La Vega stated there is funding available from the water CIP project.

Grothe stated a 6-foot vinyl fence installed by Public Works would be about \$6,000. De La Vega asked if they would be comfortable installing vinyl fencing. He stated he would like to see it done in-house.

Clapp stated he works with a fence guy who will give Bowman another quote.

This item will be brought back for further discussion.

**9. NEW BUSINESS**

**A. Financial Transfers**

De La Vega stated he has discussed where we have our money before. It seems to him the funds are in lower interest paying accounts and could be in accounts that pay higher interest. The issue is moving from checking to savings, there is a fee involved. One thought is to combine the Southshore Center and Manitou Seawall accounts into a Park Fund.

Ansari asked if there is a state law about transferring out more than three times a month. Crawford agreed there is.

De La Vega stated there are also the garbage fund and recycling funds where one is a positive balance and one is negative. He noted the funds are shown separate but operate as one fund. Crawford stated the reason they are separate is because of County taxes. She stated the recycling fund may be a negative balance because salaries and benefit allocations were not put into this fund.

Crawford stated staff needs to take a look at the fund and see what has been missing.

De La Vega asked for additional information on the number of accounts. Crawford stated if we would like to shift the Manitou Seawall to another fund, we would just bring back a resolution to the next meeting.

De La Vega suggested answering the first set of questions first.

**B. Cityscape Project**

Crawford stated Ansari and Clapp have expressed interest in staff re-establishing the Park Committee. She referred to questions in her staff report for Council input. An inventory of parks from 2012 was also provided.

She indicated some of the items on the list have been completed.

De La Vega suggested keeping the committee at an informal level. He stated the more community involvement, the better.

Grothe asked if there is an active park fund. De La Vega stated we really do not have much of a balance in the current fund. Grothe questioned if there should be a park committee if we do not have a park fund. De La Vega believed there should be a park fund. He stated there are not many ways to raise funds because of the lack of development.

Grothe suggested dedicating a certain amount into a park fund every year. De La Vega agreed that could be done.

Ansari stated we are at a point in the parks now where we can no longer do nothing about the condition. Clapp suggested allocating dock money to parks. Council discussed combining the dock fund and the park fund.

De La Vega stated there is a benefit being derived from a small section of residents at the docks.

Ansari asked how the original Park Board funded the Southshore Center. Penberthy stated it was largely from the sale of the Men's Club Ballpark. The funds were used over the years for various park improvements and \$50,000 for the Southshore Center.

De La Vega stated we can dedicate funds to the parks. He believed the parks are an asset that makes this community what it is. It hurts the community not to invest in the parks.

Grothe stated he believed lifeguards should be a part of the park fund.

De La Vega asked Penberthy if there are any issues with combining the parks and the docks. Penberthy stated he didn't see any legal impediment to combining the two. He indicated the Manitou Seawall funds and others Crawford mentioned could also be transferred. Clapp stated he would like to see them combined.

De La Vega stated the detail work needs to be done on design before funding will be made available. Clapp stated he agrees with a Park Committee designation rather than a Park Board. De La Vega stated a "committee" will lend itself more to people volunteering. He suggested any means possible to look for volunteers. Council agreed the more ways to reach out for volunteers, the better.

**10. MATTERS FROM THE FLOOR**

None

**11. REPORTS**

**A. Administrator** – Crawford stated the revenue and expenditure guidelines for the second quarter were included in the packet and asked for questions. De La Vega had a question about the investments under Item 4B. He stated there is an investment with UBS with the Bank of India. He didn't recall us getting into that fund. He questioned whether it was consistent with State guidelines. Crawford stated she would get more information on the fund. De La Vega asked about licensing totals and when they are received. Crawford stated we don't have cigarette licenses any more. Crawford stated she would check into that. She indicated some amounts come in at different times of the year. De La Vega stated the transfers from other funds are only \$50,000 and asked if additional budgeted transfers will be made. Crawford replied they would. De La Vega asked how forecasts for water sales are determined as we appear to be way off. He stated liquor and dock fund should have interest budgeted for next year under fund 609. Crawford stated we also want to see previous years before a static number is added.

Crawford stated she received additional information on the speed trailer which will be discussed at the next Council meeting.

Crawford stated she and Council member Ansari attended the Workshop on the Water which was a very interesting presentation.

Crawford stated information received from a resident has been provided regarding flooding. De La Vega stated there may be a blockage that needs to be cleaned out. Crawford stated that has been done in the past; however, the property owner will not allow Public Works to do that. Clapp believed there is now a new property owner. Penberthy stated we may want to review the expenditure of public funds for that. It is very close to plowing someone's driveway in the winter. Council discussed easement areas. Crawford stated the MCWD has also been receiving the same e-mails and area aware of the issue.

- B. **Anderson - Finance, Fire Lanes and Public Access, Technology** – no report
- C. **Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – Ansari reported the EFD budget will be on the August 11 agenda. She urged the Council to respond to Crawford's request for input on the Comprehensive Plan amendment.
- D. **Grothe – Building Inspection, Municipal Buildings and Grounds, LMCC** – no report
- E. **Clapp - Parks and Playgrounds, LMCD, Commercial Marinas, Municipal Docks** – no report
- F. **Attorney's Report** – no report
- G. **De La Vega - Public Works, SLMPD, Administration** – De La Vega stated the second SLMPD budget meeting is July 29. He congratulated Clare Link on her anniversary with the City.

12. **ADJOURNMENT**

There being no further business, it was moved by Anderson to adjourn the meeting at 8:50 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

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Clerk