

**MINUTES  
TONKA BAY CITY COUNCIL  
REGULAR MEETING  
September 25, 2007**

**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, City Engineer Harri, and Public Works Superintendent Kluver.

**3. APPROVAL OF AGENDA**

**Marceau moved to approve the agenda as submitted. De La Vega seconded the motion. Ayes 5. Motion carried.**

**4. APPROVAL OF MINUTES - Regular Meeting – September 11, 2007**

**De La Vega moved to approve the minutes of the regular meeting of September 11, 2007 as written. Tessness seconded the motion. Ayes 5. Motion carried.**

**5. CONSENT AGENDA**

**None**

**6. MATTERS FROM THE FLOOR**

**A. Stuart Andreassen, 165 Lakeview Avenue** – Mr. Andreassen stated he had some preliminary plans for Council review prior to going to the next step. He stated he has reviewed it with the City Planner who is hesitant to approve it. He stated he has combined the two lots as requested. He asked whether he should move forward with the application. LaBelle stated it is Mr. Andreassen's prerogative to move forward without the City Planner's approval. He urged Andreassen to contact the City Administrator.

**7. PUBLIC HEARING**

**A. Continued Assessment Hearing – Woodpecker Ridge Road Improvement Project** – LaBelle opened the floor for comments from the audience on the proposed project. **Judd Brackett, 125 Woodpecker Ridge Road** was present to give the City Council information that would help them decide to move forward with the project. He stated objections from all of the residents except one have been rescinded in writing. They include: Robert Haselow (three lots), Norma Buxton, and Carol Kurilla. He also resubmitted his own support letter. He stated the residents want to move forward with the project. LaBelle understood that five of the six objections from the previous meeting wanted to weigh in on how the costs would be assessed; they didn't necessarily want to file an objection to the assessment. Five have now been rescinded. The objection for

175 Woodpecker Ridge Road has not been withdrawn. LaBelle stated he never expected unanimous support of the project. He stated the test for the city is whether the value of the home can be increased by the amount of the assessment. He supported the project. Tessness stated he supported the project and moving ahead as soon as possible. Folley stated he also supported the project. Marceau stated he also supported the project. De La Vega was glad to see the project moving forward. **Scott Harri, City Engineer** stated the contractor is still prepared to move forward with the project this fall. The lift station work would have to be completed and operational by next spring. Penberthy stated the person objecting must serve a notice of appeal within thirty days of this meeting and to the district court within ten days following that. LaBelle opened up the discussion to choice of assessment formula. LaBelle stated he could go with any of the methods proposed. De La Vega stated the hybrid method appears to bring the best of the other methods together. Marceau believed the hybrid method is fair for everyone. Folley supported the hybrid method. Tessness supported the per parcel method. LaBelle noted the cost of the project is \$186,634. He stated it has always been his contention that the residents have a right to have a navigable street. He was in favor of city participation. He stated he was in favor of the final amount of \$157,712. Loftus explained the costs incurred from 2004 through 2006 are included in the amount of the reduction. De La Vega stated the actual city costs are more than \$28,922 when the value of the mitigation land and past projects are considered. Our actual contribution is much greater than the reduction amount. Tessness stated he was in favor of the reduction. Marceau asked if it would be possible to move to another mitigation site if one is found. Harri stated he didn't think there were any other feasible locations in Tonka Bay. LaBelle asked when the mitigation is scheduled as the Council wants to investigate any other options. Harri stated it would take a significant amount of investigation. Loftus stated in preliminary discussions with MCWD, the proposed site appears to be the only feasible location. Harri stated the city could have a schedule set that would allow us more time to investigate additional mitigation options. De La Vega asked if we would have the same issue if we decided to purchase wetland credits. Harri stated there would be a net long term savings. De La Vega asked for an explanation of how credits could be purchased and how long it would take. Harri stated it would take about six weeks. **Marceau moved to adopt Resolution 07-45 adopting the assessment roll in the amount of \$157,712 using the hybrid formula. De La Vega seconded the motion. Ayes - LaBelle, Marceau, Tessness, Folley and De La Vega. Motion carried. Marceau moved to adopt Resolution 07-46 awarding the bid to Northwest Asphalt, Inc. in the amount of \$96,633.35 and direct the Mayor and City Administrator to execute the contract documents. De La Vega seconded the motion. Ayes - De La Vega, Marceau, LaBelle, Tessness and Folley. Motion carried.** LaBelle asked for a discussion of how the funds would be allocated to pay for the project. Loftus stated the funds would be taken from five existing funds rather than pulling out existing investments. Funds would be used as follows: 1. Sewer Operating Fund Savings - \$30,000; 2. Dock Fund -

\$50,000; 3. Recycling Fund - \$30,000; 4. Sewer/Water Reserve Fund - \$47,000; and 5. Storm Drainage Fund - \$30,000. **Tessness moved to approve the allocation of funds to pay for the Woodpecker Ridge Road improvements as stated. De La Vega seconded the motion.** De La Vega suggested paying back the dock fund later. **Ayes 5. Motion carried.** LaBelle thanked Judd Brackett for his patience and tenacity throughout the process.

**B. Continued Public Hearing – Ordinance 2007-6 – Survey Requirements, Building Permits, Certificate of Occupancy, and Variance Procedures** - Loftus stated this is the second and final reading for the ordinance amendments. The recommendation is to approve the changes as recommended and adopt a resolution approving the ordinance summary for publication. **Marceau moved to adopt Resolution 07-47 approving the summary publication of Ordinance 2007-6. De La Vega seconded the motion. Ayes - Tessness, Marceau, Folley, De La Vega and LaBelle. Motion carried.** Penberthy recommended a motion be made to approve the survey exemption policy. **Marceau moved to approve the survey exemption policy as presented. De La Vega seconded the motion. Ayes 5. Motion carried.**

## **8. OLD BUSINESS**

**A. Continued Discussion – Water Treatment Plant Fence Addition** – LaBelle stated the City Council decided at the last meeting to hold off a decision on the fence until members visited the site. Marceau stated he visited the site and believed the gates were in need of replacement. He would be in favor of new gates and the remainder of the fence at another time. De La Vega also visited the site. He did not support the project. He didn't think that a perimeter fence was warranted because of the existence of natural fencing. He suggested an option where the fencing is reduced to just fence in the equipment. He agreed the gates are in poor condition. Tessness stated it is our responsibility as a city to assure the safety of residents and facilities. We need to step up and protect our assets. De La Vega stated some of the things he saw behind the water plant looked like trash to him. He stated he wasn't opposed to securing the facility, but he believed there are other alternatives that have not been researched. Folley believed that a smaller fenced-in area and security lighting could be options. LaBelle supported the fence as proposed. He stated Kluver has researched other options. His recommendation is based on his years of experience. He stated it is necessary to secure our physical plant, and sending it back to the drawing board accomplishes nothing. Marceau stated he would like to see a reduced cost and possible motion-sensor lights. Kluver asked if it would be approved if it fell within the amount budgeted. Marceau stated he would be more comfortable with the proposal if it met the budget. LaBelle was concerned about not fencing in the lime pits. De La Vega stated they aren't any different than any other area with water in the city. LaBelle believed the liability issue would be the greatest if something happened to someone in the lime pits as compared to a city beach.

Kliver didn't believe that only fencing a portion of the area will correct the access and vandalism. When the leaves fall, you can see much more of the area. He believed the entire site needed to be fenced. He noted that four additional motion lights would cost around \$1200. Marceau asked if it could be priced out without the barbed wire. Kliver stated it could be researched. He believed it would lower the cost substantially. Kliver asked if it could be approved tonight contingent upon it meeting the budgeted amount. Marceau stated he would be okay with a 6-foot fence. Tessness asked if it would be more costly to add the barbed wire later rather than do it all at once. Kliver stated costs would increase every year. De La Vega stated he would have fewer objections if it stayed within the budget.

## **9. NEW BUSINESS**

**A. Southshore Senior/Community Center Cooperative Maintenance Agreement Discussion** – De La Vega stated meetings continue to solve the funding problems at the center. They have been asked by the center and Friends to provide additional funding on a one-time basis as an interim proposal so that we can solve a long term problem. Loss of contracts has created a funding deficit. Before the Council tonight is an agreement for the next year. The city's portion of the allocation has already been approved. Of particular interest is that when this was agreed at the meeting, there were no Friends representatives at the meeting. As a result, they have proposed an amendment that has to do with an operating shortfall. The Friends are proposing that they be allowed to dip into the reserves up to \$10,000. This proposal was not part of the original agreement. One city has adopted the amendment. He recommended the agreement be adopted as presented without the Friends' proposed amendment. He believes it can be better addressed when discussing the long term solutions. Long term plans should be in place by April of 2008. Shorewood and Deephaven have approved the agreement, and Excelsior has approved it with the amendment. He recommended the city council approve the agreement but without the amendment. **De La Vega moved to approve the cooperative maintenance agreement as presented and authorize the Mayor and City Administrator to execute the document. Folley seconded the motion. Ayes 5. Motion carried.**

**B. Parks & Trail Committee Recommendation – Park Bench** – De La Vega stated the City Council had earlier heard a request from a resident who wanted to donate a park bench. This request was forwarded to the Parks & Trail Committee for their review and recommendation. They have researched possibilities for materials and came up with a recommendation for an exposed aggregate support structure with a cement bench. This bench was the longest lasting and could withstand vandalizing and the elements. It also can be fitted with an engraved plaque. It would be located on a pre-cast concrete pad. He stated the Committee is recommending the bench be a standard for all benches placed in the future. He asked for Council approval of the bench as proposed. **Marceau moved to approve the Parks & Trail Committee recommendation for bench**

materials as proposed. De La Vega seconded the motion. Kluver agreed the proposed bench would be maintenance free. Ayes 5. Motion carried.

**C. Temporary Seasonal Sales Permit Request – All American Recreation, 5420 Manitou Road** – Loftus stated All American Recreation has applied for a temporary/seasonal sales permit for October 12-14 for sales of spas. A ground level hot air balloon is proposed to draw attention to the site. Folley asked if the police should be involved at all in the approval. Loftus stated sight lines will not be blocked. LaBelle asked how tall the balloon would be. The applicant stated the balloon would be eighteen feet tall. LaBelle was concerned about what it is being shown conflicting with what the applicant is telling the Council. Marceau stated eighteen feet would be an issue, and he suggested Kluver be present. Penberthy suggested approving the application subject to having the size of balloon as shown in the picture. **Marceau moved to approve the temporary/seasonal sales permit and have Public Works verify that it will not block any sight lines. De La Vega seconded the motion. Ayes 5. Motion carried.**

**10. MATTERS FROM THE FLOOR**

None

**11. REPORTS**

**A. Loftus** - The Fall clean-up is Saturday, September 29. The EFD is looking for volunteers for the open house on October 11. She also reported that Larry Whittaker, Excelsior City Manager, passed away recently.

**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** – 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 8:47 p.m. De La Vega seconded the motion. Ayes 5. Motion carried.

Attest:

---

Clerk