

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING October 13, 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, City Attorney Penberthy, 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. **CONSENT AGENDA**

Folley moved to approve the consent agenda as presented approving the regular meeting minutes of September 22, 2009 as submitted. De La Vega 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. **Gideons Bay Milfoil Project & LMA Update – Rich Kofski, 30 Florence Drive, Tonka Bay** introduced himself and noted other representatives who live on Gideon's Bay and serve as block captains for the milfoil project. **Dick Osgood, Lake Minnetonka Association** updated the Council and those present about the milfoil project and how it will be used in Gideons Bay. The items highlighted included a background on milfoil in Lake Minnetonka over the last twenty years, the harvesting program, testing of

herbicide combinations to treat bays on the lake, and the initiation of a lake vegetation management plan which is available on the LMCA website. Treatments have occurred over the last two years which selectively treat milfoil in three of the bays on the lake. He discussed plant management on the lake and the goals and objectives of the milfoil treatment project. He discussed the treatments used over the last two years and their effectiveness. He also discussed herbicide safety. Osgood stated the LMA has indicated Gray's and Phelp's Bays are now milfoil-free, and damage to native plants in those bays as a result of the milfoil treatment was minimal. He indicated there is a watering restriction during the treatment time period on newly seeded lawns for thirty days. He indicated the milfoil treatment project will be a five-year process. He reviewed program costs for the treatment and noted Gideons Bay is the largest of all the bays being treated. Osgood discussed funding sources for the first two years which include a grant from the DNR, private donations, the LMCD and city support. The program in Gideons Bay will include all lagoons and channels. He noted one of the prerequisites for the management plan is a plant inventory of the bay, and it has been completed. The plan indicates there is a lot of milfoil, and there are also sufficient native plants that need protection. **Rich Kofski** stated they have a good start on raising money for the project from residents' donations, and they will also be appearing before the other cities on the bay. He noted donations are tax deductible, and if the project does not go forward, the funds will be returned. He stated they are asking for everyone who cares about the lake to help fund the project. He asked the Council to consider what their support would be for such a project. He suggested the City consider a financial contribution and to submit a letter of support to the DNR. LaBelle asked the LMCD representative to comment on the LMCD's position on this project. **Doug Babcock, 75 Lakeview Drive** stated he is cautiously optimistic. He noted the results from 2009 are not in yet, but they look like they will be positive. He was concerned that adding more bays would go over the DNR set limit for treatment of a lake, and he stated the jury is still out on expanding the treatment to the entire lake. LaBelle stated we are all key stakeholders on the health of the bay. He asked for a timeline on completion of the project. Osgood stated the treatments, if they go forward, would occur in late May or early June of 2010 and funding would need to be in hand by late March. He anticipated a decision in January by the DNR. De La Vega asked how the bays are chosen. Osgood stated the original three bays were chosen because they had the worst milfoil problems. De La Vega was concerned how a possible in-rush would be managed should this program be successful. Osgood hoped there would be an in-rush. He didn't think there would be a problem with reaching the 15% cap set by the DNR in any one year. De La Vega asked if funds would be returned if the treatment does not work. Osgood stated the areas are retreated if it does not work. LaBelle stated the Council will do their due diligence to determine their level of involvement, and he suggested the City consider the dock funds to contribute to this project. **Ross McGlasson, 365 Lakeview Avenue** asked that a list of resident

addresses and phone numbers be provided. LaBelle invited the residents to reconvene in the basement in order to ask additional questions of the representatives.

The Council took a five minute recess.

B. Well #1 Inspection and Redevelopment Proposal – Kluver reviewed the Well #1 inspection and redevelopment proposals received from Bergerson-Caswell and Their Well Company. He explained the process which will occur as part of the inspection and redevelopment. The low proposal was received from Bergerson-Caswell in the amount of \$8,350. He recommended the proposal received from Bergerson-Caswell be approved. Funding will come from the Water Operating Fund. LaBelle was concerned about the significant differences in the two proposals. Kluver stated the other proposal has higher labor costs based on their location. Bergerson-Caswell was confident they could complete the job for \$8,350. Tessness stated it appeared Bergerson-Caswell and Their Well also had significant differences in their acid treatment fluids which would add significantly to the cost. Kluver discussed the differences between the two proposals. Folley asked Kluver if he was satisfied with the proposal and the proposed cleaning process. Kluver stated the project as planned would definitely do a good job and would keep the well operating. **Marceau moved to direct the Mayor and City Administrator to enter into a contract with Bergerson-Caswell in the amount of \$8,350 for the Well #1 inspection and redevelopment work and to give staff the authority to authorize other repairs as necessary in an amount not to exceed \$18,000. Folley seconded the motion. Ayes 5. Motion carried.**

C. Surface Water Management Plan – Memorandum of Understanding – Loftus stated the Council submitted a draft of the Surface Water Management Plan to the Minnehaha Creek Watershed District this past summer. Following suggested changes and resubmittal, the final plan was approved with a condition that we sign a Memorandum of Understanding. She stated she and the City Attorney have some concerns about the document. She stated the plan will be brought back to the next Council meeting for final approval. Folley asked why they want this signed. Loftus stated the MCWD believes it to be a more precise document. Councilmembers and staff discussed the MOU. Penberthy stated it could be interpreted that the MOU would be enforced as a contract. He and the Council discussed legal ramifications and the other cities that have signed the MOU. LaBelle stated we can ask them for a termination clause and see where it goes from there. Loftus noted the plan must be approved before the Comprehensive Plan can be approved and we hope to have the Comprehensive Plan finalized in December. Penberthy recommended that the Council make a decision this evening. De La Vega asked what would happen if it is not. Loftus stated we don't lose money because we don't receive Livable Communities funding however Penberthy noted zoning

complications could result. De La Vega stated this agreement is not something that is necessary, and we are being forced into it. Marceau asked if it would be worth talking to MCWD and letting them know a termination clause is recommended. Loftus stated she and Penberthy could come up with a proposed termination clause for the MOU. Penberthy stated a recommendation would be to state for the record that this is not a contract, and we will treat it accordingly. Loftus stated the MCWD response will be brought back to the next Council meeting.

D. Electronic Data from Hennepin County – Loftus asked for the Council to adopt a resolution authorizing the city to procure electronic data information from Hennepin County. This request was triggered because of the need to get foreclosure information in order to track the rightful owners of properties in Tonka Bay. **Folley moved to adopt a Resolution to allow the City Administrator to enter into an agreement with Hennepin County in order to receive electronic data. Tessness seconded the motion. Ayes – LaBelle, Marceau, Tessness, Folley and De La Vega. Motion carried.**

E. Schedule Joint City Council Meeting for Trail Concept – Loftus stated a CD of the trail concept report is provided for review. She could print copies of the plan for anyone who cannot open a CD. **Folley moved to schedule a joint City Council meeting to review the trail concept on Friday, October 23 at 9:00 a.m. at the Freshwater Society building. De La Vega seconded the motion. Ayes 5. Motion carried.**

9. MATTERS FROM THE FLOOR

None

10. REPORTS

A. Loftus – Loftus stated a fall clean-up comparison has been provided in the packet.

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 – Folley stated the LMCC has given the City a framed certificate recognizing our service to the community by providing cable access to meetings.

E. De La Vega - EFD, Parks, Sanitation, and LMCD – De La Vega attended the EFD open house on Thursday where 500 people attended and the Southshore Community Center open house on Friday.

F. Attorney's Report – no report

G. LaBelle - Public Works and SLMPD – LaBelle reported that Tonka Bay was the winner in the ICA food shelf food race at Cub. Over \$10,000 was raised for the food shelf.

11. ADJOURNMENT

There being no further business, it was moved by Marceau to adjourn the meeting at 8:45 p.m. De La Vega seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk