

**MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
October 23, 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, Folley, and De La Vega. Councilmember Tessness was absent. Also present were City Administrator Loftus, City Attorney Penberthy, and Public Works Superintendent Kliver.

3. APPROVAL OF AGENDA

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

4. APPROVAL OF MINUTES - Regular Meeting – October 9, 2007

De La Vega moved to approve the minutes of the regular meeting of October 9, 2007 as written. Marceau seconded the motion. Ayes 4. Motion carried.

5. CONSENT AGENDA

None

6. MATTERS FROM THE FLOOR

None

7. PUBLIC HEARING

A. Ordinance Amendment – Section 320, Fire Code – Loftus reviewed the request from the EFD Fire Chief to amend the city ordinance and adopt the 2006 Fire Code. She stated the City Council could consider waiving the second reading. Marceau asked if a second reading should be waived. Penberthy stated it is typically done when there is an emergency situation. He stated the second reading is usually done as a matter of course. He didn't see an emergency existing. He didn't think it was good practice to waive the second reading. **The second reading will be heard on November 13, 2007.**

8. OLD BUSINESS

None

9. NEW BUSINESS

A. Liquor License Application – MGM Wine & Spirits – Tonka Bay – Loftus stated the background checks have been received for the new owners of the MGM Wine & Spirits location at Tonka Village Shopping Center. The new owner, Steve Sloan, was

present for any questions. **Marceau moved to approve the off-sale and cigarette licenses for the remainder of 2007. Folley seconded the motion. Ayes 4. Motion carried.**

B. SLMPD CSO – Proposed Service – LaBelle stated he had requested the Council to review Chief Litsey's request for CSO service. He noted the Chief would not proceed should all the cities not approve this request unanimously. Any approval would be contingent upon the other cities' approvals. Loftus stated Tonka Bay is the first city to review the request. Should all the cities approve the proposal, we would need to give Orono notice that animal control services would be discontinued. Marceau stated the expanded CSO service would be a great benefit to Tonka Bay and all the other communities. The visibility in the community is a definite asset. De La Vega stated it makes sense economically. LaBelle stated he supports this request. He stated this is a great proposal. **Folley moved to approve the proposal contingent upon approval by the other cities. De La Vega seconded the motion. Ayes 4. Motion carried.**

C. Arctic Fever – Loftus stated the City Council had requested recommendations for funding a contribution. Options include revenue from the background check for MGM, the dock fund, or the antenna fund. The first two recommendations would be for a 2007 contribution. Marceau stated the \$500 contribution is less than what other cities are giving. LaBelle didn't view the background check as income. He believed it should come from the dock fund. De La Vega believed the dock fund was the better choice. **De La Vega moved to contribute \$500 to Arctic Fever from the dock fund and allocate it under 2007 miscellaneous. Marceau seconded the motion. Ayes 4. Motion carried.**

D. 2007 Sewer Lining Proposals – Kluver stated the 2007 Sewer Fund budget includes the lining of 513.2 feet of 9" sanitary sewer on Sunrise Avenue. Specifications were prepared, and two proposals were received. He stated lining is preferred to actual pipe replacement. He reviewed the two proposals received from Visu-Sewer and Insituform. The proposals are to complete the work this year or extend the completion date to March of 2008. He recommended the low bid with the extended completion date of March, 2008, be accepted from Visu-Sewer in the amount of \$21,750. He stated it should also be identified in the 2008 Sewer Fund budget. LaBelle stated this kind of project saves the city money. Kluver discussed the process used to televise sewer lines. He noted Met Council encourages televising be done and penalizes communities that do not take such proactive steps. **De La Vega moved to direct the Mayor and City Administrator to enter into a contract with Visu-Sewer in the amount of \$21,750 as amended in the 2008 budget. Marceau seconded the motion. Ayes 4. Motion carried.**

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Loftus – Loftus stated we will be switching to a local custodial service. De La Vega stated the organization does fine work. Loftus stated staff has reviewed the proposed water plant fence and has found that it complies with city ordinances. Loftus stated staff has received a construction schedule for Woodpecker Ridge Road. A letter will be sent to residents letting them know the dates travel will be interrupted. The contractor will post signs notifying residents of the construction schedule. The plan is to complete the mill and overlay the second week of November and the pumps and controls installed by the end of November. Loftus reviewed the memo from City Engineer Harri regarding the mitigation alternative site. She met with the Watershed District to pursue an alternative site near the City docks. City staff walked the site with the City Engineer earlier today. LaBelle asked if the affected area could be staked out. Loftus stated the area is defined by the sidewalk and the visible line of the cattail area. If chosen, it wouldn't be a groomed area any longer. If the Council were in favor of using this area for mitigation, staff would need to talk to the Woodpecker Ridge Road contractor to push the date of mitigation later than November 8. LaBelle asked staff to check this out with the contractor. Penberthy stated the Council should also consider what would happen if the contractor won't change the mitigation dates. LaBelle stated the contractor should be told the mitigation should be delayed until November 13. Kluver discussed the mitigation process in Old Orchard Park. There would be issues associated with the County right-of-way in the area. LaBelle encouraged the Council to walk the proposed mitigation area prior to the next Council meeting.

B. Marceau – Finance, Marinas – Staff is investigating other options for the certificate of deposit that was called this week. He will update Council on what was done.

C. Tessness – Buildings, Building Inspection, LMCD, Fire Lanes and Municipal Docks - absent

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 – Kluver stated street sweeping will begin on October 29 and should last about a week.

11. CLOSED SESSION

LaBelle stated the meeting would now be closed, because the matters to be discussed constitute an attorney-client privilege under Minnesota Statutes. No further City Council business will be conducted after the closed meeting other than to adjourn. The following persons will be in attendance at the closed meeting:

Councilmember Anthony Marceau
Clayton Tessness
Gerry De La Vega
Ken Folley
Mayor Bill LaBelle
City Attorney Jim Penberthy
City Administrator Jessica Loftus

The subject matter of the meeting will be pending litigation involving Carol Kurilla vs. The City of Tonka Bay. LaBelle dismissed audience members.

12. ADJOURNMENT

There being no further business, it was moved by Marceau to adjourn the meeting at 9:15 p.m. De La Vega seconded the motion. Ayes 4. Motion carried.

Attest:

Clerk