

**OFFICIAL MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
November 24, 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 Ansari, Clapp and Grothe. Councilmember Anderson was absent. Also present were City Administrator Crawford and City Attorney Penberthy.

3. APPROVAL OF AGENDA

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

4. CONSENT AGENDA

Clapp moved to approve the consent agenda as presented approving:

A. Regular Meeting Minutes of November 10, 2015 – Page 6, comment from Grothe – Councilmembers discussed Grothe’s comment, and no changes were recommended.

B. Work Session Meeting Minutes of November 10, 2015

C. Financial Report

D. Resolution 15-27 – Variance Denial – 60 Wildhurst Road

Grothe seconded the motion. Ayes 4. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

A. Hennepin County Commissioner Callison

Callison could not attend tonight’s meeting.

B. Cityscape Project – MSU Student Consultants

Crawford stated the Parks Committee has been working with Minnesota State University – Mankato students on a cityscape project. They were present to give their preliminary report. The student members introduced themselves.

The purpose of the project was discussed. Parks and their amenities were identified. The goals of the Comprehensive Plan in relation to parks and their

uses were discussed. Needs for a more complete trail system and additional docks were noted. The strengths and weaknesses were discussed. Strengths included a strong Parks Committee. Weaknesses included a lack of connections between the parks.

The demographic information on the population of Tonka Bay was discussed through the Census Bureau. Also discussed was the current population, recent home sales and school population. A survey was sent to residents, and 85 were completed and returned, and the results were reviewed. Survey questions were reviewed.

It was noted that Manitou and Wekota Parks were the highest rated parks. Residents were asked what they wanted to see at the parks. Accessibility and additional amenities were the highest rated. Residents were asked to comment on how parks should be funded. Working with the Parks Committee, the group developed a vision and mission for the City's Parks.

Based on residents' surveys, the consultants came up with recommendations for Manitou Park which included: addition of soccer field, more lighting, create a buffer area between hockey rink and parking lot, repair existing trail to include exercise stops, connect to regional trail.

Orchard Park amenities were discussed. Many who were surveyed felt it was not a park to visit unless the resident had a boat slip. Suggested improvements included: installation of locks on gates, install a rain garden, construct a buffer at the end of the park. The 10-year plan would be to make it more of a recreational area and install more docks. The fishing pier and dock may be in need of maintenance at some point.

Pleasant Park amenities were discussed. The 10-year plan would be to install native landscaping and a rain garden, add picnic tables, and make it more of a community park. Swings should be replaced, and a trail should be added to utilize the wooded area. Installing a drinking fountain was recommended.

Crescent Beach amenities were discussed. Residents loved the beach. The residents were concerned about e-coli events. They believed the beach was often in poor condition. It was recommended there be a buffer to contain the sand from overflowing into the parking lot. There should be new discussions with Shorewood regarding the maintenance plan. Residents stated they would like to see aesthetic improvements such as painting the lifeguard

stand.

Wekota Park amenities were discussed. Overall, it is a highly utilized park. The tennis court maintenance was a concern. It was suggested pickle ball be added to the tennis court. A foot washing station for beach goers was suggested. It was suggested a canoe rental area be added. More landscaping was recommended. There was also a suggestion more ADA-compliant playground equipment be added as well as compost containers.

Overall recommendations were suggested and included the addition of a regional bike trail which would connect all the parks to existing trail systems. A 5-year plan to implement this bike trail was discussed. Painted lines could identify where the bikes should travel. Signage could also be added to identify the bike trails.

Grant opportunities were identified for playground equipment, trail improvements, environmental grants for rain garden installation, solar projects, athletic grants to improve baseball fields and ice rink and converting the soccer field for a multi-purpose field.

Marketing improvements were identified including an update of the City's website and using social media more. Volunteers could be solicited and healthy lifestyles could be promoted. A sample webpage for Old Orchard Park was reviewed.

It was suggested the City focus on planning and sustainability. Suggestions were made on how this could be accomplished. The City's Park Committee could look into the Minnesota Green Steps program which focuses on park sustainability. They could also look into park accreditation available through many agencies.

It was noted residents were overall very satisfied with the City's parks. Improvement recommendations were summarized.

The Council thanked the consultants for their recommendations.

De La Vega stated he has been interested in park development over the years. He stated he liked the grant recommendations. He stated we don't have an economic engine for the parks. He liked the idea of canoe rentals at the beaches. He stated there were good recommendations made.

Ansari stated the other major thing accomplished was the survey. De La Vega agreed stating it was a well-worded survey that got people's attention enough to complete.

Clapp thanked the consultants as a member of the community. De La Vega thanked them for their time.

Crawford noted the final report would come back for approval at some point in the near future.

7. PUBLIC HEARINGS

A. Continue Public Hearing – 60 Wildhurst Road

Crawford stated a variance request was denied at the last City Council meeting and a CUP request was continued to this meeting. She indicated no new plans have been submitted. She indicated the applicants have been provided with a 60-day rule letter from WSB. Staff is recommending this be continued to the December 8th meeting.

Grothe moved to continue this request to the December 8 meeting with acceptance of the 60-day letter. Ansari seconded the motion. Ayes 4. Motion carried.

B. Continue Public Hearing – 160 Sunrise Avenue

Crawford stated this request was considered at the last City Council meeting and continued to this meeting. She indicated no new plans have been submitted. An additional application for a CUP for flood proofing has been submitted. A 60-day rule letter has also been provided.

Grothe moved to continue this request to the December 8 meeting with acceptance of the 60day letter. Ansari seconded the motion. Ayes 4. Motion carried.

C. Certification of Unpaid Delinquent Utilities and Fees

Crawford stated the City certifies the past due utilities and fees every year at this time. The amount to be certified is an all time low.

De La Vega opened the hearing for public comments. There were none, and the hearing was closed.

Clapp moved to close the public hearing. Grothe seconded the motion. Ayes 4. Motion carried.

Grothe moved to adopt Resolution 15-28, A Resolution for the Collection of Delinquent 2015 Water and Sewer Utility Service Charges, Garbage and Recycling Charges, Storm Drainage Charges, and General Service Fees. Ansari seconded the motion. Ayes – Ansari, Clapp, De La Vega and Grothe. Motion carried.

D. First Reading – Amend Section 402 – Fee Schedule

Crawford stated the proposed fee schedule is provided, and the proposed changes are redlined. Any changes would be brought back to the December 8 meeting.

Clapp noted there were a lot of added fees for permits. Grothe asked for clarification of the marina fees. Crawford explained that the fees have not changed but have been combined to make the section in the fee schedule clearer. She noted the fees are spelled out in the marina application.

De La Vega stated he had asked Crawford how the water and sewer connection rates are to be determined and noted they are not determined by us and are available in December.

Clapp asked if there is a reason the dog tag fee has increased. Crawford stated we are seeing a decrease in the number purchased, and the fee is comparable with other cities.

De La Vega opened the hearing for public comments. There were none.

Clapp moved to close the public hearing. Grothe seconded the motion. Ayes 4. Motion carried.

8. OLD BUSINESS

None

9. NEW BUSINESS

A. Temporary Liquor License for Craft Beer Samples

Crawford stated this is a temporary liquor license required for the event planned in August at Manitou Park. Another license will be required from Hazellewood.

Clapp moved to approve the temporary liquor license for craft beer sampling for August 13, 2016. Ansari seconded the motion. Ayes 4.

Motion carried.

B. Approve Bid for Comprehensive Plan Update

Crawford stated the City's Comprehensive Plan is required to be updated in 2018. She stated Council had approved up to \$20,000 for the update. Quotes were received for the update consultant work. She recommended approval of the bid from WSB & Associates. She stated the bids have been provided in the Council packet.

Clapp and Ansari both supported the bid from WSB & Associates. Grothe agreed it is the most sensible direction.

De La Vega stated he would prefer Sambatek as they are the company that wrote the original plan update and mapping. He stated the low end of their bid is for \$14,600. They are familiar with the process and requirements to get the Plan certified. Clapp stated he would support the \$14,600 bid if it did not exceed that amount. Councilmembers discussed the bid proposal from Sambatek.

Grothe asked if there are items that would be added to the update. Crawford stated MFRA (now Sambatek) updated our maps and they were incorrect.

Grothe asked if anything from the park report would be added. Crawford stated that would be included in the update.

Clapp moved to accept the bid from Sambatek in an amount not to exceed \$15,000 for the Comprehensive Plan update. Grothe seconded the motion.

Penberthy suggested RFP's be sought after the first of the year for legal, planning and engineering services. He stated there may be logistical concerns if one planning company is doing the update and another is the official planner. Council and staff discussed the need for both planning companies to work together. Penberthy stated the current planner is relatively new, while Sambatek's planner knows the City well. Council and staff discussed the need to go out for RFP's. Crawford stated you can accept this bid outside of an RFP. It is common in other cities to have a different firm prepare the Comprehensive Plan update. De La Vega stated he would still recommend Sambatek for this project in spite of the results of an RFP. Clapp agreed they are two separate things. Crawford stated the RFP's

should be discussed at a separate meeting.

Ayes 3-1. Ansari voted against the motion. Motion carried.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator – Crawford stated a proposed agreement with the city of Shorewood is provided for maintenance of Tonka Bay's portion of the LRT trail. She stated we have not receive complaints about the trail, and Shorewood would like to maintain it for us. The Three Rivers Park District supports this. Penberthy asked if the City wants to enter into the agreement. Grothe stated he would not support the agreement. De La Vega noted this is Shorewood's request. Grothe stated he didn't want Tonka Bay to maintain it. He didn't think an agreement was needed. Clapp asked if we are still liable if this is signed. De La Vega stated we would still be liable. Penberthy stated if they are ordinarily negligent, we have to indemnify them. Both cities are covered by the League of Minnesota Cities. He did not recommend accepting the agreement with the current language. Clapp asked why we couldn't plow our portion of the trail. Penberthy stated if Tonka Bay maintains it, it will be our fault if someone is hurt. Clapp believed it should be plowed. Grothe suggested a modified version of the agreement, but he would prefer no agreement at all. De La Vega stated we tell Shorewood how we stand. For us to allow the plowing without an agreement, we could be subject to a lawsuit. He suggested language be amended whereby Shorewood would be liable. Penberthy stated he believed it is a waste of money for him to draft language for a revised agreement. He suggested a motion be made ask Shorewood to eliminate the paragraph entirely, bring it back to us, and we will consider the agreement at that point. **Clapp moved to direct staff to draft a letter to the City of Shorewood recommending paragraph three, Indemnification, be deleted from the contract, and shifting the total burden of liability to Shorewood. Grothe seconded the motion. Ayes 4. Motion carried.**

Crawford stated an aerial deer survey was discussed at the January 13 meeting, but no cost was discussed. She asked if the Council wants to proceed with the survey. Crawford stated it will cost \$305 an hour. De La Vega asked what would be done with the information once the survey is completed. Are we going to decide if there are thirty deer, there is a problem? Grothe stated we did say we were going to go ahead with the

survey. De La Vega stated he didn't know if we should proceed at this point. He stated the count this winter won't be the same as the one next year. He didn't feel there was an issue.

Crawford reviewed a draft letter to collect past due funds for a dock rental. She indicated it is the final request for funds. Penberthy suggested the police officer's name be removed from the "cc:" portion of the letter. **Grothe directed staff to send the dock fee letter as amended. Ansari seconded the motion. Ayes 4. Motion carried.** De La Vega suggested it be sent by certified mail. Crawford noted they have all been sent by certified mail.

Crawford updated the City Council on the water on Sunrise Avenue through recent photographs. She asked for staff direction on how to proceed. Clapp didn't think anything could be done until the development moves forward. Crawford discussed the Thanksgiving hours for Public Works and City Hall.

- B. **Anderson – Finance, Fire Lanes and Public Access, Technology** – absent
- C. **Ansari – EFD, Sanitation and Recycling, Southshore Community Center** – no report
- 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 discussed his opinion of the proposed logo for the Tonka Bay BBQ and Brew event next summer. He didn't feel it was in keeping with the City's image. Ansari stated she was surprised a more humorous logo was chosen. Grothe stated this isn't our event. He stated we could make our comments known. De La Vega suggested "Tonka Bay" be stricken from the logo and it be replaced with the Chamber's name. Council discussed the logo. Grothe suggested individual letters be sent to the Chamber with our personal opinions. Penberthy did not support letters from individual Councilmembers. It was the Council's consensus that this is a Chamber event located in Tonka Bay, and Tonka Bay's name should be removed from the heading.

12. **ADJOURNMENT**

There being no further business, it was moved by Grothe to adjourn the meeting at 9:11 p.m. Clapp seconded the motion. Ayes 4. Motion carried.

Attest:

Clerk