

## ITEM NO. 4A

### APPROVED MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING April 14, 2020

1. **CALL TO ORDER**

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 7:00 p.m via Zoom teleconferencing.

2. **ROLL CALL**

Members present: Mayor De La Vega, Councilmembers Ansari, LaBelle and Jennings. Absent: Councilmember Anderson. Also present were City Administrator Laur and City Attorney Biggerstaff.

3. **APPROVAL OF AGENDA**

Laur requested 9J be moved up to 9B and everything else move down.

**LaBelle moved to approve the agenda with changes. Ansari seconded the motion.**

De La Vega and Biggerstaff discussed taking roll calls for votes.

**Ayes: LaBelle, Ansari, Jennings, De La Vega. Motion carried.**

Public Works Superintendent Bowman joined the meeting.

4. **CONSENT AGENDA**

**A. Minutes of the Regular City Council Meeting from March 10, 2020**

**B. Minutes of the Special City Council Meeting from March 25, 2020**

**C. Special Event Application – Tour De Tonka**

**D. Lindbo Landing License Renewal**

**E. Tonka Bay Marina License Renewal**

**F. Caribbean Marina License Renewal**

Jennings requested to pull Item C for further discussion.

De La Vega noted an edit under item 7 within the Regular City Council Meeting Minutes from March 10 that there was a letter submitted by Dennis Richards.

**LaBelle moved to approve the consent agenda besides Item C. Ansari seconded the motion. Ayes: Jennings, Ansari, LaBelle, De La Vega. Motion carried.**

**C. Special Event Application – Tour De Tonka**

Jennings, De La Vega and Biggerstaff discussed Tour De Tonka and the pandemic's possible impacts and the possibility of pulling the event permit if needed.

**Jennings moved to approve consent agenda Item C with the caveat that if there are any changes that require city intervention, that the City can rescind the license. LaBelle seconded. Ayes: Ansari, LaBelle, Jennings, De La Vega. Motion carried.**

**5. MATTERS FROM THE FLOOR**

De La Vega and Laur discussed the logistics of matters from the floor and Laur noted that the residents can click "raise hand" if they would like to participate.

Laur noted no one was raising their hand.

**6. SPECIAL BUSINESS**

None.

**7. PUBLIC HEARINGS**

A. Ordinance 20-08 Floor Area Ratio - City Attorney Biggerstaff

1. Resolution of Summary Publication

Biggerstaff explained the history of Ordinance 20-08. The proposed ordinance cleans up references to state law and also removes the conditional use permit requirement from the zoning provisions. Biggerstaff explained that floor area ratio requests exceeding the maximum of .30 would need a variance in the future rather than a conditional use permit.

De La Vega, Biggerstaff, Jennings and LaBelle discussed the ordinance updates, changing the tool used to review floor area ratio, consistency with state statute and the floor area ratio.

De La Vega asked staff to look into where the limit for floor area ratio came from.

Biggerstaff noted a public hearing was necessary.

De La Vega opened the public hearing and asked the audience to raise their hand if they would like to speak to the matter.

Laur, De La Vega, Preisler, Jennings and Laur discussed how to raise your hand via Zoom.

De La Vega closed the public hearing.

**LaBelle moved to waive second reading and adopt Ordinance Number 20-08, an ordinance amending Chapter 10 of the City's zoning code. Ansari seconded the motion. Ayes: LaBelle, Jennings, Ansari, De La Vega. Motion carried.**

**LaBelle moved to approve Resolution 20-22 authorizing summary publication of Ordinance 2020-08 an ordinance amending Chapter 10 of the City's zoning code. Ansari seconded the motion. Ayes: LaBelle, Jennings, Ansari, De La Vega. Motion carried.**

B. Ordinance 20-09 Impervious Coverage – City Attorney Biggerstaff

1. Resolution of Summary Publication

Biggerstaff explained the updates in Ordinance 20-09 related to impervious surface. The current limit in Tonka Bay is 25% and then there is a three-tiered structure on what approvals are needed based on the percentage requested. Biggerstaff noted a few items came up when reviewing the ordinance, including related regulations from the DNR. The ordinance would remove the three-tiered structure and make the maximum 25% unless a variance was granted to go above that percentage.

Jennings, LaBelle, De La Vega and Biggerstaff discussed the history of the 3-tiered structure, variances versus conditional use permits, impervious coverage and future changes in Minnesota Statute.

De La Vega opened the public hearing.

Laur noted no one was raising their hand.

De La Vega closed the public hearing.

**LaBelle moved to approve Ordinance 20-09, an Ordinance Amending Section 1070.11 Regarding Impervious Surface Coverage in the Shoreland District and waive the second reading. Ansari seconded. Ayes: LaBelle, Jennings, Ansari, De La Vega. Motion carried.**

**LaBelle moved to approve Resolution 20-21 authorizing summary publication of Ordinance 2020-09, an Ordinance Amending Section 1070.11 Regarding Impervious Surface Coverage in the Shoreland District.**

De La Vega noted a correction in the last paragraph in Resolution 20-21. LaBelle, De La Vega and Laur discussed the correction.

**Ansari seconded the amended motion. Ayes: LaBelle, Jennings, Ansari, De La Vega. Motion carried.**

C. Ordinance 20-11 Admin Appeals

2. Resolution of Summary Publication

Laur noted that staff worked together to update the variance application for clarity. With those changes, staff recommended ordinance tweaks, including updates to who records documents, the survey requirements and questions the resident is asked to answer about the project. Staff recommended approval.

De La Vega and Biggerstaff discussed the City Council voting requirements.

De La Vega opened the public hearing.

Laur noted no one was raising their hand.

LaBelle moved to keep the public hearing open and continue the public hearing on April 28, 2020 at 7pm. Jennings seconded the motion. Ayes: LaBelle, Jennings, Ansari, De La Vega. Motion carried.

**8. OLD BUSINESS**

A. WSB/Blondo Consulting – Archeological Study

Preisler provided an update on the Manitou Park parking lot improvement project research into a potential archeological site, the recommendations from the Office of the State Archeologist and the updated proposal from Blondo consulting.

Preisler noted Steven Blondo was present for the call to answer any questions on the proposal from Blondo consulting. Preisler detailed the quote to continue with the parking lot expansion and the quote to leave the expansion out.

Staff recommended Council discuss whether to keep the parking lot expansion in the project and to accept the appropriate proposal from Blondo consulting.

Jennings, Preisler, De La Vega, LaBelle and Blondo discussed the project costs, potential next steps, recommendations from the Office of the State Archeologist, the proposed phased approach to the project and whether or not to expand the parking lot.

**Jennings moved to approve the study in a phased approach. Ansari seconded the motion. Ayes: LaBelle, Jennings, Ansari, De La Vega. Motion carried.**

B. WTP Floor Bids

Laur explained that the original floor coating proposed by WSB was not a good floor

based on the coating in the Public Works Superintendent's office.

Public Works provided three bids for Council to review and Laur outlined the bids and the credit from Shank Construction.

Staff recommended Council move forward with the bid from Swede Bros.

Laur, Jennings, Bowman, De La Vega, LaBelle and Christensen discussed the water plant floor, the proposal from Swede Bros, the project cost and the PFA loan.

**LaBelle moved to approve the Swede Bros of \$13,300 with the mosaic flake included. Jennings seconded. Ayes: LaBelle, Jennings, Ansari, De la Vega. Motion carried.**

**9. NEW BUSINESS**

A. Change Order for the WTP – Jon Christianson, WSB

Christensen provided an update on the construction in the water plant and outlined change order number 4 for \$4,283.

De La Vega, Christensen, Preisler, LaBelle, Jennings and Biggerstaff discussed the project and the possibility of liquidating damages.

**Jennings moved to adopt Resolution 20-24 Approving Change Order No. 4 for the Water Treatment Plant Improvements Project in the amount of \$4,283. Ansari seconded. Ayes: LaBelle, Jennings, Ansari, De La Vega. Motion carried.**

B. Water Tower Painting – Nick Priesler, WSB

Preisler explained a letter was included by Greg Johnson, WSB regarding construction observation for the Water Tower Rehabilitation Project. Preisler noted that Kelly Molhern from Badger State Inspections was also on the call for any questions.

Johnson provided background on the project and explained the reasons for having inspections. Johnson explained the project proposal was to do part-time inspection.

De La Vega, Johnson, Jennings, Molhern and Laur discussed the proposal and costs.

De La Vega instructed staff to move forward on the proposal for part-time inspection.

**Jennings moved to approve the Proposal for Engineering Design, Bidding,**

**and Construction Services for the Water Tower Rehabilitation Project in the amount of \$59,788. Ansari seconded the motion. Ayes: LaBelle, Jennings, Ansari, De La Vega. Motion carried.**

C. Skid Loader – Public Works

Bowman, De La Vega and LaBelle discussed the skid loader quotes.

**LaBelle moved to approve the attached quote from Lano Equipment INC of Loretto MN in the amount of \$17,329.81. Jennings seconded. Ayes: LaBelle, Jennings, Ansari, De La Vega. Motion carried.**

D. Street Sweeping – Public Works

Bowman explained that the previous street sweeper had not done a good job and recommended Allied Blacktop as they were the same company the city used for seal coating.

**LaBelle moved to approve the quote from Allied Blacktop at the amount of \$88 per hour. Ansari seconded the motion. Ayes: LaBelle, Jennings, Ansari, De La Vega. Motion carried.**

E. Picnic Tables/Park Benches – Public Works

Bowman explained the proposed picnic tables and park benches were from the same company used the previous year.

**Ansari moved to approve the quote from Midwest Playscapes in the amount of \$8,210.00. Jennings seconded the motion. Ayes: LaBelle, Jennings, Ansari, De La Vega. Motion carried.**

F. Seal Coating – Public Works

Bowman noted there was \$51,999.00 in the 2020 Streets CIP for Seal Coating Tonka Bay streets.

**Jennings moved to approve the quote from Allied Blacktop in the amount of \$40,320.00 for 28,000 sq. yds. of CRS-2P seal coat oil and 270 tons of chips applied, rolled and swept as needed before and after. Ansari seconded. Ayes: LaBelle, Jennings, Ansari, De La Vega. Motion carried.**

G. Dump Truck – Public Works

Bowman explained \$71,803 was budgeted for a new plow truck. Staff recommended moving forward with Midway Ford Commercial.

**Jennings to go with Midway Ford Commercial for the Truck in the amount of \$29,990.08 after the trade-in. Towmaster Truck Equipment & Rectech in the amount of \$34,143.00 for the Plow/Sander/Dump box/Controllers/Safety Lights making the new truck a Total of \$64,133.08. Ansari seconded the motion. Ayes: LaBelle, Jennings, Ansari, De La Vega. Motion carried.**

H. Republic Services Temporary Service Changes

Laur explained that Republic Services was focusing on essential services during the pandemic and was making some changes. The changes include following social distancing guidelines, disinfecting and on the services side, temporarily suspending yard waste pickup, only picking up cart contents and potentially disposing of recyclables in a landfill or other disposal facility if necessary due to excess contamination or disruptions in processing.

Staff recommended approval of the service changes.

De La Vega, Jennings and Ansari discussed the Republic Service changes.

I. Emergency Strategy for Pandemic

Laur explained Tonka Bay had an Emergency Management Plan for the city but it did not include response during a pandemic.

Laur recommended Council discuss the proposed Emergency Response to Pandemic, a document originated from Excelsior and approved by SLMPD Chief Mike Meehan, the Emergency Manager.

Jennings, De La Vega, Ansari and LaBelle discussed the potential pandemic response policy.

J. Brentwood Drainage Issue – Nick Preisler, WSB

Preisler explained a complaint was received regarding drainage issues on the east end of Brentwood Avenue. City staff reviewed the issue and Preisler provided an update on the findings and current drainage system, including a french drain. Preisler detailed potential long-term solutions to the issue such as replacing the current system.

LaBelle, Preisler and Jennings discussed the french drain system, culvert and upcoming road study.

LaBelle asked Preisler to return to Council with information on fixing the culvert and also a broken pipe on West Point Road.

**10. MATTERS FROM THE FLOOR**

No one raised their hand.

**11. REPORTS**

- A. Administrator's Report –  
Laur noted that the Narrows bridge project was scheduled to begin June 1<sup>st</sup> and expected to be closed for three months.
- B. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology –  
Absent.
- C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling –  
No report.
- D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks –  
Jennings noted he had a Fire Relief Association meeting coming up on April 16 and a regularly scheduled on Excelsior Fire Department meeting on April 22. Jennings noted the Fire Department decided to implement the 7-day duty crew model to help with response time and give additional flexibility during the pandemic.
- E. Bill LaBelle – Building Inspection, Municipal Buildings and Grounds –  
No report.
- F. Attorney's Report –  
No report.
- G. Gerry De La Vega –SLMPD, Administration, Public Works –  
De La Vega noted the dock gates were zip tied open for residents to put boats in, but the docks will not officially open until May 1.

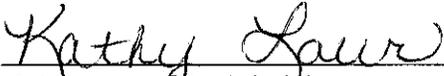
De La Vega noted that at the SLMPD meeting, a 17<sup>th</sup> officer was authorized as a part-time hire.

**12. ADJOURNMENT**

**There being no further business, LaBelle moved by to adjourn the meeting at 10:15 p.m. Ansari seconded the motion. Ayes: LaBelle, Jennings, Ansari, De La Vega. Motion carried.**

  
Gerry De La Vega, Mayor

Attest:

  
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Kathy Laur, City Administrator