

ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING February 13, 2018

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 Anderson, LaBelle, and Jennings. Also present were City Administrator Crawford and City Attorney Biggerstaff.

Member absent: Councilmember Ansari.

3. APPROVAL OF AGENDA

Anderson moved to approve the agenda as submitted. Jennings seconded the motion. Ayes 4. Motion carried.

4. CONSENT AGENDA

**Anderson moved to approve the following consent agenda items:
A. Regular Meeting Minutes of January 23, 2018**

LaBelle seconded the motion. Ayes 4. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

None

7. PUBLIC HEARINGS

None

8. OLD BUSINESS

A. Short Term Rental Ordinance
Crawford discussed the short term rental ordinance.

De La Vega asked the Council if there were any questions or comments. LaBelle stated he agrees with the direction Council is going with this.

De La Vega, LaBelle and Anderson discussed the Staff Memo bullet point #3. LaBelle inquired about the legality of not including an insurance statement. Biggerstaff stated he does not think there is any inherent liability risk for the city without this statement. However, staff agrees there should be a requirement of providing proof of insurance. The Council directed staff to include a statement requiring proof of insurance in the ordinance.

The Council and Biggerstaff discussed the license period and prorating the license fee. The Council instructed staff to prorate fees and agreed that the license period should end on December 31 of odd numbered years.

The Council, Biggerstaff, and Crawford discussed Staff Memo bullet point #6. Breanne Rothstein, WSB City Planner, commented that the intent of this clause should discourage the use of homes being rented as an event center. The Council directed staff to change the allowable additional guests from three to five.

De La Vega suggested that a statement be added regarding license revocation length and the license reinstatement process. Biggerstaff stated that currently it is proposed that the applicant may apply 12 months from date of revocation. The Council discussed various options. Jennings recommended allowing two violations. De La Vega and LaBelle agreed.

De La Vega commented on ordinance draft 1c. which details the definition of primary resident. LaBelle asked if a qualified relative can homestead. Biggerstaff responded that it is common homestead language and there are provisions in state law allowing it. Furthermore, Biggerstaff has seen other short term rental ordinances with similar language. De La Vega commented that a qualifying resident is not a transient guest. Biggerstaff agreed.

Anderson asked for clarification of ordinance draft 4a. Rothstein explained that this section does not allow a homeowner to redesign their home to accommodate a separate short term rental unit. Anderson inquired how this can be determined by the city. Crawford replied by the information supplied on building permit applications.

B. Jet/ Vac Truck Agreement

Crawford updated the Council on the jet/ vac truck agreement, concluded Excelsior's and Shorewood's concerns and that staff is seeking direction from the Council.

De La Vega reiterated Excelsior's and Shorewood's concerns of tracking truck usage. He continued that there needs to be some form of record keeping and

without it, it may be difficult to determine and assign appropriate costs. LaBelle inquired about the current tracking method with Excelsior. Crawford stated there is none and there is no formal agreement. LaBelle and Jennings agreed there should be some form of record keeping. De La Vega and LaBelle discussed various tracking ideas. De La Vega did not want the agreement to fail because of this issue.

Jennings stated that due to the size of Shorewood, they could be using the truck more; therefore, decreasing the life expectancy of the truck. Because of this, Tonka Bay and Excelsior should somehow be compensated.

Biggerstaff reiterated that the original agreement dictated that a schedule was to be established and this may lead to an approximation of usage.

De La Vega commented that Shorewood has indicated they are willing to negotiate solely with Excelsior.

Jennings asked to continue to negotiate and to research the cost of contracting the service. LaBelle agreed. Crawford indicated she would research it. She also stated that the Public Works Department does not want to contract this service due to the delay in response time to emergencies.

The Council directed staff to remove Section 4(g)d from the Agreement and to discuss Section 5d with Excelsior and Shorewood.

9. NEW BUSINESS

A. Copier Machine

Crawford discussed the copier machine quotes.

Anderson made a motion to approve the proposal from Toshiba in the amount of \$7,147.07 for the e-STUDIO 3505AC copier machine and to direct the City Administrator to enter into a maintenance agreement with Toshiba. LaBelle seconded. Ayes 4. Motion carried.

Crawford noted that the new copier machine does not have faxing capabilities. Thus, eliminating the need for a dedicated phone line and saving the City \$45 per month.

B. Amend Ordinance 350: Demolition and Excavation

Crawford discussed the amendments to Ordinance 350. She also noted that the ordinance details commercial demolition fees are established by resolution.

Crawford explained that typically cities do not distinguish between commercial and residential demolition fees. De La Vega instructed to delete that statement.

Anderson made a motion to approve ordinance amendment 2018-02 section 350 Demolition with the change deleting the permit fee for commercial building. Jennings seconded. Ayes 4. Motion carried.

Anderson made a motion to approve Resolution 18-05 authorizing summary publication ordinance amending chapter 3 section 350 demolition. Jennings seconded. Ayes – Anderson, LaBelle, Jennings and De La Vega. Motion carried.

C. City Council Meeting Date Change

Crawford described the date conflict and new date recommendation.

Anderson made a motion to change the City Council meeting date from August 14, 2018 to August 15, 2018. Anderson seconded. Ayes 4. Motion carried.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator's Report – Crawford stated City office's will be closed February 19.

Crawford stated she was notified that the property which was deemed gross filth and cleaned by the city last year, has once again accumulated gross filth inside the home. Furthermore, Hennepin County Environmental Health will reopen the case if the City coordinates the cleanup effort, legal matters and payment. Crawford was seeking direction from the Council.

Crawford noted the fourth quarter unaudited financial report was in the packets. De La Vega commented on the accrued interest and grants received.

B. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology – No report.

C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling – Absent.

D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks – Jennings stated he will be Vice Chair of the Fire Board, that the fire truck build is coming in on budget and there will be a work session February 28 to discuss future fire department staffing.

Jennings noted that Xcel has changed out the dock lights and he will compile the results from the dock survey before spring.

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 stated he is the Chair for the SLMPD Coordinating Committee for the next year.

12. ADJOURNMENT

There being no further business, it was moved by Anderson to adjourn the meeting at 8:02 p.m. LaBelle seconded the motion. Ayes 4. Motion carried.

Attest:

Clerk