

**MINUTES  
TONKA BAY CITY COUNCIL  
REGULAR MEETING  
November 28, 2017**

**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, Ansari, LaBelle, and Jennings. Also present were City Administrator Crawford, Public Works Superintendent Bowman and City Attorney Biggerstaff.

**3. APPROVAL OF AGENDA**

**Anderson moved to approve the agenda as submitted. Ansari seconded the motion.**

**De La Vega amended the agenda by moving the Closed Session before Adjournment.**

**Anderson moved to approve the amended agenda. Ansari seconded the amended motion. Ayes 5. Motion carried.**

**4. CONSENT AGENDA**

**Anderson moved to approve the following consent agenda items:**

**A. Work Session Minutes of November 14, 2017**

**B. Regular Meeting Minutes of November 14, 2017 as amended by Jennings: Page 5 Section B. Review 2018-2040 Comprehensive Plan Paragraph 2, 'Jennings' to 'Anderson'.**

**C. Financial Report**

**D. Resolution 17-38 – Variance, 160 Sunrise Ave**

**E. Resolution 17-39 – Conditional Use Permit, 4370 Manitou Rd**

**Ansari seconded the motion. Ayes 5. Motion carried.**

**5. MATTERS FROM THE FLOOR**

Dwayne Anderson, 55 Florence Drive, stated a fire hydrant located at Brentwood Ave and Woodlawn has been covered with a bag for 3-4 weeks. He inquired as to when it will be fixed and if it is even useable in its current condition. Bowman replied that it should be fixed this week and if a hydrant is bagged, that indicates it is unusable. Mr. Anderson stated it should not take this long to repair a hydrant due to safety concerns. Bowman answered that the Public Works Department has been short

staffed due to an employee on vacation.

**6. SPECIAL BUSINESS**

**A. Jetter/ Vector Truck Joint Purchasing Agreement**

Bowman discussed the truck and the Joint Purchasing Agreement.

Crawford indicated that the Cities of Excelsior and Shorewood have approved the agreement.

LaBelle questioned the financial breakup of the insurance costs. Anderson replied that the information is on page 4 of the contract.

Jennings asked the probability of two cities needing the truck at the same time due to emergencies. Bowman stated that this situation is rare, but may happen.

Jennings inquired if the size of the city has an effect on the life span of the truck, because the bigger the city the more often it could be used. Robin indicated that it does.

De La Vega discussed that currently the agreement is split up into thirds and is not based on the size of the community. He continued that other agreements with various cities have been based on population, tax capacity, or some other measure of the cities demand. He indicated that he is displeased this agreement does not follow previous contracts.

De La Vega stated he has more concerns with the contract as it is written. However, since Excelsior and Shorewood previously approved the contract, it is unknown how the council should proceed. He is in favor of purchasing the truck, though under the right terms and conditions. De La Vega discussed his remaining grievances.

Biggerstaff addressed De La Vega concerns. He also stated that the contract may be re-written.

La Belle and Jennings agreed with De La Vega's concerns.

Jennings and Biggerstaff discussed the logistics of selling the truck once it has reached the end of its lifespan.

LaBelle inquired about tracking the usage of the truck. Crawford replied it has been discussed. De La Vega discussed that a provision should be added to the contract regarding reviewing the usage after 3-5 years to reassess the distribution of fees.

LaBelle commented that reviewing the usage may also work against the City.

Jennings asked Bowman if it is known if other cities would need the truck more often in the first few years, but then the need would taper off. Bowman stated there would be a learning curve, but after that there may be an increase in usage.

Jennings stated he does not want Tonka Bay to pay for services in which will be used in other cities. De La Vega responded that it would be subject to negotiation. Crawford replied that Deephaven contracts for this service; there could be an opportunity to contract this truck out in the future.

Mark Brinker, Flexible Pipe Tool Co., gave a presentation on the truck and discussed the differences between this truck and the one currently in use.

Anderson and Brinker discussed Shorewood's equipment trade-in value.

De La Vega asked if the \$100 per month fee was in the budget. Crawford replied no it is not.

LaBelle inquired if the current truck was stored at Excelsior. Crawford replied yes, because there is no room here. LaBelle asked if the city was previously charged for storage. Crawford answered that no, the City has not been charged for storage.

**Anderson made a motion to approve the Joint Purchase Agreement with the cities of Excelsior and Shorewood for the purchase of a jet/ vac truck from Flexible Pipe Tool Company for the amount not to exceed \$120,000.00. LaBelle seconded for discussion.**

LaBelle and De La Vega discussed liability issues.

De La Vega reiterated his concerns and instructed Biggerstaff to add language that the usage will be evaluated after 5 years and amend other sections of the contract. Biggerstaff went over the proposed changes to the contract.

LaBelle discussed his concerns with the withdrawal provision.

Crawford and Biggerstaff discussed the next steps of the process and it may not be ready for the next meeting.

Jennings inquired if the current truck still can be used. Crawford stated yes, and continued that it was a goal to purchase the truck in 2017 because funds were put

aside for it; those funds will still be available in 2018.

**Anderson withdrew the motion. LaBelle seconded.**

**Jennings made a motion to table the discussion until the reading of the amended agreement. LaBelle seconded the motion. Ayes 5. Motion carried.**

**7. PUBLIC HEARINGS**

**A. Variance Request – Arnold, 230 West Point Drive**

Addison Lewis, Assistant City Planner, discussed the request for a 2.7 foot front yard variance.

De La Vega opened up the public hearing, hearing no comments, the hearing was closed.

Ansari and Jennings complimented the improvements to the house and the area.

**Jennings moved to direct staff to prepare a resolution of approval for the requested front yard setback variance for a deck addition to the home at 230 West Point Drive based on the findings of fact listed in the report, Items A through H, and the recommended Conditions 1 through 6. Ansari seconded the motion. Ayes 5. Motion carried.**

**B. Certification of Unpaid Delinquent Utilities and Fees**

Crawford discussed the reasons and the procedure for certification of unpaid delinquent utilities and fees.

De La Vega opened up the public hearing, hearing no comments, the hearing was closed.

**Anderson made a motion to adopt Resolution 17-40 for the collection of delinquent charges for the 2017 utility services and miscellaneous fees. Jennings seconded the motion. Ayes – Anderson, Ansari, Jennings, LaBelle, De La Vega. Motion carried.**

**8. OLD BUSINESS**

**A. Short Term Rental Ordinance**

De La Vega recapped the Councilmembers positions and stated this topic was tabled for further discussion due to the lack of consensus.

De La Vega asked Jennings his position. Jennings responded he thinks it should be

regulated and explained his reasons.

Jennings suggested proposing a new ordinance with the least impact while still ensuring safety. He further discussed ideas for a new ordinance.

De La Vega commented there still is a lack of consensus.

Ansari and De La Vega discussed banning short-term rentals and how it could impact various participants.

LaBelle stated he thinks it should be regulated and does not have an issue with re-writing the proposed ordinance. He continued that the discussion should be tabled until a consensus can be reached.

The Council debated the various positions and the possibility of re-writing the proposed ordinance.

De La Vega stated there is a consensus of LaBelle, Jennings and himself to move forward with regulating short-term rentals.

**Jennings moved to direct staff to continue to refine the proposed ordinance and present it at a future meeting. LaBelle seconded the motion. Ayes – 5. Motion carried.**

**9. NEW BUSINESS**

None.

**10. MATTERS FROM THE FLOOR**

None.

**11. REPORTS**

A. Administrator's Report – Crawford reminded the council to complete the Board of Appeals Training. De La Vega stressed the importance of completing this training.

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

C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling, Southshore Community Center – Ansari stated Crawford has started researching vendors and receiving quotes for the replacement of Wekota Park play ground equipment. De La Vega asked about receiving grants for the tennis courts and parks. Crawford indicated grant money could be used for the purchase of playground equipment. Additionally, there are a lack of grants for playground

equipment/tennis courts, but Crawford continues to look.

D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks – Jennings indicated the dock survey has been completed and he would like to get a report out before the end of the year. De La Vega commented that Bowman mentioned Xcel wants to replace the cobra heads once the ice freezes by the city docks.

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 – No report.

**12. CLOSED SESSION**

De La Vega announced the closed session. Anderson moved to go into closed session at 8:41 p.m. pursuant to Minn. Stat. Sec. 13D.05, subd. 3, paragraph (b) as the discussion constitutes a matter involving information protected under the attorney-client privilege. The following persons were in attendance:

1. Gerry De La Vega, Mayor
2. Jeff Anderson, Councilmember
3. Elli Ansari, Councilmember
4. Adam Jennings, Councilmember
5. Bill LaBelle, Councilmember
6. Lindy Crawford, City Administrator
7. Andrew Biggerstaff, City Attorney

**Jennings seconded the motion. Ayes 5. Motion carried.**

**Anderson moved to adjourn the closed session at 8:55 p.m. Jennings seconded the motion. Ayes 5. Motion carried.**

**13. ADJOURNMENT**

**There being no further business, it was moved by Anderson to adjourn the meeting at 8:56 p.m. Ansari seconded the motion. Ayes 5. Motion carried.**

Attest:

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Clerk