

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING December 10, 2013

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, Clapp and Grothe. Also present were City Administrator Kohlmann and City Attorney Penberthy.

3. **APPROVAL OF AGENDA**

Anderson moved to approve the agenda as submitted. Ansari seconded the motion. Ayes 5. Motion carried.

4. **CONSENT AGENDA**

Anderson moved to approve the consent agenda as presented approving the regular meeting minutes of November 26, 2013 as amended: Page 6, first paragraph, changes to read: any percent funding is calculated and recommend a benefit increase; change top ten to top ten percent, would like to set a ten percent ceiling for the pension; consistent with the plan only if there is an overall agreement acceptable to us; Page 7, he stated we are on the agenda to get a JPA amendment specifying that if two cities do not approve the budget, then it will go into default. On resolution, page 2, add the year in the condition for demolition. Clapp seconded the motion. Ayes – Ansari, Grothe, Anderson, Clapp and De La Vega. Motion carried.

5. **MATTERS FROM THE FLOOR**

A. **Brian Tongen, 30 Wildhurst Road** – stated he would like to see the access to Gideon's Bay remain open. De La Vega noted that this item is on the agenda.

6. **SPECIAL BUSINESS**

None

7. **PUBLIC HEARINGS**

None

8. **OLD BUSINESS**

A. **Second Reading – Amend Section 402, Fee Schedule**

Kohlmann stated five percent increases in garbage and recycling have been included in the fee schedule as well as the SAC charge.

De La Vega stated he is concerned about the fee schedule being documented which explains what each fee is for going forward. He also asked that the non-resident dock fee be clarified. He also asked that the senior citizen one-can fee be clarified as far as recycling and non-recycling. He stated the dog impound fee also needs clarification.

Clapp moved to approve the ordinance amendment and to adopt:

**RESOLUTION NO. 13-26
A RESOLUTION AUTHORIZING
SUMMARY PUBLICATION OF AN ORDINANCE
OF THE CITY OF TONKA BAY, MINNESOTA
SECTION 402 – FEE SCHEDULE**

Anderson seconded the motion. Ayes – De La Vega, Ansari, Anderson, Clapp and Grothe. Motion carried.

9. **NEW BUSINESS**

A. **2014 Budget and Tax Levy – Public Comment and Approval**

Kohlmann reviewed the proposed 2014 budget and tax levy. He explained where property tax dollars go.

De La Vega invited members of the audience to comment on the proposed budget. De La Vega noted Public Safety is the largest expense for the City.

Anderson moved to adopt:

**RESOLUTION NO. 13-27
A RESOLUTION APPROVING 2014
BUDGET AND TAX LEVY**

Ansari seconded the motion. Ayes – De La Vega, Ansari, Anderson, Clapp and Grothe. Motion carried.

B. 2014 Liquor and License Renewals

Kohlmann reviewed the license renewals for 2014. He stated there weren't any significant red flags in the background checks.

Anderson moved to approve the 2014 liquor and license renewals. Clapp seconded the motion. Ayes 5. Motion carried.

C. Woodpecker Ridge Road – Fire Lane Petition

Kohlmann stated staff has received a petition from the residents on Woodpecker Ridge Road and Willow Woods Drive.

Brian Tongen, 30 Wildhurst Road stated he has used this access for thirty years. He stated it needs to remain open. He stated there are a lot of people who don't live on the lake who want to use this access. He stated it is a safer access than many on the lake.

Judd Brackett, 125 Woodpecker Ridge Road stated his neighbor, Vern Knoll at 105 Woodpecker Ridge Road could not attend this evening. He discussed his involvement on several committees in the area. He noted the access puts traffic 35 feet from his bedroom wall. He reviewed the aerial photograph of the fire lane and various photographs of trucks using the fire lane and the lake. He discussed how access to the lake has changed over the years. He discussed his concerns about the use of the fire lane as a means to avoid driving by the police department after leaving a bar in Excelsior. He stated one of his greatest frustrations is in the early part of the ice fishing season when all vehicles park close to shore. He discussed his concerns about behavior problems. He noted four cities have a combined total number of fire lanes equal to that of Tonka Bay.

Brackett stated the neighbors support the closing of the fire lane to public access. He stated there are already several commercial-oriented access points to the lake already. He stated there are safety issues. The other cities have passive fire lane access in residential areas.

A member of the audience noted he has been using the fire lane for fifty years and it is an important access for him. He noted Bay Street is now open for vehicular traffic.

Brackett noted the times are changing, and things aren't convenient any more. He was concerned about the fire lane being unregulated.

Pete Seaman, 75 Pleasant Avenue showed photos of the fire lane access being blocked off. He stated he is not in favor of closing the fire lane. He stated it is a safer access to get onto the lake.

Byron Weiberdink, Woodpecker Ridge Road stated there were no fish houses in the general area until this year when Mr. Seaman put his out there. He believed the access does not need to be heavily used since there are other access points.

A member of the audience noted 5-gallon ice blocks were placed in the fire lane to block access the previous year.

De La Vega suggested this item be put on a future agenda for further discussion. In response to a question from De La Vega, Brackett stated he could live with the uses of the fire lane to be as designated on the signage for pedestrians and snowmobiles. He would also support complete closure.

De La Vega stated the current ordinance allows full vehicular access with weight and length limits.

De La Vega stated those present would be contacted on further discussions of this item. He noted the way the ordinance was rewritten specifically identified Woodpecker Ridge Road as a full access fire lane. Councilmembers discussed the purpose of the weight and length restriction.

De La Vega noted the signs in existence on Woodpecker Ridge Road are not consistent with the current ordinance. He agreed with Brackett that how we use the lake is changing. He noted the lake is evolving, and ordinances must be changed to deal with this. He didn't think vehicles should be allowed to drive on the lake for safety reasons.

He encouraged audience members to submit any information they might have on the fire lane.

D. LMCC

Grothe noted two e-mails were received from residents who were concerned they would no longer be able to watch Tonka Bay Council

meetings. He noted there weren't any oppositions to the City withdrawing from the LMCC.

Ansari asked for an explanation of the fees. Grothe explained the PEG fees and franchise fees are collected by Mediacom and paid to the LMCC. The franchise fee is set up to utilize the City right-of-ways. He suggested the fee be lowered to subscribers in Tonka Bay as a result of the withdrawal. Councilmembers discussed fees and what they are used for.

Anderson moved to confirm previous action to withdraw from the LMCC. Clapp seconded the motion. Ayes 5. Motion carried.

E. Sanctuary Salon Spa – Temporary Sign Permit

Ansari moved to approve the temporary sign permit for Sanctuary Salon Spa. Anderson seconded the motion. Ayes 5. Motion carried.

F. Staff COLA

Kohlmann stated performance reviews have been completed and they have met all his expectations. He noted a two percent COLA increase has been budgeted effective January 1, 2014.

Anderson moved to approve the COLA increase as recommended for all non-union personnel. Clapp seconded the motion. Ayes 5. Motion carried.

G. Administrator Review

De La Vega moved to approve the five percent increase for City Administrator Kohlmann as recommended. Anderson seconded the motion. Ayes 5. Motion carried.

H. Cancel December 24th Meeting

De La Vega moved to cancel the December 24 City Council meeting. Ansari seconded the motion. Ayes 5. Motion carried.

10. MATTERS FROM THE FLOOR

None

11. **REPORTS**

- A. **Administrator** – Kohlmann stated the other fees on the certified list were for unpaid land use fees.
- B. **Anderson - Finance, Fire Lanes and Public Access, Technology** – no report
- 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** – no report

12. **ADJOURNMENT**

There being no further business, it was moved by Clapp to adjourn the meeting at 8:30 p.m. Anderson seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk