

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING October 8, 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**

Grothe stated he was not at the worksession and should be listed as absent. Clapp stated the second to the last paragraph should be removed as it was discussed after the meeting ended. Anderson moved to approve the consent agenda as presented approving the worksession meeting as amended and regular meeting minutes of September 24, 2013. Clapp seconded the motion. Ayes 5. Motion carried.

5. **MATTERS FROM THE FLOOR**

None

6. **SPECIAL BUSINESS**

None

7. **PUBLIC HEARINGS**

None

8. **OLD BUSINESS**

None

9. **NEW BUSINESS**

A. **LRT Trail Permit**

Kohlmann stated this is an annual request from Three Rivers Park District. He noted the dates on the cover letter should be changed to reflect 2013 and 2014.

De La Vega stated this is a request we get every year.

Anderson moved to authorize Robin Bowman, Public Works Superintendent to execute the trail permit. Ansari seconded the motion. Ayes 5. Motion carried.

B. LMCC

Kohlmann noted some member cities of the LMCC are debating withdrawing from the LMCC. He reviewed the three options to consider as far as membership.

Grothe stated he received a letter from the Greenwood Mayor that they have submitted their letter of withdrawal. He stated he has also received an e-mail from Sally Koenecke and noted Deephaven has voted to accept the LMCC's JPA changes.

De La Vega stated we have adopted a resolution setting requirements and they have not come to pass. He stated it is not clear in the JPA what the vote structure is, whether it is 2/3 vote of the cities present or of the weighted 28 votes. He stated the recommended change does not address the issue. He stated he still believed the vote structure should be one city, one vote.

Grothe stated to get the two votes we do have, we have to have two people at the meeting. De La Vega stated it is too complicated as the city with three votes only has to have two people at the meeting. Councilmembers discussed the representation and vote structure and proposed JPA.

De La Vega stated he didn't believe there has been much progress with the JPA. He stated he would support sending a letter to the LMCC that we are going to withdraw with the option not to rescind by December.

Grothe asked if there should be any talks with Mediacom directly to start negotiations. De La Vega stated he didn't think we should be in any rush to do that.

Grothe noted there is a subcommittee meeting on October 15 to discuss further options.

De La Vega recommended staff and the City Attorney be authorized to draft

a letter to the LMCC to inform them of the intent to withdraw. Penberthy asked if we should state we are withdrawing or intend to withdraw. Councilmembers discussed options. Grothe stated we should reserve our right to rescind similar to the City of Victoria letter.

Grothe moved to direct staff and the City Attorney to draft a letter to the LMCC to inform them of Tonka Bay's intent to withdraw with an option to rescind by December 31, 2013. Clapp seconded the motion. Ayes 5. Motion carried.

C. LMCC Budget

De La Vega stated the budget in the packet is updated as of September 30, 2013. He stated it is going through significant changes because of the cities withdrawing. He discussed his concerns about the budget, specifically the contingency. Grothe discussed the need for a contingency in the budget.

De La Vega stated he was disappointed with the budget. He was concerned that there are wage increases proposed. He was also concerned that studio expenditures are increasing even though hours and staff are being cut. Clapp asked how FICA and taxes can be cut when salaries are being increased. De La Vega was concerned about the Executive Director's hours and pay being cut in half when she should be a salaried person. He stated the narrative does not match the budget numbers. He stated numbers which should have been provided in June are still unavailable.

De La Vega noted the City Council has not approved the LMCC budget for a number of years now and he did not see any reason to approve this one.

Grothe discussed the purpose of PEG fees which are allocated for the equipment to produce programming. He stated the franchise fees go toward salaries.

Grothe stated the Council needs to vote on the proposed JPA amendments as well as the budget.

Clapp moved to not adopt the proposed budget. Ansari seconded the motion. Ayes 5. Motion carried.

De La Vega stated he would like a more definitive explanation of the voting

process. He stated he cannot agree to what is proposed. With regard to the withdrawal date, he stated he would like there to be an annual withdrawal date and didn't have a problem with what is proposed. Councilmembers discussed the proposed amendments. De La Vega suggested the motion language be reworded for clarity purposes.

Penberthy suggested explaining that we will take no action and give the reasoning behind it. Grothe stated he can go back and ask for clarification of what the 2/3 majority vote means. Penberthy stating taking no action would be consistent with the withdrawal because it can be rescinded.

De La Vega stated it is important to change the voting process first, then eliminate the deadline, and then get the rest done. Councilmembers discussed what would happen if there is no decision made on the JPA by December 31, 2013. De La Vega stated the agreement should be reviewed in small doses. He stated if there are nine or less cities remaining, it will dissolve.

De La Vega stated the terms need to be defined in detail. He noted there were three different kinds of voting identified in the JPA.

De La Vega recommended no vote be taken and Grothe take recommendations to next LMCC meeting.

10. **MATTERS FROM THE FLOOR**

None

11. **REPORTS**

- A. **Administrator** – Kohlmann stated a report has been included.
- 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, and Administration** – De La Vega stated he came in second in the Dash for Cash at Cub which was a Rotary fundraiser for the ICA.

The City Council voted unanimously to move into closed session. Motion carried 5-0. De La Vega stated we will now go into closed session as the discussion constitutes a personnel matter. The following persons will be in attendance:

1. Gerry De La Vega, Mayor
2. Jeff Anderson, Councilmember
3. Elli Ansari, Councilmember
4. Jeff Clapp, Councilmember
5. Jonathan Grothe, Councilmember
6. Joe Kohlmann, City Administrator
7. Jim Penberthy, City Attorney

The subject matter of the meeting will be: Teamster Union Negotiations for Public Works Staff.

The City Council came out of closed session.

12. **ADJOURNMENT**

There being no further business, it was moved by Anderson to adjourn the meeting at 8:16 p.m. Clapp seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk