

CITY OF TONKA BAY ITEM NO. 4B

MINUTES TONKA BAY CITY COUNCIL SPECIAL MEETING July 1, 2010

1. CALL TO ORDER

The special meeting of the Tonka Bay City Council was called to order at 7:00 p.m.

2. ROLL CALL

Members present: Mayor LaBelle, Councilmembers Marceau, Tessness, and De La Vega. Councilmember Folley was absent. Also present were City Administrator Kohlmann and City Attorney Penberthy.

3. APPOINT GEORGE HOFF

Penberthy stated the Council had talked at the last meeting about the Comprehensive Plan that was adopted in April and the fact there were "open space" parcels that were inconsistent with that Plan. The property needs to be rezoned which will have a direct impact on the 70 West Point Place proposal. He noted the owners are represented by legal counsel. He contacted George Hoff for legal advice on how to proceed. He discussed the importance of a good record. He noted he and Kohlmann met with George Hoff to discuss this matter. We also have contacted the League of Minnesota Cities who are "on board" and may pay Mr. Hoff's fees from this point forward. The Council may need to pay Mr. Hoff's fees to date. Councilmembers discussed possible fees and deductibles for any litigation. LaBelle stated this is a wise thing to do should litigation be a possibility. Penberthy stated a recent Supreme Court decision on variance requests will change how applications are reviewed in the future. Basically, it states the applicant has to prove they cannot put their property to a reasonable use. **Marceau moved to approve the hiring of George Hoff as litigating attorney for the City of Tonka Bay and approve the payment of his invoice for services to date and to approve the hiring of Mr. Hoff as special counsel for rezoning. Tessness seconded the motion. Ayes 4. Motion carried.**

4. ADJOURNMENT

There being no further business, it was moved by Marceau to adjourn the meeting at 7:15 p.m. De La Vega seconded the motion. Ayes 4. Motion carried.

Attest:

Clerk