

**MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
July 26, 2011**

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 LaBelle, Councilmembers Marceau, De La Vega, Anderson and Holscher. Also present were City Administrator Kohlmann and City Attorney Penberthy.

3. APPROVAL OF AGENDA

Marceau moved to approve the agenda as submitted. Holscher seconded the motion. Ayes 5-0. Motion carried.

4. CONSENT AGENDA

Anderson moved to approve the consent agenda as presented approving the regular meeting minutes of July 12, 2011 as presented and the Accounts Payable. Holscher seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

None

7. PUBLIC HEARINGS

A. First Reading – Ordinance Amendment – Section 1004 – Kohlmann stated this is a public hearing to discuss an ordinance amendment to Section 1004 which deals with variance language. A second reading would be held on August 9. Penberthy stated the ordinance language is to address situations that are extraordinary and outside the normal course of rules and regulations. He stated we kept as much of Section 1004 as possible and incorporated the new language from the State Legislature. Every variance application that comes before the Council will use a checklist to analyze each application. He noted a variance, by definition, is a unique situation. Each request is dealt with on a case-by-case basis. Marceau stated it appears the State has done away with the hardship and come up with practical difficulties. Penberthy stated there was always the tension between what the statute says and what the case law was from the Court of Appeals. The Legislature changed the law back to what the Court of Appeals had been doing, creating more flexibility. LaBelle stated this is the language and interpretation he is most comfortable with, and it gives us a little bit of latitude. Penberthy noted this is the first reading. He urged the Council to call him with any questions or bring

them up at the next meeting.

8. OLD BUSINESS

None

9. NEW BUSINESS

A. Waive Tort Liability Requirements – Kohlmann stated the City is required to decide whether to waive the statutory tort liability requirements. In the past we have not waived the requirements. Anderson asked what an example would be of what this is used for. Kohlmann stated if we do not waive the statutory limit, the liability cap would be different. **Marceau moved to direct the City Administrator to sign the attached Waiver Form checking "The City Does Not Waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04". De La Vega seconded the motion. Ayes 5. Motion carried.**

B. City Hall Windows – Kohlmann stated staff received an updated quote for the scraping, glazing, and repainting of the City Hall windows. He stated this would be a good short-term solution. LaBelle noted we looked into replacing the windows, but it is very costly. He stated if they are not replaced, they need to be preserved. He believed the price quoted is very reasonable. LaBelle asked when the work could be done. Kohlmann stated the re-glazing could be done within the next few weeks and the work completed by the end of September. Holscher asked how long the work would be good for. LaBelle stated it should be good for 3-5 years. **Marceau moved to approve the quote from Matt Drahos in the amount of \$1,700 to re-glaze, prime and paint the storm windows and frames and direct Staff to see if Public Works can repair the dry rot beforehand. Holscher seconded the motion. Ayes 5. Motion carried.**

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator – Kohlmann stated the revenues and expenditures are looking positive at mid year. He noted the revenues include the shopping center assessment which has not been dedicated to a specific fund at this point. He stated there is a proposal to seal coat Woodpecker Ridge Road with an alternate method which would be privately funded. A number of residents on the street are in favor of this. He stated the preliminary assessment of the job was going to be recommended by the Public Works Superintendent, but the requested information was just submitted today well pass last week's deadline. LaBelle stated he is also in favor of this proposal. He recommended the crew be told not to do Woodpecker Ridge Road and move forward with the required contract with the Woodpecker Ridge Road residents. He asked the Council to submit any

questions they might have to Kohlmann in the coming week. Holscher stated the city of Plymouth has been using this process for a number of years.

B. Holscher – Buildings, Building Inspections, Fire Lanes - no report

C. Anderson - Animal Control, LMCC, Technology, Southshore Center – no report

D. De La Vega – EFD, Parks, Sanitation, LMCD – De La Vega stated an EFD meeting will be held on August 10 for Councilmembers to ask questions about the EFD budget. The EFD dance was on July 15 and it went well.

E. Marceau – Finance, Marinas, Municipal Docks – no report

F. Attorney's Report – no report

G. LaBelle - Public Works and SLMPD – LaBelle stated a draft SLMPD budget will be coming to a meeting in the near future. Tonka Bay will realize a slight reduction in their contribution.

12. ADJOURNMENT

There being no further business, it was moved by Marceau to adjourn the meeting at 7:25 p.m. De La Vega seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk