

CITY OF TONKA BAY ITEM NO. 4A

MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING June 14, 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

De La Vega moved to approve the agenda as submitted. Holscher seconded the motion. Ayes 5. Motion carried.

4. CONSENT AGENDA

Marceau moved to approve the consent agenda as presented approving the regular meeting minutes of May 24, 2011. De La Vega seconded the motion. Ayes 5. Motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

None

7. PUBLIC HEARINGS

None

8. OLD BUSINESS

A. Second Reading – Ordinance #2011-2, Amend Section 402 (Fee Schedule) to Change Fees for Municipal Dock Slips #1-3 – Kohlmann stated this is the second reading to amend the fee schedule ordinance to change the fees for dock slips 1-3. Marceau moved to pass Ordinance #2011-2 to amend Section 402 to change fees for municipal dock slips 1-3 and the summary ordinance for publication. Holscher seconded the motion. Ayes 4-0-1. De La Vega abstained. Motion carried. Marceau moved to adopt:

Resolution 11-09

A Resolution Approving Summary Publication of an Ordinance of the City of Tonka Bay, Minnesota (Amend Section 402, lower fees for slips 1-3)

Holscher seconded the motion. Ayes – Holscher, Anderson, Marceau, and LaBelle. De La Vega abstained from voting. Motion carried 4-0-1.

9. NEW BUSINESS

A. Appeal Zoning Administrator's Code Violation Determination – 15 Northrup Avenue – LaBelle reminded the City Council the applicant and property owner at 15 Northrup Avenue are in litigation with each other. Kohlmann stated he made a determination that the arborvitaes are not a fence, and adverse affect was difficult to show. He stated the property owner at 10 Brentwood Avenue provided an engineering report showing County Road 19 is causing runoff. If the Council determines it is a fence, adverse affect would need to be determined. **Dan Freier, 10 Brentwood Avenue** stated the complete surroundings have been landscaped which have altered the runoff pattern. He discussed his concerns about the effect of the landscaping on his property. He submitted several photographs which illustrate the existing problems in his opinion. He discussed previous police reports relating to this and other conflicts with the neighbor. He also discussed the City's responsibilities. He discussed his concerns about being treated poorly because he does not live in Tonka Bay. He stated something has to be done now. LaBelle stated we treat all taxpayers and property owners the same in Tonka Bay. He stated reporting criminal activity is his right, and the City does not get involved with that. We are here to respond to code violations if there are any. We sent out the zoning administrator to review the issue and report back which is what has been done. LaBelle stated there have been issues where trees have been considered to be fences. His interpretation is that these arborvitaes are not a fence in Freier's case. Kohlmann explained when a permit would be required. Kohlmann stated the Council needs to determine whether it is a fence or not and if 10 cubic yards of fill have been added to the site. Marceau stated it does not appear to be a fence, and he cannot tell how much fill has been added. Freier stated there are ethical and legal issues here. He stated he didn't think the issue was whether it was a fence or not. If the Council chooses to interpret it subjectively for the City's benefit, there is nothing he can do about it. **Marceau moved to accept the Zoning Administrator's decision in regard to the fence, fill and adverse affect. De La Vega seconded the motion. Ayes 4-1. Motion carried. Holscher voted against the motion.**

B. Adopt Resolution Supporting Hennepin County 911 Call Center – Captain James Bayer was present to discuss plans to construct a new 911 Call Center in Hennepin County. A location has been selected in Plymouth. The County is looking for the City's support of the plan. Holscher asked if cell phones calling 911 can be routed correctly. Bayer noted the call goes to the closest 911 Call Center while before, it would

go to the State Patrol. He stated the new center would be able to support new technology. **Marceau moved to adopt:**

**Resolution 11-10
A Resolution Supporting the Hennepin County 911 Call Center**

Holscher seconded the motion. Ayes – Holscher, Anderson, Marceau, De La Vega and LaBelle. Motion carried 5-0.

C. Event Application – Tonka Bay Marina – Kohlmann stated we have received an event application from Hennepin County Water Patrol that will take place in Tonka Bay on June 24 at Tonka Bay Marina. The City does not have a special event permit process, but Hennepin County would like written permission from the City. LaBelle noted proof of insurance has been provided. **Holscher moved to approve the 2011 Junior Bass Federation event on Friday, June 24 at Tonka Bay Marina. Anderson seconded the motion. Ayes 5. Motion carried.**

D. First Reading – Ordinance 2011-3, Section 241, Background Check Ordinance – Kohlmann stated the BCA previously audited the SLMPD and found that many cities did not have a background check ordinance. They are recommending Tonka Bay pass the attached ordinance. Once it is passed, they will resume background checks for new employees and license applicants. Penberthy stated the intent is to have an ordinance that is uniform among the other cities. He also noted background checks will be more complete and much easier to obtain. Kohlmann noted this is the first reading, and it will be brought back on the 28th of June.

E. City Hall Landscaping – Kohlmann stated we have received three quotes for landscaping around city hall. Lan-de-con is the low quote in the amount of \$6735. Marceau stated it is disappointing it is over budget. He asked what Public Works can do. LaBelle stated Public Works will do the tear out. Staff is recommending the wall be professionally constructed. Marceau was concerned about the discrepancy in the price quotes for the wall. LaBelle stated we are way past time to have this work done. Holscher asked where the amount over budget would come from. Kohlmann stated at the end of the year, the entire General Fund is tallied. If the overall Fund is over budget, it would come from reserve funds. De La Vega asked if we are experiencing any problems with the building because of its present condition. Kohlmann stated the wall is deteriorating and the timbers are breaking and falling apart. Holscher stated it should be done now as it will only cost more if done later. Council and staff discussed utilizing Public Works staff to help with the project. Kohlmann noted that Public Works will tear out the existing landscaping in preparation for the landscaping and wall construction. De La Vega agreed the landscaping is long overdue. **De La Vega moved to approve the low quote from Lan-de-con in the amount of \$6735. Holscher seconded the motion.** Penberthy asked if there is a deadline to have the work done. Kohlmann stated staff is looking at the end of June. **Ayes 5. Motion carried.**

F. **Budget Timeline** – Kohlmann discussed the 2012 budget timeline and proposed dates for worksession to discuss the proposed 2012 budget. He stated September 6 or September 13 is proposed for an extra worksession if needed. **Marceau moved to approve budget worksessions at 6 pm on the following dates: August 9, August 23, September 6 or September 13. Holscher seconded the motion. Ayes 5. Motion carried.**

10. **MATTERS FROM THE FLOOR**

None

11. **REPORTS**

- A. **Administrator** – no report
- 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 the EFD Board continues to meet to discuss the budget.
- E. **Marceau – Finance, Marinas, Municipal Docks** – no report
- F. **Attorney's Report** – no report
- G. **LaBelle - Public Works and SLMPD** – no report

12. **ADJOURNMENT**

There being no further business, it was moved by Marceau to adjourn the meeting at 8:00 p.m. De La Vega seconded the motion. Ayes 5. Motion carried.

Attest:

Clerk