

## ITEM NO. 4A

**APPROVED MINUTES  
TONKA BAY CITY COUNCIL  
REGULAR MEETING  
September 24, 2019**

**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, LaBelle, and Jennings. Also present were Deputy City Clerk Maher and City Attorney Biggerstaff.

**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 following consent agenda items:**

**A. Regular Meeting Minutes of September 10, 2018**

**B. Schedule Truth in Taxation Hearing for December 10th Council meeting**

**C. Cancel December 24th, 2019 City Council Meeting**

**D. Resolution 19-46 – Approving Conditional Use Permit for Floor Area Ratio at 120 Sunrise Avenue**

**E. Resolution 19-47 – Approving Conditional Use Permit for Maximum Hardcover at 120 Sunrise Avenue**

**F. Resolution 19-48 – Approving Side Setback Variance at 120 Sunrise Avenue**

**G. Resolution 19-49 - Approving Variance for Continuance of Second Accessory Structure at 40 Old Orchard Lane**

**H. Resolution 19-50 – Approving Variance for Nonconforming Accessory Structure Expansion and Ordinary High Water Setback at 40 Old Orchard Lane**

**I. Resolution 19-51 - Approving Encroachments of Deck, Stairs, Landing in Setback at 40 Old Orchard Lane**

**J. Resolution 19-52 Approving Impervious Surface in OHWM Setback at 40 Old Orchard Lane**

**K. Resolution 19-53 Approving Landing Variance at 40 Old Orchard Lane**

**L. Resolution 19-54 Approving Excess Slope Variance at 40 Old Orchard Lane**

**M. Budget Work Session Minutes of September 24, 2019**

**Ansari seconded the motion.**

De La Vega noted two minor updates to page three of the meeting minutes.

**Anderson amended the motion. Ansari seconded. Ayes 5. Motion carried.**

**5. MATTERS FROM THE FLOOR**

Brian Hemsey, 180 Lakeview Avenue, noted concerns about flooding on his property. He explained that the levels of a pond nearby caused his property to flood and that he had been told the pond owner had not done maintenance on the pond. He noted he was working with the DNR now to determine if pond needed any further reduction.

Hemsey asked if it was possible to put in a storm drain in front of his house and asked how much that would all be.

De La Vega and Hemsey discussed the flooding on the property, the draining and the nearby pond.

Hemsey noted he spoke with a neighbor and drained it through their yard for a few days until Public Works Schallberg let him know he needed to connect with the DNR regarding the draining. Hemsey noted he turned off the drains at that point.

Hemsey explained he had gotten permission to build a berm around his house to protect his house.

LaBelle, Hemsey and Ansari discussed the pond.

**6. SPECIAL BUSINESS**

None.

**7. PUBLIC HEARINGS**

None.

**8. OLD BUSINESS**

A. Water Plant Improvement Project Update

Preisler explained he provide an update on September 10, 2019 to Council on the Water Plant Improvement Project and at that time, there was a 7-day extension request. Since the report, the contractor asked for additional extensions for miscellaneous repair work that was detailed in the memo.

Preisler detailed that the current stage was disinfecting the facility and completing chlorine residual and bacteriological testing and if all went well, the plan was to fill the clarifier on Thursday. Preisler noted there would be a lag time while the treated water worked its way through the system.

Preisler explained the second part of the discussion was whether Council would like staff to begin liquidating damages on the contractor for the delay. Priesler noted that staff generally recommended accepting the delay because the items that came up were unforeseen. Preisler explained it was overall about a 22-day additional delay.

LaBelle, De La Vega, Preisler and Jennings discussed the process for liquidating damages and the impacts if liquidated damages were or were not enforced.

Council requested that Preisler review the contract and come back with an update in two weeks.

B. Manitou Parking Lot Bid Proposal

Preisler noted he originally planned to discuss moving the project forward and taking it out to bid. Preisler noted that when he started the permit process, he was alerted to a recent project to the South that Manitou Park was potentially an archeologically significant site. Specifically, portions of Manitou Park may be within the historic Gideon's Bay Mounds.

Preisler explained he had reached out to a consultant that does most of this work in the state and had an inquiry in to the Minnesota State Archeological Office. He noted the information was public information but not easily accessible. He explained this may alter the scope of the project and what could be done with the parking lot.

De La Vega, Ansari and Preisler discussed next steps.

C. Early Start Agreement for 95/105 Clay Cliffe Drive Review

Biggerstaff explained the background of the agreement, noting the simple subdivision that was previously passed by the property. He noted that the October 8 meeting would include an easement vacation and adding new easements now that the public notice had been put out.

Biggerstaff explained the agreement would allow the property owners to continue building at their own risk.

De La Vega, Jennings, Biggerstaff and LaBelle discussed the agreement.

Anderson made a motion approving the early start agreement with the discretion of Attorney Biggerstaff and Mayor De La Vega for minor clerical adjustments. Jennings seconded the motion. Ayes 5. Motion carried.

**9. NEW BUSINESS**

**A. 2020 Budget and Tax Levy**

Maher noted Council had two budget work session meetings. Maher detailed that the proposed property tax levy for the General Fund is \$1,125,454.00, the proposed levy for the Capital Improvement Plan is \$70,349 and the preliminary 2020 budget and tax levy is \$1,195,803.00. This is an increase of \$22,800.00 or 1.91% over last year's budget.

Maher noted the preliminary budget levy is required by September 30<sup>th</sup>.

Anderson moved to adopt Resolution 19-55 adopting the preliminary budget and preliminary tax levy collectible in 2020 for \$1,195,803.00, an increase of \$22,800.00 or 1.91% over last year's budget. Jennings seconded the motion.

Maher requested a motion for the future budget and levy meeting.

Anderson and De La Vega noted the proposed property tax levy for the General Fund is \$1,125,454.00. The proposed levy for the Capital Improvement Plan is \$70,349. The preliminary 2020 budget and tax levy is \$1,195,803.00

Ayes: Ansari, LaBelle, Jennings, Anderson and De La Vega. Motion carried.

Anderson moved to establish and announce the City Council will hold a meeting at the City Hall on Tuesday, November 26<sup>th</sup> at 7 pm at which time the budget and levy will be discussed. Jennings seconded the motion. Ayes 5. Motion carried.

**B. Banyon Software Request**

Maher explained that it was a request for an additional software module for Banyon, the utility billing software, for \$595 and detailed where the funds came from. Maher noted that it was a one-time cost.

De La Vega noted that the software would help with rate setting.

De La Vega, Anderson and Ansari discussed the request.

Anderson made a motion approving the purchase of new Tier Report/Rate

Study module from Banyon software for \$595. Ansari seconded the motion. Ayes 5. Motion carried.

**10. MATTERS FROM THE FLOOR**

None.

**11. REPORTS**

A. Administrator's Report –  
Maher noted there were a few items to come in the Councilmembers report but did not have anything to report.

B. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology –  
None.

C. Elli Ansari – Parks and Playgrounds, LMCD, Sanitation and Recycling –  
Ansari asked about Wekota Park.

Maher noted the posts were received but that there was still work to be completed.

Jennings, De La Vega and Ansari discussed the swings.

Ansari requested the dog park be open longer than September 30<sup>th</sup>.

Anderson moved to let Bowman decide when to close the dog park. Ansari seconded. Ayes 5. Motion carried.

De La Vega discussed the basketball park.

Ansari thanked Bowman, Spoerner and Maher for their work.

D. Adam Jennings – EFD, Commercial Marinas, Municipal Docks –  
Jennings explained that the LMCD requested comment on the plans submitted from the Caribbean.

De La Vega, Jennings and Ansari discussed the plans, updates to the East and West side placements, the residential property, number of slips, moving the fuel station, the possibility of a charter boat, parking and next steps.

Jennings noted there was a Fire Open House on October 3<sup>rd</sup>.

Jennings noted the dock meeting was moved to September 30<sup>th</sup>.

E. Bill LaBelle – Building Inspection, Municipal Buildings and Grounds –  
No report.

- F. Attorney's Report –  
No report.
- G. Gerry De La Vega –SLMPD, Administration, Public Works –  
De La Vega detailed the hiring process for a city administrator to date, noting 9 applied and 4 were interviewed.

De La Vega explained that the contract was sent to the candidate and that a counteroffer was made and detailed the counter requests, including additional vacation time and a request for payment in lieu of benefits.

De La Vega, Anderson, Biggerstaff and LaBelle discussed the insurance health benefit request.

LaBelle moved to authorize Mayor De La Vega to enter into an employment agreement based on the discussion with Council pending review by Biggerstaff and the legal status of the request for insurance. Ansari seconded the motion. Ayes 5. Motion carried.

**12. ADJOURNMENT**

**There being no further business, it was moved by Anderson to adjourn the meeting at 7:56p.m. Jennings seconded the motion. Ayes 5. Motion carried.**



Gerry De La Vega, Mayor

Attest:

  
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Oksana Maher, City Clerk