CITY OF TONKA BAY
ITEM NO. 9A

Memo

To: Honorable Mayor and City Council

From: Joe Kohlmann, City Administrator

Date: October 28th, 2014

Re: Request for Water Hookup at Xcel Energy, Shorewood

The City of Tonka Bay has received a request from Xcel Energy in Shorewood to hook up to the Tonka Bay water system. This property is Manitou Road. In order to regulate water and sewer hookups between the Cities of Shorewood and Tonka Bay, an agreement has been drafted between the cities. I also included the water connection agreement between the City of Shorewood and Xcel, which is the first step set out in the agreement to obtain a permit.

Below I have listed four steps to obtain a permit to hook up to the Tonka Bay water system:

1) Obtain a permit from the City of Shorewood.
2) Copy of the application of such permit shall be submitted to Tonka Bay. No permit for the connection shall be issued by Shorewood until approval or disapproval thereof has been given by Tonka Bay.
3) Cash payment to Tonka Bay for each residential hook up in the amount established annually by the Tonka Bay City Council. Said rate shall reflect initial construction costs for water distribution system and water tower along with annual adjustments based on the CPI.

Water Connection Fee: **$3,451.01**
Water Tower Fee: **$1,018.49**

Attached is the Resolution for approval for the connection
Attached is Shorewood's approval of the applicants proposal

Council Action Requested:
Motion to adopt the attached resolution allowing a water connection at Xcel Energy.

RESOLUTION 14-

A RESOLUTION APPROVING REQUEST FOR HOOKUP TO CITY OF TONKA BAY WATER SERVICES – XCEL ENERGY, 5509 COUNTY ROAD 19, SHOREWOOD

WHEREAS, Xcel Energy (Applicant) of 5509 County Road 19 has an interest in certain real property (the "Subject Property") located in the City of Shorewood, County of Hennepin, State of Minnesota; and

WHEREAS, the City of Shorewood owns a municipal water system that does not presently serve the subject property; and

WHEREAS, the Applicant desires to interconnect with the Tonka Bay Municipal Water System and pay to the City of Tonka Bay a connection charge therefore; and

WHEREAS, the City of Tonka Bay is willing to permit the Applicant to connect to the Tonka Bay Municipal Water System provided that the Applicants agree to the provisions contained herein.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Tonka Bay in consideration of the mutual covenants contained herein, the parties agree as follows:

1. The Applicant shall have the right to interconnect with the Tonka Bay Municipal Water System and pay to the City of Tonka Bay a connection charge therefore.
2. All work in such interconnection with be done according to City of Tonka Bay specifications and under City of Tonka Bay supervision, and all expenses and costs connected therewith will be paid by the applicants.
3. It is further agreed by and between the parties that this Agreement shall run with the land and shall benefit and be binding upon their respective legal representatives, successors and assigns.

PASSED at a regular meeting of the Tonka Bay City Council this 14th day of October, 2014.

Motion introduced by _____ and seconded by _____.

Roll Call Vote: Ayes –
Nays –
Absent –

_____
Gerry De La Vega, Mayor

ATTEST:

_____
Joseph Kohlmann, Clerk/Administrator

444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tkda.com

TKDA

October 15, 2014

Robin Bowman
City of Tonka Bay
4901 Manitou Road
Tonka Bay, MN 55331

Re: Water Service Connection for Xcel Energy Shorewood Service Center Vehicle Storage Building

TKDA Project No. 14963.025

Dear Mr. Bowman:

Due to the planned location of the proposed Vehicle Storage Building and as a matter of making the most practical service connection, TKDA, as Xcel Energy's representative, is formally requesting approval from the City of Tonka Bay to connect to a watermain owned and operated by the City of Tonka Bay. The purpose of the connection is to supply water to the proposed Vehicle Storage Building, exclusively for use in the Fire Suppression System.

The above reference connection can be found on drawing C160 enclosed.

Thank you in advance for your consideration.

Regards,

Bob Krussow, P.E., LEED AP
Civil Engineer
Dir. 651-292-4507

cc: Erin Johnson (Xcel)
Judy Knight (Xcel)
Brian Fitzgerald (TKDA)

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Woodruff moved, Sundberg seconded, Approving the Motions Contained on the Consent Agenda and Adopting the Resolutions Therein.

A. **Approval of the Verified Claims List**

B. **Adopting RESOLUTION NO. 15-044, "A Resolution Appointing 2014 Primary and General Election Judges and Establishing an Absentee Ballot Board."**

C. **Adopting RESOLUTION NO. 15-045, "A Resolution Authorizing the Execution of a Joint Cooperation Agreement between the City of Shorewood and Hennepin County for Participation in the Urban Hennepin County Community Development Block Grant Program in 2015 – 2017."**

D. **Adopting RESOLUTION NO. 15-046, "A Resolution Authorizing the Execution of Agreement No. 04597 between the City of Shorewood and the Minnesota Department of Transportation for the County Road 19 and Trunk Highway 7 Traffic Control Signal Project."**

E. **Adopting RESOLUTION NO. 14-047, "A Resolution Permitting a Shorewood Property Owner to Connect to the Tonka Bay Municipal Water System" and Authorizing the City of Shorewood to Enter into a Water Connection Agreement with the Ronald L. Zenk, the Owner of the Property Located at 5435 Timber Lane; Adopting RESOLUTION NO. 14-048, "A Resolution Permitting a Shorewood Property Owner to Connect to the Tonka Bay Municipal Water System" and Authorizing the City of Shorewood to Enter into a Water Connection Agreement with Northern States Power, the Owner of the Property Located at 5505 County Road 19; and, Adopting RESOLUTION NO. 14-049, "A Resolution Permitting a Shorewood Property Owner to Connect to the Excelsior Municipal Water System" and Authorizing the City of Shorewood to Enter into a Water Connection Agreement with Ping Chen and Gerhardt Mahling, the Owners of the Property Located at 23425 Academy Avenue.**

F. **Adopting RESOLUTION NO. 14-050, "A Resolution Approving Plans, Specifications and Authorizing Advertisements for Bids for 2014 Seal Coat Project, City Project No. 14-05."**

G. **Adopting RESOLUTION NO. 14-051, "A Resolution Adopting Performance Measures."**

H. **Approving the Deer Management Program be continued in 2014 with Metro Bowhunters Resource Base conducting the harvesting effort and authorizing the harvesting to occur on four weekends.**

Mayor Zerby noted that Council had been provided with an updated schedule for the 2014 Deer Management Program harvesting.

Councilmember Woodruff stated the City has participated in the Urban Hennepin County Community Development Block Grant (CDBG) Program a number of times before. This time a new Emergency Solutions Grants Program (ESG) is being introduced. He has never heard of that before. Staff had provided Council with a copy of an email from Ms. Margo Geffen with Hennepin County that explains

CITY OF SHOREWOOD

RESOLUTION NO. 14-048

A RESOLUTION PERMITTING A SHOREWOOD PROPERTY OWNER TO CONNECT TO THE TONKA BAY MUNICIPAL WATER SYSTEM

WHEREAS, Northern States Power Company (Owner) owns real property within the City of Shorewood; and

WHEREAS, the City of Shorewood owns a municipal water system which presently serve the owner's property for its primary water supply; and

WHEREAS, Owner needs to provide a fire suppression system for its property; and

WHEREAS, the proximity of the Tonka Bay Municipal Water System at the north boundary of the property is the most practical point of connection for the fire suppression system; and

WHEREAS, Owner is desirous of connecting to the Tonka Bay Municipal Water System; and

WHEREAS, Owner has executed an agreement with the City of Shorewood specifying that interconnection with the Tonka Bay Municipal Water System is exclusively for the purpose of providing a fire suppression system to the property and that the Owner will continue to use the Shorewood Municipal Water System as its primary source of water supply.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shorewood:

1. That the Mayor and City Clerk are hereby authorized to execute the Water Agreement attached hereto as Exhibit A on behalf of the City Council.

2. That the Applicant record the Agreement with the Hennepin County Recorder or Registrar of Title within thirty (30) days of Tonka Bay's approval of the connection.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SHOREWOOD this 23rd day of June, 2014.

Scott Zerby, Mayor

ATTEST:

Jean Panchyshyn

Jean Panchyshyn, City Clerk

WATER CONNECTION AGREEMENT

THIS AGREEMENT, made this 23rd day of June, 2014, by and between the CITY OF SHOREWOOD, a municipal corporation, (the "City") and Northern States Power Company (a.k.a. Xcel Energy), (the "Applicant").

WHEREAS, the Applicant has an interest in certain real property (the "Subject Property") located in the City of Shorewood at 5505 County Road 19, legally described on Exhibit A, attached hereto and made a part hereof; and

WHEREAS, the City owns a municipal water system which presently serves the Subject Property for its primary water supply; and

WHEREAS, the Applicant needs to provide a system for fire suppression to the Subject Property and has determined the that proximity of the Tonka Bay water main at the north boundary of the site to be the most practical means to supply water for the fire suppression system; and

WHEREAS, the Applicant desires to interconnect with the Tonka Bay Municipal Water System for the exclusive purpose of providing fire suppression for the Subject Property, and pay to the City of Tonka Bay any connection charge therefor; and

WHEREAS, the City is willing to permit the Applicant to connect to the Tonka Bay Municipal Water System provided that the Applicant agrees to the provisions contained herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. The Applicant shall have the right to interconnect with the Tonka Bay Municipal Water System and pay to the City of Tonka Bay any connection charge therefor.

2. All work involved in such interconnection will be done according to City specifications and under City supervision and all expenses and costs connected therewith will be paid by the Applicant.

3. It is agreed by and between the parties that the interconnection with the Tonka Bay Municipal Water System is exclusively for the purpose of providing a fire suppression system to the Subject Property and the Applicant shall continue to use the Shorewood Municipal Water System as its primary source of water supply.

4. It is further agreed by and between the parties that this Agreement shall run with the land and shall benefit and be binding upon their respective legal representatives, successors and assigns.

5. That the Applicant record this Agreement with the Hennepin County Recorder or Registrar of Title within thirty (30) days of Tonka Bay's approval of the connection.

IN WITNESS HEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

APPLICANT

_____
Northern States Power Co., Applicant

By:_____

Its:_____

CITY OF SHOREWOOD

_____
Scott Zerby, Mayor

_____
Jean Panchyshyn, City Clerk

STATE OF MINNESOTA
SS.
COUNTY OF HENNEPIN

On this 23rd day of June, 2014, before me, a Notary Public within and for said County, personally appeared Scott Zerby and Jean Panchyshyn to me personally known, who, being each by me duly sworn, did say that they are respectively the Mayor and City Clerk of the municipal corporation named in the foregoing instrument, and that said instrument was signed and sealed on behalf of said corporation by authority of its City Council, and said City Mayor and City Clerk acknowledged said instrument to be the free act and deed of said corporation.

PATRICIA L. FASCHING
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31, 2015

_____
Notary Public

STATE OF MINNESOTA
SS.
COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by _____, Northern States Power Company.

_____
Notary Public

LEGAL DESCRIPTION:

The following legal description is as shown on First American Title Insurance Company Commitment File No. NCS-56330-MPLS with an commitment date of September 13, 2010.

Parcel A:
Lot 5, AUDITOR'S SUBDIVISION NUMBER 133, except that part thereof that lies southerly of the following described line: Beginning at a point of the east line of said Lot 5, distant 518.85 feet south of the northeast corner thereof; thence southwesterly, deflecting 36 degrees 30 minutes, measured from South to West a distance of 144.46 feet; thence westerly deflecting 27degrees 00 minutes, a distance of 34.65 feet, more of less, to the northeasterly line of County Road No. 19 and there terminating. (Abstract)

Parcel B:
That part of the North Half of the Northeast Quarter of Section 33, Township 117 North, Range 23 West of the Fifth Principal Meridian, bounded and described as follows; Beginning at the northeast corner of the following described tract: The West 200 feet, measured at right angles to the west line, of that part of Tract A, Registered Land Survey No. 482, lying northerly of a line drawn easterly from a point on the west line of said Tract A, said point being 100 feet southerly of the northwest corner of said Tract A, to a point on the east line of said West 200 feet, distant 100 feet southerly of the northeast corner of said west 200 feet; thence northerly along the northerly extension of the easterly line of the above described tract to a point distant 25 feet southerly, measured radially, from the center line of the main track of the Chicago and Northwestern Transportation Company (formerly the Minneapolis and St. Louis Railway Company), as said main track is now located; thence westerly parallel and 25 feet southerly of said main track centerline to the easterly line of Hennepin County Highway No. 19; thence southerly along the easterly line of said County Highway to an iron monument on the easterly line of said County Highway, distant 50 feet southerly, measure at right angles, from the center line of said main track; thence Easterly along the southerly right of way line of the said Chicago and North Western Transportation Company to a Judicial Land Monument located at the northwesterly corner of Tract A, Registered Land Survey No 482; thence easterly along the northerly line of said Tract A to the point of beginning. (Abstract).

Parcel C:
The West 200 feet, measured at right angles to the West line, of that part of Tract A, Registered Land Survey No. 482, County of Hennepin, lying Northerly of a line drawn Easterly from a point on the West line of said Tract A, said point being 100 feet Southerly of the Northwest corner of said Tract A, to a point on the East line of said West 200 feet, distant 100 feet Southerly of the Northeast corner of said West 200 feet. (Torrens)

Exhibit A