



CITY COUNCIL REGULAR MEETING AGENDA

February 11, 2025 – 7:00 pm

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **CONSENT AGENDA**
 - A. Approve Council Meeting Minutes January 14 & January 28, 2025
 - B. Approve January 2025 Claims 1-9
 - C. LMCIT Premium Audit Refund (Informational) 10-11
 - D. Public Hearing Notice Cannabis Zoning Ordinance Amendments 12
 - E. Utility Customers Notice RE: Quarterly Billing and Recommended Pay Dates 13
5. **MATTERS FROM THE FLOOR²** (*maximum time of five minutes per person*)
6. **SPECIAL BUSINESS**
 - A. None
7. **PUBLIC HEARING – 7pm**
 - A. Zoning Ordinance Amendments Related to Cannabis Businesses & Lower Potency Hemp Edible Businesses Resolution 2025-07, 08, Ordinance 25-02, 03 (City Attorney) 14-34
8. **OLD BUSINESS**
 - A. Approve 2025 Fee Schedule Resolution 2025-05, Ordinance 25-01 35-46
9. **NEW BUSINESS**
 - A. Approve Application and fees for Reduced Garbage & Recycling Rates for Residents 65 and Older (City Administrator) 47-51
 - B. Approve Encroachment Agreement – 436 Lakeview Ave (City Attorney) 52-65
 - C. Approve Reimbursement Resolution 2025-06 66-68
 - D. Approve Water Usage Refund – 90 Florence Dr (City Administrator) 69
 - E. Approve 5 Waseca Inflow & Infiltration Refund \$16,040 (City Administrator) 70-79
 - F. Approve 35 Fairhope Escrow Refund \$5,827 (City Administrator) 80-83
10. **MATTERS FROM THE FLOOR²** (*maximum time of five minutes per person*)
11. **REPORTS**
 - A. Administrator's Report 84-85
 - B. Contracted Staff Report(s)
 - C: Council Member Reports

1. **Council Member Anderson:** *Committees - Acting Mayor, Commercial Marinas, LMCD, Sanitation and Recycling*
2. **Council Member Eckland:** *Committees - EFD, Fire Lanes and Public Access, Alternate Advisory Board*
3. **Council Member Ottum:** *Committees: Banks/Finance/Investments, Technology, Municipal Buildings and Grounds*
4. **Council Member Wischmeier:** *Committees: Building Inspection, Alternate EFD, Alternate SLMPD, Alternate City Administrator*
5. **Mayor Jennings:** *Committees: SLMPD Coordinating Committee, Parks and Docks, City Administration, Public Works, Employee Advisory Board*

12. ADJOURNMENT

All matters listed within the Consent Agenda are considered to be routine items to be enacted upon by one City Council motion. Items on the Consent Agenda are reviewed in total by the City Council and may be approved through one motion with no further discussion by the Council. Any item may be removed by any Council Member, staff member or person from the public for separate consideration.

²For individuals who wish to address the Council on subjects which are not a part of the meeting agenda. Typically, the Council will not take action on items presented at this time but will refer them to staff for review, action and/or recommendation for future Council action.

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
JANUARY 14, 2025

1. CALL TO ORDER

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 7:01 p.m.

2. OATH OF OFFICE

The administration of the Oath of Office is a formal requirement that signifies the assumption of duties by newly elected or re-elected Council Members. As per Minn. Stat. §358.05, it is the responsibility of the City Clerk to administer the oath during a designated council meeting.

The individuals to take the oath include:

- Jeff Anderson, Newly Elected Council Member
- Kathleen Ottum, New Elected Council Member
- Adam Jennings, Re-Elected Mayor

City Clerk Gildemeister administered the Oath of Office and welcomed each member to Tonka Bay City Council. The new and re-elected Council Members assumed their official duties immediately following the oath, participating fully in the Council Meeting and decision-making processes.

3. ROLL CALL

Members present: Mayor Jennings, Council Members Anderson, Eckland, Ottum, and Wischmeier. Also present were City Clerk Gildemeister, City Engineer Bradford, and City Attorney Nason.

4. APPROVAL OF AGENDA

Council Member Wischmeier made a motion to approve the agenda with one addition of 9F. Council Member Anderson seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, Jennings. The motion carried.

5. CONSENT AGENDA

- A. Minutes from December 10, 2024 Regular City Council Meeting
- B. 2025 City Holiday Calendar
- C. Manitou Road Watermain Improvement Project Pay Voucher #13
- D. 2024 Street and Utility Improvement Project Pay Voucher #8

Council Member Wischmeier made a motion approve the consent agenda. Council Member Anderson seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, Jennings. The motion carried.

6. MATTERS FROM THE FLOOR

Todd Wagner, 4770 Manitou Road, the 2024 Chair of the Parks and Docks Commission, recognized outgoing members Carl Awalt, Ty Bricker, former City Administrator Dan Tolsma, and Council Liaison Kristin Viger for their contributions. He reflected on the commission's progress since its formation in 2022, emphasizing its role in community outreach, project prioritization, and securing funding for park improvements.

He highlighted major projects completed under the City's master plan, including the parking lot (2022), the softball and baseball field (2023), and the trail connection (2024), with a recommendation to focus on the playground in 2025. Notably, 95% of recent investments have been directed toward Manitou Park, with 80% of funding sourced from grants, totaling nearly half a million dollars.

Wagner also detailed community engagement efforts, including meetings held in neighborhood parks to gather resident input. Feedback led to specific improvements, such as clearing wooded areas, replacing broken amenities, addressing park accessibility issues, and identifying future maintenance needs, including resurfacing aging tennis court.

He concluded by expressing gratitude for the opportunity to serve over the past five years, including two years as chair, and announced his decision to step down to allow others to continue the commission's work. He commended the City's efforts in making significant investments in its parks and docks and thanked the Council for their support.

Kristin Viger, 60 Pleasant Avenue, Kristin Viger addressed the council regarding the December 10, 2024, discussion about the Parks and Docks Commission, refuting misinformation and expressing frustration over how the commission's work was handled. She emphasized that the commission had been operating with a five-year Capital Improvement Plan (CIP) since 2021, regularly updating and presenting it to the council, most recently on October 22, 2024. At that time, no objections were raised, and council members expressed support for the commission's efforts.

Viger noted that between the October presentation and the December 10 meeting, no council members attended commission meetings or provided feedback. She was surprised by the council's sudden criticism of the CIP and the commission's performance, describing it as a "premeditated ambush." She strongly objected to the mayor's suggestion to discard the CIP and shift decision-making authority solely to the council, calling it an authoritarian move that undermined the commission's role.

She also addressed concerns about transparency, clarifying that all meeting notes were sent to former City Administrator Dan Tolsma for review and approval. Additionally, she refuted claims about improper spending, explaining that any city funds used for food were for community engagement events, such as park meetings, the tree lighting ceremony, and Arctic Fever.

Viger closed by expressing disappointment over the handling of the situation, calling for better communication and respect for the commission's work. She praised the dedication of volunteers who have served on the Parks and Docks Commission and urged the council to recognize their contributions.

7. SPECIAL BUSINESS

None

8. PUBLIC HEARINGS

None

9. OLD BUSINESS

A. Grading Plan Proposal for Repatriation of Soils – Mayor Jennings opened discussion by stating, given the significant public interest and the number of emails Council and City Staff received on this topic, we will be following a public hearing format, even though it is not legally required.

Jennings laid out how Council will proceed, noting that Staff will present their position and provide background on the proposal. The Council will then have an opportunity to ask questions. After that, we will open the floor for public comments. If you wish to speak, please approach the podium, state your name and address for the record, and kindly keep your remarks to five minutes.

City Engineer Bradford provided an update on the soil repatriation project. Approximately 5,000 cubic yards of soil from the 2024 project need to be relocated. A site has been identified in coordination with MIAC and under Council direction. The wetland delineation has been completed, and the Phase One cultural report found no significant impact, allowing the project to proceed.

Next steps include surveying the property, consulting with the Mayor and tribal representatives on grading requirements, and developing a preliminary grading plan for Council review before finalizing design and beginning construction.

The project is planned for winter to utilize frozen ground conditions, allowing access via Pleasant Avenue rather than Lilah Lane, minimizing neighborhood disruption. If delayed past road restriction periods, access may need to shift to Lilah Lane.

Tree clearing will be required, but tribal representatives have indicated that replanting significant trees on burial mounds would be a respectful approach. Further consultation will address site restoration, including property, roadway, and wetland buffers, as well as potential trail improvements between Manitou Park and the site.

Bradford confirmed that Lilah Lane will not be connected to Wedgewood Drive. A site survey will begin immediately upon approval to assess tree impacts and finalize project plans.

Council inquired whether the designated tribe follows mound burial practices. Bradford confirmed that all indications suggest they are mounds. He noted that previous discussions included the possibility of a soil swap, where non-cemetery soil could be replaced with cemetery soil, potentially reducing mound height. Further discussions with the tribe will determine the desired height and specific design details.

Council confirmed that the site is not currently designated as a public park but is city-owned land. There is no indication that the tribe intends to designate it as a park. Council also verified that the existing soils have not been disturbed and that wetland studies have been conducted, identifying upland areas within the parcel. Bradford estimated that 4.5 to 5.5 acres of the site consist of upland.

Regarding potential construction impact, Bradford assured that any damage to Lilah Lane or other streets would be repaired.

Council asked whether the City has discretion over the repatriation site selection. Bradford stated that, based on MIAC's direction, the City must comply with their designation. Any disputes would require legal counsel review.

Finally, Council asked if any information had been withheld from them. Bradford affirmed that all discussions have been documented in Council meetings, minutes, and public records, and that he has been fully transparent.

Following the discussion, Mayor Jennings opened the meeting for public comment at 8:05 p.m.

The following individuals addressed the Council:

- Kristin Viger – 60 Pleasant Avenue
- Megan Stadelman – 55 Lilah Lane
- Susan Fuhr – 20 Lilah Lane
- Paul Schilke – 25 Pleasant Lane East
- Carrie Prehoda – 50 Pleasant Lane West

Each speaker provided their input, concerns, and questions regarding the grading plan proposal and repatriation of the soils. Their comments will be taken into consideration as the project moves forward.

- B. Resolution 25-01 Supplemental Agreement for 2024 SUIP – A motion to approve Resolution 25-01 subject to the archeological findings and to proceed with the topographic survey but hold off on the design work until after the meeting with MIAC, was made by Council Member Wischmeier. Council Member Anderson seconded the motion.

Roll Call: Anderson Aye
 Eckland Aye
 Ottum Nay
 Wischmeier Aye
 Jennings Aye

The motion carried.

- C. Draft Ordinance 25-01 Dangerous and Diseased Trees (First Reading) - Mayor Jennings opened the discussion on the first reading of the proposed ordinance revisions regarding dangerous and diseased trees. He provided background on the topic, noting that it had been discussed in a previous work session. The Public Works Supervisor had requested updates to streamline the language of the existing ordinance, which was outdated and overly restrictive. The proposed revisions would grant discretion to address diseased or hazardous trees, including managing the emerald ash borer and any future tree-related issues without requiring additional ordinance changes.

Mayor Jennings noted that the document presented was the same version reviewed during the Work Session. Due to Legal Counsel not yet having the opportunity to review the proposed changes, no action was taken at this meeting. The second reading is scheduled for the next Council Meeting on January 28, 2025, with potential implementation after the 28th.

10. NEW BUSINESS

- A. Authorization of Employment Offer to C.J. Holl – The City Council proudly announced the hiring of C.J. Holl as the new City Administrator. Mr. Holl attended the meeting, where he shared a brief overview of his professional background and expressed his gratitude to the Council for the opportunity to serve the city and its residents.

A motion to authorize the Employment Offer to C.J. Holl was made by Council Member Eckland. Council Member Wischmeier seconded the motion. Ayes: Anderson, Eckland, Wischmeier, Jennings. Nays: Ottum

Council members, staff, and community members present warmly welcomed Mr. Holl. He is set to officially begin his role on January 21, 2025.

- B. Resolution 25-02: 2025: Annual Appointments - A motion to approve Resolution 25-02 was made by Council Member Eckland. Council Member Wischmeier seconded the motion.

Roll Call: Anderson Aye
 Eckland Aye
 Ottum Aye
 Wischmeier Aye
 Jennings Aye

The motion carried.

- C. Parks and Docks Commission Revised Charter & 2025 Guidance Discussion – Mayor Jennings reflected on his efforts to use the Parks and Docks Commission as a mechanism to fund parks since his tenure began in 2021. Recently, Council has requested information and documentation that would help understand the direction Parks and Docks is working toward. Now, Jennings is proposing revisions to streamline and improve its operations. Jennings emphasized the need for better communication and alignment between the Commission and the Council. He also proposed that the City Council should appoint the chair and vice-chair of the Parks and Docks Commission to strengthen collaboration. Additionally, he stressed focusing limited funds on priority projects like completing Manitou Park improvements, rather than spreading resources thin on unrelated initiatives. Jennings clarified that fire lanes are not part of parks and mentioned that decisions regarding fire lanes should rest with the City Council. Regarding meeting frequency, Jennings suggested shifting to quarterly meetings to address quorum challenges during summer months.

Council Members Eckland and Wischmeier raised several objections, including concerns that quarterly meetings would impede progress and suggested continuing monthly meetings instead, with the option to cancel if no issues arise. He opposed one-year Commission terms, advocating instead for staggered three-year terms to ensure continuity and expertise within the group. Eckland also disagreed with the Council appointing Commission leaders, favoring the Commission's autonomy to select its own chair and vice-chair. Additionally, he suggested that a Councilmember, not the Mayor, should serve as the liaison to the Parks and Docks Commission, emphasizing a need to maintain checks and balances.

Other Council Members provided feedback, proposing compromises, such as staggered two-year terms and flexible meeting schedules. Concerns were raised about transparency and proper documentation, with suggestions to introduce audio or video recordings of meetings to aid in producing accurate minutes and fostering public trust. There was also acknowledgment of difficulties in recruiting Commission members and suggestions to improve outreach and reduce perceived formality to encourage participation.

Ultimately, Jennings agreed to sit down with the Parks and Docks Commission and draft a revised proposal incorporating Council feedback along with Commission feedback, emphasizing the importance of collaboration and addressing concerns to improve the Parks and Docks Commission's effectiveness.

- D. Resolution 25-03 2025 Parks & Docks Appointments – A motion to approve Resolution 25-03 with the exclusion of Todd Wagner, who announced his resignation at tonight's meeting, was made by Council Member Wischmeier. Council Member Anderson seconded the motion.

Roll Call: Anderson Aye
 Eckland Aye
 Ottum Aye
 Wischmeier Aye
 Jennings Aye

The motion carried.

- E. Temporary Increase for City Clerk and City Treasurer - Council discussed and approved a temporary \$5 hourly wage increase for the City Clerk and City Treasurer to address the additional workload created by the transition period following Dan Tolsma's departure. The increase is retroactive to January 1, 2025, recognizing the extra burden on administrative staff while the new City Administrator, Mr. Holl, gets acclimated to his role and systems. Initially proposed to extend through March 1, 2025, the motion was amended to

continue until Friday February 28, 2025. The estimated cost of \$3,500 was deemed manageable within the budget.

A motion to approve the temporary \$5 hourly wage increase for the City Clerk and City Treasurer retroactive from January 1, 2025 through February 28, 2025 was made by Council Member Wischmeier. Council Member Eckland seconded the motions. Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion passed unanimously.

- F. Resolution 25-04: Memorializing and Appointing Authorized City Officials as Liaisons Between the City of Tonka Bay and the Minnesota Indian Affairs Council – The City Council discussed and approved Resolution 25-04, which formalizes and codifies the appointment of City officials as liaisons in interactions with regulatory agencies, including the Minnesota Indian Affairs Council (MIAC). The resolution designates the City Administrator, City Engineer, City Planner, City Attorney, and Mayor as the primary representatives.

During the discussion, Council Members emphasized the importance of ensuring transparency and responsiveness to constituents' concerns, particularly given the sensitivity of the project. Suggestions were made to include a City Representative, such as the City Planner or other designated staff, in MIAC meetings, even if held via Zoom, to enhance communication and confidence among residents.

A motion to approve Resolution 25-04 which seeks to balance due diligence and effective representation was made by Council Member Wischmeier. Council Member Eckland seconded the motion.

Roll Call: Anderson Aye
 Eckland Aye
 Ottum Aye
 Wischmeier Aye
 Jennings Aye

The motion carried.

11. MATTERS FROM THE FLOOR

Susan Fuhr, 20 Lilah Lane raised concerns about buckthorn, an invasive species she has actively worked to remove from her property. She noted its detrimental impact on local ecosystems, emphasizing how it chokes out other vegetation. She shared her extensive efforts over five years to eradicate buckthorn from her yard, even using city-provided tools, and questioned whether the City plans to address buckthorn in a manner similar to its efforts with ash trees.

City representatives acknowledged the issue, describing buckthorn removal as a complicated and widespread challenge. While there are no immediate plans, it remains a future consideration. M also inquired about truck routes related to an ongoing project, expressing interest in more specific information. The city clarified that the exact route design is still under development and part of the planning phase.

12. REPORTS

Mayor Jennings – Jennings reported that on January 8, 2025 he attended an SLMPD meeting and discussed a replacement project for a “chiller” that went out and the potential impact on the City. He also reported that he will be attending the State of the Cities Meeting on January 21, 2025, hosted by the Chamber and on January 24, 2025, Commission Edelson is hosting a District 6, EMS Workshop that he will be attending as well.

13. ADJOURNMENT

There being no further business, Councilmember Anderson made a motion to adjourn the meeting at 10:05 p.m. Councilmember Eckland seconded the motion. Ayes: Anderson, Eckland, Ottum, Jennings. The motion carried.

Jennings, Mayor

Attest:

Gildemeister, City Clerk

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
JANUARY 28, 2025

1. CALL TO ORDER

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 7:01 p.m.

2. ROLL CALL

Members present: Mayor Jennings, Councilmembers Anderson, Eckland, and Ottum. Also present were City Administrator Holl, City Engineer Bradford, and City Attorney Nason.

3. APPROVAL OF AGENDA

Council Member Anderson made a motion to approve the agenda as presented. Council Member Eckland seconded the motion. Ayes: Anderson, Eckland, and Jennings. The motion carried.

4. CONSENT AGENDA

- A. December 2024 Claims
- B. Tour de Tonka Community Bike Ride Event Application
- C. Hennepin County commissioners Organizational Structure
- D. South Lake Minnetonka Police Department Report for December 2024
- E. Notice from Xcel Energy to Municipalities

Council Member Anderson made a motion approve the consent agenda. Council Member Eckland seconded the motion. Ayes: Anderson, Eckland, Ottum, and Jennings. The motion carried.

5. MATTERS FROM THE FLOOR

Susan Fuhr, 20 Lilah Lane, asked for an update on the MIAC meeting discussed previously, specifically whether the burial remains would stay in Tonka Bay and be placed as mentioned earlier. City Engineer Bradford replied that MIAC confirmed via email that the soils will remain in Tonka Bay, noting that it is a tribal decision—not one made by the city or the neighborhood. Additionally, he clarified that if the City Council decides to designate the entire parcel for burial remains, it would then be classified as a cemetery, rendering it ineligible for development such as the proposed senior living apartments.

Kjersti Duval of 2540 Old Beach Road expressed her interest in learning more about the discovered remains and was pleased to hear that the Council has decided to work with MIAC to return the soils to their original location. She shared that her years of work with an organization partnering with the Dakota

Nation to restore the central riverfront in Minneapolis have made her aware of the rarity of Native American mounds—many of which were destroyed or repurposed as parks and recreational areas. Duval commended the Council for their respectful treatment of the remains and thanked them for their decision.

6. SPECIAL BUSINESS

None

7. PUBLIC HEARINGS

None

8. OLD BUSINESS

A. 2025 Fee Schedule – Council Member Anderson made a motion to approve 2025 Fee Schedule dated January 14, 2025. Council Member Eckland seconded the motion. Ayes: Anderson, Eckland, Ottum, and Jennings. The motion carried.

B. West Point Road Update - City Engineer Bradford provided an update on a pre-engineering design study for West Point Road initiated last summer. Key points include:

- **Flood Elevation Concerns:** Significant portions of West Point Road are below the 100-year flood elevation of Lake Minnetonka. Additionally, trees along the road are falling into the lake, which poses a risk to the roadway.
- **Study Components:** The study included archaeological Phase I assessments (noting that some areas lie within cemetery/burial grounds and will require coordination with tribes for repatriation of soils), geotechnical borings, flood-level surveys, cost estimates, and an analysis of watershed impact related to storm water infiltration. An infiltration basin may be needed in the park area since curb-and-gutter design isn't planned.
- **Project Costs:** The estimated cost for 2027 is about \$2.65 million for these segments. This estimate includes a 30% contingency for uncertainties (like cemetery soils and infiltration requirements) and 28% indirect costs, making it roughly 8% higher per mile than last year's costs.
- **Project Scope and Strategy:** West Point Road spans 1.6 miles (18% of the City), making it a large project. Bradford recommended splitting the project into sections based on which areas are below flood elevation. Strategic decisions will be required to determine which parts can be raised above

the flood level and which can remain below, ensuring access during a 100-year flood event.

- **Utility and Roadway Improvements:** The project will also address outdated utilities, aligning water and sanitary sewer systems, and replacing segments prone to water main breaks. Along the northern edge of West Point Road, unstable trees causing erosion will be removed and replaced with native grasses to stabilize the soil.

Overall, the study aims to update and reconstruct the roadway in a cost-effective manner while addressing flood risks, soil challenges, cemetery concerns, and necessary utility upgrades.

9. NEW BUSINESS

- A. **DTS Contract Cancellation/IT Plans** - City Administrator Holl provided background on the IT service issue. The City has experienced recurring problems with its current provider, DTS, especially during the past election season. Holl explained that DTS's service is limited to basic support—like a call center—with no on-site support, which has led the City to consider switching providers. Holl stated that the City is now looking at a local provider Jimmy Brand from Brand Networking, who already serves other local agencies such as EFD and SLMPD, and surrounding cities. In negotiations with DTS to cancel their service agreement, the initial cancellation cost was \$7,100 (invoiced). However, DTS agreed to remove charges for data backup and Microsoft licensing—services the City would still need—if the new provider takes over those responsibilities. Holl noted that Brand Networking agreed to assume those responsibilities and recommended Council approval.

A motion to approve invoice from DTS for the cancellation of IT services in the amount of \$1,943.75 was made by Council Member Anderson. Council Member Eckland seconded the motion. Ayes: Anderson, Eckland, Ottum, and Jennings. The motion carried.

City Administrator Holl provided an IT update, noting that the City's network infrastructure is currently unsecured, with the server improperly placed on the floor amid disorganized, unlabeled cabling. The plan is to secure and relocate the server into an appropriate rack and address the security issues. Holl mentioned that he will bring back detailed cost estimates for these improvements for further discussion.

- B. **Mediacom Commercial Business Services Agreement** - The discussion focused on upgrading City Hall's IT service from a residential to a commercial

account with Mediacom. City Administrator Holl informed Council that currently the City has a residential service, costing about \$100 a month, and is inadequate for handling sensitive financial and governmental data. Mediacom is offering a commercial service plan that lowers the standard monthly fee from \$500 to \$250 for the first 12 months through a promotional discount, after which the fee returns to \$500. Mayor Jennings raised concerns about the month-to-month service terms, particularly the termination clause outlined in Section 10, emphasizing the need for future flexibility. Council Member Anderson also noted that the document lacks any dates, including a start or signed date. Jennings directed City Administrator Holl to review Section 10 and the general terms to ensure there are no limitations on month-to-month termination, with Holl committing to forward the details to the city attorney for further review.

A motion to approve Mediacom Commercial Business Services Agreement between Tonka Bay and Mediacom with two contingencies, City Administrator Holl to review Section 10, and add a date of service to agreement, was made by Council Member Anderson. Council Member Eckland seconded the motion. Ayes: Anderson, Eckland, Ottum, and Jennings. The motion carried.

10. MATTERS FROM THE FLOOR

Susan Fuhr, 20 Lilah Lane, asked for clarification on the location where the soils will be placed. Fuhr asked for clarification on approval of variance for 55 Pleasant Ave.

11. REPORTS

A. Administrator's Report – City Administrator Holl noted that he provided a report in the packet and will continue to provide routine reports. Holl gave an update on the late utility payment issue via Payment Service Network (PSN).

B. Contract Staff Report(s) – City Engineer Bradford had nothing further to report. City Attorney Nason had nothing to report.

C. Council Member Anderson – Anderson shared that he received positive feedback from the Excelsior Post Office regarding the new utility statements. This was the first time ever that all the bills made it through the automatic feeder and hopes Tonka Bay will continue this form of billing.

D. Council Member Eckland – Eckland reported attending a Fire Board Meeting where he learned that the new chiller will cost \$340,000 and be installed later this year. Additionally, a new fire truck is expected to arrive in February, and the EFD plans to host a public event to showcase it.

- E. Council Member Ottum - Nothing to report.
- F. Councilmember Wischmeier - Absent
- G. Mayor Jennings – Jennings reported that the City Planner is at the point of discussing the Zoning Ordinances as part of the City Code revision, and emphasized the need to schedule a 90-minute review session. City Administrator Holl provided a couple of dates. Council agreed to February 26, 2025 from 6:00 p.m. to 7:30 p.m.

Jennings also reported attending an EMS meeting with Commissioner Edelson, where concerns with EMS slow response times were discussed and several constructive suggestions were offered. He also attended the inaugural Parks and Docks Commission meeting, which served as an introduction for new members. Additionally, the Chamber of Commerce, State of the Cities Meeting was cancelled and will be rescheduled. Jennings will participate in the State of Cities Address with the League of Women Voters on February 27, 2025. Lastly, Council will be receiving an email from legal counsel with a recommendation on how to be mindful, legally, with regards to communication with MIAC on future projects.

12. ADJOURNMENT

There being no further business, Council Member Anderson made a motion to adjourn the meeting at 8:29 pm. Council Member Eckland seconded the motion. Ayes: Anderson, Eckland, Ottum, and Jennings. The motion carried.

Jennings, Mayor

Attest:

Gildemeister, City Clerk



**City of Tonka Bay
Payments**

Current Period: January 2025

Payments Batch 012325AP \$252,496.90

| | | | | |
|---|--|-------------------------------------|-------|-------------------------|
| Refer <u>7723 51-5684059-2 XCEL ENERGY</u> | | - | | |
| Cash Payment | E 617-49863-381 Electric Utilities | 51-5684059-2 | | \$78.54 |
| Invoice | 909288116 1/3/2025 | | | |
| Cash Payment | E 101-43100-381 Electric Utilities | 51-5684059-2 | | \$1,266.54 |
| Invoice | 909288116 1/3/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total \$1,345.08 |
| Refer <u>7724 51-5684062-7 XCEL ENERGY</u> | | - | | |
| Cash Payment | E 601-49440-381 Electric Utilities | 51-5684062-7 | | \$1,868.68 |
| Invoice | 909485485 1/6/2025 | | | |
| Cash Payment | E 601-49440-230 Water Tower Expenses | 51-5684062-7 | | \$12.04 |
| Invoice | 909485485 1/6/2025 | | | |
| Cash Payment | E 602-49490-381 Electric Utilities | 51-5684062-7 | | \$385.35 |
| Invoice | 909485485 1/6/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total \$2,266.07 |
| Refer <u>7725 51-5684058-1 XCEL ENERGY</u> | | - | | |
| Cash Payment | E 101-45200-220 Repairs/Supplies/Maint | 51-5684058-1 | | \$30.35 |
| Invoice | 909275085 1/3/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total \$30.35 |
| Refer <u>7726 CADY BUILDING MAINTENANCE</u> | | - | | |
| Cash Payment | E 101-41940-221 Janitorial | 2025 JAN - Janitorial Service | | \$510.00 |
| Invoice | 4991573 1/1/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total \$510.00 |
| Refer <u>7727 CAMPBELL KNUTSON</u> | | - | | |
| Cash Payment | E 101-41600-305 Legal Prosecutions | 2024 Dec Prosecution Services | | \$867.55 |
| Invoice | 999G22 12/31/2024 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total \$867.55 |
| Refer <u>7728 CENTERPOINT ENERGY</u> | | - | | |
| Cash Payment | E 601-49440-383 Heat | Utility Bill 11/29-12/18/24 | | \$810.64 |
| Invoice | CP010225 1/2/2025 | | | |
| Cash Payment | E 101-41940-380 Utilities | Utility Bill 11/29-12/18/24 | | \$238.00 |
| Invoice | CP010225 1/2/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total \$1,048.64 |
| Refer <u>7729 CENTURYLINK</u> | | - | | |
| Cash Payment | E 101-43000-321 Telephone | Telephone: 1/1/25 - 1/31/25 | | \$22.00 |
| Invoice | CL-010225 1/1/2025 | | | |
| Cash Payment | E 601-49440-321 Telephone | Telephone: 1/1/25 - 1/31/25 | | \$22.00 |
| Invoice | CL-010225 1/1/2025 | | | |
| Cash Payment | E 602-49490-321 Telephone | Telephone: 1/1/25 - 1/31/25 | | \$22.00 |
| Invoice | CL-010225 1/1/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total \$66.00 |
| Refer <u>7730 MN DEPT OF PUBLIC SAFETY</u> | | - | | |
| Cash Payment | E 601-49440-430 Miscellaneous | 2024 EPCRA storage fees Section 302 | | \$75.00 |
| Invoice | 2024M-141839 1/3/2025 | | | |



**City of Tonka Bay
Payments**

01/29/25 9:31 AM

Page 2

Current Period: January 2025

| | | | | | |
|------------------|---|------------|-------|--|-------------|
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$75.00 |
| Refer | <u>7731 MN DEPT OF PUBLIC SAFETY</u> | | | | |
| Cash Payment | E 601-49440-430 Miscellaneous | | | 2024 EPCRA storage fees Section 312 | \$25.00 |
| Invoice | 2024M-141839 | 1/3/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$25.00 |
| Refer | <u>7732 EXCELSIOR FIRE DISTRICT</u> | | | | |
| Cash Payment | E 101-42200-309 Fire Protection | | | 2025 Qtr1 fire safety, operations | \$69,084.90 |
| Invoice | I-380 | 12/13/2024 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$69,084.90 |
| Refer | <u>7733 EXCELSIOR FIRE DISTRICT</u> | | | | |
| Cash Payment | E 101-42200-309 Fire Protection | | | 2025 Qtr1 fire safety, buildings | \$8,594.61 |
| Invoice | I-380 | 12/13/2024 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$8,594.61 |
| Refer | <u>7734 HAWKINS INC</u> | | | | |
| Cash Payment | E 601-49440-216 Water Plant Chemicals | | | cl2 tank rental x2 & supplies | \$1,655.38 |
| Invoice | 6951542 | 1/3/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$1,655.38 |
| Refer | <u>7735 HEALTHPARTNERS</u> | | | | |
| Cash Payment | G 101-21706 Health/Life/Dental Ins | | | 2025 Feb Dental Insurance 2/1/25-2/28/25 | \$620.08 |
| Invoice | 728562445315 | 1/7/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$620.08 |
| Refer | <u>7736 HENN CO TAXPAYER SERVICES</u> | | | | |
| Cash Payment | E 101-41110-430 Miscellaneous | | | 2024-25 Truth in Taxation Notices | \$237.31 |
| Invoice | 24-25TnT | 1/8/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$237.31 |
| Refer | <u>7737 HENN CO INFORMATION TECHNO</u> | | | | |
| Cash Payment | E 101-43000-430 Miscellaneous | | | 2024 Dec radio fleet fee | \$136.46 |
| Invoice | 1000237640 | 1/6/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$136.46 |
| Refer | <u>7738 INTERSTATE BATTERY SYSTEM O</u> | | | | |
| Cash Payment | E 101-43000-220 Repairs/Supplies/Maint | | | Small generator batteries | \$117.95 |
| Invoice | 180035024 | 1/10/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$117.95 |
| Refer | <u>7739 LILIENTHAL, DEVIN</u> | | | | |
| Cash Payment | E 101-43000-223 Uniforms Safety Shoes | | | 2025 safety equipment reimbursement | \$112.50 |
| Invoice | 2025Safety1 | 1/2/2025 | | | |
| Cash Payment | E 601-49440-223 Uniforms Safety Shoes | | | 2025 safety equipment reimbursement | \$112.50 |
| Invoice | 2025Safety1 | 1/2/2025 | | | |
| Cash Payment | E 602-49490-223 Uniforms Safety Shoes | | | 2025 safety equipment reimbursement | \$112.50 |
| Invoice | 2025Safety1 | 1/2/2025 | | | |
| Cash Payment | E 651-49491-223 Uniforms Safety Shoes | | | 2025 safety equipment reimbursement | \$112.50 |
| Invoice | 2025Safety1 | 1/2/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$450.00 |



**City of Tonka Bay
Payments**

Current Period: January 2025



| | | | | |
|--|--|--|-------|--------------------------|
| Refer <u>7740 MN PEIP</u> | | | | |
| Cash Payment | G 101-21706 Health/Life/Dental Ins | 2024 Health Insurance (2/01/25-2/28/25) | | \$3,498.70 |
| Invoice | 1478986 1/25/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total \$3,498.70 |
| Refer <u>7741 MN DEPT OF NATURAL RESOURC</u> | | | | |
| Cash Payment | E 601-49440-430 Miscellaneous | 2024 Water Usage Permit | | \$786.65 |
| Invoice | 2024.1979.6313 1/6/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total \$786.65 |
| Refer <u>7742 METRO COUNCIL ENVIRONMENTA</u> | | | | |
| Cash Payment | E 602-49490-385 Sewage Disposal | Wastewater Service: FEB 2025 | | \$17,404.08 |
| Invoice | 1181437 1/3/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total \$17,404.08 |
| Refer <u>7743 LEAGUE OF MINNESOTA CITIES</u> | | | | |
| Cash Payment | E 101-41110-433 Memberships/Dues | City Memebership Dues: 1/1/25-12/31/25 | | \$2,167.00 |
| Invoice | 418873 1/2/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total \$2,167.00 |
| Refer <u>7744 LMCD</u> | | | | |
| Cash Payment | E 101-46101-302 LMCD | Municipal Dues - Admin (2025 Qtr1) | | \$1,948.75 |
| Invoice | 2025Q1TBay 12/16/2024 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total \$1,948.75 |
| Refer <u>7745 MN TEAMSTER NO 320</u> | | | | |
| Cash Payment | G 101-21707 Union Dues | Local Union Dues: Jan 2025 | | \$290.00 |
| Invoice | MNUD-2025Jan 1/21/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total \$290.00 |
| Refer <u>7746 MENARDS EP</u> | | | | |
| Cash Payment | E 101-43000-220 Repairs/Supplies/Maint | Repair Parts & Bldg Supplies | | \$303.50 |
| Invoice | 17229 1/10/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total \$303.50 |
| Refer <u>7747 MEDIACOM</u> | | | | |
| Cash Payment | E 101-41500-436 Computer Services and | Internet Service:12/22-1/21/25 | | \$103.99 |
| Invoice | 121624 12/16/2024 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total \$103.99 |
| Refer <u>7748 MN RURAL WATER ASSOC.</u> | | | | |
| Cash Payment | E 601-49440-430 Miscellaneous | 2025 MRWA Technical Conference - T. Schallberg | | \$350.00 |
| Invoice | 2025mrwaconf 1/14/2025 | | | |
| Cash Payment | E 601-49440-430 Miscellaneous | 2025 MRWA Technical Conference - J. Pickus | | \$350.00 |
| Invoice | 2025mrwaconf 1/14/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total \$700.00 |
| Refer <u>7749 POPP COMMUNICATIONS</u> | | | | |
| Cash Payment | E 101-41940-321 Telephone | Telephone Services - City Hall | | \$107.12 |
| Invoice | 992860748 12/20/2024 | | | |
| Cash Payment | E 601-49440-321 Telephone | Telephone Services - Water plant | | \$25.70 |
| Invoice | 992860748 12/20/2024 | | | |



**City of Tonka Bay
Payments**

01/29/25 9:31 AM
Page 4

Current Period: January 2025

| | | | | | |
|------------------|--|------------|--|-------|--------------|
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$132.82 |
| Refer | <u>7750 POPP COMMUNICATIONS</u> | | | | |
| Cash Payment | E 101-41940-321 Telephone | | Telephone Services - City Hall | | \$105.16 |
| Invoice | 992864461 | 1/20/2025 | | | |
| Cash Payment | E 601-49440-321 Telephone | | Telephone Services - Water Plant | | \$25.70 |
| Invoice | 992864461 | 1/20/2025 | | | |
| Cash Payment | E 101-41940-321 Telephone | | Telephone Services Fees | | \$12.66 |
| Invoice | 992864461 | 1/20/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$143.52 |
| Refer | <u>7751 REPUBLIC SERVICES</u> | | | | |
| Cash Payment | E 652-49501-319 Organic Recycling | | Organic Recycling: Jan 2025 | | \$273.28 |
| Invoice | 6938890 | 12/25/2024 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$273.28 |
| Refer | <u>7752 SCHALLBERG, TODD</u> | | | | |
| Cash Payment | E 101-43000-430 Miscellaneous | | Gas Reimbursement | | \$58.96 |
| Invoice | 012425 | 1/24/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$58.96 |
| Refer | <u>7753 STANDARD INSURANCE</u> | | | | |
| Cash Payment | G 101-21706 Health/Life/Dental Ins | | 2025 Jan Life Insurance | | \$112.60 |
| Invoice | SI-2025JAN | 12/17/2024 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$112.60 |
| Refer | <u>7754 SLMPD</u> | | | | |
| Cash Payment | E 101-42100-300 Police | | Operating Budget: Qtr1 1/1/25 -3/31/25 | | \$116,385.99 |
| Invoice | SLMPD2025Qtr1 | 1/23/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$116,385.99 |
| Refer | <u>7755 TOSHIBA</u> | | | | |
| Cash Payment | E 101-41500-220 Repairs/Supplies/Maint | | Copier Service & Usage: Dec 2024 | | \$238.77 |
| Invoice | 6456005 | 1/2/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$238.77 |
| Refer | <u>7756 UTILITY CONSULTANTS INC</u> | | | | |
| Cash Payment | E 601-49440-215 Laboratory Testing | | Bacti tests x2 | | \$47.58 |
| Invoice | 122466 | 1/2/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$47.58 |
| Refer | <u>7757 VESTIS</u> | | | | |
| Cash Payment | E 101-43000-223 Uniforms Safety Shoes | | Uniforms | | \$8.36 |
| Invoice | 2500587535 | 1/14/2025 | | | |
| Cash Payment | E 601-49440-223 Uniforms Safety Shoes | | Uniforms | | \$8.37 |
| Invoice | 2500587535 | 1/14/2025 | | | |
| Cash Payment | E 601-49440-223 Uniforms Safety Shoes | | Uniforms | | \$8.37 |
| Invoice | 2500587535 | 1/14/2025 | | | |
| Cash Payment | E 602-49490-223 Uniforms Safety Shoes | | Uniforms | | \$8.36 |
| Invoice | 2500587535 | 1/14/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$33.46 |



City of Tonka Bay
Payments

Current Period: January 2025

Table with 6 columns: Refer, Description, Vendor, Amount, Transaction Date, Total. Includes entries for 7758 VESTIS with various cash payments and a total of \$124.29.

Table with 6 columns: Refer, Description, Vendor, Amount, Transaction Date, Total. Includes entry for 7759 HENN CO PUBLIC WORKS with a total of \$90.94.

Table with 6 columns: Refer, Description, Vendor, Amount, Transaction Date, Total. Includes entry for 7760 DTS with a total of \$1,943.75.

Table with 6 columns: Refer, Description, Vendor, Amount, Transaction Date, Total. Includes entry for 7761 CITY OF SHOREWOOD with a total of \$136.31.

Table with 6 columns: Refer, Description, Vendor, Amount, Transaction Date, Total. Includes multiple entries for 7762 Greater MN Communications with a total of \$442.08.

Table with 6 columns: Refer, Description, Vendor, Amount, Transaction Date, Total. Includes multiple entries for 7763 GREATER MN COMMUNICATIONS with a total of \$310.45.



City of Tonka Bay
Payments

Current Period: January 2025

Table with columns for Transaction Date, Description, Amount, and Total. Includes entries for various invoices and payments such as 'Billing Supplies/Postage 2024 Q4 Utility Billing - Print & Post', 'Water Plant Chemicals', 'Repairs/Supplies/Maint', and 'Uniforms Safety Shoes'.



City of Tonka Bay
Payments

Current Period: January 2025

Table with columns: Transaction Date, Refer, Description, US Bank, Total. Includes transactions for US Bank 10100 with various vendors like Hotstart Sales, ECM PUBLISHERS, and SPEEDWAY SUPERAMERICA.



City of Tonka Bay
Payments

01/29/25 9:31 AM

Page 8

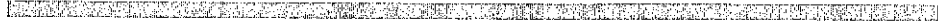
Current Period: January 2025

| | | | | | |
|------------------|--|-------------------------|---|-------|------------|
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$50.00 |
| Refer | 7783 US BANK | | | | |
| Cash Payment | E 101-43000-220 | Repairs/Supplies/Maint | Hotstart Sales, generator heater | | \$597.88 |
| Invoice | 2024.4612.1205 | 12/23/2024 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$597.88 |
| Refer | 7784 US BANK | | | | |
| Cash Payment | E 101-41500-438 | Fin Admin Miscellaneous | Interest Charges | | \$37.54 |
| Invoice | 2025.6148.0101 | 1/16/2025 | | | |
| Cash Payment | E 101-41500-438 | Fin Admin Miscellaneous | Interest Reversal | | -\$0.37 |
| Invoice | 2025.6148.0101 | 1/16/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$37.17 |
| Refer | 7785 ECM PUBLISHERS | | | | |
| Cash Payment | E 101-41110-351 | Publishing | Public Hearing Notice - Cannabis Regulation | | \$50.00 |
| Invoice | 1032782 | 1/23/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$50.00 |
| Refer | 7786 MEDIACOM | | | | |
| Cash Payment | E 101-41500-436 | Computer Services and | Internet Service:1/22/25-2/21/25 | | \$104.99 |
| Invoice | 011625 | 1/16/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$104.99 |
| Refer | 7787 CORE & MAIN | | | | |
| Cash Payment | E 601-49440-436 | Computer Services and | Flexnet sftwr support 2/22/25 - 2/21/26 | | \$3,500.00 |
| Invoice | W281293 | 1/14/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$3,500.00 |
| Refer | 7788 TOLL GAS & WELDING SUPPLY | | | | |
| Cash Payment | E 601-49440-216 | Water Plant Chemicals | co2 bulk tank rental | | \$429.00 |
| Invoice | 10599986 | 1/13/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$429.00 |
| Refer | 7789 HIGHVIEW PLUMBING | | | | |
| Cash Payment | E 601-49440-216 | Water Plant Chemicals | Waterline Defroster & supplies | | \$674.21 |
| Invoice | 17488 | 1/23/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$674.21 |
| Refer | 7790 SPEEDWAY SUPERAMERICA Ck# 025752E 1/27/2025 | | | | |
| Cash Payment | E 101-43000-212 | Gas and Oil | Fuel Charges: 12/24/24 - 1/23/2025 | | \$236.97 |
| Invoice | 102305757 | 1/23/2025 | | | |
| Cash Payment | E 601-49440-212 | Gas and Oil | Fuel Charges: 12/24/24 - 1/23/2025 | | \$118.49 |
| Invoice | 102305757 | 1/23/2025 | | | |
| Cash Payment | E 602-49490-212 | Gas and Oil | Fuel Charges: 12/24/24 - 1/23/2025 | | \$118.48 |
| Invoice | 102305757 | 1/23/2025 | | | |
| Cash Payment | E 101-41500-438 | Fin Admin Miscellaneous | Finance Charge: 12/24/24 - 1/23/2025 | | \$100.28 |
| Invoice | 102305757 | 1/23/2025 | | | |
| Transaction Date | 1/23/2025 | US Bank | 10100 | Total | \$574.22 |



City of Tonka Bay
Payments

Current Period: January 2025



Fund Summary

| | | |
|------------------------------|---------------|--------------|
| | 10100 US Bank | |
| 101 GENERAL FUND | | \$211,283.03 |
| 407 PARK AND RECREATION FUND | | \$87.18 |
| 601 WATER OPERATING | | \$21,005.21 |
| 602 SEWER OPERATING | | \$18,654.16 |
| 603 GARBAGE FUND | | \$238.60 |
| 617 DOCK FUND | | \$78.54 |
| 651 STORM WATER DR | | \$729.24 |
| 652 RECYCLING FUND | | \$420.94 |
| | | <hr/> |
| | | \$252,496.90 |

| | |
|--|--------------|
| Pre-Written Checks | \$574.22 |
| Checks to be Generated by the Computer | \$251,922.68 |
| Total | <hr/> |
| | \$252,496.90 |

League of Minnesota Cities Insurance Trust
Group Self-Insured Workers' Compensation Plan
145 University Avenue West
St. Paul, MN 55103-2044

Statement of Premium Audit Adjustment

The "City"
 Tonka Bay, City Of
 4901 Manitou Road
 Tonka Bay, MN 55331-9561

Agreement No. WC 1004023-7
 Agreement Period From: 08/15/2023
 To: 08/15/2024

| Audited Annual Remuneration | Rates Per \$100 Of Remuneration | Code No. | Class Code Description | Audited Premium |
|-----------------------------------|---------------------------------------|-------------|------------------------|--------------------|
| \$ | \$ | | | \$ |

SEE ATTACHED SCHEDULE FOR DETAILS

| | | |
|----------------------------|------|--------|
| Manual Premium | | 20,378 |
| Experience Modification | 0.92 | -1,630 |
| Standard Premium | | 18,748 |
| Deductible Credit | 0.7% | -131 |
| Premium Discount | | -1,306 |
| Net Actual Premium | | 17,311 |
| Adjustment for Commission* | | 0.0 |
| Less Deposit Premium | | 21,355 |
| Balance Due LMCIT | | -4,044 |

*Workers compensation rates assume a 2% standard commission. The commission adjustment accounts for the commission difference, above or below 2%.

The foregoing statement is for the year end adjustment to your workers compensation deposit premium. It was prepared after an audit of your payroll records and a final determination of your experience modification factor for the period indicated above. If the final balance shown is due to your city, a check will be issued separately. If the final balance is due to the LMCIT, please forward your remittance, payable to the LMC Insurance Trust, to the administrator at the address indicated above.

Agent:
 00438 Arthur J Gallagher Risk Management Services LLC
 3600 American Blvd W Ste 500
 Bloomington, MN 55431-4502

10

League of Minnesota Cities Insurance Trust

Group Self-Insured Workers' Compensation Plan
145 University Avenue West St. Paul, MN 55103-2044

The "City"
Tonka Bay, City Of
4901 Manitou Road
Tonka Bay, MN 55331-9561

Agreement No. WC 1004023-7
Agreement Period From: 08/15/2023
To: 08/15/2024

CONTINUATION SCHEDULE FOR INFORMATION PAGE

| <u>REMUNERATION</u> | <u>RATE</u> | <u>CODE</u> | <u>DESCRIPTION</u> | <u>AUDITED PREMIUM</u> |
|---------------------|-------------|-------------|--------------------------------|----------------------------|
| 258,515 | 0.76 | 8810 | CLERICAL OFFICE EMPLOYEES NOC | 1,965 |
| 1,865 | 0.95 | 9410 | MUNICIPAL EMPLOYEES | 18 |
| 23,074 | 7.91 | 9102 | PARKS | 1,825 |
| 124,348 | 9.66 | 5506 | STREET CONSTRUCTION | 12,012 |
| 109,916 | 4.06 | 7520 | WATERWORKS | 4,463 |
| 0 | 8.25 | 9016 | SKATING RINK OPERATION | 0 |
| 8,150 | 0.00 | 9411 | ELECTED OR APPOINTED OFFICIALS | 95 |
| Manual Premium | | | | 20,378 |

//

CITY OF NORTH TONKA BAY

**NOTICE OF PUBLIC HEARING REGARDING ZONING ORDINANCE AMENDMENTS RELATED TO
CANNABIS BUSINESSES AND LOWER POTENCY HEMP EDIBLE BUSINESSES**

NOTICE IS HEREBY GIVEN that the City Council of the City of Tonka Bay will hold a **PUBLIC HEARING** at 7:00 p.m. on Tuesday, February 11, 2025, in the Tonka Bay City Council Chambers at 4901 Manitou Road, Tonka Bay, MN 55331, at its regularly scheduled meeting to consider amendments to City Code Chapter X, Zoning Ordinances adopting zoning ordinance regulations regarding cannabis businesses and lower potency hemp edible businesses. Contact Tonka Bay City Hall at 952-474-7994 with questions.

Published one time in the Sun Sailor on January 23, 2025.

Notice that went out to utility customers 2/3 to change billing dates and billing cycles (to quarterly). 125 customers on email list. Will send out on social media and on website too.

NOTICE: Important Changes to Your AutoPay Schedule

Dear Valued Customer,

We are writing to inform you that changes are required for your current AutoPay setup for utility bills.

Please read this entire notice to ensure your payments continue without interruption.

ACTION REQUIRED:

- Modify your AutoPay to a quarterly schedule (Jan, April, July, October)
- Set up payments to be processed between the 15th and 25th of the month.

To update your AutoPay settings, please log in to your account here or visit www.paymentservicenetwork.com.

If you need assistance with this change, a Customer Service Representative from PSN will be happy to help. You can reach them toll-free at 866-917-7368 (7am-7pm weekdays CST).

Thank you for your prompt attention to this matter and for using our electronic payment services.

Best regards,

The City of Tonka Bay and PSN Customer Service Staff



Bridget M. Nason
Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402

(612) 337-9245 telephone
(612) 337-9310 fax
email: bnason@kennedy-graven.com

MEMORANDUM

TO: Mayor and Members of the Tonka Bay City Council

FROM: Bridget Nason, City Attorney

DATE: February 5, 2025

RE: 2nd Reading of Cannabis Business and Lower Potency Hemp Edible Business and Ordinance Amendments

Background

Following the legalization of adult-use cannabis in Minnesota, many cities, including Tonka Bay, adopted moratoriums in order to have time to develop ordinances regulating cannabis businesses and amend their relevant zoning ordinances. Those moratoriums have expired, and it is anticipated that the Office of Cannabis Management will begin issuing licenses to cannabis businesses within a few months.

At a work session in the fall of 2024, the City Council provided initial direction to staff related to the desired components of an ordinance regulating cannabis businesses. Based on that direction, draft ordinances were prepared for a first reading; the Council held the first reading of ordinances amending the City's zoning ordinance and business regulations chapter. The first ordinance amends the City Code to establish a registration process for both cannabis and lower-potency hemp edible retail businesses, and also adopts regulations related to temporary cannabis events. Additionally, the ordinance establishes hours of operation for cannabis retail businesses, limits the total number of such businesses allowed within the City, and establishes buffers between these businesses.

The second ordinance amends the City's zoning ordinance, adding cannabis and hemp retail businesses as permitted uses in the C-2, Commercial zoning district, and adding all other types of cannabis businesses, such as cannabis transporter, cannabis cultivator, and cannabis testing, as conditional uses in the C-2 District. Cannabis and lower-potency hemp edible manufacturing uses are explicitly excluded from the C-2 District.

Requested Council Action

14

The Council is asked to consider the first reading of the two attached ordinances at its meeting on November 26th.

The Council is asked to consider the second reading of the two attached ordinances at its meeting on February 11th. If the ordinances are approved, the Council is asked to also adopt the attached summary publication resolutions.

15

**CITY OF TONKA BAY
HENNEPIN COUNTY, MINNESOTA
RESOLUTION NO. 2025-07**

**A RESOLUTION APPROVING THE PUBLICATION OF A SUMMARY OF ORDINANCE
NO. 2025-02, AN ORDINANCE ADOPTING TONKA BAY CITY CODE CHAPTER IV,
SECTION 590, CANNABIS AND HEMP BUSINESS REGULATIONS**

WHEREAS, on February 11, 2025, the City of Tonka Bay, Hennepin County, Minnesota ("City") adopted Ordinance No. 2025-02, an ordinance Adopting Tonka Bay City Code Chapter IV, Section 590, Related to Cannabis and Hemp Businesses; and

WHEREAS, state law requires that all ordinances adopted be published prior to becoming effective; and

WHEREAS, pursuant to Minn. Stat. Sec. 412.191, subd. 4, the Council may, by a 4/5ths vote, direct that only the title and a summary of the ordinance be published; and

WHEREAS, the City Council for the City of Tonka Bay has reviewed the summary of Ordinance No. 2025-02 which is attached hereto as **Exhibit A**; and

WHEREAS, the City Council for the City of Tonka Bay has determined that publication of the title and a summary of Ordinance No. 2025-02 would clearly inform the public of the intent of the ordinance; and

WHEREAS, due to the length of Ordinance No. 2025-02, the City Council desires to publish a summary of the Ordinance.

NOW THEREFORE BE IT RESOLVED, by a vote of at least four-fifths of its members, that the City Council of the City of Tonka Bay does hereby:

1. Approves the text of the summary of Ordinance No. 2025-02 attached as **Exhibit A** and authorizes the publication of the summary shown in **Exhibit A** in lieu of publication of the entirety of Ordinance No. 2025-02 in the City's official newspaper.

2. Directs the City Clerk to ensure that a full and complete printed copy of Ordinance No. 2025-02 is available for inspection during regular business hours at the office of the Tonka Bay City Clerk, by standard mail, or by electronic mail.

3. Directs the City Clerk to file the executed Ordinance No. 2025-02 upon the books and records of the City along with proof of publication.

This resolution is passed and adopted by the City Council of the City of Tonka Bay, Hennepin County, Minnesota this 11th day of February, 2025.

CITY OF TONKA BAY

By: _____
Adam Jennings
Its: Mayor

Attested:

By: _____
Janell Gildemeister
Its: City Clerk

(Published in the *Sun Sailor* on January 23, 2025)

**CITY OF TONKA BAY
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 2025-02

**AN ORDINANCE ADOPTING TONKA BAY CITY CODE CHAPTER IV, SECTION
590 CANNABIS AND HEMP BUSINESS REGULATIONS**

THE CITY COUNCIL OF THE CITY OF TONKA BAY ORDAINS AS FOLLOWS:

Section One. Adoption. Chapter IV, Section 590 of the Tonka Bay City Code is hereby adopted as follows:

SECTION 590

CANNABIS AND HEMP BUSINESS REGULATIONS

- 590.01 Purpose and Findings
- 590.02 Definitions
- 590.03 Pre-License Certification of Cannabis Businesses
- 590.04 Registration of Retailers
- 590.05 Cannabis Retailer Registration Limits
- 590.06 Processing Registration
- 590.07 Registration Application
- 590.08 Preliminary Compliance Check
- 590.09 Basis for Denial
- 590.10 Issuance of Registration or Renewal
- 590.11 Registration Nontransferable
- 590.12 Enforcement
- 590.13 Penalties
- 590.14 Cannabis Retailer Operating Regulations
- 590.15 Lower-Potency Hemp Retailer Operating Regulations
- 590.16 Temporary Cannabis Events

590.01 Purpose and Findings

The City of Tonka Bay makes the following legislative findings: The purpose of this section is to protect the public health, safety, welfare in the City by implementing regulations pursuant to Minnesota Statutes, Chapter 342 related to cannabis businesses and lower potency hemp edible retailers within the City, including reasonable time, place, and manner restrictions on the operation of

cannabis retail businesses and lower potency hemp edible retail businesses. The City finds and concludes that these regulations are appropriate and lawful, and that the proposed regulations will promote the City's interest in promoting the public interest.

590.02 Definitions

The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning. Additionally, the words and phrases used in this Section which are defined in Minnesota Statutes, Section 342.01 and the rules promulgated pursuant to Minnesota Statutes, Chapter 342, shall have the meanings ascribe to them in those statutes and rules.

APPLICANT: An entity with a license issued by the Office of Cannabis Management (OCM) that is applying for an initial registration or for registration renewal.

THE ACT: Minnesota Statutes, Chapter 342, as it may be amended from time to time.

CANNABIS BUSINESS: Cannabis Business shall have the definition in Minnesota Statutes, Section 342.01.

CANNABIS RETAILER OR CANNABIS RETAIL BUSINESS: Every retail cannabis business that is licensed under the Act and required to register with the City under Minnesota Statutes, Section 342.22.

DAY CARE: Day Care means a location licensed with the Minnesota Department of Human Services to provide for the care of a child in a residence or other location outside the child's home for gain or otherwise, on a regular basis, for any part of the day.

HEMP BUSINESS: Hemp Business shall have the definition in Minnesota Statutes, Section 342.01.

LOWER-POTENCY HEMP EDIBLE RETAILER: Every lower-potency hemp edible retail business that is licensed under the Act and required to register with the City under Minnesota Statutes, Section 342.22.

MEDICAL CANNABIS COMBINATION BUSINESS: Medical Cannabis Combination Business shall have the definition in Minnesota Statutes, Section 342.01.

OFFICE OF CANNABIS MANAGEMENT OR OCM: The Office of Cannabis Management.

PARK FEATURE: An attraction within a public park that is regularly used by minors, including but not limited to a playground or athletic field.

POTENTIAL LICENSEE: An entity that has not received a license from the OCM and is applying for a pre-license certification.

RESIDENTIAL TREATMENT FACILITY: Any facility licensed or regulated by the Minnesota Department of Human Services that provides 24-hour-a-day care, lodging, or supervision outside a person's home and which also provides chemical dependency or mental health services.

RETAIL REGISTRATION: An approved registration issued by the City of Tonka Bay to a state-licensed cannabis retail business, including a medical cannabis combination business, or lower-potency hemp edible retailer.

REGISTERED BUSINESS: A Cannabis Business or Lower-Potency Hemp Edible Retailer required to be registered with the City pursuant to this Section.

SCHOOL. School means a kindergarten, elementary school, middle school, or secondary school as defined in Minnesota Statutes, Section 120A.05.

590.03 Pre-License Certification of Cannabis Businesses

- A. Certification of Compliance with Zoning Ordinance. The Zoning Administrator, or their designee, is authorized to certify whether a proposed Cannabis Business complies with the City's zoning ordinances and, if applicable, with state fire code and building code, pursuant to Minnesota Statutes, Section 342.13.
- B. Zoning Approvals. Potential Licensees are responsible for obtaining all necessary zoning approvals prior to the City receiving the request for certification from the OCM. If a Potential Licensee fails to obtain necessary zoning approvals prior to the City receiving a request for certification, the City will inform the OCM that the Potential Licensee does not meet the City's zoning requirements and regulations.
- C. Building Inspections. At the time the City receives a request for zoning certification, if there are no further intended alterations to the building where the business is to be conducted, the City will also certify compliance with building and fire code regulations, provided that the Potential Licensee has obtained and passed all necessary inspections

prior to the City's receipt of a request for certification from the OCM. Building and fire code inspections will be valid for 1 year from completion.

590.04 Registration of Retailers

- A. Retail Registration Required. No person or entity may operate a state-licensed Cannabis Retail Business, or a Lower Potency Hemp Edible Retailer without first registering with the City. Before making retail sales to customers or patients, all Cannabis Retailers and Lower-Potency Hemp Edible Retailers must register with the City. Making retail sales to customers or patients without an active registration is prohibited. The requirement to register with the City includes any cannabis micro or mezzo businesses with a retail sales component.
- B. Penalty. A Cannabis Retailer or Lower-Potency Hemp Edible Retailer that sells to a customer or patient without a valid retail registration shall be subject to a civil penalty of up to \$2,000 for each violation.

590.05 Cannabis Retailer Registration Limitation

- A. Cap on number of Cannabis Retailer registrations:
 - 1. The number of registered cannabis retail businesses within the City shall be limited to a maximum of one (1).
- B. Exception: The following businesses are not subject to the cap on registration under Paragraph A above:
 - 1. Lower-Potency Hemp Edible Retailer; and
 - 2. Medical cannabis combination businesses.

590.06 Processing Registration

Initial applications for registration will be processed on a first-come, first-served basis based on the City receiving a complete application and payment of all fees. Applications will be considered complete when all materials in Section 590.07, including all required information, are received by the City. The date a certification under Section 590.03 is issued will have no impact on the applicant's registration processing and is not an indication that the cap on registrations has not been met.

H

590.07 Registration Application

All applicants for initial registration or renewal registration must submit a registration application or renewal application on the form provided by the City. The form may be amended from time to time by the City Clerk and shall include the information listed below.

A. Required Application Information.

1. Name and date of birth of the applicant;
2. Address and parcel ID for the property for which the registration is sought;
3. Name of the property owner;
4. Certification that the applicant's proposed business complies with the requirements of this Section;
5. Proof that the applicant or owner of the property where the business will be located is current on all property taxes and assessments at the location where the retail establishment is or will be located; and
6. A copy of a valid state license or written notice of OCM license preapproval.

B. Fee Required. At the time of initial application, and prior to the City's consideration of any renewal application, each Cannabis Retailer must pay an initial registration fee as well as renewal fees in the amount established by the City's fee schedule. Initial registration fees and renewal registration fees are nonrefundable.

590.08 Preliminary Compliance Check

Initial Cannabis Retailer or Lower-Potency Hemp Edible Retailer registration shall not be issued unless, prior to opening for operations following approval of an application for initial registration, the applicant has passed a preliminary compliance check conducted by the City to ensure compliance with this Section and any other regulations established pursuant to Minnesota Statutes, Section 342.13.

590.09 Basis for Denial

The City shall not issue a registration or renewal for any Cannabis Retailer or Lower-Potency Hemp Edible Retailer if any of the following conditions are true:

- A. The applicant has not submitted a complete application.

- B. The applicant or application does not comply with the requirements of this Section.
- C. The proposed use does not comply with applicable zoning and land use regulations.
- D. If applicable, the applicant or proposed use is found to not comply with the requirements of the Act, this Section, the building code, or the fire code at the preliminary compliance check.
- E. The applicant or owner of the property where the business will be located is not current on all property taxes and assessments at the location where the retail establishment is or will be located.
- F. If applicable, the maximum number of registrations, pursuant to Section 590.05 have been issued by the City or within the County.
- G. The applicant does not have a valid license from the OCM.

590.10 Issuance of Registration or Renewal

The City shall issue the initial or renewal registration if the applicant meets the requirements of this Section and no grounds for denial of the registration under this Section or Minnesota Statutes, Chapter 342 exist.

590.11 Registration Non-Transferable

A retail registration is not transferable to another person, entity, or location.

590.12 Enforcement

- A. Generally. The City may impose a fine or suspend a registration for up to thirty (30) days under this Chapter on a finding that the registered business has failed to comply with an applicable statute, regulation, or ordinance, including a violation of this Chapter.
- B. Notice and Right to Hearing. Prior to imposing a fine or suspending any registration under this Chapter, the City shall provide the registered business with written notice of the alleged violations and inform the registered business of its right to a hearing on the alleged violation.
 - 1. Notice shall be delivered in person or by regular mail to the address of the registered business and shall inform the registered business of its right to a hearing. The notice will indicate that a

response must be submitted within ten (10) days of receipt of the notice, or the right to a hearing will be waived.

2. After receipt of a request for a hearing, the registered business will be given an opportunity for a hearing before the City Council, before final action to fine or suspend a registration. The City Council shall give due regard to the frequency and seriousness of the violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and shall issue a decision to fine or suspend the registration only upon written findings.
 3. If no request for a hearing is received within ten (10) days following the service of the notice, the matter shall be submitted to the City Council for imposition of the fine or suspension.
- C. Emergency. If, in the discretion of the City, a registered business poses an imminent threat to the health or safety of the public, the City may immediately suspend the registration and provide notice of the right to hold a subsequent hearing as prescribed in Paragraph B above. The City shall immediately notify the OCM in writing of the grounds for suspension.
- D. Reinstatement. The City may reinstate a registration if it determines that the violations have been resolved. The City shall reinstate the registration if the OCM determines the violations have been resolved.
- E. Reporting to OCM. All enforcement actions under this Chapter will be reported to the OCM.

590.13 Penalties

- A. Misdemeanor. Any person who violates this Chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine and imprisonment as prescribed by state law. Each day each violation continues or exists, constitutes a separate offense.
- B. Additional Enforcement Action. Violation of this Chapter shall be grounds for such other enforcement as is allowed under this Code, state statute, or common law.

590.14 CANNABIS RETAILER OPERATING REGULATIONS:

- A. Buffer Requirements. No Cannabis Retail Business may be located within:

24

1. 500 feet of a school;
2. 500 feet of a day care;
3. 500 feet of a residential treatment facility;
4. 500 feet of an attraction within a public park in the City of Tonka Bay that is regularly used by minors; or
5. 500 feet of another Cannabis Retail Business.

Buffers shall be measured from the closest point of each building, or part of a building, where the above use is located, or closest area of an attraction located in a public park, to the building or part of a building where a Cannabis Retail Business is located.

Nothing in this Section shall prohibit an active Cannabis Retail Business from continuing operation at the same site if any of the above begin operation within the minimum buffer zone.

- B. Compliance Checks. The City shall complete, at a minimum, one compliance check per calendar year of every registered Cannabis Business to assess if the business meets age verification requirements, as required under Minnesota Statutes, Section 342.22 Subd. 4(b) and this ordinance. Any failures under this section shall be a basis for enforcement action and must be reported to the OCM.
- C. Hours of Operation. Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products to between the hours of 8:00 a.m. and 10:00 p.m. Monday through Saturday, and 10:00 a.m. and 9:00 p.m. on Sunday.
- D. Display of License and Registration. All licenses and registrations must be posted and displayed in plain view of the general public on the premises.

590.15 Lower-Potency Hemp Edible Retailer Operating Regulations

- A. Buffer Requirements. No Lower Potency Hemp Edible Retailer may be located within:
1. 500 feet of a school;
 2. 500 feet of a day care;
 3. 500 feet of a residential treatment facility;
 4. 500 feet of an attraction within a public park in the City of Tonka Bay that is regularly used by minors; or
 5. 500 feet of another Lower-Potency Hemp Edible Retailer.

25

Buffers shall be measured from the closest point of each building, or part of a building where the above use is located, or closest area of an attraction located in a public park, to the building or part of a building where a Lower Potency Hemp Edible Retailer is located.

Nothing in this Section shall prohibit an active Lower Potency Hemp Edible Retailer from continuing operation at its current location if any of the above begin operation within the minimum buffer zone. The buffer requirements established above shall not apply to Lower Potency Hemp Edible Retailers operating legally in compliance with the City's zoning ordinance and state statutes on the date of adoption of this Chapter.

- B. Compliance Checks. The City shall complete, at a minimum, one compliance check per calendar year of every registered hemp edible retail business to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b) and this ordinance. Any failures under this section shall be a basis for enforcement action and must be reported to the OCM.
- C. Display of License and Registration. All licenses and registrations must be posted and displayed in plain view of the general public on the premises.
- D. Additional Restrictions. The sale of lower-potency hemp edibles other than those intended to be consumed as a beverage must occur from a designated area that is not accessible to individuals under the age of 21.

590.16 Temporary Cannabis Event

- A. Permit Required. No Temporary Cannabis Event may be held without the organizer first obtaining a Temporary Cannabis Event Permit from the City.
- B. Fee Required. Applicants for a Temporary Cannabis Event Permit must pay the non-refundable application fee found in the City's fee schedule.
- C. Application Submittal and Review.
 - 1. An Applicant for a Temporary Cannabis Event permit shall complete the required City of Tonka Bay application form as provided by the City Clerk. The application form shall require the following information:
 - i. Name, address, email address and phone number of applicant.

H

- ii. Phone number of applicant or their representative who will be present at all times during the event.
 - iii. Address of the property where the Temporary Cannabis Event is proposed to take place, along with the name, contact information, and signature of the property owner, if the applicant is not the property owner.
 - iv. The maximum capacity and estimated attendance for the event.
 - v. A site plan for the event, identifying entrance and exit locations, vehicular traffic routes, vehicle parking quantity and locations, and access routes for emergency vehicles. The site plan shall identify the cannabis consumption areas, and describe the methods to be used to ensure that consumption in those areas will be in compliance with the provisions of Minnesota Statutes, Chapter 342 and all local regulations of cannabis consumption.
 - vi. Such other information as the City Clerk deems reasonable and necessary to the application.
2. The application shall be accompanied by the non-refundable application fee required by the City Fee Schedule.
3. The application shall be reviewed by the City Clerk for completeness; if the application is incomplete, the City Clerk shall return the application to the applicant with a written notice of the application deficiencies.
4. The application for a Temporary Cannabis Event Permit must be submitted and deemed complete by the City Clerk at least 45 days prior to the start of the proposed Temporary Cannabis Event.
5. Once an application is considered complete, the City Clerk shall inform the applicant as such, process the application fee, and forward the application to the City Council for approval or denial.

D. Standards for Temporary Cannabis Events.

1. A city-issued Temporary Cannabis Event Permit shall only be valid when the applicant has a corresponding Cannabis Event Organizer license issued by the OCM. A copy of the applicant's Cannabis Event Organizer license shall be provided to the City Clerk as least 48 hours before the start of the Temporary Cannabis Event.

27

2. If the holder of the Cannabis Event Organizer license is an individual, the individual must be present on the location of the event at all times; if the holder is a corporation or other entity, a designated representative of the holder must be present at all times during the event.
3. Temporary Cannabis Events may only be held on non-City owned property, with the permission of the property owner.
4. Temporary Cannabis Events may not be held on residentially-zoned property.
5. Temporary Cannabis Events shall only be held between the hours of 8:00 a.m. and 10:00 p.m. Monday through Saturday, and 10:00 a.m. and 9:00 p.m. on Sunday.
6. Temporary Cannabis Events shall be no more than four-calendar days in length.
7. No more than four Temporary Cannabis Event permits may be issued to one applicant in a calendar year.

Section Two. Effective Date. This Ordinance shall be in full force and effect following its passage and publication as provided by law.

Passed by the City Council of the City of Tonka Bay this ____ day of February, 2025.

Adam Jennings, Mayor

Attest:

Janell Gildemeister, City Clerk

First Reading: 11/26/2025
Second Reading: 2/11/2025

AS

EXHIBIT A

**SUMMARY PUBLICATION
ORDINANCE NO. 2025-02**

A RESOLUTION APPROVING THE PUBLICATION OF A SUMMARY OF ORDINANCE NO. 2025-02, AN ORDINANCE ADOPTING TONKA BAY CITY CODE CHAPTER IV, SECTION 590, CANNABIS AND HEMP BUSINESS REGULATIONS

On February 11, 2025, the City of Tonka Bay, Ramsey County, Minnesota adopted Ordinance 2025-02, an ordinance adopting Tonka Bay City Code Chapter IV, Section 590, Cannabis and Hemp Business Regulations,

Ordinance 2025-02 adds Section 590 to the City Code. Section 590 adopts registration requirements and processes for lower-potency hemp edible retailers and cannabis retailers and establishes permit and related requirements for temporary cannabis events, among other cannabis-business related requirements.

It is hereby determined that publication of this title and summary will clearly inform the public of the intent and effect of Ordinance No. 2025-02, and it is directed that only the above title and summary of Ordinance No. 2025-02 conforming to Minn. Stat. Sec. 331A.01 be published, with the following:

NOTICE

A printed copy of the full text of Ordinance No. 2025-02 is available for public inspection by any person during regular office hours at the office of the Tonka Bay City Clerk, 4901 Manitou Road Tonka Bay MN 55331, by standard mail, or by electronic mail, and at any other public location which the Council designates.

**CITY OF TONKA BAY
HENNEPIN COUNTY, MINNESOTA
RESOLUTION NO. 2025-08**

**A RESOLUTION APPROVING THE PUBLICATION OF A SUMMARY OF ORDINANCE
NO. 2025-03, AN ORDINANCE AMENDING TONKA BAY CITY CODE CHAPTER X,
SECTION 1024, RELATED TO CANNABIS AND HEMP BUSINESSES**

WHEREAS, on February 11, 2025, the City of Tonka Bay, Hennepin County, Minnesota ("City") adopted Ordinance No. 2025-03, an ordinance Amending Tonka Bay City Code Chapter X, Section 1024, Related to Cannabis and Hemp Businesses; and

WHEREAS, state law requires that all ordinances adopted be published prior to becoming effective; and

WHEREAS, pursuant to Minn. Stat. Sec. 412.191, subd. 4, the Council may, by a 4/5ths vote, direct that only the title and a summary of the ordinance be published; and

WHEREAS, the City Council for the City of Tonka Bay has reviewed the summary of Ordinance No. 2025-03 which is attached hereto as **Exhibit A**; and

WHEREAS, the City Council for the City of Tonka Bay has determined that publication of the title and a summary of Ordinance No. 2025-03 would clearly inform the public of the intent of the ordinance; and

WHEREAS, due to the length of Ordinance No. 2025-03, the City Council desires to publish a summary of the Ordinance.

NOW THEREFORE BE IT RESOLVED, by a vote of at least four-fifths of its members, that the City Council of the City of Tonka Bay does hereby:

1. Approves the text of the summary of Ordinance No. 2025-03 attached as **Exhibit A** and authorizes the publication of the summary shown in **Exhibit A** in lieu of publication of the entirety of Ordinance No. 2025-03 in the City's official newspaper.

2. Directs the City Clerk to ensure that a full and complete printed copy of Ordinance No. 2025-03 is available for inspection during regular business hours at the office of the Tonka Bay City Clerk, by standard mail, or by electronic mail.

3. Directs the City Clerk to file the executed Ordinance No. 2025-03 upon the books and records of the City along with proof of publication.

This resolution is passed and adopted by the City Council of the City of Tonka Bay, Hennepin County, Minnesota this 11th day of February, 2025.

CITY OF TONKA BAY

By: _____
Adam Jennings
Its: Mayor

Attested:

By: _____
Janell Gildemeister
Its: City Clerk

(Published in the _____ on _____, 2025)

**CITY OF TONKA BAY
HENNEPIN COUNTY, MINNESOTA
ORDINANCE NO. 2025-03**

**AN ORDINANCE AMENDING TONKA BAY CITY CODE CHAPTER X, SECTION 1024,
RELATED TO CANNABIS AND HEMP BUSINESSES**

THE CITY COUNCIL OF THE CITY OF TONKA BAY ORDAINS AS FOLLOWS:

Section One. Amendment. Chapter X, Section 1024.02 of the Tonka Bay City Code is hereby amended as follows. The underlined text shows the added wording:

1024.02 PERMITTED USES. Subject to applicable provisions of this Ordinance, the following are permitted uses in a C-2 District:

Subd. 46 Cannabis retailers and lower-potency hemp edible retailers.

Subd. ~~46~~ 47 And such other uses as in the determination of the City Council are in a similar nature.

Section Two. Amendment. Chapter X, Section 1024.05 of the Tonka Bay City Code is hereby amended as follows. The underlined text shows the added wording:

1024.05 CONDITIONAL USES. Subject to the applicable provisions of this Ordinance, the following are conditional uses in a C-2 District. (Requires a conditional use permit based upon procedures set forth in and regulated by Section 1003 of this Ordinance.

Subd. 9. All Cannabis Businesses and Lower-Potency Hemp Edible Businesses as defined under Minnesota Statutes, Chapter 342, other than cannabis retailers and lower-potency hemp edible retailers, which are a permitted use, and excluding cannabis and lower-potency hemp edible manufacturing, which are incompatible with the C-2 District.

Section Three. Effective Date. This Ordinance shall be in full force and effect following its passage and publication as provided by law.

Passed by the City Council of the City of Tonka Bay this ____ day of February, 2025.

32

Adam Jennings, Mayor

Attest:

Janell Gildemeister, City Clerk

First Reading: 11/26/2025

Second Reading: 2/11/2025

Effective Date:

33

EXHIBIT A

**SUMMARY PUBLICATION
ORDINANCE NO. 2025-03**

A RESOLUTION APPROVING THE PUBLICATION OF A SUMMARY OF ORDINANCE NO. 2025-03, AN ORDINANCE AMENDING TONKA BAY CITY CODE CHAPTER X, SECTION 1024, RELATED TO CANNABIS AND HEMP BUSINESSES

On February 11, 2025, the City of Tonka Bay, Ramsey County, Minnesota adopted Ordinance 2025-03, an ordinance amending Tonka Bay City Code Chapter X, Section 1024, Related to Cannabis and Hemp Businesses.

Ordinance 2025-03 adds cannabis retailers and lower-potency hemp edible retailers as permitted uses in the City's C-2 zoning district, and adds all cannabis businesses and lower-potency hemp edible businesses other than cannabis retailers, lower-potency hemp edible retailers, and cannabis and lower-potency hemp edible manufacturing as conditional uses in the C-2 zoning district.

It is hereby determined that publication of this title and summary will clearly inform the public of the intent and effect of Ordinance No. 2025-03, and it is directed that only the above title and summary of Ordinance No. 2025-03 conforming to Minn. Stat. Sec. 331A.01 be published, with the following:

NOTICE

A printed copy of the full text of Ordinance No. 2025-03 is available for public inspection by any person during regular office hours at the office of the Tonka Bay City Clerk, 4901 Manitou Road Tonka Bay MN 55331, by standard mail, or by electronic mail, and at any other public location which the Council designates.



Bridget M. Nason
Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402

(612) 337-9245 telephone
(612) 337-9310 fax
email: bnason@kennedy-graven.com

MEMORANDUM

TO: Mayor and Members of the Tonka Bay City Council
FROM: Bridget Nason, City Attorney
DATE: February 5, 2025
RE: 2025 Fee Ordinance Adoption

Background

The City Council previously approved, by motion, the 2025 Fee Schedule. Because some fees are required to be adopted by ordinance, the attached Ordinance Adopting the 2025 Fee Schedule has been prepared for Council approval.

Requested Council Action

The Council is asked to consider waiving the two-reading requirement for all ordinances; consider approval of the attached Ordinance Adopting the 2025 Fee Schedule, and consider approval of the attached Summary Publication Resolution.

RESOLUTION 2025-05

**A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE NO. 25-01,
AN ORDINANCE AMENDING TONKA BAY CITY CODE, CHAPTER IV, SECTION 402.01,
FEES AND APPENDIX A**

WHEREAS, the City Council adopted Ordinance No. 25-01, an Ordinance Amending Tonka Bay City Code, Chapter IV, Section 402.01, Fees and Appendix A; and

WHEREAS, state statutes allow the council to direct staff by a four-fifths vote that only the title of the ordinance and a summary be published;

WHEREAS, the City Council approves the title and summary of the ordinance as attached and determines that the text clearly informs the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Tonka Bay, Hennepin County, Minnesota, that the summary publication as attached shall be published for Ordinance 25-01.

BE IT FURTHER RESOLVED, that only the title and summary of the ordinance found on the attached Exhibit be published; and

BE IT FURTHER RESOLVED, that the text of the summary is hereby approved.

PASSED at a regular meeting of the Tonka Bay City Council this 11th day of February 2025.

Motion introduced by Councilmember _____ and seconded by Councilmember _____.

Roll call vote:

Councilmember Anderson _____
Councilmember Eckland _____
Councilmember Ottum _____
Councilmember Wischmeier _____
Mayor Jennings _____

Adam Jennings, Mayor

ATTEST:

Janell Gildemeister, City Clerk

36

EXHIBIT A

**SUMMARY PUBLICATION
ORDINANCE NO. 25-01**

**A RESOLUTION APPROVING THE PUBLICATION OF A SUMMARY OF
ORDINANCE NO. 25-01, AN ORDINANCE AMENDING TONKA BAY CITY
CODE, CHAPTER IV, SECTION 402.01, FEES AND APPENDIX A.**

On February 11, 2025, the City of Tonka Bay, Ramsey County, Minnesota adopted Ordinance 25-01, an Ordinance Amending Tonka Bay City Code, Chapter IV, Section 402.01, Fees and Appendix A.

Ordinance 25-01 repeals and replaces the fees found in Chapter 402.01 and the related Appendix to update various fees for 2025.

It is hereby determined that publication of this title and summary will clearly inform the public of the intent and effect of Ordinance No. 25-01, and it is directed that only the above title and summary of Ordinance No. 25-01 conforming to Minn. Stat. Sec. 331A.01 be published, with the following:

NOTICE

A printed copy of the full text of Ordinance No. 25-01 is available for public inspection by any person during regular office hours at the office of the Tonka Bay City Clerk, 4901 Manitou Road Tonka Bay MN 55331, by standard mail, or by electronic mail, and at any other public location which the Council designates.

**CITY OF TONKA BAY
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

ORDINANCE NO. 25-01

AN ORDINANCE AMENDING TONKA BAY CITY CODE CHAPTER IV, SECTION 402.01, FEES AND APPENDIX A

Section One. Amendment. Chapter IV, Section 402.01 and Appendix A of the Tonka Bay City Code is hereby repealed and replaced in its entirety as follows:

402.01 Fee Schedule.

All fees applicable to all licenses or permits from the City of Tonka Bay, Minnesota.

| Type of Charge | Fee | Notes |
|--|----------|----------------------------------|
| <u>Alarm</u> | | |
| Police | \$60.00 | 770.03, 770.06 |
| Fire | \$175.00 | 770.11 |
| <u>Administrative Citation Penalties</u> | Varies | 270.01 – 270.11. See Appendix A. |
| <u>Amusement Devices</u> | \$15.00 | 410.04 |
| <u>Assessment Search</u> | \$25.00 | |
| <u>Cigarette Sales</u> | \$100.00 | 430.03 |
| <u>City Hall Rental</u> | | Room Reservation Application |
| Damage Deposit | \$300.00 | |
| Up to Four Hours | \$50.00 | |
| Additional Hour | \$10.00 | |
| <u>Commercial Marinas</u> | | 520.11, 1023.02 |
| Base Fee & Annual Renewal (Plus Per Slip Fee) | \$270.00 | Marina License Application |
| Per Slip Fee | \$5.00 | |
| <u>Copies Plus Tax</u> | | |
| City Code | \$90.00 | |
| Zoning Ordinance | \$100.00 | |
| Zoning Map | \$20.00 | |
| Sewer/Water Maps | \$15.00 | |
| Audiotape Copy | \$25.00 | |
| Comp. Land Use Map | \$20.00 | |

38

| | | |
|---|---------------------|--|
| Copies of record (up to 100 B/W) | \$0.25 | MN Stat. 13.03 subd. 3; copies not able to be printed at City Hall are subject to real cost and staff time |
| <u>De-Icing Permits</u> | | De-Icing Permit Application |
| Permit | \$75.00 | |
| Late Application | \$150.00 | |
| <u>Demolition</u> | | Demolition Application |
| Structure | \$200.00 | 351.02 |
| Escrow | \$500.00 | 263, 351.02 |
| State Surcharge | \$1.00 | MN Stat. 16B.70 |
| <u>Dog Impoundment Fee (Two Day Minimum)</u> | | 741.06 |
| First Pickup | \$55.00 | |
| Second Pickup | \$85.00 | |
| Third Pickup | \$125.00 | |
| <u>Dog License</u> | \$20.00 | 741.03 |
| <u>Excavation - ROW Plus Escrow</u> | \$150.00 | 301.11, 940.02 |
| Escrow | \$5,000.00 | 263, 940.03 |
| <u>Exterior & Fence Permit</u> | Based on Valuation | 1001.01, 1011.05 |
| <u>Zoning Review</u> | \$400 | |
| <u>Fertilizer App License</u> | \$108.00 | 480.03.2 |
| <u>Fill Permit Plus Escrow</u> | | Filling and Excavation Permit Application |
| Security Deposit (Refund Upon Final Inspection & As-built) | \$500.00 | |
| 10-50 Cubic Yards (Lakeshore Only) | \$55.00 | |
| Over 50 Cubic Yards | \$90.00 | |
| Escrow | \$300.00 | 263 |
| <u>Gambling Investigation</u> | \$100.00 | 470.05 |
| <u>Home Occupation Permit</u> | \$15.00 | 1014.03 |
| <u>Inflow and Infiltration Certificate Application</u> | \$150.00 (per line) | 827 |
| <u>Land Use Applications</u> | | Land Use Application |
| Non-Conforming Use Permit, plus Escrow | \$125.00 | 1011.01 |
| Variance, plus Escrow | \$500.00 | 1004.03, 1004.05, 1030.11 subd. B |
| CUP, plus Escrow | \$500.00 | 1003.01 |
| Resident Pre-Planning Application | \$2000.00 | |
| Non-Resident Pre-Planning Application | \$6000.00 | |
| Preliminary Plat, plus Escrow | \$150.00 | 1030.4 subd. B |
| Rezoning, plus Escrow | \$150.00 | |

39

| | | |
|---------------------------------------|----------------------------|-------------------------------|
| Simple Subdivision, plus Escrow | \$150.00 | 1030.1 subd. F |
| Street Vacation, plus Escrow | \$150.00 | 930 |
| Subdivision, plus Escrow | \$150.00 | 1030 |
| Planned Unit Development, plus Escrow | \$650.00 | 1006.03.1, 1006.05.4 |
| Final Plat, plus Escrow | \$150.00 | 1030.09 subd. A |
| Engineering Fee | \$350.00 | |
| Escrow | \$4000.00 | 263 |
| Administrative Appeal | \$250.00 + \$1,500 deposit | 462.357, subd. 6. |
| Park Dedication | Refer to Ordinance | 1006.02 subd. 5-8, 1030.8 |
| Legal Services Pass-Through Rate | \$235.00/hour | Per City Attorney Contract |
| <u>Liquor</u> | | 600.04 |
| Investigation Fee | \$500.00 | |
| Small Brewer License | \$250.00 | |
| Brewer Taproom License | \$1,000.00 | |
| Special Sunday Sale | \$200.00 | |
| Consumption and Display Setup | \$300.00 | |
| <u>On-Sale</u> | | |
| Beer | \$500.00 | |
| Intoxicating Liquor | \$5,544.00 | |
| Wine | \$500.00 | |
| <u>Off-Sale</u> | | |
| Beer | \$240.00 | |
| Intoxicating Liquor | \$240.00 | |
| <u>Temporary License</u> | | |
| On-Sale 3.2% Malt Liquor | \$250.00 | |
| On-Sale Intoxicating Liquor | \$300.00 | |
| Local Business | \$300.00 | |
| On Public Property | | |
| Non-Local Business | \$600.00 | |
| On Public Property | | |
| On Private Property | \$100.00 | |
| <u>Mechanical Permit</u> | | Mechanical Permit Application |
| Per Fixture | \$50.00 | |
| Air Conditioner/Furnace | \$100.00 | |
| State Surcharge | \$1.00 | MN Stat. 16B.70 |
| <u>Municipal Docks</u> | | Municipal Dock Rental Policy |
| Bumper Material | \$5.00/foot Plus Tax | |
| <u>Residents</u> | | Municipal Dock Application |
| Boat Slides | \$120.00 | |
| Dock Spaces #2, #3 | \$1,600.00 | |
| Dock Spaces #4 through #77 | \$2,000.00 | |
| Canoe Rack | \$30.00 | |

FO

| | | |
|---|--------------------|---|
| <u>Non-Residents</u> | | |
| Boat Slides | \$240.00 | |
| Dock Spaces #2, #3 | \$3,200.00 | |
| Dock Spaces #4 through #77 | \$4,000.00 | |
| Canoe Rack | \$60.00 | |
| <u>New Construction</u> | | |
| <u>Building Permit</u> | | |
| Permit | Based on valuation | 300.03 New Construction Application |
| Escrow (Refund Upon Final Inspection & As-built) | \$5,000.00 | 1997 State Building Code Fee Schedule +15% |
| SAC | \$2,485.00 | 263 Metropolitan Council 810.03, 810.17 |
| <u>Water Meter Fees (plus tax)</u> | | |
| 12 Gauge Tracer Wire Per Foot | \$0.35 | |
| Blue Tracer Wire Box | \$45.00 | |
| Ground Rod with 10 feet 14-Gauge Wire | \$135.00 | |
| <u>Water & Sewer Connection*</u> | | |
| Sewer | \$4,092.27 | 810.02, 810.03, 823.04, 823.05, 826.02 |
| Water | \$3,960.52 | |
| Water Tower | \$1,191.65 | |
| *Trunk Connection Rates per living unit for residential; and equivalent for commercial as determined by the Metropolitan Council SAC, except as may be amended by City Council. | | |
| <u>NSF Check</u> | \$30.00 | MN Stat. 604.113 subd. 2 |
| <u>Peddler Permit</u> | \$65.00 | 420.03.4 |
| <u>Plumbing</u> | | |
| Commercial | Based on valuation | Plumbing Permit Application |
| Residential | | 1997 State Building Code Fee Schedule + 15% |
| 1-5 Fixtures | \$75.00 | |
| Each Additional Fixture | \$10.00 | |
| State Surcharge | \$1.00 | MN Stat. 16B.70 |
| <u>Right of Way Obstruction</u> | \$150.00 | 301.11 |
| <u>Right of Way Registration</u> | \$100.00 | 301.05 |
| <u>Sewer Disconnect & Reconnect</u> | | |
| Residential | \$ 65.00 | 823.04, 826.02 |
| Commercial | \$100.00 | |
| State Surcharge | \$1.00 | MN Stat. 16B.70 |
| <u>Short Term Rental</u> | | |
| License | \$100.00 | 425.03 Subd. 4 |
| First Violation | \$250.00 | Short Term Rental Application |

41

| | | | |
|---|---|----------------------------|----------------------------------|
| | Second Violation | \$500 + Revocation | |
| <u>Sign Permit</u> | | \$75.00 | 330.02.11 |
| <u>Special Events</u> | | | Special Event Permit Application |
| | Damage Deposit | \$300.00 | |
| | Manitou Park Damage Deposit | \$1,000.00 | |
| | <u>Residents/Local Businesses</u> | | |
| | Athletic Event Using Streets or City Parking Lot | \$200.00 | |
| | Events on City Property (plus tax) | \$75.00 | |
| | Parade | \$30.00 | |
| | <u>Non-Residents/Non-Local Businesses</u> | | |
| | Athletic Event Using Streets or City Parking Lot | \$400.00 | |
| | Events on City Property (plus tax) | \$150.00 | |
| | Parade | \$60.00 | |
| | <u>Field/Court Rental</u> | | |
| | Field SW or SE (Baseball or Soccer) | \$30/day/slot | |
| | Field NE (Baseball or Soccer) | \$10/day/slot | |
| | Sport Court (Tennis or Basketball) | \$10/day/slot | |
| | Ice Rink | \$10/day/slot | |
| | <u>Maintenance</u> | | |
| | Baseball | PW Hourly Wage x 3hrs | |
| | Soccer | PW Hourly Wage x 5hrs | |
| | Tennis | PW Hourly Wage x 1hr | |
| | Basketball | PW Hourly Wage x 0.75hr | |
| | Ice Rink | PW Hourly Wage x 4hrs | |
| | <u>Temporary Liquor License</u> | | |
| | On Private Property Local Business | \$100.00 | |
| | On Public Property Non-Local Business | \$300.00 | |
| | On Public Property | \$600.00 | |
| <u>Sprinkler System Connection Permit</u> | | | |
| | Less than 4-inch Pipe | \$215.00 | |
| | 6-inch Pipe | \$325.00 | |
| | 8-inch Pipe | \$430.00 | |
| | 12-inch Pipe | \$650.00 | |
| <u>Tank Removal</u> | | \$55.00 | |
| <u>Temporary/Seasonal Sales</u> | <i>4/1</i> | \$75.00 | 1024 subd. 44 |

Utilities-Quarterly Rates

| | | | |
|--|--|-------------------------|-----------------|
| | | | 810.06 |
| | <u>Water</u> | | |
| | MN Water Testing Fee | \$2.43 | |
| | Residential & Commercial Standard Flat Rate | \$78.09 | |
| | 0-15,999 gallons | \$7.54 | |
| | Per 1,000 gallons | | |
| | 16,000-30,999 gallons | \$8.22 | |
| | Per 1,000 gallons | | |
| | 31,000-45,999 gallons | \$8.91 | |
| | Per 1,000 gallons | | |
| | More than 46,000 gallons | \$9.59 | |
| | Per 1,000 gallons | | |
| | <u>Sewer</u> | | 825.02 |
| | Residential & Commercial Standard Flat Rate | \$137.50 | |
| Residential Usage | 0-9,999 gallons | \$0.50 | |
| | Per 1,000 gallons | | |
| | 10,000-30,999 gallons | \$1.25 | |
| | Per 1,000 gallons | | |
| | 31,000-45,999 gallons | \$2.00 | |
| | Per 1,000 gallons | | |
| | 46,000+ gallons | \$2.75 | |
| | Per 1,000 gallons | | |
| Commercial Usage | 0-9,999 gallons | \$0.50 | |
| | Per 1,000 gallons | | |
| | 10,000+ gallons | \$5.00 | |
| | Per 1,000 gallons | | |
| | <u>Garbage/ Recycling</u> | | 830.07 |
| | Garbage rate if not participating in recycling | \$106.51 | |
| | Garbage rate if participating in recycling | \$51.34 | |
| | Sr. citizen garbage rate if recycling | \$47.96 | |
| | Recycling rate | \$50.37 | |
| | <u>Storm Water Drainage Fee</u> | | 840.02, 840.05 |
| | Residential | \$3.75 | |
| | Commercial | Based on square footage | |
| <u>Water Disconnect & Reconnect</u> | Residential | \$65.00 | |
| | Commercial | \$100.00 | |
| | State Surcharge | \$1.00 | MN Stat. 16B.70 |
| <u>Water Hydrant Use (Minimum 1 Month Use)</u> | | \$40.00/mo. | |
| | Plus Water Usage | See water rates | |
| <u>Water Meter Estimating Fee</u> | | \$30.00 | |
| <u>Water Meters with Radio (plus tax)</u> | | | 810.17 |
| | 3/4 inch | \$210.00 | 4/3 |

| | |
|--------------------------------------|----------|
| 3/4-inch connectors (\$20; need two) | \$40.00 |
| 1 inch | \$315.00 |
| 1-inch connectors (\$30; need two) | \$60.00 |
| Radio Reader | \$220.00 |
| Wire (per foot) | \$0.35 |

Refunds.

License fees shall not be refunded in whole or in part unless otherwise specified by this Ordinance Code or by law.

APPENDIX A

SCHEDULE OF OFFENSES AND FEES ADMINISTRATIVE PENALTY SYSTEM

General Rules of Administrative Fine System:

1. Each day a violation exists constitutes a separate offense.
2. Fees are due to the City within 10 days of the date of the citation.
3. A late payment charge of 10% of the fine amount, with a minimum of \$15, is required if not paid within 10 days from the date of the citation.
4. The City may collect unpaid fines by a special assessment to the property when the violation is related to a parcel of real property located within the City.
5. Failure to pay a fine or request a hearing may be punishable by criminal penalties.
6. Appeal hearings can be scheduled according to the terms provided in the City Code.
7. Where examples to any specific violation are given in this Appendix, such examples are only intended to serve as an illustration for the class of violations which will be subject to the various penalties. Nothing herein shall be interpreted as including an exhaustive list of applicable penalties, and the City may determine the appropriate level of penalty for a particular code violation with reference to the categories outlined herein.
8. The violation levels provided in this Appendix constitute guide only. The City may deviate from the prescribed levels outlined in this Appendix where the circumstances dictate. Any deviation from these levels shall be expressly outlined in the notice of violation, including the factors relied upon by the City in justifying such deviation.

Level One Violations \$50.00

- Minor or incidental inappropriate garbage/recycling/yard waste management.
- Local parking violations including, but not limited to, vehicle parked on grass, violation of permit parking restrictions, snow emergency violations, inappropriate RV storage.
- Animal issues including, but not limited to, barking dogs, unlicensed animals (under owner's control), excessive feces in the yard.
- Property condition including, but not limited to, tall grass, vegetation overflowing alley, adjacent public sidewalk not shoveled, minor exterior storage (junk in the yard or along alley).
- Loud parties, recreational fire violations.

Level Two Violations \$100.00

- Local parking violations including, but not limited to, parking in fire lanes, blocking access.
- Property maintenance violations including, but not limited to, peeling paint, eaves hanging, doors delaminated, fences collapsing.
- City code violations (not listed elsewhere) designated as a misdemeanor or petty misdemeanor, including violations of the City's zoning code. Includes erosion control, sight triangle violations, setback encroachments, excessively bright lights, being in a park after hours.
- Animals running-at-large (licensed), failure to follow restrictions for potentially dangerous animals.

4/4

- Sign regulation violations, unpermitted exterior display of merchandise.
- Missing address numbers visible from the street or alley

Level Three Violations \$150.00

- Unlicensed animal running-at-large.

Level Four Violations \$200.00

- To be determined.

Level Five Violations \$400.00

The violation is a major infraction that involves unsafe conditions, constitutes a blighting influence on surrounding properties or neighborhood, involves neglect of property maintenance, or endangers life or property, supported by the enforcement officer's written justification.

- Failure to obtain a required permit or license (not listed elsewhere), includes rental without a license and creation of a 2nd dwelling unit in a structure without zoning approval;
- Failure to maintain or violation of a condition of approval for a conditional use permit;
- Home occupation violations;
- Excessive or habitual accumulations of garbage, rubbish or exterior storage of materials unrelated to a lawfully permitted construction or remodeling project;
- Unpermitted use of street right-of-way or boulevard encroachments; or
- Illegal occupancy of a basement, attic or other room with inadequate egress for sleeping purposes as required by any applicable law or rule.

Disorderly House:

- \$1,000 for conviction under Minnesota Statutes Section 609.33.

Repeat Violations:

Repeat violations occurring within 12 months are subject to double fees. Said violations are a new case involving the same violation (i.e. a second offence parking in a fire lane). Repeat violations are distinguished from continuing violations. Subsequent repeat violations occurring within 12 months are subject to a doubling of the preceding penalty.

Continuing Violations:

When situations which are subject to an administrative citation continue without resolution for more than a month despite repeat citations, an enforcement officer may issue a citation with a fee doubling the preceding penalty, not to exceed \$1000 for each offense.

Appeal Hearing Request fee:

Appeal Hearing Request Deposit fee: \$25 is due along with the appeal form. The fee is refundable as provided in the City Council's decision. In cases where a violation was found to have occurred, the City Council may apply the refund towards the citation payment as provided in the City Council's decision.

Special Assessment Charge:

A special assessment administrative charge of \$50.00 will be added for unpaid fine amounts that are specially assessed.

Section Two. Effective Date. This Ordinance shall be in full force and effect following its passage and publication as provided by law. *45*

Passed by the City Council of the City of Tonka Bay this ___11th___ day of February, 2025.

Adam Jennings, Mayor

Attest:

Janell Gildemeister, City Clerk

First Reading: 1/27/2025

Second Reading: 2/11/2025

Effective Date: February 11, 2025

46



APPLICATION FOR REDUCED GARBAGE AND RECYCLING RATES
FOR RESIDENTS 65 YEARS AND OLDER

Please complete this form along with a copy of your recent tax return (Form 1040).

If you do not file an income tax return, please submit a copy of your
Year-end Social Security Statement.

Date of Application: _____

Name of Household: _____

Date of Birth: _____

Street Address: _____

Phone Number: _____

I have read the information regarding the annual maximum income levels as outlined in the Section 8 and Public Housing Income Limits on the reverse side of this sheet. I agree that my annual income does not exceed these limits as listed. Attached is a copy of my income verification.

Service reductions will take effect upon application approval and will not be applied retroactively.

Signature: _____

Date: _____

Mail to: City of Tonka Bay
4901 Manitou Road
Tonka Bay, MN 55331

47

Requirements for Reduced Quarterly Garbage Rate

- 1. Household must be age 65 or over.
- 2. Income must not exceed the income standard listed below. (State of Minnesota Department of Health and Human Services/HUD)
- 3. The rates apply to households that have both garbage and recycling.

| Income Limit for 2025 | Household Size/Person(s) | Maximum Annual Income Level |
|-----------------------|--------------------------|-----------------------------|
| Metro Area | 1 | \$68,500 |
| Metro Area | 2 | \$78,250 |
| Metro Area | 3 | \$88,050 |
| Metro Area | 4 | \$97,800 |

48



FY 2024 INCOME LIMITS DOCUMENTATION SYSTEM

HUD.gov HUD User Home Data Sets Fair Market Rents Section 8 Income Limits MTSP Income Limits HUD LIHTC Database

4/9

FY 2024 Income Limits Summary

| FY 2024 Income Limit Area | Median Family Income Click for More Detail | FY 2024 Income Limit Category | Persons in Family | | | | | | | |
|---|---|---|-------------------|--------|--------|---------------|---------|---------|---------|---------|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Minneapolis- St. Paul- Bloomington, MN-WI HUD Metro FMR Area | \$124,200 | Very Low (50%) Income Limits (\$) Click for More Detail | 43,500 | 49,700 | 55,900 | 62,100 | 67,100 | 72,050 | 77,050 | 82,000 |
| | | Extremely Low Income Limits (\$)* Click for More Detail | 26,100 | 29,800 | 33,550 | 37,250 | 40,250 | 43,250 | 47,340 | 52,720 |
| | | Low (80%) Income Limits (\$) Click for More Detail | 68,500 | 78,250 | 88,050 | 97,800 | 105,650 | 113,450 | 121,300 | 129,100 |

NOTE: Hennepin County is part of the **Minneapolis-St. Paul-Bloomington, MN-WI HUD Metro FMR Area**, so all information presented here applies to all of the Minneapolis-St. Paul-Bloomington, MN-WI HUD Metro FMR Area. HUD generally uses the Office of Management and Budget (OMB) area definitions in the calculation of income limit program parameters. However, to ensure that program parameters do not vary significantly due to area definition changes, HUD has used custom geographic definitions for the Minneapolis-St. Paul-Bloomington, MN-WI HUD Metro FMR Area.

The **Minneapolis-St. Paul-Bloomington, MN-WI HUD Metro FMR Area** contains the following areas: Anoka County, MN; Carver County, MN; Chisago County, MN; Dakota County, MN; Hennepin County, MN; Isanti County, MN; Ramsey County, MN; Scott County, MN; Sherburne County, MN; Washington County, MN; Wright County, MN; Pierce County, WI; and St. Croix County, WI.

* The FY 2014 Consolidated Appropriations Act changed the definition of extremely low-income to be the greater of 30/50ths (60 percent) of the Section 8 very low-income limit or the poverty guideline as established by the Department of Health and Human Services (HHS), provided that this amount is not greater than the Section 8 50% very low-income limit. Consequently, the extremely low income limits may equal the very low (50%) income limits.

Income Limit areas are based on FY 2024 Fair Market Rent (FMR) areas. For information on FMRs, please see our associated FY 2024 Fair Market Rent documentation system.

For last year's Median Family Income and Income Limits, please see here:

[FY2023 Median Family Income and Income Limits for Minneapolis-St. Paul-Bloomington, MN-WI HUD Metro FMR Area](#)

Select a different county or county equivalent in

Minnesota:

Faribault County
Fillmore County
Freeborn County
Goodhue County
Grant County
Hennepin County
Select county or county equivalent

Select any FY2024 HUD Metropolitan FMR Area's
Income Limits:

Minneapolis-St. Paul-Bloomington, MN-WI HUD Metro FMR Area
Select HMFA Income Limits Area

Or press below to start over and select a different
state:

Select a new state

Update URL for Bookmarking or Emailing

Prepared by the Program Parameters and Research Division, HUD.

HUSD

| County | Household Size | | | | | | | |
|---------------|----------------|------------|------------|------------|------------|------------|------------|------------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Dakota | \$ 130,450 | \$ 149,050 | \$ 167,700 | \$ 186,300 | \$ 201,250 | \$ 216,150 | \$ 231,050 | \$ 245,950 |
| Dodge | \$ 65,650 | \$ 75,000 | \$ 84,400 | \$ 93,750 | \$ 101,250 | \$ 108,750 | \$ 116,250 | \$ 123,750 |
| Dodge | \$ 123,100 | \$ 140,650 | \$ 158,250 | \$ 175,800 | \$ 189,900 | \$ 203,950 | \$ 218,000 | \$ 232,100 |
| Douglas | \$ 54,400 | \$ 62,200 | \$ 69,950 | \$ 77,700 | \$ 83,950 | \$ 90,150 | \$ 96,350 | \$ 102,600 |
| Douglas | \$ 102,000 | \$ 116,550 | \$ 131,100 | \$ 145,650 | \$ 157,350 | \$ 169,000 | \$ 180,650 | \$ 192,300 |
| Faribault | \$ 51,350 | \$ 58,650 | \$ 66,000 | \$ 73,300 | \$ 79,200 | \$ 85,050 | \$ 90,900 | \$ 96,800 |
| Faribault | \$ 97,800 | \$ 109,950 | \$ 123,700 | \$ 137,400 | \$ 148,400 | \$ 159,400 | \$ 170,400 | \$ 181,400 |
| Fillmore | \$ 53,700 | \$ 61,350 | \$ 69,000 | \$ 76,650 | \$ 82,800 | \$ 88,950 | \$ 95,050 | \$ 101,200 |
| Fillmore | \$ 100,600 | \$ 115,000 | \$ 129,350 | \$ 143,700 | \$ 155,200 | \$ 166,700 | \$ 178,200 | \$ 189,700 |
| Freeborn | \$ 51,350 | \$ 58,650 | \$ 66,000 | \$ 73,300 | \$ 79,200 | \$ 85,050 | \$ 90,900 | \$ 96,800 |
| Freeborn | \$ 97,800 | \$ 109,950 | \$ 123,700 | \$ 137,400 | \$ 148,400 | \$ 159,400 | \$ 170,400 | \$ 181,400 |
| Goodhue | \$ 59,750 | \$ 68,300 | \$ 76,850 | \$ 85,350 | \$ 92,200 | \$ 99,050 | \$ 105,850 | \$ 112,700 |
| Goodhue | \$ 112,050 | \$ 128,050 | \$ 144,050 | \$ 160,050 | \$ 172,900 | \$ 185,700 | \$ 198,500 | \$ 211,300 |
| Grant | \$ 51,350 | \$ 58,650 | \$ 66,000 | \$ 73,300 | \$ 79,200 | \$ 85,050 | \$ 90,900 | \$ 96,800 |
| Grant | \$ 97,800 | \$ 109,950 | \$ 123,700 | \$ 137,400 | \$ 148,400 | \$ 159,400 | \$ 170,400 | \$ 181,400 |
| Hennepin | \$ 68,500 | \$ 78,250 | \$ 88,050 | \$ 97,800 | \$ 105,650 | \$ 113,450 | \$ 121,300 | \$ 129,100 |
| Hennepin | \$ 130,450 | \$ 149,050 | \$ 167,700 | \$ 186,300 | \$ 201,250 | \$ 216,150 | \$ 231,050 | \$ 245,950 |
| Houston | \$ 55,100 | \$ 63,000 | \$ 70,850 | \$ 78,700 | \$ 85,000 | \$ 91,300 | \$ 97,600 | \$ 103,900 |
| Houston | \$ 103,350 | \$ 118,100 | \$ 132,850 | \$ 147,600 | \$ 159,450 | \$ 171,250 | \$ 183,050 | \$ 194,850 |
| Hubbard | \$ 51,350 | \$ 58,650 | \$ 66,000 | \$ 73,300 | \$ 79,200 | \$ 85,050 | \$ 90,900 | \$ 96,800 |
| Hubbard | \$ 97,800 | \$ 109,950 | \$ 123,700 | \$ 137,400 | \$ 148,400 | \$ 159,400 | \$ 170,400 | \$ 181,400 |
| Isanti | \$ 68,500 | \$ 78,250 | \$ 88,050 | \$ 97,800 | \$ 105,650 | \$ 113,450 | \$ 121,300 | \$ 129,100 |
| Isanti | \$ 130,450 | \$ 149,050 | \$ 167,700 | \$ 186,300 | \$ 201,250 | \$ 216,150 | \$ 231,050 | \$ 245,950 |
| Itasca | \$ 51,350 | \$ 58,650 | \$ 66,000 | \$ 73,300 | \$ 79,200 | \$ 85,050 | \$ 90,900 | \$ 96,800 |
| Itasca | \$ 97,800 | \$ 109,950 | \$ 123,700 | \$ 137,400 | \$ 148,400 | \$ 159,400 | \$ 170,400 | \$ 181,400 |
| Jackson | \$ 51,350 | \$ 58,650 | \$ 66,000 | \$ 73,300 | \$ 79,200 | \$ 85,050 | \$ 90,900 | \$ 96,800 |
| Jackson | \$ 97,800 | \$ 109,950 | \$ 123,700 | \$ 137,400 | \$ 148,400 | \$ 159,400 | \$ 170,400 | \$ 181,400 |
| Kanabec | \$ 51,350 | \$ 58,650 | \$ 66,000 | \$ 73,300 | \$ 79,200 | \$ 85,050 | \$ 90,900 | \$ 96,800 |
| Kanabec | \$ 97,800 | \$ 109,950 | \$ 123,700 | \$ 137,400 | \$ 148,400 | \$ 159,400 | \$ 170,400 | \$ 181,400 |
| Kandiyohi | \$ 53,300 | \$ 60,900 | \$ 68,500 | \$ 76,100 | \$ 82,200 | \$ 88,300 | \$ 94,400 | \$ 100,500 |
| Kandiyohi | \$ 99,900 | \$ 114,150 | \$ 128,400 | \$ 142,650 | \$ 154,100 | \$ 165,500 | \$ 176,900 | \$ 188,300 |
| Kittson | \$ 54,350 | \$ 62,100 | \$ 69,850 | \$ 77,600 | \$ 83,850 | \$ 90,050 | \$ 96,250 | \$ 102,450 |
| Kittson | \$ 101,850 | \$ 116,400 | \$ 130,950 | \$ 145,500 | \$ 157,150 | \$ 168,800 | \$ 180,450 | \$ 192,100 |
| Koochiching | \$ 51,350 | \$ 58,650 | \$ 66,000 | \$ 73,300 | \$ 79,200 | \$ 85,050 | \$ 90,900 | \$ 96,800 |
| Koochiching | \$ 97,800 | \$ 109,950 | \$ 123,700 | \$ 137,400 | \$ 148,400 | \$ 159,400 | \$ 170,400 | \$ 181,400 |
| Lac Qui Parle | \$ 51,350 | \$ 58,650 | \$ 66,000 | \$ 73,300 | \$ 79,200 | \$ 85,050 | \$ 90,900 | \$ 96,800 |
| Lac Qui Parle | \$ 97,800 | \$ 109,950 | \$ 123,700 | \$ 137,400 | \$ 148,400 | \$ 159,400 | \$ 170,400 | \$ 181,400 |
| Lake | \$ 53,850 | \$ 61,550 | \$ 69,250 | \$ 76,900 | \$ 83,100 | \$ 89,250 | \$ 95,400 | \$ 101,550 |
| Lake | \$ 100,950 | \$ 115,350 | \$ 129,750 | \$ 144,150 | \$ 155,700 | \$ 167,250 | \$ 178,750 | \$ 190,300 |

57

City of Tonka Bay Memorandum

To: City Council Members
CJ Holl, City Administrator

From: Lori Johnson, City Planner

Date: February 6, 2025
City Council Regular Meeting February 11, 2025

Address: 436 Lakeview Avenue

Request: Encroachment Agreement for Improvements within City of R-O-W

GENERAL INFORMATION

Applicant(s)/Owner(s): Aaron and Samantha Anderson

Subject Property: 436 Lakeview Avenue

Attachments: Location Map
Aerial
As-Built Property Survey

Overview.

In 2022, the owners of 436 Lakeview Avenue received the approval of the following variances from the City Council in order to construct a new porch and an addition to the existing home:

Variance to allow a new porch/stoop with a minimum west side yard setback of 5 feet, 0 ¼ inches when the minimum corner side yard setback requirement is 50 feet.

Variance to allow a new porch/stoop with a minimum front yard setback of 23 feet, 5 1/8 inches when the minimum front yard setback requirement is 50 feet.

Variance to allow a home addition over an existing garage that has a minimum east side yard setback of 5 feet, 3 5/8 inches when the minimum corner side yard setback requirement is 50 feet.

When the variances were reviewed and approved the applicant did not submit plans that indicated there were hard cover improvements over the existing property lines and within the City's right-of-way. The improvements within the right-of-way appear

52

to have been installed between 2015 and 2018 according to Hennepin County aerial imagery. Therefore, when the variances were approved in 2022, no one noticed the improvements were over the property line and in the City right-of-way.

When the Anderson's submitted their as-built for city approval after the building improvements were completed according to the variance approvals, it was determined that the improvements were over the property line. The improvements consist of retaining walls and are noted on the attachment in red.

The attached encroachment agreement will allow the Anderson's to keep their improvements in place but also gives the city the authority to use the right-of-way for its purposes.

RECOMMENDATION

Approve the attached encroachment agreement. No resolution needed.

**AGREEMENT RELATING TO LANDOWNER
IMPROVEMENTS WITHIN CITY RIGHT OF WAY ON LOTS 4 AND 5, BLOCK 7, "TONKA
HEIGHTS" AND LOT 12, AUDITOR'S SUBDIVISION NO. 113, HENNEPIN COUNTY,
MINNESOTA**

THIS AGREEMENT RELATING TO LANDOWNER IMPROVEMENTS WITHIN CITY RIGHT OF WAY ADJACENT TO LOTS 4 AND 5, BLOCK 7, "TONKA HEIGHTS" AND LOT 12, AUDITOR'S SUBDIVISION NO. 113, HENNEPIN COUNTY, MINNESOTA (Agreement) is made this 3RD day of FEBRUARY, 2025, by and between the City of Tonka Bay, a Minnesota municipal corporation (hereafter referred to as "City") and Aaron Anderson and Samantha Anderson, husband and wife (hereafter referred to as "Landowner"). Based on the covenants, agreements, representations and recitals herein contained the parties agree as follows:

ARTICLE 1
TERMS

1.1 Terms. Unless specifically defined elsewhere in this Agreement, the following terms shall have the following meanings.

1.2 City. "City" means the City of Tonka Bay, a Minnesota municipal corporation.

1.3 Subject Land. "Subject Land" means that certain real property located in the city of Tonka Bay, Hennepin County, Minnesota at 436 Lakeview Avenue which is legally described as follows:

Lots 4 and 5, Block 7, "Tonka Heights" and Lot 12, Auditor's Subdivision
No. 113, Hennepin County, Minnesota.

PID 2711723230088
Torrens Property

1.4 City Easement. "City Easement" means the following right of way located on/adjacent to the Subject Land:

The dedicated public right of way for Cedar Street and Aspen Street (now known as Lakeview Avenue) as shown on the recorded plat of Tonka Heights, Hennepin County Minnesota and located adjacent to Lots 4 and 5, Block 7, and the dedicated public right of way for Aspen Street and Rodermel Avenue (now known as Lakeview Avenue) as shown on the plat of Auditor's Subdivision Number 113, Hennepin County, and located adjacent to Lot 12 and such public right of way adjacent to the Subject Land as has been established per Minnesota Statutes, Section 160.05.

1.5 Landowner. "Landowner" means Aaron Anderson and Samantha Anderson, husband and wife, and their assigns and successors in interest with respect to the Subject Land.

1.6 Formal Notice. "Formal Notice" means notice given by one party to the other if in writing and if and when delivered or tendered either in person or by depositing it in the United States mail in a sealed envelope, by certified mail, return receipt requested, with postage prepaid, addressed as follows:

IF TO CITY:

City of Tonka Bay
Attention: City Administrator
4901 Manitou Road
Tonka Bay, MN 55331

IF TO LANDOWNER:

Aaron Anderson and Samantha Anderson
436 Lakeview Avenue
Tonka Bay, MN 55331

or to such other address as the party addressed shall have previously designated by notice given in accordance with this Section. Notices shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the third day after mailing if mailed as provided above, provided, that a notice not given as above shall, if it is in writing, be deemed given if and when actually received by a party.

1.7 Landowner Improvements. "Landowner Improvements" means the existing rock walls and patio pavers located within the City Easement.

1.8 City Easement Improvements. "City Easement Improvements" means all existing and future city roads, sidewalks, trails, pavement, sanitary sewer, municipal water and storm water pipes, conduits, culverts, ditches, ponds, catch basins, water collection mechanisms, drainage facilities, maintenance access routes and other utility appurtenances lying within the City Easement now or in the future.

1.9 Lot Certification Survey. "Lot Certification Survey" means the sketch attached as **Exhibit A** which identifies the location of the Landowner Improvements.

1.10 City Costs. "City Costs" means all costs incurred by the City, (whether performed by the City or its agents or contractors), for the inspection of and access to and repair, maintenance and replacement of the City's Easement Improvements located in the City Easement and the placement of additional City Easement Improvements in the City Easement. City Costs include, without limitation: excavation costs, labor costs, costs of removing fill, costs of re-burying the City Easement Improvements, re-compacting the soils over the City Easement Improvements, restoring the City Easement area, and all engineering and attorneys' fees incurred in connection therewith. City Costs also include the costs of temporarily removing the Landowner Improvements and subsequently replacing the Landowner Improvements in the City Easement, if such costs have not already been paid by the Landowners.

1.11 Pre-Encroachment Costs. "Pre-Encroachment Costs" means a reasonable estimate by the City of the costs the City would have incurred for City Costs if the Landowner Improvements did not exist.

1.12 Cost Differential. "Cost Differential" means the difference between the Pre-Encroachment Costs and the City Costs caused by the existence of the Landowner Improvements. The City's reasonable determination of the amount of the Cost Differential shall be binding on the Landowners. The City's reasonable determination shall be appropriately supported by cost estimates obtained from independent contractors or engineers.

ARTICLE 2 RECITALS

Recital No. 1. The undersigned Landowner is the fee title owner of the Subject Land located in the city of Tonka Bay, Hennepin County, Minnesota.

Recital No. 2 The City Easement is adjacent to the Subject Land. The City Easement Improvements are within the City Easement and future City Easement Improvements may be located within the City Easement.

Recital No. 3. Landowner has requested permission from the City to keep the previously constructed Landowner Improvements within the City Easement for the benefit of the Subject Land.

Recital No. 4. Subject to the terms of this Agreement, the City is willing to allow the Landowner Improvements to be placed within the City Easement if the following conditions are met:

- a.) The Landowner maintains the Landowner Improvements;
- b.) The Landowner agrees to pay the City any Cost Differential relating to inspections, access, repair, maintenance and replacement of the City Easement Improvements and the placement of any future City Easement Improvements in the City Easement.

37

- c.) The Landowner agrees, at its sole cost and expense, to temporarily remove the Landowner Improvements in the event the City has need to access the area where the Landowner Improvements exist in order for the City to inspect, repair, maintain, and replace the existing City Easement Improvements or construct future City Easement Improvements in the Easement Area.
- d.) The Landowner agrees, at its sole cost and expense, to modify the Landowner Improvements if the Landowner Improvements interfere with the City Easement Improvements.

NOW, THEREFORE, THE CITY OF TONKA BAY AND THE UNDERSIGNED LANDOWNER, FOR THEMSELVES AND THEIR SUCCESSORS AND ASSIGNS DO HEREBY AGREE:

ARTICLE 3
AGREEMENTS

3.1 Construction And Maintenance Of Landowner Improvements. Under the terms and conditions stated herein, the Landowner, at Landowner's own cost, is hereby authorized by the City to maintain the Landowner Improvements within the City Easement. The Landowner Improvements shall only be kept in the locations shown on the Lot Certification Survey.

The Landowner shall not place any other similar improvements, structures, or buildings within the City Easement, except for the Landowner Improvements. The Landowner, at Landowner's expense, shall maintain and repair the Landowner Improvements.

3.2 City Not Responsible For Landowner Improvements. Nothing contained herein shall be deemed an assumption by the City of any responsibility for construction, maintenance, replacement or repair of the Landowner Improvements.

3.3 Continuing Right To City Easement. Nothing contained herein shall be deemed a waiver or abandonment or transfer of the right, title and interest that the City holds to the City Easement.

3.4 Subordinate Position of Landowner Improvements. The Landowner Improvements are subordinate to the rights of the City in the City Easement and in the City Easement Improvements.

3.5 Risk of Loss. The Landowner understands and agrees that the Landowner Improvements within the City Easement may be adversely affected by use of the City Easement. The parties agree that the City is not responsible for such events; the City shall have no liability to the Landowner for such events. The Landowner assumes the risk of installing and maintaining the Landowner Improvements in the City Easement area.

58

3.6 Landowner To Bear Cost of Relocating Landowner Improvements. The City is responsible for the repair and maintenance of the City Easement Improvements in the City Easement.

The City may require the Landowner temporarily remove and subsequently replace the Landowner Improvements in the City Easement in order for the City to gain access to the City Easement Improvements for the purpose of inspecting, repairing, maintaining, or replacing the City Easement Improvements or adding future City Easement Improvements.

If the Landowner does not perform such tasks, the City may perform such tasks and in such case the Landowner shall reimburse the City for the City's costs and expenses. Prior to commencing such tasks, the City shall send Formal Notice to the Landowner and allow the Landowner twenty (20) days from the date of the Formal Notice to perform the tasks. If the Landowner has not completed the work within the twenty (20) days, then the City may proceed to perform the tasks. Once the City's costs and expenses have been determined by the City, the City shall send an invoice for such costs and expenses to the Landowner. The Landowner must pay the invoice within thirty (30) days after the date of the invoice. Such costs and expenses include, but are not limited to, costs charged the City by third parties such as contractors as well as the costs for City personnel that may have performed the work. Bills not paid shall incur the standard penalty and interest established by the City for utility billings within the City.

3.7 Emergency. Notwithstanding the requirements contained in Sections 3.6 relating to a twenty (20) day Formal Notice to the Landowner to perform its obligations under Sections 3.6, the City shall not be required to give such Formal Notice if the City's engineer determines that an emergency exists. In such instance, the City, without giving Formal Notice to the Landowner may perform the work and in such case the Landowner shall reimburse the City for the costs and expenses relating to the work. Once the City's costs and expenses have been determined by the City, the City shall send an invoice for such costs and expenses to the Landowner. The Landowner must pay the invoice within thirty (30) days after the date of the invoice. Such costs and expenses include, but are not limited to, costs charged the City by third parties such as contractors as well as the costs for City personnel that may have performed the work. Bills not paid shall incur the standard penalty and interest established by the City for utility bills within the City.

3.8 Cost Differential. If a Cost Differential occurs relating to the access to or inspection, maintenance, repair or replacement of the City Easement Improvements or relating to construction of new City Easement Improvements in the future, then the Landowner shall pay the Cost Differential to the City. The Landowner must make payment for the Cost Differential within 30 days after the City has sent a written invoice for the Cost Differential to the Landowner.

3.9 Modifications To Landowner Improvements. If in the future the City reasonably determines that the Landowner Improvements interfere with access for inspection or with repair, maintenance, reconstruction, or replacement of City Easement Improvements or use of the City Easement area for right-of-way purposes, then the Landowner, at Landowner's own expense, shall make such modifications to the Landowner Improvements as directed by the City. Such

59

modifications may include, but are not limited to, reconfiguration, removal and relocation of the Landowner Improvements.

If Landowner does not make the modifications, the City may make the modifications and in such case the Landowner shall reimburse the City for the City's costs and expenses. Prior to commencing such modifications, the City shall send Formal Notice to the Landowner and allow the Landowner twenty (20) days from the date of the Formal Notice to make the modifications. If Landowner does not completely make the modifications, the City may proceed to make the modifications. Once the City's costs and expenses have been determined by the City, the City shall send an invoice for such costs and expenses to the Landowner. The Landowner must pay the invoice within thirty (30) days after the date of the invoice. Such costs and expenses include, but are not limited to, costs charged to the City by third parties such as contractors as well as the costs for City personnel that may have performed the work relating to the modifications.

3.10 Remedies. If the Landowner fails to perform their obligations under this Agreement, then the City may avail itself of any remedy afforded by law or in equity and any of the following non-exclusive remedies:

- a.) The City may specifically enforce this Agreement.
- b.) If the Landowner fails to make payments under Section 3.6, 3.7, 3.8 or 3.9, then the City may certify to Hennepin County the amounts due as payable with the real estate taxes for the Subject Land in the next calendar year; such certifications may be made under Minnesota Statutes, Chapter 444 in a manner similar to certifications for unpaid utility bills. The Landowner waives any and all procedural and substantive objections to the imposition of such usual and customary charges on the Subject Land.

Further, as an alternate means of collection, if the written billing is not paid by the Landowner, the City, without notice and without hearing, may specially assess the Subject Land for the costs and expenses incurred by the City. The Landowner hereby waives any and all procedural and substantive objections to special assessments for the costs including, but not limited to, notice and hearing requirements and any claims that the charges or special assessments exceed the benefit to the Subject Land. The Landowner waives any appeal rights otherwise available pursuant to Minnesota Statute § 429.081. The Landowner acknowledges that the benefit from the performance of tasks by the City equals or exceeds the amount of the charges and assessments for the costs that are being imposed hereunder upon the Subject Land.

No remedy herein conferred upon or reserved to the City shall be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient.

60

3.11 Indemnification. The Landowner shall indemnify, defend and hold the City, its council, agents, consultants, attorneys, employees and representatives harmless against and in respect of any and all claims, demands, actions, suits, proceedings, losses, costs, expenses, obligations, liabilities, damages, recoveries, and deficiencies including interest, penalties and attorneys' fees, that the City incurs or suffers, which arise out of, result from or relate to any of the following:

- a.) The Landowner Improvements;
- b.) Installation and maintenance of the Landowners Improvements;
- c.) Failure by the Landowner to observe or perform any covenant, condition, obligation or agreement on their part to be observed or performed under this Agreement; and
- d.) Use of the City Easement for Landowner Improvements.

3.12 City Duties. Nothing contained in this Agreement shall be considered an affirmative duty upon the City to perform the Landowner's obligations contained in Article 3 if the Landowner does not perform such obligations.

3.13 No Third Party Recourse. Third parties shall have no recourse against the City under this Agreement.

3.14 Recording. The City may record this Agreement with the Hennepin County Recorder/Registrar of Titles.

3.15 Binding Agreement. The parties mutually recognize and agree that all terms and conditions of this recordable Agreement shall run with the Subject Land and shall be binding upon the heirs, successors, administrators and assigns of the parties.

This Agreement shall also be binding upon all after-acquired rights, interests and title of the parties that may be acquired from and after the date of this Agreement.

3.16 Amendment And Waiver. The parties hereto may by mutual written agreement amend this Agreement in any respect. Any party hereto may extend the time for the performance of any of the obligations of another, waive any inaccuracies in representations by another contained in this Agreement or in any document delivered pursuant hereto which inaccuracies would otherwise constitute a breach of this Agreement, waive compliance by another with any of the covenants contained in this Agreement and performance of any obligations by the other or waive the fulfillment of any condition that is precedent to the performance by the party so waiving of any of its obligations under this Agreement. Any agreement on the part of any party for any such amendment, extension or waiver must be in writing. No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provisions, whether or not similar, nor shall any waiver constitute a continuing waiver.

61



3.17 Governing Law. This Agreement shall be governed by and construed in accord with the laws of the State of Minnesota.

3.18 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

3.19 Headings. The subject headings of the sections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions.

[the remainder of this page has been intentionally left blank]

62



IN WITNESS WHEREOF, the parties have executed this Agreement the year and day first set forth above.

CITY OF TONKA BAY

By: _____
Adam Jennings
Its: Mayor

ATTEST:

Janell Gildemeister, City Clerk

(CITY SEAL)

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

On this ____ day of _____, 2025, before me a Notary Public within and for said County, personally appeared Adam Jennings and Janell Gildemeister, to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Clerk of the City of Tonka Bay, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed on behalf of said municipality by authority of its City Council and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said municipality.

Notary Public

63

LANDOWNER:

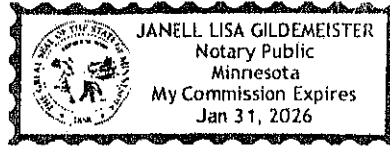
Aaron Anderson

Samantha Anderson

STATE OF MINNESOTA)

COUNTY OF HENNEPIN)

SS.



On this 3 day of February, 2025, before me a Notary Public within and for said County, personally appeared Aaron Anderson and Samantha Anderson, husband and wife, to me personally known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Janelle Lisa Gildemeister
Notary Public

64

CITY OF TONKA BAY, MINNESOTA

RESOLUTION NO. 2025-06

**DECLARING THE OFFICIAL INTENT OF
CITY OF TONKA BAY TO REIMBURSE
CERTAIN EXPENDITURES FROM THE PROCEEDS
OF BONDS TO BE ISSUED BY THE CITY**

WHEREAS, the Internal Revenue Service has issued Treas. Reg. § 1.150-2 (the “Reimbursement Regulations”) providing that proceeds of tax-exempt bonds used to reimburse prior expenditures will not be deemed spent unless certain requirements are met; and

WHEREAS, the City expects to incur certain expenditures that may be financed temporarily from sources other than bonds, and reimbursed from the proceeds of a tax-exempt bond;

WHEREAS, the City has determined to make this declaration of official intent (the “Declaration”) to reimburse certain costs from proceeds of bonds in accordance with the Reimbursement Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY BOARD OF CITY OF TONKA BAY AS FOLLOWS:

1. The City proposes to undertake the following projects (the “Projects”).

2023 Trunk Watermain Replacement Project
2. The City reasonably expects to reimburse the expenditures made for certain costs of the Projects from the proceeds of bonds in an estimated maximum principal amount of \$1,325,000. All reimbursed expenditures will be capital expenditures, costs of issuance of the bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.
3. This Declaration has been made not later than 60 days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of bonds, except for the following expenditures: (a) costs of issuance of bonds; (b) costs in an amount not in excess of the lesser of \$100,000 or 5 percent of the proceeds of an issue; or (c) “preliminary expenditures” up to an amount not in excess of 20 percent of the aggregate issue price of the issue or issues that finance or are reasonably expected by the City to finance the Projects for which the preliminary expenditures were incurred. The term “preliminary expenditures” includes architectural, engineering, surveying, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

B6

4. This Declaration is an expression of the reasonable expectations of the City based on the facts and circumstances known to the City as of the date hereof. The anticipated original expenditures for the Projects and the principal amount of the bonds described in paragraph 2 are consistent with the City's budgetary and financial circumstances. No sources other than proceeds of bonds to be issued by the City are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the City's budget or financial policies to pay such Projects expenditures.

5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

(The remainder of this page is intentionally left blank.)

67

Approved by the City Council of the City of Tonka Bay this 11th day of February, 2025.

CITY OF TONKA BAY, MINNESOTA

Attest:

Adam Jennings, Mayor

Janell Gildemeister, City Clerk

68

↑
 90 FLORENCE
 WATER REFUND
 CALCULATION

| Year | Quarter | Water | Total Water | 50% of Total |
|------|---------|-----------|-------------|--------------|
| 2011 | 1 | NA | \$ - | \$ - |
| | 2 | \$ 148.64 | \$ 148.64 | \$ 74.32 |
| | 3 | \$ 379.22 | \$ 379.22 | \$ 189.61 |
| | 4 | \$ 208.55 | \$ 208.55 | \$ 104.28 |
| 2012 | 1 | \$ 96.24 | \$ 96.24 | \$ 48.12 |
| | 2 | \$ 298.74 | \$ 298.74 | \$ 149.37 |
| | 3 | \$ 790.72 | \$ 790.72 | \$ 395.36 |
| | 4 | \$ 231.72 | \$ 231.72 | \$ 115.86 |
| 2013 | 1 | \$ 82.71 | \$ 82.71 | \$ 41.36 |
| | 2 | \$ 161.34 | \$ 161.34 | \$ 80.67 |
| | 3 | \$ 463.81 | \$ 463.81 | \$ 231.91 |
| | 4 | \$ 231.72 | \$ 231.72 | \$ 115.86 |
| 2014 | 1 | \$ 60.51 | \$ 60.51 | \$ 30.26 |
| | 2 | \$ 91.59 | \$ 91.59 | \$ 45.80 |
| | 3 | \$ 329.19 | \$ 329.19 | \$ 164.60 |
| | 4 | \$ 185.55 | \$ 185.55 | \$ 92.78 |
| 2015 | 1 | \$ 77.91 | \$ 77.91 | \$ 38.96 |
| | 2 | \$ 104.97 | \$ 104.97 | \$ 52.49 |
| | 3 | \$ 442.25 | \$ 442.25 | \$ 221.13 |
| | 4 | \$ 128.22 | \$ 128.22 | \$ 64.11 |
| 2016 | 1 | \$ 87.16 | \$ 87.16 | \$ 43.58 |
| | 2 | \$ 181.18 | \$ 181.18 | \$ 90.59 |
| | 3 | \$ 242.74 | \$ 242.74 | \$ 121.37 |
| | 4 | \$ 91.60 | \$ 91.60 | \$ 45.80 |
| 2017 | 1 | \$ 97.50 | \$ 97.50 | \$ 48.75 |
| | 2 | \$ 140.00 | \$ 140.00 | \$ 70.00 |
| | 3 | \$ 384.90 | \$ 384.90 | \$ 192.45 |
| | 4 | \$ 129.00 | \$ 129.00 | \$ 64.50 |
| 2018 | 1 | \$ 243.00 | \$ 243.00 | \$ 121.50 |
| | 2 | \$ 418.20 | \$ 418.20 | \$ 209.10 |
| | 3 | \$ 551.40 | \$ 551.40 | \$ 275.70 |
| | 4 | \$ 178.50 | \$ 178.50 | \$ 89.25 |
| 2019 | 1 | \$ 261.00 | \$ 261.00 | \$ 130.50 |
| | 2 | \$ 205.00 | \$ 205.00 | \$ 102.50 |
| | 3 | \$ 128.50 | \$ 128.50 | \$ 64.25 |
| | 4 | \$ 95.50 | \$ 95.50 | \$ 47.75 |
| 2020 | 1 | \$ 106.50 | \$ 106.50 | \$ 53.25 |
| | 2 | \$ 145.00 | \$ 145.00 | \$ 72.50 |
| | 3 | \$ 514.50 | \$ 514.50 | \$ 257.25 |
| | 4 | \$ 187.00 | \$ 187.00 | \$ 93.50 |
| 2021 | 1 | \$ 176.11 | \$ 176.11 | \$ 88.06 |
| | 2 | \$ 256.95 | \$ 256.95 | \$ 128.48 |
| | 3 | \$ 937.23 | \$ 937.23 | \$ 468.62 |
| | 4 | \$ 240.51 | \$ 240.51 | \$ 120.26 |
| 2022 | 1 | \$ 123.33 | \$ 123.33 | \$ 61.67 |
| | 2 | \$ 281.61 | \$ 281.61 | \$ 140.81 |
| | 3 | \$ 802.97 | \$ 802.97 | \$ 401.49 |
| | 4 | \$ 80.30 | \$ 80.30 | \$ 40.15 |
| 2023 | 1 | \$ 256.95 | \$ 256.95 | \$ 128.48 |
| | 2 | \$ 191.19 | \$ 191.19 | \$ 95.60 |
| | 3 | \$ 716.66 | \$ 716.66 | \$ 358.33 |
| | 4 | \$ 273.39 | \$ 273.39 | \$ 136.70 |
| 2024 | 1 | \$ 273.39 | \$ 273.39 | \$ 136.70 |
| | 2 | \$ 240.51 | \$ 240.51 | \$ 120.26 |
| | 3 | \$ 256.95 | \$ 256.95 | \$ 128.48 |

\$ 7,004.92



City of Tonka Bay 952.474.7994
4901 Manitou Road cityoftonkabay.net
Tonka Bay, MN
55331

February 6, 2025

ESCROW RETURN FOR 5 WASECA – I&I

Please see attached information regarding the Inflow and Infiltration (I&I) Escrow Refund for the above address. This should close out your escrow account.

Total submitted: = \$20,000

Non refundable fees: N/A

Total amount in escrow: \$20,000

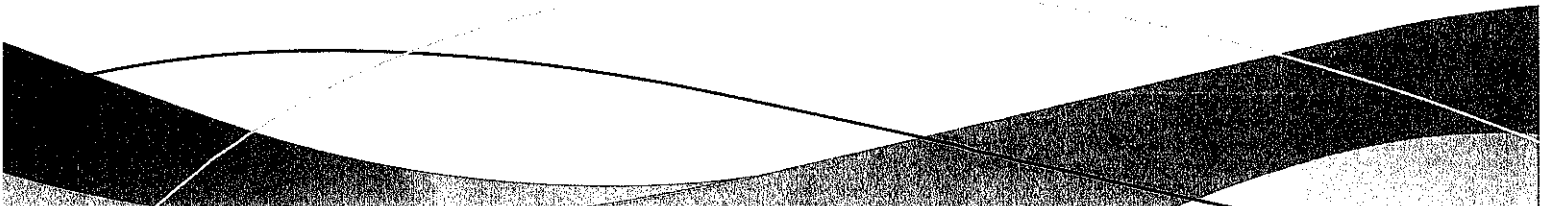
Repairs = \$3,960 (Highview Plumbing)

Total escrow return = \$16,040

If you have any questions, please contact city staff at 952-474-7994.

We appreciate you Tonka Bay!

70





4901 Manitou Road
Tonka Bay MN 55331
952-474-7994
www.cityoftonkabay.net

INVOICE 2024-5WASECA **2.4.2025**

BILL TO

Mathew & Katherine Grazyck
5 Waseca Ave
Tonka Bay, MN 55331

| DESCRIPTION | TOTAL |
|---|--------------|
| Inflow & Infiltration Work Completion Escrow Amount | \$20,000.00 |
| Highview Plumbing | (\$3,960.00) |

NOTES - PROPERTY AT 5 WASECA AVE INFLOW & INFILTRATION CERTIFICATION

- Plumbing work was completed by Highview Plumbing

| | |
|-------------------------|--------------------|
| SUBTOTAL | \$20,000.00 |
| LESS PAYMENTS | (\$3,960.00) |
| TOTAL REFUND DUE | \$16,040.00 |

Thank you for your business!

71



4901 Manitou Road
Tonka Bay MN 55331
952-474-7994
www.cityoftonkabay.net

INVOICE 2024-5 WASECA 7-23-2024

BILL TO

Mathew & Katherine ~~Grazyek~~ GRACZYK
5 Waseca Ave
Tonka Bay, MN 55331

| DESCRIPTION | TOTAL |
|---|-------------|
| Inflow & Infiltration Work Completion Escrow Amount | \$20,000.00 |

NOTES - PROPERTY AT 5 WASECA AVE INFLOW & INFILTRATION CERTIFICATION

- The new owner has indicated their desire to demo the existing home and rebuild. Public works has stipulated that the new owner will be given until August 1, 2025, to complete work or demo the property.
- If not completed, the city will take steps to have the work completed.
- Any costs incurred over the escrow amount will be assessed to the property and if unpaid would be certified to the property taxes.

| | |
|----------------------|-------------|
| SUBTOTAL | \$20,000.00 |
| PREVIOUS RECEIPTS | |
| TOTAL DUE ON RECEIPT | \$20,000.00 |

Thank you for your business!

72



City of Tonka Bay

4901 MANITOU RD
TONKA BAY, MN 55331
952-474-7994
www.cityoftonkabay.net

**INFLOW AND INFILTRATION
WORK COMPLETION ESCROW AGREEMENT**

RE: Property Address: 5 Waseca Ave, Tonka Bay, MN 55331

PID: 27-117-23-24-0092

Closing Date: 07/30/2024

WORK TO BE COMPLETED BY DATE: July 31, 2025 (365 days)

THIS AGREEMENT, made on 7/24/24, 2024 by and between Cherz Waseca LLC
(SELLER) and Matthew & Katherine Graczyk (BUYER).
Revocable Trust

SELLER and BUYER have agreed that certain improvements are to be completed at the BUYER(s) expense, but that desire to close on the sale transaction on this date, prior to the time the improvements can be completed. Accordingly, the undersigned hereby request that The City of Tonka Bay act as ESCROW AGENT to hold certain sums until authorization to release escrow funds has been provided to ESCROW AGENT.

Type of Improvement

Complete Inflow and Infiltration requirements as set out by Tonka Bay, Minnesota, Ordinance Section 827. This includes, but is not limited to, televising/scoping and any necessary repairs.

Total Amount Escrowed

\$20,000.00 (from BUYER)

BUYER agrees to contract for the completion of the above referenced improvements. BUYER understands that this escrow is limited to and intended to address only those items set forth above.

ESCROW AGENT agrees to hold the escrow funds and to release the funds when work is completed.

SELLER and BUYER acknowledge that the amount held on deposit may be insufficient to complete the improvement(s) specified, and that SELLER'S liability is limited to the amount on deposit. In the event said sum is insufficient to pay all improvements set forth above, BUYER agrees to promptly pay any additional amount that may be required and agree to fully indemnify and save harmless ESCROW AGENT from any or all loss or damages it may suffer by reason of this Escrow Agreement.

It is understood and agreed that in entering into this Escrow Agreement, BUYER is waiving any warranties, expressed or implied, relating to SELLER'S sale of the property to BUYER.

As described in Tonka Bay Ordinance Section 827.05 Subd. 3. The owner (**SELLER**) and any real estate agents involved in the transaction are responsible for disclosing the correction notice to the transferee (**BUYER**) and all other persons or entities involved in the transaction. The responsibility for repairing any nonconformance with the City's sanitary sewer ordinances and this Section runs with the land and rests not only with the owner or transferor but it shall be an obligation of the transferee of the property. If repairs are not completed within one year of the first inspection, the inspection becomes invalid and the process starts again, which includes paying the applicable inspection fee. The City (**ESCROW AGENT**) shall have no obligation to undertake any repairs of sanitary sewer lines on private property.

It is the responsibility of the parties herein to monitor this Escrow Agreement's Completion Date. If the escrow has not been disbursed by the completion date, **ESCROW AGENT**, at its option, is hereby authorized by the parties to take whatever action it deems necessary to complete this Escrow Agreement. This includes the authority to cause the escrow funds to be interpleaded into a court of competent jurisdiction for disposition. Any and all fees and costs incurred by **ESCROW AGENT** for this purpose, including reasonable attorney fees, shall be borne by the parties hereto and shall be deducted from said escrow account, including a reasonable administration fee to **ESCROW AGENT** for performing these services.

This Escrow Agreement shall be binding upon and insure to the benefit of the parties, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Escrow Agreement on this 24 day of July, 2024.

SELLER



BUYER

SELLER

BUYER

Address to send Escrow Refund to:
Please print

BUYER Contact Information (to coordinate sewer repair)
Please print

Name

KATE GRACZYK
Name

Street Address

612327 6963
Phone

City St Zip

kategraczyk2@gmail.com
Email Address



4901 Manitou Road
Tonka Bay MN 55331
952-474-7994
info@cityoftonkabay.net
www.cityoftonkabay.net

**Inflow and Infiltration
Certificate Application
NOTICE OF REQUIRED
MAINTENANCE**

NOTICE OF REQUIRED MAINTENANCE

Property Address: 5 WASECA AVE
Property Owner (Seller): Chez Waseca LLC (Deb & Steve Spellman)
Video provided by Chez Lakeview LLC (Deb & Steve Spellman)
Date televised: 06/21/2024
Date reviewed: 07/01/2024
Video link: <https://drive.google.com/file/d/1e9K7UavV-A1CTqwj88ShmhWgt0YVfxME/view?usp=sharing>

Dear Spellman's,

We have reviewed the televising video submitted for your address.

After reviewing the video, the line will need to be fixed per City Code Section 827. Please see images below for details.

Reason for failure of Inspection:

There are various problems possible broken pipe at 20 ft and a bunch of unknown debris at 3 foot and a poor quality video.

15



Appears to be a separated joint or broken pipe at 19'.



Unknown debris at 2'.

Once the repair is complete, submit a new flash drive or link to the link to a new televising showing the fix.

If you have further question, feel free to call Todd Schallberg, Public Works Superintendent, at 952-474-2947 or email tschallberg@cityoftonkabay.net.

Best,
City Staff

Subd. 2 The City shall review the inspection results to determine whether the existing sanitary sewer line meets the requirements of the City's sanitary sewer ordinances and this Section. For purposes of this Section, the following items will be deemed to be a violation of such regulations:

- (a) An obvious break in the sanitary sewer line;
- (b) A circumferential crack which displays significant evidence of inflow or infiltration;
- (c) A longitudinal crack estimated to be three inches or more in length;
- (d) Three or more sags in 20 feet of length of pipe;
- (e) Any sag greater than one-third of the pipe's overall diameter;
- (f) More than one root intrusion in a 20-foot length of pipe or any root intrusion which reduces the overall pipe diameter by 10 percent or more;
- (g) Any observed leaks due to a failing point repair;
- (h) Deformations in a pipe exceeding 25 percent of the original pipe shape; or
- (i) Any other condition observed which contributes to inflow or infiltration.

TO: Readdressed to:
 Matt & Katie Graczyk (Buyers)
 Revision of Quote sent on 7/10/24 to:
 Deb & Steve Spellman (Sellers)
 For the address: 5 Waseca Avenue
 Tonka Bay, MN 55331



HIGHVIEW PLUMBING, INC.

7460 Oxford Street
 St. Louis Park, MN 55426
 email: office@highviewplumbing.com
 http://www.highviewplumbing.com
 Phone: (952) 933-8600 Fax: 952-943-0932

Email: katiegraczyk2@gmail.com

Phone: 612-327-6963

We proposed to furnish and install for the home situated on _____
 (Home, Building, Store, etc)
Same as above MN the following material:
 (Street) (City) (State)

- Excavate in crawlspace at approx. 19' (per video dated 6/21/24) to repair offset with Sch 40 PVC Pipe & Fittings
- Install new cleanout at repair
- Excavation, backfilling, labor and material to complete work
- Permit

We agree to furnish and install the material specified above for the sum of **\$3,960.00** provided that acceptance is received by us within **15** days from the date hereof.

We guarantee to install the above material in a workmanlike manner, subject to you or your agent's inspection at any and all times during installation and in compliance with local and state ordinances governing such work.

We extend a one year correction period from date of completion against operating, installation and mechanical defects. Materials used in this installation are covered under individual product warranties. CIPP liners have a minimum life expectancy of 50 years as documented by the manufacturer. We agree to furnish necessary permits as a part of this proposal and obtain required inspections as mandated by municipality

This constitutes the entire agreement. If extra work or material is necessary, it is hereby understood that an extra charge will be made. It is expressly stipulated and agreed that the undersigned shall not be held liable for damage to unmarked private underground lines (including but not limited to sprinkler lines, electric pet fences & electrical lines to outdoor lights) & any contingencies occasioned by strikes, fire, weather, or acts of other contractors or any other cause beyond his control. An extra charge for unusual soil condition or high water table/dewatering, may apply. For sewer & water, dirt/soil is replaced in order of removal, and existing sod/grass is replaced, if able, to the best of our ability and as weather conditions allow; homeowner(s) responsible for further restoration of toppings as necessary. Size of the excavation site is kept to a minimum but must allow for the placement of our safety box (3' x 5') or the size the scope of work dictates and to comply with OSHA safety standards.

Payment is to be made as follows: **ON COMPLETION** of work performed by check preferred. We will invoice and allow 30 days for payment. Credit Card Payment accepted (see terms on our website). A Lien Waiver will be issued upon receipt of payment, if requested.

REMARKS: Unknown debris at 2' does not look to be an I & I issue. We will clean and assess at time of work.

Acceptance by you shall constitute a contract and Acknowledgment of Contractor Lien Rights notification.

The foregoing is satisfactory and is hereby accepted

Respectfully submitted,

This 2nd day of October, 2024

(Owner or Authorized Representative)

**Family Owned
 Customer Focused**

Kyle D. Swanson



State of MN Master Plumber's License #066760PM
 State of MN Plumbing Contractor License #PC642678
 Updated 10/1/24

LIEN CLAIMANT NOTICE TO OWNER BY GENERAL CONTRACTOR

You have entered into a contract with the undersigned for work as described above at address: same as above. We are authorized to provide you with this notice. You are therefore notified that:

(a) Any person or company supplying labor or materials for this improvement to your property may file a lien against your property if that person or company is not paid for the contributions.

(b) Under Minnesota law, you have the right to pay persons who supplied labor or materials for this improvement directly and deduct this amount from our contract price, or withhold the amounts due them from us until 120 days after completion of the improvement unless we give you a lien waiver signed by persons who supplied any labor or material for the improvement and who gave you timely notice. Following are listed all contractors, sub-contractors or suppliers this applies to: Highview Plumbing, Inc.




Outlook

5 waseca ave

From Todd Schallberg <TSchallberg@cityoftonkabay.net>

Date Wed 2024-12-11 1:12 PM

To Annie Britt <abritt@cityoftonkabay.net>; Clerk <Clerk@cityoftonkabay.net>

 1 attachment (31 KB)

SEWER WATER CONNECT INSP.doc;

The sewer inspection for repair and I&I is good. Pay Highview and refund escrow as needed

79



City of Tonka Bay 952.474.7994
4901 Manitou Road cityoftonkabay.net
Tonka Bay, MN
55331

February 6, 2025

ESCROW RETURN FOR 35 FAIRHOPE

Please see attached information regarding the Escrow Refund for the above address. This should close out your escrow account.

Total submitted: \$2,000 (pre app), \$3,500 (variance), \$5,000 (building permit) = \$10,500

Non refundable fees: \$500 (variance)

Total amount in escrow: \$10,000

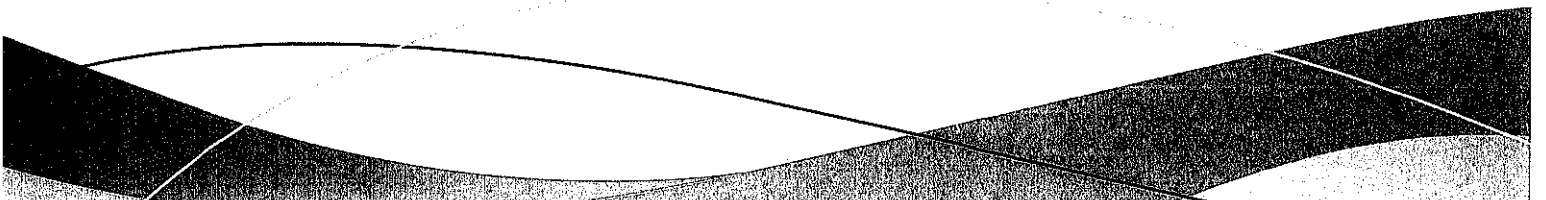
WSB billing = \$4,173

Total escrow return = \$5,827

If you have any questions, please contact city staff at 952-474-7994.

We appreciate you investing in Tonka Bay!

80





Outlook

35 Fairhope escrow return

From Lori Johnson <ljohnson@wsbeng.com>
 Date Fri 1/31/2025 4:50 PM
 To Annie Britt <abritt@cityoftonkabay.net>
 Cc CJ Holl <choll@cityoftonkabay.net>; Clerk <Clerk@cityoftonkabay.net>

📎 1 attachment (16 KB)

Project Detail.xlsx;

Hi Annie! I think we are ready to release the escrow for 35 Fairhope now. When looking back at my emails, I do not believe that he is looking for an escrow release yet for 45 Fairhope yet, so let's hold off on that one.

I have drafted some sample language for you to use for a release letter or email, whichever you prefer. You might want to tweak some details but this should be straight forward. I think the letter and/or email should come from the city, since the city is releasing the money and not WSB. You can keep this language and use it on all releases in the future.

I have attached our project detail for this address that you can send to the applicant as well and keep for your records. Please let me know if you have questions, or we can talk on Tuesday about this! Have a great weekend!

Dear XXX,

The City of Tonka Bay has calculated the amount of your escrow return for 35 Fairhope Avenue in Tonka Bay. The details of your escrow return are as follows:

*Total submitted: \$2,000 (pre app), \$3,500 (variance), \$5,000 (building permit) = \$10,500
 Non refundable fees: \$500 (variance)
 Total amount in escrow: \$10,000
 WSB billing =\$4,173
 Total escrow return = \$5,827*

Please refer to Section 263 of the City Code to further understand the escrow deposit requirements. Microsoft Word - SECTION 260 FINANCIAL MGMT 263 ESCROW.doc.

Attached is the project detail from WSB for their planning and engineering services associated with this address/project, which was used in determining your final escrow release amount.

A check will be issued to you on XXXXDATE in the amount of \$5,827.

If you have any questions please contact XXX, XXX.

81

Lori Johnson, AICP
 Senior Professional Community Planner I

612.364.3029 (o)
 -
 701 Xenia Avenue S, Suite 300
 Minneapolis, MN 55416
 wsbeng.com

**35 Fairhope Avenue Project Detail
Labor**

0 Labor

00 MN

| | | | |
|--|------|--------|--------|
| 100413 Gadbois, Adam 2/28/2023 engineering review | 1.25 | 63.00 | 228.75 |
| 100413 Gadbois, Adam 3/21/2023 engineering review | .50 | 25.20 | 91.50 |
| 100413 Gadbois, Adam 5/5/2023 engineering review | .75 | 40.58 | 137.25 |
| 100413 Gadbois, Adam 5/8/2023 35 fairhope staff report | .75 | 40.58 | 137.25 |
| 100413 Gadbois, Adam 5/9/2023 35 fairhope engineering review | .50 | 27.05 | 91.50 |
| * 101524 Johnson, Lori 2/6/2023 35 Fairhope App intake and brief review | .25 | 13.92 | 41.75 |
| 101524 Johnson, Lori 2/15/2023 site plan/ordinance review for pre app | 1.00 | 55.67 | 167.00 |
| 101524 Johnson, Lori 2/16/2023 review of plans, meeting AG on project | .50 | 27.84 | 83.50 |
| 101524 Johnson, Lori 2/27/2023 preapp review letter | .75 | 41.75 | 125.25 |
| 101524 Johnson, Lori 2/28/2023 pre app letter | .25 | 13.92 | 41.75 |
| 101524 Johnson, Lori 3/20/2023 app review | .75 | 41.75 | 125.25 |
| 101524 Johnson, Lori 3/22/2023 app review and incomplete letter, correspondence with staff and applicant | 1.00 | 55.67 | 167.00 |
| 101524 Johnson, Lori 3/23/2023 calls with DT on application timeline | .25 | 13.92 | 41.75 |
| 101524 Johnson, Lori 3/30/2023 public hearing notice | .25 | 14.61 | 41.75 |
| 101524 Johnson, Lori 4/13/2023 staff report | 1.75 | 102.29 | 292.25 |

82

| | | | |
|--|--------------|-----------------|-----------------|
| 101524 Johnson, Lori 4/17/2023 create location map/attachment, complete letter | .75 | 43.84 | 125.25 |
| 101524 Johnson, Lori 4/18/2023 staff report | 1.75 | 102.29 | 292.25 |
| 101524 Johnson, Lori 4/19/2023 review of plans and correspondence with applicant on flood plain issues, correspondence with staff on same issue, review of new plan, start of packet assembly, new hearing notice language | 2.25 | 131.51 | 375.75 |
| 101524 Johnson, Lori 4/20/2023 correspondence with JH on notice for new variance, finalize staff report, city council packet | 1.50 | 87.68 | 250.50 |
| 101524 Johnson, Lori 4/21/2023 power point for CC | .50 | 29.23 | 83.50 |
| 101524 Johnson, Lori 4/24/2023 finish power point | .50 | 29.23 | 83.50 |
| 101524 Johnson, Lori 5/5/2023 resolution of approval, correspondence on flood plain variance, staff report flood plain variance | 2.25 | 131.51 | 375.75 |
| 101524 Johnson, Lori 5/8/2023 staff report | .50 | 29.23 | 83.50 |
| 101524 Johnson, Lori 5/9/2023 staff correspondence and ordinance review on floodplain variances, power point | 1.75 | 102.29 | 292.25 |
| 101524 Johnson, Lori 5/10/2023 DNR notification | .50 | 29.23 | 83.50 |
| 101524 Johnson, Lori 5/19/2023 correspondence with applicant regarding removal of item from agenda | .25 | 14.61 | 41.75 |
| 101524 Johnson, Lori 6/12/2023 permit set review | .50 | 29.23 | 83.50 |
| 101524 Johnson, Lori 8/6/2024 review of asbuilt | .50 | 30.92 | 97.00 |
| 101800 Bradford, John 6/21/2023 Eng Review | .50 | 35.63 | 91.50 |
| Total for 00 MN | 24.50 | 1,404.18 | 4,173.00 |
| Total for Labor | 24.50 | 1,404.18 | 4,173.00 |
| Total for Labor | 24.50 | 1,404.18 | 4,173.00 |
| Total for Labor and Overhead | 24.50 | 1,404.18 | 4,173.00 |
| Total for 010 | 24.50 | 1,404.18 | 4,173.00 |
| Total for 007 | 24.50 | 1,404.18 | 4,173.00 |

YZ



Administrator's Report February 6, 2025

LMCIT: LMCIT was here on Thursday 2/6 and did a walk through of city buildings and assets. They do updates for insurance purposes on our facilities and assets, even down to looking at fire lanes and lift stations.

Zoning Ordinance Updates: We will have a council work session on 2/26 to discuss the first of proposed changes to the zoning ordinance. It needs quite a few updates as has not been done in a long time. Lori, our City Planner, will walk us through the ordinance. It will take several meetings.

Parks & Docks Commission: Parks and Docks had a good meeting on 1/27. It was more of an organizational meeting with new members. Gerry De La Vega was elected Chair and Kristin Smith as Vice Chair. Much news to follow from P&D!

Escrow Refunds: Staff and Lori, City Planner, met to iron out a process for getting escrow refunds processed. You will see the first of those at this next meeting. We want to get those cleaned off the books.

Finance Items: Annie and I completed the required bonded indebtedness report to Hennepin County. We also got the bank account signers straightened out with me coming on and Dan leaving. Did an annual GASB77 report to Hennepin County on abatements/TIF (none, but report required). We also completed our USG Broker authorization and got me signed up so I have authority to see/manage the PMA accounts. We also requested 70% property tax disbursements from the county so we get funding a bit earlier. The second part will be a reconciliation of the 70% and actual receipts.

Annie and I are working on process improvements for AP/claims and budget/financial reports.

Met with Abdo to find out about what services they could offer to help us. They do have finance officer training and they have engaged many cities with everything from training up to auditing services. I am very familiar as I have used them before in cities and counties.

DTS/Brand IT transition: We made the switch at the end of the month and all went smooth. Jimmy Brand did a fantastic job working with DTS to get everything switched over – hardware/software, backups, servers etc. He worked Friday night and part of Saturday to get it done and we were up and running on Monday morning.

Website Redesign: Janell is working with Catalis on upgrading our website. We have a really old, outdated platform. It does not have the functionality we need. When we get converted, we will be able to do more such as attached social media, update the site easier etc.

Media Comm Upgrade: Media Comm came out on Friday and switched us out to a commercial versus residential service. We will be in much better shape going forward. Faster for sure. We did have to add additional static IP addresses as the state requires them as a municipality – elections and other items.

Old Items: Am picking off old items and research as I can get to them. I do want to tie off old loose ends when I can.

Thank You: Janell for being such a great resource of where to find things! One of these days, I know where to go right off the bat, rather than hunt and search. Also, thank you to Todd for being responsive to a citizen concern regarding graffiti Citizen sent message back and said thank you for being so prompt. We also got a thank you from a citizen who appreciated us taking care of some unused garbage/recycling containers with Republic.

Meetings: Hennepin County/Financial Reporting, Mayor/agenda review, Dan Tolsma to go over some background on items, Abdo Eick and Meyers,



Paul Abzug and his friend Oliver stopped by City Hall the other day. Both were friendly, especially Oliver!

Go Team Tonka Bay!

85