

**CITY OF TONKA BAY
AGENDA
February 23, 2021
7:00pm**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONSENT AGENDA

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.

- A. Minutes of the Regular City Council Meeting from February 9, 2021
- B. Special Event Permit Minnetonka Baseball Association Fall and Spring Season

5. MATTERS FROM THE FLOOR **Maximum time of five minutes per person***
6. SPECIAL BUSINESS
7. PUBLIC HEARINGS
8. OLD BUSINESS
 - A. Variance Extension Deadline for 40 Willow Woods
9. NEW BUSINESS
 - A. Ordinance #21-02 Residential Picketing
 - B. Ordinance #21-03 Snow Emergency

MATTERS FROM THE FLOOR Maximum time of five minutes per person*

12. REPORTS
 - A. Administrator's Report
 - B. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology
 - C. Kristin Viger – Parks and Docks, Sanitation and Recycling
 - D. Bill LaBelle – Building Inspection, Municipal Buildings and Grounds
 - E. Tim Connelly – EFD, Commercial Marinas, LMCD
 - F. Attorney's Report
 - G. Adam Jennings –SLMPD, Administration, Public Works, Employee Advisory Board

13. ADJOURNMENT

<p>*For 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.</p>

ITEM NO. 4A

DRAFT MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING FEBRUARY 9, 2021

1. **CALL TO ORDER**

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 7:00pm.

2. **ROLL CALL**

Members present: Mayor Jennings, Councilmembers Viger, LaBelle, Connelly and Anderson. Also present were City Administrator Laur and City Attorney Biggerstaff.

3. **APPROVAL OF AGENDA**

Anderson moved to approve the agenda. Connelly seconded the motion. Ayes: Viger, LaBelle, Connelly, Anderson, Jennings. Motion carried.

4. **CONSENT AGENDA**

A. Minutes of the Regular City Council Meeting from January 26, 2021

B. Resolution #21-05 80 Waseca Ave Variance Request

Anderson moved to approve the consent agenda. LaBelle seconded the motion. Ayes: Viger, LaBelle, Connelly, Anderson, Jennings. Motion carried.

5. **MATTERS FROM THE FLOOR**

None.

6. **SPECIAL BUSINESS**

None.

7. **PUBLIC HEARINGS**

None.

8. **OLD BUSINESS**

None.

9. **NEW BUSINESS**

A. Wekota Beach and Park Trail

Laur explained that the Parks and Docks Committee were interested in replacing the trail at Wekota Park. Laur explained that staff received three bids for an asphalt trail at the park. The bidders were Plehal Blacktopping, Jones & Son Blacktopping and Minnesota Roadways Co. The Parks and Docks Committee along with Staff recommended going with Plehal blacktopping as they come highly recommended by the Public Works Staff.

Laur, Jennings and LaBelle discussed the bidding.

Anderson moved to approve the bid from Plehal Blacktopping in the amount of \$9,917 for the replacement of the trail at Wekota Beach and Park. LaBelle seconded the motion. Motion carried.

10. MATTERS FROM THE FLOOR

11. REPORTS

A. Administrator's Report –
Laur noted 6 applications were received for the Deputy City Clerk position.

Laur explained that the municipal dock application and fees are coming in steadily. Laur noted there were 41 residents and 40 non-residents on the wait list.

B. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology –
No report.

C. Kristin Viger – Parks and Docks, Sanitation and Recycling –
Viger explained the park design for Manitou Park was underway and a meeting was held with Laur, Myers and Tim Solomonson with HGKi. Viger noted three proposals were in progress.

D. Tim Connelly – EFD, Commercial Marinas, LMCD –
Connelly noted he met with the Fire Department. Connelly detailed they are looking for new fire engines, potentially a new fire boat and looking to get approval for a canopy for their new dock location on a fire lane in Tonka Bay. Connelly noted that there was a home in Shorewood that would be burned down over the next four Saturdays for practice.

Anderson, LaBelle, Jennings and Laur discussed the dock location.

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

F. Attorney's Report –
No report.

G. Adam Jennings – SLMPD, Administration, Public Works, Employee Advisory Board –
Jennings explained that Representative Morrison has worked with her staff to draft a bond proposal on behalf of Tonka Bay and it had been sent to Senator Osmek looking for sponsorship.

Jennings noted that in the event that it gets full approval, it would pay for half of the total to replace the main line on Manitou Road.

12. ADJOURNMENT

There being no further business, Anderson moved by to adjourn the meeting at 7:15pm. Viger seconded the motion. Ayes: Viger, LaBelle, Connelly, Anderson, Jennings. Motion carried.

Adam Jennings, Mayor

Attest:

Kathy Laur, City Administrator



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

**SPECIAL EVENT
 PERMIT
 APPLICATION**

EVENT INFORMATION

Name of Event: **Minnetonka Baseball Association Fall and Spring Season**

Type of Event (festival, athletic, etc.) **Athletic**

Event Set Up Date: **4-5-21 thru 10-18-21** Time: **M-F After 5PM, All Day Weekends**

Actual Event Date(s): **4-5-21 thru 10-18-21** Time:

Event Clean Up Date: **4-5-21 thru 10-18-21** Time:

Event Location: **Manitou SW and NE Baseball Fields**

If the event is held on private property, please include a written statement by the property owner that the applicant has permission to use their property

Estimated Attendance:

Schedule of Activities Attached? No Yes Site Plan Attached? No Yes
Required for all events with the exception of events on private property.

List any Road Closures (including partial lane closures) and the Time of Closing:

If applicable, please attach a clear map showing the routes of the athletic event or parade.

APPLICANT INFORMATION

Sponsoring Organization Name: **Minnetonka Baseball Association**

Primary Contact Person: **Patrick Becker**

Address: **6372 Chandler Ct** City: **Eden Prairie** Zip: **55346**

Phone: **612-414-6021** Phone: Phone: E-mail: **papabecker@gmail.com**

Event Planner Name:

Address: City: Zip:

Phone: Phone: E-mail:

Name of Contact Person During Event: Cell Phone:

Contact person must be present during the event and immediately available.

EVENT DETAILS	
Is the event open to the public?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Will admission be charged?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - amount per person \$
Will alcohol be at the event?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - list contact person and phone number.
Contact Person:	Phone:
Liquor License Holder:	Phone:
Will food be prepared on site?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - please contact Hennepin Co. Health Dept.
Will sound amplification be used?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - hours and type: <i>Amplified sound requires on-site contact person. No amplified sound 10 pm to 7 am.</i>
Contact Person:	Cell Phone:
Are there events in the air?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - describe:
Will there be canopies or tents?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - number of canopies and tents:
Date Installed:	Date removed:
Will you provide sanitary facilities?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - number of sanitary facilities:
Date Installed:	Date removed:
Will a stage be set up?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - dimensions:
Will there be temporary fencing?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - material:
Location(s) of temporary fencing:	
Will barricade(s) be needed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - number needed:
Describe power needs and location(s) of power source: Scoreboard power needed	
Describe trash removal and cleanup plan during and after event (including advertising): Teams will empty trash and cover the mound and home plate	
Describe parking arrangements for the event and traffic plan: Existing parking lot	

This permit is not transferable, not refundable, and is not valid for any other date or purpose than specified above. An approved copy of this permit must be available for inspection during the period of use.

I agree to abide by all applicable City Ordinances regulating special events and the use of public parks. I agree to indemnify and hold the City of Tonka Bay harmless for any personal injury claims resulting from our use of public property or organized public event. I agree to pay for any damage done to public property as a result of our organization's use of public property that exceeds the damage deposit.

Please Note: Applications and other materials (map, race route, etc.) submitted for Council approval will be considered final once it becomes part of the Council's packet. Please be sure all information on the application is correct.

Patrick Becker

Print Your Name: _____

Signature: Pat Becker Date: 1/31/21

[Signature] 02-08-2021
Police Chief or Designee Signature and Date

[Signature] 2-16-21
Fire Chief or Designee Signature and Date

I have reviewed the application and have the following comments and conditions:

I have reviewed the application and have the following comments and conditions:

[Signature]
Public Works Supt. Signature and Date

[Signature] 2/8/21
City Administrator Signature and Date

I have reviewed the application and have the following comments and conditions:

I have reviewed the application and have the following comments and conditions:

Permit Level & Description <i>A Separate Application Is Required for Each Event</i>	Application Deadline	Authorization Required			Local Fee Per Event	Non Local Fee Per Event
		City Council	EFD	SLMPD		
Events on City Property <ul style="list-style-type: none"> · Over 75 participants & spectators · 5-10 hour event that does not leave anything on City property overnight · One-day event or multiple day events that do not leave anything on City property overnight · Multiple day event that leaves apparatus on City property overnight · Road closures/traffic control may be required · Pre-event meeting may be required 	60 days	Yes	Yes	Yes	\$ 75 Plus Tax	\$ 150 Plus Tax
Athletic Event that Uses Streets or City Parking Lot <ul style="list-style-type: none"> · Pre-event meeting required 	30 days	Yes	Yes	Yes	\$ 200	\$ 400
Sporting Events that Use: <ul style="list-style-type: none"> · Baseball & Soccer Fields · Tennis & Basketball Courts · Ice Rink · Pre-event meeting required 	30 days	No	No	No	\$ 10 per day plus maintenance*	\$ 10 per day plus maintenance*
Parade	60 days	Yes	Yes	Yes	\$ 30	\$ 60
Temporary Liquor License on Private Property	30 days	Yes	No	Yes	\$ 100	n/a
Temporary Liquor License on Public Property <ul style="list-style-type: none"> · Requires applicable liquor licenses · Requires a minimum of one SLMPD police officer (separate fee) 	60 days	Yes	No	Yes	\$ 300	\$ 600
Damage Deposit	\$ 300 (\$ 1,000 for Manitou Park)					

Permit Fee of \$25 per event for all Minnetonka School District events.

*Refer to Special Event Permit Application Instructions for maintenance fees.

OFFICE USE ONLY

Date Fee Paid:
 Receipt Number:
 Check Number:
 Council Meeting Date:
 Approved:

TOTAL FEE: _____
 SALES TAX: _____
 AMOUNT
 DUE: _____
 (Including \$ 100 late fee if applicable)



MEMO

To Mayor and City Council
From Kathy Laur, City Administrator
Date February 23, 2021
Re Variance Extension Deadline 40 Willow Woods

Back in November, council denied a variance for 40 Willow Woods Dr. If you recall, this was an asphalt sport court that had been installed without a permit or variance as it exceeded 25% hardcover for the property. Additionally, there was no plan in place for stormwater runoff. Council agreed to give the homeowners an extension of 120-days to allow them to provide the city with a storm water plan.

As of today's date the homeowners have not provided the city with an updated plan. The property owners have waived their rights under the 60-day rule. We will continue to monitor their application and will bring it forward when it is ready for council review and action.

Attachments

A letter sent to the homeowners after the November city council meeting by staff.
A statement from Jeffrey and Emily Uelmen, the homeowners.

Staff Recommendations

Council Action Required

No Council action is required at this time.

We, Jeffrey and Emily Uelmen, have submitted a written application for a zoning approval for the property located at 40 Willow Woods Drive, Tonka Bay, MN 55331. I understand that pursuant to Minnesota Statutes, section 15.99, the city of Tonka Bay (the "City") must take action on my written zoning approval request within 60 days, or 120 days if the City has extended that timeframe pursuant to statute.

The City previously provided me with a letter extending the time for a decision pursuant to §15.99. I hereby waive my right to the 60-day (or 120-day) deadline for action required by §15.99 indefinitely to allow additional time to develop the terms of my zoning request. I recognize that I may withdraw this waiver by providing written notice to the city administrator, at which time the City shall have 30 days to make a final decision on my written request, as required by §15.99, which 30-day period shall run from the date of my written revocation of this waiver.


Jeffrey Uelmen


Emily Uelmen



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

952.474.7994
cityoftonkabay.net

November 30, 2020

Jeff and Emi Uelmen
40 Willow Woods Dr.
Tonka Bay, MN 55331

Dear Jeff and Emi,

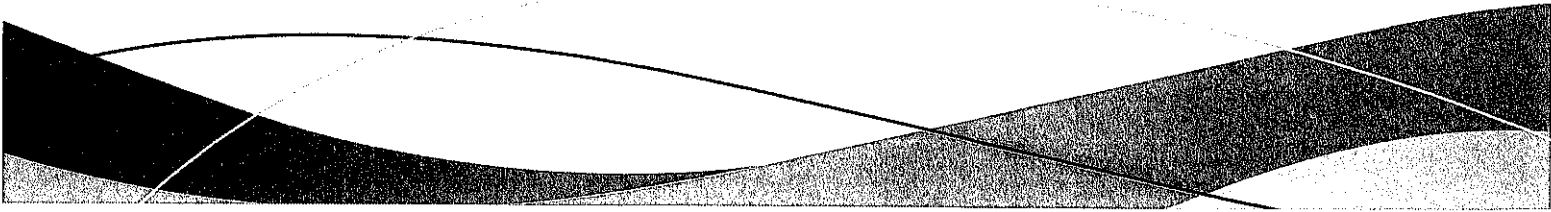
On November 24, 2020 City Council denied your variance request for a sport court at 40 Willow Woods Drive because there was no plan to address storm water runoff from the asphalt. The Council agreed to a 120-day extension of your variance application as authorized under Minn. State. § 15.99, Subdivision 3(f). This extension was deemed necessary to allow additional time for you to get a storm water plan in place. You have until February 21, 2021.

On February 23, 2021 the Council will again consider your variance application provided the necessary steps for storm water runoff have been addressed.

Sincerely,

A handwritten signature in black ink, appearing to read "KL" or "Kathy Laur".

Kathy Laur
City Administrator
klaur@cityoftonkabay.net





MEMO

To Mayor and City Council

From Kathy Laur, City Administrator
Andrew Biggerstaff, City Attorney

Date February 23, 2021

Re Ordinance 21-02, An Ordinance Related to Updating Criminal Penalties and Regulating Targeted Residential Picketing

Chief Meehan of the SLMPD recently encouraged each of the member cities to consider adopting an ordinance related to targeted residential picketing. Due to recent events in other cities in Minnesota, many cities have considered, and a number have adopted, these types of regulations which seek to prohibit targeted residential picketing which is defined in the ordinance.

While these types of regulations have been in the news recently, these ordinances have been in use for some time. In 1988, the United States Supreme Court upheld an ordinance from Brookfield, Wisconsin, which aimed to prevent targeted residential picketing. The Court reasoned that this form of regulation is a reasonable restriction on otherwise protected speech because the type of protests banned by the ordinance “generally do not seek to send a message to the general public, but to intrude upon the targeted resident, and to do so in an especially offensive way.” The Court held that the ordinance did not violate the First Amendment because it is content neutral (i.e. it applies to all expression regardless of its substance), it serves the significant government interest of protecting residential privacy, and it leaves open ample alternative channels of communication for those desiring to express themselves.

Aside from the targeted residential picketing language, we’ve also included updates to two other sections of the City Code in sections 1 and 2. In both instances, the current language of the City Code adopts criminal penalties below what is authorized by state law. This is likely because the statute addressing these penalties was amended in 2000, but the City never amended the City Code to reflect those changes. The proposed amended language would simply adopt the statute by reference, so that if further legislative changes occur the City will not need to revisit and amend its code. It should also be noted that the figures in the statute represent a maximum, so by adopting these changes the City is simply affording itself the opportunity to consider the full range of statutorily authorized penalties.



Council Action Required

Review the proposed ordinance and provide feedback or direction.

If the Council would like to adopt this ordinance in its current form, the following would be the proposed motions:

Motion 1 – “I move to waive the second reading and adopt Ordinance 21-02, an Ordinance related to targeted residential picketing and criminal penalties.”

Motion 2 – “I move the adoption of Resolution 21-06 authorizing publication by title and summary of Ordinance 21-02.”

CITY OF TONKA BAY, MINNESOTA

ORDINANCE NO. 21-02

AN ORDINANCE AMENDING CHAPTERS 7 AND 11 OF THE CITY CODE OF ORDINANCES ADDING REGULATIONS RELATED TO TARGETED RESIDENTIAL PICKETING AND MODIFYING GENERAL CRIMINAL PENALTIES TO COMPLY WITH STATE LAW

The city council of the city of Tonka Bay ordains as follows:

Section 1. Section 1140.03 of the Tonka Bay City Code is hereby amended by removing the ~~stricken~~ and inserting the double-underlined language as follows:

1140.03 Misdemeanor

~~Any person found guilty of a misdemeanor shall, upon conviction, be punished by a fine of not to exceed seven hundred dollars (\$700.00), or by imprisonment for a period not to exceed ninety (90) days.~~

Unless another penalty is expressly provided by this Code, any person violating any provision of this Code, or any rule or regulation adopted in pursuance thereof, or any other provision of any Code adopted in this Code by reference, or any provision of any license, special use permit, conditional use permit, condition or term of any approval, including any provision declaring an act or omission to be a misdemeanor, shall, upon conviction, be subject to the penalties prescribed for misdemeanors in Minnesota Statutes, section 609.02, subd. 3, as may be amended from time to time.

Section 2. Section 1140.04 of the Tonka Bay City Code is hereby amended by removing the ~~stricken~~ and inserting the double-underlined language as follows:

1140.04 Petty Misdemeanor

~~Specific mention of a violation of any of the provisions of this Code as being a “petty misdemeanor”, shall mean that, upon conviction a sentence of a fine of not more than \$100.00 may be imposed. In the absence of the designation of “petty misdemeanor” in connection with any violation, such violation shall be a penal offense as set forth in §1140.03 of this Code.~~

Whenever an act or omission is declared by this Code to be a petty offense or a petty misdemeanor, any person violating the provision shall, upon conviction, be subject to the penalties prescribed for petty misdemeanors in Minnesota Statutes, section 609.02, subd. 4a, as may be amended from time to time.

Section 3. Chapter 7 of the Tonka Bay City Code is amended by adding Section 710.09 as follows:

710.09 TARGETED RESIDENTIAL PICKETING PROHIBITED

Subdivision 1. Purpose. The city of Tonka Bay has an interest in safeguarding the right of its residents to enjoy, in their home and dwelling, a feeling of well-being, tranquility, and privacy. The city council finds that targeted residential picketing in front of or about a residential dwelling causes emotional distress to the dwelling occupants, obstructs and interferes with the free use of public rights-of-way, and has as its object the harassment of the dwelling occupants. The city council further finds that, without resorting to targeted residential picketing, ample opportunities otherwise exist for those desiring to exercise constitutionally protected freedom of speech and expression.

Subd. 2. Definitions. For purposes of this section, the term “targeted residential picketing” means:

- (a) Marching, standing, patrolling or other similar activities by one or more persons directed at a particular residential dwelling in a manner that adversely affects the safety, security, or privacy of an occupant of the dwelling;
- (b) Marching, standing, patrolling or other similar activities by one or more persons which prevents or hinders an occupant of a residential dwelling from gaining access to or exiting from the property on which the residential dwelling is located; or
- (c) Marching, standing, patrolling or other similar activities by one or more persons focused on, in front of or about a particular residential dwelling without the consent of the dwelling's occupants.

Subd. 3 Targeted Residential Picketing Prohibited. No person shall engage in targeted residential picketing within the city of Tonka Bay.

Section 4. This ordinance shall be effective upon its adoption and publication.

Adopted by the city council of the city of Tonka Bay this ____ day of _____, 2021.

Adam Jennings, Mayor

ATTEST:

Kathy Laur
City Administrator-Clerk

RESOLUTION 21-06

A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 21-02
AMENDING CHAPTERS 7 AND 11 OF THE CITY CODE OF ORDINANCES ADDING
REGULATIONS RELATED TO TARGETED RESIDENTIAL PICKETING AND MODIFYING
GENERAL CRIMINAL PENALTIES TO COMPLY WITH STATE LAW

WHEREAS, the City Council of the city of Tonka Bay adopted Ordinance 21-02 titled “An Ordinance Amending Chapters 7 and 11 of the City Code of Ordinances adding regulations related to targeted residential picketing and modifying general criminal penalties to comply with state law”; and

WHEREAS, Minnesota state law allows the City Council to approve, by a four-fifths vote, the publication of an ordinance by title and summary only; and

WHEREAS, Minnesota state law allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the verbatim text of the ordinance is several pages, is cumbersome, and the expense of publication of the complete text is not justified; and

WHEREAS, the following summary clearly informs the public of the intent and effect of the ordinance.

NOW THEREFORE, IT IS HEREBY RESOLVED, by the City Council of the City of Tonka Bay, Hennepin County, Minnesota, that the following summary is hereby approved for official publication:

SUMMARY PUBLICATION
ORDINANCE NO. 21-02

AN ORDINANCE AMENDING CHAPTERS 7 AND 11 OF THE CITY CODE OF
ORDINANCES ADDING REGULATIONS RELATED TO TARGETED RESIDENTIAL
PICKETING AND MODIFYING GENERAL CRIMINAL PENALTIES TO COMPLY WITH
STATE LAW

On February 22nd, 2021, the Tonka Bay City Council adopted an ordinance designated as Ordinance No. 21-02 the title of which is stated above. The purpose of this ordinance is to prohibit targeted residential picketing within the city, as defined by the ordinance. The ordinance also updates general criminal penalties to adopt the statutory maximum penalties. A full copy of the ordinance is available for inspection at City Hall during normal business hours.

BE IT FURTHER RESOLVED that only the title and summary of the ordinance be published;
and

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

ADOPTED at a regular meeting of the Tonka Bay City Council this 22nd day of February 2021.

Motion introduced by _____ and seconded by _____.

Roll call vote:

Councilmember Connelly _____
Councilmember Viger _____
Councilmember Anderson _____
Councilmember LaBelle _____
Mayor Jennings _____

Adam Jennings, Mayor

ATTEST:

Kathy Laur, City Administrator-Clerk



MEMO

To: Mayor and City Council

From: Kathy Laur, City Administrator
Andrew Biggerstaff, City Attorney

Date: February 23, 2021

Re: Ordinance 21-03, An ordinance related to modifying parking regulations

Historically the Public Works department has had difficulty clearing snow after significant snowfall events due, in part, to cars parked on streets within the City. Many cities have sought to address these issues by adopting regulations which prohibit parking after defined snowfall events. The attached ordinance would create a similar standard in Tonka Bay. Upon a snowfall accumulation of two inches or more, parking would automatically become restricted on city streets and would remain restricted on any street until that street had been cleared its full width. Under the language of the ordinance, cars must be removed by 1 a.m. following the snow accumulation. This language was modeled from other city ordinances. Failure to comply may result in towing, although it should be noted that the specific procedures for towing vehicles is provided by state law, and the City will need to ensure that it complies with those regulations if it takes steps to tow vehicles.

In reviewing the existing ordinances related to parking regulations, we've also included some additional clean up in this ordinance draft. The intention is not to substantively change those regulations.

In subdivision 2 of the existing ordinance, the City has provided the mayor with authority to declare an emergency under certain situations. In most cities, this authority is delegated to the public works director or their equivalent, given the fact that the public works staff is typically the most involved with snow clearing activities and the need for an emergency declaration. No changes have been made to this language, but the City Council may wish to consider amending the current regulation to delegate the authority to declare a weather-related emergency to the public works superintendent.

Council Action Required

Review the proposed ordinance and provide feedback or direction. If the Council would like to adopt this ordinance in its current form, the following would be the proposed motions:

Motion 1 – “I move to waive the second reading and adopt Ordinance 21-03, an Ordinance related to modifying parking regulations within the City.”

Motion 2 – “I move the adoption of Resolution 21-07 authorizing publication by title and summary of Ordinance 21-03.”

CITY OF TONKA BAY, MINNESOTA

ORDINANCE NO. 21-03

AN ORDINANCE AMENDING CHAPTER IX OF THE CITY CODE OF ORDINANCES ADDING REGULATIONS RELATED TO PARKING REGULATIONS

The City Council of the City of Tonka Bay ordains as follows:

Section 1. Section 910.03 of the Tonka Bay City Code is hereby amended by removing the ~~stricken~~ and inserting the double-underlined language as follows:

910.03 NO PARKING AND LIMITED PARKING ZONES

Subd. 1 The City Council may, from time to time by resolution, designate portions of the highways and streets within the City of Tonka Bay as no parking zones or limited parking zones and shall cause such zones to be marked by appropriate signs. The location of such signs limiting parking shall be prima facie evidence that the City Council has authorized the establishment of such no parking or limited parking zones. The Council shall make a determination of such no parking zones or limited parking zones on the basis of convenience to the public and traffic hazards. No person shall park any vehicle in a no parking zone or any limited parking zone for a longer period than is specified on the signs marking such zones.

Subd. 2 Authority to declare emergency

Whenever in the opinion of the Mayor an emergency exists in the City of Tonka Bay ~~or in a section or sections thereof~~, because of snow, freezing rain, sleet, ice, snowdrifts or other phenomena which create, or are likely to create hazardous road conditions impeding, or likely to impede, the free movement of fire, health, police, emergency or other vehicular traffic, or the safety and welfare of the community, the Mayor may declare an emergency to exist for a period of seventy-two (72) hours and notice thereof shall be given by whatever means are available, such as posting signs or by word of mouth.

Subd. 3 Emergency declared, parking prohibited

Whenever such an emergency is ~~so~~ declared to exist, no person shall park, abandon, or permit any no vehicles shall be parked or to be left standing on any street. Upon the declaration of a state of emergency, the Mayor may prohibit during the emergency the parking, standing or leaving of any vehicle upon any or all of the above designated snow or other emergency streets. If the emergency requires snow plowing, parking Parking may be resumed on individual streets as soon as plowing has been completed on that street, for the full width, and said street has become passable, unless otherwise restricted by the emergency declaration.

Subd. 4 Snow accumulation, parking prohibited

In addition to the parking prohibitions related to an emergency declaration, no person shall park, abandon, or permit any vehicle to be left standing on any street following a snowfall of 2 inches or more at the street level. All vehicles parked or left standing on any street following a snowfall of 2 inches or more must be removed by 1 a.m. following the snow accumulation. Parking

may be resumed on individual streets as soon as plowing has been completed on that street, for the full width, and said street has become passable.

Subd. 4 5 Removal of vehicles

If a person allows any vehicle is to be parked, abandoned, or left standing in violation of the terms of this ordinance, ~~the same~~ that vehicle may be removed by the City, in accordance with the provisions for towing vehicles pursuant to Minnesota Statutes, section 168B.035, as it may be amended from time to time, at the cost and expense of the owner thereof. The owner of any vehicle that is removed shall be responsible for the actual costs of removal and storage and any additional charges, fees, or fines.

Section 2. This ordinance shall be effective upon its adoption and publication.

Adopted by the City Council of the City of Tonka Bay this _____ day of _____, 2021.

Adam Jennings, Mayor

ATTEST:

Kathy Laur
City Administrator

RESOLUTION 21-07

**A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 21-03
AMENDING CHAPTER IX OF THE CITY CODE OF ORDINANCES MODIFYING
REGULATIONS RELATED TO PARKING**

WHEREAS, the City Council of the city of Tonka Bay adopted Ordinance 21-03 titled “An Ordinance Amending Chapter IX of the City Code of Ordinances modifying regulations related to parking”; and

WHEREAS, Minnesota state law allows the City Council to approve, by a four-fifths vote, the publication of an ordinance by title and summary only; and

WHEREAS, Minnesota state law allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the verbatim text of the ordinance is several pages, is cumbersome, and the expense of publication of the complete text is not justified; and

WHEREAS, the following summary clearly informs the public of the intent and effect of the ordinance.

NOW THEREFORE, IT IS HEREBY RESOLVED, by the City Council of the City of Tonka Bay, Hennepin County, Minnesota, that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION
ORDINANCE NO. 21-03**

**AN ORDINANCE AMENDING CHAPTER IX OF THE CITY CODE OF ORDINANCES
MODIFYING REGULATIONS RELATED TO PARKING**

On February 23rd, 2021, the Tonka Bay City Council adopted an ordinance designated as Ordinance No. 21-03 the title of which is stated above. The purpose of this ordinance is to modify the existing parking regulations within the city and adopt new parking regulations associated with a snow emergency, which is defined as any snow accumulation of two inches or more. A full copy of the ordinance is available for inspection at City Hall during normal business hours.

BE IT FURTHER RESOLVED that only the title and summary of the ordinance be published;
and

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

ADOPTED at a regular meeting of the Tonka Bay City Council this 23nd day of February 2021.

Motion introduced by _____ and seconded by _____.

Roll call vote:

Councilmember Connelly	_____
Councilmember Viger	_____
Councilmember Anderson	_____
Councilmember LaBelle	_____
Mayor Jennings	_____

Adam Jennings, Mayor

ATTEST:

Kathy Laur, City Administrator