

CITY OF TONKA BAY
AGENDA
July 27, 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 July 13, 2021

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

6. SPECIAL BUSINESS

A. 50 Interlachen Lane Sewer Charge for Upcoming Utility Bill – Carol Spoerner

7. PUBLIC HEARINGS

8. OLD BUSINESS

A. Installation of Rip Rap at Fire Lane #16 – Kathy Laur

B. Manitou Park Parking Lot Resurfacing Bids – Morgan Dawley

C. 40 Willow Woods Storm Water Management Plan – Tom Ramler-Olson

D. Resolution 21-16 Establishing a No Parking Zone - Adam Jennings

9. NEW BUSINESS

A. Mayoral Declaration Returning to In-Person Meetings – Andrew Biggerstaff

B. Resolution Terminating Local Emergency – Andrew Biggerstaff

C. 100 West Point Road Grievance – Dolly Lowery

D. Set Truth in Taxation Date – Kathy Laur

E. SLMPD Budget for 2022 – Kathy Laur

F. 2021 Pay Equity Report – Kathy Laur

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

10. 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

11. 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 JULY 13, 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**

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

4. **CONSENT AGENDA**

A. Minutes of the Regular City Council Meeting from June 22, 2021

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

5. **MATTERS FROM THE FLOOR**

None.

6. **SPECIAL BUSINESS**

A. Hennepin County Sheriff's Office – Sheriff Dave Hutchinson

Sheriff Hutchinson introduced himself and explained the territories the water patrol is responsible for in Hennepin County consisting of 104 lakes, of which Minnetonka is the largest and most popular, 3 rivers, and all other water including hot tubs, public and private pools, ponds and streams. He stated on a normal day the water patrol has one lieutenant, two sergeants, 8 licensed deputies and 62 volunteer/special deputies and 13 explorers. He also went through the list of equipment they had to ensure the protection of the lake and community. He stated with the uptick in violence in Minneapolis and first tier suburbs, they have been busy helping them mitigate the violent crime. Training has increased, including Narcan training to help save lives from opioid overdoses. They are excited about their new North Metro training facility, that is an addition to their Maple Grove training facility, which will not only be one of the best in the state but also the country to make our public safety professionals the best in the nation. He believes we are turning the corner on the unrest and crazy increase in violent crime. Jennings thanked Sheriff Hutchinson for

his service and complimented him on a job well done in this difficult time over the past year.

7. PUBLIC HEARINGS

A. Wetlands Interim Ordinance – Andrew Biggerstaff

Biggerstaff spoke about the reasoning behind the necessity for the interim ordinance regarding wetland regulation, as laid out in the memo included in the packet. He explained section 1050 of the city's zoning code related to wetland regulations, specifically the provision of upland buffer setbacks and the ambiguity that exists within it. In order to protect the city's planning process, it is recommended that the City Council consider adopting an interim ordinance which would establish a moratorium on all development activity within 35 feet of a wetland within the city. It will be in place for one year, or until the City Council adopts additional or clarifying regulations.

LaBelle commented on an email sent from a resident, which is of public record, regarding the regulation and agreed that if there was any ambiguity within the ordinance, it should be addressed. To add context, he said that 30 years ago the ordinance was interpreted to be 35 feet because he was adding a deck and screened in porch to his property, which is adjacent to a wetland and that was the setback they went by.

Viger stated that she is glad that this is being discussed and clarified. In doing research, she said the neighboring cities have it spelled out clearly in their ordinances.

Jennings opened the public hearing. With no comments, he then closed the public hearing.

Jennings and LaBelle support the moratorium. Connelly wants to make sure it is fair for anyone currently proposing a development.

Jeff Anderson moved to waive the second reading and adopt Ordinance 21-06, which is an interim ordinance establishing a one-year moratorium on certain development activity within 35 feet of wetlands within the city. Kristin Viger seconded the motion. Ayes: Viger, LaBelle, Connelly, Anderson, Jennings. Motion carried.

Jeff Anderson moved to approve Resolution 21-17 authorizing the summary publication establishing a one-year moratorium on certain development activity within 35 feet of wetlands within the city. Kristin Viger seconded the motion. Ayes: Viger, LaBelle, Connelly, Anderson, Jennings. Motion carried.

8. OLD BUSINESS

A. Next "Steps" at Fire Lane #16 – Kathy Laur

Laur read her memo regarding the removal of granite steps at fire lane 16 and the next step of applying for a permit with MCWD to install rip rap in their place. Wooden stairs could be installed; however, they would have to be removed and replaced each year. LaBelle and Viger both stated they were not in favor of adding the wooden stairs and they would like to see other bids besides the one from Concept Landscaping for \$1,260. Jennings agreed.

B. Parking Signs on Sunrise and Lakeview – Kathy Laur

Laur spoke about the discussions at the last council meeting regarding adding no parking signs on Lakeview and Sunrise Avenues and the complaints from residents that live in the area. Staff recommends that the no parking signs be placed as recommended. Jennings spoke about adding "No marina or restaurant parking" as an alternative and he did not see it as practical to enforce. He said he has driven through the streets when the restaurant is closed and even then there are cars parking on both sides of the street, making it difficult to get through. He asked council for their thoughts. LaBelle stated he has also gone through the area to see how congested it was. He would like to re-walk the area with the map of where the proposed no parking signs to see what effect they would have. Anderson lives right in the area across from the restaurant and marina. He stated the majority of the problem is for a couple of hours per day at the peak of dinner time and it is a rare occurrence. He thinks that putting no parking signs up would impact the residents far more than inconveniencing restaurant customers. Connelly stated there will not be one answer to please everyone. He said if the road is really that narrow and difficult for people to get through, what about emergency vehicles. That makes it a safety issue and he agreed that further study is necessary to make the best decision.

Jennings asked if those on the meeting had any new information to present. Linda and Mike Maki of 200 Sunrise spoke and Mike said that the problem is more than a rare occurrence and it is happening all day long. He believes no parking signs are necessary in certain areas. Linda thinks the problem will affect their property value and speeding is bad in the area. Jacob Creydt of 255 Lakeview Avenue would like to see the study expanded to his area to see how it would affect his property. Mark Fleischhacker of 230 Sunrise Avenue is interested to know what residents were contacted regarding the issue. Jennings replied that no decisions were going to be made and it will continue to be discussed. Once council is in the position to have a final solution, then a public hearing will be held.

Shawn Wischmeier, owner of the Caribbean restaurant and marina, said they are bothered by the same issues as the residents are and they want to find a solution

to the problem too. It is important for everyone's safety. They have a parking lot attendant that operates anytime it looks like parking will be scarce or going to be a busy period. There is always room for the boat club and regular customers. There has only been two times since they opened that they had to turn cars away from the restaurant and during those times the restaurant was at an hour and a half waiting time or more. The need for added personnel has gone down since the first few weeks of opening as Tequila Butcher so there are less employees needing to park there. They also have made additional employee parking in the dirt lots that previously had equipment parked on them. They have also decreased their dock space by 20 percent, which has also reduced the need for parking. They have also made a conscience effort to clean up areas of the property to add space for parking.

Dave Mcculloch of 235 Lakeview Avenue questioned which side of the Caribbean the employees were encouraged to park, on the east side towards Excelsior or the west side towards Hwy 19. He said it seems everyone wants to park on the east side and hardly anyone is parked on the west side. Wischmeier replied there are three sets of employees related to the marina. One is Bay to Bay, which carpools from Lucky's gas station. The other 2-3 employees who manage the docks have designated parking at the marina. The other partners park at the rental house they own next to the marina. The only employees they do not have direct control over, are the restaurant employees. They have encouraged them to carpool and not park on the street. Jennings interjected that we need to continue to reevaluate the options to come to a sound decision.

9. NEW BUSINESS

A. Livable Communities Act Participation – Kathy Laur

Laur read her memo regarding the Livable Communities Act participation, along with explaining the attachment of the 2021-2030 Affordable and Life-cycle Housing Goals Methodology. She said staff does not have any recommendations other than it is open for discussion. Jennings said it does not look like there is any downside to adopting the goals. There are not any consequences or impacts in participating but potentially opens-up opportunities for grants. Viger is curious what it is asking regarding the area for potential development for mixed use. Laur replied there are certain areas that the city has been approached for potential mixed use or multiple dwelling units. Jennings asked if the numbers align with the 2040 Comprehensive Plan and Laur replied they do. LaBelle said he reviewed the documentation thoroughly and he is okay with it as it leaves the city open to financial benefit without obligations.

Jeff Anderson moved to approve resolution 21-10 electing to participate in

the local housing incentives account program under the Metropolitan Livable Communities Act for the calendar years 2021 through 2030. Tim Connelly seconded the motion. Ayes: Viger, LaBelle, Connelly, Anderson, Jennings. Motion carried.

B. 2022 Assessment Proposal – Kathy Laur

Laur discussed the memo regarding the City Assessor Rolf Ericson's request to extend his contract with the city for 2022. LaBelle is in favor of retaining him as the city's assessor. Jennings agreed.

Jeff Anderson moved to approve the 2022 Assessment Proposal for the City of Tonka for the dates of September 1, 2021 to August 30, 2022 for a proposed yearly assessing fee of \$22,056. Tim Connelly seconded the motion. Ayes: Viger, LaBelle, Connelly, Anderson, Jennings. Motion carried.

C. Public Works Superintendent Contract – Kathy Laur/Andrew Biggerstaff

Laur reviewed the public works superintendent contract. Biggerstaff explained the red-line version of the proposed contract. He said the majority of the changes were to modernize and clean-up the existing agreement. LaBelle stated it has his support. Connelly said it looks straight forward.

Jeff Anderson moved to approve the restated employment agreement for public works superintendent Robin Bowman. Tim Connelly seconded the motion. Ayes: Viger, LaBelle, Connelly, Anderson, Jennings. Motion carried.

10. MATTERS FROM THE FLOOR

Mike Maki of 200 Sunrise Avenue appreciated the temporary speed controller on his street and he would like to see permanent ones installed. He has also seen increased ticketing for speed violation, which he also appreciates.

Eric Lindquist of 120 Birch Bluff Road wanted to approach the council regarding the discussion of installing permanent speed bumps along Birch Bluff Road and Pleasant Avenue. Back in 2013 the subject was brought up to council and three years-worth of speed and traffic studies were done. At that time council and administration approved that speed bumps should be put in accordance with the engineering study that was conducted. Gradually over time both the number and placement of the speed bumps have been altered. He is asking council to reconsider permanent speed bumps in place of ones that can be moved or altered. Jennings said that it was a part of a bigger overall road improvement discussion that needs to be had.

11. REPORTS

- A. Administrator's Report –
First, Laur received an email from SLMPD Chief Meehan regarding the use of UTVs, ATVs and golf carts on city streets. There is a MN statute that allows cities to authorize and permit use on city streets. He is asking if cities have any interest in adopting an ordinance authorizing the use of these types of vehicles on city streets and issuing permits. If so, the SLMPD would like to assist in creating a universal ordinance for all four cities it serves. Second, Laur stated she applied for a MN Twins community foundation grant, which is a matching grant of \$10,000, that she was awarded. It is to be used for Manitou Park and to move the little league field to next to the baseball field. LaBelle asked how it fits in to the park proposed park renovation. Laur explained the little league field needs to move to where the hockey rink is, which could be taken down in September and the grounds can be prepared for the future site of the new dual-purpose field. LaBelle asked if there was a timeline in getting all of it done. Viger said the downside was we will not have a hockey rink this winter; however, it is the best-case scenario with the least disruption. She discussed the agreement they have with the MBA and the contract that exists. She would like direction from council to allow the city attorney to review the MBA contract to see how it affects the park expansion.
- B. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology –
No report but made comment on the recent street sweeping.
- C. Kristin Viger – Parks and Docks, Sanitation and Recycling –
No report but would like a future discussion on cleaning up the fire lanes.
- D. Tim Connelly – EFD, Commercial Marinas, LMCD –
Due to the three fatalities in the community as of lately, Chief Mackey has been dealing with the mental health of firefighters. On a more positive note, state legislature has passed the Hometown Heroes Assistance Program, dedicating \$4M a year to ensure all MN firefighters have access to education, prevention and care needed should they experience a cardiac, emotional trauma or cancer diagnosis.
- E. Bill LaBelle – Building Inspection, Municipal Buildings and Grounds –
No report.
- F. Attorney's Report –
Quick note on the vacation request of land at the Wekota Beach. More information to come.
- G. Adam Jennings – SLMPD, Administration, Public Works, Employee Advisory Board –
Jennings said he has an in-person police board meeting on Wednesday night

and along the same lines, he would like to start having in-person council meetings starting in August.

12. ADJOURNMENT

There being no further business, Jeff Anderson moved by to adjourn the meeting at 8:53 PM. Tim Connelly seconded the motion. Ayes: Viger, LaBelle, Connelly, Anderson, Jennings. Motion carried.

Adam Jennings, Mayor

Attest:

Kathy Laur, City Administrator



MEMO

To: Mayor and City Council
From: Carol Spoerner, City Treasurer
Date: July 27th, 2021
Re: 50 Interlachen Ln Sewer Charge for upcoming utility bill

The property at 50 Interlachen Ln was purchased by Scott and Melissa Musgierd on 12/28/2020. This property does have difficulties getting radio readings through the stucco exterior. It was also determined in April that we should change out the radio and meter due to their age and weak batteries. This meter change out was done at no charge on 4/08/2021. At that time, we recorded 41,000 gallons of unbilled water usage for 2 quarters. This was billed on 6/30/2021.

Since then, Mr. Musgierd was noting via the water meter, almost consistent water usage occurring at the home. He has been actively trying to locate the source of the problem. It has been determined that an auto-fill mechanism for the pool is the culprit. Water was immediately turned off to the pool until the repairs could be made.

The home has consumed over 191,000 gallons of water since the new meter was installed on April 8th. The 3rd quarter charges to-date, for water is \$1,848.28 and for sewer is \$599.75. There is no questioning the water has been run through the meter. However, not all water usage has gone into the sewer system. Public works agrees that some of the water has run off into the yard and gone toward the lake. They thought maybe 25% of the usage had been diverted.

There only charge in question is the sewer charge of \$599.75 (as of 7/15/2021). The sewer rate has a base rate of \$137.50 before usage. The remaining sewer usage charge is \$462.25. If we were to use public works estimate of 25%, we would be asking for a sewer credit of \$115.56.

Attachments

50 Interlachen Ln 2021Q3 Bill Preview
Bill History for former owner (50 Interlachen Ln LLC)
50 Interlachen Ln emails concerning Water Bill

Staff Recommendation

Approve 25% credit of sewer usage charges.

Council Action Requested

Motion to approve utility billing credit of \$115.56 for water usage that did not go into the sewer system.

City of Tonka Bay

07/20/21 8:07 AM

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4901 MANITOU RD
TONKA BAY, MN 55331

This is NOT a Bill
Actual bill may vary

Musgjerd, Scott & Melissa
50 INTERLACHEN LN

Account 02-00005013-00-3

Scott & Melissa Musgjerd
50 INTERLACHEN LN
Tonka Bay MN 55331

DO NOT MAIL - THIS IS NOT A BILL!

Type	Charge	Amount	Date	Prev Read	Curr Read	Usage
Prev Bal	Prev Bal	\$692.03				
Service	1 Water	\$1,848.28		0 E	191	191
Service	3 Sewer	\$599.75				191
Service	5 Garbage w/rec	\$37.20				
Service	10 Stm Drainage	\$3.75				
Surcharge	18 Recycling	\$36.50				
Surcharge	19 MN wtr fee	\$2.43				
Surcharge	20 MN SWM tax	\$3.63				
Surcharge	26 Henn SWM fee	\$5.77				
Cur Charges	Cur Charges	\$2,537.31				
Total	Total Due	\$3,229.34				

This report is a preview of what the 2021 Qtr3 bill with recorded water usage, as of 7/15/2021. There will be more water used before the end of the quarter on 9/30/2021.

Assuming the previous balance is paid by next quarter, the new bill will be something higher than the current charges showing here of \$2,537.31 for third quarter.

All water recorded did run through the water meter. Not all of this water went down into the sewer main. The quarterly sewer base charge is \$137.50 (not forgivable). A portion of the \$599.75 estimated charges are valid household use.

PROBLEM FOUND

Mechanical issue with auto-fill on pool.

RESIDENT REQUEST

Forgiveness on a portion of the sewer charges for water believed to have drained into the lake.

DO NOT MAIL - THIS IS NOT A BILL!



Bill History

[See Note on last page](#)

00-00005013-02-7 50 Interlachen Lane LLC 50 INTERLACHEN LN TONKA BAY MN 55331

Type	Charge	Amount	Date	Prev Read	Prev Read Date	Curr Read	Curr Read Date	Usage	Bill Per	Year
For 00-00005013-02-7 50 INTERLACHEN LN										
Calculation Number 70										
	Prev Bal	\$0.00								7 2015
Service	Water	\$41.86	7/8/2015	2269	6/16/2015	2278	6/23/2015	9	9	7 2015
Service	Sewer	\$15.77	7/8/2015							7 2015
Service	Garbage w/rec	\$5.44	7/8/2015							7 2015
Service	Stm Drainage	\$0.42	7/8/2015							7 2015
Surcharge	Recycling	\$3.21	7/8/2015							7 2015
Surcharge	MN wtr fee	\$0.19	7/8/2015							7 2015
Surcharge	MN SWM tax	\$0.53	7/8/2015							7 2015
Surcharge	Henn SWM fee	\$0.49	7/8/2015							7 2015
	Cur Charges	\$67.91	7/8/2015							7 2015
	Total	\$67.91	7/8/2015							7 2015
Calculation Number 70										
Calculation Number 71										
	Prev Bal	\$67.91								10 2015
	Receipt	\$67.91	8/4/2015							10 2015
Service	Water	\$705.06	10/1/2015	2278	6/23/2015	2403	9/24/2015	125	125	10 2015
Service	Sewer	\$130.50	10/1/2015							10 2015
Service	Garbage w/rec	\$45.01	10/1/2015							10 2015
Service	Stm Drainage	\$3.50	10/1/2015							10 2015
Surcharge	Recycling	\$26.54	10/1/2015							10 2015
Surcharge	MN wtr fee	\$1.59	10/1/2015							10 2015
Surcharge	MN SWM tax	\$4.39	10/1/2015							10 2015
Surcharge	Henn SWM fee	\$4.05	10/1/2015							10 2015
	Cur Charges	\$920.64	10/1/2015							10 2015
	Total	\$920.64	10/1/2015							10 2015
Calculation Number 71										
Calculation Number 72										
	Prev Bal	\$920.64								10 2015
Late Fee	Water	\$70.51	11/5/2015							10 2015
Late Fee	Sewer	\$13.05	11/5/2015							10 2015
Late Fee	Garbage w/rec	\$4.50	11/5/2015							10 2015
Late Fee	Stm Drainage	\$0.35	11/5/2015							10 2015
Late Fee	Recycling	\$2.65	11/5/2015							10 2015
Late Fee	MN wtr fee	\$0.16	11/5/2015							10 2015
Late Fee	MN SWM tax	\$0.44	11/5/2015							10 2015
Late Fee	Henn SWM fee	\$0.41	11/5/2015							10 2015
Service	Water	\$328.14	1/5/2016	2403	9/24/2015	2468	12/21/2015	65	65	10 2015
Service	Sewer	\$130.50	1/5/2016							10 2015
Service	Garbage w/rec	\$45.01	1/5/2016							10 2015
Service	Stm Drainage	\$3.50	1/5/2016							10 2015
Surcharge	Recycling	\$26.54	1/5/2016							10 2015
Surcharge	MN wtr fee	\$1.59	1/5/2016							10 2015
Surcharge	MN SWM tax	\$4.39	1/5/2016							10 2015
Surcharge	Henn SWM fee	\$4.05	1/5/2016							10 2015
	Cur Charges	\$543.72	1/5/2016							10 2015
	Total	\$1,556.43	1/5/2016							10 2015
Calculation Number 72										
Calculation Number 73										
	Prev Bal	\$1,556.43								4 2016
	Receipt	\$1,712.07	1/25/2016							4 2016
Service	Water	\$206.83	4/5/2016	2468	12/21/2015	2507	4/4/2016	39	39	4 2016
Service	Sewer	\$132.50	4/5/2016							4 2016
Service	Garbage w/rec	\$37.20	4/5/2016							4 2016
Service	Stm Drainage	\$3.50	4/5/2016							4 2016
Surcharge	Recycling	\$36.00	4/5/2016							4 2016
Surcharge	MN wtr fee	\$1.59	4/5/2016							4 2016
Surcharge	MN SWM tax	\$3.63	4/5/2016							4 2016
Surcharge	Henn SWM fee	\$3.35	4/5/2016							4 2016
	Cur Charges	\$424.60	4/5/2016							4 2016
	Total	\$268.96	4/5/2016							4 2016
Calculation Number 73										

Type	Charge	Amount	Date	Prev Read	Prev Read Date	Curr Read	Curr Read Date	Usage	Bill Per	Year
Calculation Number 74										
Prev Bal		\$268.96							7	2016
Late Fee	Water	\$13.10	5/9/2016						7	2016
Late Fee	Sewer	\$8.39	5/9/2016						7	2016
Late Fee	Garbage w/rec	\$2.36	5/9/2016						7	2016
Late Fee	Stm Drainage	\$0.22	5/9/2016						7	2016
Late Fee	Recycling	\$2.28	5/9/2016						7	2016
Late Fee	MN wtr fee	\$0.10	5/9/2016						7	2016
Late Fee	MN SWM tax	\$0.23	5/9/2016						7	2016
Late Fee	Henn SWM fee	\$0.21	5/9/2016						7	2016
Service	Water	\$511.96	7/6/2016	2507	4/4/2016	2595	6/28/2016	88	7	2016
Service	Sewer	\$132.50	7/6/2016					88	7	2016
Service	Garbage w/rec	\$37.20	7/6/2016						7	2016
Service	Stm Drainage	\$3.50	7/6/2016						7	2016
Surcharge	Recycling	\$36.00	7/6/2016						7	2016
Surcharge	MN wtr fee	\$1.59	7/6/2016						7	2016
Surcharge	MN SWM tax	\$3.63	7/6/2016						7	2016
Surcharge	Henn SWM fee	\$3.35	7/6/2016						7	2016
Cur Charges		\$729.73	7/6/2016						7	2016
Total		\$1,025.58	7/6/2016						7	2016
Calculation Number 74										
Calculation Number 75										
Prev Bal		\$1,025.58							10	2016
Receipt		\$537.92	7/13/2016						10	2016
Late Fee	Water	\$31.20	8/2/2016						10	2016
Late Fee	Sewer	\$10.69	8/2/2016						10	2016
Late Fee	Garbage w/rec	\$3.00	8/2/2016						10	2016
Late Fee	Stm Drainage	\$0.28	8/2/2016						10	2016
Late Fee	Recycling	\$2.90	8/2/2016						10	2016
Late Fee	MN wtr fee	\$0.13	8/2/2016						10	2016
Late Fee	MN SWM tax	\$0.29	8/2/2016						10	2016
Late Fee	Henn SWM fee	\$0.27	8/2/2016						10	2016
Service	Water	\$1,140.14	10/4/2016	2595	6/28/2016	2781	9/28/2016	186	10	2016
Service	Sewer	\$132.50	10/4/2016					186	10	2016
Service	Garbage w/rec	\$37.20	10/4/2016						10	2016
Service	Stm Drainage	\$3.50	10/4/2016						10	2016
Surcharge	Recycling	\$36.00	10/4/2016						10	2016
Surcharge	MN wtr fee	\$1.59	10/4/2016						10	2016
Surcharge	MN SWM tax	\$3.63	10/4/2016						10	2016
Surcharge	Henn SWM fee	\$3.35	10/4/2016						10	2016
Cur Charges		\$1,357.91	10/4/2016						10	2016
Total		\$1,894.33	10/4/2016						10	2016
Calculation Number 75										
Calculation Number 76										
Prev Bal		\$1,894.33							1	2017
Receipt		\$2,083.76	11/15/2016						1	2017
Late Fee	Water	\$148.33	11/2/2016						1	2017
Late Fee	Sewer	\$25.01	11/2/2016						1	2017
Late Fee	Garbage w/rec	\$7.02	11/2/2016						1	2017
Late Fee	Stm Drainage	\$0.66	11/2/2016						1	2017
Late Fee	Recycling	\$6.79	11/2/2016						1	2017
Late Fee	MN wtr fee	\$0.30	11/2/2016						1	2017
Late Fee	MN SWM tax	\$0.69	11/2/2016						1	2017
Late Fee	Henn SWM fee	\$0.63	11/2/2016						1	2017
Service	Water	\$287.61	1/5/2017	2781	9/28/2016	2834	12/27/2016	53	1	2017
Service	Sewer	\$132.50	1/5/2017					53	1	2017
Service	Garbage w/rec	\$37.20	1/5/2017						1	2017
Service	Stm Drainage	\$3.50	1/5/2017						1	2017
Surcharge	Recycling	\$36.00	1/5/2017						1	2017
Surcharge	MN wtr fee	\$1.59	1/5/2017						1	2017
Surcharge	MN SWM tax	\$3.63	1/5/2017						1	2017
Surcharge	Henn SWM fee	\$3.35	1/5/2017						1	2017
Cur Charges		\$505.38	1/5/2017						1	2017
Total		\$505.38	1/5/2017						1	2017
Calculation Number 76										
Calculation Number 77										
Prev Bal		\$505.38							4	2017
Late Fee	Water	\$28.76	2/2/2017						4	2017
Late Fee	Sewer	\$13.25	2/2/2017						4	2017

Type	Charge	Amount	Date	Prev Read	Prev Read Date	Curr Read	Curr Read Date	Usage	Bill Per	Year
Late Fee	Garbage w/rec	\$3.72	2/2/2017						4	2017
Late Fee	Stm Drainage	\$0.35	2/2/2017						4	2017
Late Fee	Recycling	\$3.60	2/2/2017						4	2017
Late Fee	MN wtr fee	\$0.16	2/2/2017						4	2017
Late Fee	MN SWM tax	\$0.36	2/2/2017						4	2017
Late Fee	Henn SWM fee	\$0.34	2/2/2017						4	2017
Service	Water	\$184.00	4/3/2017	2834	12/27/2016	2863	3/31/2017	29	4	2017
Service	Sewer	\$132.50	4/3/2017					29	4	2017
Service	Garbage w/rec	\$37.20	4/3/2017						4	2017
Service	Stm Drainage	\$3.50	4/3/2017						4	2017
Surcharge	Recycling	\$36.50	4/3/2017						4	2017
Surcharge	MN wtr fee	\$1.59	4/3/2017						4	2017
Surcharge	MN SWM tax	\$3.63	4/3/2017						4	2017
Surcharge	Henn SWM fee	\$3.35	4/3/2017						4	2017
Cur Charges		\$402.27	4/3/2017						4	2017
Total		\$958.19	4/3/2017						4	2017
Calculation Number 77										
Calculation Number 78										
Prev Bal		\$958.19							7	2017
Late Fee	Water	\$50.04	5/2/2017						7	2017
Late Fee	Sewer	\$27.83	5/2/2017						7	2017
Late Fee	Garbage w/rec	\$7.81	5/2/2017						7	2017
Late Fee	Stm Drainage	\$0.74	5/2/2017						7	2017
Late Fee	Recycling	\$7.61	5/2/2017						7	2017
Late Fee	MN wtr fee	\$0.33	5/2/2017						7	2017
Late Fee	MN SWM tax	\$0.76	5/2/2017						7	2017
Late Fee	Henn SWM fee	\$0.70	5/2/2017						7	2017
Service	Water	\$371.58	7/5/2017	2863	3/31/2017	2922	6/28/2017	59	7	2017
Service	Sewer	\$132.50	7/5/2017					59	7	2017
Service	Garbage w/rec	\$37.20	7/5/2017						7	2017
Service	Stm Drainage	\$3.50	7/5/2017						7	2017
Surcharge	Recycling	\$36.50	7/5/2017						7	2017
Surcharge	MN wtr fee	\$1.59	7/5/2017						7	2017
Surcharge	MN SWM tax	\$3.63	7/5/2017						7	2017
Surcharge	Henn SWM fee	\$3.35	7/5/2017						7	2017
Cur Charges		\$589.85	7/5/2017						7	2017
Total		\$1,643.86	7/5/2017						7	2017
Calculation Number 78										
Calculation Number 79										
Prev Bal		\$1,643.86							10	2017
Receipt		\$1,808.25	8/29/2017						10	2017
Late Fee	Water	\$92.20	8/2/2017						10	2017
Late Fee	Sewer	\$43.86	8/2/2017						10	2017
Late Fee	Garbage w/rec	\$12.31	8/2/2017						10	2017
Late Fee	Stm Drainage	\$1.16	8/2/2017						10	2017
Late Fee	Recycling	\$12.02	8/2/2017						10	2017
Late Fee	MN wtr fee	\$0.53	8/2/2017						10	2017
Late Fee	MN SWM tax	\$1.20	8/2/2017						10	2017
Late Fee	Henn SWM fee	\$1.11	8/2/2017						10	2017
Service	Water	\$851.10	10/3/2017	2922	6/28/2017	3053	10/2/2017	131	10	2017
Service	Sewer	\$132.50	10/3/2017					131	10	2017
Service	Garbage w/rec	\$37.20	10/3/2017						10	2017
Service	Stm Drainage	\$3.50	10/3/2017						10	2017
Surcharge	Recycling	\$36.50	10/3/2017						10	2017
Surcharge	MN wtr fee	\$1.59	10/3/2017						10	2017
Surcharge	MN SWM tax	\$3.63	10/3/2017						10	2017
Surcharge	Henn SWM fee	\$3.35	10/3/2017						10	2017
Cur Charges		\$1,069.37	10/3/2017						10	2017
Total		\$1,069.37	10/3/2017						10	2017
Calculation Number 79										
Calculation Number 80										
Prev Bal		\$1,069.37							1	2018
Receipt		\$1,069.37	11/7/2017						1	2018
Late Fee	Water	\$85.11	11/2/2017						1	2018
Late Fee	Sewer	\$13.25	11/2/2017						1	2018
Late Fee	Garbage w/rec	\$3.72	11/2/2017						1	2018
Late Fee	Stm Drainage	\$0.35	11/2/2017						1	2018
Late Fee	Recycling	\$3.65	11/2/2017						1	2018
Late Fee	MN wtr fee	\$0.16	11/2/2017						1	2018

Type	Charge	Amount	Date	Prev Read	Prev Read Date	Curr Read	Curr Read Date	Usage	Bill Per	Year
Late Fee	MN SWM tax	\$0.36	11/2/2017						1	2018
Late Fee	Henn SWM fee	\$0.34	11/2/2017						1	2018
Service	Water	\$134.50	1/2/2018	3053	10/2/2017	3073	12/20/2017	20	1	2018
Service	Sewer	\$132.50	1/2/2018					20	1	2018
Service	Garbage w/rec	\$37.20	1/2/2018						1	2018
Service	Stm Drainage	\$3.50	1/2/2018						1	2018
Surcharge	Recycling	\$36.50	1/2/2018						1	2018
Surcharge	MN wtr fee	\$1.59	1/2/2018						1	2018
Surcharge	MN SWM tax	\$3.63	1/2/2018						1	2018
Surcharge	Henn SWM fee	\$3.35	1/2/2018						1	2018
Cur Charges		\$352.77	1/2/2018						1	2018
Total		\$459.71	1/2/2018						1	2018
Calculation Number 80										
Calculation Number 81										
Prev Bal		\$459.71							1	2018
Receipt		\$459.71	1/30/2018						1	2018
Service	Water	\$129.00	4/5/2018	3073	12/20/2017	3092	3/29/2018	19	1	2018
Service	Sewer	\$132.50	4/5/2018					19	1	2018
Service	Garbage w/rec	\$37.20	4/5/2018						1	2018
Service	Stm Drainage	\$3.50	4/5/2018						1	2018
Surcharge	Recycling	\$36.50	4/5/2018						1	2018
Surcharge	MN wtr fee	\$1.59	4/5/2018						1	2018
Surcharge	MN SWM tax	\$3.63	4/5/2018						1	2018
Surcharge	Henn SWM fee	\$3.35	4/5/2018						1	2018
Cur Charges		\$347.27	4/5/2018						1	2018
Total		\$347.27	4/5/2018						1	2018
Calculation Number 81										
Calculation Number 82										
Prev Bal		\$347.27							4	2018
Late Fee	Water	\$12.90	5/2/2018						4	2018
Late Fee	Sewer	\$13.25	5/2/2018						4	2018
Late Fee	Garbage w/rec	\$3.72	5/2/2018						4	2018
Late Fee	Stm Drainage	\$0.35	5/2/2018						4	2018
Late Fee	Recycling	\$3.65	5/2/2018						4	2018
Late Fee	MN wtr fee	\$0.16	5/2/2018						4	2018
Late Fee	MN SWM tax	\$0.36	5/2/2018						4	2018
Late Fee	Henn SWM fee	\$0.34	5/2/2018						4	2018
Service	Water	\$444.84	7/3/2018	3092	3/29/2018	3162 E	7/3/2018	70	4	2018
Service	Sewer	\$132.50	7/3/2018					70	4	2018
Service	Garbage w/rec	\$37.20	7/3/2018						4	2018
Service	Stm Drainage	\$3.50	7/3/2018						4	2018
Surcharge	Recycling	\$36.50	7/3/2018						4	2018
Surcharge	MN wtr fee	\$1.59	7/3/2018						4	2018
Surcharge	MN SWM tax	\$3.63	7/3/2018						4	2018
Surcharge	Henn SWM fee	\$3.35	7/3/2018						4	2018
Cur Charges		\$663.11	7/3/2018						4	2018
Total		\$1,045.11	7/3/2018						4	2018
Calculation Number 82										
Calculation Number 83										
Prev Bal		\$1,045.11							7	2018
Receipt		\$1,045.11	8/16/2018						7	2018
Late Fee	Water	\$58.67	8/2/2018						7	2018
Late Fee	Sewer	\$27.83	8/2/2018						7	2018
Late Fee	Garbage w/rec	\$7.81	8/2/2018						7	2018
Late Fee	Stm Drainage	\$0.74	8/2/2018						7	2018
Late Fee	Recycling	\$7.67	8/2/2018						7	2018
Late Fee	MN wtr fee	\$0.33	8/2/2018						7	2018
Late Fee	MN SWM tax	\$0.76	8/2/2018						7	2018
Late Fee	Henn SWM fee	\$0.70	8/2/2018						7	2018
Service	Water	\$351.60	10/2/2018	3162E	7/3/2018	3218 E	9/30/2018	56	7	2018
Service	Sewer	\$132.50	10/2/2018					56	7	2018
Service	Garbage w/rec	\$37.20	10/2/2018						7	2018
Service	Stm Drainage	\$3.50	10/2/2018						7	2018
Surcharge	Recycling	\$36.50	10/2/2018						7	2018
Surcharge	MN wtr fee	\$1.59	10/2/2018						7	2018
Surcharge	MN SWM tax	\$3.63	10/2/2018						7	2018
Surcharge	Henn SWM fee	\$3.35	10/2/2018						7	2018
Cur Charges		\$569.87	10/2/2018						7	2018
Total		\$674.38	10/2/2018						7	2018

Type	Charge	Amount	Date	Prev Read	Prev Read Date	Curr Read	Curr Read Date	Usage	Bill Per	Year
Calculation Number 83										
Calculation Number 84										
Prev Bal		\$674.38							10	2018
Receipt		\$800.00	11/20/2018						10	2018
Late Fee	Water	\$41.03	11/1/2018						10	2018
Late Fee	Sewer	\$16.03	11/1/2018						10	2018
Late Fee	Garbage w/rec	\$4.50	11/1/2018						10	2018
Late Fee	Stm Drainage	\$0.42	11/1/2018						10	2018
Late Fee	Recycling	\$4.42	11/1/2018						10	2018
Late Fee	MN wtr fee	\$0.19	11/1/2018						10	2018
Late Fee	MN SWM tax	\$0.44	11/1/2018						10	2018
Late Fee	Henn SWM fee	\$0.41	11/1/2018						10	2018
Service	Water	\$424.86	12/27/2018	3218E	9/30/2018	3285	12/18/2018	67	10	2018
Service	Sewer	\$132.50	12/27/2018					67	10	2018
Service	Garbage w/rec	\$37.20	12/27/2018						10	2018
Service	Stm Drainage	\$3.50	12/27/2018						10	2018
Surcharge	Recycling	\$36.50	12/27/2018						10	2018
Surcharge	MN wtr fee	\$1.59	12/27/2018						10	2018
Surcharge	MN SWM tax	\$3.63	12/27/2018						10	2018
Surcharge	Henn SWM fee	\$3.35	12/27/2018						10	2018
Cur Charges		\$643.13	12/27/2018						10	2018
Total		\$584.95	12/27/2018						10	2018
Calculation Number 84										
Calculation Number 85										
Prev Bal		\$584.95							1	2019
Late Fee	Water	\$38.64	2/4/2019						1	2019
Late Fee	Sewer	\$12.05	2/4/2019						1	2019
Late Fee	Garbage w/rec	\$3.38	2/4/2019						1	2019
Late Fee	Stm Drainage	\$0.32	2/4/2019						1	2019
Late Fee	Recycling	\$3.32	2/4/2019						1	2019
Late Fee	MN wtr fee	\$0.15	2/4/2019						1	2019
Late Fee	MN SWM tax	\$0.33	2/4/2019						1	2019
Late Fee	Henn SWM fee	\$0.31	2/4/2019						1	2019
Service	Water	\$235.00	4/2/2019	3285	12/18/2018	3316	3/25/2019	31	1	2019
Service	Sewer	\$132.50	4/2/2019					31	1	2019
Service	Garbage w/rec	\$37.20	4/2/2019						1	2019
Service	Stm Drainage	\$3.50	4/2/2019						1	2019
Surcharge	Recycling	\$36.50	4/2/2019						1	2019
Surcharge	MN wtr fee	\$1.59	4/2/2019						1	2019
Surcharge	MN SWM tax	\$3.63	4/2/2019						1	2019
Surcharge	Henn SWM fee	\$3.35	4/2/2019						1	2019
Cur Charges		\$453.27	4/2/2019						1	2019
Total		\$1,096.72	4/2/2019						1	2019
Calculation Number 85										
Calculation Number 86										
Prev Bal		\$1,096.72							4	2019
Receipt		\$1,200.00	4/29/2019						4	2019
Service	Water	\$717.50	7/1/2019	3316	3/25/2019	3417	6/27/2019	101	4	2019
Service	Sewer	\$132.50	7/1/2019					101	4	2019
Service	Garbage w/rec	\$37.20	7/1/2019						4	2019
Service	Stm Drainage	\$3.50	7/1/2019						4	2019
Surcharge	Recycling	\$36.50	7/1/2019						4	2019
Surcharge	MN wtr fee	\$1.59	7/1/2019						4	2019
Surcharge	MN SWM tax	\$3.63	7/1/2019						4	2019
Surcharge	Henn SWM fee	\$5.77	7/1/2019						4	2019
Cur Charges		\$938.19	7/1/2019						4	2019
Total		\$834.91	7/1/2019						4	2019
Calculation Number 86										
Calculation Number 87										
Prev Bal		\$834.91							7	2019
Late Fee	Water	\$63.85	8/5/2019						7	2019
Late Fee	Sewer	\$11.79	8/5/2019						7	2019
Late Fee	Garbage w/rec	\$3.31	8/5/2019						7	2019
Late Fee	Stm Drainage	\$0.31	8/5/2019						7	2019
Late Fee	Recycling	\$3.25	8/5/2019						7	2019
Late Fee	MN wtr fee	\$0.14	8/5/2019						7	2019
Late Fee	MN SWM tax	\$0.32	8/5/2019						7	2019
Late Fee	Henn SWM fee	\$0.52	8/5/2019						7	2019
Service	Water	\$878.50	10/1/2019	3417	6/27/2019	3541	9/30/2019	124	7	2019

Type	Charge	Amount	Date	Prev Read	Prev Read Date	Curr Read	Curr Read Date	Usage	Bill Per	Year
Service	Sewer	\$132.50	10/1/2019					124	7	2019
Service	Garbage w/rec	\$37.20	10/1/2019						7	2019
Service	Stm Drainage	\$3.50	10/1/2019						7	2019
Surcharge	Recycling	\$36.50	10/1/2019						7	2019
Surcharge	MN wtr fee	\$1.59	10/1/2019						7	2019
Surcharge	MN SWM tax	\$3.63	10/1/2019						7	2019
Surcharge	Henn SWM fee	\$5.77	10/1/2019						7	2019
Cur Charges		\$1,099.19	10/1/2019						7	2019
Total		\$2,017.59	10/1/2019						7	2019
Calculation Number 87										
Calculation Number 88										
Prev Bal		\$2,017.59							10	2019
Receipt		\$2,194.50	10/15/2019						10	2019
Service	Water	\$703.50	1/1/2020	3541	9/30/2019	3640 E	12/23/2019	99	10	2019
Service	Sewer	\$132.50	1/1/2020					99	10	2019
Service	Garbage w/rec	\$37.20	1/1/2020						10	2019
Service	Stm Drainage	\$3.50	1/1/2020						10	2019
Surcharge	Recycling	\$36.50	1/1/2020						10	2019
Surcharge	MN wtr fee	\$1.59	1/1/2020						10	2019
Surcharge	MN SWM tax	\$3.63	1/1/2020						10	2019
Surcharge	Henn SWM fee	\$5.77	1/1/2020						10	2019
Cur Charges		\$924.19	1/1/2020						10	2019
Total		\$747.28	1/1/2020						10	2019
Calculation Number 88										
Calculation Number 89										
Prev Bal		\$747.28							1	2020
Late Fee	Water	\$56.88	2/2/2020						1	2020
Late Fee	Sewer	\$10.71	2/2/2020						1	2020
Late Fee	Garbage w/rec	\$3.01	2/2/2020						1	2020
Late Fee	Stm Drainage	\$0.28	2/2/2020						1	2020
Late Fee	Recycling	\$2.95	2/2/2020						1	2020
Late Fee	MN wtr fee	\$0.13	2/2/2020						1	2020
Late Fee	MN SWM tax	\$0.29	2/2/2020						1	2020
Late Fee	Henn SWM fee	\$0.47	2/2/2020						1	2020
Service	Water	\$57.00	3/25/2020	3640E	12/23/2019	3640	3/25/2020	0	1	2020
Service	Sewer	\$137.50	3/25/2020					0	1	2020
Service	Garbage w/rec	\$37.20	3/25/2020						1	2020
Service	Stm Drainage	\$3.50	3/25/2020						1	2020
Surcharge	Recycling	\$36.50	3/25/2020						1	2020
Surcharge	MN wtr fee	\$2.43	3/25/2020						1	2020
Surcharge	MN SWM tax	\$3.63	3/25/2020						1	2020
Surcharge	Henn SWM fee	\$5.77	3/25/2020						1	2020
Cur Charges		\$283.53	3/25/2020						1	2020
Total		\$1,105.53	3/25/2020						1	2020
Calculation Number 89										
Calculation Number 90										
Prev Bal		\$2,634.00							4	2020
Receipt		\$990.00	3/28/2020						4	2020
Receipt		\$822.00	4/1/2020						4	2020
Receipt		\$822.00	5/1/2020						4	2020
Receipt		\$822.00	6/1/2020						4	2020
Service	Water	\$409.50	6/28/2020	3640	3/25/2020	3697	6/25/2020	57	4	2020
Service	Sewer	\$229.00	6/28/2020					57	4	2020
Service	Garbage w/rec	\$37.20	6/28/2020						4	2020
Service	Stm Drainage	\$3.50	6/28/2020						4	2020
Surcharge	Recycling	\$36.50	6/28/2020						4	2020
Surcharge	MN wtr fee	\$2.43	6/28/2020						4	2020
Surcharge	MN SWM tax	\$3.63	6/28/2020						4	2020
Surcharge	Henn SWM fee	\$5.77	6/28/2020						4	2020
Cur Charges		\$727.53	6/28/2020						4	2020
Total		-\$94.47	6/28/2020						4	2020
Calculation Number 90										
Calculation Number 91										
Prev Bal		-\$94.47							10	2020
Receipt		\$822.00	7/1/2020						10	2020
Service	Water	\$2,425.50	10/5/2020	3697	6/25/2020	4042	9/30/2020	345	10	2020
Service	Sewer	\$1,021.00	10/5/2020					345	10	2020
Service	Garbage w/rec	\$37.20	10/5/2020						10	2020
Service	Stm Drainage	\$3.50	10/5/2020						10	2020

Type	Charge	Amount	Date	Prev Read	Prev Read Date	Curr Read	Curr Read Date	Usage	Bill Per	Year
Surcharge	Recycling	\$36.50	10/5/2020						10	2020
Surcharge	MN wtr fee	\$2.43	10/5/2020						10	2020
Surcharge	MN SWM tax	\$3.63	10/5/2020						10	2020
Surcharge	Henn SWM fee	\$5.77	10/5/2020						10	2020
Cur Charges		\$3,535.53	10/5/2020						10	2020
Total		\$2,619.06	10/5/2020						10	2020
Calculation Number 91										
Calculation Number 100074										
Prev Bal		\$2,619.06							10	2020
Receipt		\$990.00	10/31/2020						10	2020
Receipt		\$990.00	10/31/2020						10	2020
Late Fee	Water	\$43.84	11/2/2020						10	2020
Late Fee	Sewer	\$18.45	11/2/2020						10	2020
Late Fee	Garbage w/rec	\$0.67	11/2/2020						10	2020
Late Fee	Stm Drainage	\$0.06	11/2/2020						10	2020
Late Fee	Recycling	\$0.66	11/2/2020						10	2020
Late Fee	MN wtr fee	\$0.04	11/2/2020						10	2020
Late Fee	MN SWM tax	\$0.07	11/2/2020						10	2020
Late Fee	Henn SWM fee	\$0.11	11/2/2020						10	2020
Service	Water	\$132.14	1/2/2021	4042	9/30/2020	4056	12/9/2020	14	10	2020
Service	Sewer	\$143.02	1/2/2021					14	10	2020
Service	Garbage w/rec	\$35.99	1/2/2021						10	2020
Service	Stm Drainage	\$3.39	1/2/2021						10	2020
Surcharge	Recycling	\$35.31	1/2/2021						10	2020
Surcharge	MN wtr fee	\$2.35	1/2/2021						10	2020
Surcharge	MN SWM tax	\$3.51	1/2/2021						10	2020
Surcharge	Henn SWM fee	\$5.58	1/2/2021						10	2020
Cur Charges		\$361.29	1/2/2021						10	2020
Total		\$1,064.25	1/2/2021						10	2020
Calculation Number 100074										
Calculation Number 100075										
Prev Bal		\$1,064.25							1	2021
Receipt		\$1,064.25	1/10/2021						1	2021
Cur Charges		\$0.00	3/31/2021						1	2021
Total		\$0.00	3/31/2021						1	2021
Calculation Number 100075										
Calculation Number 100076										
Prev Bal		\$0.00							7	2021
Cur Charges		\$0.00	7/1/2021						7	2021
Total		\$0.00	7/1/2021						7	2021

For 00-00005013-02-7 50 INTERLACHEN LN

FILTER: ([full Account number] = "000000501302") and ((([calculation number] = 100076) or ([calculation number] = 100075) or ([calculation number] = 91) or ([calculation number] = 100074) or ([calculation number] = 90) or ([calculation number] = 89) or ([calculation number] = 88) or ([calculation number] = 87) or ([calculation number] = 86) or ([calculation number] = 85) or ([calculation number] = 84) or ([calculation number] = 83) or ([calculation number] = 82) or ([calculation number] = 80) or ([calculation number] = 81) or ([calculation number] = 79) or ([calculation number] = 78) or ([calculation number] = 77) or ([calculation number] = 76) or ([calculation number] = 75) or ([calculation number] = 74) or ([calculation number] = 73) or ([calculation number] = 71) or ([calculation number] = 72) or ([calculation number] = 70))

REPORT NOTE - The average quarterly water usage for the previous owner was 84,000 gallons. It is our understanding that this resident was a frequent traveler and may not have been in the home full time.

From: [Musgjerd, Scott](#)
To: [Carol Spoerner](#)
Cc: [Kathy Laur](#)
Subject: RE: Water Bill
Date: Tuesday, July 20, 2021 9:58:20 AM
Attachments: [image005.png](#)
[image002.png](#)

Hi Carol,

I really appreciate your assistance with this. The city of Tonka Bay has been so nice to work with in our first few months living here.

I think your write up and notes look great. The only piece I would add (if you think it makes sense) is that I have been trying to figure this out almost every day for the last 3 months. I have had the water softener guy at our house 3 times (the problem first came to my attention when we were going through 3 bags of salt per week). I have had our pool people out here several times. The City of Tonka Bay has been here a couple times. We also had a plumber here. All of these people thought we probably had a broken or leaking pipe, but they were all perplexed at where it was coming from. Also, you will see that our water usage going forward is nowhere near what Q2 of 2021 and the beginning of Q3 was.

So, I was trying to do everything I could to stop this, Unfortunately it took us 3 months to figure it out.

I appreciate anything the city of Tonka Bay can do to help me with this water bill.

Thank you again!
Scott



Scott G. Musgjerd
Sr. Vice President/Sr. Portfolio Manager
Wayzata Wealth Management

UBS Financial Services, Inc
681 East Lake Street, Suite 354
Wayzata, MN 55391
Tel: 952-475-9473
Toll Free: 800-627-2463
Fax: 877-413-4447

www.ubs.com

From: Carol Spoerner <cspoerner@cityoftonkabay.net>
Sent: Tuesday, July 20, 2021 9:41 AM

To: Musgjerd, Scott <scott.musgjerd@ubs.com>
Cc: Kathy Laur <klaur@cityoftonkabay.net>
Subject: [External] RE: Water Bill

Hi Scott,

I am recommending that this matter go to city council for their decision on granting a partial credit for sewer usage in the upcoming bill for 2021 Quarter 3 (Jul-Sept) where the usage charges will appear.

I am attaching a copy of the 2021 Quarter3 preview bill of what the charges will be if there was no additional water usage until the end of the quarter, along with my notes. I have also attached the water usage for the previous owner. His average quarterly usage was approximately 84,000 gallons. I have no information on how large his household was for comparisons.

I will write up an agenda item for the next council meeting at 7 pm, on July 27th. This will still be a zoom meeting which you can easily join and make a statement, if you wish. These are the two items I am planning to use as backup to the memo for councils review. My question is whether you have anything additional you would like added as backup to this agenda memo.

Carol



Carol Spoerner
City Treasurer

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

952.474.7994
cspoerner@cityoftonkabay.net
www.cityoftonkabay.net

PLEASE NOTE: City Hall is open 7:00am - 5:30pm, Monday-Thursday.

This communication, along with any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the individual or entity to which this communication is addressed, you are hereby notified that any dissemination, distribution, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender immediately by return email and delete this message, along with any attachments, from your computer.
Thank you.

From: Musgjerd, Scott <scott.musgjerd@ubs.com>
Sent: Sunday, July 18, 2021 12:55 PM
To: info <info@cityoftonkabay.net>
Subject: Water Bill

Hello,

I've been working with Carol and Todd with our water usage. We've been trying to figure out why our water meter is running out of control. We believe we finally isolated the issue to the auto fill in our pool not working properly and now have shut that valve off. However, I think Carol said we have a \$4000+ water bill. I believe the pool overflow drain is not connected to the city sewer system. With that said, will the city work with me on this water bill to cut the cost down?

Thank you,
Scott



Scott G. Musgjerd

Sr. Vice President/Sr. Portfolio Manager
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MEMO

To Mayor and City Council
From Kathy Laur, City Administrator
Date July 13, 2021
Re Next "Steps" at Fire Lane #16

At the June 22, 2021, City Council meeting the hazardous condition of the granite stairs at fire lane #16 were discussed.

Public works was able to remove the stairs on June 23, without any issues.

Council decided to replace the stairs with rip rap only and requested more than one bid.

The cost to install 6 linear feet of rip rap where the stairs once were is:

- 1) Concept Landscaping = \$1,260.
- 2) Rock Solid Landscaping and Irrigation = \$8,000
- 3) All Day Builders = \$5,200

Attachments

Bids

Staff Recommendations

Replacing the stairs with rip rap.

Council Action Required

Motion to approve the bid from Concept Landscaping to do installation of rip rap at fire lane #16 for \$1,260.

PROPOSAL

Page No. _____

of _____

Pages _____

CONCEPT LANDSCAPING

PO Box 430
Mound, MN 55364
(952) 472-4118

PROPOSAL SUBMITTED TO CITY OF TONKA BAY		PHONE 952-474-2947	DATE 7-8-21
STREET 4901 MANITOU RD		JOB NAME	
CITY, STATE and ZIP CODE TONKA BAY, MN. 55331		JOB LOCATION MOUND AVE FIRELANE.	
ARCHITECT	DATE OF PLANS	JOB PHONE	

We hereby submit specifications and estimates for:

INSTALL 6 LIN FT OF RIP-RAP WHERE STAIRS USED TO BE IN FIRELANE. #1,260.00

***OPTION: INSTALL STAIRS & LANDING (TREATED& REMOVABLE) TO ACCESS WATER OVER RIP-RAP. INCLUDES HANDRAIL #2,320.00**

30% Down, 70% Each Week On Completed Items. Balance Day of Completion.

We Propose hereby to furnish material and labor – complete in accordance with above specifications, for the sum of:

Payment to be made as follows: _____ dollars (\$ _____).

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature _____

Note: this proposal may be withdrawn by us if not accepted within **10** days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____ Signature _____

ALL DAY BUILDERS

10 woodlawn ave
MN 55331

Estimate

Date	Estimate #
7/22/2021	1331

Name / Address
City of Tonka Bay Attn Robin Bowman

Project

Description	Qty	Rate	Total
Woodlawn ave Fire lane Steps to shoreline Apply for permit for shoreline repair. Add rock to match existing rocks at shoreline. Install 4 helical piers and attach aprox 7-8 steps to get to and from shoreline. All materials will be treated wood with hand rails on each side with baluster and a grab rail on one side. finishing aprox 36" wide and allowing for stairs to be removable for winter Site Work to be all above included and protection to lawns	1	5,200.00	5,200.00
Total			\$5,200.00

From: Jeff Davis <jeff@rocksolidmn.com>
Sent: Tuesday, July 20, 2021 12:35 PM
To: Robin Bowman <rbowman@cityoftonkabay.net>
Subject: Landscaping

Hi Robin,

I received your request for rip rap to replace the area where the steps were. My company has a minimum requirement of \$8,000 for landscaping projects and we do not take on any woodworking projects such as wooden steps. I'm thinking maybe your project would be too small for us, but I haven't seen it, so please let me know if I am mistaken.

--

Jeff Davis
Landscape Manager
Rock Solid Landscaping and Irrigation
Cell 612-390-8240
Office 763-398-0739



Memorandum

To: Honorable Mayor, City Council and Staff

From: Morgan Dawley, PE
Nick Preisler, PE
Tonka Bay City Engineer

Date: July 22, 2021

Re: Manitou Park Parking Lot Improvements
Accept Quotes and Award Construction Contract
WSB Project No. 01987-680

Quotes were solicited from contractors for parking lot improvements in Manitou Park. Below is a summary of the quotes received.

Contractor	Alternate 1	Alternate 2	Alternate 3
GMH Asphalt Corporation	\$150,637.90	\$168,100.70	\$115,241.20
Engineer's Estimate	\$153,779.00	\$174,979.00	\$116,107.00

Two additional quotes have been committed by separate contractors to be submitted following the completion of the Council packet and these will be included for consideration by City Council at the meeting.

Discussion:

Three different construction alternates were presented to contractors to allow for flexibility in Council consideration of project costs, watershed permitting requirements for increase of hardcover within the park, and compatibility with future Manitou Park improvements in accordance with implementation of the Manitou Park Master Plan as prepared by HKGi.

Alternate 1

- Expands parking to north in accordance with Master Plan
- 87 total parking stalls (79 existing): net increase of 8 stalls
- Removes southern most portion of existing parking lot and returns to turf until future phase Master Plan improvements are completed and ultimate parking lot expansion occurs to maximize parking
 - o Requires minimal stormwater management improvements (sump manhole) to meet Minnehaha Creek Watershed District (MCWD) permitting requirements, included in cost.
 - o Protects the capital investment at this time from future damage during construction activity related to Master Planning improvements in future phases. This area can be used to access the park with construction equipment without driving on the new pavement.
- Reclaims, recycles, and re-uses existing parking lot aggregate material for use in expansion at north end of lot, thereby reducing cost for the project.

- Allows for future modification of stormwater management to meet treatment requirements for all future Master Plan improvements, with a stormwater bmp to be constructed in the same location as identified in the Park Master Plan.

Alternate 2:

- Expands parking to north in accordance with Master Plan
- 106 total parking stalls (79 existing); net increase of 27 stalls
- Does not remove southern portion of existing lot but does replace and repave existing parking surface to existing limits.
 - o Requires more substantial stormwater management improvements (rain garden) to meet MCWD permitting requirements. If Alternate 2 is selected by Council, a raingarden will need to be installed at an additional \$5,000 to \$10,000 of cost to the project not included in this quote. This would be in the same location for stormwater management as identified in the Master Plan and can be expanded at a future date in the same general location to provide additional treatment capacity as will be needed to implement the final Master Plan vision for the park.
 - o New pavement installed in the southern-most portion of the parking lot at this time may be at risk for damage as future Master Plan improvements are completed.
- Reclaims, recycles, and re-uses existing parking lot material to reduce costs.

Alternate 3:

- Does not provide any expansion to the parking lot. New asphalt paving to the existing parking lot limits as it exists today only.
- 79 total parking stalls (79 existing); no net increase to parking
- Reclaims, recycles, and re-uses existing parking lot material to reduce costs.

Some minor miscellaneous work items have been discussed with Public Works as being able to be handled in-house by city staff, reducing costs for contracted activities, and are anticipated to include minor work such as the removal of timber bollards, tree work, signage installation, and minor concrete if needed.

Staff Recommendation:

We recommend that the City Council consider these quotes and alternates and award a contract for the Council-selected alternate based on the results of the quotes received.

Requested Action:

Accept quotes for the Manitou Park Parking Lot Improvements Project and award a construction contract for the Council-selected alternate.

City of Tonka Bay Memorandum

To: City Council Members
Kathy Laur, City Administrator

From: Thomas Ramler-Olson, Assistant City Planner
Nick Preisler, City Engineer

Date: July 22, 2021
City Council Regular Meeting July 27, 2021

Project: 017236-000, Phase 023

Request: Variance for an impervious cover amount in excess of the maximum allowed on residential lots: requesting an amount of 30.5 percent where the maximum is 25 percent
PID: 28-117-23-13-0012

ADDENDUM TO THE STAFF REPORT DATED NOVEMBER 16, 2020

On July 19, 2021, staff received a raingarden design from the property owners of 40 Willow Woods Drive where there currently is an unapproved impervious cover amount of 30.5 percent. The owners still have a pending request for a variance to exceed the maximum impervious cover amount of 25 percent originally made October 2020 and heard at the November 24, 2020 City Council meeting. At that meeting, the Council tabled consideration of the request to allow the property owners to address stormwater management requirements for requests to exceed the impervious cover amount.

In the memorandum dated November 16, 2020, staff recommended denial of the variance request because the applicants/property owners failed to identify practical difficulties to meeting the impervious cover standard described in Section 1070.11 Subdivision 1.a. Staff has reviewed the proposed raingarden design and determined that it would adequately treat the stormwater runoff generated by the excessive amount of impervious cover. However, the analysis of the variance request against statutory review criteria and city tests has not changed and the recommendation for denial of the request still stands.

City of Tonka Bay Memorandum

To: City Council Members
Kathy Laur, City Administrator

From: Thomas Ramler-Olson, Assistant City Planner
Nick Preisler, City Engineer

Date: November 16, 2020
City Council Regular Meeting November 24, 2020

Project: 015212-000, Phase 034

Request: Variance for an impervious cover amount in excess of the maximum allowed on residential lots: requesting an amount of 30.5 percent where the maximum is 25 percent
PID: 28-117-23-13-0012

RECOMMENDATION

Based on the findings of fact, staff recommends denial of the requested impervious cover amount of 30.5 percent to allow the bituminous surface in the area depicted on the application survey.

GENERAL INFORMATION

Applicant(s)/Owner(s): Jeff And Emily Uelmen

Subject Property: 40 Willow Woods Drive

Existing Land Use / Zoning: Single-family Residential; zoned R-1A

Surrounding Land Use / Zoning: North: Single-family Residential; zoned R-1A
West: Two Unit, Residential; zoned R-2A
South: Single-family Residential; zoned R-1A
East: Single-family Residential; zoned R-1A

Comprehensive Plan: The Tonka Bay 2018-2040 Comprehensive Plan guides this lot for Single-family Residential use.

Deadline for Agency Action:	Application Date:	October 15, 2020
	60 Days:	December 14, 2020
	Extension Letter Mailed:	N/A
	120 Days:	February 12, 2021

CONSIDERATIONS RELATED TO THE REQUEST

- Overview.** In June 2020, the applicants installed an unpermitted bituminous court with an area of 1,632 square feet in the rear of their property at 40 Willow Woods Drive. The property itself is 21,260 square feet in area and the hardcover amount minus the bituminous court is about 23 percent. With the bituminous court, the hardcover amount is 30.5 percent, which is the requested amount.

This request came about after a complaint from a neighbor that noticed the installation of the bituminous surface in the rear yard. City staff visited the property after receiving the complaint. Photos taken the day of the visit show that the surface was almost entirely installed at that point. Staff instructed the applicants to submit an application to have the project reviewed for conformance with the zoning code.

As stated in the documents submitted with the application, the applicants said that they installed the bituminous surface in their backyard because it would give their children a hard surface to play sports and other activities

Per Section 1070.11 Subdivision 2, eligibility for a variance to the impervious cover limit requires that the applicant submit a Stormwater Treatment Plan. The physical conditions of the property do not permit adequate treatment of the runoff from the requested excess impervious cover. So in the event that the request is approved, staff has drafted a condition that the applicant must agree to install a stormwater treatment system and enter into a stormwater facilities maintenance agreement (SFMA) with the City. That condition can be found on the last page of the staff report.

2. Ordinance Authority

SECTION 1070.11 IMPERVIOUS SURFACE COVERAGE; Subdivision 1; Subparagraph a states that the maximum impervious surface coverage for lots in all zoning districts within the Shoreland District is twenty-five (25) percent of the lot area.

SECTION 1070.11 IMPERVIOUS SURFACE COVERAGE; Subdivision 2 states that no person may be eligible for a variance from the requirements of this section in accordance with Minn. Stat. § 462.357, Subd. 6, unless they submit, as part of their variance application, a Stormwater Treatment Plan, which shall be reviewed by the City Engineer. The City Council shall review the proposed Stormwater Treatment Plan along with the recommendation of the City Engineer and shall determine whether the proposal provides a reasonable means of adequately treating the increased stormwater runoff expected to be created by the proposal. If the City Council approves a variance to the requirements of this section, the property owner shall also be required to enter into a stormwater facilities maintenance agreement with the City in a form approved by the City.

3. Variance Review Criteria

Statutory Criteria

1. *The request is in harmony with the general purpose and intent of this Ordinance.*

The purpose of the Shoreland District Ordinance is to reduce the effects of overcrowding, to prevent pollution of waters of the community, to minimize flood damages, to maintain property values and to maintain natural characteristics of shorelands and adjacent water areas by controlling lot sizes, placement of structures on lots, and alteration of shoreland. Limits to impervious cover promote this purpose, as do stormwater management practices. Therefore, offsetting the impact of the excess impervious cover with a stormwater treatment system on the property would maintain the request's harmony with the purpose and intent of the ordinance. **This criterion will be met with the installation of a stormwater treatment system designed to treat the runoff from the excess impervious cover amount.**

2. *The variance is consistent with the comprehensive plan.*

As communicated in the 2040 Comprehensive Plan, promoting the ecological and recreational health of the Lake and guarding the health, safety, and general welfare of residents are priorities of the City. For consistency with this priority, it is important to mitigate the deleterious impacts of impervious surfaces that contribute to sedimentation and pollution of the City's water bodies. **This criterion will be met with the installation of a stormwater treatment system designed to treat the runoff from the excess impervious cover amount.**

3. *The property in question meets the "practical difficulties" test:*

- a. *The property owner proposes to use the property in a reasonable manner.*

Providing spaces and amenities for entertainment and recreation for families is a reasonable use of a residential property. However, the impact of such a use must be balanced with the goals and policies of the City, particularly those related to maintaining the environmental integrity of the community and its natural assets. **This criterion will be**

met with the installation of stormwater treatment system designed to treat the runoff from the excess impervious cover amount.

- b. *There are unique circumstances to the property not created by the landowner.*

The applicants have not demonstrated that the property possesses unique characteristics that make it practically difficult to meet the limit on impervious cover. The subject property is over 20,000 square feet, the minimum lot area for the R-1A District. The bituminous surface contributes 1,632 square feet, or 8 percent, of impervious cover to the lot's requested amount of 6,476 square feet, or 30.5. If the bituminous surface were removed, the resulting impervious cover amount would be 4,844 square feet, or 23 percent, bringing the property into compliance with impervious cover standards. **Criterion not met.**

- c. *The variance will maintain the essential character of the locality.*

The requested impervious cover amount is not expected to compromise the essential character of the locality. **Criterion met.**

City Tests

1. *Will the variance impair an adequate supply of light and air to adjacent property?*

The variance will not impair an adequate supply of light and air to adjacent property. **Criterion met.**

2. *Will the variance unreasonably increase the congestion in the public street?*

The variance will not unreasonably increase the congestion in the public street. **Criterion met.**

3. *Will the variance increase the danger of fire or endanger the public safety?*

The variance will not increase the danger of fire or endanger the public safety. **Criterion met.**

4. *Will the variance unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of the zoning ordinance?*

This criterion will be met with the installation of a stormwater treatment system designed to treat the runoff from the excess hardcover amount.

4. Engineering Considerations:

The rear yard where the additional impervious surface was added slopes to the north and drains to the existing wetland. The additional runoff from the lot does not have adequate time to infiltrate or be treated naturally before reaching the wetland. Installation of a stormwater treatment system that is properly designed to treat the excess impervious surface will help mitigate the effects of the additional runoff.

POTENTIAL ACTION

- A) DIRECT STAFF TO PREPARE A RESOLUTION APPROVING THE REQUEST based on the Applicant's submittals and findings of fact.
- B) DIRECT STAFF TO PREPARE A RESOLUTION DENYING THE REQUEST based on the Applicant's submittals and findings of fact.
- C) TABLE THE ITEM and request additional information.

The 60-day review period for this application expires on December 14, 2020. If the Council fails to preliminarily approve or disapprove the request within the review period, the application is deemed preliminarily approved.

RECOMMENDATION

Based on the findings of fact in this report, staff recommends the following:

- Denial of the requested impervious cover amount of 30.5 percent to allow the bituminous surface in the area depicted on the application survey.

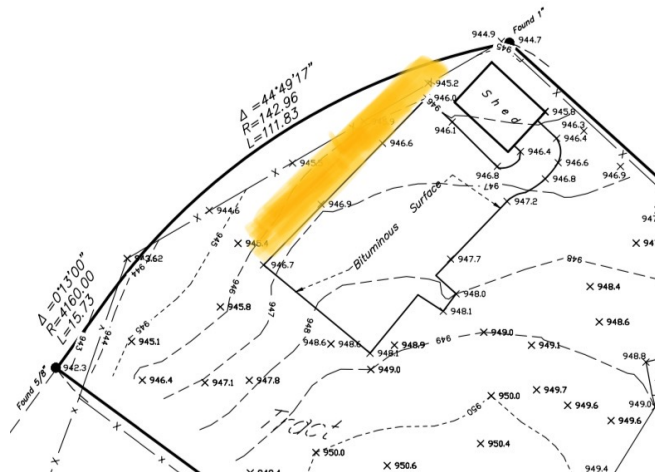
"I move that we direct staff to prepare a resolution of denial for the requested variance for an impervious cover amount of 30.5 percent at the property located at 40 Willow Woods Drive based on the findings of fact listed in the report.

- a. The applicants did not identify unique characteristics on the site that pose a practical difficulty to meeting the impervious cover limit."

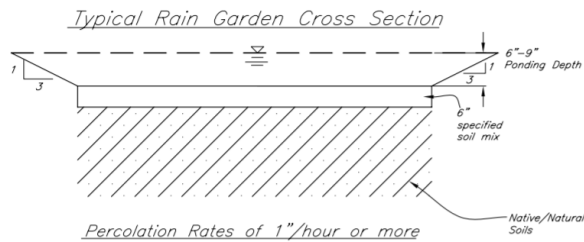
Recommendation Conditions, if the variance is approved

1. The applicants must obtain all other permits as may be required.
2. The applicants shall comply with all applicable federal, state, and local laws, rules and ordinances.
3. The applicants must adhere to and remain in compliance with the requirements of this Resolution, applicable performance standards, and such other requirements as may apply.
4. All conditions of this variance must be complied with, shall run with the land, and shall not in any way be affected by the subsequent sale, lease or other change from current ownership of the Property.
5. This Resolution is subject to the condition that all representations, written and oral, made by the applicants and its agents and representatives to the City contained in and concerning the applicants' application for the variance must have been true, complete, and accurate at the time they were made, and that they remain true and accurate for the duration of the variances.
6. By undertaking the activities approved by the request, the applicant agrees to all conditions.
7. The applicants must install a stormwater treatment system that treats the stormwater runoff created by the excess impervious cover amount, as approved by the City Engineer.
8. The applicants must enter into a Stormwater Facilities Maintenance Agreement and grant the City an easement over the facility.

Rain Garden
40 Willow Woods Dr
Tonka Bay, MN 55331



Lot size: 19,700 sq ft, (approx. 20,000)
 6.2% of 20,000 sq.ft is 1,240 sq. ft.
Pond volume: 1 inch x 1ft./12in. x 1240 sq. ft. = 103 cubic feet.



APPENDIX 7 · TYPICAL CROSS SECTIONS FOR INFILTRATION CELLS

Soil Type: Unknown

Clay is bad for drainage. We recommend you do a percolation test if below test fails, but you will have to wait for spring to for the soil to thaw. Tell the city we will do the test in the spring and adjust the design accordingly.

1. Dig a wide hole 10 inches deep and fill it with water.
2. If the water disappears within 48 hours, the site is suitable for a rain garden.
3. If your first site fails the 48-hour test, test the soil at other potential rain garden sites on your property

Design guide:

Proposed pond depth of 6-9 inches
 Rain guard will be on downhill side of basketball court and shed
6-inch deep pond could be 6 ft x 34.3 ft (206 sq. ft.)

CITY OF TONKA BAY

RESOLUTION 21-16

A RESOLUTION ESTABLISHING A NO PARKING ZONE ON CERTAIN PORTIONS OF LAKEVIEW AVENUE

WHEREAS, pursuant to Minnesota Statutes, sections 169.04 and 459.14, subd. 6, respectively, the City Council may establish parking regulations including but not limited to restrictions on the parking or standing of vehicles upon public streets; and

WHEREAS, Section 910.03 of the Tonka Bay City Code provides that the City Council may establish particular no parking or limited parking zones by resolution, provided that such no parking or limited parking zones are identified with appropriate signage; and

WHEREAS, the City Council has determined that the current conditions on portions of Lakeview Avenue present safety issues related to the parking of motor vehicles on the shoulder of the roadway given the width, condition, and typical daily traffic upon such roadways; and

WHEREAS, the City Council has determined that, based upon neighborhood complaints as well as staff recommendation, it is necessary to limit parking on certain portions of Lakeview Avenue to one side of the street to allow for the safe and efficient movement of motor vehicles; and

WHEREAS, based upon the information presented, the City Council hereby desires to establish a no parking zone on portions of Lakeview Avenue as specified herein.

NOW, THEREFORE, BE IT RESOLVED that the portion of Lakeview Avenue identified on the map attached as Exhibit A shall hereby be designated as no parking zones as identified on the map; and

BE IT FURTHER RESOLVED that City staff shall take all necessary steps in order to effectuate such no parking zone, including but not limited to installation of adequate signage to notify motorists of such parking restrictions; and

BE IT FINALLY RESOLVED that this resolution shall become effective upon affirmative vote of the City Council and subsequent installation of appropriate signage and the same shall continue until such time as it may be amended or rescinded by the City Council.

Adopted: July 27, 2021

Adam Jennings, Mayor

Attest:

Kathy Laur, City Administrator/Clerk

Exhibit A

No Parking Zone Map

*****To be added*****

CITY OF TONKA BAY

RESOLUTION 21-~~15~~16

A RESOLUTION ESTABLISHING A NO PARKING ZONE ON CERTAIN PORTIONS OF-
~~SUNRISE AVENUE AND~~ LAKEVIEW AVENUE

WHEREAS, pursuant to Minnesota Statutes, sections 169.04 and 459.14, subd. 6, respectively, the City Council may establish parking regulations including but not limited to restrictions on the parking or standing of vehicles upon public streets; and

WHEREAS, Section 910.03 of the Tonka Bay City Code provides that the City Council may establish particular no parking or limited parking zones by resolution, provided that such no parking or limited parking zones are identified with appropriate signage; and

WHEREAS, the City Council has determined that the current conditions on portions of Lakeview ~~Avenue and Sunrise~~ Avenue present safety issues related to the parking of motor vehicles on the shoulder of the roadway given the width, condition, and typical daily traffic upon such roadways; and

~~WHEREAS, the City Council conducted a public hearing on July 13, 2021, in order to gather public feedback on the need for parking restrictions on portions of Lakeview Avenue and Sunrise Avenue; and~~

WHEREAS, the City Council has determined that, based upon neighborhood complaints as well as staff recommendation, it is necessary to limit parking on certain portions of ~~Sunrise Avenue and~~ Lakeview Avenue to one side of the street ~~in order~~ to allow for the safe and efficient movement of motor vehicles; and

WHEREAS, based upon the information presented, the City Council hereby desires to establish a no parking zone on portions of Lakeview ~~Avenue and Sunrise~~ Avenue as specified herein.

NOW, THEREFORE, BE IT RESOLVED that the ~~portions~~portion of Lakeview Avenue ~~and Sunrise Avenue~~ identified on the map attached as Exhibit A shall hereby be designated as no parking zones ~~on the sides of the street~~as identified ~~in~~on the map; and

BE IT FURTHER RESOLVED that City staff shall take all necessary steps in order to effectuate such no parking zone, including but not limited to installation of adequate signage to notify motorists of such parking restrictions; and

BE IT FINALLY RESOLVED that this resolution shall become effective upon affirmative vote of the City Council and subsequent installation of appropriate signage and the same shall continue until such time as it may be amended or rescinded by the City Council.

Adopted: July ~~13~~27, 2021

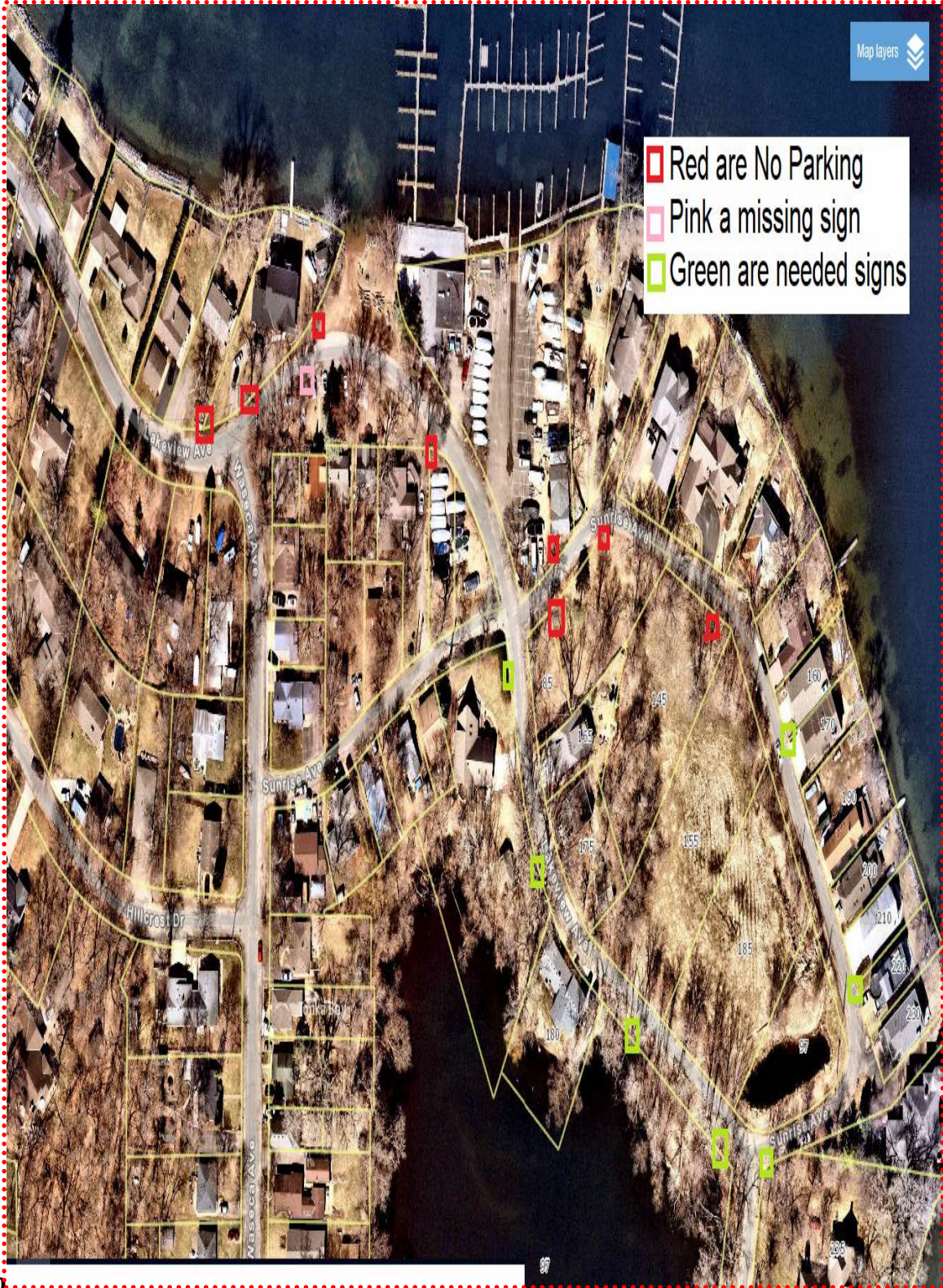
Adam Jennings, Mayor

Attest:

Kathy Laur, City Administrator/Clerk

Exhibit A

No Parking Zone



*****To be added*****

Document comparison by Workshare 10.0 on Thursday, July 22, 2021 3:31:10 PM

Input:	
Document 1 ID	PowerDocs://DOCSOPEN/731140/1
Description	DOCSOPEN-#731140-v1-No_Parking_Resolution
Document 2 ID	PowerDocs://DOCSOPEN/731140/2
Description	DOCSOPEN-#731140-v2-No_Parking_Resolution
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	7
Deletions	13
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	20

**Mayor Adam Jennings' Statement and Determination
Regarding Conducting Meetings by Telephone or Other Electronic Means**

As the Mayor of the City of Tonka Bay, Minnesota, I find as follows:

- a. On March 20, 2020, former Mayor Gary De La Vega determined that it was appropriate to allow remote public meetings in the City under Minnesota Statutes, section 13D.021 because holding meetings in-person was not prudent or practical, and it was not feasible to have any person at the regular meeting location due to the ongoing state and local emergency declarations related to the COVID-19 pandemic;
- b. To return to in-person meetings, the Mayor must make a new determination that meetings will no longer be conducted under Minnesota Statutes, section 13D.021;
- c. As of July 1, Governor Tim Walz has terminated almost all emergency restrictions related to COVID-19, including social distancing, mask wearing, and capacity restrictions, although the statewide emergency declared by the Governor remains in place in order to wind down certain emergency measures;
- d. The City may continue to allow members of the public and members of the City Council and all of its boards, committees, subcommittees, and commissions to participate remotely during in-person public meetings as permitted by law, including under Minnesota Statutes, section 13D.02.

Based on the above findings, I determine as follows:

1. Former Mayor De La Vega's Statement and Determination Regarding Conducting Meetings by Telephone or Other Electronic Means dated March 20, 2020 is hereby rescinded as of July 27, 2021 at 11:59pm.
2. As of July 27, 2021, all meetings of the City Council and its boards, committees, subcommittees, and commissions shall be conducted in-person, allowing for remote participation as permitted by law, including under Minnesota Statutes, section 13D.02.

Dated this ____ day of _____, 2021.

Adam Jennings
Mayor, City of Tonka Bay

CITY OF TONKA BAY, MINNESOTA

RESOLUTION 21-18

**A RESOLUTION TERMINATING THE LOCAL EMERGENCY
RELATED TO COVID-19**

WHEREAS, on March 25, 2020, former Mayor Gary De La Vega issued Mayoral Declaration 2020-1 declaring a local emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 25, 2020, the City Council exercised its authority under Minnesota Statutes, section 12.29 to adopt Resolution No. 20-20 to extend the local emergency “until further action of the City Council”; and

WHEREAS, as of July 1, 2021, Governor Walz terminated almost all emergency restrictions and regulations related to COVID-19, including social distancing, mask wearing, and capacity restrictions, although the statewide emergency declared by the Governor remains in place in order to wind down certain emergency measures; and

WHEREAS, the City Council finds and determines as follows:

- a. The declaration of a local emergency allows a city to implement local emergency operations plans and to access certain emergency powers to meet, enter into contracts, and raise funds without having to follow typical procedures to allow it to rapidly respond to the emergency;
- b. The initial uncertainties associated with the pandemic, the potential need for a local emergency response, and the possibility a local declaration would be required to be eligible for federal or state relief funds made the declaration of a local emergency appropriate;
- c. Given that the local emergency related to the pandemic has extended for more than one year, the need for a rapid response using emergency powers is no longer necessary and the City has learned how to continue its work without having to rely on emergency plans or the exercise of emergency powers;
- d. The City will remain bound by the statewide emergency and the Governor’s emergency orders regardless of whether a local emergency remains in place;
- e. While the pandemic remains a public health risk, the increased availability of vaccines has caused the number and severity of cases to continue to drop; and
- f. It is no longer necessary to continue the local emergency because the City can and will continue to respond to the pandemic without having to rely on local emergency operations plans or emergency powers.

NOW, THEREFORE, BE IT RESOLVED BY THE TONKA BAY CITY COUNCIL
as follows:

1. The local emergency declared by Mayoral Declaration No. 2020-1 on March 25, 2020 and extended on March 25, 2020 by City Council Resolution No. 20-20 is terminated, effective immediately.
2. Resolution No. 20-20 is repealed immediately.
3. The City shall continue its work to resume normal operations as soon as possible and in compliance with the state's diminishing COVID-19 restrictions.
4. This Resolution will be given prompt and general publicity and filed in accordance with Minnesota Statutes, section 12.29.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TONKA
BAY THIS 27th DAY OF JULY 2021.**

Adam Jennings, Mayor

Attest:

Kathy Laur, City Administrator

To: Tonka Bay City Staff and Council

I am requesting that the City of Tonka Bay provide guidance and enforcement in the ongoing dispute regarding the tree line on the property line between my residence at 100 West Point Road and the residence of Mark Niforopulos, at 15 Fairhope Avenue.

For your reference, in October 2020, I contacted Kathy Laur about concerning my neighbor Mark's trees on our common lot line. These trees, eleven huge arborvitaes, range in size from 30 - 45 feet high to 8 – 12 feet wide, (except for those in the middle, which he planted approximately five or six years ago and are shorter, but even those are about 20 feet high). The trees act as a completely opaque hedge that significantly blocks both my first- floor view and my second-floor view to the lake, and they are a nuisance when we are on the lakeside patio. They decrease the property value and create extra weeds, ground brush on my lawn. The tops hang over onto my property.

In October 2020, after Kathy's site visit, the city determined that Mark's tree line was in violation of the City Code Section 1011.05 Subd 2b (d) Visually Impairing Elements (see highlighted language in section below). Kathy sent a letter to him regarding the 15 Fairhope tree line, dated October 13, 2020. She also took pictures and fully supported my position that they block my view in violation of the city code.

Days later, Kathy informed me that the City had decided to rescind the violation. I was not given any legal reason and was only told that Mark was "extremely nice" (repeated several times) and that he had promised Kathy he would "trim them back in the spring." She further stated that Mark had told her the tree line has existed in its current form for approximately twenty years (which is untrue, as I explain below). There was only a conversation with Mark that reversed the violation. Nor any legal point of view, reference or advice from the City Attorney or City Planner at this point, which came later. She also advised me that Tonka Bay prefers that its residents try to work out property disputes between themselves. What could have changed the city's position so drastically over the course of a few days?

I have asked Mark on two occasions, 12/4/2020 and 12/22/2020, in email exchanges to work out a settlement and he refused on 3/15/2021. As you will see from the email correspondence in Attachment A, we are at a total impasse, while he benefits from his ongoing delay and refusal to remediate this obvious violation of the city code.

Currently, I need the following from the City of Tonka Bay:

1. An explanation of the correct and accurate legal interpretation of the City Ordinance; specifically, what is the average setback (highlighted in yellow below) as it pertains to the lot line in question?

2. An inspection and review of the newly planted trees in the side yard wall/planter. They are in violation of the required 5-foot setback from the property line, and they are well over 6 feet in height including the newly constructed wall. In addition, according to my records and my measurements, it appears that the new wall could be 7 – 9” onto my property. I would like the city to inspect the new wall.
3. Following a finding of ordinance violations, a prompt intervention to enforce the code equally for all city landowners/taxpayers, or a written explanation of reasons for failing or refusing to do so.

Please let me know if we could meet in person on site to review the lot line and discuss my concerns at your earliest convenience. I am available to meet at my property, 100 West Point Road.

Dolly Lowery
Lowerymn@yahoo.com
612.859.4509

ATTACHMENT A

I have included all the communications in the attached timeline document. I'd like to refer you to the following main issues.

1. Mark stated that the tree line had been there for 20 years. He provided a picture to Kathy that is 20 years old; however, the trees in those pictures are **Pine Trees**, so that is not an accurate statement. **They are not the current Arborvitae**. Furthermore, the Pine Trees in the old picture across his land back towards the other waterfront, not down the current property line. I think she was led to believe that the picture was current. It is an old picture with Pointed Pine Trees. The current trees are not 20 years old and they have not been in that in position. The whole middle section has been newly planted within the past five – six years.
2. I asked for clarification on the Ordinance several times. Kathy contacted the city attorney, who told her he would have to look further into it. She indicated that the city attorney and city planner disagreed on the issue. The City Attorney said it would be helpful to look back at the ordinance that was dated prior to 2016. Did 15 Fairhope get a fence permit when they planted the new trees?
3. The VIE City Code states: "OR b. the average setback of the two adjacent riparian principal structures on either side of the parcel." I was refused an appropriate explanation on why the city is not applying the ordinance as stated and what is the average setback of the two adjacent riparian principal structures.
4. I would like the City to review the (side yard). He now has newly planted trees, that I believe are in violation of ordinance. There was nothing there before on the property line. These were planted in October 2020. They are nine of these. The new wall is approximately 3 feet tall and the new trees are 5 – 7 feet tall. There is a new Arborvitae, that was not there before as well.
5. The city has not to date provided me with any reasonable help or explanation. The last email that I received from the city said that the ordinance would not be enforced, it was a moot point because he didn't "intend" on violating it. Email dated 12/2/2020.

Visually Impairing Elements (VIE). 1. No person shall cause to exist, or shall maintain, any Visually Impairing Element which includes: a. An area consisting of five feet from a property line and within 50 feet of the ordinary high-water level or b. The average setback of the two adjacent riparian principal structures on either side of a parcel. 2. All property owners within the City shall be required to, within these areas, maintain all privately planted vegetation. VIE shall be restricted according to the location as follows: a) Front yard: VIE in the front (lakeside) yard between the shoreline and the greater of the building line of the house or fifty (50) feet, shall be no more than three (3) feet in height. VIE located within the buildable area of the lot and at least fifty (50) feet from the shoreline may be up to six (6) feet in height. b) Side yards: six (6) feet maximum. c) Rear yard: four (4) feet maximum. For riparian lots whose rear yards face County Road 19 (Manitou Road) rear yard VIE may be constructed to a maximum of six (6)

feet. 3. Failure to comply with this section shall constitute a public nuisance pursuant to Tonka Bay City Code Section 1130 and Minn. Statute 609.74

Overview

New trees on the left with a new retaining wall and old trees on the right.



Old Trees



Old trees; block our second-floor view as well.





These are 9 new trees planted above a retaining wall. And another Arborvitae. I am asking for a review of the new trees, the position of the wall and that this be in accordance with the the City Ordinance.

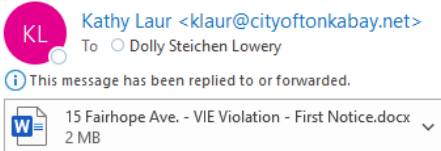


Picture supplied by Mark claiming he has had these trees for 20 years. These trees are Pine Trees. These trees go across his yard, back toward the other shoreline. It also has my shoreline with the old cinder block. This is not the current set of Arborvitae's.

Summary Timeline and Appendix of documents and emails

1. I contacted the City and explained my issue and Kathy Laur came out to my house. I sent her pictures on October 7th, 2020
2. Kathy visited my house on October 13, 2020 and took pictures.
3. Kathy issued letter to Mark – 10/13/2020

15 Fairhope Ave.



Dolly,

Attached is the letter I will be mailing out to your neighbor with photos.

I hope we will be able to accomplish something without a lot of pushback.

Sincerely,



Kathy Laur
City Administrator

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

952.474.7994
klaur@cityoftonkabay.net
www.cityoftonkabay.net

PLEASE NOTE: City Hall is open 7:00am - 5:30pm, Monday-Thursday.

Letter Attached in the appendix

4. Kathy talked to Mark on the phone on 10/19/2020. She indicated that he was very nice several times in the conversation. Kathy was going to let him keep his trees as is and that he promised to do something with them in the spring.
 - Indicated that Mark was VERY nice
 - 20 year history of having the tree line
 - Mark supplied her with a picture indicating that he had them for 20 years. The picture that he gave her is Pine Trees, not the current Aborvitae's. The pine trees, see picture attached, are sloping back towards Mark's yard, not at the property line.
 - Kathy – contacted the City Attorney. He was not sure, missing some facts to the dates if he needed a fence permit and he would have to look into it further.
5. Email from Kathy October 20th, Mark assured her to cut them back in the spring. Copied me with the City Attorney's email.
6. November 24th, Kathy Laur emailed me that the City Attorney and the City Planner were in conflict and they disagreed upon something.

7. December 2, 2020 Kathy Laur sent me an email that the city wasn't going to do anything. I could hire my own attorney. They were not going to help me interpret the ordinance. The ordinance was a "moot point" because he had "no intention of blocking my view".
8. Dolly approached Mark 1st letter
Letter to Mark 12/4/2020
See below.
9. Dolly sent second email 12/22/2020 see below.
10. Mark responded. 3/15/2021 see below.

APPENDIX of Emails and Letters

Kathy's Letter dated 10/13/2020

October 13, 2020

Mark Niforopulos

15 Fairhope Ave.

Tonka Bay, MN 55331

Dear Mark,

I am contacting you because, based on information available to the City, you are the owner of the property located at 15 Fairhope Ave. in the City of Tonka Bay (the "Property"). It has come to the City's attention that a retaining wall and arborvitae were installed on your property. While installing a retaining wall four feet or less does not require a permit, the arborvitae you planted will impede your neighbors to the east a view of the lake. The existing arborvitae north of the retaining wall are in violation of City Code Section 1011.05 Subd. 2b (d) Visually Impairing Elements. *It is illegal to plant and maintain any Visually-Impairing Elements within a 5-foot distance from the property line at a height greater than 3 feet.*

The City requires that you cut down the arborvitae north of the retaining wall so it doesn't obstruct the view of your neighbors. Please see enclosed photo.

These violations constitute a public nuisance as laid out in Section 1130 of City Code and can result in fines for the property owner.

Thank you in advance for your cooperation in addressing this issue and bringing your property into compliance with Section 1011 of City Code within 14 days (October 27, 2020) of the date of this letter.

Sincerely,

Kathy Laur

City Administrator

klaur@cityoftonkabay.net

Email sent from Kathy to Dolly October 19th 12:20

On what basis is the letter rescinded without talking to the City Attorney? He was not informed or brought into the issue until later that day, October 19th at 4:06.

I spoke with Mark this morning. He has assured me he will address the really large arborvitae in the spring. He also told me he would be speaking with you regarding some reasonable options. Hopefully, you both can come to some kind of compromise.

Thanks,



Kathy Laur

City Administrator

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

952.474.7994

klaur@cityoftonkabay.net

www.cityoftonkabay.net

PLEASE NOTE: City Hall is open 7:00am - 5:30pm, Monday-Thursday.

From: Dolly Steichen Lowery <lowerymn@yahoo.com>

Sent: Monday, October 19, 2020 11:16 AM

To: Kathy Laur <klaur@cityoftonkabay.net>

Subject: Re: 15 Fairhope Ave.

Hi Kathy,

Thank you very much. What is the city ordinance on the new trees? We had talked about including them and then I would discuss with him. Just curious if I need an understanding on those.

Thanks again. This stuff makes me nervous, but we deserve to have our property rights respected at the same time.

Dolly

On Oct 13, 2020, at 1:41 PM, Kathy Laur <klaur@cityoftonkabay.net> wrote:

Dolly,

Attached is the letter I will be mailing out to your neighbor with photos.

I hope we will be able to accomplish something without a lot of pushback.

Sincerely,

<image001.jpg>

Kathy Laur

City Administrator

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

952.474.7994

klaur@cityoftonkabay.net

www.cityoftonkabay.net

October 21, 2020 7:20 AM

Trees at 15 Fairhope – Summary

Dolly,

Here is the ordinance regarding blocking your view of the lake:

Visually-Impairing Elements (VIE). 1. No person shall cause to exist, or shall maintain, any Visually-Impairing Element which includes: a. An area consisting of five feet from a property line and within 50 feet of the ordinary high water level or b. The average setback of the two adjacent riparian principal structures on either side of a parcel. 2. All property owners within the City shall be required to, within these areas, maintain all privately-planted vegetation. VIE shall be restricted according to the location as follows: a) Front yard: VIE in the front (lakeside) yard between the shoreline and the greater of the building line of the house or fifty (50) feet, shall be no more than three (3) feet in height. VIE located within the buildable area of the lot and at least fifty (50) feet from the shoreline may be up to six (6) feet in height. b) Side yards: six (6) feet maximum. c) Rear yard: four (4) feet maximum. For riparian lots whose rear yards face County Road 19 (Manitou Road) rear yard VIE may be constructed to a maximum of six (6) feet. 3. Failure to comply with this section shall constitute a public nuisance pursuant to Tonka Bay City Code Section 1130 and Minn. Statute 609.74

The city doesn't have a tree planting ordinance.



Kathy Laur

City Administrator

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www.cityoftonkabay.net

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From: Dolly Steichen Lowery <Lowerymn@yahoo.com>

Sent: Tuesday, October 20, 2020 1:03 PM

To: Kathy Laur <klaur@cityoftonkabay.net>

Subject: RE: VIE issue

Hi Kathy,

Thanks for your message. Yes, from my perspective the trees 20 years ago were likely four feet tall and 1-2 feet wide, today they are 30 feet tall and 10 – 12 feet wide and it wasn't until the recent last 4 years that they have gotten very large. There are four new ones in the middle from more recent years.

Knowing that I don't want to run into the same issue with the new trees, could you let me know what the ordinance is on the new trees?

I'll have to review Andrew's message below, not sure I understand it all correctly. I just tried calling you, so hopefully we can talk today.

Thanks,

Dolly

From: Kathy Laur <klaur@cityoftonkabay.net>

Sent: Tuesday, October 20, 2020 9:24 AM

To: Dolly Steichen Lowery <lowerymn@yahoo.com>

Subject: FW: VIE issue

Dolly,

Because your situation is unique in that you haven't brought the issue of the arborvitae blocking your view to the city in 20+ years, I asked the city attorney to chime in. His email is below.

Mark has agreed to cut them back and groom them down in the spring. I know you'd prefer that to happen sooner, but I'd like to give Mark a chance to take care of the matter himself. He has assured me he would. The city will not pursue a public nuisance action against him.

Sincerely,



Kathy Laur

City Administrator

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

952.474.7994

klaur@cityoftonkabay.net

www.cityoftonkabay.net

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From: Biggerstaff, Andrew M.

Sent: Tuesday, October 20, 2020 8:54 AM

To: Kathy Laur <klaur@cityoftonkabay.net>

Subject: Re: VIE issue

Kathy,

I think the question would boil down to whether the trees constitute a lawful non-conforming use. The current VIE regulations are only a few years old and were put in place shortly after I began as city attorney. Previously, the city had regulated these things as fences, and I believe required people to get a fence permit for any vegetation that was essentially in an area where it could block views. I don't have a good recollection of that because I was never involved with having to administer it, so I'm just going off memory. It might be helpful to look back at old versions of the ordinance, probably pre-2016, to get a better handle on what that process used to look like.

I suspect your intuition is probably correct if they are large trees. Assuming my memory is correct and a fence permit was needed, if the owner (or previous owner) failed to get the necessary approvals then the trees would arguably be an illegal non-conformity, so they would not be allowed to stay. That is also dependent on whether the trees predated that ordinance, another fact I don't have.

In my opinion this is largely a private dispute, although I acknowledge the city's historic policy of protecting views. That being said, I think that if the complaining party were to bring an action related to this, presumably as a private nuisance, a judge may be inclined to conclude that failing to bring the complaint for the last 20 years was a bar to making it now (otherwise known as the doctrine of laches). That could also come up as a defense if the City were to move forward with a public nuisance action.

Like I said, I think that your instinct is probably right, but I'd have to investigate more to confirm that.

Let me know if you'd like to discuss in more detail.

Andrew

From: Kathy Laur <klaur@cityoftonkabay.net>

Date: Monday, October 19, 2020 at 4:06 PM

To: "Biggerstaff, Andrew M." <ABiggerstaff@Kennedy-Graven.com>

Subject: VIE issue

Andrew,

I have a resident who complained about her neighbors arborvitae. I went out there to take a look. They are blocking her view of the lake. However, the trees have been there for over 20 years and she is just now complaining about her view. Is there anything that can be done now?

Thanks,



Kathy Laur

City Administrator

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952.474.7994

klaur@cityoftonkabay.net

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EMAIL Dated 12/2/2020 from Kathy to dolly

Dolly,

I'm not sure the city can help you with this matter.

I've spoken with the City Planner and the City Attorney. 15 Fairhope is not in violation of the VIE ordinance. The trees planted do not constitute a VIE given the way the ordinance is defined. This isn't what you want to hear and I understand that. But city staff isn't going to investigate it any further. If you want to pursue a private cause of action, you'll need to investigate that on your own with your own attorney. The technicalities of the ordinance, i.e. how you calculate setbacks is a moot point as the trees were not intentionally planted to block your view and they are more than 50 feet from the ordinary high water mark.

Regards,



Kathy Laur

City Administrator

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952.474.7994

klaur@cityoftonkabay.net

www.cityoftonkabay.net

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From: Dolly Steichen Lowery <Lowerymn@yahoo.com>

Sent: Wednesday, December 2, 2020 2:44 PM

To: Kathy Laur <klaur@cityoftonkabay.net>

Subject: RE: 15 Fairhope

Hi Kathy,

I wanted to check in, did the city planner let you know additional information? Could we talk tomorrow?

Thank you.

-Dolly

From: Kathy Laur <klaur@cityoftonkabay.net>
Sent: Wednesday, November 25, 2020 10:15 AM
To: Dolly Steichen Lowery <Lowerymn@yahoo.com>
Subject: Re: 15 Fairhope

I'm off until Monday. We can touch base next week. Have a Happy Thanksgiving!

Get [Outlook for iOS](#)

From: Dolly Steichen Lowery <Lowerymn@yahoo.com>
Sent: Tuesday, November 24, 2020 3:43:00 PM
To: Kathy Laur <klaur@cityoftonkabay.net>
Subject: RE: 15 Fairhope

Hi Kathy,

Thank you. We can talk tomorrow or Friday or next week Monday. I had another question for you, but it can wait. Have a good meeting tonight and Thanksgiving.

Dolly

From: Kathy Laur <klaur@cityoftonkabay.net>
Sent: Tuesday, November 24, 2020 3:09 PM
To: Dolly Steichen Lowery <Lowerymn@yahoo.com>
Subject: 15 Fairhope

Hello Dolly,

I heard back from the City Planner and the information he provided me seems to conflict somewhat with what the city attorney told me. I'm working on getting that straightened out as I type this. I really appreciate your patience.

Thank you!!



Kathy Laur
City Administrator

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Emails between Mark and Dolly

Sent to Mark on 12/4/2020

Hi Mark,

Sorry I didn't get back to you earlier, but it has taken me some time to review and consider my rights as a property owner as well as come up with a reasonable compromise that I hope we can both live with.

I appreciate your asking me what I would like to see you do with your landscaping on our lot line. Although I really do not like the new wall (I was quite surprised by the length and height of it as well as the placement of it right on our lot line) and arbor vitae that you recently added after I agreed to let you remove the lilacs and other shrubbery that were there, I realize you have likely put a lot of money into building and landscaping it. As a compromise, I could agree to leave the wall as it is, subject to your agreement to my proposal below.

Because the old arbor vitae block a majority of my lake view corridor, and because I do not believe they could be trimmed back and down in any attractive way, I would ask that you to remove all of the arbor vitae north of the wall (including the new smaller arbor vita/pine planted in the ground immediately north of the wall). The existing arbor vitae are overgrown, uneven, and unsightly (not to mention in violation of the city ordinance based on their height and placement, in my opinion). I would agree to your replacing the old arbor vitae with something like a box hedge or another planting that could be maintained at three feet or less, with my reasonable approval of your choice of plant(s).

As I believe you now realize from your visit, when we are in our house, we look directly at those trees and for us, the arbor vitae not only block what could be a really nice view of the lake from our living area, they feel very inhibiting. I would also suggest that, in my opinion, you might consider that they are not really consistent with the more formal and manicured hardscaping and landscaping you have added in the past few years (including the new wall).

At some point I will be selling my house. It's clear to me that the current row of arbor vitae, especially those beyond the new wall extending out toward the lake, will de-value my property. I know you've recently had some trimming work done and clean-up of the underlying ground brush, which I would say I appreciate, but I can't see any difference, especially on the height of the trees.

Please let me know your thoughts.

Dolly

Sent on 12/22/2020

Hi Mark,

I haven't seen an email from you. I just wanted to make sure you saw mine below. I was wondering if you are planning to propose something.

Please let me know. Thank you.

Dolly

From: Dolly Steichen Lowery <lowerymn@yahoo.com>

Sent: Friday, December 4, 2020 5:58 PM

To: Mark N <mark@finmn.com>

Subject: Fwd: 15 Fairhope Ave

Mark,

I was responding to your request in your November 10th email below that I let you know “specifically what [I] would like to see done on the property line.” What I outlined in my earlier email was exactly that, and I felt it did include a compromise on my part.

Please let me know what you would propose instead.

Dolly

From: Mark N <mark@finmn.com>

Sent: Friday, December 4, 2020 4:01 PM

To: Dolly Steichen Lowery <Lowerymn@yahoo.com>

Subject: Re: 15 Fairhope Ave

Dolly this is not much of a compromise, you are asking me to remove a line of trees that have been on this property for some 40 plus years... I am not interested in losing the privacy I have had on my property since I purchased it.

Mark

Response from Mark 3/15/2021

Dolly, I thought I would have some ideas on how to resolve this issue during the last few months but have not come up with much. You asked me to remove a tree line that has been in place prior to either of us owning our properties. I have maintained this tree line over the years and replaced large pines with arborvitae, which keeps the original tree line, but reduces the encroachment the pines had on your property, This second set of pines, near the house, had grown too big and lost their branches on the lower portion of your side. They were very difficult to maintain the undergrowth from my side of the property and that was the driving force to build the retaining wall and plant the skinnier, low-maintenance arborvitae. I believed I was helping us both with this last project, making both of properties easier to maintain, improving the appearance, and controlling any water run off by diverting it back onto my property.

I plan on keeping my original properties attributes, pine / arborvitae tree lines on both sides of my property. Removing the tree line does not seem like a compromise and would defeat the purpose of the privacy and property value that attracted me to this home when I purchased it.

This is a list of items I hope to work on in 2021:

- Remove all wood next to my detached garage, if you want to still remove the metal fence
- Install 24" tall fence along property line between last arborvitae and lake

I do want to have a reasonable resolution to the issue and open to other ideas.

Mark

On Wed, May 5, 2021, 7:00 AM Dolly Lowery
<dolly.lowery@kinuu.com> wrote:

Mark,

I sent this to the city yesterday. I meant to copy you on it.

Dolly

From: Dolly Lowery

Sent: Tuesday, May 4, 2021 8:19 PM

To: 'Kathy Laur' <klaur@cityoftonkabay.net>; 'abiggerstaff@kennedy-graven.com' <abiggerstaff@kennedy-graven.com>

Cc: 'adamtonkabay@gmail.com' <adamtonkabay@gmail.com>; 'kristintonkabay01@gmail.com'

<kristintonkabay01@gmail.com>; 'andersontonka@gmail.com' <andersontonka@gmail.com>;

'tonkabay.tim@gmail.com' <tonkabay.tim@gmail.com>; 'tonkabaywillis@gmail.com' <tonkabaywillis@gmail.com>

Subject: Tree line on property and City Ordinance review

To: Tonka Bay City Staff and Council

I am requesting that the City of Tonka Bay provide guidance and enforcement in the ongoing dispute regarding the tree line on the property line between my residence at 100 West Point Road and the residence of Mark Niforopulos, 15 Fairhope Avenue.

For your reference, in October 2020, I contacted Kathy Laur about concerning my neighbor Mark's trees on our common lot line. These trees, eleven huge arborvitae, range in size from 30 - 45 feet high to 8 - 12 feet wide, (except for those in the middle, which he planted approximately five or six years ago and are shorter, but even those are about 20 feet high). The trees act as a completely opaque hedge that significantly blocks both my first-floor view and my second-floor view to the lake, and they are a nuisance when we are on the lakeside patio. They decrease the property value and create extra weeds, ground brush and maintenance issues.

ETC...

Mark's response dated Wed 5/5/2021 10:39 AM

Dolly, I appreciate you forwarding the communication. Kathy I apologize for the city having to spend time on this, if I knew this project would have led to this I never would have touched it.

Kathy, I understand Dolly is concerned with two things and wanted to make sure I communicate my thoughts.

First - The large arborvitae that are currently in place were put in about twenty years ago with a large tree spade with approved access from the Lowery's through the Lowery's yard and were about 15 feet tall at the time of planting. The arborvitae replaced pines that were 30 plus feet tall that were half on the Lowery property. The arborvitae were not planted, as stated in Dolly's October 20th email, "four feet tall and 1-2 feet wide". The arborvitae were full size transplants placed 100% on my property not to encroach on the Lowery's property and in 20 years a couple have grown slightly over the property line and I will work with my landscaper to trim them back over the next couple years not to create dead spots. The large arborvitae have been trimmed twice last fall and will be trimmed again this fall.

Second - The retaining wall and arborvitae update last year, the goal of this project was to maintain the privacy we have had between our homes but to simplify the property line maintenance. The primary issue on the property line was weeds and small tree growth under the pines on the property line. The pines that had been on the property line, where the retaining wall was placed, were very healthy and over 30 feet tall but had lost all the lower branches on the Lowery's side due to driving into them with a lawnmower over the years this allowed weeds and small trees to grow and I was unable to manage them from my side without crawling under the trees from my side or accessing it from their property. The second issue addressed was to manage water accumulation between our homes, this area has always been a bit soft. By installing the retaining wall it holds the water on my property and rolls it down into my yard.

Dolly, you have implied that your property value would be increased if I removed this tree line, I do not think I should change the characteristics of my yard to allow you a financial gain. This tree line has been in place for long before we owned this property and is used by a countless number of birds and wildlife not to mention privacy to my property. You have never brought anything to my attention when I replaced the large pines with full size arborvitae twenty some years ago, nor when I had all the small trees and undergrowth removed between your detached garage and Fairhope, and no mention of the large lilac that you wanted removed during this currant retaining wall / arborvitae project. I spoke with you prior to doing this project and even had markers out on the property line 3 months prior to them doing the current project. Dolly if you want I can go back to pines on the property line, as it was day one when we each acquired our properties, they will grow much higher and wider than what is currently in place.

I do hope to have settlement on this issue soon,

Mark Niforopulos

LAST Round – Read from the bottom up

Dolly, I'm replacing a sprinkler head.

Mark Niforopulos
General Manager
St. Boni Motor Sports
Minneapolis Motor Sports
T- 952-446-1554 ext. 1050
T- 763-634-0244 ext. 2050
mark@motorsportsmn.com
www.motorsportsmn.com

On Mon, Jul 12, 2021, 4:31 PM Dolly Lowery
<dolly.lowery@kinuu.com> wrote:

Mark,

I had asked you to work out a solution a few months ago by the email below. I am concerned over what you are digging now down by lake. I think putting something down there may be out of compliance with the existing code and in the spirit of working out a compromise, this would severely impact my view. Can you we get together this week. Do you have a sketch. I'd like to work out something, if possible. Let me know.

Dolly

From: Dolly Lowery
Sent: Wednesday, May 26, 2021 10:04 PM
To: Mark N <mark@finmn.com>
Subject: RE: 15 Fairhope Ave

Hi Mark,

Thanks for the heads up, I did talk to Matt at LMCD and I understand the issue. Concerning our property, I appreciate your proposal. I'd like to understand it better and I believe it would be good to settle this privately if we can. I have some questions, could you please provide me a drawing of what you are proposing, including where existing trees would be removed and others moved or added, a simple sketch by you would be fine. In addition, please include an image or drawing of the fence design you are proposing on your side of the property line, no taller than 24 inches.

Dolly

From: Mark N <mark@finmn.com>
Sent: Monday, May 17, 2021 6:47 PM
To: Dolly Lowery <dolly.lowery@kinuu.com>
Subject: 15 Fairhope Ave

Dolly, a couple items I would like to discuss with you.

First, would it be possible for you to reach out to Matt at the LMCD? I don't know if you are aware of this but your dock is not installed inside your dock rights area. He can explain much better than I, and can be reached during business hours at 952-745-0789. I am open to talking about you leaving it in the current location but we need to have that discussion and if you would rather not talk to me you will need to acquire an easement for the current dock location. If you speak to the LMCD let me know when you have time to talk. If I do not hear from you by the end of the May I will ask them to get involved and reach out to you.

Second, I am willing to remove the four (4) most northern arborvitae if you agree to the following.

- 1- I would like to install a fence on my side of the property line from the most northern arborvitae to the lake no taller than 24" .
- 2- I would like to plant a pine were the purple maple I installed last fall is, I am guessing it is around 12 feet inside the property line, this would cover my view of your dock if you dock stays.
- 3- I would ask that you remove the light and light pole from your yard that is covered by the most northern arborvitae.
- 4- Ending the discussion with the city about this retaining wall and tree line.

The removal of the arborvitae is only an option until the end of May because I would need to move two trees that had been planted last fall.

The sooner you can let me know your thoughts on either or both topics would be great.

Thank you,

Mark



MEMO

To Mayor and City Council
From Kathy Laur, City Administrator
Date July 27, 2021
Re Truth in Taxation Date Set

Staff received a notification from Hennepin County to request the time and place of the regularly scheduled meeting in which the city budget and levy will be discussed, and the final budget and levy determined.

This meeting must occur after November 24. We must provide the information to be included in the notice on or before the time the proposed levy is certified; the public must be allowed to speak at the meeting; and the meeting cannot be held before 6:00 p.m.

Councilmember LaBelle requested that the Truth in Taxation meeting be held separately from the date of the city council meeting so more time could be spent on the topic.

We need to let the county know before September 20, 2021, the chosen date of the T in T meeting.

Attachments

None

Staff Recommendations

Tuesday, December 7, 2021, at 6:00 pm.

Council Action Required

Chose the date recommended or chose another date.

**South Lake Minnetonka Police Department
2022 Proposed Budget**

	<u>2022 Budget</u>	<u>2021 Budget</u>	<u>Variable %</u>	<u>\$ Increase</u>
Income				
40101 · Excelsior	\$ 790,077.93	\$ 732,749.67	7.8%	\$ 57,328.26
40102 · Greenwood	\$ 241,587.07	\$ 208,651.60	15.8%	\$ 32,935.47
40103 · Shorewood	\$ 1,404,123.04	\$ 1,347,312.68	4.2%	\$ 56,810.36
40104 · Tonka Bay	\$ 391,775.67	\$ 432,038.78	-9.3%	-\$ 40,263.10
40110 · Court Overtime	\$ 7,500.00	\$ 7,500.00	0.0%	
40120 · Excelsior Park and Dock Patrol	\$ 22,000.00	\$ 20,000.00	10.0%	
42100 · State Police Officer Aid	\$ 127,000.00	\$ 115,000.00	10.4%	
42200 · State Training Reimbursement	\$ 13,500.00	\$ 13,500.00	0.0%	
43100 · Minnetonka School District	\$ 5,000.00	\$ 5,000.00	0.0%	
43200 · Administrative Requests	\$ 7,000.00	\$ 7,000.00	0.0%	
43400 · Special Policing Details	\$ 27,000.00	\$ 28,000.00	-3.6%	
44000 · Investment Income	\$ 5,000.00	\$ 5,000.00	0.0%	
46400 · Forfeitures	\$ -	\$ -	0.0%	
46500 · Grant Reimbursements	\$ 20,000.00	\$ 20,000.00	0.0%	
46600 · Other Reimbursements	\$ 90,000.00	\$ 117,000.00	-23.1%	
Total Income	<u>\$ 3,151,564</u>	<u>\$ 3,058,752.72</u>	<u>3.0%</u>	<u>\$ 106,811.00</u>
Expense				
50100 - Full-Time Salaries	\$ 1,762,886.00	\$ 1,709,000.00	3.2%	
50200 - General Overtime	\$ 35,000.00	\$ 35,000.00	0.0%	
50230 - Reimbursed Overtime	\$ 53,500.00	\$ 54,500.00	-1.8%	
50300 - Part-Time Salaries	\$ 62,378.00	\$ 60,770.00	2.7%	
50500 - Social Security & Medicare	\$ 34,600.00	\$ 33,000.00	4.9%	
50600 - PERA Pensions	\$ 314,000.00	\$ 300,500.00	4.5%	
50700 - Insurance Benefits	\$ 305,000.00	\$ 305,000.00	0.0%	
50800 - Long-Term Disability Benefits	\$ 6,500.00	\$ -	100.0%	
51000 - Contracted Services	\$ 27,000.00	\$ 26,000.00	3.9%	
52100 - Equipment Leases	\$ 60,000.00	\$ 59,000.00	1.7%	
52200 - Repairs and Maintenance	\$ 61,000.00	\$ 58,000.00	5.2%	
52300 - Utilities	\$ 63,000.00	\$ 62,680.00	0.5%	
52400 - Janitorial & Cleaning	\$ 8,900.00	\$ 8,500.00	4.7%	
52500 - Printing & Publishing	\$ 2,500.00	\$ 2,500.00	0.0%	
53000 - Supplies	\$ 69,200.00	\$ 69,200.00	0.0%	
54000 - Uniforms & Gear	\$ 16,000.00	\$ 15,000.00	6.7%	
54500 - Training & Conferences	\$ 30,000.00	\$ 30,000.00	0.0%	
56000 - Insurance	\$ 142,000.00	\$ 139,000.00	2.2%	
56100 - Subscriptions & Memberships	\$ 2,100.00	\$ 3,100.00	-32.3%	
57000 - Special Projects	\$ 24,000.00	\$ 16,000.00	50.0%	
58000 - Capital Outlay	\$ 72,000.00	\$ 72,000.00	0.0%	
59000 - Undesignated Allocation	\$ -	\$ -	100.0%	
Total Expense	<u>\$ 3,151,564</u>	<u>\$ 3,058,750.00</u>	<u>3.0%</u>	
Other Income	\$ 324,000.00	\$ 338,000.00		

**SOUTH LAKE MINNETONKA POLICE DEPARTMENT
PUBLIC SAFETY FACILITY - POLICE PORTION**

2022 DEBT SERVICE AMOUNTS

Amount Due to the Shorewood Economic Development Authority (EDA) - \$400,650

Member City	Tax Capacity	Percentage	Share of Cost
Excelsior	\$7,711,709	18.5315%	\$74,246
Greenwood	\$4,778,360	11.4825%	\$46,005
Shorewood	\$21,702,658	52.1521%	\$208,947
Tonka Bay	\$7,421,441	17.8339%	\$71,452
TOTAL	\$41,614,168	100.0000%	\$400,650

NOTATIONS
(1) 2021 Tax Capacity Figures - Hennepin County Assessor's Office (Data Run: July 16th, 2021)
(2) Percentages Rounded Based Upon Tax Capacity (Ad Valorem) Formula
(3) Total Debt Service Costs Validated with the Shorewood EDA (Includes Anticipated Fiscal Agent Fees)

Facility Debt Obligation Independent of the SLMPD Operating Budget



MEMO

To Mayor and City Council
 From Kathy Laur, City Administrator
 Date July 27, 2021
 Re 2021 Pay Equity Report

Every three years local governments are required to submit a pay equity report to the MN Department of Management and Budget. The City of Tonka Bay’s pay equity report was due January 31, 2021. Staff was alerted to this after the SLMPD presented its pay equity report at their board meeting earlier this month.

The City Council must approve the report prior to it being submitted. The City Council should verify that the information is complete to the best of their knowledge, and that all employees working more than 67 days per year and working an average of 14 hours per week or more are captured in the report.

Jurisdiction # 1335 - Tonka Bay || Report Year 2021 || Case # 1 - 2021 DATA

Number of jobs in this case: 5

Edit Job	Add/Delete Job	Job Nbr	Title	Males	Females	Non-Binary	Points	Min Sal	Max Sal	Yrs To Max	Yrs Srv	Exceptional Srv
Edit	Delete	5	Public Works Sewer and Water	2	0	0	183	5372	5538	3	20	
Edit	Delete	2	Deputy City Clerk	0	1	0	228	4333	5057	4	0.5	
Edit	Delete	3	City Treasurer	0	1	0	238	3900	4734	3	13	
Edit	Delete	4	Public Works Superintendent	1	0	0	301	5294	6817	3	8	
Edit	Delete	1	City Administrator	0	1	0	483	5417	7059	4	1.75	

Council Action Requested

Motion to approve the 2021 pay equity report and direct staff to submit the report to the MN Department of Management and Budget.

**2021 new DepClk
Current Salaries Resolution Report**

City Administrator		start	6 month	1 year	2 year	3 year			
Kathy	10/24/2019	81.22%	83.00%	87.00%	94.00%	100.00%	Kathy		
	annual	65,000.00	66,950	67,500	71,070	79,624	2,733.46		
	hourly	31.2500	32.1875	32.4519	34.1683	38.2806	40.7240		
PW Superintendent		start	1 yr anniv	2 yr anniv	3 yr anniv				
Robin	5/13/2013	80%	88%	95%	100%		Robin		
	annual	63,526.40	69,879.04	75,437.60	79,408.00	vehicle \$200	3,054.15		
	hourly	30.54	33.60	36.27	38.1769	per month	100.00		
Deputy Clerk		start	6-mo	1 yr anniv	2 yr anniv	3 yr anniv	4 yr anniv		
Rachel	3/27/2019	85.68%	86.75%	88.00%	93.00%	96.00%	100%		
	annual	52,000.00	52,643.37	53,401.92	56,436.12	58,256.64	60,684.00		
	hourly	25.00	25.309	25.67	27.13	28.01	29.1750		
City Treasurer		start	1 yr anniv	2 yr anniv	3 yr anniv				
Carol	10/8/2008	80%	88%	95%	100%		Carol		
	annual	48,089.60	52,898.56	57,106.40	60,112.00		2,312.80		
	hourly	23.12	25.43	27.46	28.9100				
Contract 2017-2019		hire	6 months	1 yr	2 yr	3 yr	Matt	Todd	
PW Sewer and Water							4 yr	4yr plus \$1	80 Reg
Todd hire 5/29/2001	hourly	25.48	25.75	27.37	28.68	29.94	32.23	33.23	Todd
Matt hire 12/2/19	ot	38.22	38.63	41.06	43.02	44.91	48.35	49.85	Matt
	dbl	50.96	51.50	54.74	57.36	59.88	64.46	66.46	\$2,578.40
PW regular part-time		Expense reference codes				Stand-by Time			
Kyle	hourly s/w	27.50			27	Sewer			12 hrs per 7 days = 1.7143 hours/day
Mark	hourly s/w	21.00			22	Water			1.7143 x 7 x rate =
Summer pw	hourly parks				19	Parks			Todd
					56	Public Works			Matt
									\$398.76
									\$386.76
Parks/PT		Todd / Jason				Mark or Kyle			
Seasonal	hourly	9.86-13.00							
rink attendant	11-13.00	rink	code	19	On-Call				On-Call
summer seasonal	15.00	parks	code	19	50% sewer	Overtime			
pw temp	15.00	pw	code	56	50% water	30% sewer	33.4%	602	
						30% water	33.3%	601	
						40% pw	33.3%	651	

effective 01/01/2021 minimum wage is \$10.08

Minnesota Pay Equity Management System - Tonka Bay(21-Out of Compliance)

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Pay Equity Implementation Form

Information entered on this page is not submitted until you click "sign and submit." This page may be printed and shared with your governing body for approval. After you receive approval, you will need to come back to this page, complete the necessary information, then click "sign and submit."

Part A: Jurisdiction Identification

Jurisdiction: Tonka Bay

Jurisdiction Type: CITY - City

4901 Manitou Road

Tonka Bay

Contact:	Name	Title	Phone	Email
	Kathy Laur	City Administrator	952-474-7994	klaur@cityoftonkabay.net

Part B: Official Verification

1. The job evaluation system used measured skill, effort responsibility and working conditions and the same system was used for all classes of employees.

The system used was:

Designed Own (specify)

Describe below if the job evaluation system used is: "The same as last year", "A new system", "A substantially modified system from last year", or another descriptor not listed here:

(*less than 240 characters)

Since the last time the pay equity report was done two positions have been reclassified. This is a modified system from the last time this report was submitted.

2. Health Insurance benefits for male and female classes of comparable value have been evaluated and

There is no difference and female classes are not at a disadvantage.

3. An official notice has been posted at:
City Hall monitor
(prominent location) (*less than 60 characters)

informing employees that the Pay equity Implementation Report has been filed and is available to employees upon request. A copy of the notice has been sent to each exclusive representative, if any, and also to the public library.

The report was approved by:

City Council

(governing body) (*less than 60 characters)

Adam Jennings

(chief elected official)(*less than 60 characters)

Mayor

(title) (*less than 60 characters)

Checking this box indicates the following:

- signature of chief elected official
- approval by governing body
- all information is complete and accurate, and
- all employees over which the jurisdiction has final budgetary authority are included

Part C: Total Payroll

481153.62 is the annual payroll for the calendar year just ended December 31.