

ITEM NO. 4A

DRAFT MINUTES TONKA BAY CITY COUNCIL REGULAR MEETING MAY 25, 2021

1. **CALL TO ORDER**

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

2. **ROLL CALL**

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

3. **APPROVAL OF AGENDA**

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

4. **CONSENT AGENDA**

**A. Minutes of the Regular City Council Meeting from May 11, 2021
B. Resolution 21-12 Approving a 2021 Liquor License Renewal for Chanhassen Butcher, LLC**

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

5. **MATTERS FROM THE FLOOR**

Andrew Myers of 30 Arbor Court spoke about retractable hard covers for pools versus a fence. Myers requests that Tonka Bay review its ordinance in relation to swimming pool fencing, which Myers believes is outdated. Currently, the city ordinance requires owners to have a fence constructed around their swimming pool. Myers believes that the ordinance should be revised to include auto covers, so that residents can choose between having a fence around their pool or using an auto cover.

6. **SPECIAL BUSINESS**

A. Commissioner Chris LaTondresse

LaTondresse, the Commissioner for District 6 of Hennepin County, discussed recent accomplishments by Hennepin County and his plans for his elected position. LaTondresse noted the county's COVID-19 response, stating that they have combatted the virus through testing and vaccination efforts, and providing financial relief to constituents and small business owners. LaTondresse boasted that Hennepin County is one of the first counties in the state to reach a 70 percent vaccination rate amongst its population. LaTondresse mentioned that Hennepin County received \$220

million in relief through the CARES Act, which has been allocated towards emergency rental assistance, shelter support, food support, mental health support, small business support and education support services. LaTondresse noted that Hennepin County has received nearly \$70 million in small business grants, of which \$49,900 was allocated towards businesses in Tonka Bay. Another accomplishment LaTondresse pointed out is a pilot program created by Hennepin County to better address mental health 911 calls. Another topic addressed by LaTondresse was the county's Climate Action Plan, which seeks to become net-zero by 2050 by cutting greenhouse gas emissions and transitioning to renewable energy sources. LaTondresse said his priorities for his position, which includes housing security, public safety reform, economic inclusion and reductions in racial disparities. LaTondresse opened the discussion to what Tonka Bay's top priorities are as a city and if there are any questions.

Jennings responded that infrastructure, specifically the replacement of the city's main water line, is a top priority.

Connelly asked how LaTondresse will distribute his attention evenly across the cities in his district. LaTondresse replies that his previous position as a Hopkins school board member and how the county has received a large sum of money for affordable housing investments, specifically for suburban families in District 6. LaTondresse also mentioned the diversity of Hennepin County, and how he values regional perspectives so that attention is received to all areas of the county.

B. Appointment of Parks and Docks Commissioners and Terms

Laur discussed how, at the April 27th meeting, the City Council adopted an ordinance that officially established the Parks and Docks Commission. Included in this ordinance is the requirement that the City Council appoints commission members to three-year terms. Laur recommends that the commission members get elected to staggering terms, since this is the first set of appointments. Laur mentioned that there are seven open positions on the commission, and that seven residents applied. Councilmember Viger would serve as the council liaison for the commission. Laur recommended that the council appoint the applicants that have applied.

C. Gideons Bay Donation

Judd Brackett of 125 Woodpecker Ridge Road, representing the Lake Minnetonka Association (LMA), requested funding by the city to help combat Eurasian Watermilfoil and Curlyleaf Pondweed in Gideons Bay.

Viger asks which other municipalities participate in the donation process besides Tonka Bay. Brackett responds that Excelsior and Shorewood are the other two cities

in the area. Shorewood has not participated in the last two years and Excelsior is typically an annual donator, except for last year.

Jennings noted that this donation has already been factored into the 2021 budget, and this is more of a formality gesture. Jennings mentioned that it is important that we stay on top of cleaning the area of the invasive species.

Viger moved to approve a donation of the amount of \$5,000 to the Lake Minnetonka Association to reduce the growth of aquatic invasive species, primarily Watermilfoil and Curlyleaf Pondweed. Anderson seconded the motion. Ayes: LaBelle, Viger, Anderson, Connelly, Jennings. Motion carried.

7. PUBLIC HEARINGS

None

8. OLD BUSINESS

A. MN Public Facilities Authority Drinking Water Revolving Fund Next Steps – Nick Preisler

Preisler updated the council on a question asked last meeting by Viger, which was if the city would become tied down going with the Public Facilities Authority Drinking Water Revolving Fund loan program if they submitted the Intended Use Plan (IUP). The Drinking Water Revolving Fund would allow the city to receive a low interest loan to help fund the watermain replacement project. Preisler stated that by submitting the project, the city is not tied down into going through with the loan application. Registering on the IUP makes the project eligible, but not obligated. Preisler stated that, if there is a small chance the project is constructed in 2022, the Public Facilities Association recommends that the city does not submit the IUP, since it could push other projects out. Otherwise, it is recommended that the city applies for the IUP. The deadline for the IUP submission is June 4th. Preisler recommended that the City Council discuss the timeline if the project, and whether they want to submit the IUP.

Jennings believes there is little to no downsides in submitting the project to the IUP, and that there is still a lot of time to decide whether they want to go through with the project.

Anderson moved to approve the Minnesota Public Facilities Authority Drinking Water Revolving Fund moving on submitting the Intended Use Plan. Connelly seconded the motion. Ayes: Labelle, Viger, Anderson, Connelly, Jennings. Motion carried.

9. NEW BUSINESS

A. Municipal Docks – Tony Kuechle, Doran Companies

Tony Kuechle, representing Doran companies, spoke about the apartment complex and that it is making good progress. They will be opening a leasing center in the nearby shopping center in July. Kuechle proposed a license agreement between the City of Tonka Bay and Tonka Village Partners, LLC. The agreement would be that Doran Companies would build 28 docks on the property and that they would be able to use half of the docks for a 10-year period. Kuechle believes that this would entice people to lease into the new complex, especially those who want to move into the new complex, but do not want to give up their dock space.

Jennings asked Biggerstaff whether this agreement would need a public hearing. Biggerstaff responded that it was not required. Jennings also notes that, although Doran would be building the docks, it would be considered public property. Essentially, half of the docks would be available to the city day one, and the other half would be available 10 years later. Jennings stated that he would like an amendment in the agreement that would allow people on the waiting list to gain access to the docks, if there was not a large enough demand for the docks for the apartment complex members. Jennings is also worried about the changes in lumber and how that would impact the agreement in the future. Jennings also wants to make sure the city maintains oversight, in case there was a troubling resident.

Viger does not like the idea that new residents in the apartment complex would jump ahead of the dock waitlist line, being able to secure a dock before the 40 other residents on the waitlist. Viger thinks that a public hearing would be the right thing to do in this situation. Also, Viger believes that financially, the city would lose money in the long run, especially with inflation. Finally, Viger stated her concern of the city losing control of the 14 docks, considering other deals with private entities have not gone in the city's favor.

Jennings stated the city already has large expenditure plans with the city's parks, and that he is open to other ideas. Jennings also stated that this would not cap the city out on docks, so that they would be able to build more docks if need be.

Viger questioned whether the city needs to build any more docks. Jennings responds that this would help with the large waitlist on docks that the city has.

Kuechle stated that they could strengthen the language in the agreement to the city's favor, so that they could take control if there was a bad dock renter. With the lumber pricing concern, Kuechle stated that they could look into other design components. Regarding the waitlist concern, Kuechle stated that if the tenants who get the dock

slips were put on the waitlist, he might lose all of his dock slip tenants over the 10 years, and the right to regain the money he invested into the project.

Connelly would like clarity on the different options the city has available, and what the pros and cons of each of the options would be.

Jennings stated that currently, the city does not have the ability to build 28 docks. If Doran built the docks, Jennings believes that the city would be able to obtain 14 docks on day one and the money saved could go to park improvements.

Viger interjected that the parks and docks budget has a significant amount of money in it. She also stated that if the city were to build using the money they have in the docks fund, the city would get enough money in rent to pay it off within 6 years. Viger believes that the agreement proposed is not a good deal for the city. Viger also expressed her concern about channel stabilization expenditures, and the need for public input.

Jennings believes that a public hearing would not lead to constructive progress on the matter. Jennings wants to wrap up language and move forward with the plan.

Anderson believes that both the city and Doran win from this agreement, since Doran is paying for the construction.

LaBelle stated that he is not in a hurry to rush anything, and that Viger's calculations should be taken seriously. LaBelle agrees with Viger that the city is not too far off from being able to do this project themselves.

Connelly stated that he wants to support the agreement but would like to look at more numbers before siding with a position.

Viger and LaBelle both rationalize that the city could gain back the money relatively easily if they were to invest in the 28 docks themselves, compared to Doran.

Kuechle responded to the previous concern by Viger regarding control of the docks by stating that the city would have control over dock functions, except for rent collection.

Laur expressed her concern of the city giving the keycards over to Doran, losing their ability to know who goes in and out of the dock. Laur believes that this would be problematic from a city perspective.

Jennings asked Viger if the amortization was changed from 8 years to 6 years, would that change her perspective on the matter. Viger responded that it might make it more equitable, but it would not change the public backlash.

Connelly proposed the council come back to this issue next week, taking time to reflect on the pros and cons of each scenario.

LaBelle stated that in the next few meetings, the council should come up with a plan on how they want to address this situation.

Jennings stated everyone should take time to think about the situation, and that Viger should put some more calculations together. Jennings would like this item on next meeting's agenda.

Kuechle said he will send his project's projections over to Laur by the next meeting.

B. RFP for Citywide Garbage and Recycling – Kathy Laur

Laur stated the city's five-year contract with Republic is going to be over in April of 2022. Laur asked the council for permission to go through with a request for proposal (RFP) for a new garbage contractor. Laur mentioned there have been multiple complaints by constituents regarding Republic's service.

Jennings believes that this is a good idea for the city to look at all their options.

LaBelle stated that this is standard, and that the city usually goes through the RFP process when garbage contracts end.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

- A. Administrator's Report –
Introduction of the administrative summer intern Joey.
- B. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology –
No report.
- C. Kristin Viger – Parks and Docks, Sanitation and Recycling –
Had the parks committee beforehand, will officially be a commission at the next meeting. Received 7 applicants for the new commission. The commission discussed the Minnehaha steamboat, and will be getting a recommendation from the commission on how to move forward. The

commission also discussed fundraising opportunities for Manitou Park, which will be further discussed at the next meeting.

- D. Tim Connelly – EFD, Commercial Marinas, LMCD –
No report.
- E. Bill LaBelle – Building Inspection, Municipal Buildings and Grounds –
No report.
- F. Attorney's Report –
No report.
- G. Adam Jennings – SLMPD, Administration, Public Works, Employee Advisory Board –
Asked whether the city wants to go back to in-person meetings.

12. ADJOURNMENT

There being no further business, Anderson moved to adjourn the meeting at 8:55 PM. LaBelle seconded the motion. Ayes: Viger, LaBelle, Connelly, Anderson, Jennings. Motion carried.

Adam Jennings, Mayor

Attest:

Kathy Laur, City Administrator

RESOLUTION 21-13

A RESOLUTION APPROVING THE APPOINTMENT OF COMMISSIONERS TO THE PARKS AND DOCKS COMMISSION AND ESTABLISHING TERMS

WHEREAS, the City Council of Tonka Bay has previously adopted an ordinance establishing the Parks and Dock Commission (the "Commission"); and

WHEREAS, the City Council is responsible for appointing members to the Commission; and

WHEREAS, because this is a newly created commission, the City Council is making appointments for the various term lengths as provided herein to provide for staggered vacancies; and

WHEREAS, the City Council shall review vacancies and consider additional appointments to the Commission as necessary.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby makes the following appointments for the terms specified below.

Commission	Appointees	Term Expires
Parks and Docks Commission	Andrew Myers - chair	January, 2023
	Todd Wagner	January, 2024
	Megan Stadelman	January, 2024
	Doug Eckland	January, 2024
	Kristin Smith	January, 2023
	Abby Ludens	January, 2022
	Carl Awalt	January, 2022

ADOPTED by the City Council of the City of Tonka Bay, Minnesota this 8th day of June 2021.

Motion introduced by _____ and seconded by _____.

Roll Call Vote:

Councilmember Labelle _____
Councilmember Viger _____
Councilmember Anderson _____
Councilmember Connelly _____
Mayor Jennings _____

Adam Jennings, Mayor

ATTEST:

Kathy Laur, City Administrator



MEMO

To Mayor and City Council
From Kathy Laur, City Administrator
Date June 8, 2021
Re Tour de Tonka Special Event Permit

Staff was notified that Minnetonka Community Education is planning to hold its yearly Tour de Tonka cycling event on Saturday, August 7 from 5:00 am (set up) to 2:00 pm (clean up). They have submitted a special event permit application to the city and hope to use a small section of Tonka Bay as part of its 48-mile route.

As you may recall, the event was cancelled in 2020.

Attachments

Special Event Permit Application and Map

Staff Recommendations

Approve the permit.

Council Action Required

Motion to approve the special event permit application to the Minnetonka Community Education Tour de Tonka event to be held on August 7, 2021.



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

**SPECIAL EVENT
 PERMIT
 APPLICATION**

EVENT INFORMATION

Name of Event: **Tour de Tonka**

Type of Event (festival, athletic, etc.) **athletic - bike ride**

Event Set Up Date: **Saturday, August 7, 2021** Time: **5am-pam**

Actual Event Date(s): **Saturday, August 7, 2021** Time: **9am-12pm**

Event Clean Up Date: **Saturday, August 7, 2021** Time: **12pm-2pm**

Event Location: **see attached maps - bikers on roads only, no rest stop or use of other property**

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

Estimated Attendance: **approx. 800 riders**

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

List any Road Closures (including partial lane closures) and the Time of Closing:
no road closures

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

APPLICANT INFORMATION

Sponsoring Organization Name: **Minnetonka Community Education**

Primary Contact Person: **Tim Litfin**

Address: **4584 Vine Hill Road** City: **Excelsior** Zip: **55331**

Phone: **952-401-5043** Phone: **952-401-6800** E-mail: **tim.litfin@minnetonkaschools.org**

Event Planner Name: **Alexis Beckman**

Address: **4584 Vine Hill Road** City: **Excelsior** Zip: **55331**

Phone: **952-401-6842** Phone: **952-401-6800** E-mail: **alexis.beckman@minnetonkaschools.org**

Name of Contact Person During Event: **TDT Headquarters** Cell Phone: **952-401-6800**

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

EVENT DETAILS	
Is the event open to the public?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Will admission be charged?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes – amount per person \$ varies per dist./age
Will alcohol be at the event?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – list contact person and phone number.
Contact Person:	Phone:
Liquor License Holder:	Phone:
Will food be prepared on site?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – please contact Hennepin Co. Health Dept.
Will sound amplification be used?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – hours and type: <i>Amplified sound requires on-site contact person. No amplified sound 10 pm to 7 am.</i>
Contact Person:	Cell Phone:
Are there events in the air?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – describe:
Will there be canopies or tents?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – number of canopies and tents:
Date Installed:	Date removed:
Will you provide sanitary facilities?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – number of sanitary facilities:
Date Installed:	Date removed:
Will a stage be set up?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – dimensions:
Will there be temporary fencing?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – material:
Location(s) of temporary fencing:	
Will barricade(s) be needed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – number needed:
Describe power needs and location(s) of power source:	
none	
Describe trash removal and cleanup plan during and after event (including advertising):	
there should be no trash in the Tonka Bay area, but a Route Captain will follow the riders for clean up	
Describe parking arrangements for the event and traffic plan:	
No parking needed. Volunteers will be at each key intersection to direct riders.	

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

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

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

Print Your Name: Tim Litfin

Signature:  Date: 3/25/2021

 6/1/2021
Police Chief or Designee Signature and Date

Fire Chief or Designee Signature and Date

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

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


Public Works Supt. Signature and Date

 4/14/21
City Administrator Signature and Date

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

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

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

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

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

OFFICE USE ONLY

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

TOTAL FEE:	\$25
SALES TAX:	\$0
AMOUNT DUE:	\$25
	(including \$100 late fee if applicable)

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: June 1, 2021
City Council Regular Meeting June 8, 2021

Project: 017236-000, Phase 015

Requests: Variance to locate a 4-foot-high swimming pool fence 32 feet from the ordinary high water line where the previous approval is for 79 feet

PID: 28-117-23-24-0021

RECOMMENDATION

Based on the findings of fact, staff recommends denial of variances to locate a swimming pool fence 32 feet from the ordinary high water line.

GENERAL INFORMATION

Applicant: John Klimmek, Streeter Custom Builder

Owner(s): Wendy Schoppert & Steve Wold

Subject Property: 70 Wildhurst Rd

Existing Land Use / Zoning: Detached, Single-family Residential; zoned R-1A, Shoreland Overlay

Surrounding Land Use / Zoning:
 North: Detached, Single-family Residential; zoned R-1A, Shoreland Overlay
 West: Lake Minnetonka
 South: Detached, Single-family Residential; zoned R-1A, Shoreland Overlay
 East: Detached, Single-family Residential; zoned R-1A, Shoreland Overlay

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

Deadline for Agency Action:	Application Date:	May 19, 2021
	60 Days:	July 18, 2021
	Extension Letter Mailed:	N/A
	120 Days:	September 16, 2021

CONSIDERATIONS RELATED TO THE REQUEST

- Overview.** The Applicant is proposing to construct a pool and patio at 70 Wildhurst Road. This proposed feature requires enclosure by a pool fence, which among other design standards, has to have a height of at least 4 feet. The Applicant is proposing such a fence; however, it is proposed to be about 32 feet from the OHWL and this location conflicts with restrictions on fences taller than 3 feet, which are allowed only within the buildable area of riparian lots. The applicant was able to receive a variance at the May 11 City Council meeting which allowed the fence to be located, at its closest point, 79 feet from the ordinary high water line. The latest proposal places the fence so that it is encroaching upon that approved distance by 47 feet.

2. Ordinance Authority

1011.05 FENCING/SCREENING; Subd. 2.b.1.a

Fences 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. Fences or walls 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.

1011.05 FENCING/SCREENING; Subd. 2.c

All outdoor swimming pools existing and hereafter constructed shall be completely enclosed by a security fence or wall at least four (4) feet but not more than six (6) feet high and located at least four (4) feet from the edge of a pool.

3. Variance Review Criteria

Statutory Criteria

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

The standard to require a fence of four (4) feet in height around in-ground swimming pools is intended to reduce residents' risk of drowning and is, therefore, in harmony with the Ordinance and its purpose and intent to promote and protect the public health, safety, and general welfare.

Criterion met.

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

The variance would not bring the property into conflict with the comprehensive plan, which guides the property for Low Density Residential. **Criterion met.**

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

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

A swimming pool, which is a reasonable use of a property with a single-family home, must be enclosed by 4-foot-high fence. Therefore, the request is just as reasonable and would not compromise the reasonable use of the property as a single-family residential lot.

Criterion met.

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

The need for the variance to locate a four-foot-high fence between the building line and OHWL arises from the property owner's intended desire to locate a pool between the building line and the OHWL on a riparian lot in the Shoreland Overlay. However, the pool is a preference which establishes conditions created by the landowner and not the physical characteristics of the land. **Criterion not met.**

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

The variance requested by the applicant 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?*

The variance will not unreasonably diminish or impair established property values within the neighborhood, nor in any way be contrary to the intent of the zoning ordinance. **Criterion met.**

4. Engineering Considerations:

None

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 July 18, 2021. 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 a variance to locate a 4-foot-high swimming pool fence 32 feet from the ordinary high water line

"I move that we direct staff to prepare a resolution of denial of a variance to locate a 4-foot-high swimming pool fence 32 feet from the ordinary high water line at the property 70 Wildhurst Road based on the findings of fact listed in the report.

- The Applicant is proposing a swimming pool that requires a fence 4 feet in height and is proposing a pool location that inevitably locates the fence in an area of the lot that where the maximum height allowed for fences is 3 feet. The proposed pool and fence location are preferences of the property owner and are not a result of the lot itself that makes it practically difficult for the owner to make the property comply with the zoning ordinance."

70 WILDHURST VARIANCE NARRATIVE

Thank you for taking the time to review the new pool project related to the property at 70 Wildhurst in Tonka Bay and for approving the two associated variance requests related to the impervious cover and the fence during the City Council meeting on April 27th. We truly appreciate your time and support. As you'll recall, with respect to the fence variance, you approved a black rod iron-like 4' fence that would be 79' from the ordinary high water mark (the ordinance calls for 50'). As discussed during that meeting, we are following up now with a request to have this 4' fence be 32' from the ordinary high water mark, which we believe more closely aligns with the spirit of the ordinance. (This request was made verbally to you on April 27th, and you requested that we come back with a more formal written request.)

The primary reason we are requesting the fence be 32' from the ordinary high water mark (versus the 50' in the ordinance) is that this will allow the far end of the fence closest to the lake to be part way down the bluff, and therefore not visible from the home or the nextdoor neighbors' homes. In other words, this side of the fence will be below the "horizon" of the bluff, thereby preserving the views of the lake for all. As mentioned above, we believe this is in keeping with the spirit of the code.

Secondly, the approach will be consistent with the location of the fence that is two doors down from 70 Wildhurst at 20 Old Orchard Lane, which allows the homeowners at 60 Wildhurst (the McMahons) to have a more consistent and symmetric fence configuration in their backyard. Below is an excerpt from an email that Wendy McMahon wrote to Kathy Laur:

"On the other side of us at 20 Old Orchard Lane the fence for the pool runs the length of the yard and comes across on the bank / hill so you do not see it from your house. We have no problem with 70 Wildhurst Rd being allowed to run their fence the same way as 20 Old Orchard Lane. From a visual standpoint it is more appealing to have the fences be consistent on either side of us."

Importantly, both sets of neighbors on either side of us are very supportive of this request.

(1) 11011.05 Subdivisions 2.b.1.a and 2.c

1011.05 Subd 2.b.1.a Height. The height of fences or walls shall be measured from the ground level to the top of the fence or wall. Fence height shall be restricted according to the location as follows. 1. Riparian Lots a) Front yard: Fences 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. Fences or walls 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.

Swimming Pool Fences. Outdoor swimming pool fences shall be required as follows:

1011-20 1. All outdoor swimming pools existing and hereafter construction shall be

completely enclosed by a security fenced or wall at least four (4) feet but not more than six (6) feet high and located at least four (4) feet from the edge of a pool. The bottom of the fence or wall shall be no higher than four (4) inches above the surface of the ground. Fence openings or point of entry to the pool area shall be equipped with self-closing and self-latching lockable gates. 2. The enclosure for outdoor swimming pools may utilize a wall or walls of a house or building as a part hereof, provided the wall or walls are at least (6) feet high and the enclosure is completed by a fence within (90) days from the date of publication of this Ordinance. 4. New swimming pools shall not be filled or used until all applicable fencing requirements herein are complied with.

With respect to the other questions posed in the variance application:

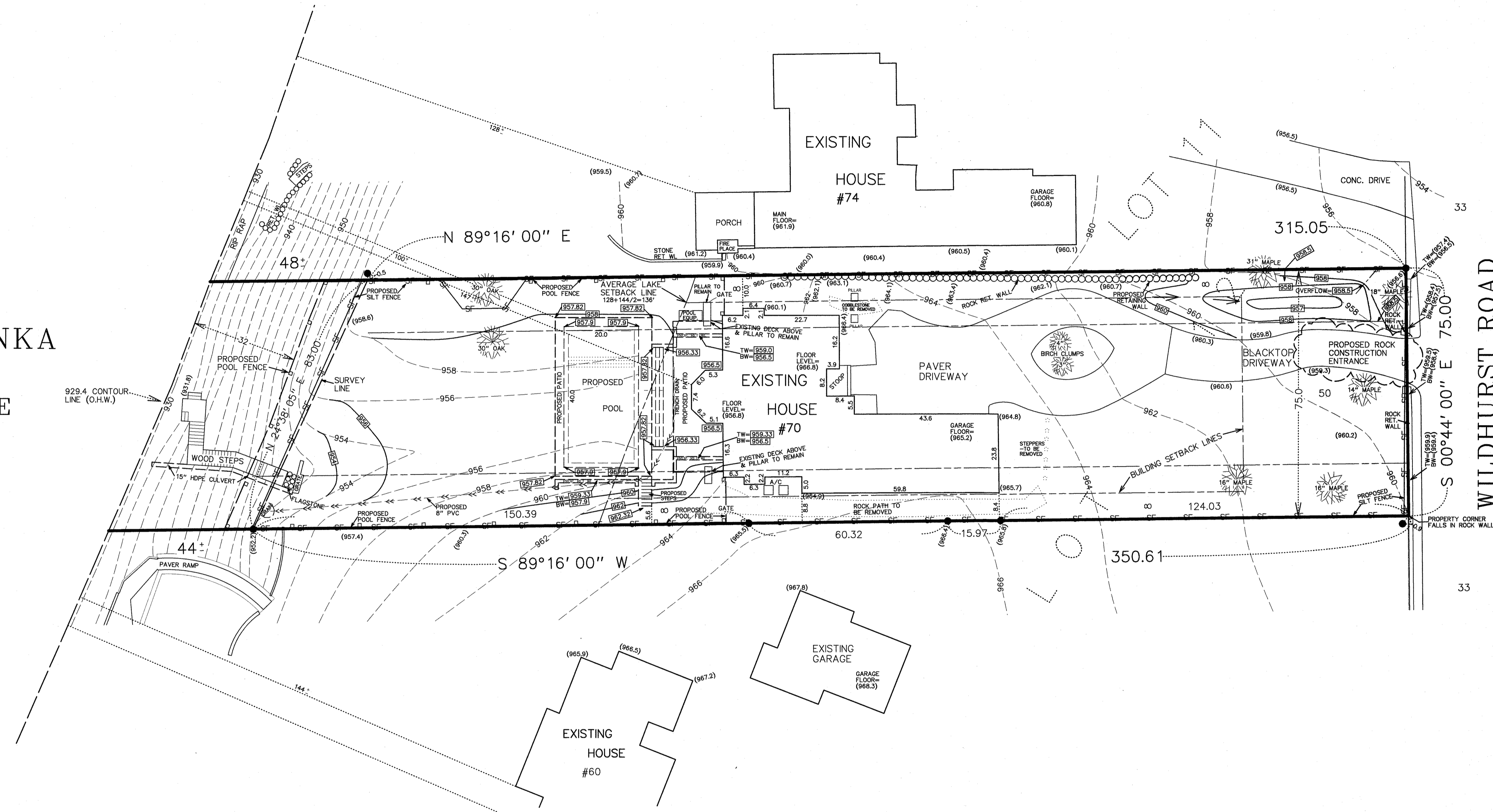
The request for the original fence variance is in keeping with the Comprehensive Plan and Zoning Ordinance in that it is required for safety. Additionally, the placement of the fence slightly below the bluff line best preserves the views of the lake for all, as noted above.

The request will not adversely affect the health, safety or general welfare of the neighborhood and the City. The placement of the fence below the bluff line on the West side best preserves the views of the lake for all, as noted above, and the safety of a 4' pool fence is preserved, promoting the health, safety and general welfare of the neighborhood, city and owner.

The request is necessary due to special conditions applying to the structures or land in question that are particular to the property, not caused by the owner, and do not apply generally to other land or structures in the district or vicinity in which the land is located. The existence of the bluff is a special condition that is not caused by the owner, and placement of the fence below the bluff line on the West side best preserves the views of the lake for all, as noted above. As discussed during the City Council meeting on April 27th, a 4' fence is required for safety outside of the buildable footprint.

CERTIFICATE OF SURVEY FOR
WENDY SCHOPPERT
 IN LOT 12, WILDHURST
 HENNEPIN COUNTY, MINNESOTA

LAKE
 MINNETONKA
 EAST UPPER LAKE



EXISTING HARDCOVER :

Lot area = 28,355 Sq. ft.

House = 3089 sf
 Stoop = 64 sf
 Cobblestone path = 54 sf
 Deck = 543 sf
 Patio & steps = 408 sf
 Stairs to lake = 241 sf
 Round patio = 113 sf
 Rock path = 668 sf
 Blacktop driveway = 891 sf
 Paver driveway = 2406 sf
 A/C pads = 16 sf
 Pillars (4) = 37 sf
 Stepping stones = 7 sf
 Retaining walls (5) = 203 sf

Total = 8740 Sq. ft.

8740 / 28,355 x 100 = 30.82%

PROPOSED HARDCOVER :

Lot area = 28,355 Sq. ft.

Remove round patio = -113 sf
 Remove patio & steps = -408 sf
 Remove rock path = -668 sf
 Remove cobblestone path = - 54 sf
 Remove steppers = -7 sf

Total removed = -1250 Sq. ft.

Proposed pool = +800 sf
 Proposed pool deck & steps = +808 sf
 (not including portion under existing deck)
 Proposed steps = + 36 sf
 Proposed retaining walls (3) = 53 sf
 (not including portions under existing deck)
 Proposed wall portion added to retaining
 wall along n'l'y property line = +30 sf

Total added = +1727 Sq. ft.

Net proposed gain = +477 sf

Existing hardcover = 8740 Sq. ft.

8740 + 477 = 9217 Sq. ft.

9217 / 28,355 x 100 = 32.51%

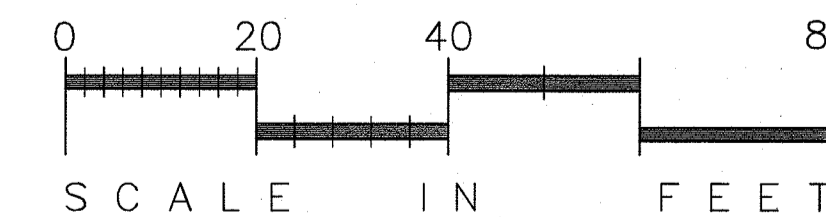
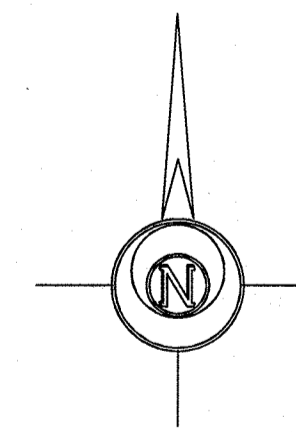
LEGAL DESCRIPTION OF PREMISES : (per Doc. No. 8613157)

All that part of Lot 12 in Wild Hurst lying north of a line drawn parallel with and distant 125 feet northerly at right angles from the southerly line of said Lot 12, Hennepin County, Minnesota.

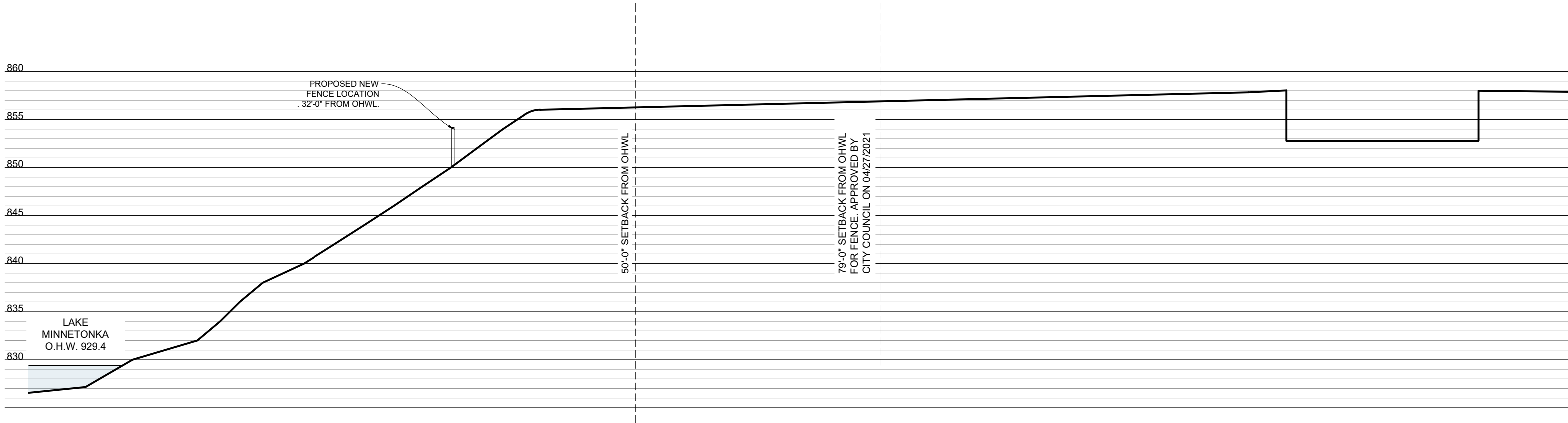
- : denotes iron marker found
- (908.3) : denotes existing spot elevation, mean sea level datum
- 910.8 : denotes proposed spot elevation
- 917--- : denotes existing contour line, mean sea level datum
- 930 : denotes proposed contour line

Bearings shown are based upon an assumed datum.

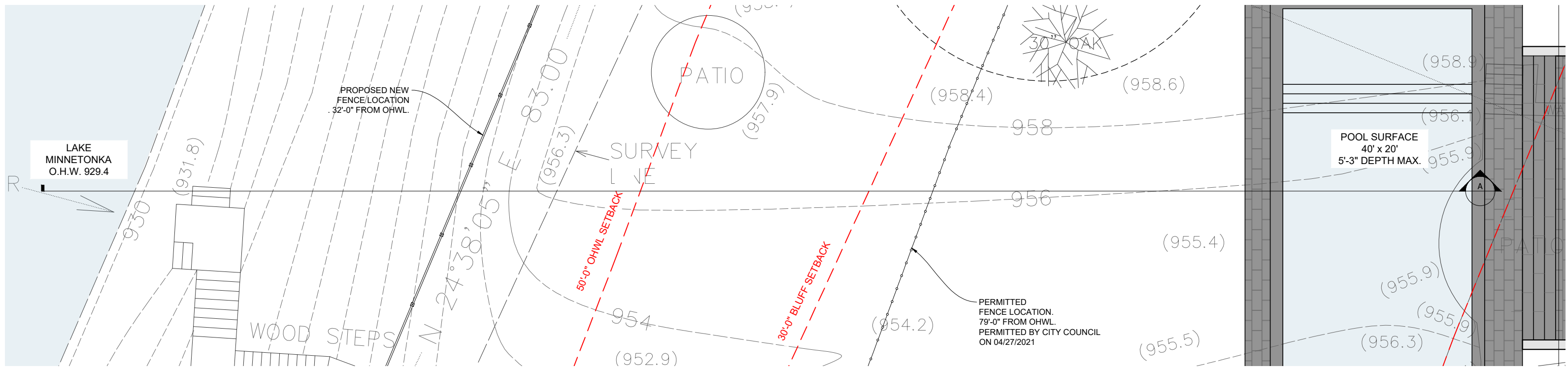
This survey intends to show the boundaries of the above described property, the location of an existing house, spot elevations, topography and all visible "hardcover", and the proposed location of a proposed pool, patio and grades thereon. It does not purport to show any other improvements or encroachments.



DATE	2-17-21 PROPOSED POOL AND PATIO 4-4-21 SETBACK LINES ADDED, REVISED PROPOSED POOL, PATIO, WALLS AND GRASSES 5-11-21 PROPOSED POOL FENCE ADDED 5-18-21
PROJECT	WILDHURST ROAD LOT 12
I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, the laws of the State of Minnesota. Mark S. Gronberg Minnesota License Number 12755	GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356 952-473-4141



1 SECTION A
1" = 10'-0"



2 KEY PLAN
1" = 10'-0"

FENCE EXHIBIT SECTION
5/6/21

SCHOPPERT / WOLD RESIDENCE
70 WILDHURST RD
TONKA BAY, MN

9601 Jefferson Trail W
Inver Grove Heights, MN
55077
651-701-0648
riverheightslandscape.com



70 WILDHURST
(PROPOSED FENCE)

20 OLD ORCHARD
EXISTING FENCE







June 1, 2021

Honorable Mayor and City Council
City of Tonka Bay
4901 Manitou Road
Tonka Bay MN 55331

Re: Quote for 2021 Channel Bank Stabilization
City of Tonka Bay, MN
WSB Project No. 016719-000

Dear Mayor and Council Members:

Quotes were received for the above-referenced project on Tuesday, June 1, 2021. Quotes were sent out to Hagen Lawn and Landscape, Minnetonka Portable Dredging, Oh' Landscapes, LLC, and Natural Environments Corporation. A total of 1 quote was received. The quotes were checked for mathematical accuracy and tabulated, and errors are indicated on the quote tabulation. The Engineer's Estimate was \$103,976.25. The quote tabulation indicates the low bidder as THN Enterprises, Inc., Excelsior, MN, in the amount of \$91,314.98.

We recommend that the City consider these quotes and award a contract to THN Enterprises, Inc., based on the results of the quotes received.

Sincerely,

WSB

Jeff Feulner, PLA
Project Manager

Enclosure

cc: Tom Niccum, THN Enterprises, Inc.
Kathy Laur, City of Tonka Bay
Nick Preisler, WSB

alp

Quote Tabulation

Tonka Bay Channel Stabilization Project

City of Tonka Bay, MN

Quote Due: Tuesday, June 1, 2021 at 10:00 a.m. Local Time

WSB Project No. 016719-000



 DENOTES CORRECTED FIGURE

Contractor	Grand Total Bid
1 THN Enterprises, Inc.	\$91,314.98
Engineer's Opinion of Cost	\$103,976.25

I hereby certify that this is a true and correct tabulation of the bids as received on June 1, 2021.

A handwritten signature in black ink that reads "Jeff A. Feulner".

Jeff Feulner, PLA Project Manager

Quote Tabulation

Tonka Bay Channel Stabilization Project

City of Tonka Bay, MN

Quote Due: Tuesday, June 1, 2021 at 10:00 a.m. Local Time

WSB Project No. 016719-000



DENOTES CORRECTED FIGURE

Line #	Mat. #	Item	Units	Qty	Engineer's Estimate		THN Enterprises, Inc.	
					Unit Price	Total Price	Unit Price	Total Price
1	2021.501	MOBILIZATION	LS	1	\$4,951.25	\$4,951.25	\$2,000.00	\$2,000.00
2	2104.602	REMOVE TREE	EACH	7	\$750.00	\$5,250.00	\$1,257.14	\$8,799.98
3	2573.603	SILT FENCE	L F	350	\$5.00	\$1,750.00	\$8.00	\$2,800.00
4	2101.505	CLEARING AND GRUBBING	ACRE	0.2	\$20,000.00	\$4,000.00	\$1,200.00	\$240.00
5	2511.503	INSTALL RIPRAP	LF	315	\$275.00	\$86,625.00	\$245.00	\$77,175.00
6	2575.505	RESTORATION	ACRE	0.2	\$7,000.00	\$1,400.00	\$1,500.00	\$300.00
BASE BID TOTAL						\$103,976.25		\$91,314.98

I hereby certify that this is an exact reproduction of bids received.

Certified By:

License No. 42976

Date: June 1, 2021

Breakdown of Dock Expansion Proposal from Doran Co

Proposal from Doran to donate \$321,277 towards the construction of 28 docks

14 docks would be under city control for rent

14 docks would be under Doran control for rent for 10 years

14 docks x \$2000 annual rent x 10 years = \$280,000 revenue return

*If the city retained rental rights and collected revenue from all 28 slips for 10 years the total revenue generated at *current* annual rental rates would total \$560,000

Construction Cost Break Even Calculations (to be used as an example only)

If the city were to build and retain all 28 slips @ \$321,277:

If we funded the project with our current dock funds

2021 Dock Fund Balance is approximately \$280,000

Additional annual revenue of current 48 slips = \$95,200

Dock Fund reserves could pay for the construction of 28 additional slips in 2022 with no loan required

If we opted to take out a loan for the full construction cost the new docks would self fund within 8 years:

Assuming a 4% interest rate on a \$325,000 loan with a \$4000 monthly repayment amount, the city would pay off the loan in 8 years. This is a generic example of how obtaining a loan for this project may look. All exact terms would be project and loan specific.

**Meanwhile we'd still be collecting rents on the current slips to grow our dock fund balance and be generating \$95,200 revenue each year*

After one year with 76 total slips:

28 slips x \$2000 annual = \$56,000 revenue each year

Plus Current Slip Revenue of \$95,200 each year

Total Projected Annual Revenue = \$151,000

*Figures assume no channel stabilization or dock rental rate increases

Suggested Next Steps:

- 1) Determine how many slips the city can afford to construct with current city dollars and how many slips we actually need**
- 2) Identify the ACTUAL CURRENT COST of this project including the channel stabilization**
- 3) Determine legal issues with entering into public/private agreements and potential consequences**
- 4) If outside funding is sought for this project, identify all possible partners including current Tonka Bay residents interested in dock space**
- 5) Hold a public hearing with all of the above information available and ready for review**

Interest Rate	4%
Number of boat slips	14
Rental rate for slips	\$2,000 per year
Rental Rate increase	5% per year

Year	Balance	Interest	Payment
1	\$ 327,000	\$ 13,080	\$ 28,000
2	\$ 312,080	\$ 12,483	\$ 29,400
3	\$ 295,163	\$ 11,807	\$ 30,870
4	\$ 276,100	\$ 11,044	\$ 32,414
5	\$ 254,730	\$ 10,189	\$ 34,034
6	\$ 230,885	\$ 9,235	\$ 35,736
7	\$ 204,385	\$ 8,175	\$ 37,523
8	\$ 175,037	\$ 7,001	\$ 39,399
9	\$ 142,640	\$ 5,706	\$ 41,369
10	\$ 106,977	\$ 4,279	\$ 43,437



MEMO

To Mayor and City Council
From Kathy Laur, City Administrator
Date June 8, 2021
Re Ordinance 21-03 Amending Section 402, Fee Schedule

The 2021 Fee Schedule was approved at the January 12, 2021 City Council meeting. However, a fee for administrative appeals had not been included under Land Use Applications and those amounts were not included in the fee schedule. This ordinance amending the 2021 Fee Schedule corrects that.

The amounts given for this fee is commiserate with the city of Minnetrista.

The need for an administrative appeal fee comes into play when residents dispute recommendations from the city planner, engineer, and administrator on various land use issues. Because the appeal process can incur costs from the city attorney it is important to recuperate those expenses.

Attachments

The updated fee schedule highlighting the changes in red.
Resolution 21-14
Ordinance 21-03

Staff Recommendations

Approval of Ordinance 21-03 with changes.
Approval of Resolution 21-14

Council Action Required

Motion to adopt Ordinance 21-03 an ordinance amending section 402 of the Tonka Bay City Code related to the City's Fee Schedule.

Motion to adopt Resolution 21-14 A Resolution Authorizing Summary Publication of an Ordinance of the City of Tonka Bay, MN Section 402 – Fee Schedule.

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

ORDINANCE NO. 2021-01

AN ORDINANCE AMENDING SECTION 402, FEES

Section 1. THE CITY COUNCIL OF THE CITY OF TONKA BAY, MINNESOTA AMENDS SECTION 402 AS FOLLOWS:

402.01. Fee Schedule

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

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

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

Non-Conforming Use Permit	\$125.00	1011.01
Variance, plus Escrow	\$500.00 300.00	1004.03, 1004.05, 1030.11 subd. B
CUP, plus Escrow	\$500.00 300.00	1003.01
Pre-Planning Application	\$2000.00 400.00	
Preliminary Plat, plus Escrow	\$150.00	1030.4 subd. B
Rezoning, plus Escrow	\$150.00	
Simple Subdivision, plus Escrow	\$150.00	1030.1 subd. F
Street Vacation, plus Escrow	\$150.00	930
Subdivision, plus Escrow	\$150.00	1030
Planned Unit Development, plus Escrow	\$650.00	1006.03.1, 1006.05.4
Final Plat, plus Escrow	\$150.00	1030.09 subd. A
Engineering Fee	\$350.00	
<u>Administrative Appeal</u>	<u>\$250.00 + \$1,500 deposit</u>	<u>462.357, subd. 6.</u>
Park Dedication	Refer to Ordinance	1006.02 subd. 5-8, 1030.8
Escrow	\$1,500.00 3000.00	263
Legal Services Pass-Through Rate	\$235.00/hr	Per City Attorney Contract
<u>Liquor</u>		600.04
Investigation Fee	\$500.00	
Small Brewer License	\$250.00	
Brewer Taproom License	\$1,000.00	
Special Sunday Sale	\$200.00	
Consumption and Display Setup	\$300.00	
<u>On-Sale</u>		
Beer	\$500.00	
Intoxicating Liquor	\$5,544.00	
Wine	\$500.00	
<u>Off-Sale</u>		
Beer	\$240.00	
Intoxicating Liquor	\$240.00	
<u>Temporary License</u>		
On-Sale 3.2% Malt Liquor	\$250.00	
On-Sale Intoxicating Liquor	\$300.00	
Local Business	\$300.00	
On Public Property		
Non-Local Business	\$600.00	
On Public Property		
On Private Property	\$100.00	
<u>Mechanical Permit</u>		-
<u>Plus State Surcharge</u>		
Per Fixture	\$50.00	
Air Conditioner/Furnace	\$100.00	
State Surcharge	\$1.00	MN Stat. 16B.70

<u>Municipal Docks</u>		Municipal Dock Rental Policy
Bumper Material	\$5.00	
	Plus Tax	
Key Fob Security Deposit	\$25.00	
<u>Residents</u>		
Boat Slides	\$120.00	
Dock Spaces #2, #3	\$1,600.00	
Dock Spaces #4 through #49	\$2,000.00	
Canoe Rack	\$30.00	
<u>Non-Residents</u>		
Boat Slides	\$240.00	
Dock Spaces #2, #3	\$3,200.00	
Dock Spaces #4 through #49	\$4,000.00	
Canoe Rack	\$60.00	
<u>New Construction</u>		300.03
<u>Building Permits</u>		
Permit	Based on valuation	1997 State Building Code Fee Schedule +15%
Escrow	\$5,000.00	263
SAC	\$2,485.00	Metropolitan Council
		810.03, 810.17
<u>Water Meter Fees (plus tax)</u>		
12 Gauge Tracer Wire Per Foot	\$0.30	
Blue Tracer Wire Box	\$30.00	
Ground Rod with 10 feet 14-Gauge Wire	\$60.00	
<u>Water & Sewer Connection*</u>		810.02, 810.03, 823.04, 823.05, 826.02
	\$3957.71	
Sewer	3,891.55	
	\$3830.29	
Water	3,766.26	
	\$1152.47	
Water Tower	1,133.24	
*Trunk Connection Rates per living unit for residential; and, equivalent for commercial as determined by the Metropolitan Council SAC, except as may be amended by City Council.		
<u>NSF Check</u>	\$30.00	MN Stat. 604.113 subd. 2
<u>Peddler Permit</u>	\$65.00	420.03.4
<u>Plumbing</u>		
Commercial	Based on valuation	1997 State Building Code Fee Schedule + 15%
<u>Residential (plus State Surcharge)</u>		-
1-5 Fixtures	\$75.00	-

Each Additional Fixture	\$10.00	-
State Surcharge	\$1.00	MN Stat. 16B.70
<u>Right of Way Obstruction</u>	\$100.00 <u>150.00</u>	301.11
<u>Right of Way Registration</u>	\$100.00	301.05
<u>Sewer Disconnect & Reconnect</u>		823.04, 826.02
<u>Plus State Surcharge</u>		
Residential	\$60.00 <u>65.00</u>	
Commercial	\$100.00	
State Surcharge	\$1.00	MN Stat. 16B.70
<u>Short Term Rental</u>	-	-
License	\$100.00	425.03 Subd. 4
First Violation	\$250.00	
Second Violation	\$500 + Revocation	
<u>Sign Permit</u>	\$75.00	330.02.11
<u>Special Events</u>		Special Event Permit Application
Damage Deposit	\$300.00	
Manitou Park Damage Deposit	\$1,000.00	
<u>Residents/Local Businesses</u>		
Athletic Event Using Streets or City Parking Lot	\$200.00	
Events on City Property (plus tax)	\$75.00	
Parade	\$30.00	
<u>Non-Residents/Non-Local Businesses</u>		
Athletic Event Using Streets or City Parking Lot	\$400.00	
Events on City Property (plus tax)	\$150.00	
Parade	\$60.00	
<u>Field/ Court Rental</u>		
Field (Baseball or Soccer)	\$10/day	
Sport Court (Tennis or Basketball)	\$10/day	
Ice Rink	\$10/day	
<u>Maintenance</u>		
Baseball	PW Hourly Wage x 3hrs	
Soccer	PW Hourly Wage x 5hrs	
Tennis	PW Hourly Wage	

		x 1hr	
	Basketball	PW Hourly Wage x .75hr	
	Ice Rink	PW Hourly Wage x 4hrs	
	<u>Temporary Liquor License</u>		
	On Private Property	\$100.00	
	Local Business On Public Property	\$300.00	
	Non-Local Business On Public Property	\$600.00	
	<u>Sprinkler System Connection Permit</u>		
	Less than 4 inch Pipe	\$215.00	
	6 inch Pipe	\$325.00	
	8 inch Pipe	\$430.00	
	12 inch Pipe	\$650.00	
	<u>Tank Removal</u>	\$55.00	
	<u>Temporary/Seasonal Sales</u>	\$75.00	1024 subd. 44
	<u>Utilities-Quarterly Rates</u>		
	<u>Water</u>		810.06
	MN Water Testing Fee	\$2.43	
	Residential & Commercial Standard Flat Rate	\$78.09	
	0-15,999 gallons Per 1,000 gallons	\$7.54	
	16,000-30,999 Per 1,000 gallons	\$8.22	
	31,000-45,999 Per 1,000 gallons	\$8.91	
	More than 46,000 Per 1,000 gallons	\$9.59	
	<u>Sewer</u>		825.02, 825.05
	Residential & Commercial Standard Flat Rate	\$137.50	
Residential Usage	0-9,999 gallons Per 1,000 gallons	\$0.50	
	10,000-30,999 gallons Per 1,000 gallons	\$1.25	
	31,000-45,999 gallons Per 1,000 gallons	\$2.00	

Commercial Usage	46,000+ gallons Per 1,000 gallons	\$2.75	
	0-9,999 gallons Per 1,000 gallons	\$0.50	
	10,000+ gallons Per 1,000 gallons	\$5.00	
<u>Garbage/ Recycling</u>			830.07
	Garbage rate if not participating in recycling	\$77.18	
	Garbage rate if participating in recycling	\$37.20	
	Sr. citizen garbage rate if recycling	\$34.75	
	Recycling rate	\$36.50	
<u>Storm Water Drainage Fee</u>			840.02, 840.05
	Residential	\$3.75	
	Commercial		
		Based on square footage	
<u>Water Disconnect & Reconnect Plus State Surcharge</u>			
	Residential	\$65.00 60.00	
	Commercial	\$100.00	
	State Surcharge	\$1.00	MN Stat. 16B.70
<u>Water Hydrant Use Plus Water Usage Minimum 1 Month Use</u>			
		\$ 40.00 30.00	
<u>Water Meter Estimating Fee</u>			
		\$30.00	
<u>Water Meters With Radio (plus tax)</u>			810.17
	3/4 inch	\$ 175.00 160.00	
	3/4 inch connectors (\$ 12 10 ; need two)	\$ 24.00 20.00	
	1 inch	\$ 275.00 215.00	
	1 inch connectors (\$ 20 17.50 ; need two)	\$ 40.00 35.00	
	Radio Reader	\$ 185.00 135.00	
	Wire (per foot)	\$ 0.30 .25	

402.02 Refunds.

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

APPENDIX A

SCHEDULE OF OFFENSES AND FEES **ADMINISTRATIVE PENALTY SYSTEM**

General Rules of Administrative Fine System:

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

Level One Violations \$50.00

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

Level Two Violations \$100.00

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

- Missing address numbers visible from the street or alley

Level Three Violations \$150.00

- Unlicensed animal running-at-large.

Level Four Violations \$200.00

-

Level Five Violations \$400.00

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

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

Disorderly House:

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

Repeat Violations:

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

Continuing Violations:

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

Appeal Hearing Request fee:

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

Special Assessment Charge:

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

Section 3. EFFECTIVE DATE.

This ordinance shall take effect upon its adoption by the City Council and its publication in the City's official newspaper.

Adam Jennings, Mayor

ATTEST:

Kathy Laur, City Administrator

First Reading: January 12, 2021

Publication: January 21, 2021

RESOLUTION 21-14

**A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF AN ORDINANCE
OF THE CITY OF TONKA BAY, MINNESOTA
SECTION 402 – FEE SCHEDULE**

WHEREAS, the City Council determines that publication of the summary of Ordinance 2021-01 entitled “An Ordinance Amending Section 402 by Changing Annual Fee Schedule”, as attached, will clearly inform the public of the intent and effect of the ordinance; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Tonka Bay, Hennepin County, Minnesota, that the summary publication as attached shall be published for Ordinance 2021-01 entitled “An Ordinance Amending Section 402 by Changing Annual Fee Schedule”.

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

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

PASSED at a regular meeting of the Tonka Bay City Council this 8th day of June 2021.

Motion introduced by _____ and seconded by _____.

Roll call vote:

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

Adam Jennings, Mayor

ATTEST:

Kathy Laur, Clerk/Administrator

ATTACHMENT – SUMMARY PUBLICATION

**ORDINANCE NO. 2021-03
CITY OF TONKA BAY**

**AN ORDINANCE AMENDING SECTION 402
BY AMENDING ANNUAL FEE SCHEDULE**

The City Council of the City of Tonka Bay does ordain as follows:

Summary:

The ordinance amends Section 402 by amending annual fee schedule.

Effective Date:

The ordinance shall become effective upon its publication in the legal newspaper.

This published material is only a summary. The full text of the ordinance is available for review at Tonka Bay City Call, 4901 Manitou Road, Tonka Bay MN 55331.

Memorandum

To: Tonka Bay City Council
Kathy Laur

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

Date: June 8, 2021

Re: Review of fence/cover standards for swimming pools in similar communities

At the May 25, 2021 City Council Meeting, Council instructed staff to review the ordinances of peer communities to survey their regulations of below-ground swimming pools and observe whether they require a safety feature for swimming pools on private residential properties and, if they do, what are those requirements.

Currently, per Section 1011.05, the City of Tonka Bay requires all below-ground swimming pools be enclosed by a four-foot-high security fence with a self-closing gate. A wall or walls of a home may form part of that enclosure, provided that the wall is at least six feet high. Some communities require screening to obscure swimming pool use and screen their visual impact.

For Tonka Bay, the purpose of the ordinance is to provide safety features to mitigate drowning hazards posed by swimming pools. However, a fence is not the only safety device that is in use to prevent or assist in preventing drownings. Several communities require a fence or a pool cover as an option. There are several communities that have no requirement. Staff prepared the following table to summarize what peer municipalities are requiring, or not requiring, for safety and screening standards related to below-ground swimming pools.

City	Fence	Cover	Screening	No Requirement	Notes
Tonka Bay	X				
Minnetonka Beach	X	X			
Orono				X	
Deephaven					Partial screening
Mound	X	X			
Minnetrista				X	
Independence				X	
Chanhassen	X				
Minnetonka	X				
Shorewood	X				
Excelsior	X		X		
Spring Park				X	
Wayzata	X				
Greenwood				X	
Victoria	X				

Summary of Observations

- 5 of the 13 communities (not including Tonka Bay) require fences for below-ground swimming pools and do not allow alternative methods to secure the pool area.
- 3 communities require some sort of feature (fence, cover, or screening) to accompany a below-ground swimming pool; Excelsior has a requirement for fencing, screening or other enclosure, or any combination thereof, to provide an impenetrable enclosure.
- 5 communities have no fence or cover requirement for below-ground swimming pools.
- Only the City of Deephaven has a requirement for partial screening, which could be a fence, wall, or vegetation the full length of the pool along each property line abutting adjacent residential properties and/or adjacent streets.

Both the City of Mound and Village of Minnetonka Beach require a safety feature that can be either a fence or pool cover. For pool covers, both communities require the covers to meet specific material and design standards prepared by the American Society of Testing and Materials (ASTM). Should those standards change, the latest version would supersede previous standards.

Should Tonka Bay amend their zoning ordinance to present options to safety features for swimming pools, Mound and Minnetonka Beach would provide good models to begin drafting an updated ordinance. That update could look like the following:

Swimming Pool Fences. Outdoor swimming pool fences shall be required as follows:

1. All below ground swimming pools shall include one of the following safety barriers:
 - a) Security fence or wall at least four (4) feet but not more than six (6) feet high and located at least four (4) feet from the edge of a pool. The bottom of the fence or wall shall be no higher than four (4) inches above the surface of the ground. Fence openings or point of entry to the pool area shall be equipped with self-closing and self-latching lockable gates.
 - i. The enclosure for outdoor swimming pools may utilize a wall or walls of a house or building as a part hereof, provided the wall or walls are at least six (6) feet high and the enclosure is completed by a fence or wall conforming to the provisions of a) herein above.
 - b) Automatic (powered) safety pool cover. Automatic pool covers shall meet the standards of F1346-91 of the American Society of Testing and Materials (ASTM), as such standards may be modified, superseded or replaced by ASTM. Manually assembled or positioned safety pool covers shall not suffice as a required pool barrier. It shall be the responsibility of the building permit applicant and property owner to submit materials ensuring compliance with the ASTM standards for an automatic pool cover prior to the issuance of a building permit. Compliance with the ASTM standards shall be shown with the building permit application for the pool.
 - i. It shall be the responsibility of the property owner to maintain all pool covers, fences, gates and closure devices in good operating condition. Failure to maintain pool covers, fences, or failure to have gates closed shall constitute a violation of the Zoning Ordinance and is subject to the remedies and penalties outlined in Section 1140 of this ordinance.

Next Steps

1. Direct staff to proceed/not to proceed with an amendment to Section 1011.05 allowing pool covers to be an acceptable safety feature for below-ground swimming pools.