



## CITY COUNCIL REGULAR MEETING AGENDA

JULY 12, 2022 – 7:00 pm

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONSENT AGENDA<sup>1</sup>
  - A. City Council Work Session Minutes from May 24, 2022
  - B. City Council Work Session Minutes from June 14, 2022
  - C. City Council Regular Meeting Minutes from June 28, 2022
5. MATTERS FROM THE FLOOR<sup>2</sup> (*maximum time of five minutes per person*)
6. SPECIAL BUSINESS
  - A. None
7. PUBLIC HEARING
  - A. None
8. OLD BUSINESS
  - A. Resolution 22-26: Approving 90 Waseca Variance & Conditional Use Permit Requests
  - B. 40 Interlachen Lane Variance Request
9. NEW BUSINESS
  - A. Resolution 22-27: Approving Sewer Lining Plans & Specs, Authorizing Solicitation of Quotes
  - B. Resolution 22-28: Appointing Election Judges for the August 9, 2022 Primary Election and the November 8, 2022 General Election
10. MATTERS FROM THE FLOOR<sup>2</sup> (*maximum time of five minutes per person*)
11. REPORTS
  - A. Administrator's Report
  - B. Contract Staff Report(s)
  - C. Jeff Anderson: Finance, Fire Lanes and Public Access, Technology
  - D. Kristin Viger: Parks and Docks, Sanitation and Recycling
  - E. Kelly Wischmeier: Building Inspection, Municipal Buildings and Grounds
  - F. Tim Connelly: EFD, Commercial Marinas, LMCD
  - G. Adam Jennings: SLMPD, Administration, Public Works, Employee Advisory Board
12. ADJOURNMENT

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

<sup>2</sup>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.

## ITEM NO. 4A

### DRAFT MINUTES TONKA BAY CITY COUNCIL WORK SESSION MAY 24, 2022

#### 1. **CALL TO ORDER**

The budget work session was called to order at 6:00 pm.

#### 2. **ROLL CALL**

Members present: Mayor Jennings and Councilmember Anderson, Connelly, Viger and Wischmeier. Also present were City Administrator Tolsma, City Engineer Gadbois and City Attorney Jason Hill.

#### 3. **DISCUSSION TOPICS**

##### Channel Rip Rap Discussion

Mayor Jennings explained the City has been approached by the two property owners adjacent to the channel between Gideons Bay and the lagoon just south of City Hall. The property owners claim that because of the new dock expansion project the City has a responsibility to upgrade the rip rap along their lakeshore to reduce erosion. Councilmember Viger questioned the need to have the City pay for the private shoreline restoration. Councilmember Wischmeier asked if it could be a shared payment effort between both the landowners and the City. Connelly asked if the potential lawsuit costs would out way the potential restoration costs and if that needed to be taken into account. The legal aspect was discussed further between City Attorney Hill, City Engineer Gadbois and Council, along with the history of the past discussions on the project. Mayor Jennings suggested a past discussion timeline be put together by the city attorney.

##### Capital Improvement Plan Discussion

The City's engineer WSB had previously done some preliminary work for an inventory of the City's infrastructure (see attached proposal). To date much of the work has been completed, although roughly \$1,600 is remaining for the final task of preparing the report. City Administrator Tolsma pointed out it is about ninety percent done and close to completion. City Engineer Gadbois explained where in the process the previous City Engineer Preisler had left off and what was needed to move forward. City Administrator Tolsma asked if it matters at this time what the cost is. He believes identifying what areas need attention first seems more important. Jennings replied it makes sense to prioritize the projects, then have a discussion about how to fund them.

##### Pleasant Avenue / Birch Bluff Road Speed Reduction Discussion

Overtime, the speed bumps that were installed to reduce the speed of vehicles on Pleasant Avenue and Birch Bluff Road have gone missing, due to people removing and disposing of them. A speed study was done in 2015, which Councilmember Viger stated, demonstrated that speed and volume are a problem and most people

that live in the area are in favor of having some speed and volume control, it just wasn't the right product chosen. Jennings would like to see permanent speed humps installed instead and roll the project into the CIP discussion. He suggested installing the remaining ones and not purchase additional speed bumps this year.

**4. ADJOURNMENT**

**There being no further business, Council moved on to the City Council meeting.**

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Adam Jennings, Mayor

Attest:

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Rachel Myskevitz, City Clerk

## ITEM NO. 4A

**DRAFT MINUTES  
TONKA BAY CITY COUNCIL  
REGULAR MEETING  
JUNE 28, 2022**

**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 and Anderson. Also present were City Administrator Dan Tolsma, City Engineer Adam Gadbois, City Planner Brandy Howe and City Attorney Jason Hill.

**3. APPROVAL OF AGENDA**

**Anderson moved to approve the agenda, removing Item 8A. Viger seconded the motion. Ayes: Viger, Anderson, Jennings. Motion carried.**

**4. CONSENT AGENDA**

**A. City Council Regular Meeting Minutes from May 24, 2022**

**B. City Council Regular Meeting Minutes from June 14, 2022**

**C. Approve Lot Combination Requests for 4581 Manitou Rd. (Resolution 22-24) & 350 West Point Rd. (Resolution 22-25)**

**D. Financial Report: April/May 2022**

**Anderson moved to approve the consent agenda, Items 4A and 4B, removing Items 4C and 4D. Viger seconded the motion. Ayes: Viger, Anderson, Jennings. Motion carried.**

Mayor Jennings questioned the water treatment plant fund and why it was running a negative balance on the financial report. City Administrator Tolsma said they need to close out the PFA loan after the last draw down and that will go to zero. Mayor Jennings asked about the clarification on the dock fund amount. City Administrator Tolsma answered there is still \$125,000 in the fund. Mayor Jennings asked about the escrow deposit and refund policy. City Administrator Tolsma said it was a work in progress that will be brought to council at a later date.

**Anderson moved to approve Consent Agenda Item 4C, resolutions approving the lot combination request. Viger seconded the motion. Ayes: Viger, Anderson, Jennings. Motion carried.**

**Anderson moved to approve Consent Agenda Item 4D, the financial reports. Viger seconded the motion. Ayes: Viger, Anderson, Jennings. Motion carried.**

**5. MATTERS FROM THE FLOOR**

Jeff Schultz of 4436 Manitou Road provided an update on the short-term rental at 4440 Manitou Road and the problems that it has created for them living next door. He would like to see the short-term rental ordinance amended to mitigate the issues they are experiencing.

Anne Sample of 40 Interlachen Lane spoke regarding their pending variance request and where they are at with creating a stormwater management plan and the approvals needed by engineering.

**6. SPECIAL BUSINESS**

None.

**7. PUBLIC HEARINGS**

A. 90 Waseca Avenue Request for Variances & Conditional Use Permit

City Planner Howe gave an overview of the several variance requests including variance for side yard setback, variance for accessory building FAR, variance for accessory building height, variance for impervious surface coverage and variance for driveway setback and a request for a Conditional Use Permit for off street parking reduction. Overall, the applicant states the requests would allow the current one-person property to be turned into a home suitable for a small family or senior couple, enhance the unique architectural and environmental characteristics of the neighborhood, preserve the popular affordable family neighborhood, and provide for additional off-street parking. The proposed site improvements are consistent with the Comprehensive Plan residential designation for this site. The improvements are not expected to negatively impact adjacent properties, endanger the public safety, increase congestion, or the alter the city's service capacity. A stormwater management plan is required based upon the City's goals and past practice and the new proposed driveway shall be sloped to the north as to not direct drainage to the property to the south.

Mayor Jennings opened the public hearing.

Brian Batdorf of 100 Waseca Avenue spoke regarding the proposed remodel at 90 Waseca Avenue. He is opposed to the driveway proposal as he believes it will interfere with his life being right on his property line.

Mayor Jennings closed the public hearing.

Patrick Motherway of 90 Waseca Avenue introduced himself to the council.

**Anderson moved to approve the Conditional Use Permit for off street parking reduction, variance for side yard setback, variance for accessory building FAR, variance for accessory building height, variance for impervious surface coverage and a variance for driveway setback based on the table on page two and three of the staff memorandum, as well as following the proposed conditions of approval one through five of the memorandum. Viger seconded the motion. Ayes: Viger, Anderson, Jennings. Motion carried.**

**8. OLD BUSINESS**

- A. ~~Resolution 22-26: Approving 40 Interlachen Lane Variance Request~~
- B. Proposed Channel Stabilization Discussion & Potential Action

**Viger moved to table Item 8B, the Proposed Channel Stabilization Discussion and Potential Action. Anderson seconded the motion. Ayes: Viger, Anderson, Jennings. Motion carried.**

**9. NEW BUSINESS**

None.

**10. MATTERS FROM THE FLOOR**

None.

**11. REPORTS**

A. Administrator's Report  
No report.

B. Contract Staff Report(s)  
City Engineer Gadbois gave quick construction updates on the Manitou Park parking lot and the ballfield project.

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

D. Kristin Viger – Parks and Docks, Sanitation and Recycling  
Councilmember Viger gave a recap of the last Parks and Docks Commission meeting the previous evening.

E. Kelly Wischmeier – Building Inspection, Municipal Building and Grounds  
No report.

F. Tim Connelly – EFD, Commercial Marinas, LMCD

No report.

G. Adam Jennings – SLMPD, Administration, Public Works, Employee Advisory Board

Mayor Jennings gave a recap of the last SLMPD board meeting.

**12. ADJOURNMENT**

**There being no further business, Anderson moved to adjourn the meeting at 8:20 pm. Viger seconded the motion. Ayes: Viger, Anderson, Jennings. Motion carried.**

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Adam Jennings, Mayor

Attest:

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Rachel Myskevitz, Deputy City Clerk

**RESOLUTION NO. 22-26**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT  
AND VARIANCES AT 90 WASECA AVENUE  
PID: 2711723240120**

WHEREAS, the City of Tonka Bay is a municipal corporation, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Tonka Bay ("City") has adopted zoning regulations in the Tonka Bay City Code ("City Code") to promote orderly development and utilization of land within the city; and

WHEREAS, PATRICK MOTHERWAY ("Applicant") applied for a conditional use permit and variances at 90 Waseca, which is legally described as follows; and

*Lot 4 and that part of the east 50 feet of Lot 7 lying between the westerly extensions of the north and south lines of Lot 4, Block 6, Tonka Heights, Hennepin County, Minnesota.* ("Property")

WHEREAS, the Property is located within the R-3 zoning district within the Shoreland Overlay District; and

WHEREAS, the Applicant has requested the following conditional use permit and variances:

1. Conditional use permit to allow reduction in the off-street parking requirement from two spaces to one space (Section 1011.06, subd. 16 of the City Code).
2. Variance to allow a minimum side yard setback of 7.4 feet when the minimum side yard setback is 8 feet in the R-3 zoning district (Section 1021.06, subd. 5 of the City Code).
3. Variance to allow an accessory building to exceed the maximum height of 15 feet, with the proposed garage height of 17 feet, 4 inches (Section 1021.07, subd. 4 of the City Code).
4. Variance to allow an increase in impervious surface coverage of the lot to 32.64%, which is over the 25% percent limitation (Section 1070.11 of the City Code).
5. Variance to allow for the driveway to be established up to the property line, with the minimum setback requirement for driveways being 5-feet from the property line (Section 1011.06, subd. 5(c) of the City Code).

WHEREAS, Brandy Howe, City Planner, and Adam Gadbois, City Engineer, issued a report to City Council dated June 28, 2022, that analyzed the request against the Comprehensive Plan and City Code and made a recommendation of approval to the City Council; and

WHEREAS, the City Council held a public hearing and considered the application on June 28, 2022, and in consideration of the above-described requests, makes the following findings of fact:

1. The property in question meets all three of the "practical difficulties" tests:
  - a. The Applicant intends to use the property in a reasonable manner;
  - b. There are unique circumstances to the Property that create a practical difficulty; and
  - c. The variances, if granted, are not expected to alter the essential character of the locality.



2. The requested variances will not:
  - a. Impair an adequate supply of light and air to adjacent property;
  - b. Unreasonably increase the congestion in the public street;
  - c. Increase the danger of fire or endanger the public safety;
  - d. Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of the City Code;
  - e. Violate the intent and purpose of the Comprehensive Plan; or
  - f. Violate any of the terms or conditions of Section 1004.02, subd. 4 of the City Code.
  
3. In addition, the proposed improvements:
  - a. Are in harmony with the general purpose and intent of the City Code;
  - b. Are consistent with the Comprehensive Plan and will be compatible with present and future land uses of the area;
  - c. Aside from those requests for flexibility listed above, will conform to all applicable performance standards;
  - d. Will not have an impact on the character of the surrounding area;
  - e. Are reasonable for residential properties in the locality; and
  - f. Can be accommodated with existing public services and will not overburden the City's service capacity.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tonka Bay hereby approve the following requests as shown on the plans provided by the Applicant:

1. Conditional use permit to allow reduction in the off-street parking requirement from two spaces to one space.
2. Variance to allow a minimum side yard setback of 7.4 feet.
3. Variance to allow an accessory building to exceed the maximum height of 15 feet.
4. Variance to allow an increase in impervious surface coverage of the lot to 32.64%.
5. Variance to allow for the driveway to be established to the property line.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Applicant must meet the following conditions related to approval of the requests:

1. Construction shall occur in substantial conformance with the plans presented at the June 28, 2022, City Council meeting.
2. The Applicant shall obtain all other permits as may be required and shall comply with all applicable federal, state, and local laws, rules, and ordinances.

3. The Applicant's stormwater management plan for this property shall meet the following standards:
  - a. All drainage from the hardcover on the property shall be directed to the rain garden to the greatest extent possible.
  - b. The new proposed driveway shall be sloped to the north as to not direct drainage to the property to the south.
  - c. A Stormwater Facility Maintenance Agreement shall be executed between the Applicant and City, and an easement shall be provided over the entirety of and access to the facility.
4. The Applicant shall submit an as-built certificate of survey once construction is complete. The following items were missing on the preconstruction certificate of survey and shall be incorporated into the as built:
  - a. Include the PID.
  - b. Include a project benchmark to the nearest 0.01'.
  - c. Include the topographic character of the land showing contours at 2' intervals.
  - d. Include existing hardcover table with percentage of hardcover.
5. The Applicant must adhere to and remain in compliance with the requirements of this Resolution and such other requirements as may apply.
6. All conditions of the requests 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.
7. This Resolution is subject to the condition that all representations, written and oral, made by the Applicant and their agents and representatives to the City contained in and concerning the Applicant's application for the requests 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.
8. By undertaking the activities approved by the requests, the Applicant agrees to all conditions.
9. Failure to comply with any conditions of this Resolution may result in its revocation.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 12<sup>th</sup> day of July 2022.

Motion introduced by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Roll call vote:  
 Ayes –  
 Nays –  
 Absent –

\_\_\_\_\_  
 Adam Jennings, Mayor

ATTEST:

\_\_\_\_\_  
 Rachel Myskevitz, City Clerk



# MEMO

To Mayor and City Council  
 From Adam Gadbois, City Engineer, WSB  
 Date July 12, 2022  
 Re Approve Plans and Specifications and Authorize Solicitation of Quotes for the 2022 Sanitary Sewer Rehabilitation Project

## Consideration

Request to approve the following:

1. Approve plans and specifications and solicitation of quotes for the 2022 Sanitary Sewer Rehabilitation Project.

## Background

On June 14, 2022, the City Council authorized WSB to proceed with producing the final design and specifications for the 2022 Sanitary Sewer Rehabilitation Project. The project consists of lining of approximately 1,300 linear feet of sanitary sewer pipe with a cured-in-place epoxy resin pipe liner (CIPP). The proposed improvements will help reduce infiltration of groundwater into aging sanitary sewer pipes, while also extending the serviceable life of this underground infrastructure

Plans and specifications have been prepared for the proposed work, and the next step is requesting quotes from contractors to complete the work.

The project schedule is detailed below:

Approve Plans and Specifications and Authorize Advertisement for Bids.....	July 12, 2022
Receive Quotes.....	July 22, 2022
Accept Quotes and Award Contract.....	August 9, 2022
Begin Construction.....	Fall 2022
Substantial Completion of Construction.....	December 1, 2022
Final Completion (Final Payment, Project Closeout).....	December 31, 2022

The initial opinion of total probable cost was \$86,100, which included a 10% construction contingency and 24.5% indirect costs. The current opinion of probable cost is \$86,566 and includes a 5% construction contingency and 24.4% indirect costs. It is anticipated that the City will receive a reimbursement of approximately \$12,300 from MCES in March of 2023.

## Attachment

1. Engineer's Estimate

## Recommended City Council Action

Staff recommends approval of the attached resolution, approving the plans and specifications and authorizing the WSB to obtain quotes for the 2022 Sanitary Sewer Rehabilitation Project.

**At the heart of  
Lake Minnetonka**

**OPINION OF PROBABLE COST**

WSB Project: 2022 Sanitary Sewer Rehabilitation Project  
 Project Location: Tonka Bay, MN  
 City Project No.:  
 WSB Project No: 020752-000

Design By: AKMM  
 Checked By: AG  
 Date: 7/6/2022

Item No.	MnDOT Specification No.	Description	Unit	Estimated Total Quantity	Estimated Unit Price	Estimated Total Cost
<b>A. Sanitary Sewer Improvements</b>						
1	2021.501	MOBILIZATION	LS	1	\$ 12,500.00	\$ 12,500.00
2	2503.603	REMOVE PROTRUDING SEWER SERVICE	EACH	3	\$ 1,100.00	\$ 3,300.00
3	2503.603	LINING SEWER PIPE 9"	L F	1280	\$ 35.00	\$ 44,800.00
4	2503.606	CHEMICAL GROUT	GAL	40	\$ 55.00	\$ 2,200.00
5	2563.601	TRAFFIC CONTROL	LS	1	\$ 3,500.00	\$ 3,500.00
<b>CONSTRUCTION TOTAL</b>						<b>\$ 66,300.00</b>
<b>CONTINGENCY TOTAL (5%)</b>						<b>\$ 3,315.00</b>
<b>SUBTOTAL</b>						<b>\$ 69,615.00</b>
<b>INDIRECT COST TOTAL</b>						<b>\$ 16,951.00</b>
<b>TOTAL</b>						<b>\$ 86,566.00</b>

**CITY OF TONKA BAY**

**RESOLUTION 22-27**

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING SOLICITATION OF QUOTES FOR THE 2022 SANITARY SEWER REHABILITATION PROJECT**

**WHEREAS,** pursuant to motion passed by the City Council on June 14, 2022, the City Engineer was directed to prepare plans and specifications for the 2022 Sanitary Sewer Rehabilitation Project; and

**WHEREAS,** the City Engineer has prepared plans and specifications for the 2022 Sanitary Sewer Rehabilitation Project and has presented such plans and specifications to the City Council for approval.

**NOW, THEREFORE, BE IT RESOLVED,** by the City Council of the City of Tonka Bay:

- 1) The plans and specifications, copies of which are on file at City Hall, are hereby accepted upon recommendation of the City Engineer; and
- 2) WSB & Associates, Inc. is hereby directed to solicit quotes for construction of said improvements online through QuestCDN vBid™. The quote package shall specify the work to be done and shall state that quotes will be received online through QuestCDN vBid™ until Friday, July 22, 2022 at 10:00 AM Central Standard Time. Immediately following expiration of the time for receiving quotes, representatives of the City of Tonka Bay will review and tabulate the quotes.

**PASSED AT A REGULAR MEETING** of the Tonka Bay City Council this 12<sup>th</sup> day of July 2022.

Motion introduced by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Roll call vote:

Councilmember Wischmeier	_____
Councilmember Connelly	_____
Councilmember Anderson	_____
Councilmember Viger	_____
Mayor Jennings	_____

\_\_\_\_\_  
Adam Jennings, Mayor

ATTEST: \_\_\_\_\_  
Rachel Myskevitz, City Clerk

**RESOLUTION NO. 22-28**

**A RESOLUTION APPOINTING ELECTION JUDGES AND ESTABLISHING THE TONKA BAY  
ABSENTEE BALLOT BOARD FOR THE AUGUST 9 PRIMARY AND NOVEMBER 8  
GENERAL ELECTIONS IN 2022**

WHEREAS, the City of Tonka Bay is a municipal corporation, organized and existing under the laws of the State of Minnesota; and

WHEREAS, Minnesota Statutes §204B.21 requires that persons serving as election judges be appointed by the City Council at least 25 days before the election; and

WHEREAS, the City is responsible for hiring and training election judges and utilizes individuals that participated in the caucus process, those individuals who have previously served or who are new; and

WHEREAS, attached to this Resolution is the list of individuals to be appointed for the 2022 elections; and

WHEREAS, the City Hall serves as an absentee ballot center for the residents of Tonka Bay; and

WHEREAS, State Statute Section §203B.121 states that an Absentee Ballot Board must be established by the City Council to facilitate the absentee process for an upcoming election;

NOW, THEREFORE BE IT RESOLVED by the Tonka Bay City Council that the individuals named in Attachment A, and on file in the office of the City Clerk be appointed as the Election Judges and Absentee Ballot Board Judges for the 2022 Primary and General Elections;

BE IT FURTHER RESOLVED, the City Council also appoints other individuals and all members appointed to the Hennepin County Absentee Ballot Board as authorized under Minn. State Statute §204B.21, Subd. 2 under the direction of the Election Manager to serve as members of the Tonka Bay Absentee Ballot Board;

BE IT FURTHER RESOLVED, that those election judges who attend trainings and/or serve on Election Day be paid a wage of \$12.00 per hour with no benefits and Head Judges will be paid an additional \$1.00 per hour; and

BE IT FURTHER RESOLVED, by the Tonka Bay City Council that the Deputy City Clerk / Election Administrator is authorized to administratively amend the official appointments in order to fill vacancies and maintain party balance as required by Minnesota § 204B.21, Subd. 2.

**PASSED AT A REGULAR MEETING** of the Tonka Bay City Council this 12<sup>th</sup> day of July 2022.

Motion introduced by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Roll call vote:

Councilmember Anderson  
Councilmember Connelly  
Councilmember Viger  
Councilmember Wischmeier  
Mayor Jennings

\_\_\_\_\_  
Adam Jennings, Mayor

Attest:

\_\_\_\_\_  
Rachel Myskevitz, Deputy City Clerk

**ATTACHMENT A**

**Election Judges and Absentee Ballot Board Judges  
for the 2022 Primary and General Elections**

**Election Administrator**

Rachel Myskevitz

**Election Officials**

Dan Tolsma

Carol Spoerner

**Election Judges and Absentee Ballot Board Judges**

Hennepin County appointed Absentee Ballot Board Judges

David Rice

Susan Doerr

Daniel Buerman

Laurie Davis

Kristin Jackson

Molly Grove

Cindi Westerman

Linda Larson

Cheryl Dahl

David Sturgeon

Kim Gallogly

Jane Caris

Ted Koenecke

Mary Koenecke

Deborah Bierbaum

Danna Atherton