



## CITY COUNCIL REGULAR MEETING AGENDA

January 9, 2024 – 7:00 pm

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONSENT AGENDA<sup>1</sup>
  - A. November 14, 2023 Work Session Meeting Minutes
  - B. November 28, 2023 Regular Meeting Minutes
  - C. 2024 City Council Meeting Calendar
  - D. 2024 City Hall Holidays Calendar
  - E. Establish 2024 Local Board of Appeal & Equalization Meeting Date: April 10, 2024 at 6:30pm
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. 2024 SUIP Sewer Cleaning & Televising Proposal
9. NEW BUSINESS
  - A. Lake Park Villas Sign Permit Application
  - B. Resolution 24-01: Annual Appointments and Designations for 2024
  - C. Resolution 24-02: Accepting a Donation from David Rice
  - D. Ordinance 24-01: 2024 Fee Schedule
  - E. Resolution 24-03: Authorizing Summary Publication of 2024 Fee Schedule
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. Doug Eckland: 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.

**2024  
CITY COUNCIL  
MEETING CALENDAR**

The following City Council meeting dates have been set for 2024. These dates have been established based on previous years. They occur on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month except for December. Historically, only one meeting is held in December.

January 9 and 23

February 13 and 27

March 12 and 26

April 9 and 23

May 14 and 28

June 11 and 25

July 9 and 23

August 13 and 27

September 10 and 24

October 8 and 22

November 12 and 26

December 10

**2024  
CITY HALL HOLIDAY SCHEDULE**

The following City Hall holiday schedule dates have been set for 2024.

January 1 – New Year’s Day

January 15 – Martin Luther King Jr.

February 19 – Presidents Day

May 27 – Memorial Day

June 19 – Juneteenth

July 4 – Independence Day

September 2 – Labor Day

November 11 – Veterans Day

November 28-29 – Thanksgiving & Day after

December 24 – Christmas Eve ½ Day

December 25 – Christmas Day

December 31 – New Year’s Eve ½ Day

Floating holiday

HENNEPIN COUNTY  
MINNESOTA

To: City Clerk/City Administrator of Tonka Bay  
From: Kim Jensen  
Date: December 15, 2023  
Re: 2024 Local Board of Appeal and Equalization Meeting

Wednesday, April 10, 2024

6:30 PM

Date

Time

Minnesota Statute 274.01, Subdivision 1, requires that the County Assessor set the date and time for your local board of appeal and equalization meeting. We are proposing the above date and time.

It's important to have a quorum and a minimum of one trained board member at the meeting. Please confirm the proposed date and time will allow your board to accommodate those requirements. If you wish to change the date, send an alternative to me by January 15, 2024. We will try to accommodate the new date, but our staffing needs may not allow it.

If you have any questions, please contact me at kim.jensen@hennepin.us.

Please return this form to [AO.Programs@hennepin.us](mailto:AO.Programs@hennepin.us) .

**CONFIRMATION**

City:	_____	Board Member:	_____
Date:	_____	Board Member:	_____
Time:	_____	Board Member:	_____
Location:	_____	Board Member:	_____
	_____	Board Member:	_____
		Board Member:	_____
Meeting Format:	In Person	Board Member:	_____
	Hybrid		

City Clerk/Administrator Signature

\_\_\_\_\_



January 4, 2024

Mr. Dan Tolsma  
City Administrator  
City of Tonka Bay  
4901 Manitou Road  
Tonka Bay, MN 55331

Re: Sewer Televising  
2024 Street and Utility Improvements  
City of Tonka Bay, MN  
WSB Project No. 023718-000

Dear Mr. Tolsma:

At the December 12, 2023 Council Meeting, we discussed the need to perform sewer televising for the above reference project. This service is needed to assess the condition of the pipe and provide bidders the information necessary to provide construction costs.

The map below shows the locations of the televising in the Brentwood neighborhood.



We have received a quote from American Environmental for \$9,906.00. This is lower than the anticipated \$12,000 as additional tapes were found for previously televised locations.

At this time, we are requesting a motion from Council to approve this expenditure.

John Bradford will be in attendance at the January 9, 2024 Council meeting to address any questions. If you have any questions or comments prior to then, please contact me at 612.214.7053. Thank you.

Sincerely,

WSB

Brad A. Reifsteck, PE  
Sr. Project Manager

cc: John Bradford, WSB

srb

701 XENIA AVENUE S | SUITE 300 | MINNEAPOLIS, MN | 55416 | 763.541.4800 | WSBENG.COM

## City of Tonka Bay Memorandum

**To:** City Council Members  
Dan Tolsma, City Administrator

**From:** Lori Johnson, City Planner

**Date:** December 28, 2023  
City Council Regular Meeting January 9, 2024

**Project:** 021191-000, Phase 00

**Request:** The applicant is requesting the approval of a permit for a stone and metal sign on the 23420 Smithtown Road property – also known as the “Lake Park Villas” property.

**PID:** 33-117-23-14-0040

### GENERAL INFORMATION

**Owner/Applicant:** TSML Properties, LLC

**Subject Property:** 24320 Smithtown Road

**Existing Zoning:** R-3C (Medium Density)

**Comprehensive Plan:** Low Density (approved by the City Council)

### CONSIDERATIONS RELATED TO THE REQUEST

#### 1. Overview.

TSML Properties, LLC received City Council approval to develop an 11-unit twinhome project that includes property in Tonka Bay and in Shorewood. This project received various land use approvals from both cities, and now the property owner is requesting a sign permit to build a permanent metal and stone sign to place on-site, advertising the Lake Park Villas. This sign will be located within the City of Tonka Bay, and no signs are proposed in the City of Shorewood.

Tonka Bay City Ordinance Section 330 regulates signage within the city. This ordinance establishes the sign permit approval process, which requires applicants to submit a sign permit application and associated drawings to city staff. Staff, in turn, presents the sign permit information to the City Council for their approval.

In residential districts, signage is limited to 24 square feet per face in area, 10 feet in height, and must be setback 10 feet from the property line.

The proposed sign is 7 square feet, while the stone base is approximately 23 square feet. The stone base is not included in the sign square footage, per ordinance requirements. The overall height of the sign/base is 4 feet 2 inches. The setback from the property line exceeds 10 feet. The proposed sign meets ordinance requirements.

The structure will contain the verbiage, “Lake Park Villas” in black lettering upon a cream and tan background. The sign will be lit with ground landscape lights that use either florescent lights or an LED timer system and will be directed at the sign and not the adjacent roadway or adjacent properties. The base of the sign will be made of a Kasota stone slab with a rough cut top.



## 2. Ordinance Authority

*Section 330.02, Subd. 10, Sign Permits*

*Section 330.06 Specific Zone District Sign Regulations*

## 3. Sign General Regulations

The ordinance lists several general regulations that must be abided by when issuing sign permits. In summary, they are as follows:

- a. No sign can be erected unless it follows city, state and federal regulations
- b. No sign shall be placed within the right-of-way.
- c. No sign shall be placed to interfere with or obstruct views of traffic.
- d. No sign shall display the words "stop", "look", "drive-in", "brake", or "danger".
- e. No sign shall be placed on public property.
- f. No sign shall be placed on private property without the owner's consent.
- g. No sign shall be affixed to trees, rocks or other natural surfaces, utility poles, bridges, towers, storage facilities or similar public structures.

The sign that is being proposed conforms to these regulations.

## POTENTIAL ACTION

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

## RECOMMENDATION

Staff recommends approval of the sign permit for Lake Park Villas located at 24320 Smithtown Road. The City Council, based on the information in this report and public testimony, will need to make a motion to approve this permit and a motion of approval is provided below for consideration.

Motion of Approval:

**"I move that we direct staff to prepare a resolution of approval for the sign permit for Lake Park Villas (24320 Smithtown Road), based on the following conditions:**

1. The approval of the sign is based on the drawings contained within this staff report.
2. The lighting used for this sign will be arranged to deflect light away from any adjoining residential property or from public streets. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle meter reading as measured from the centerline of such street. Any light or combination of lights which cast light on residential property or over public water shall not exceed four (4) foot-candles (meter reading) as measured from said property.
3. The sign shall not violate any of the sign general regulations as required in Section 330 of the City's code of ordinances.
4. Any changes to the sign will require City Council approval.

**RESOLUTION NO. 24-01**

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

**A RESOLUTION OF ANNUAL APPOINTMENTS AND DESIGNATIONS FOR 2024**

WHEREAS, annually, at their first meeting in January, the Tonka Bay City Council handles annual designations and appointments; and

WHEREAS, attached is the designation of the Official Newspaper, Official Depositories, and Consultants; and

WHEREAS, attached are the appointments of City Councilmembers and staff to various boards and commissions.

NOW, THEREFORE, BE IT RESOLVED, that the Tonka Bay City Council does hereby make the annual appointments and designations effective immediately upon adoption.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 9th day of January, 2024.

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

Roll call vote:

Councilmember Connolly	_____
Councilmember Eckland	_____
Councilmember Viger	_____
Councilmember Wischmeier	_____
Mayor Jennings	_____

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

ATTEST:

\_\_\_\_\_  
Janell Gildemeister, Deputy City Clerk

## 2023 OFFICIAL CITY APPOINTMENTS

1. Adam Jennings, Mayor  
SLMPD Coordinating Committee  
Alternate – EFD Board  
City Administration  
Public Works  
Employee Advisory Board
2. Doug Eckland, Councilmember  
Banks/Finance/Investments  
Fire Lanes and Public Access  
Technology  
Alternate – Employee Advisory Board
3. Kristin Viger, Councilmember  
Parks and Docks  
Sanitation and Recycling
4. Kelly Wischmeier, Councilmember  
Excelsior Fire District  
Building Inspection  
Municipal Buildings and Grounds  
Alternate – SLMPD Coordinating Committee  
Alternate – City Administration
5. Tim Connelly, Councilmember  
Acting Mayor  
Commercial Marinas  
Lake Minnetonka Conservation District
6. Tax Assessor  
Rolf Erickson, Southwest Assessing
7. Building Inspector  
Metro West Inspections
8. Assistant Weed Inspector  
Public Works Superintendent
9. City Attorney  
Kennedy & Graven
10. Assistant City Attorney  
Robert J. V. Vose
11. Prosecuting Attorney  
Campbell Knutson
12. Emergency Preparedness Director  
SLMPD Police Chief

13. Official Newspaper  
Sun Sailor
14. 4M Fund – RBC Dain Rauscher – UBS – US Bank Financial Services – Official depository for checking, savings accounts, certificates, investments, and bond reserve accounts for general fund and all enterprise funds for the city.
15. City Engineer  
WSB & Associates, Inc.
16. City Planner  
WSB & Associates, Inc.
17. Sewer and Water Inspector  
Public Works Superintendent
18. City Fire Marshal  
Excelsior Fire District
19. Lake Minnetonka Conservation District Representative  
Ryan Nellis
20. Minnetonka Community Services Advisory Board Representative  
Lora Marceau
21. Data Compliance Officer  
City Administrator

**RESOLUTION NO. 24-02**

**A RESOLUTION ACCEPTING A DONATION TO THE CITY.**

**WHEREAS**, the City of Tonka Bay is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 et seq. for the benefit of its citizens and is specifically authorized to accept gifts.

**WHEREAS**, the following persons and entities have offered a contribution as set forth below to the city:

<u>Name of Donor</u>	<u>Amount</u>
David Rice 10 Interlachen Lane Tonka Bay	Tree trimming of Tonka Bay Road from Manitou Rd. to Caribbean Marina. Time, equipment, and material equivalent to \$2,000.

**WHEREAS**, the terms or conditions of the donations, if any, are as follows:

Donor agrees to provide City proof of adequate insurance and to hold City of Tonka Bay harmless for work done in relation to this project.

**WHEREAS**, all such donations have been contributed to the city for the benefit of its citizens, as allowed by law; and

**WHEREAS**, the City Council finds that it is appropriate to accept the donations offered.

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TONKA BAY, MINNESOTA AS FOLLOWS:

1. The donations described above are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.
2. The city clerk is hereby directed to issue receipts to each donor acknowledging the city's receipt of the donor's donation.

Passed by the City Council of Tonka Bay, Minnesota this 9<sup>th</sup> day of January, 2024.

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

Roll call vote:

Councilmember Connelly	_____
Councilmember Eckland	_____
Councilmember Viger	_____
Councilmember Wischmeier	_____
Mayor Jennings	_____

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Adam Jennings, Mayor

ATTEST:

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Janell Gildemeister, City Clerk

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

**ORDINANCE NO. 24-01**

**AN ORDINANCE AMENDING SECTION 402, FEES**

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

Type of Charge	Fee	Notes
<u>Alarm</u>		
Police	\$60.00	770.03, 770.06
Fire	\$175.00	770.11
<u>Administrative Citation Penalties</u>	Varies	270.01 – 270.11. See Appendix A.
<u>Amusement Devices</u>	\$15.00	410.04
<u>Assessment Search</u>	\$25.00	
<u>Cigarette Sales</u>	\$100.00	430.03
<u>City Hall Rental</u>		Room Reservation Application
Damage Deposit	\$300.00	
Up to Four Hours	\$50.00	
Additional Hour	\$10.00	
<u>Commercial Marinas</u>		520.11, 1023.02
Base Fee & Annual Renewal (Plus Per Slip Fee)	\$270.00	Marina License Application
Per Slip Fee	\$5.00	
<u>Copies Plus Tax</u>		
City Code	\$90.00	
Zoning Ordinance	\$100.00	
Zoning Map	\$20.00	
Sewer/Water Maps	\$15.00	
Audiotape Copy	\$25.00	
Comp. Land Use Map	\$20.00	
Copies of record (up to 100 B/W)	\$0.25	MN Stat. 13.03 subd. 3; copies not able to be printed at City Hall are subject to real cost and staff time
<u>De-Icing Permits</u>		De-Icing Permit Application
Permit	\$75.00	
Late Application	\$150.00	

<u>Demolition</u>			Demolition Application
	Structure	\$200.00	351.02
	Escrow	\$500.00	263, 351.02
	State Surcharge	\$1.00	MN Stat. 16B.70
<u>Dog Impoundment Fee (Two Day Minimum)</u>			741.06
	First Pickup	\$55.00	
	Second Pickup	\$85.00	
	Third Pickup	\$125.00	
<u>Dog License</u>		\$20.00	741.03
<u>Excavation - ROW Plus Escrow</u>		\$150.00	301.11, 940.02
	Escrow	\$5,000.00	263, 940.03
<u>Exterior &amp; Fence Permit</u>		Based on Valuation	1001.01, 1011.05
<u>Zoning Review</u>		\$400	
<u>Fertilizer App License</u>		\$108.00	480.03.2
<u>Fill Permit Plus Escrow</u>			Filling and Excavation Permit Application
	Security Deposit (Refund Upon Final Inspection & As-built)	\$500.00	
	10-50 Cubic Yards (Lakeshore Only)	\$55.00	
	Over 50 Cubic Yards	\$90.00	
	Escrow	\$300.00	263
<u>Gambling Investigation</u>		\$100.00	470.05
<u>Home Occupation Permit</u>		\$15.00	1014.03
<u>Inflow and Infiltration Certificate Application</u>		\$150.00 (per line)	827
<u>Land Use Applications</u>			Land Use Application
	Non-Conforming Use Permit, plus Escrow	\$125.00	1011.01
	Variance, plus Escrow	\$500.00	1004.03, 1004.05, 1030.11 subd. B
	CUP, plus Escrow	\$500.00	1003.01
	Resident Pre-Planning Application	\$2000.00	
	Non-Resident Pre-Planning Application	\$6000.00	
	Preliminary Plat, plus Escrow	\$150.00	1030.4 subd. B
	Rezoning, plus Escrow	\$150.00	
	Simple Subdivision, plus Escrow	\$150.00	1030.1 subd. F
	Street Vacation, plus Escrow	\$150.00	930
	Subdivision, plus Escrow	\$150.00	1030
	Planned Unit Development, plus Escrow	\$650.00	1006.03.1, 1006.05.4
	Final Plat, plus Escrow	\$150.00	1030.09 subd. A
	Engineering Fee	\$350.00	
	Escrow	<del>\$3000.00</del> \$4000	263

Administrative Appeal	\$250.00 + \$1,500 deposit	462.357, subd. 6.
Park Dedication	Refer to Ordinance	1006.02 subd. 5-8, 1030.8
Legal Services Pass-Through Rate	\$235.00/hour	Per City Attorney Contract
<u>Liquor</u>		600.04
Investigation Fee	\$500.00	
Small Brewer License	\$250.00	
Brewer Taproom License	\$1,000.00	
Special Sunday Sale	\$200.00	
Consumption and Display Setup	\$300.00	
<u>On-Sale</u>		
Beer	\$500.00	
Intoxicating Liquor	\$5,544.00	
Wine	\$500.00	
<u>Off-Sale</u>		
Beer	\$240.00	
Intoxicating Liquor	\$240.00	
<u>Temporary License</u>		
On-Sale 3.2% Malt Liquor	\$250.00	
On-Sale Intoxicating Liquor	\$300.00	
Local Business	\$300.00	
On Public Property		
Non-Local Business	\$600.00	
On Public Property		
On Private Property	\$100.00	
<u>Mechanical Permit</u>		Mechanical Permit Application
Per Fixture	\$50.00	
Air Conditioner/Furnace	\$100.00	
State Surcharge	\$1.00	MN Stat. 16B.70
<u>Municipal Docks</u>		Municipal Dock Rental Policy
Bumper Material	\$5.00/foot Plus Tax	
<u>Residents</u>		Municipal Dock Application
Boat Slides	\$120.00	
Dock Spaces #2, #3	\$1,600.00	
Dock Spaces #4 through #77	\$2,000.00	
Canoe Rack	\$30.00	
<u>Non-Residents</u>		
Boat Slides	\$240.00	
Dock Spaces #2, #3	\$3,200.00	
Dock Spaces #4 through #77	\$4,000.00	
Canoe Rack	\$60.00	
<u>New Construction</u>		300.03

<u>Building Permit</u>			New Construction Application
	Permit	Based on valuation	1997 State Building Code Fee Schedule +15%
Escrow (Refund Upon Final Inspection & As-built)		\$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		<del>\$0.30</del> \$0.35	
Blue Tracer Wire Box		<del>\$30.00</del> \$45.00	
Ground Rod with 10 feet 14-Gauge Wire		<del>\$60.00</del> \$135.00	
<u>Water &amp; Sewer Connection*</u>			810.02, 810.03, 823.04, 823.05, 826.02
	Sewer	\$4,092.27	
	Water	\$3,960.52	
	Water Tower	\$1,191.65	
*Trunk Connection Rates per living unit for residential; and equivalent for commercial as determined by the Metropolitan Council SAC, except as may be amended by City Council.			
<u>NSF Check</u>		\$30.00	MN Stat. 604.113 subd. 2
<u>Peddler Permit</u>		\$65.00	420.03.4
<u>Plumbing</u>			Plumbing Permit Application
	Commercial	Based on valuation	1997 State Building Code Fee Schedule + 15%
	Residential		
	1-5 Fixtures	\$75.00	
	Each Additional Fixture	\$10.00	
	State Surcharge	\$1.00	MN Stat. 16B.70
<u>Right of Way Obstruction</u>		\$150.00	301.11
<u>Right of Way Registration</u>		\$100.00	301.05
<u>Sewer Disconnect &amp; Reconnect</u>			823.04, 826.02
	Residential	\$ 65.00	
	Commercial	\$100.00	
	State Surcharge	\$1.00	MN Stat. 16B.70
<u>Short Term Rental</u>			425.03 Subd. 4 Short Term Rental Application
	License	\$100.00	
	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 SW or SE (Baseball or Soccer)	\$30/day/slot	
Field NE (Baseball or Soccer)	\$10/day/slot	
Sport Court (Tennis or Basketball)	\$10/day/slot	
Ice Rink	\$10/day/slot	
<u>Maintenance</u>		
Baseball	PW Hourly Wage x 3hrs	
Soccer	PW Hourly Wage x 5hrs	
Tennis	PW Hourly Wage x 1hr	
Basketball	PW Hourly Wage x 0.75hr	
Ice Rink	PW Hourly Wage x 4hrs	
<u>Temporary Liquor License</u>		
On Private Property Local Business	\$100.00	
On Public Property Non-Local Business	\$300.00	
On Public Property	\$600.00	
<u>Sprinkler System Connection Permit</u>		
Less than 4-inch Pipe	\$215.00	
6-inch Pipe	\$325.00	
8-inch Pipe	\$430.00	
12-inch Pipe	\$650.00	
<u>Tank Removal</u>		
	\$55.00	
<u>Temporary/Seasonal Sales</u>		
	\$75.00	1024 subd. 44
<u>Utilities-Quarterly Rates</u>		
<u>Water</u>		
MN Water Testing Fee	\$2.43	810.06
Residential & Commercial Standard Flat Rate	\$78.09	
0-15,999 gallons Per 1,000 gallons	\$7.54	

	16,000-30,999 gallons	\$8.22	
	Per 1,000 gallons		
	31,000-45,999 gallons	\$8.91	
	Per 1,000 gallons		
	More than 46,000 gallons	\$9.59	
	Per 1,000 gallons		
	<u>Sewer</u>		825.02
	Residential & Commercial		
	Standard Flat Rate	\$137.50	
Residential Usage	0-9,999 gallons	\$0.50	
	Per 1,000 gallons		
	10,000-30,999 gallons	\$1.25	
	Per 1,000 gallons		
	31,000-45,999 gallons	\$2.00	
	Per 1,000 gallons		
	46,000+ gallons	\$2.75	
	Per 1,000 gallons		
Commercial Usage	0-9,999 gallons	\$0.50	
	Per 1,000 gallons		
	10,000+ gallons	\$5.00	
	Per 1,000 gallons		
	<u>Garbage/ Recycling</u>		830.07
	Garbage rate if not participating in recycling	<del>\$92.62</del> \$106.51	
	Garbage rate if participating in recycling	<del>\$44.64</del> \$51.34	
	Sr. citizen garbage rate if recycling	<del>\$41.70</del> \$47.96	
	Recycling rate	<del>\$43.80</del> \$50.37	
	<u>Storm Water Drainage Fee</u>		840.02, 840.05
	Residential	\$3.75	
	Commercial	Based on square footage	
<hr/>			
	<u>Water Disconnect &amp; Reconnect</u>		
	Residential	\$65.00	
	Commercial	\$100.00	
	State Surcharge	\$1.00	MN Stat. 16B.70
<hr/>			
	<u>Water Hydrant Use (Minimum 1 Month Use)</u>	\$40.00/mo.	
	Plus Water Usage	See water rates	
<hr/>			
	<u>Water Meter Estimating Fee</u>	\$30.00	
<hr/>			
	<u>Water Meters with Radio (plus tax)</u>		810.17
	3/4 inch	<del>\$175.00</del> \$210.00	
	3/4-inch connectors ( <del>\$12</del> \$20; need two)	<del>\$24.00</del> \$40.00	
	1 inch	<del>\$275.00</del> \$315.00	
	1-inch connectors ( <del>\$20</del> \$30; need two)	<del>\$40.00</del> \$60.00	
	Radio Reader	<del>\$185.00</del> \$220.00	
	Wire (per foot)	<del>\$0.30</del> \$0.35	

Refunds.

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

## 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

- To be determined.

**Level Five Violations                    \$400.00**

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

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

**Disorderly House:**

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

**Repeat Violations:**

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

**Continuing Violations:**

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

**Appeal Hearing Request fee:**

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

**Special Assessment Charge:**

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

Publication date: tbd

**RESOLUTION 24-03**

**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 24-01 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 23-01 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 9th day of January 2024.

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

Roll call vote:

Councilmember Connelly	_____
Councilmember Eckland	_____
Councilmember Viger	_____
Councilmember Wischmeier	_____
Mayor Jennings	_____

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

ATTEST:

\_\_\_\_\_  
Janell Gildemeister, City Clerk

ATTACHMENT – SUMMARY PUBLICATION

ORDINANCE NO. 24-01  
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 Hall, 4901 Manitou Road, Tonka Bay MN 55331.

## 2024 Key Election Dates

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### January

- January 19: Absentee voting opens for presidential nomination primary

### February

- February 27: Candidate filing period for County Commissioner District 6 opens

### March

- March 4: Absentee voting for presidential nomination primary closes at 5 p.m.
- **March 5: Presidential nomination primary, polls open 7 a.m. to 8 p.m.**
- March 8: County canvassing board meeting
- March 12: Candidate filing period for County Commissioner District 6 closes at 5 p.m.
- March 14: Candidate withdrawal deadline for County Commissioner District 6 ends at 5 p.m.

### April

- April 12: Absentee voting opens for County Commissioner District 6 special election
- **April 30: Special primary possible for County Commissioner District 6, polls open 7 a.m. to 8 p.m.**

### May

- May 2: County canvassing board meeting for special primary
- **May 14: Special Election for County Commissioner District 6, polls open 7 a.m. to 8 p.m.**
- May 17: County canvassing board meeting for special election
- May 21: Candidate filing period for offices with a potential primary opens

### June

- June 4: Candidate filing period for offices with a potential primary closes at 5 p.m.
- June 6: Candidate withdrawal deadline for offices with a potential primary closes at 5 p.m.
- June 28: Absentee voting opens for primary election

### July

- July 23: Deadline to pre-register to vote for primary
- July 30: Candidate filing period for offices without a primary opens

### August

- August 12: Absentee voting for primary closes at 5 p.m.
- **August 13: Primary election day, polls open 7 a.m. to 8 p.m.**
- August 13: Candidate filing period for offices without a primary closes at 5 p.m.
- August 15: Candidate withdrawal deadline for offices without a primary closes at 5 p.m.
- August 16: County canvassing board meeting for primary election

### September

- September 20: Absentee voting for general election opens

### October

- October 15: Deadline to pre-register to vote for general election

### November

- November 4: Absentee voting for general election closes at 5 p.m.
- **November 5: General election day, polls open 7 a.m. to 8 p.m.**
- November 13: County canvassing board meeting for general election

**Presidential Primary Absentee Voting Open: January 19 – March 4**

**County Commissioner Absentee Voting Open: April 12 – May 13**

**Primary Election Absentee Voting Open: June 28 – August 12**

**General Election Absentee Voting Open: September 20 – November 4**

December 15, 2023

Irene Fernando, Hennepin County Board of Commissioners, Chair  
David J. Hough, Hennepin County Administrator

SENT VIA EMAIL [board.clerk@hennepin.us](mailto:board.clerk@hennepin.us)



Chair Fernando & Administrator Hough —

This letter is in response to your November 3, 2023 request for input on Hennepin County Board of Commissioners Resolution 23-0384 and the proposed closing of the Hennepin Energy Recovery Center (HERC) between 2028 and 2040.

Greenwood strongly disagrees with the planned decommissioning of the HERC prior to 2040. Closing the HERC before having a solution is not solving a problem. It is reckless and pushes the pollution burden from County to Cities when Counties (not Cities) are in charge of creating plans for waste management. It appears this decision is being made because it “feels” good to close down a “dirty incinerator” instead of being based on facts and reality.

A more thoughtful approach would be for the County to work in a collaborative manner with Cities and take the lead on actions to reduce waste and increase recycling and composting with an initial focus on reducing the waste that is directed to landfills before it starts planning to phase out the HERC. As detailed in the Hennepin Energy Recovery Center staff report, the HERC is far more environmentally friendly than landfills. This fact also is confirmed by the Minnesota Pollution Control Agency waste management hierarchy on page 5 of the staff report. The HERC keeps more metals out of our ground water than landfills. The “non-renewable” designation is unjust and oddly specific to this HERC facility only.

While aspirations are great, realistic plans are even better. The County 2022 Recycling Progress Report states recycling comprised only 357,101 tons of the County waste compared to 749,124 landfill and waste-to-energy tons with landfill's 386,110 tons being greater than the recycling tons. The report does not address the percentage of recycling tons that were too contaminated to be recycled or not recycled because of limited end-user demand. Despite mandated countywide recycling since the late 1980s and 30+ years of concerted effort with the presumed collection of the low-hanging recycling fruit, the County still needs to double recycling volumes to eliminate landfill waste. The County's Zero Waste Plan appears to be wishful thinking vs a true roadmap. It lists 62 Zero Waste Actions but never provides estimated costs for the actions or discusses who will pay the costs. Its Zero Waste Future still includes approximately 10% trash (pg 5 of the Plan). Thus, even if all of its stars align, the Zero Waste Plan will be a 10% Waste Plan. This misnamed Plan, appears to have the potential to be the driving force behind ill-conceived, unfunded mandates for Cities (residents and businesses) in the County. Even if the 10% Waste Goal is achieved, wouldn't it make sense to use waste-to-energy for the remaining 10% since it is environmentally preferable to landfills?

One of the key reasons presented for closing the HERC is its environmental impact and environmental justice concerns. We note if the HERC had been built as an economic development project, the County would be touting its success — the area surrounding the HERC has been virtually completely redeveloped since its construction with the luxury apartments, Be The Match, Target Field, Mary's Place / Sharing & Caring Hands, the Ford Building restoration, etc. The development success is even noted in Resolution 23-0384 R1 which states “population and density near the Hennepin Energy Recovery Center facility have grown dramatically since its opening 34 years ago in 1989.” Redevelopment is thriving around this facility long after it was built.

County Administrator David Hough's recommendations and concerns are not being addressed while County Commissioners put the burden on him to solve the problem that staff recommended against. According to the Sun-Sailor, Angel Conley said, “I have faith that our administrator has the tools and the brilliance to bring us a plan that will bring about a dignified closure of this facility.” Staff's recommendation was the closure should not happen before 2040.

The City of Greenwood requests that Hennepin County develop a more detailed and rigorous recycling and composting plan that includes expected costs and volumes for each option and take a leadership role in supporting the plan rather than mandating compliance. Until such time that a path is clearly visible to decommission the HERC without diverting waste to landfills, the City of Greenwood believes that planning for decommissioning of the HERC is premature.

Sincerely,

Debra J. Kind  
Mayor, City of Greenwood  
on behalf of the Greenwood City Council

CC: City Councils of Deephaven, Excelsior, Hopkins, Loretto, Maple Plain, Medina, Tonka Beach, Osseo, Robbinsdale, Richfield, St. Boniface, St. Louis Park, Tonka Bay, Wayzata