



CITY COUNCIL REGULAR MEETING AGENDA

March 12, 2024 – 7:00 pm

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONSENT AGENDA¹
 - A. February 27, 2024 Regular Meeting Minutes
5. MATTERS FROM THE FLOOR² (*maximum time of five minutes per person*)
6. SPECIAL BUSINESS
 - A. None
7. PUBLIC HEARING
 - A. None
8. OLD BUSINESS
 - A. None
9. NEW BUSINESS
 - A. Resolution 24-08: Approving Plans and Specifications for 2024 Street and Utility Improvement Project / Authorizing Advertisement for Bids
 - B. State Legislature Proposals Affecting Local Zoning Controls
10. MATTERS FROM THE FLOOR² (*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.

²For 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.

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
FEBRUARY 27, 2024

1. CALL TO ORDER

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

2. ROLL CALL

Members present: Mayor Jennings, Councilmembers Eckland, Viger. Also present were City Administrator Tolsma, City Engineer Bradford, and City Attorney Hill.

3. APPROVAL OF AGENDA

Councilmember Eckland made a motion to approve the agenda as presented. Councilmember Viger seconded the motion. Ayes: Eckland, Viger, Wischmeier, Jennings. The motion carried.

4. CONSENT AGENDA

- A. Minutes of the January 9, 2024 City Council Workshop Session
- B. Minutes of the February 13, 2024 City Council Workshop Session
- C. Minutes of the February 13, 2024 Regular City Council Meeting

Councilmember Viger made a motion to approve the consent agenda as presented. Councilmember Eckland seconded the motion. Ayes: Eckland, Viger, Jennings. The motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

None

7. PUBLIC HEARINGS

None

8. OLD BUSINESS

None

9. NEW BUSINESS

Tour de Tonka Special Event Application

City Administrator Tolsma presented the Tour de Tonka Special Event Application to Council for approval. The event is to be held August 3, 2024 with the same routes as previous years. Tolsma stated he had not received any complaints from residents last year. Mayor Jennings noted, moving forward, the Tour de Tonka Special Event could be added to the consent agenda. Councilmember Viger stated the Parks and Docks Commission discussed adding a water stop at

Manitou Park. Council directed Tolsma to reach out to the event contact to ask if they is still time to add the stop to their map. Viger said the Parks and Dock Commission would be willing to hold a community event at Manitou Park. Councilmember Viger made a motion to approve Tour de Tonka Special Event Application. Councilmember Eckland seconded the motion. Ayes: Eckland, Viger, Jennings. The motion carried.

Resolution 24-07 Accepting 2024 SUIP Feasibility Report

City Engineer Bradford was present to discuss the feasibility report. Bradford informed Council that Brentwood Avenue, Bay Street, Wood Lane, Florence Drive, Pleasant Avenue, and Birch Bluff Road were constructed between 1964 and 1965 and the width of the roads range from 12 feet to 22 feet. Bradford stated the plan was to keep the roads the same width to minimize the impact to yards, trees, and to slow traffic down. Bradford discussed the specifics of Brentwood Avenue from Manitou Road to Bay Street and indicated the plan was to install barrier curb, ribbon curb, replace as many water mains as possible, and minimize excavation in the cemetery area. Bradford stated access through the neighborhoods will be challenging and his team is in the process of developing an access plan. Bradford discussed the Open House and said a few residents had concerns with drainage along north edge of Brentwood Avenue closer to Manitou Road. Bradford noted that barrier curbing may need to be installed on the north side of Bay street. Councilmember Eckland asked if the construction would affect the pond in the neighborhood. Bradford stated that the excavation would be shallow and far enough where soil would not be able to penetrate the pond. Bradford covered the sanitary sewer plans and stated the intention was to CIPP line all sanitary service lines up into the private service lines and install new manholes with chimney seals to prevent inflow and infiltration. Councilmember Viger asked whether there would be a lip when CIPP lining the private service line. Bradford explained, once the sewer line has been lined, a new liner would be inserted at the connection to the private service line and there is about an 1/8 inch lip and will not impact the flow. Bradford highlighted the location of three speed humps. Councilmember Eckland asked why the speed humps were being installed in the area. Bradford clarified the purpose was to reduce the speed of cut-through traffic. Council briefly discussed the history of speed control issues in the neighborhood. Councilmember Viger asked about the paving of Cresent park as part of this project. Bradford stated it could be added as a change order. Bradford presented a summary of project area one (Brentwood) and project area two (Pleasant and Birch Bluff) construction costs. Project area one was projected to cost 3.27 million dollars and project area two was projected to cost 4.2 million dollars. Bradford stated funding for the projects would come from General Obligation bonds and Storm Sewer, Water, and Sanitary Sewer Funds. Bradford informed Council that the total project costs are coming in \$500,000.00 more than the 6.95 million dollar Capital improvement Plan (CIP) figures approved last fall. Bradford discussed the project schedule and recommended approval of the feasibility report tonight in order to move forward with the project. The next steps: approve the final plans and specifications at the Council Meeting on March 12, 2024; authorize bid opening at the Council Meeting on April 3, 2024; award bid at the Council Meeting on April 9, 2024. Bradford stated construction would start early May 2024 and continue through November 2024. Bradford informed Council that the first layer of asphalt would be done this year and the final layer of asphalt in the spring of 2025. Viger asked if there would be conflicts with the water main project.

Bradford said the contractors are responsible for managing the staging of each project as part of their bid contract. Councilmember Viger made a motion to approve Resolution 24-07 Accepting 2024 SUIP Feasibility Report. Councilmember Eckland seconded the motion.

Roll call: Eckland Aye
 Viger Aye
 Jennings Aye

The motion carried.

Birch Bluff Road Lift Station Rehabilitation Proposal

City Engineer Bradford presented the Birch Bluff Road Lift Station Rehabilitation Proposal to Council for approval. Bradford stated, as previously discussed, the lift station was inspected and determined to be in poor condition, undersized, and inefficient. Bradford stated the cost to put together the design and prepare bid documents was \$23,000.00. Mayor Jennings asked if this project was independent of the street project and Bradford confirmed. Councilmember Viger asked for clarification of the cost. Bradford stated the cost of the project would be approximately \$70,000.00 to \$100,000.00 and the \$23,000.00 would be in addition to those figures. Council discussed the CIP and how to financially cover the cost. Council had further discussion of the 2024 Street and Utility Improvement Project (SUIP) and potential changes to cover the cost of the lift station project. Council agreed it made sense to complete this project in conjunction with the 2024 SUIP and use funds from reserves. Mayor Jennings noted that moving forward Council needs to be mindful of more add-ons and potential cost overruns. Council revisited the levy financials approved in 2023 and discussed the bonding process for 2024. Councilmember Viger made a motion to approve the Birch Bluff Road Lift Station Rehabilitation Proposal from WSB in the amount not-to-exceed of \$23,090.00. Councilmember Eckland seconded the motion. Ayes: Eckland, Viger, Jennings. The motion carried.

Ordinance 24-02 Reasonable Accommodations

City Attorney Hill presented the Reasonable Accommodation Ordinance to Council for approval. Hill stated the ordinance was drafted to allow for reasonable accommodations in a variety of city services and land use issues, specifically to address concerns with the Fair Housing Act and Americans with Disabilities Act. Hill stated the intention of the ordinance was to provide a process for making and approving the requests that fall under reasonable accommodations. The ordinance provides a better process and avoids a variance request process which can be costly, time consuming, and bond to the property instead of the person. Council was pleased with the ordinance and thanked Hill for turning it around in a timely manner. A motion to adopt Ordinance 24-02 Reasonable Accommodations amending Chapter 2 and adding subs. 290 was made by Councilmember Viger. Councilmember Eckland seconded the motion.

Roll call: Eckland Aye
 Viger Aye
 Jennings Aye

The motion carried.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

- A. Administrator's Report – Tolsma reminded Council the Presidential Nomination Primary is next Tuesday, City Hall will be open during regular hours for absentee voting, and this Saturday from 9 a.m. to 3 p.m. Jennings noted the caucus was held tonight and asked to be mindful and reschedule future Council Meetings that fall on the same day. Tolsma stated he would work with City Clerk and relook at the Council Meeting/Election schedule and bring the discussion to the next Workshop Meeting.
- B. Contract Staff Report(s) – Bradford reported that there are a 5 trees on Manitou Road that need to come down and the property owners will be contacted. He will hold another pre-construction meeting before crews start.
- C. Councilmember Rep – Finance, Fire Lanes and Public Access, Technology - None
- D. Councilmember Rep – Parks and Docks, Sanitation and Recycling – Viger reported that Parks Commission met last night and said the commission members discussed two items. Park Commission discussed the removal of the swings at Old Orchard Park and made a motion to recommend the swings be reinstalled. The next discussion was about the installation of a road barrier along the curve. Viger requested the discussion be added to the next Work Session Meeting. Jennings said the swings should not be reinstalled at this time due to liability concerns. Viger requested the Park Commission be notified of future park related changes before bringing to Council.
Viger reported the Park Commission discussed the grant funds set aside to modify and improve Manitou Park. Viger said Parks revisited the original master concept plan and discussed shifting the location of certain items. Viger noted the Parks Commission voted unanimously to approve the master concept plan 2. Viger mentioned Parks would like to move forward and acquire quotes. Plans were emailed to Council and she encouraged Council to compare the plans and provide feedback and possibly have further discussion at the next Council Meeting. Jennings recommended waiting to bring to Council until Councilmember Connelly returns.
- E. Councilmember Rep – Building Inspection, Municipal Building and Grounds - None
- F. Councilmember Rep – EFD, Commercial Marinas, LMCD - None
- G. Mayor – SLMPD, Administration, Public Works, Employee Advisory Board – Jennings reported that Friday is National Dress in Blue Day in recognition of colon cancer awareness. Jennings shared that Marti Banks, a local resident who was diagnosed with stage 4 colon cancer and passed away at the age of 36 after a three year battle. At the request of Marti's

sister, Jennings announced the importance of getting screened.

12. ADJOURNMENT

There being no further business, Councilmember Eckland made a motion to adjourn the meeting at 8:12 pm. Councilmember Viger seconded the motion. Ayes: Eckland, Viger, Jennings. The motion carried.

Jennings, Mayor

Attest: _____
Gildemeister, City Clerk



MEMO

To Mayor and City Council
 From John Bradford, City Engineer, WSB
 Date March 12, 2024
 Re Approve Plans and Specifications and Authorize Advertisement for Bids for the 2024 Street and Utility Improvement Project

Consideration

Request to approve the following:

1. Approve plans and specifications and authorize the advertisement for bids for the 2024 Street and Utility Improvement Project.

Background

In March 2023, the City Council authorized WSB to proceed with professional engineering services for the 2024 Street and Utility Improvement Project. Professional engineering services consisted of four main tasks: data collection, preliminary design, final design, and bidding.

The proposed improvements include full street reconstruction with the addition of concrete curb and gutter on select streets, construction of a storm sewer system, sanitary sewer and service replacement and structural lining, full watermain and water service replacement, and boulevard restoration. Streets proposed for improvement include:

- Brentwood Avenue
- Florence Drive
- Pleasant Avenue
- Bay Street
- Woodlane Street
- Birch Bluff Road

The project schedule is detailed below:

City Council Approves Plans and Specifications March 12, 2024

Bid Opening April 3, 2024

Award Construction Contract,
Award PSA for Construction Services April 9, 2024

Begin Construction May 2024

Substantial Completion..... November 2024

Final Completion (final lift of pavement) June 2025

**At the heart of
Lake Minnetonka**



Fiscal Impact

The estimated total project costs are summarized below:

Opinion of Probable Cost Summary	
2023 Street and Utility Improvement Project	
Proposed Improvements	Feasibility Report Opinion of Probable Cost
Schedule A. Surface Improvements	\$ 3,292,000
Schedule B. Storm Sewer Improvements	\$ 445,000
Schedule C. Sanitary Sewer Improvements	\$ 1,650,000
Schedule D. Watermain Improvements	\$ 2,070,000
Opinion of Probable Cost	\$ 7,457,000

The estimated costs above include 20% indirect costs and a 5% construction contingency. Final indirect costs will be determined if a contract is awarded and will be based on indirect costs to-date and construction services costs. A proposal for construction services will be provided for City Council consideration after the project has been awarded.

Recommended City Council Action

Staff recommends approval of the attached resolution, approving the plans and specifications and authorizing the advertisement for bids for the 2024 Street and Utility Improvement Project.

**At the heart of
Lake Minnetonka**

2024 STREET & UTILITY IMPROVEMENT PROJECT

CITY OF TONKA BAY

GOVERNING SPECIFICATIONS

THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN.

ALL TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE LATEST EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING THE LATEST FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS.

STORM SEWER, WATERMAIN, AND SANITARY SEWER UTILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE 2012 CITY ENGINEER'S ASSOCIATION OF MINNESOTA STANDARD UTILITIES SPECIFICATION.

PLAN SET INDEX

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2 - 3	GENERAL LAYOUT
4 - 6	STATEMENT OF ESTIMATED QUANTITIES
7 - 10	DETAILS
11 - 13	TYPICAL SECTIONS
14 - 29	REMOVAL PLANS
30 - 56	SANITARY SEWER & WATERMAIN PLANS
57 - 82	STREET & STORM SEWER PLANS
83 - 88	STORM SEWER LATERALS
89 - 92	INTERSECTION PLANS
93 - 108	EROSION CONTROL PLANS
109 - 111	STORM WATER POLLUTION PREVENTION PLAN
112 - 117	SIGNING & STRIPING PLANS
118 - 140	CROSS SECTIONS

EXISTING PLAN SYMBOLS

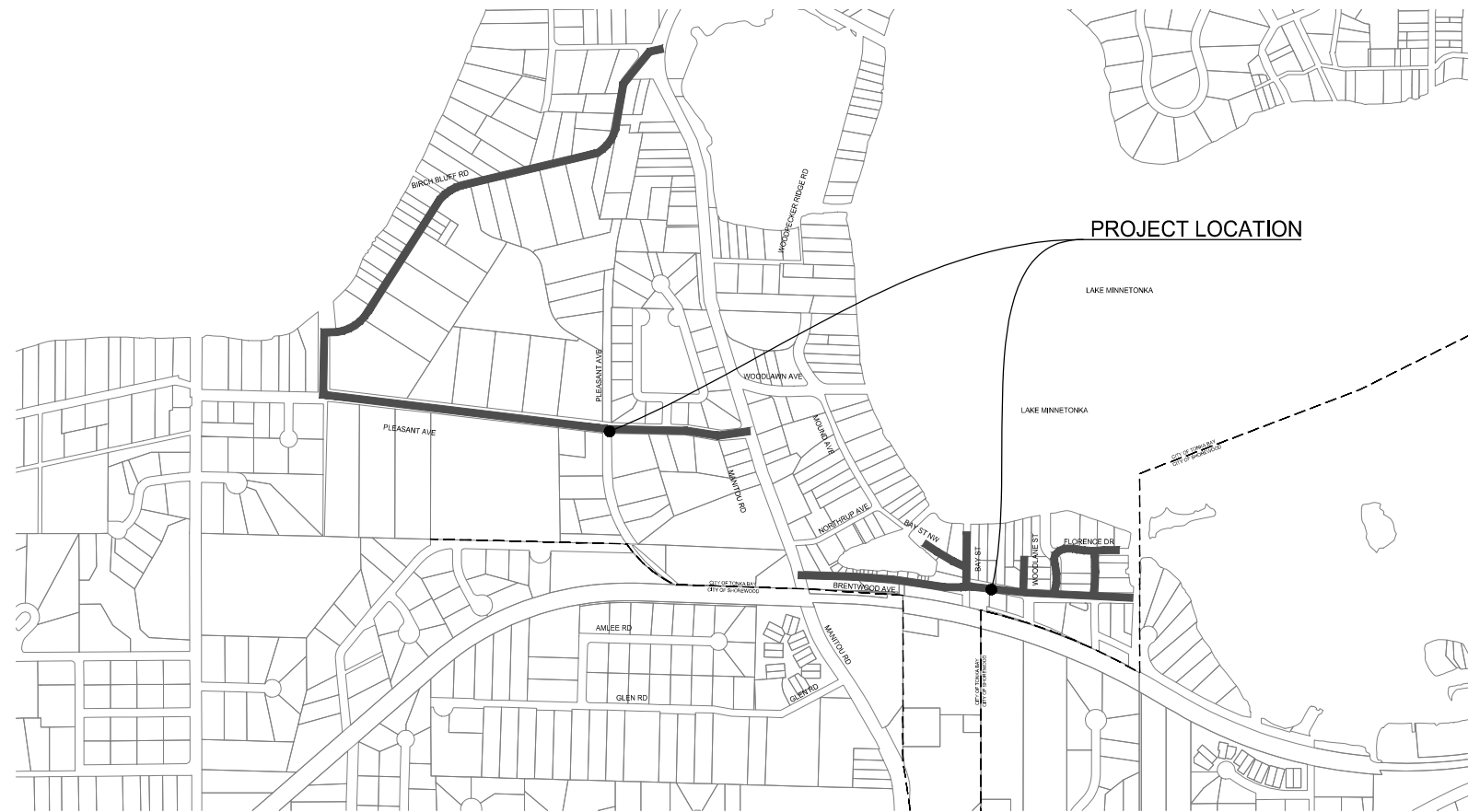
PROPERTY LINES/RIGHT-OF-WAY	---
UTILITY EASEMENT	- - - - -
TREE LINE	~~~~~
SIGN	↑
DECIDUOUS TREE	⊗
SHRUB	⊗
CONIFEROUS TREE	⊗

EXISTING UTILITY SYMBOLS

FIBER OPTIC LINE	— F —
GAS LINE	— G —
COMMUNICATION LINE	— C —
ELECTRIC POWER LINE	— E —
WATER MAIN	— W —
SANITARY SEWER	— S —
STORM SEWER	— ST —
COMMUNICATIONS PEDESTAL	□
POWER POLE	⊕
ELECTRIC BOX	⊕
CATCH BASIN	⊕
STORM APRON	▽
STORM SEWER MANHOLE	⊕
GATE VALVE	⊕
HYDRANT	⊕
SANITARY SEWER MANHOLE	⊕

CONSTRUCTION PLAN FOR BITUMINOUS STREET RECONSTRUCTION, CONCRETE CURB AND GUTTER, SANITARY SEWER, WATERMAIN, AND STORM SEWER IMPROVEMENTS

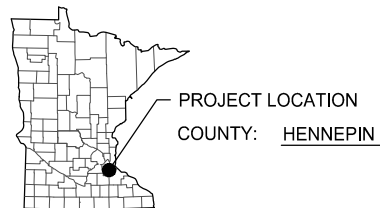
LOCATED ON	LOCATED ON	FROM	TO	END
BRENTWOOD AVE	MANITOU RD			
BAY ST	BRENTWOOD AVE			
BAY ST NW	BAY ST			
WOODLANE ST	BRENTWOOD AVE			
FLORENCE DR	BRENTWOOD AVE			
FLORENCE LOOP	BRENTWOOD AVE			FLORENCE DR
PLEASANT AVE	BIRCH BLUFF RD			MANITOU RD
BIRCH BLUFF RD	PLEASANT AVE			MANITOU RD



PROJECT LOCATION MAP

EXCAVATION NOTICE SYSTEM

A CALL TO GOPHER STATE ONE (651-454-0002) IS REQUIRED A MINIMUM OF 48 HOURS PRIOR TO PERFORMING ANY EXCAVATION.



PROJECT LOCATION
COUNTY: HENNEPIN

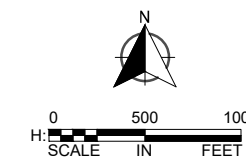
PORTIONS OF:
SECT 21, 28 & 33, TWP 117, RNG 23W

HORIZONTAL DATUM: NAD83 (2011) ADJUSTMENT
UNITS: US SURVEY FEET VRS MOUNT POINT: 2011 CMRX
VERTICAL DATUM: NAVD88 GEOID: MN12B

UTILITY INFORMATION

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

GOPHER ONE CALL TICKET NUMBER: 222451492, 233100511, 233390095
UTILITY COORDINATION MEETING HELD ON: 12/14/2022, 2/27/2024



PLAN REVISIONS		
DATE	SHEET NO.	APPROVED BY

THIS PLAN SET CONTAINS 140 SHEETS

THIS PLAN SET HAS BEEN PREPARED FOR:



CITY OF TONKA BAY
4901 MANITOU ROAD
TONKA BAY, MN 55331
(952) 474-7994

ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND ORDINANCES WILL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.



I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PAUL SANDY, P.E.

DATE: MM/DD/YYYY

LICENSE NUMBER: 53635

WSB PROJ. NO. 023718-000

SHEET
1
OF
140

CITY OF TONKA BAY

RESOLUTION 24-08

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR 2024 STREET AND UTILITY IMPROVEMENT PROJECT

WHEREAS, pursuant to motion passed by the City Council in March 2023 the City Engineer was directed to prepare plans and specifications for the 2023 Street and Utility Improvement Project.

WHEREAS, the City Engineer has prepared plans and specifications for the 2024 Street and Utility Improvement 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 shall prepare and cause to be inserted in the official City newspaper, the Finance & Commerce, and QuestCDN.com an advertisement for bids upon the making of such improvement under such approved plans and specifications
- 3) The advertisement shall be published in each of said publications at least once not less than 10 days before the date set for opening bids, shall specify the work to be done, shall state the bids will be opened electronically on Wednesday, April 3, 2024, at 10:00 o'clock a.m. through the QuestCDN service. Individual bids will only be considered if all bid requirements are met.

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 12th day of March 2024.

Motion introduced by _____ and seconded by _____.

Roll call vote:

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

Adam Jennings, Mayor

ATTEST: _____
Janell Gildemeister, City Clerk

Bills That Would Restrict City Zoning Authority, Including Problematic Missing Middle Housing Bill, to Be Heard by Senate Housing Committee

March 4, 2024

The proposed legislation includes broad provisions that remove significant aspects of local decision-making authority when it comes to residential development.

On March 5 and March 7, the [Senate Housing and Homelessness Prevention Committee](#) will hear four bills that seek to broadly preempt longstanding city zoning and land use authorities related to residential development. These bills mark a continuation of the Legislature's trend this session in seeking to address housing challenges in Minnesota with statewide preemptions of local authority.

City leaders, especially those who are represented by Senators who sit on the Senate Housing and Homelessness Prevention Committee, are encouraged to reach out to their legislators with concerns regarding these four bills.

Proposed policy provisions

The March 5 hearing will include [SF 3303](#), authored by [Sen. Eric Lucero](#) (R-Dayton), which would broadly limit material design standards and other aesthetic provisions. Specifically, cities could not mandate aesthetic features or require that certain building materials be used for residential properties. They would also be prohibited from requiring minimum square footage or floor area ratio, among other preemptive provisions. The House companion is [HF 3168](#), ([Rep. Jim Nash](#), R-Waconia).

The March 5 hearing will also include [SF 3080](#), authored by [Sen. Rich Draheim](#) (R-Madison Lake), which is the Senate version of the "Legalizing Affordable Housing Act" that was heard during the 2023 legislative session in the House. The House companion is [HF 2235](#), ([Rep. Steve Elkins](#), DFL-Bloomington).

The bill would also broadly preempt local authority for zoning and land use with provisions that include:

- Mandatory upzoning of single family lots for all cities.
- Prohibition on roads that exceed 32 feet in width.
- Prohibitions on imposing material design and aesthetic requirements.
- Concerning provisions related to permitting and inspection processes.

- Required density regardless of if infrastructure is in place to support new density.

The March 7 hearing will include [SF 3964](#), authored by [Sen. Nicole Mitchell](#) (DFL-Woodbury), and [SF 3980](#), authored by [Sen. Susan Pha](#) (DFL-Brooklyn Park). This will be the first Senate hearing for SF 3964, also known as the Missing Middle Housing bill, which was heard in the [House Housing Finance and Policy Committee](#) on Feb. 20. The House companion is [HF 4009](#), ([Rep. Larry Kraft](#), DFL-St. Louis Park).

SF 3964 and SF 3980 include provisions that:

- Broadly preempt city zoning and land use authorities.
- Remove public input in the residential development process.
- Lack consideration for how cities utilize zoning and land use to ensure public health, safety and welfare, finance, and scale public infrastructure to support new housing density.

For more information on what is included in these bills, [see a previous article](#).

[Read more news articles.](#)

Your LMC Resource

Daniel Lightfoot

IGR Representative & Federal Relations Manager

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