



CITY COUNCIL REGULAR MEETING AGENDA

July 9, 2024 – 7:00 pm

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONSENT AGENDA¹
 - A. Approve June 25, 2024 Regular Meeting Minutes
 - B. Manitou Park Backstop Payment #2
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. Caribbean Marina Deck Update & Discussion
9. NEW BUSINESS
 - A. None
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
JUNE 25, 2024

1. CALL TO ORDER

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

2. ROLL CALL

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

3. APPROVAL OF AGENDA

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

4. CONSENT AGENDA

- A. Approve Minutes from June 11, 2024 City Council Work Session Meeting
- B. Approve Minutes from June 11, 2024 Regular City Council Meeting
- C. Approve LMCD 2025 Budget
- D. Approve Manitou Watermain Project Pay Voucher #7
- E. Approve Brentwood Avenue / Birch Bluff / Pleasant Avenue SUIP Project Pay Voucher #1

Councilmember Connelly made a motion approve the consent agenda with changes to June 11, 2024 City Council Minutes. Councilmember Viger seconded the motion. Ayes: Connelly, Eckland, Viger, and Jennings. The motion carried.

5. MATTERS FROM THE FLOOR

Mayor Jennings explained the process for the benefit of the audience and as a reminder to Council. Jennings stated that members of the audience may approach the podium, one time, with comments other than what was on the agenda with a limit of five minutes. Jennings reminded Council that no action can be taken as this time is to receive information.

Steve Larson, 60 Brentwood Avenue, commented at length on the impact of the Street and Utility Improvement Project to his property and shared with Council his past communication with engineers regarding the street in front of his property and concerns with the location of the proposed road.

6. SPECIAL BUSINESS
None

7. PUBLIC HEARINGS
None

8. OLD BUSINESS

- A. Resolution 24-17: Awarding the Sale of General Obligation Bond Series 2024A- Shannon Sweeney, David Drown & Associates, presented an update on the bids received for the purchase of the bonds for the 2024 Street and Utility Improvement Project (SUIP). Sweeney noted that he received seven bids which indicated this was a good competitive sale. Sweeney recommended approval of Resolution 24-17 Awarding the Sale of the General Obligation Bond Series 2024A to the low bidder Melvin & Securities at net interest rate of 3.8928%. Sweeney stated the bond council had updated the resolution awarding the sale to name Melvin & Securities as the purchaser in the amount of \$8,350,000.00.

A motion to Approve Resolution 24-17 Awarding the Sale of General Obligation Bond Series 2024A in the amount of \$8,350,000.00 was made by Councilmember Connelly. Councilmember Eckland seconded the motion. Council thanked Sweeney for doing a great job on the estimation.

Roll call:	Connelly	Aye
	Eckland	Aye
	Viger	Aye
	Jennings	Aye

The motion carried.

9. NEW BUSINESS

- A. Resolution 24-18 Approving Election Judges for Upcoming Primary & General Elections – City Administrator Tolsma informed Council there were changes to the election judge roster and the new resolution reflected those changes.

A motion to approve Resolution 24-18 Approving Election Judges for Upcoming Primary & General Elections was made by Councilmember Viger. Councilmember Connelly seconded the motion.

Roll call:	Connelly	Aye
	Eckland	Aye
	Viger	Aye

Jennings Aye

The motion carried.

- B. Caribbean Marina Deck Update & Discussion – City Administrator Tolsma opened discussion by informing Council that the City received a memo this morning from the Caribbean Marina. The memo referenced the City’s requirements for updating the deck, and recommendations from the DNR. Tolsma stated the City’s legal counsel has been informed and has had discussions with DNR and the Caribbean’s legal counsel. Tolsma introduced Rob Schatzle, co-owner of Caribbean Marina. Schatzle discussed the issues the Caribbean Marina had been facing in order to be compliant with all parties. Schatzle stated that the intention was to repair the existing decking as a regular maintenance. Schatzle stated that once the decking was removed, he noticed a couple piers were rotting and needed to be replaced.

Mayor Jennings provided a brief explanation of how the City got to this point.

Background: The Caribbean wanted to replace a deck where an old restaurant used to be located. From the City’s perspective, this was considered routine building maintenance and wasn’t flagged by the building inspector.

Approval: The Caribbean sought approval from the Lake Minnetonka Conservation District (LMCD) and received full approval to proceed with the deck replacement.

Unexpected Halt: However, once the deck was removed, the Department of Natural Resources (DNR) became aware of the project and issued a stop work order.

Current Status: As of now, there is no deck at the Caribbean. The Caribbean has proceeded to file lawsuits with DNR and LMCD and City of Tonka Bay are named in the suits.

Council asked City Attorney Weir for direction regarding further discussions. Weir recommended tabling the request from the Caribbean to provide additional time to work on an agreement and assess effects on the ongoing litigation. City Attorney then provided an overview of the litigation. The Caribbean is suing the Department of Natural Resources (DNR) and has named the City and LMCD as parties in the lawsuit. The first claim would compel DNR to allow the Caribbean to complete its work on the deck. The City is not a party to that claim. The second claim asks the court for declaratory judgment regarding the deck, and the prior determinations made

by LMCD and the City. The City is a party to this claim. The City Attorney explained the current status of the case. There is a hearing schedule for Friday, June 28, 2024 but the DNR is moving to dismiss the action. The City has an agreement with counsel for the Caribbean that the City does not need to do anything immediately and can monitor the litigation while the DNR's motion is resolved. City Attorney stated that the relationship between the litigation and the current permit application and request from the Caribbean was not yet entirely clear, and that additional time would allow working through the issues and potential effects on the litigation.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator's Report - City Administrator Tolsma reported that LMCD is monitoring the lake levels and monitoring the dam.

Contract Staff Report(s) – City Engineer Bradford reported that services are being installed between Pleasant Avenue and Lilah Lane. The pavement is still down and the holes have been filled with class 5 rock. Councilmember Viger asked if the road would be completed this year. Bradford stated that the road would be completed and the holes patched. Councilmember Eckland asked about the dirt piles. Bradford stated he continues to email HUD, however, has not been able to satisfy the requirements from HUD. Bradford stated there was an oversight during a four day period where holes were dug and HUD has not been satisfied with the reported timeline. Bradford said the next step is to set up a meeting with HUD. Eckland asked what was holding up the processing of the dirt. Bradford stated that there needs to be an agreement in place between HUD and the tribal units before a determination can be made.

Bradford reported that the Manitou Road Project was mostly completed except for restoration north of Crabapple Lane. Councilmember Connelly commented on the blacktop patches. Tolsma asked for clarification on whether the County was planning to mill and overlay Manitou Road. Bradford stated he was not aware of any County projects.

Councilmember Viger asked why ash trees would have been taken down even though they were not marked. Bradford explained that the roots of trees within the project area get damaged and have the potential to die within five years. These trees are taken down as a cost saving measure and for the benefit of the residents. Ash trees are removed because of the presence Emerald Ash Borer

within Tonka Bay and inevitably will become diseased and die. Viger shared that she has heard conflicting information from the contractors and residents are concerned that healthy trees are being removed. Connelly voiced that communication needs to continue to improve. Eckland and Mayor Jennings commented that they drove along Brentwood and thought the tree contractors did a good job cleaning up. Jennings commented that the City is improving eighteen percent of its roadways, water and sewer infrastructure, and there are thousands of variables to contend with.

City Attorney Weir reported that he continues to work on the mandamus action from the Caribbean.

- B. Councilmember Rep – Finance, Fire Lanes and Public Access, Technology – Councilmember Eckland asked Staff for a list of Fire Lanes. Eckland had nothing to report.
- C. Councilmember Rep – Parks and Docks, Sanitation and Recycling – Councilmember Viger reported that there was a really good turnout at the Wekota Park Meeting. Viger said she will prepare the list of suggestions from residents and send to Tolsma. Viger shared that all the residents consider Wekota Park a “gem” and are looking forward to improvements. Jennings mentioned that the last posted Parks and Docks minutes are from May of 2023 and directed Staff to update them.
- D. Councilmember Rep – Building Inspection, Municipal Building and Grounds - None
- E. Councilmember Rep – EFD, Commercial Marinas, LMCD – Councilmember Connelly reported that the Excelsior Fire District Meeting on June 26, 2024 has been cancelled. Connelly reported that he talked to Shaun Wischmeier of the Caribbean.
- F. Mayor – SLMPD, Administration, Public Works, Employee Advisory Board - None

12. ADJOURNMENT

There being no further business, Councilmember Connelly made a motion to adjourn the meeting at 8:21 pm. Councilmember Eckland seconded the motion. Ayes: Connelly, Eckland, Viger, and Jennings. The motion carried.

Jennings, Mayor

Attest:

Gildemeister, City Clerk