



CITY COUNCIL REGULAR MEETING AGENDA

September 24, 2024 – 7:00 pm

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONSENT AGENDA¹
 - A. Approve August 20, 2024 Special Budget / Work Session Minutes
 - B. Approve August 20, 2024 Regular Council Meeting Minutes
 - C. Approve August 27, 2024 Special Budget / Work Session Minutes
 - D. Approve August 27, 2024 Regular Council Meeting Minutes
 - E. Approve September 10, 2024 Regular Council Meeting Minutes
5. MATTERS FROM THE FLOOR² (*maximum time of five minutes per person*)
6. SPECIAL BUSINESS
 - A. Presentation – Met Council Imagine 2050 Regional Plan – Lori Johnson, City Planner
7. PUBLIC HEARING
 - A. None
8. OLD BUSINESS
 - A. None
9. NEW BUSINESS
 - A. Resolution 24-19: Establishing Preliminary Tax Levy for Taxes Payable 2025
 - B. WSB Supplemental Agreement to Conduct Wetland Delineation Study
 - C. WSB Supplemental Agreement to Conduct Phase I Archaeological Survey for Repatriation Area
 - D. WSB Supplemental Agreement to Prepare Storm Sewer Easement Exhibits and Descriptions
 - E. 55 Pleasant Avenue Controlled Burn Request
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 WORK SESSION
AUGUST 20, 2024

1. CALL TO ORDER

The work session was called to order at 5:09 p.m.

2. ROLL CALL

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

3. DISCUSSION TOPICS

2025 Draft Budget Discussion

In the 2025 budget discussion, City Administrator Tolsma provided an overview of key points discussed earlier in the week. The two main takeaways were that the City's portion of residents' tax bills is only about 14%, with most of the taxes controlled by the school district and Hennepin County. Despite recent levy increases, Tonka Bay's tax rate has decreased due to higher market values, making it the third lowest in Hennepin County at 13.9%.

Regarding the budget, the City has balanced its General Fund Expenditures and Revenues. There are notable changes, including a \$28,500 reduction in assessing services and a \$75,000 increase in public safety costs (Police and Fire Services). The primary focus of the discussion was on the City's bond payments beginning in 2025, particularly for a water main project and the 2024 Street Utility Improvement Project (SUIP). While the City had been saving to prepare for these payments, full bond payments for 2025 will significantly impact the budget, including a \$341,000 SUIP bond payment. The City remains cautiously optimistic about saving money on water main repairs with the new projects in place.

The baseline levy increase is already set at 9.95%, and discussions are ongoing to finalize the 2025 budget.

Councilmember Connelly arrived at 5:29 p.m.

Brentwood Avenue Layout Discussion

Mayor Jennings provided a detailed recap of previous discussions and developments surrounding a property issue at 60 Brentwood Avenue, explaining that this was the first opportunity since July 23, 2024 for the Council to reconvene as a group. The issue arose after the July 9, 2024 Work Session, where residents at 60 Brentwood Avenue expressed concerns about a proposed compromise related to a construction project. Following the July 23, 2024 Council Meeting, Jennings met with the residents on July 29, 2024 to discuss their concerns. In the meantime, City Administrator Tolsma contacted the property owners at 85 Brentwood Avenue, whose land was adjacent to the affected area. Council had originally proposed a two-foot compromise to maintain the design integrity of the project without encroaching on 85

Brentwood's property. After discussions, 85 Brentwood Avenue indicated they were open to negotiating a property exchange. The initial proposal involved a one-for-one swap of property, with 85 Brentwood Avenue giving up a portion of their front yard in exchange for a slice of the nearby fire lane. However, since decisions involving public property require full Council input, the issue had to be discussed in a formal setting. The concern was that delaying the meeting until the next scheduled session on August 20, 2024 could interfere with the ongoing construction, so a special meeting was called on August 15, 2024. Engineering prepared an official plan, allowing 85 Brentwood Avenue to review it with legal counsel. However, before the Council could finalize decisions, 85 Brentwood Avenue revised their proposal, asking for a two-for-one land swap, citing anticipated legal costs. Council, including Mayor Jennings, Councilmembers Eklund and Connelly, and City Administrator Tolsma did not agree with the two-for-one proposal. They believed it wasn't in the City's best interest to give up twice as much land in the fire lane for the property in question. However, they were open to continuing with the original one-for-one swap and suggested that the Larson family at 60 Brentwood Avenue cover any legal fees involved in the exchange. Council aimed to finalize discussions and make decisions on the matter at tonight's Council Meeting. Jennings clarified that there was no reason to engage with the Larsons unless 85 Brentwood Avenue was open to the City's proposal. City Administrator Tolsma, was directed to present a counteroffer, but until that morning, they hadn't received a response. If 85 Brentwood Avenue rejected the counteroffer, there would be no need to pursue further action. In further discussion, Tolsma explained that 85 Brentwood is seeking a two-for-one land swap, meaning they would receive two square feet of land for every one square foot they give to the city in the easement area near the road. Three options were presented:

1. **Option 1:** The road follows the original planned route.
2. **Option 2:** A modified route that avoids most of the Larsons' property but still impacts a 22-square-foot area (discussed on July 9).
3. **Option 3:** A new proposal requiring buy-in from 85 Brentwood, where they would receive half of the fire lane, which they insist on.

The four Council members present at the July 9, 2024 meeting unanimously supported a compromise, but the property owners at 60 Brentwood were unhappy. The city then explored the possibility of further adjusting the road to avoid the Larsons' property entirely. A special meeting was held to keep construction on schedule in case 85 Brentwood Avenue agreed to the land swap.

Manitou Park Excavated Soils Discussion – Moved to August 20, 2024
Regular Council Meeting.

E-Bike Policy – Unfinished business

Miscellaneous – Unfinished business

ADJOURNMENT

The meeting was adjourn at 7:13 p.m.

Adam Jennings, Mayor

Attest: _____
Janell Gildemeister, City Clerk

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
AUGUST 20, 2024

1. CALL TO ORDER

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 7:15 p.m.

2. ROLL CALL

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

3. APPROVAL OF AGENDA

Councilmember Viger made a motion to approve the agenda with two additions; 8.B Brentwood Avenue Layout and 8.C Manitou Park Excavated Soils.

Councilmember Wischmeier seconded the motion. Ayes: Connelley, Eckland, Viger, Wischmeier, and Jennings. The motion carried.

4. CONSENT AGENDA

- A. Minutes from July 23, 2023 Regular Council Meeting
- B. Minutes from August 9, 2024 Special Council Meeting
- C. Approve Manitou Watermain Project Pay Application #9
- D. Approve 2024 Street & Utility Improvement Project Pay Voucher #3

Councilmember Viger made a motion approve the consent agenda with changes 4.A, 4.B, and 4.C. Councilmember Eckland seconded the motion. Ayes: Connelly, Eckland, Viger, Wischmeier, Jennings. The motion carried.

5. MATTERS FROM THE FLOOR

Cindy Kohman, 115 Brentwood Avenue, asked what the process was to get a topic on a Council Agenda. City Administrator Tolsma explained the items discussed involves determining whether a topic should be addressed in a Work Session or included in a Regular Council Meeting agenda. Typically, when someone suggests a topic for Council discussion without a specific action recommendation, it begins in a Work Session. Council then decides whether to move it to a Regular Council Meeting or revisit it in a future Work Session. The process is flexible and can be initiated either through direct contact with a Council Member or by reaching out to myself.

Konrad Kruger, 4831 Manitou Road, discussed the possibility of integrating his property into a bike trail and using it to create affordable housing. Kruger has lived on the property for 55 years and feels it should be shared. The property is

located near Wekota Beach and Park and off of Tonka Bay Road, where he propose building a tunnel under the road to connect to Wekota Park. Krueger suggested the property, currently an abandoned railway, could support affordable housing, possibly by constructing train car-style duplexes along the driveway. Krueger emphasize the importance of providing a retreat for those with mental health issues and affordable housing, reflecting on how expensive and difficult it has become to find housing. Despite the personal value he finds in the property, he believes it should be shared for the community's benefit.

Mayor Jennings directed Staff to add this discussion to a future Work Session and invite City Planner Johnson to be present as well.

6. SPECIAL BUSINESS

None

7. PUBLIC HEARINGS

None

8. OLD BUSINESS

A. Caribbean Marina Deck Agreement - City Attorney Weir provided an update on the Caribbean Marina deck agreement. Currently, litigation is on hold until the Department of Natural Resources (DNR) takes action on the comments received. The DNR is working with previous attorneys to reach an agreement where the City would take responsibility for the reconstructed deck if necessary. A tentative agreement was reached recently, with only one issue remaining regarding liability between past and present owners, which has now been resolved. The City could be responsible for removing the deck in two scenarios: if the owners request it or if a government agency with jurisdiction requires it. The hope is to have an agreement ready for the Council's decision next week, or to hold a Closed Session to discuss any legal issues.

Shawn Wischmeier provided an update on his progress and some feedback regarding the agreement.

B. Brentwood Avenue Layout Discussion – The Brentwood Avenue layout discussion involved a follow-up to a previously lengthy Work Session, now moved to the Regular City Council Meeting for further conversation. Steve Larson, 60 Brentwood Avenue, expressed frustration over the handling of the road project, stating that despite being proactive for two years, he and his wife never had the opportunity to present their information. He also mentioned

that he had asked multiple times to be added to the agenda without success. Mayor Jennings responded that despite a request for evidence from Larson during a visit to his property, none was received. Larson argued for an alternative plan that wouldn't take property from anyone and expressed dissatisfaction with the City's claim to the roadway, citing a lack of maintenance over the 12 years they've lived there. He also mentioned an upcoming television interview with KARE 11, suggesting decisions have been made behind the scenes. Councilmember Eckland strongly denied any secret meetings, emphasizing that all communications have been direct and transparent. Eckland then asked Larson to clearly state what he wanted, to which Larson replied that he wanted the road to avoid his property, allowing them to keep their 45 feet. During the discussion, Larson acknowledged Jennings for visiting his property and viewing the situation firsthand, though he noted that the Mayor had already indicated he may not change his mind. Councilmember Wischmeier shared that she had visited 60 Brentwood Avenue four times but had not spoken directly with Larson. Her visits were prompted by neighbor complaints and to assess safety concerns. She apologized for not reaching out to Larson, explaining that after a previous discussion July 9, 2024, she believed the matter was resolved. Wischmeier emphasized that she and the Council care about the issue and regretted that Larson felt they were not present. Following this, the Mayor requested City Administrator Tolsma to display the design options, aiming to provide clarity and help Larson respond to Councilmember Eckland's earlier question about their desired outcome. Tolsma proposed a potential solution to Steve Larson, suggesting the creation of an easement agreement. This agreement would grant Larson a dollar value for the property the City claims, in exchange for an easement that provides protections for him. The easement would ensure that if a future City Council attempts to widen the road, Larson would have a legal agreement preventing it. Tolsma explained that this solution would offer clarity and mutual agreement, benefiting both the City and its residents. Council mentioned the possibility of appraising the property to determine a fair value. Tolsma then asked Larson if this solution would address his concerns and make him feel adequately compensated. Jennings addressed the timeline of the Brentwood Avenue project, explaining that the project was just one of many the City has managed over the past two years. He noted that when the planned funding for the road project fell through, the City shifted its focus to other priorities, effectively putting the project on hold. The road project only regained attention this spring, leading to the development of explicit plans and the placement of survey stakes. Jennings emphasized that significant resources have been dedicated to the project at various levels, and it took time for the matter to reach City Council for discussion. Now that it has, the

Council is actively working to reach a decision. Councilmember Viger expressed that she has been advocating for the Larsons throughout the process, acknowledging that if it were her property, she would also be fighting for it. However, she recognized that if a vote were taken, both she and the Larsons would likely be on the losing side. She suggested that the City Administrator's proposed solution might be the best option for the Larsons. Councilmember Wischmeier added that she was also aiming for a win-win outcome, similar to what was discussed in the Work Session. She emphasized that the solution doesn't need to involve a real estate transaction based solely on assessed value, but if an agreement can't be reached, the City should revert to the original plan. Tolsma clarified that the City would use the modified road design as the basis for the proposed easement agreement. The goal is to move the road as much off the Larsons' property as possible without impacting other properties. The easement agreement would formalize this arrangement, providing the Larsons with protections and ensuring clarity about future use of the property. Bradford expressed concern about staying on schedule, noting that the project has been delayed for some time, and a soil issue still needs to be addressed. With no work currently being done, the contractor is waiting on decisions, and there is a risk of incurring delay costs of \$15,000 to \$18,000 per day. To avoid further delays, Bradford suggested that the City could begin road construction while negotiating the easement agreement simultaneously. Council sought advice from City Attorney Weir, who stated that all four proposed options are legally defensible, and he could assist with executing any of them. However, he expressed significant concern about Option 4, which involves an intersection that does not meet current city street standards due to safety risks. Mayor Jennings emphasized the urgency of avoiding a \$75,000 delay and recommended moving forward with the decision discussed on July 9, 2024. He noted that delaying the project not only incurs additional costs but also risks pushing the project into 2025, which would further increase expenses. Councilmember Wischmeier proposed a motion to continue the construction timeline and offer to purchase the Larson's property at face value. Mayor Jennings questioned whether Wischmeier needed to formally retract her motion if it didn't receive a second. He raised concerns about the precedent this could set for the City, as it might lead to the expectation that the City would buy out similar properties across Tonka Bay, where such situations are not uncommon. Wischmeier acknowledged the Mayor's point but expressed that she believed this solution could be a win-win. However, she ultimately agreed that moving forward with the previous decision might be best. Mayor Jennings emphasized that the Council had already made a decision on July 9, 2024, and that revisiting the issue could unnecessarily raise false hopes. He suggested authorizing WSB

(the engineering firm) to proceed with the project based on the compromise reached in July, which would give the Larsons two additional feet beyond what the previous road offered. Councilmember Connelly asked for clarification that the motion was about whether to provide cash value for the portion of the property the City would retain, stating he was opposed to spending money on this issue. Connelly expressed support for option two, which was discussed on July 9, 2024. Connelly emphasized that the real benefit of the proposed easement would be to formalize the agreement rather than providing a significant financial compensation. Council discussed who would be responsible for paying for the appraisal and asked City Attorney Weir about the implications if the appraisal were contested. Weir explained that since the City would only be formalizing rights it already holds, rather than acquiring new ones, the City would not need to follow the Chapter 117 acquisition process, which includes paying for the property owner's appraisal. Instead, the City could simply provide an easement, which would be the main value offered to the property owner.

Councilmember Wischmeier amended her prior motion and restated her motion is to proceed with option two on the construction standpoint, so that WSB would be able to move forward with the project, and Council to work with the Larson's to try to reach an easement agreement and no money exchanged. Councilmember Connelly seconded the motion.

Roll call: Eckland Aye
 Connelly Aye
 Viger Nay
 Wischmeier Aye
 Jennings Aye

The motion carried.

- C. Manitou Park Excavated Soils Discussion - City Engineer Bradford explained that the initial construction plan for Brentwood Avenue was to remove two feet of soil, replace it with sand and gravel, and then pave it with asphalt. However, the Minnesota Indian Affairs Council (MIAC) objected to removing soil, leading to a change in the design. MIAC preferred that the soil not be mixed with cement, creating a challenge in managing the removed soil. The new plan involved removing one foot of soil, storing it offsite, and placing a mixture of gravel and concrete to create a stable base for the road. One solution for the removed soil that MIAC approved is to excavate outside of the cemetery, but close to the cemetery, haul and store the dirt off site, then put this soil into that excavation area creating a mound above it, planted with

wildflowers or a prairie mix. The site would also require a "no trespassing" sign as per MIAC requirements. Bradford explained that he plans to speak with MIAC the following morning. He mentioned that if MIAC approves the proposed site and doesn't impose strict requirements, such as extending the cemetery area, tree clearing could begin, though this would add \$7,000 to \$10,000 in costs. However, the project is currently almost \$200,000 under budget. Councilmember Viger asked if the original plan (Option One) is still viable. The engineer responded that while he would pursue it, it is unlikely to be well-received based on past meetings. The Council agreed not to push hard on this issue, recognizing that MIAC could easily shut down the project, leading to significant delays. Bradford noted that identifying a site for the soil resolves one issue regarding the existing stockpile. He confirmed that the soil from Brentwood could be mixed with the existing stockpile at Manitou Park. He will also inquire if MIAC has suggestions on any other locations in Tonka Bay for the soil, aside from the three areas near the cemetery.

Council recessed at 9:05 p.m. and resumed the meeting at 9:08 p.m.

Engineer Bradford explained that the contractor has run out of work for the street crews, putting the project at risk of incurring delay expenses. He mentioned that during the upcoming construction meeting, he needs to provide the contractor with direction. If MIAC approves storing the soil on a specific parcel without requiring it to be connected to the cemetery, the work could proceed. Council asked if Bradford could negotiate with MIAC in real-time, proposing multiple options to gauge their response. Bradford confirmed that he is attempting to work that out and agreed with Councilmember Viger's suggestion to present MIAC with Option One first and then establish a priority order based on their feedback.

An audience member asked Council how they were going to address the mail delivery issue. Bradford provided an update on the mail delivery issue, explaining that he met with the postmaster on-site. The postmaster confirmed that mail delivery to the Pleasant Avenue area would resume tomorrow, but residents will need to pick up undelivered mail at the Excelsior post office. The issue arose because the mailboxes along the usual route are on the right side of the truck, and with Pleasant Avenue closed, the delivery driver refused to adjust the route, which would make it longer. Bradford noted that a combination of poor communication between the post office and WSB and an uncooperative driver led to the problem, but it is now resolved. Additionally, temporary mailboxes are being set up on Lee Circle for Birch Bluff residents.

Discussion on where to stockpile the soil resumed. An audience member requested that the Council consider using the grassy area by the service road at City Hall. The engineer said he would inquire about that option tomorrow when he meets with MIAC. Council agreed on a priority order for potential soil stockpiling locations: City Hall area, the woods off Woodpecker Ridge Road, and the woods off Mound Avenue. Bradford requested permission to temporarily stockpile soil behind the ball field to advance the project, with the contractor responsible for maintaining Lilah Lane. Council decided to schedule a special meeting at 9:00 a.m. on Friday, August 23, 2024, to continue discussions.

A motion to approve a Special Council Meeting at 9:00 a.m. on Friday, August 23, 2024 was made by Councilmember Connelly. Councilmember Eckland seconded the motion. Ayes: Connelly, Eckland, Viger, Wischmeier, and Jennings. The motion carried.

9. NEW BUSINESS

- A. Manitou Park Trail Connection Cost Sharing Agreement with Three Rivers Park District – A motion to table discussion was made by Councilmember Connelly. Councilmember Wischmeier seconded the motion. Ayes: Connelly, Eckland, Viger, Wischmeier, and Jennings. The motion carried.
- B. Hennepin County Assessment Services Agreement – A motion to Approve Hennepin County Assessment Services Agreement was made by Councilmember Viger. Councilmember Wischmeier seconded the motion. Ayes: Connelly, Eckland, Viger, Wischmeier, and Jennings. The motion carried.
- C. WSB Supplemental Agreement Amendment for Professional Services – A motion to Approve WSB Supplemental Agreement Amendment for Professional Services Not to Exceed \$40,000 was made by Councilmember Eckland. Councilmember Connelly seconded the motion. Ayes: Connelly, Eckland, Viger, Wischmeier, and Jennings. The motion carried.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

- A. Administrator's Report – City Administrator Tolsma reported that LMC recognized our Representative Andrew Myers for his actions and leadership. Tolsma reported that LMCD is having a public hearing on August 28, 2024 at 7:00 p.m. regarding watercraft for hire and rental, and liquor licensing.

- B. Contract Staff Report(s) – None
 - C. Councilmember Rep – Finance, Fire Lanes and Public Access, Technology – None
 - D. Councilmember Rep – Parks and Docks, Sanitation and Recycling – Councilmember Viger reported that the Parks and Docks Committee Meeting is tomorrow.
 - E. Councilmember Rep – Building Inspection, Municipal Building and Grounds - Councilmember Wischmeier praised City Engineer Bradford for his handling of the questions and issues directed at him at tonight’s meetings.
 - F. Councilmember Rep – EFD, Commercial Marinas, LMCD – Councilmember Connelly apologized for his comments made.
 - G. Mayor – SLMPD, Administration, Public Works, Employee Advisory Board - None
12. ADJOURNMENT
There being no further business, Councilmember Viger made a motion to adjourn the meeting at 9:55 pm. Councilmember Eckland seconded the motion.
Ayes: Connelly, Eckland, Viger, Jennings. The motion carried.

Jennings, Mayor

Attest:

Gildemeister, City Clerk

MINUTES TONKA BAY
CITY COUNCIL WORK SESSION
AUGUST 27, 2024

1. CALL TO ORDER

The work session was called to order at 5:08 p.m.

2. ROLL CALL

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

3. DISCUSSION TOPICS

2025 Draft Budget Discussion - City Administrator Tolsma led the 2025 Budget Discussion, explaining the breakdown of the debt service, particularly regarding bonds issued for water main projects. He acknowledged that previous discussions only covered the General Fund portion of the bond, excluding the utilities portion. Tolsma suggested the possibility of moving \$100,000 expenses into the Water and Sewer funds to help reduce the General Fund's burden. When asked about the Water and Sewer fund budgets, Tolsma reported that both are operating under budget, with water at 47% and sewer at 48%. He expressed confidence in reallocating \$50,000 to water and \$50,000 to sewer, noting that they are performing well and could absorb some expenses, particularly with fewer water main break costs expected. Tolsma advised certifying the levy at the current high level of 15.6% to provide flexibility, with the option to lower it later before the final deadline in September, once more information is available. This approach would give the City room to adjust.

Council briefly discussed improvements to the audiovisual equipment to provide a better quality of video to residents and alleviate concerns with failure of the current system. Council directed Tolsma to acquire proposals.

Excavated Soils Discussion – City Engineer Bradford updated the Council on the 2023 Manitou Park excavated soils, stating that he met with HUD, the Minnesota Indian Affairs Council (MIAC), and Tribal Historic Preservation Officers (THPO) to discuss potential storage locations for the soils. MIAC preferred storing the soils at city hall, while THPO was less enthusiastic but hadn't fully ruled it out. Another possible site, a small cemetery area near the park, was also considered, and MIAC was more open to that location. Bradford noted that the plan is to store both the 2023 Manitou Park soil and the 2024 SUIP soil in the same place, and all parties were generally agreeable. He mentioned that discussions are ongoing, with a site meeting scheduled for Friday.

Regarding the 2023 project, Bradford explained that delays have been caused by HUD's resistance to allowing the installation of services. Despite providing extensive information, HUD has yet to approve the necessary work, which could create health and safety issues if not completed before winter. Bradford expressed frustration with HUD's bureaucratic response but remained hopeful the situation would be resolved by the end of the year, with a meeting scheduled for the following day.

E-bike Policy - Mayor Jennings opened the discussion on creating an E-bike policy, highlighting safety concerns and enforcement challenges for the police department. He mentioned that the policy is modeled after Excelsior's, which has already been adopted, with the main difference being that in Greenwood, manually powered bicycles are allowed on sidewalks, while in Excelsior, they are not. The policy would give police clear guidelines for enforcement in Tonka Bay. Council agreed that an E-bike policy is necessary and recommended placing the policy on a future Council Meeting agenda for approval.

ADJOURNMENT

A motion to adjourn the meeting at 6:57 p.m. was made by Councilmember Viger. Councilmember Connelly seconded the motion. Ayes: Connelly, Eckland, Viger, Wischmeier, and Jennings. The motion carried.

Adam Jennings, Mayor

Attest: _____
Janell Gildemeister, City Clerk

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
AUGUST 27, 2024

1. CALL TO ORDER

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 7:02 p.m.

2. ROLL CALL

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

3. APPROVAL OF AGENDA

Councilmember Connelly made a motion to approve the agenda with the removal of 4A and 4B. Councilmember Eckland seconded the motion. Ayes: Connelley, Eckland, Viger, Wischmeier, and Jennings. The motion carried.

4. CONSENT AGENDA

- C. Approve Manitou Park Trail Connection Final Payment #2
- D. Approve Manitou Park Backstop Payment #3

Councilmember Connelly made a motion approve the consent agenda. Councilmember Viger seconded the motion. Ayes: Connelly, Eckland, Viger, Wischmeier, and Jennings. The motion carried.

5. MATTERS FROM THE FLOOR

Kathy Ottum, 30 Lilah Lane, mentioned a fallen tree that's been lying in the park for a long time and suggest it should be removed. She also talked about receiving a note from the mail carrier stating her package arrived on August 15, 2024 but it couldn't be delivered earlier because the road was blocked.

6. SPECIAL BUSINESS

None

7. PUBLIC HEARINGS

None

8. OLD BUSINESS

A. Caribbean Marina Deck Agreement – City Attorney Nason informed Council that the Caribbean Marina Deck Agreement has been under discussion for several months. Nason stated her office has collaborated with the property owners' legal counsel and communicated with the DNR to prepare an agreement for maintaining and removing offshore structures. This agreement

is intended to meet DNR requirements and resolve permitting issues with the property. The agreement stipulates that the property owner is responsible for repairing and removing offshore structures, which include the deck and its supports; the owner must maintain and, if necessary, remove them. If the owner fails to do so, the City will take over the removal and recover the costs from the property owner. The agreement also addresses potential changes in ownership, making the new owner responsible for the structures during their ownership. Nason asked Council to consider approval of the agreement.

A motion to approve Caribbean Marina Deck Agreement was made by Councilmember Connelly. Councilmember Eckland seconded the motion. Ayes: Connelly, Eckland, Viger, and Jennings. *Wischmeier abstained*. The motion carried.

B. Excavated Soils Placement - City Engineer Bradford reported on consultations with Minnesota Indian Affairs Council (MIAC), Tribal Historic Preservation Officers (THPO), and HUD regarding sites for placing excess excavated soils. No agreements have been reached yet, but another meeting is scheduled for later in the week. Bradford also mentioned that they have secured a temporary storage location for the 2024 project on the frontage road in front of City Hall. Councilmember Viger clarified that the information in the packet was outdated and reassured that Manitou Park was not the preferred location for storing any of the soil, despite previous discussions. Council inquired as to when the soils would be moved to City Hall area and Bradford stated Brentwood neighborhood soils would be moved within a couple weeks.

9. NEW BUSINESS

A. Manitou Park Trail Connection Cost Sharing Agreement with Three Rivers Park District - City Attorney Nason reviewed the Manitou Park Trail Connection Cost Sharing Agreement with Three Rivers Park District and found no need for revisions. Nason highlighted that the City is responsible for developing the trailhead, signage, and concrete pad, but will be reimbursed for everything except the concrete pad. City Administrator Tolsma added that the City has initially covered all costs for the trail connection, and the Three Rivers Park District will reimburse most of these costs in 2025. The City has already approved a \$70,000 payment, with additional funds allocated for signage. The rest of the work, including installing signs and kiosks, will be handled by the Park District. In exchange, the City will designate six parking spaces for trail users, although these spaces will not be exclusively enforced for trail parking. Councilmember Viger praised Tolsma for his effective handling of the agreement and securing the reimbursement funds.

A motion to Approve Manitou Park Trail Connection Cost Sharing Agreement with Three Rivers Park District was made by Councilmember Viger. Councilmember Eckland seconded the motion. Ayes: Connelly, Eckland, Viger, Wischmeier, and Jennings. The motion carried.

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator's Report – City Administrator Tolsma reported he had a conversation with Danny Frier, 15 Northrup Avenue, regarding a fence dispute. Previously, Frier was required to relocate his fence because it encroached on a neighbor's property. Frier is seeking reimbursement of \$600 from the City, claiming that a visit from a City Official during the fence relocation caused additional costs. Tolsma mentioned that during his conversation with Mr. Frier, multiple threats of a lawsuit were made. At that point, Tolsma suggested that Frier's attorney should communicate with the City's attorney if legal action was the intended route. Council inquired if Tolsma had a justified reason for visiting the site, which he confirmed. Tolsma explained that he typically inspects fence installations, especially in this case, due to the ongoing neighbor dispute. He visited the site to inform the crew that the neighbor had complained about trespassing and to ensure that the fence, including its footings, was entirely on Frier's property. Frier claims the crew left the site that day and had to return later to complete the footings, incurring an additional \$600 in mobilization costs, which he believes the City should cover.

Tolsma clarified that he was cordial with the crew and that they decided not to do the footings that day, but he wasn't sure why. When asked if Frier had provided an invoice for the \$600, Tolsma confirmed he had one and would email it out to the Council.

Mayor Jennings asked Council for feedback as he would be reaching out to Mr. Frier. The consensus among the Council was to reject Mr. Frier's request for the \$600 reimbursement. The members agreed that City Administrator Tolsma was acting within his duties by following up on the fence permit and addressing the neighbor's complaints. They felt that Frier should have built the fence correctly the first time and that the City should not be responsible for the additional costs he incurred. Council concluded that they would not agree to pay the \$600.

- B. Contract Staff Report(s) – City Engineer Bradford reported receiving calls from Brentwood neighborhood residents eager for their street to be repaired, noting that it will take a couple more weeks. Temporary mailboxes are currently installed on Lee's Circle in Shorewood for residents on Birch Bluff Road. Bradford mentioned that he will be discussing with the post office about relocating the mailboxes to the other side of Birch Bluff at Manitou Road.

City Attorney Nason reported she had no further updates.

- C. Councilmember Rep – Finance, Fire Lanes and Public Access, Technology – Councilmember Eckland reported he is currently working on photographing all the Fire Lanes, noting that it should take three more weeks. Further discussion on the Fire Lane at the end of Woodpecker Ridge Road and the ongoing issues with piles of weeds blocking the lane.
- D. Councilmember Rep – Parks and Docks, Sanitation and Recycling - Councilmember Viger reported that the Parks and Docks Committee met last night and is in the process of revising the five-year Capital Improvement Plan (CIP) and updating it based on project changes and funding adjustments. Additionally, the Parks Commission has repeatedly requested that the swings be reinstalled on the swing set at Old Orchard Park and emphasized the importance of completing this task. Council continued discussing the Parks and Docks Committee's recommendation to reinstall the swings at Old Orchard Park. They inquired whether the committee had considered potential safety concerns. The committee had reached out to Hennepin County about installing a guardrail at the site, but the County determined that the location did not meet the criteria for a guardrail. The committee unanimously voted to reinstall the swings, believing the location was safe and expressing frustration that they were not consulted when the swings were initially removed. Council agreed to direct staff to reinstall the swings and bring back the matter on the next Council agenda for further review.
- E. Councilmember Rep – Building Inspection, Municipal Building and Grounds - None
- F. Councilmember Rep – EFD, Commercial Marinas, LMCD – Councilmember Connelly reported there was a house fire at 95 Tonka Bay Road and praised

Excelsior Fire District and SLPD for their quick response.

G. 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 7:46 p.m. Councilmember Viger seconded the motion. Ayes: Connelly, Eckland, Viger, Wischmeier, and Jennings. The motion carried.

Jennings, Mayor

Attest:

Gildemeister, City Clerk

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
SEPTEMBER 10, 2024

1. CALL TO ORDER

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 7:11 p.m.

2. ROLL CALL

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

3. APPROVAL OF AGENDA

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

4. CONSENT AGENDA

- A. Approve August 20, 2024 Special Budget/Work Session Meeting Minutes
- B. Approve August 20, 2024 Regular City Council Meeting Minutes
- C. Approve August 27, 2024 Special Budget/Work Session Meeting Minutes
- D. Approve August 27, 2024 Regular City Council Meeting Minutes
- E. Approve 2024 SUIP Pay Voucher #4

Councilmember Viger made a motion approve item 4E and remove items 4A-4D. Councilmember Eckland seconded the motion. Ayes: Connelly, Eckland, Viger, Wischmeier, and Jennings. The motion carried.

5. MATTERS FROM THE FLOOR

None

6. SPECIAL BUSINESS

None

7. PUBLIC HEARINGS

None

8. OLD BUSINESS

- A. Excavated Soils Placement - City Engineer Bradford updated Council on the placement of excavated burial soils, following a site meeting with representatives from HUD, State Historical Preservation Office (SHPO), and tribal members. The group agreed that the preferred location for recreating burial mounds is a 40-acre

parcel next to Wedgewood Drive. Bradford outlined several required steps: conducting a phase one archaeological study, completing a wetland delineation, and creating design specifications and survey for the burial mounds. The group also suggested improving the trail between Manitou Park and Lilah Lane to a class five trail, allowing visitors to walk from the park to the burial site. MIAC recommended adding signage, seeding the site with native plants, and developing a mound management plan in line with MIAC's guidelines for protecting the area. Bradford added that MIAC and the tribes requested a resolution from City Council to designate the site as a forever burial ground, reaffirming the importance of preserving the cemetery soils and minimizing disturbances.

Bradford updated the Council on the cemetery soils at Manitou Park, explaining that about half of the required sifting has been completed. The large soil pile from the Street and Utilities Improvement Project, currently stored at City Hall, will be moved to the 40-acre site near Wedgewood Drive once environmental reviews are completed. When asked how long the survey would take, Bradford estimated one month, with SHPO's review taking 45 to 60 days. Council also inquired if the soil pile would remain at City Hall over winter, to which Bradford confirmed. Bradford clarified that the pile at City Hall does not need further screening, as it is monitored soil. The plan is to move the Manitou Park soils to the permanent location off of Wedgewood Drive in spring of 2025, after road restrictions lift, minimizing the number of moves to align with tribal preferences. Bradford summarized the process: once the survey goes to SHPO, the City will work on a design and compile an estimate of the total amount of soil to be moved. Bradford confirmed that City Hall site is no longer an option for permanent burial site, as the tribes rejected it. He also noted there is no funding that he is aware of to help defray costs. Additionally, Councilmember Viger noted concerns were raised by a resident about the impact of hauling soil on Lila Lane, which is already in poor condition and recommended considering repairs costs in the project budget.

9. NEW BUSINESS

None

10. MATTERS FROM THE FLOOR

None

11. REPORTS

A. Administrator's Report – City Administrator Tolsma reported that absentee voting starts at Tonka Bay on Monday, September 23, 2024.

B. Contract Staff Report(s) – City Engineer Bradford reported City Engineer Bradford

provided two quick updates. First, contractors are preparing to install the final six residential services, after which paving and patching of the roadway can proceed. Second, Pleasant Avenue has been fully stabilized, with the top layer of class five applied, and curb and gutter installation is set to begin soon.

In response to Wischmeier's question about the removal of the stop sign at Tonka Bay Road and County 19, Bradford explained that the County has been debating the size of the triangle's radiuses, and he has been occupied with other matters and has not followed up with the County. Viger asked about the status of mailbox relocation, and Bradford confirmed that, while they haven't been moved yet, normal mail delivery to Birch Bluff Road is expected to resume by the following Thursday.

- C. City Attorney Nason stated she had nothing to report.
- D. Councilmember Rep – Finance, Fire Lanes and Public Access, Technology – None
- E. Councilmember Rep – Parks and Docks, Sanitation and Recycling – None
- F. Councilmember Rep – Building Inspection, Municipal Building and Grounds - None
- G. Councilmember Rep – EFD, Commercial Marinas, LMCD – None
- H. 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 7:41 pm. Councilmember Wischmeier seconded the motion.

Ayes: Connelly, Eckland, Viger, Jennings. The motion carried.

Jennings, Mayor

Attest:

Gildemeister, City Clerk



City of Tonka Bay Memorandum

To: City Council Members
Dan Tolsma, City Administrator

From: Lori Johnson, City Planner

Date: September 19, 2024
City Council Regular Meeting September 24, 2024

Regarding: Staff is initiating a discussion on the policies of the Metropolitan Council's regional planning document, Imagine 2050.

The Metropolitan Council, the Twin Cities regional planning authority, requires local governments within the Twin Cities Metropolitan Area to update their comprehensive plans to be in line with the policies set forth in their regional planning document that is created every 10 years. The City's current comprehensive plan was approved in 2018 and was developed by using the guiding principles and policies of the Metropolitan Council's "Thrive MSP 2040" regional planning document.

The Metropolitan Council has created a draft of their new regional planning document for the next round of comprehensive plan updates that will begin in 2027-2028. This new document to guide the next round of comprehensive plan updates is known as "Imagine 2050."

The draft document (90% complete) of Imagine 2050 has been sent to all local communities under the jurisdiction of the Metropolitan Council within the last month. Imagine 2050 guides the growth and development, both public and private, by setting a framework for land use patterns and by guiding the orderly and economic development of the region.

The document includes several regional land use policies that communities will be expected to address and include in the next round of updates. Policies, objectives and actions are nestled into the various policy plans which include the Transportation Policy Plan, Land Use Policy Plan, Regional Parks and Trails Policy Plan, Water Policy Plan, and Housing Policy Plan. This document also includes predicted local forecasts for population, households and employment. A link to the Imagine 2050 planning document is provided here: [Home | Engage Twin Cities \(metrocouncil.org\)](https://www.metrocouncil.org)

This information is being presented to you because the Metropolitan Council is asking for input on Imagine 2050. A public hearing will be held on October 7, 2024, which will allow communities or their representatives to comment on the document. Staff believe it is important for the City Council to understand the implications of the proposed land use

policy included in Imagine 2050 prior to the public hearing opportunity. It may be early to be thinking about the next comprehensive plan update, but the policies in this document are being created now, and this is a good chance to have a voice in the plan development process.

Service Area Implications—Land Use Policy Plan

The Metropolitan Council sets the strategic direction of Imagine 2050 using specific community designations. The designations distinguish between the types of urban, suburban and rural areas within the planning area. These designations indicate the overall state of development and regional issues faced by each local government. Key variables used to define the community designations include the age of infrastructure, planned residential density and intersection density. The Metropolitan Council has designated Tonka Bay as a **Suburban** community. This is the same community designation that was assigned to Tonka Bay for the 2018 comprehensive plan.

There are many different policies included in the proposed land use guidance for each designation. These policies have specific actions tied to them, and each city will be required to address the policies and actions in the next plan update. Please read the overall land use policy for more specific details, and a link to this document can be found here: [Land Use | Engage Twin Cities \(metro council.org\)](https://metro council.org/land-use-engage-twin-cities). After reviewing the land use policy direction, there are two concerning elements that the City Council should be aware of prior to the public hearing on the Imagine 2050 document.

1. Overall Density Expectations

- The Metropolitan Council will require **Suburban** communities to plan for an overall minimum average net density of *7 units per acre*. Currently, the comprehensive plan plans for a minimum average net density of 5.14, so this will be a jump in the overall density requirement for the city.
- This density would be expected across all land within the city to support growth within the planning period.
- Net acreage does not include wetlands, water bodies, public parks and trails, public open space, arterial road rights-of-way, and other undevelopable acres such as steep slopes.
- Given that there are very few undeveloped tracts of land in Tonka Bay, this number may be hard to achieve.

2. Housing Types

- In more than one section of the draft, the policy calls for allowing more than one housing type within residential land use categories.
- In turn, the policy asks cities to be supportive of local regulation changes to achieve this goal which would also translate into zoning changes.
- The zoning changes would likely need to include allowing more than single family homes in the single-family zoning districts.

- This also affects the city's required allocation for affordable housing.

Public Hearing—October 7

There are multiple ways you can provide comment on Imagine 2050 before October 7, and staff is willing to assist in drafting documents or contacting the Metropolitan Council on the City Council's behalf if they have strong opinions on the information presented in the document.

For informational purposes, the city's forecasts are provided below, and staff believe that these are reasonable numbers based on what we know about the city.

	Population			Households			Employment	
	<i>Thrive MSP 2040</i>	<i>Imagine 2050</i>		<i>Thrive MSP 2040</i>	<i>Imagine 2050</i>		<i>Thrive MSP 2040</i>	<i>Imagine 2050</i>
2020	1,790	1,442		720	586		240	233
2030	1,850	1,618		750	693		270	408
2040	1,880	1,747		760	749		300	420
2050		1,772			760			434

CITY OF TONKA BAY

RESOLUTION 24-19

A RESOLUTION ADOPTING PRELIMINARY TAX LEVY COLLECTIBLE IN 2025

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Tonka Bay, Hennepin County, Minnesota, does hereby declare that the following sums of money be levied for the budget year 2025, collectible in 2025, for the following purposes:

General Fund	\$1,326,494
Capital Improvement	\$ 100,000
Debt Service	\$ 421,236
 Total 2025 Levy Amount	 \$1,847,730

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 24th day of September 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



September 19, 2024

Honorable Mayor and City Council
c/o, Dan Tolsma, City Administrator
City of Tonka Bay
4901 Manitou Road
Tonka Bay, MN 55331

Re: Supplemental Agreement to Provide Wetland Delineation for Parcel ID Nos
2811723340017 and 2811723340012.

Dear Mayor and Council:

On behalf of WSB, we are pleased to submit this Supplemental Agreement to our Master Professional Services Agreement, dated February 28, 2012, to provide wetland delineation services for wetlands located within Parcel ID No 2811723340017 and 2811723340012.

Project Approach/Scope of Services

WSB will provide project management for the duration of the project. This includes planning and coordination of all work tasks, establishment and monitoring of budgets, meetings, and correspondence with the City and other agencies. The City Engineer will provide technical direction on all aspects of the project and keep the City informed of the project progress.

WSB's project scope and proposed tasks are based on our understanding of the project, and we propose the following scope of services:

Task 1 – Wetland Delineation and Report

Wetlands within Parcel ID No 2811723340017 and 2811723340012 will be delineated per the US Army Corps of Engineers Wetland Delineation Manual and Midwest Regional Supplement. Field investigation will assess soils, hydrology, and vegetation within suspected wetland areas. Areas determined to be wetland will be demarcated with pink pin flags and locations will be surveyed using a sub-meter accuracy GPS unit. These data will be summarized in a Wetland Delineation Report which will be provided to the City for initial review and ultimately to the Wetland Conservation Act (WCA) Local Government Unit (LGU), USACE, and DNR for review and approval. If requested, WSB will join the agencies in the field to review the boundaries. Following approval, WSB will provide an approved wetland boundary electronic file to the city and project engineer for use in design. WSB will also provide final approval documentation (Notice of Decision) to the city.

Schedule

We are available to start the project immediately and complete the field work for the delineation within 3 weeks of approval. A delineation report and field review will be completed and coordinated with the WCA LGU (Minnehaha Creek Watershed District). The schedule for the final boundary approval is dependent upon the LGU's schedule but is anticipated in fall 2024.

Proposed Fee

WSB will provide the services as outlined in Project Approach/Scope of Services. Our fee was developed based on our understanding of the scope of the project and our experience with similar projects. WSB is proposing to complete the work on a cost-reimbursable basis in accordance with our current fee schedule. Proposed fees are an hourly not-to-exceed basis without prior City Council approval as follows:

Description	Fee
Wetland Delineation	\$1,368
Delineation Report and Approval	\$3,512
Total not-to-exceed fee	\$ 4,880

Required permit fees will be passed through to the City of Tonka Bay.

This letter represents our entire understanding of the project scope. All work under this supplementary agreement will be governed by the Master Professional Services Agreement entered between the City of Tonka Bay and WSB on February 28, 2012. If the scope and fee appear to be appropriate, please sign on the space provided below and return one copy to our office. We are available to begin work once we receive signed authorization.

If you have any questions or concerns, please feel free to contact Alison Harwood, Director of Natural Resources, at 612.360.1320. We truly appreciate the opportunity to submit this proposal and look forward to continuing to serve your community.

Sincerely,

WSB



Alison Harwood
Director of Natural Resources

SUPPLEMENTAL AGREEMENT FOR:

Wetland Delineation for Parcel ID Nos 2811723340017 and 2811723340012.

**ACCEPTED BY:
City of Tonka Bay, MN**

Name _____

Title _____

Date _____

Attest _____



September 17, 2024

John Bradford
Senior Project Manager
WSB Engineering
JBradford@wsbeng.com

Re: Proposal for the Phase I Archaeological Survey for a Repatriation Area within the City of Tonka Bay, Hennepin County, Minnesota.

Project Description

At the request of WSB Engineering, In Situ Archaeological Consulting, LLC (In Situ) is pleased to submit our Scope of Work (SOW) and cost proposal for the above-referenced project. The City of Tonka Bay, Minnesota is proposing a possible area to serve as a repatriation area for displaced soils from archaeological/burial site 21HE0047. It is expected a 11.76-acre area will be subject to survey for the proposed project.

The SOW includes the following tasks to be completed to the guidelines of the Minnesota State Historic Preservation Office (SHPO) and Office of the State Archaeologist (OSA):

- Task 1: Phase Ia Background Literature Review
- Task 2: Agency Coordination and Consultation
- Task 3: Phase I Archaeological Survey within the proposed project area;
- Task 4: Report Preparation and completion of site forms, dependent on survey results.

Scope of Work

Task 1 – Phase Ia Background Literature Review. The study area is defined as a 2-mile area surrounding the proposed project area (1-mile from each side of the project area). This task will be completed using site files and inventory files maintained by the Minnesota SHPO. In addition, background research will be completed by reviewing historic maps, atlases, current aerial photographs, soils mapping, topographic and geomorphic data, and other sources that might provide information for the locations of historic-era sites, areas of prior disturbance, etc.

Task 2 – Agency Coordination and Consultation. Due to the ownership of the parcel, an OSA Phase I license will be needed prior to the start of field work. This permit process could take between 20-30 business days. Throughout the process of the proposed project, In Situ will consult as needed with the various agencies including, but not limited to: Minnesota SHPO, Minnesota OSA, Minnesota Indian Affairs Council (MIAC), and various interested tribal representatives and Tribal Historic Preservation Offices (THPO).

Task 3 – Phase I Archaeological Survey. Following receipt of detailed GIS mapping depicting the locations of the project area, the Phase I Intensive Cultural Resource Inventory will be completed to the Minnesota SHPO standards. The Phase I survey will be completed using one or more of the following methods:

- *Visual Inspection* – Locations where cultural resources were not expected, such as disturbed areas, areas with a slope greater than 20 degrees, and low/wet areas will be walked over and visually inspected. This method will be used to verify the absence or likelihood of any cultural resources within these areas. This method will also be utilized to document the general terrain and the surrounding area.
- *Pedestrian Survey* – this method is used to visually inspect the ground surface for any cultural resources within the project area. The survey transect interval will be 15 m. All identified artifacts and cultural resources are to be documented with a sub-meter GPS unit and photographed.
- *Shovel Testing* – this method is used to sample subsurface contexts in areas with a high potential of containing subsurface cultural resources, slopes less than 20 degrees, and ground visibility of less than 30%. A shovel test (ST) is 30-40 cm in circular diameter. The STs are excavated on a grid at 15 m intervals – additional radial STs are conducted at 5 m intervals when any artifacts are discovered. All positive STs are to be documented using a sub-meter GPS unit. Excavated soil is screened through a 0.25-inch mesh. STs are to be excavated no deeper than 1 m or 10 cm into sterile subsoils.

It is expected that a single three-person crew will be used. The survey is expected to take no more than three field days to complete. The crew will be supervised by a qualified archaeologist who meets the requirements for the Secretary of the Interior's Guidelines for Professional Qualifications in Archaeology. A GPS unit will be used to ensure field personnel maintain accurate survey tracts and do not extend the survey outside the project area. It is assumed that 20% of the project area is within wetlands that will not be subject to testing and the remainder of the project area will be shovel tested.

Task 4 –Phase I Report Preparation. The results of the desktop literature review and intensive cultural resource inventory will be presented in a detailed technical memo prepared in accordance with Minnesota SHPO and OSA guidelines. For this project, a short report may be produced since the survey area is less than 40 acres in size and if the survey yields negative results for cultural resources. If a site(s) is identified within the project area, a full report and site form(s) will need to be produced, which will require a change order for additional time and costs. The final report will be created in Microsoft Word and single-spaced on standard sized (8.5 x 11 inch) white paper. Page numbers will appear on all pages. Maps, photographs, and other graphics will be clearly presented. Maps will include the locations of all previously recorded resources, previous inventories, and detailed GIS maps. The final report will be suitable for submission to the Minnesota SHPO and OSA. In addition, shapefiles that depict all cultural resources, locations on the NRHP, and cultural resources inventories will be provided to WSB.

Time Schedule

In Situ can initiate Task 1 within 5-10 business days after the project is awarded and receipt of detailed GIS mapping depicting the proposed project area. Task 2 can be initiated within 5 business days after the notice to proceed, it expected the OSA permit will take between 20-30 days to process. Task 3 can be initiated within 10 business days after the approved permit is received from OSA. It is expected a three-person crew will be used for the fieldwork. For this



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Ph: 952-658-8891
Web: www.insitucrm.com

project, it should take no more than three field days to complete the survey. Task 4 can be completed within 20-30 business days after completion of Task 3.

Deliverables

In Situ will submit an electronic copy of the Draft Report to WSB for review and consultation with HUD, Minnesota SHPO, and Minnesota OSA. Upon receipt of comments, one copy of the Final Draft Report will be produced for WSB for submission to HUD, Minnesota SHPO, and Minnesota OSA for review. In Situ will make any necessary revisions to the report that is requested by HUD, Minnesota SHPO, and/or Minnesota OSA following their review. Submission of the Final Report to WSB will consist of one electronic copy. **Bound copies may be submitted upon request.**

Qualifications

In Situ is a cultural resource consulting company that specializes in archaeological surveys and artifact analysis. In Situ archaeologists Abraham Ledezma and Craig Picka have experience conducting surveys and writing reports that meet or exceed federal and state agency requirements for various states. Abraham Ledezma has over 18 years of experience and he received an M.S. in Applied Anthropology from Missouri State University in 2012 and a B.A. in Anthropology, with an emphasis on Archaeology from Minnesota State University Moorhead in 2008. Craig Picka has over 18 years of experience and he received an M.S. in Applied Anthropology from Missouri State University in 2012 and a B.A. in Anthropology, with an emphasis on Archaeology from Minnesota State University Moorhead in 2009.

In Situ staff has nationwide experience and is qualified to lead and conduct archaeological investigations in multiple states, including, but not limited to, Minnesota, Iowa, South Dakota, North Dakota, Illinois, Indiana, Missouri, Michigan, Ohio, Texas, West Virginia, and Wisconsin. In addition, Abraham Ledezma and Craig Picka each meet the requirements for the Secretary of the Interior's Guidelines for Professional Qualifications in Archaeology (48 FR 44739).



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Ph: 952-658-8891
Web: www.insitucrm.com

Cost Proposal

For this SOW, In Situ can complete Tasks 1-4 for **\$9,917.30** as detailed in the table below. The cost estimates provided are not-to-exceed and invoices will be based on time and materials.

Task 1: Phase Ia Background Literature Review	\$780.00
Task 2: Agency Coordination and Consultation	\$532.00
Task 3: Phase I Archaeological Survey	\$6,525.30
Task 4: Archaeological Report Preparation, Submittal, Revisions*	\$2,080.00
Total Cost for Phase I Archaeological Survey and Report (Estimated)	\$9,917.30

*Assuming negative results a short report format may be produced. If a site(s) is identified within the project area, a full report and site form(s) will need to be produced, which will require a change order for an additional **\$3,144.00**.

These prices are valid until **December 31, 2024**. Unless agreed to otherwise, terms are payment in full within 30 calendar days of the receipt of In Situ's invoice, which will be submitted to WSB upon completion of the project. A late fee of 1.5% per month on any unpaid balance will be applied. In the event that the client does not honor these terms of payment, the client agrees to pay any additional collection, attorney, court costs, and/or interest charges.



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Eden Prairie, MN 55344
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Web: www.insitucrm.com

Project Assumptions

- Project supervision will be overseen by a SOI-qualified archaeologist.
- In Situ is not responsible for obtaining landowner permission for the field survey.
- In Situ will make every effort to avoid all crop damage but is not responsible for any unavoidable damage to crops resulting from the survey.
- No human remains will be identified within the project area.
- Assuming there are no lost field days due to inclement weather.
- The survey will not extend outside of the project area.
- At this time, the survey does not include an architectural component.
- Assuming the majority of the project area is subject to shovel testing with approximately 20% of the project area within wetlands that will be visually inspected.
- Archaeological fieldwork is expected to take no more than three field days to complete the survey.
- Revisions to the proposed project that significantly increase the size of the survey would require a modification of this proposal.
- Any delays caused by the client that affect In Situ's field schedule and/or cause additional trips between the office and project may result in a change order.

For In Situ Archaeological Consulting, LLC.:

Signed: _____

Name: Abraham Ledezma, M.S., RPA
Position: Principal Investigator, Archaeology

Proposal Acceptance

If this proposal is agreeable, please indicate your acceptance by signing in the space provided below and return one copy to us for our file.

AFFILIATION: _____

NAME: _____

TITLE: _____

SIGNATURE _____

DATE _____



September 19, 2024

City of Tonka Bay
4901 Manitou Road
Tonka Bay, MN 55331

RE: Proposal for Easement Exhibits and Descriptions. Proposed easements to be within Existing PID#'s 2811723340010, 2811723340021, 2811723340020 and the Unidentified north-south Pleasant Ave Parcel in the City of Tonka Bay, Hennepin County, Minnesota. (Area depicted on Exhibit A of page 2)

On behalf of WSB, I am pleased to respond to your request for proposal for surveying services. Our scope is as follows:

Task 1 - Storm Sewer Easement Exhibits and Descriptions

- Review O and E with Easements Reports.
- Survey office computations and field work preparation.
- Field crew to locate existing storm sewer and perform boundary field work as necessary.
- Prepare Storm Sewer Easement Exhibits and Descriptions as necessary.

WSB will prepare the above tasks for the following hourly not-to-exceed fee:

• Task 1 fee	<u>\$1,500.00 (per parcel)</u>
Total fee	\$6,000.00

*O and E with Easements Reports will be necessary to complete the work. Client to provide or WSB can order as an additional pass-through expense without markup. An O and E with Easements Report expense is typically ± \$250.00 per parcel, however this may vary.

This letter represents our entire understanding of the project scope. All work under this Supplemental Agreement will be governed by the Master Professional Services Agreement entered into between the City of Tonka Bay and WSB on February 28, 2012. If the scope and fee appear to be appropriate, please sign on the space provided below and return one copy to our office. We are available to begin work once we receive signed authorization.

We appreciate the opportunity to provide you with this proposal and we are again looking forward to working with you and your staff toward the completion of the project. Please feel free to contact me with any questions or concerns you have.

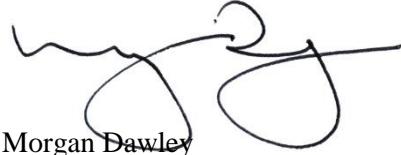
BOLD | VISIONARY | AUTHENTIC | PASSIONATE | OPTIMISTIC

Sincerely,

WSB



John Bradford
Sr. Project Manager



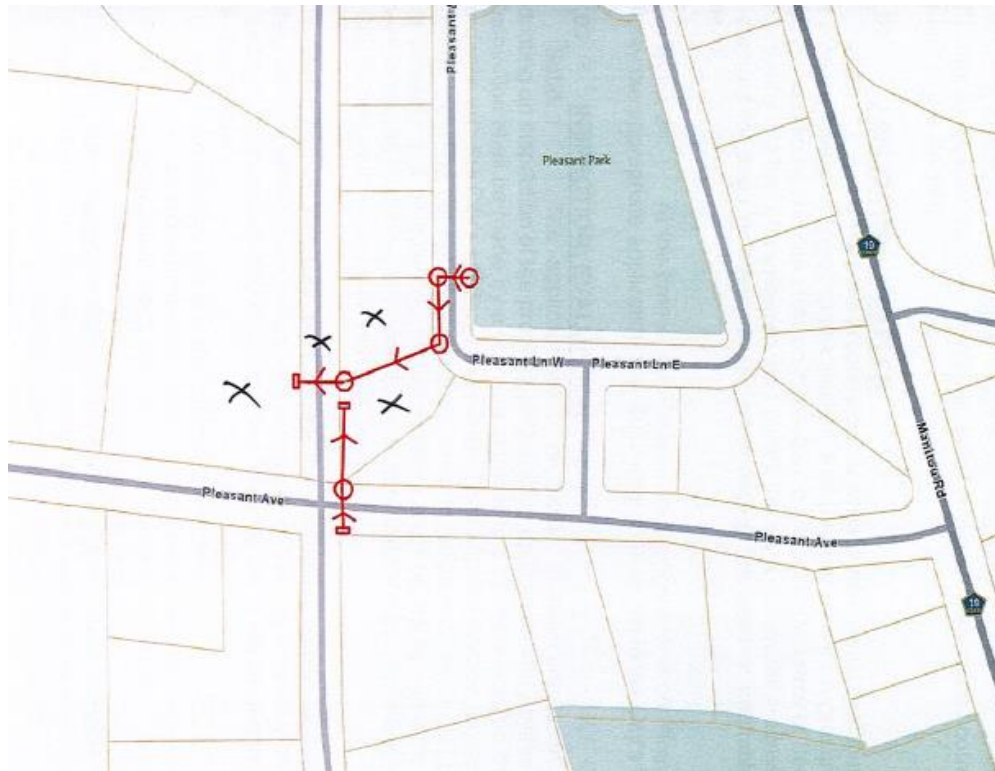
Morgan Dawley
Sr. Director Municipal Services

Attachment

City of Tonka Bay:

Authorized signature

EXHIBIT A





Excelsior Fire District
Proudly serving the Communities of:
Deephaven-Excelsior-Greenwood-Shorewood-Tonka Bay
24100 Smithtown Road
Shorewood, MN. 55331

Date: Monday September 30, 2024

To: 55 Pleasant Avenue Neighbors

From: Battalion Chief Kim Stern
Training Coordinators Brian Tursi & Alex Stern

Cc: Curt Mackey, Fire Chief
Dan Tolsma, Tonka Bay City Administrator

Re: Training Burn in Tonka Bay

Please find this memo as notice to provide information to you about a proposed upcoming live burn training in your neighborhood. The training will be conducted at 55 Pleasant Avenue in Tonka Bay on Saturday morning October 19, 2024. The training will include opportunities for the Excelsior Fire District to conduct live burn training at this location in Tonka Bay. The specifics of the training burn are as follows:

- Training Activity: The Excelsior Fire District will be conducting live “Hot Burn” training at the address listed above. The purpose of the training is to provide realistic training fire scenarios for training in fire behavior, fire suppression, overhaul and various tactical operations. Live fire training is a requirement of firefighting education on an annual basis. Our non-live fire training may include Search & Rescue, Ladders, and Forceable Entry.
 - Additionally, this opportunity would allow us to train apparatus operators in hydrated areas.
- The EFD conducts the following activities:
 - Review of the site to assure apparatus access, water supply, operations considerations, and training outcomes. Working in the house preparing for the burn activity.
 - Assure the builder/owner has conducted the asbestos assessment and abatement, removed gas/electric and capped the well.
 - Obtain permits for the training from MPCA and MN DNR
 - Notify the neighbors of the activity
 - We will burn in the structure but will not burn the structure completely to the ground. The builder/owner is required to perform the demolition upon the completion of our training.
- Dates: The training will be conducted on Saturday October 19, 2024.
- Location: 55 Pleasant Avenue in Tonka Bay. The Excelsior Fire District training staff provides the coordination for this training.

If you have any questions or concerns, please contact our training staff at 952-401-8801.

Thank you in advance for your time, consideration, and support of the Excelsior Fire District.