



CITY COUNCIL REGULAR MEETING AGENDA

JANUARY 10, 2023 – 7:00 pm

1. CALL TO ORDER
2. OATHS OF OFFICE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. CONSENT AGENDA¹
 - A. November 29, 2022 Special Meeting Minutes
 - B. December 13, 2022 Work Session Minutes
 - C. December 13, 2022 Regular Meeting Minutes
 - D. 2023 City Council Meeting Schedule
 - E. 2023 City Hall Holiday Schedule
6. MATTERS FROM THE FLOOR² (*maximum time of five minutes per person*)
7. SPECIAL BUSINESS
 - A. Resolution 23-01: Annual Appointments & Designations
8. PUBLIC HEARING
 - A. None
9. OLD BUSINESS
 - A. None
10. NEW BUSINESS
 - A. Resolution 23-02: Approving 2023 Street and Utility Project Plans and Specifications, Authorizing Advertisement for Bids
 - B. Dock Policy Proposed Amendments
 - C. Dock Railing Discussion
11. MATTERS FROM THE FLOOR² (*maximum time of five minutes per person*)
12. 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
13. 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.

ITEM 5A

**DRAFT MINUTES
TONKA BAY CITY COUNCIL
SPECIAL MEETING
NOVEMBER 29, 2022**

1. CALL TO ORDER

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 6:07pm.

2. ROLL CALL

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

3. APPROVAL OF AGENDA

Connelly moved to approve the agenda, moving Item 8B to 9D. Viger seconded the motion. Ayes: Connelly, Viger, Wischmeier, Jennings. Motion carried.

4. CONSENT AGENDA

- A. October Financial Report**
- B. Manitou Ballfield Improvements Pay Voucher #2**
- C. Manitou Parking Lot Pay Voucher #2**

Connelly moved to approve the consent agenda, removing Item 4A to the December 13, 2022 City Council meeting. Viger seconded the motion. Ayes: Connelly, Viger, Wischmeier, Jennings. Motion carried.

5. MATTERS FROM THE FLOOR

None.

6. SPECIAL BUSINESS

A. Past Due Assessment Hearings & Discussion

City Attorney Hill stated there is a separate process for assessing delinquent utility fees versus assessing delinquent general fees. For general fees, the deadline to notice residents is September 15, with an October 15 public hearing deadline. Council decided to move forward with assessing the delinquent utility fees and further discuss the assessment of the general fees.

B. Resolution 22-43: Certifying Special Assessments for Past Due Charges

Viger moved to approve Resolution 22-43, Certifying Special Assessments for Past Due Charges of only utility charges. Connelly seconded the motion. Ayes: Connelly, Viger, Wischmeier, Jennings. Motion carried.

City Council then discussed the assessment of general services fees. City Administrator Tolsma explained the escrow process when applying for a pre-application or variance, which is basically when the escrow amount is exceeded for the services rendered, an invoice is sent to the applicant for the additional fees. The invoices that were sent to residents this year were from projects that occurred between 2019 and 2021. The feedback received from residents when these were sent was mainly, why they were sent so far after the project was done and the high cost of the services billed for, contesting the legitimacy of the charges. Mayor Jennings suggested bringing the topic back at a future work session. Councilmember Connelly stated each resident signed the applications stating they will be billed for any extra expenses. If the city forgoes those expenditures, in essence they are saying the rest of the city should have to pay for them. Mayor Jennings would like to possibly have a closed session to discuss the overall billing and escrow monitoring. Councilmember Viger stated there is a major failure with staff and the procedure at City Hall that needs to be addressed. City Administrator Tolsma said the current procedure now is to let him know when a project is getting close to running over the escrow that has been received to make the applicant aware they will need to add additional funds to cover the rest of the project. Mayor Jennings would like to formalize the escrow process to make it more transparent and coherent. City Administrator Tolsma said going forward in 2023, one part of adjusting the process is to increase the required escrow to make sure the costs are covered and the other is to create better oversight. Tom Sims of 70 Birch Bluff Road and Todd Jackson of 375 Lakeview Avenue both gave brief explanations of why they were contesting their invoices. City Council decided to revisit the topic in detail at the next work session on December 13, 2022.

7. PUBLIC HEARINGS

None.

8. OLD BUSINESS

A. Resolution 22-44: Authorizing Cultural Assessment for 2023 Street and Utility Improvements

City Engineer Gadbois explained the proposal for subconsultant, Blondo Consulting, LLC, to prepare a Cultural Assessment in advance of the 2023 Street and Utility Improvement Project. The Cultural Assessment will outline appropriate ways or

treatments to mitigate adverse effects to any cultural sites. He said there are state statues in place that require them to do this for each specific project. He said there are two options for approval. One is to move forward and approve it now or wait for two weeks to get more information from the consultant. Councilmember Viger asked if there is an opportunity to use the study Bolt and Menk had already done for the Shorewood project in the same area and the one done in Manitou Park when the parking lot was redone, to complete task one, background research, and task two, mapping. She said it feels like the city would be paying for something that has already been done. City Engineer Gadbois said he can confirm with Blondo Consulting if they need to re-do the background research and mapping; however, he does think the proposal they put together is representative of the work they need to do to meet the state statue requirements. Mayor Jennings wants to be cautious not to delay the project if it is not necessary. City Engineer Gadbois said he will have an update at the next council meeting.

9. NEW BUSINESS

A. Resolution 22-45: Approving Manitou Ballfield Change Order No. 2

City Engineer Gadbois explained the change order to adjust storm castings next the parking lot and to install a concrete flume/apron around each casting. Councilmember Viger asked if it would affect the future parking lot expansion. City Engineer Gadbois said the expansion is more to the east so it should not affect it. Councilmember Viger asked what is left for billing on the project. City Engineer Gadbois responded pay voucher two is in the packet under the consent agenda. For future change orders, council would like to know ahead of time before the work is complete.

Connelly moved to approve Resolution 22-45, Approving Manitou Ballfield Change Order No. 2. Viger seconded the motion. Ayes: Connelly, Viger, Wischmeier, Jennings. Motion carried.

B. Pleasant Avenue Area Title Research Proposal

City Administrator Tolsma said there have been a lot of questions from residents regarding the Pleasant Avenue development proposal at the October 25, 2022 work session meeting. One thing that came out of it was what is the history of that land and how was it designated public in the first place. In speaking with City Attorney Hill, he suggested doing a title certificate search on those individual parcels. The cost would be less than \$2000. Mayor Jennings said he does not think the city should pay for it. Instead, any title search should be done and paid for by any potential developer. Councilmember Viger pointed out that the surrounding neighborhoods are very opposed to any development. She also said there was a resolution passed in 1989 that area would always remain natural land. She would like to see the land go into a conservation easement, so it never gets developed. Mayor Jennings said the

resolution received is from a council that is 35 years old and a piece of paper that is an attorney's opinion. He said the development proposal could potentially provide additional tax revenue for the city and there are a lot of things that we are trying to get done in the city and we are trying to mitigate the amount of taxes we are charging to our current residents, and this would be a way to provide funding to the city to help all of us. Councilmember Wischmeier stated that she does not want to see too much of the city administrator's time and the city's resources going into this. City Administrator Tolsma replied if developers want to move forward at this point, they will have to put forward escrow funds. Councilmember Connelly asked City Attorney Hill if Tonka Bay definitely owns that land. He replied that is what GIS and the documentation we have states; however, he cannot definitively say anything regarding titles, whether there are easements, what's been recorded since the 1980's, any of that without doing a title report. Council decided to take no action towards doing a title report.

C. Public Works Position Offer – Jeremy Pickus

City Administrator Tolsma gave a brief review of the recent interviews for the open public works maintenance position. They decided their top pick was Jeremy Pickus. He asked council if they were interested in hiring him and at what wage. Mayor Jennings asked if he has his water and sewer certifications. City Administrator Tolsma replied he does not, and the pay rate proposed is at the street and parks level. He will start on that step program, but once he obtains those certificates, he will advance to a higher-level step program. He said rather than starting out at the normal new hire \$24 per hour range, the research they have done with surrounding cities shows the starting range is \$27 to \$28 per hour. Also, based on his work experience and history, plus market factors outside of our control, they felt comfortable starting at the base wage rate of \$28.94 per hour.

Viger moved to approve Item 9C, employment offer to Jeremy Pickus, amending the provisional offer date. Connelly seconded the motion. Ayes: Connelly, Viger, Wischmeier, Jennings. Motion carried.

Viger moved to amend the agenda, moving Item 9D to after Item 10, Matters From the Floor. Connelly seconded the motion. Ayes: Connelly, Viger, Wischmeier, Jennings. Motion carried.

10. MATTERS FROM THE FLOOR

Dennis Nelson of 135 Mound Avenue wanted to make sure the minutes of the October 25, 2022 meeting will be recorded and approved because he wants to make sure his dock placement was definitively approved by council.

Viger moved to go to a five-minute recess. Connelly seconded the motion. Ayes: Connelly, Viger, Wischmeier, Jennings. Motion carried.

CALL TO ORDER

Council reconvened at 8:17pm

Item 9D. 2023 Enterprise Budget Review & Discussion

Council briefly discussed the water operating fund, then the sewer and garbage funds. The dock fund was then discussed. City Administrator Tolsma pointed out that dock revenue is quite a bit higher than expenditures, which is why those funds can help pay for park expenditures. The next phases of the Manitou Park were discussed, and which should come first between the trailhead connection, the playground and the ice rink. Mayor Jennings would like to see as a council what the long-term plan for the Manitou Park project is, what the priorities are, why those are the priorities and where the money is going. Councilmember Viger said the next phase the Parks and Docks Commission is working on is the trailhead connection. Mayor Jennings said he thought the hockey was the next phase; however, he still would like to see the long-term plan, including a budget or draft CIP, for all the next phases. The storm water revenue was discussed next. City Administrator Tolsma said that the revenue and expenditures usually balances itself out. There is a \$40,000 transfer out line item that he needs to clarify with Superintendent Todd Schallberg. The recycling, antenna and PEG funds were discussed last. City Administrator Tolsma said that Sprint has decided not to renew their contract next year and that will affect 2023 the revenue.

Viger moved to approve the 2023 proposed enterprise budget. Connelly seconded the motion. Ayes: Connelly, Viger, Wischmeier, Jennings. Motion carried.

11. REPORTS

A. Administrator's Report

No report.

B. Contract Staff Report(s)

No report.

C. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology

Absent.

D. Kristin Viger – Parks and Docks, Sanitation and Recycling

No report.

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

F. Tim Connelly – EFD, Commercial Marinas, LMCD
Councilmember Connelly said the EFD is putting together a draft Service Level Expectations letter to send to the Hennepin County EMS. Also

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

Mayor Jennings said the tree lighting ceremony is Thursday and the SLMPD Office of the Year ceremony is also that night. His plan is to be at the tree lighting, once the tree is lit, he will head over the SLMPD ceremony.

12. ADJOURNMENT

There being no further business, Connelly moved to adjourn the meeting at 9:21pm. Viger seconded the motion. Ayes: Connelly, Viger, Wischmeier, Jennings. Motion carried.

Adam Jennings, Mayor

Attest:

Rachel Myskevitz, Deputy City Clerk

**APPROVED MINUTES
TONKA BAY CITY COUNCIL
WORK SESSION
DECEMBER 13, 2022**

1. CALL TO ORDER

The work session was called to order at 6:04 pm.

2. ROLL CALL

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

3. DISCUSSION TOPICS

Planning & Zoning Past Due Charges Report

City Administrator Tolsma explained the unpaid summary chart of the nine properties, which included the project, date project initiated, date of last consultant invoice, dates of invoices to applicant, amount billed to date, amount paid to date, remainder outstanding and signed application with notice of overage responsibility. Councilmember Wischmeier asked if anyone on the list has given an explanation as to why they are not paying their outstanding invoices. City Administrator Tolsma replied some of the property owners did return the deferment application. Mayor Jennings said the reason he believes they were not paying is there was too much time between the date of the last consultant invoice and when they were sent an invoice from the city. He said one thing that needs to be addressed is that invoices were sent and now what to do with that. The other thing is a personnel issue. He thinks a policy needs to be in place for a maximum of number of days between last consultant invoicing and when the city then bills the resident and there needs to be oversight on that process. Councilmember Viger asked what did the people who disputed the charges dispute, the timeline of the invoicing or the cost? City Administrator Tolsma said the vast majority of them were disputing the cost. City Administrator Tolsma said he would send out to the council each invoice history for each property, along with the application they submitted. Councilmember Connelly suggested using that information, they could establish a baseline that they could then apply to each case. Some of the cases were discussed further in detail to try and figure out a baseline for review going forward.

Prosecuting Attorney Contract Update

Mayor Jennings explained the reasoning behind changing the city prosecutor from Kenneth Pots to Campbell Knutson, which will be voted on in tonight's regular council meeting.

Assessor Contract Update

Not discussed.

Miscellaneous

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

Adam Jennings, Mayor

Attest:

Rachel Myskevitz, City Clerk

ITEM NO. 4C

DRAFT MINUTES TONKA BAY CITY COUNCIL DECEMBER 13, 2022

1. **CALL TO ORDER**

The regular semi-monthly meeting of the Tonka Bay City Council was called to order at 7:01pm.

2. **ROLL CALL**

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

3. **APPROVAL OF AGENDA**

Anderson moved to approve the agenda. Connelly seconded the motion. Ayes: Anderson, Connelly, Viger, Wischmeier, Jennings. Motion carried.

4. **CONSENT AGENDA**

A. October 11, 2022 Work Session Minutes

B. October 25, 2022 Work Session Minutes

C. October 25, 2022 Regular Meeting Minutes

D. November 15, 2022 Work Session Minutes

E. November 15, 2022 Regular Meeting Minutes

F. October Financial Report (Holdover from 11-29 Meeting)

G. 2023 Liquor/Electronic Amusement Devise License Renewals

H. Southwest Assessing Contract Renewal

I. Approving 2023 Prosecuting Services Contract with Campbell Knutson

Anderson moved to pull Items 4C and 4H from the Consent Agenda for further discussion. Connelly seconded the motion. Ayes: Anderson, Connelly, Viger, Wischmeier, Jennings. Motion carried.

The amendments were discussed. Item 4C meeting minutes were modified to clarify retaining walls were considered impervious and less than a quarter inch space is required between decking for it to be considered previous. Item 4H was pulled by Mayor Jennings to discuss reaching out to Hennepin County for a proposal for assessment. City Administrator Tolsma has reached out to them and they said they would more than likely not be able to start right away in 2023. Southwest Assessing's contract would expire half way through the year and at that point they can decide whether or not to continue it or go with Hennepin County's proposal.

Anderson moved to approve the consent agenda, amending Items 4C and removing Item 4H. Connelly seconded the motion. Ayes: Anderson, Connelly,

Viger, Wischmeier, Jennings. Motion carried.

5. MATTERS FROM THE FLOOR

None.

6. SPECIAL BUSINESS

None.

7. PUBLIC HEARINGS

A. Truth in Taxation Public Hearing

City Administrator Tolsma explained the reasoning behind the Truth in Taxation public hearing and how the date is chosen back in September when the preliminary levy is approved.

B. Resolution 22-46: Approving Final Tax Levy for 2023

Mayor Jennings opened the public hearing. No one was there to address the council. Mayor Jennings then closed the public hearing.

Anderson moved to approve Resolution 22-46, Approving Final Tax Levy for 2023, totalling \$1,395,702. Connelly seconded the motion. Ayes: Anderson, Connelly, Viger, Wischmeier, Jennings. Motion carried.

C. Resolution 22-47: Approving 2023 Budget

Mayor Jennings opened the public hearing. No one was there to address the council. Mayor Jennings then closed the public hearing.

Anderson moved to approve Resolution 22-47, Approving 2023 Budget. Connelly seconded the motion. Ayes: Anderson, Connelly, Viger, Wischmeier, Jennings. Motion carried.

8. OLD BUSINESS

A. Resolution 22-44: Authorizing Cultural Assessment for 2023 Street and Utility Improvements

City Engineer Gadbois explained the need for why the cultural assessment was necessary and the cost savings for combining the Brentwood project and the Manitou corridor project. He introduced Steven Blondo from Blondo Consulting, LLC and asked him to speak regarding what his consulting group does and answer any

questions the council may have. Mr. Blondo said his company does cultural resource management. When there is land ownership, permitting involved or financial involvement that comes at the local, state or federal level there are laws that protect cultural resources. He explained the various Minnesota and Federal Acts that pertained to the street and utility improvement projects. Councilmember Anderson asked once the research is done in an area, does it need to be done again for future projects. Mr. Blondo said the short answer is maybe as it all depends on the situation. Mayor Jennings stated that the resolution being voted on tonight was just for the Brentwood project and if he is hearing Mr. Blondo correctly, if they were to approve to do the entire city or at least an overview of it, as we work our way through the years and future projects, state and federal laws may change which would require doing the work twice. Mr. Blondo replied, possibly; however, the initial study would still serve as a guideline to tell where high or low potential areas are. The bundling of projects was discussed further and concluded that each report is project specific though some of the findings and research may overlap.

Anderson moved to approve Resolution 22-44, Authorizing Cultural Assessment for 2023 Street and Utility Improvements. Connelly seconded the motion. Ayes: Anderson, Connelly, Viger, Wischmeier, Jennings. Motion carried.

9. NEW BUSINESS

A. Resolution 22-48: Designating Polling Location for 2023 Elections

Anderson moved to approve Resolution 22-48, Designating Polling Location for 2023 Elections. Connelly seconded the motion. Ayes: Anderson, Connelly, Viger, Wischmeier, Jennings. Motion carried.

B. Resolution 22-49: Approving a Proposal for Trail Connection Preliminary Design
City Engineer Gadbois outlined the proposal to provide professional services for Manitou Park regional trail connection. WSB will provide preliminary design services to determine the most feasible connection between Manitou Park and the regional trail, meeting ADA guidelines and regional trail design standards. City Administrator said he had a conversation with Three Rivers Park District and they stated that they are definitely interested in partnering with Tonka Bay to make it an official trailhead. Mayor Jennings asked what the overall, long-term plan to finish the park is. He would like to see a CIP and a draft of how to engage private parties for donations to formalize the process. City Administrator Tolsma stated we should come up with a plan with phases, that in an ideal world, if we did not get any donations, this is how we are going to finish the project. However, if we do happen to get some money, then we can reassess and see where it would work best. Councilmember Viger said there is a

loss draft that does exist that they can work off of.

Anderson moved to approve Resolution 22-49, Approving a Proposal for Trail Connection Preliminary Design. Connelly seconded the motion. Ayes: Anderson, Connelly, Viger, Wischmeier, Jennings. Motion carried.

C. Resolution 22-50: Approving a Proposal for Manitou Watermain Environmental Assessment

City Engineer Gadbois outlined the proposal to complete the environmental assessment for the Manitou Road watermain improvements. The scope of work for HUD NEPA compliance include the following: project management, development of purpose and need, existing condition and alternative analysis, affected environment and impacts analysis, cumulative impacts analysis, prepare environmental document, impact findings and HUD coordination, notice of intent to request release of funds and cultural resources study. The labor costs to complete the first seven tasks is \$11,132 and the last task is estimated at \$12,318, with cost savings available if combined with the 2023 Tonka Bay Street and Utilities Improvement Project proposal.

Anderson moved to approve Resolution 22-50, Approving a Proposal for Manitou Watermain Environmental Assessment. Connelly seconded the motion. Ayes: Anderson, Connelly, Viger, Wischmeier, Jennings. Motion carried.

10. MATTERS FROM THE FLOOR

None.

11. REPORTS

A. Administrator's Report

No report.

B. Contract Staff Report(s)

No report.

C. Jeff Anderson – Finance, Fire Lanes and Public Access, Technology

No report.

D. Kristin Viger – Parks and Docks, Sanitation and Recycling

No report.

E. Kelly Wischmeier – Building Inspection, Municipal Building and Grounds

No report.

F. Tim Connelly – EFD, Commercial Marinas, LMCD

Councilmember Connelly stated they are still in search of a Tonka Bay LMCD representative.

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

Mayor Jennings said the SLMPD out of the budget last year, has an additional officer that enables them to be a part of a regional drug task force. They just received a grant that will enable them to have another officer on top of that who's sole responsibility is issuing DWI's.

12. ADJOURNMENT

There being no further business, Anderson moved to adjourn the meeting at 8:42 pm. Connelly seconded the motion. Ayes: Anderson, Connelly, Viger, Wischmeier, Jennings. Motion carried.

Adam Jennings, Mayor

Attest:

Rachel Myskevitz, Deputy City Clerk

**2023
CITY COUNCIL
MEETING CALENDAR**

The following City Council meeting dates have been set for 2023. These dates have been established based on previous years. They occur on the 2nd and 4th Tuesday of each month except for December. Historically, only one meeting is held in December.

January 10 and 24

February 7 and 21

March 7 and 21

April 11 and 25

May 9 and 23

June 13 and 27

July 11 and 25

August 8 and 22

September 12 and 26

October 10 and 24

November 14 and 28

December 12

**2023
CITY HALL HOLIDAY SCHEDULE**

The following City Hall holiday schedule dates have been set for 2023.

January 2 – New Year’s Day (Observed)

January 16 – Martin Luther King Jr.

February 20 – Presidents Day

May 29 – Memorial Day

June 19 – Juneteenth (Proposed Additional Holiday)

July 4 – Independence Day

September 4 – Labor Day

November 9 – Veterans Day (Observed)

November 23-24 – Thanksgiving & Day after

December 21 – Christmas Eve ½ Day (Observed)

December 25 – Christmas Day

December 28 – New Year’s Eve ½ Day (Observed)

Floating holiday

RESOLUTION NO. 23-01

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

A RESOLUTION OF ANNUAL APPOINTMENTS AND DESIGNATIONS FOR 2023

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

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

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

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

PASSED AT A REGULAR MEETING of the Tonka Bay City Council this 10th day of January, 2023.

Motion introduced by _____ and seconded by _____.

Roll call vote:

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

Adam Jennings, Mayor

ATTEST:

Rachel Myskevitz, Deputy City Clerk

2023 OFFICIAL CITY APPOINTMENTS

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

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

MEMO

To Mayor and City Council
From Adam Gadbois, City Engineer, WSB
Date January 10, 2023
Re Approve Plans and Specifications and Authorize Advertisement for Bids for the 2023 Street and Utility Improvement Project

Consideration

Request to approve the following:

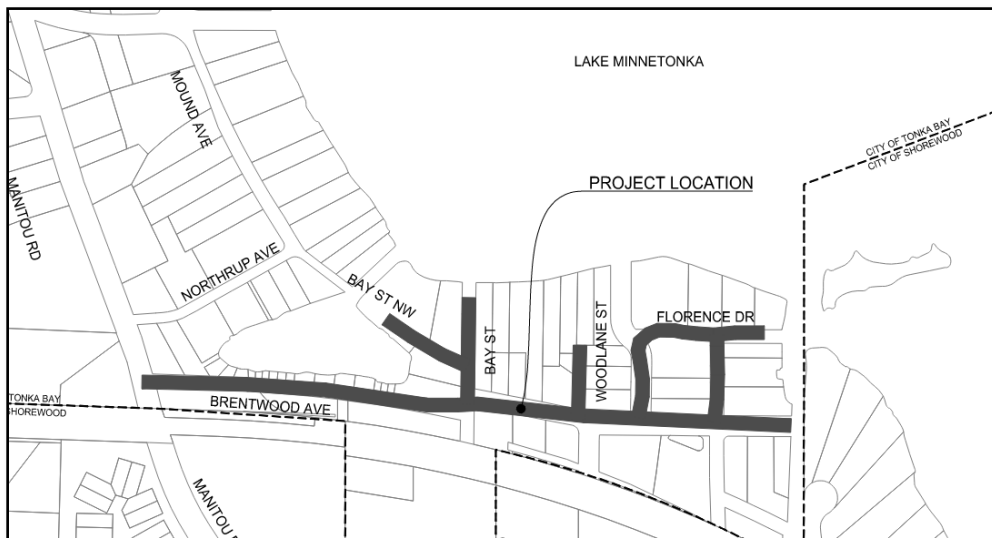
1. Approve plans and specifications and authorize the advertisement for bids for the 2023 Street and Utility Improvement Project.

Background

On August 23, 2022, the City Council authorized WSB to proceed with professional engineering services for the 2023 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
- Bay Street
- Florence Drive
- Woodlane Street



The plans and specifications are available for viewing here: <https://wsbeng.sharefile.com/d-s022b82108e1b4838bebd05c9576fe9b8>

**At the heart of
Lake Minnetonka**



The project schedule is detailed below:

Approve Plans and Specifications and Authorize Advertisement for BidsJanuary 10, 2023
 Bid Opening February 8, 2023
 Accept Bids and Award Contract February 28, 2023
 Begin Construction Late May 2023
 Substantial Completion of Construction October 2023
 Final Completion of Construction June 2024

Fiscal Impact

The estimated total project costs are summarized below:

Estimated Cost Summary		
2023 Street and Utility Improvement Project		
Proposed Improvements	Feasibility Report OPC	Pre-Bid OPC
Schedule A: Surface Improvements	\$1,029,841.56	\$1,098,553.68
Schedule B: Storm Sewer Improvements	\$179,774.10	\$205,320.15
Schedule C: Sanitary Sewer Improvements	\$501,553.80	\$468,303.57
Schedule D: Watermain Improvements	\$646,047.60	\$739,122.30
Total Estimated Probable Cost	\$2,357,217.06	\$2,511,299.70

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 2023 Street and Utility Improvement Project.

**At the heart of
Lake Minnetonka**

CITY OF TONKA BAY

RESOLUTION 23-02

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
ADVERTISEMENT FOR BIDS FOR 2023 STREET AND UTILITY IMPROVEMENT
PROJECT**

WHEREAS, pursuant to motion passed by the City Council on August 23, 2022 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 2023 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, February 8, 2023, at 1:00 o'clock p.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 10th day of January 2023.

Motion introduced by _____ and seconded by _____.

Roll call vote:

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

Adam Jennings, Mayor

ATTEST: _____
Rachel Myskevitz, City Clerk



4901 Manitou Road
 Tonka Bay MN 55331
 952-474-7994
 cityoftonkabay.net

MUNICIPAL DOCK RENTAL POLICY

This Municipal Dock Rental Policy is subject to change without notice.

1 **DEFINITIONS**

Applicant:

"Applicant" means a person who has filled out and submitted an application to rent a boat slip, slide or canoe rack from the City.

Boat Owner:

"Boat Owner" means the person renting a slip or slide named on the boat registration certificate issued by the DNR. Said registration certificate may not be registered to a corporation or business owner without written approval from the City Administrator.

Canoe Owner:

"Canoe Owner" means the person renting a canoe rack for their canoe or kayak. Canoe Owners are not required to provide proof of insurance.

Dock:

"Dock" means the municipal-owned docks with slips, slides or canoe rack located in the Dock Area.

Dock Area:

"Dock Area" means the area located within a line beginning at the southerly boundary of the channel abutting the North Channel Fire Lane, the point of beginning, then extending along the westerly and southerly right-of-way lines of Woodpecker Ridge Road, the easterly right-of-way line of Manitou Road, the northerly right-of-way line of Crabapple Lane and ending at the point of beginning.

Length of Boat:

"Length of Boat" means the horizontal measurement from tip of bow pulpit to end of swim platform or furthest point away from tip of bow, up to and including the motor in the up position, whichever is longer. Boat length cannot exceed the designated size limitations for the slip or slide. Size limitations will be designated by the City and may be amended from time to time. Boat length will be verified by City Staff if a boat comes into question.

Renter:

"Renter" means that person named on the boat registration certificate issued by the DNR and permitted by the City to store a watercraft at the Municipal Dock site. Said registration

certificate may not be registered to a corporation or business owner without written approval from the City Administrator.

Renter's Guest:

"Renter's Guest" is any person who is in the Dock Area at the invitation of a Renter.

Width of Boat:

"Width of Boat" means the horizontal measurement from the aftermost points of the starboard and port of the watercraft, including all equipment and attachments in their normal operation positions measured perpendicular to Length of Boat. Boat width cannot exceed nine (9) feet for any slip.

2 APPLICATION FOR SLIP RENTAL PERMIT

Subd. 1. Any person desiring to secure a permit shall apply to the City Administrator on the application form adopted by the City Council and amended from time to time.

Subd. 2. A slip assignment ~~and up to two (2) gate key cards~~ shall be issued provided:

- a. The application has been completed as required by the City Administrator.
- b. The applicant's boat meets the length and width requirements.
- c. The applicant is the owner of the boat for which the slip rental permit is requested.
- d. The applicant provides a copy of a valid watercraft license for the boat.
- e. For returning renters, the application, required documentation and payment of the rental fee is submitted to the City on or before the third Tuesday in February.
- f. For new renters offered a space, the space is accepted within five (5) days of the offer. The application and payment of the rental fee is submitted to the City within fourteen (14) days of the date the space was offered.
- g. The applicant submits proof of liability insurance for the boat. **Should this be a specified amount?**
- ~~h. The applicant has made a security deposit for the gate key card(s).~~

Subd. 3. The Renter shall report any change of status in their application in writing to the City Administrator within ten (10) days after such change has occurred. In the event said changes fail to meet the requirements for the issuance of a permit, said permit shall be reviewed by the City Council and subject to revocation. If requested, the Renter shall be granted a hearing upon at least ten

(10) days' notice before revocation is ordered. The notice shall state the time and place of the hearing and the nature of the failure to meet permit requirements. If the Renter does not report a confirmed change of status in their application to the City Administrator within 30 days, the City Council may revoke the permit without a hearing.

Subd. 4. Renter shall remove the boat from the premises within ten (10) days after permit revocation by the City Council. If Renter's boat is not removed within ten (10)

days, the City will remove the boat at Renter's expense. Renter shall remain obligated for all sums under this Municipal Dock Policy, and no refund shall be given until the Renter's designated slip is rented to another applicant.

Subd. 5. Permits issued under this Section shall authorize Renter to keep a specified watercraft at an assigned space for the specified boating season as provided.

3 PERMIT ALLOCATIONS AND APPLICATION DEADLINES FOR SLIP RENTALS

Subd. 1. Renewal notices for slip rental permits shall be emailed or mailed to current Renters by December 15. Applications, required documents, payment and security deposit shall be submitted to the City on or before the third Tuesday in February.

Subd. 2. Slip rental applications for new renters will be emailed as slips become available. Renters must respond within five (5) days of being offered a slip or forfeit the space. Payment will be due fourteen (14) days after the initial offer date.

Subd. 3. Permits shall be issued based upon the following priorities, with exceptions described in the Addendum:

- a. Tonka Bay residents with valid permits for the immediately preceding year.
- b. Residents of Tonka Bay on the waiting list subject to the following conditions:
 - i. Non-lakeshore residents
 - ii. Lakeshore residents
- c. Residents of Tonka Bay
- d. Non-residents of Tonka Bay currently renting a Municipal Dock Slip
- e. Non-residents of Tonka Bay on the waiting list
- f. Non-residents of Tonka Bay

4 APPLICATION FOR PERMIT FOR SLIDE OR CANOE RACK

Subd. 1. Permits for slides and canoe rack are done on a first come first serve basis, regardless of residency.

Subd. 2. Any person desiring to secure a permit shall apply to the City Administrator on the application form adopted by the City Council and amended from time to time.

Subd. 3. A slide or canoe rack assignment shall be issued provided:

- a. The application has been completed as required by the City Administrator.
- b. The applicant's boat or canoe meets the length and width requirements.
- c. Full payment has been received.
- d. The applicant is the owner of the boat or canoe for which the dock permit is requested.
- e. The applicant must provide proof of liability insurance if renting a slide. No

proof of insurance is required for renting a canoe rack.

Subd. 4. The Renter shall report any change of status in their application in writing to the City Administrator within ten (10) days after such change has occurred. In the event said changes fail to meet the requirements for the issuance of a permit, said permit shall be reviewed by the City Council and subject to revocation. If requested, the Renter shall be granted a hearing upon at least ten

(10) days' notice before revocation is ordered. The notice shall state the time and place of the hearing and the nature of the failure to meet permit requirements. If the Renter does not report a confirmed change of status in their application to the City Administrator within 30 days, the City Council may revoke the permit without a hearing.

Subd. 5. Renter shall remove the boat from the premises within ten (10) days after permit revocation by the City Council. If Renter's boat is not removed within ten (10) days, the City will remove the boat at Renter's expense. Renter shall remain obligated for all sums under this Municipal Dock Policy, and no refund shall be given until the Renter's designated slip is rented to another applicant.

Subd. 6. Permits issued under this Section shall authorize Renter to keep a specified watercraft at an assigned space for the specified boating season as provided.

5 PERMIT AUTHORIZATION – ASSIGNMENT NOT ALLOWED

Subd. 1. No permit shall be assignable. No boat, dock slip, slide or canoe/kayak rack for which a permit has been issued shall be rented or subleased.

6 START AND TERMINATION OF SEASON

Subd. 1. No slips, slides or racks shall be used for boat dockage until ice-out or May 1, whichever comes first. All boats or other watercraft shall be removed from the water and from the municipal dockage on or before November 1 of each year.

7 FEES

Subd. 1. The City Council shall set fees for municipal dock slips, slides and racks and the gate key fob security deposit. These fees will be reviewed annually and adjusted as necessary. Please refer to the fee schedule, Section 402 in the City Code. The City Council may also make a determination to suspend or reduce fees if such actions are merited.

Subd. 2. Upon return of the assigned gate key card(s), the security deposit will be refunded if returned by November 30. If November 30th falls on Friday, Saturday or Sunday, the deadline is the first Monday following November 30th.

8 PROHIBITED ACTIVITIES

- a. Swimming from the boat docks and in the dock area.
- b. Fishing from the boat docks and in the dock area.
- c. Creation of any housekeeping or sanitation problems, failure to use waste receptacles.
- d. Depositing of any refuse, sewage, debris, liquids or any polluting matter on the grounds or in the waters of the Dock Area. Non-compliance with any present and future state, federal and other governmental regulations regarding holding tanks and sewage disposal.
- e. Failure to deposit all garbage and other waste in bins and cans supplied for that purpose.
- f. Use of bicycles, scooters, roller skates, in-line skates and skateboards on the docks.
- g. Smoking on docks.
- h. Open fires of any kind (charcoal, propane, etc.) in any part of the Dock Area, including on boats. Fireworks within the Dock Area at any time.
- i. Cleaning of fish or disposal of fish parts within the Dock Area.
- j. Staying overnight on a boat docked in the Dock Area.
- k. Failure of renter to inform renter's family members and guests of all rules and regulations.
- l. Nailing, tying, or by any other means attaching objects or materials to the city docks for any purpose, except bumper material purchased from the city.
- m. Painting or scraping of boats or accessories.
- n. Disposing of oil, oil filters, paints, pain cans, cleaning fluid, batteries, or other hazardous and like materials in garbage containers.
- o. Boat lifts. For purposes of this paragraph, boat lifts shall include but shall not be limited to free-standing lifts and lifts attached to the city docks.
- p. Renter is responsible for compliance by Renter's guests with all provisions of these rules and all rules and regulations of the Dock Area.
- q. Allowing any part of the boat to protrude over any dock space, including but not limited to walkways.

9 WATERCRAFT OPERATION

- a. The craft shall be kept under control at all times when in the Dock Area.
- b. The craft shall be kept at all times under closed throttle when in the Dock Area- until boat has passed through the channel.
- c. Clearing propellers in the Dock Area is prohibited.

10 ADDITIONAL PROVISIONS

- a. Renter shall pay for any damages to city dock property.
- b. Renter shall hold the City of Tonka Bay and its employees harmless from and against any or all claims, suits, and damages which might ensue.
- c. The City makes no representation or guarantees concerning water level. Renter will make its own independent determination. Renter has a continuing

obligation to pay the total fee under this Municipal Dock Policy, notwithstanding the change in water levels that may affect navigability within the Dock Area.

- d. Renter agrees that all fees, charges, and other amounts owed to the City under this Municipal Dock Policy will be paid by the due date.
- e. ~~Renter forfeits the key fob security deposit if not returned to the City by November 1.~~

11 PUBLIC SAFETY WATERCRAFT

- a. Public safety watercraft shall be exempt from the permit allocation priorities.
- b. City Council may waive the fee for public safety watercraft.
- c. Public safety watercraft may exceed the length and width requirements.
- d. Public safety watercraft may use dolphin poles to secure watercraft.
- e. Public safety watercraft dockage shall be on a temporary basis by resolution and may be cancelled at any time by either party.

MUNICIPAL DOCK POLICY ADDENDUM

WAITING LIST FOR APPLICANTS

1. If there are not an adequate number of slips available to all applicants, a waiting list will be established. The waiting list will be in chronological order by the date applications are received and rank ordered by the priorities established in the Municipal Dock Policy.
2. Each applicant on the waiting list will receive a notice by mail when a slip becomes available. The applicant has fourteen days to notify the City if they intend to acquire a permit for the slip and pay all sums due.
3. An applicant may reject slips 1-3. If an applicant rejects said slips, the applicant will be placed on a secondary waiting list applicants, with priority given to whoever submitted their application to the City first.
4. If the waiting list becomes exhausted and slips are still available for rent, the City will alert Tonka Bay residents to the available slips by means determined by the City. All residents will be given the opportunity to acquire a slip on a first come, first served basis. If slips are still available after the procedure above is exhausted, the City may, at its discretion, offer available slips to non-residents.

DESIGNATED BOAT SIZE LIMITATIONS

1. Applicants shall not have a boat ~~registration~~ length greater than or equal to 27 feet under any circumstance unless it is a Public Safety watercraft.
2. Applicants cannot have a boat ~~registration~~ width greater than nine feet.
3. Boats are measured according to "Length of Boat" and "Width of Boat" measurement standards in the Municipal Dock Policy. Slip size limitations are below:

SLIP NUMBERS	LENGTH LIMIT	WIDTH LIMIT
#1 - #3	21'	9'
#4 - #77	27'	9'

(ADOPTED 04/26/11, REVISED 11/27/18, 02/26/19, 01/14/20)



ESTIMATE

Date Estimate #
1/2/2023 7678

Client:
 City of Tonka Bay
 4901 Manitou Road
 Tonka Bay MN 55331

Property Address: City of Tonka Bay
 4901 Manitou Road
 Tonka Bay, MN 55331

ITEM	DESCRIPTION	TOTAL
Dock	Dock Install wood handrail and spindles in tow locations per plan on City docks Price includes: -Framing to modify existing dock to accept new handrail - 4" x 4" Green treated posts -2" x2" green treated spindles -2" x 6" side rail and top rail -Framing labor to install(Must be completed in winter)	13,850.00

Thank you for considering us for your landscape project!

TOTAL \$13,850.00



ESTIMATE

Date Estimate #
12/20/2022 7677

Client:
 City of Tonka Bay
 4901 Manitou Road
 Tonka Bay MN 55331

Property Address: City of Tonka Bay
 4901 Manitou Road
 Tonka Bay, MN 55331

ITEM	DESCRIPTION	TOTAL
MISC	Widing dock per plan on 2 location from 3ft to 4 ft wide price includes: -Demo wood decking -Frame out springers 4.5" on each side -Deck with 4ft wide green treated decking	16,800.00
MISC	Install maintenance free metal rail and spindles per plan at 2 locations Price includes:" -Framing to adapt current decking to accept rail -Metal rail and spindles -Labor to install Rail	22,400.00
MISC	Install custom welded steel ornamental rail powder coated black at 2 locations per plan price includes: -Framing modifications to allow install of hand rail -Custom built steel hand rail to match current ornamental iron gate -Installation of hand rail	51,600.00

Thank you for considering us for your landscape project!

TOTAL \$90,800.00