

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
May 13, 2025

1. CALL TO ORDER

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

2. ROLL CALL

Members present: Mayor Jennings, Council Members Anderson, Eckland, Ottum, and Wischmeier. Also present were City Administrator Holl, City Engineer Bradford, City Planner Johnson, and City Attorney Nason.

VISITORS

Sharon Starks, Lori Schlottman, Eric Espeland, Kait Espeland

3. APPROVAL OF AGENDA

Council Member Anderson made a motion to approve the agenda with removal of 6(c) and 6(d) and the addition of 8E. Council Member Wischmeier seconded the motion.

Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.

4. CONSENT AGENDA

- A. Minutes from April 22, 2025 City Council Meeting
- B. Minutes from April 30, 2025 City Council Special Work Session Meeting
- C. 2025 April Claims – Check numbers 28335 – 28369, E-check numbers 25801 - 25803
- D. Quarter 1 2025 Building Permit Activity Report
- E. Excelsior Chamber of Commerce Fireworks Update
- F. 2026 Met Council Municipal Wastewater Charge
- G. 2025 Street Project Construction Meeting Notes for April 23, 2025 and April 30, 2025
- H. MDH Scoping Notice for Wellhead Protection Plan
- I. Minutes from March 24, 2025 Parks & Docks Commission Meeting

Council Member Anderson made a motion to approve the consent agenda as presented. Council Member Wischmeier seconded the motion. Ayes: Anderson, Eckland, Ottum, and Jennings. The motion carried.

5. MATTERS FROM THE FLOOR

Dennis Nelson, of 135 Mound Avenue, expressed his appreciation for the addition of the podium microphone, noting that it has improved the ability to hear speakers on recorded videos. He also mentioned that it is still difficult to hear some of the council members and respectfully requested that they speak directly in their microphones.

6. PUBLIC HEARINGS

A. Consideration of Sacred Soils Project

Mayor Jennings addressed the audience by acknowledging the long and complex process that began in August 2024. He outlined the format for the hearing: staff presentations will come first, followed by questions from Council Members. Then, the public will have an opportunity to speak, with each person given three minutes and no back-and-forth dialogue. After all public comments are heard, the hearing will close, and Council will begin its discussion.

City Engineer Bradford welcomed attendees and introduced key participants involved in the cemetery soils repatriation effort. He highlighted the roles of various entities, including Lily Geraghty from the Minnesota Indian Affairs Council (MIAC), with whom the City has been consulting. He also explained the relevance of SHPO and THPO—particularly the Tribal Historic Preservation Officers from the tribes—who are actively involved in the consultation process related to the cemetery soils.

Bradford clarified the roles of the City, contractor (Geislinger & Sons), and engineering team, emphasizing that the contractor manages construction and is paid for soil repatriation. He explained that the cemetery soils are considered sacred because remains decompose directly into the earth. Lily Geraghty from MIAC added that due to the Minnesota Private Cemeteries Act and Data Practices Act, much information is confidential to protect burial sites and respect tribal cultural practices, which are guided by input from Tribal Historic Preservation Officers.

B. Key points from City Engineer Bradford's presentation and included materials:

- The selected site was chosen from three City Council-approved locations, with input from tribal representatives and regulatory agencies.
- The site is 11.3 acres, primarily degraded ash woodland infested with buckthorn.
- No soils will be placed in wetlands; erosion controls will be implemented to protect them.
- Soil testing revealed no contamination concerns—levels were well below regulatory thresholds.
- Burial mounds will cover approximately 0.8 acres, stand 8–10 feet tall, and be located about 300–400 feet from nearby homes.
- Hauling will occur over approximately 3 weeks, with dump trucks arriving every 15 minutes via Lilah Lane.
- Protective measures include road monitoring and repair, use of mats and gravel trails, and involvement of an arborist to minimize tree removal.
- Safety signage and speed controls will be in place to protect neighborhood residents during hauling operations.

Bradford explained that the City Council will need to enter into a formal mound management plan, which outlines key restrictions and maintenance guidelines for the burial mounds. This includes prohibiting intrusive digging, walking, or climbing on the mounds. The site will be reseeded with native grasses and a pollinator-friendly mix. Due to the heavy buckthorn growth, Bradford reiterated that the mounds would remain largely unseen without walking deep into the site. MIAC will be notified of any ground disturbances or discovery of cultural items, and signage will be posted to educate the public.

On the financial side, the total budget for the broader 2024 Street Improvement Project is \$8.1 million. Of that, \$5.8 million has already been spent, and about \$1.6 million of work remains. The estimated cost for the soil repatriation portion is \$350,000. This covers mat rentals for truck access, clearing trees, stockpiling, and replacing topsoil, seeding, and installing a new trail. With these costs included, the project is expected to finish at \$7.8 million—\$300,000 under budget.

Bradford also addressed why certain items were pulled from tonight's City Council agenda. The Environmental Quality Board (EQB) received a citizen petition requesting an Environmental Assessment Worksheet (EAW) on the repatriation site. The EQB notified the City that the Council holds the authority to determine whether this is necessary. Bradford stressed that although the project does not automatically trigger an EAW under state thresholds, the petition introduces a potential delay. The City's consultant, WSB, will prepare a memo responding to environmental concerns raised, expected by the end of the week, to support a Council decision.

Mayor Jennings interjected and explained that the timing of this review is critical. Delays in approval prevent the City from finalizing paperwork needed to access a \$3 million federal grant. Without those funds, the City may need to pursue temporary financing to make an upcoming bond payment. Jennings noted that such financing could cost up to \$85,000 in closing fees, plus interest, and take two to three months to process. Missing the bond payment would harm Tonka Bay's credit rating, making future borrowing more expensive. Jennings emphasized the urgency of holding a special meeting soon to avoid these financial risks and keep the project on track.

City Council questions for City Engineer Bradford:

Council Member Wischmeier Question: Could the project be completed in one week by using six dump trucks instead of two?

Engineer's Answer: There are several logistical challenges. While the contractor can be asked to speed up the work by bringing in more trucks, concerns include site maneuverability and the need for coordinated loading and unloading. It is critical to avoid having trucks meet on narrow roads like Lila Lane. However, the hope is that efficiencies

will be found during the process to help accelerate the timeline.

Council Member Ottum Concern: After measuring the street, there is not enough space to safely accommodate both a dump truck and regular vehicle traffic on the same lane.

Ottum's Questions: Who's responsible for damages if the mounds are disturbed?

MIAC Representative answer: Lily Geraghty from MIAC explained that under the Minnesota Private Cemeteries Act, it is a felony to disturb cemetery grounds. Anyone who does—whether a child, adult, or business—can face criminal charges and would be held liable for the cost of restoring the burial mounds to their original condition.

The Public Hearing was opened at 7:48 p.m.

Comments from Attendees:

Megan Stadelman, 55 Lilah Lane, Tonka Bay – time stamp 49:46, 1:22:43 video part 1, time stamp 12:22 video part 2

Kim Seamans, 26 Lilah Lane, Tonka Bay - time stamp 53:05 video part 1

Susan Fuhr, 40 Lilah Lane, Tonka Bay - time stamp 54:56, 1:25:06 video part 1

Trish Goodwyne, 75 Pleasant Avenue, Tonka Bay - time stamp 1:00:20 video part 1

Sharon Starks, 5420 Wedgewood Drive, Shorewood – time stamp 1:01:59 video part 1

Mike Caven, 5365 Wedgewood Drive, Shorewood – time stamp 1:04:12 video part 1

Jeff Corey, 75 Pleasant Avenue, Tonka Bay – time stamp 1:07:12 video part 1

Erik Espeland, 5460 Teal Circle, Shorewood - time stamp 1:07:17 video part 1

Dennis Nelson, 135 Mound Avenue, Tonka Bay – time stamp 1:17:22 video part 1

Maggie Meyer, 140 West Point Circle, Tonka Bay - time stamp 1:19:29 video part 1

Lilly Geraghty, MIAC Representative, St. Paul – time stamp 1:25:06 video part 1, time stamp 10:07 video part 2

Dennis Richards, 5100 Manitou Rd, Tonka Bay, commented about future deer management on the parcel and questioned about a possible alternate haul route - time stamp 59:23 video part 1

The Public Hearing was closed at 8:24 p.m.

Council discussed the questions raised by members of the audience.

7. OLD BUSINESS

None

8. NEW BUSINESS

A. Lost Bay Liquor License: City Administrator Holl explained that while liquor license renewals are typically routine and placed on the Consent Agenda, this case is different.

A motion to apply 2024 paid fees to 2025 liquor license application for Lost Bay was made by Council Member Anderson. Council Member Eckland seconded the motion. Ayes: Anderson, Eckland, Ottum, and Jennings. Council Member Wischmeier abstained from voting due to conflicts of interest. The motion carried.

- B. Parking Curbing at Manitou Park: Parks & Docks Commission - Holl reported that the Parks and Docks Commission reviewed two styles of bump curbs for the area near the basketball courts at Manitou Park. They recommended proceeding with the concrete option. The total cost is \$949.70, to be funded by the Parks and Docks Fund. Public Works will oversee the installation.

A motion to approve the concrete style curbing at Manitou Park at a cost of \$949.70 was made by Council Member Eckland. Council Member Wischmeier seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.

- C. Consider 2025 Summer Public Works Position – Holl shared that Public Works has historically struggled to attract applicants for summer help, despite annual advertising. Holl indicated that this year's posting at \$20 per hour generated two applications. The estimated cost for a seasonal worker would be approximately \$4,800. Holl noted that Public Works came in \$16,000 under budget last year and expects to remain under budget again this year.

A motion to approve the 2025 summer Public Works position at \$20.00 per hour was made by Council Member Wischmeier. Council Member Anderson seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.

- D. Consider Wekota Park Request for Bouncy House – Holl stated a resident requested permission to set up a bouncy house at Wekota Park for a child's birthday party. City Attorney Nason advised requiring proof of insurance and provided a liability waiver for the resident to sign. Council Members expressed support for the request and discussed the possibility of including guidelines for inflatables in the park rental permit process. They suggested adding this to the fee schedule in the future to ensure proper indemnification for similar situations.

A motion to approve request to set up a bouncy house in Wekota Park was made by Council Member Eckland. Council Member Anderson seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.

- E. Winches for Dock Slides: Parks & Docks Commission - Holl informed Council of a citizen request to add a winch to one of the boat slides at the marina for easier launch. The Parks

and Docks Commission supported the idea. Public Works estimated the installation cost at \$250, which would be paid by the applicant. Public Works would oversee installation, and Staff would manage the fee administratively. The dock application will be updated to include a winch option, clarify that winches remain City property, and note that they cannot be transferred if a renter moves to a different slide.

A motion to approve fee of \$250.00 to add a winch to a dock slide, noting that the winch becomes the property of the City, was made by Council Member Anderson. Council Member Eckland seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.

9. MATTERS FROM THE FLOOR

None

10. REPORTS

City Administrator Holl reported the new IT cabinet installation in the lower level is complete and looks great. Council was encouraged to view the improved infrastructure. He also reported the tube slide at Manitou Park was removed due to safety concerns after Public Works found cracks near the bolts. The slide, 15–18 years old, had become brittle. It has been boarded off, and the Parks and Docks Commission is exploring replacement options.

City Engineer Bradford reported that restoration work is underway in multiple areas. The contractor has removed the wedge in the Brentwood neighborhood, and restoration in both Pleasant and Brentwood neighborhoods is expected to be completed by the end of May. The final phase of work is anticipated to occur from mid- to late June.

Council Member Ottum stated she had nothing to report but used the opportunity to clarify her understanding of the Conflict-of-Interest Statement. She explained that when she accepted her position, she believed she was allowed to act on personal matters and, acting on behalf of residents, submitted the environmental review petition out of concern that no review had been done. In response, Council emphasized that if she had questions or concerns, the proper process would have been to consult the City Engineer or bring the issue to a Council meeting for discussion. They noted she did not engage with Staff or fellow Council members before submitting the petition. Council Member Ottum defended her actions, stating she had the right to pursue matters independently and that submitting the environmental petition was not a conflict of interest. Mayor Jennings pushed back, asserting that Ottum's unilateral decision to submit the petition, without consulting Council or staff, effectively halted the project and put the City at risk of an injunction, financial costs, and potential credit rating issues. Jennings emphasized the lack of communication and questioned Ottum's responsibility to the broader Tonka Bay community. Ottum responded

that she acted on behalf of concerned residents and did not believe she should be ashamed of her actions.

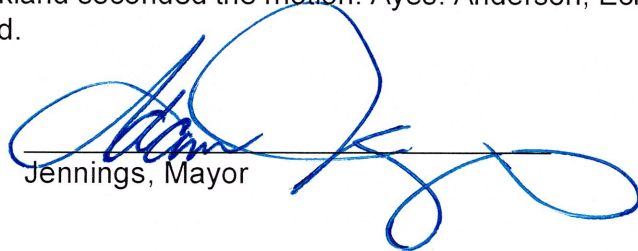
In order to meet necessary deadlines, Council scheduled a Special City Council Meeting for Monday, May 19, 2025 at 4:00 p.m.

Ottum asked about having Zoom meetings. Council directed Staff to add this topic to the next Council Work Session Meeting.


Mayor Jennings reported that Representative Myers invited him to speak at the Capitol on April 24, where he provided testimony before a committee in an effort to secure funding for the city's next street project to help offset overall expenses. He noted that on April 30, a Code Review Meeting was held but only he and Council Member Ottum were present. Because a quorum was not met, the group walked through the material informally, and the discussion will need to be repeated at the next Work Session scheduled for May 28 at 6:00 p.m. Jennings asked that Council Members notify staff if they are unable to attend scheduled meetings. He also reported that on May 10, a successful community blood drive was held, hosted by the Rotary. Jennings mentioned that he was unable to donate due to his heart rate being elevated. Looking ahead, Jennings shared that police interviews will take place on May 21, ahead of Police Chief Tholen's retirement on May 23. An event to honor Chief Tholen will be held at the Shorewood Community Center, and any Council Members interested in attending should contact Holl for details. Jennings added that on May 26, he will deliver a Welcome Message to the community at the Memorial Day Parade at Excelsior Elementary School.

11. ADJOURNMENT

There being no further business, Councilmember Anderson made a motion to adjourn the meeting at 9:36 pm. Councilmember Eckland seconded the motion. Ayes: Anderson, Eckland, Ottum, and Jennings. The motion carried.


Jennings, Mayor

Attest:


Gildemeister, City Clerk