

APPROVED

MINUTES
TONKA BAY CITY COUNCIL
REGULAR MEETING
FEBRUARY 11, 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.

3. APPROVAL OF AGENDA

Council Member Anderson made a motion to approve the agenda with one addition, 8B. Council Member Eckland seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.

4. CONSENT AGENDA

- A. Minutes from January 14, 2025 City Council Meeting
- B. Minutes from January 28, 2025 City Council Meeting
- C. January 2025 Claims, check numbers 28042 to 28100, e-check number 25752
- D. Public Hearing Notice Cannabis Zoning Ordinance Amendment
- E. Utility Customers Notice Regarding Quarterly Billing and Recommended Pay Dates

Council Member Anderson made a motion to approve the consent agenda with corrections to minutes and explanation of the Claims breakdown. Council Member Eckland seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.

5. MATTERS FROM THE FLOOR

Duane Anderson, 55 Florence Drive, raised concerns about a bright light from his neighbor at 60 Florence Drive shining into his home. A letter sent by the former City Administrator in June 2024 required the neighbor to comply by July 5, but the issue remains unresolved. Anderson was advised to call the police when the light is on and has done so multiple times. The police recommended using a light meter to measure its brightness.

Mayor Jennings acknowledged that the Council previously discussed the matter with the former City Administrator, who believed it had been resolved. City Administrator Holl, recently introduced to Anderson, acknowledged locating the previous letter and stated that he will meet with City Planner Johnson to follow up on the matter and draft a code compliance letter if required. Johnson noted the

importance of obtaining timestamped photos from the police before sending a compliance letter, which may require the neighbor to install a downward shield per City Ordinance.

6. SPECIAL BUSINESS
None

7. PUBLIC HEARING

A. Zoning Ordinance Amendments Related to Cannabis Businesses & Lower Potency Hemp Edible Businesses – City Attorney Nason provided a summary of the ordinance amendments.

Mayor Jennings opened the public hearing at 7:37 p.m. No comments heard from the floor. Jennings closed the public hearing at 7:38 p.m.

Ordinance 25-03: Amending Tonka Bay City Code Chapter X, Section 1024, related to Cannabis and Hemp Business – A motion to approve Ordinance No. 2025-03 was made by Council Member Anderson. Council Member Wischmeier seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.

Ordinance 2025-02: Adopting Tonka Bay City Code Chapter IV, Section 590, Cannabis and Hemp Business Regulations – A motion to approve Ordinance No. 2025-02 was made by Council Member Anderson. Council Member Wischmeier seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.

Resolution 2025-07: Approving the Publication of a Summary of Ordinance No. 2025-02, an Ordinance Adopting Tonka Bay City Code Chapter IV, Section 590, Cannabis and Hemp Business Regulations – A motion to approve Resolution 2025-07 was made by Council Member Anderson. Council Member Wischmeier seconded the motion.

Roll call: Anderson Aye
Eckland Aye
Ottum Aye
Wischmeier Aye
Jennings Aye

The motion carried.

Approve Resolution 2025-08: Approving the Publication of a Summary of Ordinance No. 2025-03, an Ordinance Amending Tonka Bay City Code Chapter

X, Section 1024, related to Cannabis and Hemp Business – A motion to approve Resolution 2025-08 was made by Council Member Anderson. Council Member Wischmeier seconded the motion.

Roll call: Anderson Aye
Eckland Aye
Ottum Aye
Wischmeier Aye
Jennings Aye

The motion carried.

8. OLD BUSINESS

A. Ordinance No. 2025-01: Amending Tonka Bay City Code, Chapter IV, Section 402.01 Fees and Appendix A – A motion to approve Ordinance 2025-01 was made by Council Member Anderson. Council Member Wischmeier seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.

Resolution 2025-05: Authorizing Summary Publication of Ordinance 2025-01, an Ordinance Amending Tonka Bay City Code, Chapter IV, Section 402.01, Fees and Appendix A – A motion to approve Resolution 2025-05 was made by Council Member Anderson. Council Member Eckland seconded the motion.

Roll call: Anderson Aye
Eckland Aye
Ottum Aye
Wischmeier Aye
Jennings Aye

The motion carried.

B. Park Storage: Council Member Ottum raised concerns about storing construction materials in Manitou Park at the end of Lilah Lane. City Engineer Bradford explained that the contractor moved materials there to avoid damage from snowplows and that the City has historically stored construction materials in that area. Ottum presented deed information to the Council, noting language that she interpreted as possibly prohibiting storage. City Attorney Nason reviewed the deeds and clarified that while the property was originally designated for park and playground use, state statutes override these restrictions after a certain period. Since the City is not selling the land, there is no legal issue with temporary storage.

Council discussed whether the materials interfered with park use and found no current impact. Council Member Wischmeier noted that this area is not

used for play or traffic, and while the materials are unsightly, they will be removed in the spring.

Bradford stated that once road restrictions are lifted, the contractor will resume work. He anticipates this to happen in May with 60 days of construction remaining. Council agreed to allow the storage to continue.

9. NEW BUSINESS

- A. Application and Fees for Reduced Garbage & Recycling Rates for Residents 65 and older – A motion to approve the application and fees for reduced garbage and recycling rates for residents sixty-five and older was made by Council Member Anderson. Council Member Wischmeier seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.
- B. Encroachment Agreement for 436 Lakeview Avenue – A motion to approve the Encroachment Agreement for 436 Lakeview Avenue was made by Council Member Anderson. Council Member Eckland seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.
- C. Resolution 2025-06: Declaring the Official Intent of City of Tonka Bay to Reimburse Certain Expenditures from the Proceeds of Bonds to be Issued by the City – A motion to approve Resolution 2025-06 was made by Council Member Anderson. Council Member Eckland seconded the motion. Aye: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.
- D. Water Usage Refund for 90 Florence Drive – A motion to approve the water usage refund for 90 Florence Drive was made by Council Member Anderson. Council Member Wischmeier seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.
- E. Inflow & Infiltration Escrow Refund (\$16,040) for 5 Waseca Avenue – A motion to approve the escrow refund in the amount of \$16,040.00 for 5 Waseca Avenue was made by Council Member Anderson. Council Member Eckland seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.
- F. Escrow Refund (\$5,827) for 35 Fairhope Avenue – A motion to approve the escrow refund in the amount of \$5,827.00 was made by Council Member Anderson. Council Member Wischmeier seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.

10. MATTERS FROM THE FLOOR

Susan Fuhr, 20 Lilah Lane, returned to the podium to continue questioning the storage of construction materials near Lilah Lane. She also inquired about the soil removal process and expressed frustration over not receiving responses to her emails on the issue. Mayor Jennings explained that the Council did not yet have answers to her questions, as updates would be provided during the "reports" section later in the meeting. He also reiterated that "matters from the floor" is intended for public comments rather than back-and-forth discussions. This is an opportunity for residents to express their views or bring issues to the Council's attention for consideration and further review. Council is to refrain from speaking during this portion of the meeting. Staff will note any questions and provide a response at a later date.

Fuhr had additional questions regarding a report related to the piles of soils located at City Hall and wanted to know when it would be available to the public. Council confirmed that the report had been received but was awaiting clarification on what could be publicly shared. Council Members assured residents that they are working through the process as efficiently as possible. They acknowledged frustrations and encouraged patience as the project moved forward.

11. REPORTS

City Administrator Holl reported ongoing work with Gerry de la Vega on Parks & Docks, including organizing past grants and closing out a Twins Grant from a couple of years ago. He noted the successful IT transition to Brand Networking and commended staff for a smooth process. He also mentioned attending the LMCD meeting the following day and informed the Council of his schedule, noting he would be off Tuesday and Wednesday next week but working Thursday and Friday, with Monday being a holiday.

Council Member Eckland complimented the detailed financial updates and transparency on bills being paid. Holl noted that he is working towards including regular financial reports, including Budget-to-Actual updates, on a monthly basis.

City Engineer Bradford provided updates on multiple projects:

2024 Street & Utility Construction - Tree removals for the Birch Bluff area are expected to begin next week. This includes not only trees impacted by construction but also numerous dead and dying ash trees within the right-of-way.

Notifications have already been sent to residents. While the contractor initially planned to start this week, the extremely cold weather has delayed work, and activity is now anticipated to begin next week.

MIAC, HUD, and Tribal Coordination - Bradford provided an update on discussions with the Minnesota Indian Affairs Council (MIAC) and tribal representatives regarding soil management at the project site. In the most recent meeting, Bradford presented "massing diagrams," which illustrate how soil could be placed on-site. These diagrams help visualize potential future projects in cemetery areas and estimate the volume of soil that would need to be relocated. The presentation also covered factors such as the height and design of soil mounds. Tribal representatives are now reviewing the information internally and will return for further discussion in a follow-up meeting later this week.

HUD Grant & Environmental Data Submission – Bradford reported he submitted environmental data to HUD, as part of efforts to reinstate grant funding. HUD has responded with some clarifying questions which the City plans to address tomorrow. Bradford expressed optimism that this step will help move the funding process forward.

Council Member Eckland raised a number of questions pertaining to the Manitou Road soils.

City Engineer Bradford provided a response and explanation.

- **Next Steps:** The City must first complete the HUD environmental process. Once authorization is received and the weather conditions are favorable, non-clay soils will be sifted and moved to the repatriation area.
- **Delays:** Sifting stopped previously due to wintry weather. HUD later informed the city that sifting could not continue until a new environmental process was completed. A change in HUD grant officers resulted in a change in process requirements.
- **HUD Environmental Process:** This process includes federal environmental clearance, requiring studies on endangered species, wetlands, cultural analysis, noise, and other factors. The City submitted the required documentation, and HUD responded with clarifying questions, which are now being addressed. Once finalized, HUD will send letters to agencies (SHPO, state archaeologist, tribes, etc.) for formal consultation. A written response of "no significant impact" is required before proceeding.

Clarifications on Soil Piles:

- 2023 Manitou Road Watermain Project Pile (Manitou Park): Requires HUD environmental clearance before sifting can resume. The process involves multiple state and federal agencies.
- 2024 SUIP Project Piles (City Hall): The City is working with MIAC and tribal representatives to determine final placement, size, and restoration plans. No formal written approval has been given for this process, as discussions are ongoing. A meeting is set for next week.
- Repatriation Area Soils Movement: The tribes and City Council have approved moving the soils to the repatriation area. Written confirmation of this approval exists and has been shared with the Council Members.

As additional questions came up, Mayor Jennings stepped in to clarify the misinformation that the sacred soils can still be moved out of the City.

Jennings stated, "I want to read the email for the record."

The email states. *"Thank you for reaching out with your concerns regarding statements about the cemetery soils in Tonka Bay. I was quoted as making the statement that the burial soils could be located in a tribal cemetery outside the city if the residents were unhappy and or unwelcoming of them being located within the city. This is a gross misrepresentation. In actuality, I stated that in some situations and only if the tribal nations deepen appropriate cemetery soils, human remains, and grave goods may be repatriated for reburial. This is not the case for the Tonka Bay mitigation. It was decided amongst the consulting parties that the current proposed location is appropriate, and it is the expectation that reburial occur there."*

Council Member Wischmeier expressed frustration, stating that misinformation and repeated questions had slowed progress on the soils repatriation process. She noted that the repatriation might now have to wait until after spring thaw delaying the proper rest for their ancestors.

Bradford assured the Council that we are likely just a couple of months away and approaching the final stretch.

12. ADJOURNMENT

There being no further business, Council Member Anderson made a motion to adjourn the meeting at 9:08 pm. Council Member Eckland seconded the motion. Ayes: Anderson, Eckland, Ottum, Wischmeier, and Jennings. The motion carried.

Jennings, Mayor

Attest:

Gildemeister, City Clerk