Agenda
Minnetonka City Council
Regular Meeting, Monday, April 25, 2016
6:30 P.M.
Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Ellingson-Allendorf-Acomb-Wiersum-Bergstedt-Wagner-Schneider
4. Approval of Agenda
5. Approval of Minutes: April 11, 2016 regular council meeting and LBAE meeting
6. Special Matters:
   A. Proclamation declaring May 3, 2016 as National Teacher Day
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases:
   A. Bids for W. 34th and Opus Lift Station Improvements
      Recommendation: Award contract to Minger Construction Co., Inc. and amend the Capital Improvements Program (CIP) (5 votes)
   B. Bids for Trunk Forcemain Lining – Phase III
      Recommendation: Award contract to Visu-Sewer, Inc. (majority vote)
10. Consent Agenda - Items Requiring a Majority Vote:
    A. Resolution designating Ridgehaven Lane as a Municipal State Aid street
    B. Resolution approving polling place change and renaming eight city precincts for the 2016 elections
    C. Agreements for Metropolitan Council LHIA funds
11. Consent Agenda - Items Requiring Five Votes: None

12. Introduction of Ordinances:
   A. Amendment to the sign ordinance

      Recommendation: Introduce the ordinance and refer to the planning commission (4 votes)

13. Public Hearings:
   A. On-sale liquor license for Redstone American Grill, Inc., 12401 Wayzata Boulevard

      Recommendation: Continue the public hearing and grant a new license, and rescind the request for a transfer of the license (5 votes)

   B. On-sale and wine and on-sale 3.2 percent malt beverage liquor licenses for Field Day Ridgedale, LLC, 12259 Wayzata Boulevard

      Recommendation: Continue the public hearing to May 9, 2016 (4 votes)

   C. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for LTF Club Operations Company, Inc. dba Life Café, 3310 Co Rd 101

      Recommendation: Open the public hearing and continue to May 23, 2016 (4 votes)

14. Other Business:
   A. Resolution approving a conditional use permit and final site and building plans for a licensed day care facility at 14730 Excelsior Boulevard

      Recommendation: Adopt the resolution approving the conditional use permit and plans (4 votes)

   B. Consideration of petition for environmental assessment worksheet for 2016 Pavement Rehabilitation Project – Libb’s Lake, Project No. 16401

      Recommendation: Adopt a resolution determining that the project is exempt from environmental review (majority vote)

15. Appointments and Reappointments: None

16. Adjournment
1. **Call to Order**

Schneider called the meeting to order at 6:58 p.m.

2. **Pledge of Allegiance**

All joined in the Pledge of Allegiance.

3. **Roll Call**

Council Members Tony Wagner, Bob Ellingson, Dick Allendorf, Patty Acomb, Brad Wiersum, Tim Bergstedt, and Terry Schneider were present.

4. **Approval of Agenda**

Wiersum moved, Wagner seconded a motion to accept the agenda with addenda to items 14C and 15. All voted “yes.” Motion carried.

5. **Approval of Minutes: March 28, 2016 regular council meeting**

Bergstedt moved, Acomb seconded a motion to approve the March 28, 2016 regular council meeting minutes, as presented. Wagner, Ellingson, Acomb, Wiersum, Bergstedt, and Schneider voted “yes.” Allendorf abstained. Motion carried.

6. **Special Matters:**

   A. **Retirement recognition of Firefighters Michael Branvold and Robert Welch**

      Schneider presented plaques to Branvold and Welch.

   B. **Recognition of 2016 Citizen Academy graduates**

      Schneider presented certificates to the graduates.

   C. **Proclamation declaring April 22, 2016 as Earth Day**

      Acomb read the proclamation.

   D. **Proclamation declaring April 29, 2016 as Arbor Day**

      Bergstedt read the proclamation.
E. **Presentation on city communications**

Assistant City Manager Perry Vetter gave the presentation.

Wagner said one of the difficult things about road reconstruction projects was things change on a daily basis. He said the communications improvements were needed. He asked if the Next Door neighborhood application had been looked at. Vetter said one of the concerns with social media applications was many of them have a very focused audience and staff wanted to make sure to use applications that allowed for the best and the most strategic way for getting the message out. He said right now that did not include Next Door.

Schneider said he agreed the younger generation wanted information immediately and did not want to wait a couple of weeks. He said it was important however not to leave an element of the city’s population out by moving too far one way or the other with communications technology. One suggestion would be to have a direct mailing with the a summary of the different ways to connect with the city.

7. **Reports from City Manager & Council Members**

City Manager Geralyn Barone reported on upcoming meetings.

8. **Citizens Wishing to Discuss Matters not on the Agenda**

Barone presented the background of the Libb’s Lake road reconstruction project.

Richard Koppy, 3013 Lake Shore Boulevard, said he really did want the project but it should not be to the residents’ detriment. There were 15 trees over 48 inches in size on Shores Boulevard alone that will come down unless something changes. Residents did not know this until recently when the trees were marked. He said the water main was driving everything and the city was losing focus. He was the city engineer in St. Louis Park for 12 years and did at least 150 miles of street during his time with the city. St. Louis Park didn’t have quite the narrow streets that Minnetonka has but they hardly ever cut down trees. The city worked with its contractors to save the trees using things like trench boxes. Today the streets are still in good shape showing that jury rigged processes were not used. He said he provided the Minnetonka engineering staff with three or four alternatives to look at. If directional boring was not an option because of the contract situation, the city should at least look at moving the water main in a couple of feet. On average, there was a two foot vertical clearance between the water main and the sewer. The state health department’s code allows the sewer and water to be moved closer together. The ten foot difference in the code was a
guideline distance and no one had a magic number for what the actual distance should be. He suggested closing the distance to six to eight feet. The city’s concern was cutting the tree roots and having trees fall over. He said he understood this concern but did not agree with it. He used as little as a five foot distance many times.

Koppy said right-of-way wasn’t the city’s property but was everybody’s property. He said the bottom line was there were alternatives and he didn’t believe staff looked at them very well at the beginning of the project. Directional boring could have been bid. When he was with St. Louis Park the city assessed 65 percent of the costs. Minnetonka could do that as well. Residents would be willing to pay to save trees. He said he wished the city would treat the neighborhood as partners rather than adversaries. A lot of the neighbors questioned why the northern area was not being done. He said a petition would be filed the next day with the Environmental Quality Board for an environmental assessment worksheet (EAW). An EAW would require the city to look at the environmental impact. This wasn’t being done because he wanted the project stopped. He was in favor of the project. The petition process was being used because of the destruction that would be caused.

Sharon Davis, 3221 Shores Boulevard, said the city could not on one hand, celebrate Arbor Day, and on the other hand, plot the destruction of trees it deemed inconvenient. Deciding to buy a home was a complex and long term decision. Many things were factored into the decision including the aesthetics of the neighborhood. She said everyone benefits from the Schmidt’s trees and all the trees on the boulevard. She quoted from a University of Washington study on street trees. The study indicated higher real estate values and faster home sales related to trees. Sales are higher at businesses having a high quality tree canopy. She said a study showed that trees reduce air particulates by nine to 13 percent and the amount of dust reaching the ground was 27 to 42 percent less. Mature trees slowed down damage from storm winds. Trees absorb excess water during heavy rains mitigating flood damage. Ecologically speaking, trees absorb roughly 48 pounds of carbon dioxide every year locking up the greenhouse gases for generations while producing oxygen. Mature trees improve the entire micro-climate of an area and can reduce heating and cooling costs and also reduce noise pollution and ozone levels. She cited walkability guru Dan Burden’s 22 benefits of urban street trees that calculated a single street tree returned over $90,000 of direct benefits during its lifetime. Street trees encourage neighbors to get out and walk, building community and reducing crime. She asked the city to put the project on hold while it reexamines all the factors. Residents should be consulted about rearranging funds used for things like fireworks displays to be used instead toward something that impacts people on a daily basis. She asked a change order be included in contracts to reduce or eliminate mature tree removal.
Anya Kroll, 3226 Larchmore Avenue, said the city had the opportunity to set an example and serve as a beacon to other cities that were facing similar challenges in trying to update infrastructure while maintaining the aesthetic appeal of the community. Trees were a financial asset, emotionally pleasing and provided a sense of community. She said staff’s comments about not wanting to use a cookie cutter approach was hypocritical because plowing through old communities 10-15 feet on each side of the street was very cookie cutter. She didn’t see any reason other options could not be considered given the lack of notice to the neighbors. She did not oppose updating infrastructure but she asked the project be put on hold to reassess things.

Luise Forseth, 16631 Meadowbrook Lane, said the situation reminded her of when she served as a legislative assistant to former Sen. Dave Durenberger. There was a threat that a veteran’s hospital was going to be closed. The U.S. Department of Defense said it needed to close a number of hospitals because of the costs. Many veterans opposed the closing because it involved people’s health care. She said the issue with the road project involved residents’ sanctuaries. Her house and yard were her sanctuary. The fact the city had signed contracts on people’s sanctuaries made her question what the city was thinking. It was difficult enough to feel that individuals were important and could make a difference. She said her husband had planted six trees in their yard. They treated an elm tree for years even though they knew it would die because they loved it. When it died they cried because it was part of their family and sanctuary. She said she did not learn of the tree removal until recently.

Terry Zurn, 3035 Lake Shore Boulevard, said this was a nonconforming neighborhood that was not a cookie cutter neighborhood. The trees provided the character. He thought it was hypocritical that the city had a tree ordinance protecting trees. Anytime there was a big project trees should be replaced. He asked that the trees being removed be clearly marked so the neighbors could see the impact. He believed it would be devastating. The landscaping he planted would be removed and put in a pile because it was in the right-of-way. He understood the infrastructure needed to be protected but it had to be done responsibly.

Garrett Gardner, 2953 Fairchild Avenue, said the neighborhood was beautiful because of the trees. He said when the trees are removed along Highway 101, the noise from the traffic would impact this neighborhood. He lost a tree and for the first time ever he can hear the traffic on Highway 101 and he is quite a distance from the highway. He said he was a certified arborist and a couple of years ago he managed the tree removal for a street resurfacing. Around 100 trees were removed and not replaced. The only tree replacement he sees was in the city’s parks. He asked the city work with the county and state to replace trees
removed during street projects. He wanted the city to be willing to make more
sacrifices in order to save trees.

Bill Webster, 3209 Larchmore Avenue, said the only communication he received
about the tree removal was a note from a neighbor. He was told by the University
of Minnesota that he had the largest Silver Maple tree in the state. It was better
than nine feet thick. He was concerned about losing the tree. It provided the
shade for his house. He has a master certification in heating and ventilation.
When he does the required heat loss and heat gain calculations he finds shade
can affect 25-35 percent of the load calculation for a house. He was concerned
losing his tree would mean his air conditioner would no longer be adequate. This
probably didn’t occur to anybody as a factor. He did not know curbs were being
installed and he did think they were necessary. When it rains the water runs into
his yard and then goes away. He asked the council to reconsider the project.

Tyler Adam said he was a Chanhassen resident who comes to Minnetonka for its
trees. He climbs trees as a hobby. The tree removal impacts more than
Minnetonka residents. There were viable alternatives and contracts can be
renegotiated.

Schneider said there was good feedback received and staff would continue to
work diligently to ensure whatever was done was done as well as could be done
in terms of cost, and environmental and safety issues. He encouraged residents
to meet one on one with staff to see what options might be available to save
individual trees.

Schneider called a recess at 8:41 p.m.

Schneider called the meeting back to order at 8:51 p.m.

9. **Bids and Purchases:** None

10. **Consent Agenda – Items Requiring a Majority Vote:**

   A. Resolution calling a public hearing regarding a multifamily housing
devlopment at 5750 Shady Oak Road granting preliminary approval
for the issuance of revenue bonds to finance the costs

      Allendorf moved, Acomb seconded a motion to adopt resolution 2016-026.
      All voted “yes.” Motion carried.

11. **Consent Agenda – Items requiring Five Votes:** None

12. **Introduction of Ordinances:** None
13. Public Hearings: None

14. Other Business:

A. Resolution for the Ridgehaven Lane/Ridgedale Drive (Cartway Lane) and Plymouth Road improvement projects

City Engineer Will Manchester gave the staff report.

Wagner said this was a much better plan than the plan the council saw last August. There was the right kind of access both for those visiting Minnetonka and for residents who were landlocked on a daily basis coming out of the neighborhoods to the west. He said he mentioned to staff earlier that enhanced transit connections in the area didn’t seem to be incorporated into the design. He suggested this be reviewed as right-of-way was negotiated with Byerlys and Target.

Wiersum said this was a good plan but he had some concern about the one lane under the underpass and if that would be sufficient. Manchester said different options were looked at, including two lanes. When the plans and specs are brought back as part of the final design, the item could be discussed further.

Schneider said he had similar thoughts but as he thought through it, the people going to Best Buy a lot of times also go to Target. The width of whatever was put in and the structured part over it was related to the impacts on the elevations and grades. If it worked to build a structure to accommodate a two lane road even if only one was put in now, it would prevent having to rebuild something 20 years from now. He said the plan was a great improvement of what currently exists not only for the holiday season but year round. It was an expensive project but it was a long term investment for the Ridgedale area that would yield future revenue, business growth and opportunities for people maintaining healthy businesses.

Wiersum said the area was a regional center and anybody who has lived in the city had spent quite a bit of time in the area. No one had ever loved the traffic situation. The area was such an important part of the community and was so visible to the region. Getting it right would reflect well on the city.

Schneider noted earlier in the day he was at a regional council of mayors meeting. The main focus was getting updates from real estate professionals. When it came to the retail component there was discussion
about difficult times related to the internet and how 1950’s and 1960’s shopping centers were being phased out with two exceptions: the Mall of America and Ridgedale.

Wagner moved, Allendorf seconded a motion to adopt resolution 2016-027 approving layout #5B, ordering the improvements, authorizing preparation of plans and specifications, and authorizing easement acquisition. All voted “yes.” Motion carried.

B. Resolution endorsing the Shady Oak Station Area Development Strategy

City Planner Loren Gordon gave the staff report.

Wagner said not only was this a good example of the work between the two cities but it was also something that was really studied at the Southwest Community Works Working Group. What was starting to be put into motion was how to seed the area for consistency in development along the entire corridor. This was one of a few areas along the corridor where there were two cities that had jurisdiction around a station area. Tightening up and getting ahead of proposals going forward would be important. The area was pretty commercial office driven and the market wasn’t quite there. He asked staff to comment about more residential in the area. Gordon said the plan was adaptable. If more residential plans come in, the other complimentary things would need to be reviewed to ensure there was the right mix.

Wiersum said the plan was exciting with a lot of creativity and great activity in the area that would contribute to both Hopkins and Minnetonka. He asked if there were other cities that have light rail and have done transit oriented design that have these type of innovation places in new construction. Community Development Director Julie Wischnack said staff did not envision seeing every building being reconstructed. It could be a mixture of reuse and new construction. She said the consultant from Portland had examples of where it had happened elsewhere in the country.

Wagner said consultants had been brought in who had done redevelopment in Portland, Denver, and Phoenix. He said the plan was great on paper but what was important were things like the zoning, the joint powers board, and the having the financing tools to make it happen. The economics of this station area were not the easiest.
Schneider said he thought things were going in the right direction. One of the things that will spark some different evolution of this was the basic assets and fabric of a rail line that goes all the way downtown and out to Eden Prairie. This would more and more become the mode of choice for travel particularly for millennials. Having a theme like innovation may set the station apart from areas like the Warehouse District where there were more artists. In the area to the south the buildings were not worth a lot so there were great opportunities for evolution of the buildings to attract start-up innovative companies. He said there were a lot of assets that could be marketed to attract a different lifestyle than downtown. He thought the potential was probably being undersold. The idea was to maintain flexibility and not boxing the city in. He said the one area that was missing in the planning strategy was laying out a game plan for the ability to do enhanced TOD/TIF scenario. Right now there was not the appetite at the state with the legislature trying to rein in the use of TIF but he thought once this line was approved and everyone sees the huge development potential there will be the need to have the ability to recapture some of the growth in increment to reinvest back into the light rail line. He thought this should be looked at. Wischnack said a group of cities were meeting to discuss the different tools including TIF.

Wagner moved, Allendorf seconded a motion to adopt resolution 2016-028 endorsing the Shady Oak Station Area Development Strategy. All voted “yes.” Motion carried.

C. Resolution regarding the support of a Minnesota Investment Fund application in connection with StemoniX

The applicant withdrew the application with the Minnesota Department of Employment and Economic Development.

15. Appointments and Reappointments: None

Schneider moved, Wiersum seconded a motion to adopt resolution 2016-029 appointing Mike Fruen as commissioner and Jacob Millner as alternate commissioner to the Bassett Creek Water Management Commission; Tom Dietrich, Water Resources Engineering Coordinator, as a member to the Bassett Creek Technical Advisory Committee with Will Manchester, Director of Engineering, as an alternate member to the committee. All voted “yes.” Motion carried.
16. Adjournment

Wagner moved, Wiersum seconded a motion to adjourn the meeting at 9:31 p.m. All voted "yes." Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk
1. Call to Order.

Mayor Terry Schneider called the meeting to order at 6:18 p.m.

2. Roll Call:

Council members Tony Wagner, Dick Allendorf, Patty Acomb, Brad Wiersum, and Tim Bergstedt, and Mayor Terry Schneider were present. Bob Ellingson was present at 6:25 p.m.


City Assessor Colin Schmidt gave the report.

4. Appeals to the board of review:

A. Valuation changes being brought by the City Assessor to the Local Board of Appeal and Equalization for action:

Schneider read the following into the record:

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<td>23)</td>
<td>Thomas Lutz</td>
<td>$405,200</td>
<td>$449,200</td>
</tr>
<tr>
<td></td>
<td>Marcia Lutz</td>
<td></td>
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<tr>
<td></td>
<td>3677 Steele St</td>
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<td></td>
<td>Minnetonka, MN 55345</td>
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<td></td>
<td>17-117-22-44-0042</td>
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</tr>
<tr>
<td>24) Michael Speca Jennifer Speca 16213 The Strand Minnetonka, MN 55345 17-117-22-44-0008</td>
<td>$378,800</td>
<td>$425,400</td>
<td>$399,200</td>
</tr>
<tr>
<td>25) John Twele Maressia Twele 5121 Baker Rd Minnetonka, MN 55343 27-117-22-41-0047</td>
<td>$250,000</td>
<td>$288,700</td>
<td>$250,000</td>
</tr>
<tr>
<td>27) Hugh Ritchey Diane Ritchey 10008 Crestridge Dr Minnetonka, MN 55305 01-117-22-42-0003</td>
<td>$291,200</td>
<td>$322,600</td>
<td>$295,000</td>
</tr>
<tr>
<td>28) Kelly Chermack 5949 Fairwood La Minnetonka, MN 55345 33-117-22-32-0045</td>
<td>$369,900</td>
<td>$377,300</td>
<td>$340,800</td>
</tr>
<tr>
<td>29) Jeffry Roehl Natchana Roehl 4600 Lynwood Ter Minnetonka, MN 55345 30-117-22-42-0019</td>
<td>$309,400</td>
<td>$332,800</td>
<td>$309,200</td>
</tr>
<tr>
<td>30) HP Minnesota I LLC 10710 Crestridge Dr Minnetonka, MN 55305 01-117-22-31-0045</td>
<td>$700,000</td>
<td>$690,500</td>
<td>$680,000</td>
</tr>
<tr>
<td>31) Michael Mehle Jan Mehle 2009 Runnymead Ct Minnetonka, MN 55305 12-117-22-21-0021</td>
<td>$333,500</td>
<td>$386,200</td>
<td>$330,000</td>
</tr>
<tr>
<td>32) Diana Hoyt 17609 Jennifer La Minnetonka, MN 55345 31-117-22-11-0054</td>
<td>$332,600</td>
<td>$339,000</td>
<td>$325,300</td>
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<tr>
<td>33) Katharine Smith 4820 Westminster Rd Minnetonka, MN 55345 28-117-22-14-0014</td>
<td>$594,400</td>
<td>$593,400</td>
<td>$562,400</td>
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<tr>
<td>34) David Herbst Elcy Wang</td>
<td>$853,900</td>
<td>$853,700</td>
<td>$780,000</td>
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<tr>
<td>4703 Asher Dr Minnetonka, MN 55345</td>
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<tr>
<td>28-117-22-21-0051</td>
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<tr>
<td>35) Dana Gurstel</td>
<td>$421,300</td>
<td>$460,900</td>
<td>$433,300</td>
</tr>
<tr>
<td>9708 St Johns Rd Minnetonka, MN 55305</td>
<td></td>
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<tr>
<td>13-117-22-41-0045</td>
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<tr>
<td>36) Hyung Choi Kristin Choi</td>
<td>$639,200</td>
<td>$692,800</td>
<td>$645,000</td>
</tr>
<tr>
<td>11497 Old Bren Rd Minnetonka, MN 55343</td>
<td></td>
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<tr>
<td>35-117-22-44-0023</td>
<td></td>
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<tr>
<td>37) Mark Ravich</td>
<td>$1,327,500</td>
<td>$1,348,600</td>
<td>$1,100,000</td>
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<tr>
<td>11300 Overlook Dr Minnetonka, MN 55305</td>
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<tr>
<td>11-117-22-14-0053</td>
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<tr>
<td>38) Elizabeth Wilson</td>
<td>$1,309,000</td>
<td>$1,424,200</td>
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<tr>
<td>16215 McGinty Rd W Wayzata, MN 55391</td>
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<tr>
<td>08-117-22-14-0026</td>
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<tr>
<td>39) William Handsaker</td>
<td>$257,600</td>
<td>$299,200</td>
<td>$290,100</td>
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<tr>
<td>11879 Minnetonka Blvd Minnetonka, MN 55305</td>
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<tr>
<td>14-117-22-13-0021</td>
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<tr>
<td>40) Deborah Lien Bierbaum</td>
<td>$673,600</td>
<td>$692,000</td>
<td>$599,000</td>
</tr>
<tr>
<td>1934 Linner Rd Wayzata, MN 55391</td>
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<tr>
<td>04-117-22-43-0034</td>
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<tr>
<td>41) Paul Specketer Raquel Specketer</td>
<td>$908,700</td>
<td>$728,800</td>
<td>$643,000</td>
</tr>
<tr>
<td>12401 Huntingdon La Minnetonka, MN 55305</td>
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<tr>
<td>23-117-22-22-0041</td>
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</tr>
<tr>
<td>42) Calm Bay LLC</td>
<td>$2,506,500</td>
<td>$2,700,000</td>
<td>$2,250,000</td>
</tr>
<tr>
<td>16500 Grays Bay Blvd Wayzata, MN 55391</td>
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<tr>
<td>08-117-22-42-0013</td>
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</tbody>
</table>

Wiersum moved, Wagner seconded a motion to approve the assessors’ recommendations. All voted “yes.” Motion carried.
B. Petitions to the Local Board of Appeal and Equalization requiring advisors’ recommendation:

|---------------------|-----------------------------|-----------------------------|--------------------------------|
| 1) Xiwen Zhao
Yuqing Chen
17080 Creek Ridge Tr
Minnetonka, MN 55345
32-117-22-33-0041 | $362,000                    | $369,500                    |                                |
| 2) William Ogram Jr
Mary Ogram
6102 Creek Ridge Ct
Minnetonka, MN 55345
32-117-22-34-0045 | $779,700                    | $823,500                    |                                |
| 3) Bakal Tziyon
5562 Bimini Dr
Minnetonka, MN 55343
35-117-22-11-0552 | $192,700                    | $216,900                    |                                |
| 4) Sandra Cronin
6110 Concord Hill La
Minnetonka, MN 55345
31-117-22-34-0071 | $297,000                    | $324,400                    |                                |
| 5) Owen Moen
Diane Moen
17845 Powderhorn Dr
Minnetonka, MN 55345
19-117-22-14-0049 | $255,100                    | $269,300                    |                                |
| 6) Calm Bay LLC
16500 Grays Bay Blvd
Wayzata, MN 55391
08-117-22-42-0013 | $2,506,500                   | $2,700,000                  |                                |
| 7) Thomas Johnson
Jill Johnson
15001 Tammer La
Wayzata, MN 55391
04-117-22-43-0032 | $434,500                    | $468,600                    |                                |
| 8) WN Webster Inc
13508 Smith Dr
Minnetonka, MN 55305
22-117-22-13-0003 | $203,400                    | $164,700                    |                                |
| 9) Bruce Wollenberg
Ruth Wollenberg
5100 Prescott Dr
Minnetonka, MN 55345
27-117-22-31-0044 | $273,500                    | $318,900                    |                                |
|------------|----------------------------|----------------------------|-------------------------------|
| 10) Leo Hendrickson  
Ann Hendrickson  
9701 Cedar Lake Rd  
Minnetonka, MN 55305  
12-117-22-41-0068 | $199,900 | $162,700 | |
| 11) Robert Hovelson  
Marilyn Hovelson  
14800 Minnehaha Pl  
Wayzata, MN 55391  
16-117-22-11-0068 | $470,000 | $500,000 | |
| 12) Calm Bay LLC  
16502 Grays Bay Blvd  
Wayzata, MN 55391  
08-117-22-42-0014 | $1,475,000 | $1,500,000 | |
| 13) Mary Nelson  
5721 High Park Dr  
Minnetonka, MN 55345  
32-117-22-24-0011 | $260,400 | $265,800 | |
| 14) John Hinnenthal  
Joann Hinnenthal  
2410 Bantas Point Rd  
Wayzata, MN 55391  
08-117-22-13-0023 | $200,000 | $222,000 | |
| 15) Jerry Heine  
Patricia Heine  
16233 Adeline La  
Wayzata, MN 55391  
08-117-22-11-0051 | $156,700 | $195,000 | |
| 16) Benjamin Johnson  
Michelle Johnson  
4736 Gaywood Dr  
Minnetonka, MN 55345  
27-117-22-21-0036 | $368,400 | $388,400 | |
| 17) Elaine Kaehler  
4163 Hull Rd  
Minnetonka, MN 55305  
22-117-22-14-0014 | $250,700 | $261,500 | |

Bill Webster, 13508 Smith Drive, said he purchased the house last April for his son. The assessor assessed the value at $203,400 for 2016. For 2017 the assessor said the value could only be lowered to $164,700. Webster said he bought the house from someone who was going to clean it up and flip it. The purchase price for that person was the regular MLS listing of $110,000. Webster purchased the home from that person for $125,000. He didn’t think it was fair he was being taxed at the $164,700 value. Schneider said Webster would have to convince the advisors to agree with him. He said the assessment determination was more complicated than just the purchase price.
Don Hendrickson speaking on the behalf of his parents’ property at 9701 Cedar Lake Road said the assessed value seemed much higher than the other houses in the area. Schneider said Hendrickson could look at the comparable data with the advisors.

Allendorf moved, Acomb seconded a motion to refer the items to the advisors. All voted “yes.” Motion carried.

C. Petitions to the Local Board of Appeal and Equalization to be referred back to the Assessing staff for review:

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<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1) St Pauls Evan Luth Church (Mes Amis French School)</td>
<td>$N/A</td>
<td>$106,000</td>
<td></td>
</tr>
<tr>
<td>13207 Lake St Extension Minnetonka, MN  55305</td>
<td>22-117-22-42-0010</td>
<td></td>
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</tr>
</tbody>
</table>

Wiersum moved, Bergstedt seconded a motion to refer the item back to staff. All voted “yes.”

5. Recess and continue meeting

Wiersum moved, Allendorf seconded a motion to close the agenda to any new applications, recess and continue the meeting to Monday, April 25, 2016. All voted “yes.” Motion carried.

Schneider called a recess at 6:54 p.m.

Respectfully submitted,

David E. Maeda
City Clerk
WHEREAS, teachers make public schools great; and
WHEREAS, teachers work to open students’ minds to ideas, knowledge and dreams; and
WHEREAS, teachers keep American democracy alive by laying the foundation for good citizenship; and
WHEREAS, teachers fill many roles, as listeners, explorers, role models, motivators and mentors; and
WHEREAS, teachers continue to influence us long after our school days are only memories;

NOW THEREFORE BE IT RESOLVED that the Minnetonka City Council hereby proclaims May 3, 2016 as “National Teacher Day” in the city of Minnetonka.
Brief Description: Bids for W 34th and Opus Lift Station Improvements

Recommended Action: Award contract to Minger Construction Co., Inc. and amend the Capital Improvements Program (CIP)

Background

The city has 37 sanitary sewer lift stations that provide mechanical lift for fluid flow when gravity flow in pipes is not possible due to depth constraints. Two lift stations are approaching design capacity due to increased development in the geographic areas that they serve. The Tonka on the Creek Development is served by the West 34th Street lift station and needs to be upsized to accommodate the added flow from that development. The OPUS lift station is located near Green Circle and Smetana Drive and needs to be expanded to accommodate redevelopment in the OPUS area.

On Tuesday, April 12th, bids were received for the expansion of the wet wells at the aforementioned lift stations. The bids are tabulated as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minger Construction Co., Inc.</td>
<td>$355,233.75</td>
</tr>
<tr>
<td>Pember Companies, Inc.</td>
<td>$412,360.00</td>
</tr>
<tr>
<td>Geislinger &amp; Sons, Inc.</td>
<td>$718,010.00</td>
</tr>
<tr>
<td>Engineer’s estimate</td>
<td>$337,112.50</td>
</tr>
</tbody>
</table>

The engineer’s estimate is lower than Minger's bid due to increased costs in 2016. The estimate was prepared with 2015 project costs which have been increased this year. Connection fee revenue in the Utility Fund paid by the developer will support costs of the improvement, and the CIP needs to be amended to accurately reflect the expenditure.

Recommendation

Based on the recommendation of the consultant engineer and our past experience with the low-bidder, staff recommends:

The contract for this project be awarded to Minger Construction Co., Inc. in the amount of $355,233.75 and amend the CIP.

Submitted Through:
Geralyn Barone, City Manager
Merrill King, Finance Director

Originated by:
Brian Wagstrom, Public Works Director
Brief Description: Bids for Trunk Forcemain Lining – Phase III

Recommended Action: Award contract to Visu-Sewer, Inc.

Background

The city has two primary alignments of large diameter forcemain (pressure sewers) in the city. The first route is from the public works main lift station to Guilliams Field where 18-inch and 30-inch diameter pipes convey a majority of the city's waste for treatment. The second route is from the Williston lift station located at Minnetonka Boulevard and Williston Road easterly along Minnetonka Drive to Guilliams Field, where the forcemains converge and flow south to Cottage Lane and TH 7.

On July 14, 2013, the 30-inch forcemain ruptured near Prestige Lane and an emergency repair was made. On January 9, 2014, another break occurred in the same general area on the 18-inch forcemain. Flow was diverted back to the 30-inch pipe while repairs were made on the smaller pipe.

A consultant analyzed the condition of the forcemain pipes and determined that the most cost effective remedy to fix the pipes was to line the inside of the pipes with a resin-impregnated liner. The first phase of system rehabilitation was completed in 2014 with 3,330 feet of 18 and 30-inch pipe rehabilitated from Arbor Circle to Minnetonka Mills Road.

Phase II of the multi-year lining project was completed last year and involved the lining of 3,460 feet of 18 and 30-inch forcemain located on an alignment parallel to the Three Rivers Park District trail between Minnetonka Mills Road and TH7/Cottage Lane.

Phase III Lining Project

This year's Capital Improvement Program provides for the lining of the forcemains that lie between the main lift station at public works to the beginning of the phase I project near Arbor Circle. A map that details the phase III location is attached which also shows the locations of the other repairs.
Bids

On April 14th, the city received bids for the planned repair of the 18-inch and 30-inch forcemains as noted on the attached map. The bids are tabulated as follows:

- Visu-Sewer, Inc. $1,290,312.00
- Michels Corporation $1,538,939.00
- Lametti & Sons, Inc. $2,273,645.00
- Engineer's Estimate $1,891,355.00

Recommendation

Based on the recommendation of the consultant engineer and the city's experience with the low-bidder, staff recommends that:

- The contract for this project contract be awarded to Visu-Sewer, Inc. in the amount of $1,290,312.00.

Source of funding for the project is the 2016 – 2020 Capital Improvements Program – Utility Fund.

Submitted Through:
- Geralyn Barone, City Manager
- Merrill King, Finance Director

Originated by:
- Brian Wagstrom, Public Works Director
Minnetonka Trunk Forcemain Lining Location

Project Limits near Regional Trail

Legend

- Lift Station
- 24" Forcemain (~9,800 ft)
- 18" & 30" Forcemain (~6,600 ft each)

Project Limits

Phase

- 1 - 2014
- 2 - 2015
- 3 - 2016

Item | Quantity
--- | ---
30" C.I.P.P. Liner | 3,970 LF
18" C.I.P.P. Liner | 3,970 LF
Remove 30" Forcemain | 160 LF
Install 30" DIP | 160 LF
Remove 18" Forcemain | 160 LF
Install 18" DIP | 160 LF
Couplers | 36 EA
City Council Agenda Item #10A
Meeting of April 25, 2016

Brief Description:  Resolution designating Ridgehaven Lane as a Municipal State Aid street

Recommended Action:  Adopt the resolution

Background

Minnesota cities with populations greater than 5,000 are allowed by state statute to designate up to 20 percent of the street mileage under their jurisdiction as Municipal State Aid (MSA) streets. These streets are then eligible to receive a portion of state gasoline tax revenue for construction and maintenance. Not all local streets qualify as MSA routes. The street must function as a street that collects neighborhood traffic, and intersects either a state or county highway, or another MSA street. These routes must also be approved by MnDOT.

The proposed designation of Ridgehaven Lane, from Ridgedale Drive east to Plymouth Road (CSAH 61), meets the qualifications of a MSA route and has been pre-approved by the MnDOT Office of State Aid. Minnetonka currently has sufficient mileage accumulated to be able to meet the 0.03 miles required for this new designation per the attached approval letter.

The proposed designation will allow the city to expend state aid funds for the construction of Ridgehaven Lane as part of the Ridgehaven Lane and Ridgedale Drive Improvements Project.

Recommendation

It is recommended that the city adopt the attached resolution designating Ridgehaven Lane as a Municipal State Aid street.

Submitted through:
  Geralyn Barone, City Manager
  Will Manchester, P.E. Director of Engineering

Originated by:
  Jeremy Koenen, P.E., Assistant City Engineer
Resolution Designating Ridgehaven Lane as a Municipal State Aid Street

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. The road described as follows:

1. Ridgehaven Lane from Ridgedale Drive to Plymouth Road (CSAH 61).

Is hereby established, located and designated as a Municipal State Aid street of the city of Minnetonka, subject to the approval of the Commissioner of Transportation of the State of Minnesota.

Section 2. Council Action.

2.01. The city clerk is hereby authorized and directed to forward two certified copies of this Resolution to the Commissioner of Transportation for his consideration and that upon his approval of the designation of said street or portion thereof, that same be constructed, improved, and maintained as a Municipal State Aid Street of the city of Minnetonka.

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 25, 2016.

__________________________________________

Terry Schneider, Mayor

ATTEST:

__________________________________________

David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on April 25, 2016.

________________________________________
David E. Maeda, City Clerk
TO: Mr. Will Manchester
Minnetonka City Engineer

FROM: William Lanoux
Manager, Municipal State Aid Needs Unit

DATE: April 12, 2016

SUBJECT: Municipal State Aid Designation

The following Municipal State Aid Street designation will be approved when the City Council resolution is received:
MSAS 175 Ridgehaven Lane- Ridgedale Drive to Plymouth Road (CSAH 61) (0.03 non-existing miles)

A Commissioner’s Order will follow after the City Council resolution is received and approved by the Commissioner.

Needs Update Comments:
If the City Council resolution is received by the DSAE by June 1, 2016, routes designated can receive Needs and will be used in the calculation of your 2017 allotment. Include the road data with your normal spring 2016 computer Needs update.

Certification of Mileage Update Comments:
If the City Council resolution is received by the DSAE by June 1, 2016 include these revisions on the 2016 Annual Certification of Mileage that is due in January 2017.

If you have any questions, contact your DSAE or Bill Lanoux at (651) 366-3817 for instructions.

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<thead>
<tr>
<th>Available Mileage</th>
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<th>2015 Certified Mileage</th>
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</thead>
<tbody>
<tr>
<td>+ Revoked Mileage</td>
<td>0.00</td>
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</tr>
<tr>
<td>- Designated Mileage</td>
<td>0.03</td>
<td></td>
</tr>
<tr>
<td>Remaining Available Mileage</td>
<td>0.14</td>
<td></td>
</tr>
</tbody>
</table>

cc. District State Aid Engineer

File

An Equal Opportunity Employer
City Council Agenda Item #10B  
Meeting of April 25, 2016

Brief Description: Resolution approving polling place change and renaming eight city precincts for the 2016 elections

Recommended Action: Adopt the resolution

Background

Polling place change
Faith Presbyterian Church located at 12007 Excelsior Boulevard, is the current polling place for 2,048 voters in Ward 1 Precinct D. On March 22 the church board voted unanimously to suspend the use of the building as a polling location based on monetary and risk management concerns.

Grace Apostolic Church located at 4215 Fairview Avenue, was contacted to see if it would be a possible polling location. The church office staff person was enthusiastic about the possibility. Staff went out to tour the building and agreed that there is adequate parking and the building meets the Americans with Disabilities Act requirements for access. By law, polling places for the August 8, 2016 State Primary have to be established by May 8, 2016 (90 days before the election).

Staff is recommending moving the voters in Ward 1 Precinct D, who voted at Faith Presbyterian Church, to Grace Apostolic Church. If approved the polling location would be used for the August primary and for all subsequent elections. Notices will be mailed to the affected voters approximately 25 days before the next election. Information will also be published in the Minnetonka Memo and on the city’s website.

Renaming city precincts
As part of the 2012 redistricting, the city reduced the number of precincts in the city that had voters from different school districts voting at the same polling place. Prior to redistricting the city had six polling locations with school district splits. The city now only has one precinct (Ward 3 Precinct D) with a school district split. Voters in the Wayzata and Minnetonka school districts vote at St. Luke Presbyterian Church. To accomplish this reduction, precinct boundaries were drawn to follow school district boundaries. By state law if a precinct boundary did not follow a physical feature (a road, lake, railroad track, etc.) the precincts involved had to be specially named to show the correlation between the precincts. Thus as an example, Ward 2 Precinct A and Ward 2 Precinct B officially became Ward 2 Precinct A-q and Ward 2 Precinct B-q. This information basically was only referenced as part of the Office of Secretary of State’s Statewide Voter Registration System.

Last year the legislature repealed this requirement. Staff now recommends renaming the precincts that were previously renamed to reflect how voters, election judges, and candidates commonly call the precincts. Staff proposes that:
Ward 2 Precinct A-q (Minnetonka Community Center), Ward 2 Precinct B-q (St. David’s Episcopal Church) and Ward 2 Precinct D-q (Ridgedale Library) be renamed Ward 2 Precinct A, Ward 2 Precinct B, and Ward 2 Precinct D.

Ward 3 Precinct C-v (Minnetonka Community Center), Ward 3 Precinct D-v (St. Luke Presbyterian Church), Ward 3 Precinct F-v (Minnetonka United Methodist Church) be renamed Ward 3 Precinct C, Ward 3 Precinct D and Ward 3 Precinct F.

Ward 4 Precinct D-z (Redeemer Bible Church) and Ward 4 Precinct E-z (All Saints Lutheran Church) be renamed Ward 4 Precinct D and Ward 4 Precinct E.

Recommendation

Staff recommends that the city council approve the resolution changing the polling place for Ward 1 Precinct D from Faith Presbyterian Church to Grace Apostolic Church and renaming eight precincts in the city.

Submitted through:
  Geralyn Barone, City Manager
  Perry Vetter, Assistant City Manager

Originated by:
  David Maeda City Clerk
Resolution No. 2016-ppp

Resolution establishing a new polling place location for Ward 1 Precinct D and renaming eight city precincts

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. Faith Presbyterian Church had been used for several years as a polling place but the church board informed the city it no longer wanted the building used as a polling location.

1.02. Staff has found that the voting needs of the residents of Ward 1, Precinct D, would be served by changing the polling location to Grace Apostolic Church.

1.03. The suggested change meets the legal requirements for polling places.

1.04. Staff also recommends renaming eight of the city’s precincts that fell under a statutory naming requirement that was repealed by the legislature in 2015:


Ward 3 Precinct C-v, Ward 3 Precinct D-v, Ward 3 Precinct F-v be renamed Ward 3 Precinct C, Ward 3 Precinct D and Ward 3 Precinct F.

Ward 4 Precinct D-z and Ward 4 Precinct E-z be renamed Ward 4 Precinct D and Ward 4 Precinct E.

Section 2. Council Action.

2.01. The Minnetonka City Council hereby designates the Grace Apostolic Church located at 4215 Fairview Avenue, as the polling place for Ward 1, Precinct D.

2.02. The Minnetonka City Council also approves name changes to eight of the city’s precincts: Ward 2 Precincts A, B, and D; Ward 3 Precincts C, D, and F; and Ward 4 Precincts D and E.

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 25, 2016.

Terry Schneider, Mayor
ATTEST:

__________________________________________
David Maeda, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on April 25, 2016.

__________________________________________
David Maeda, City Clerk
City Council Agenda Item #10C
Meeting of April 25, 2016

**Brief Description**
Agreements for Metropolitan Council LHIA funds

**Recommendation**
Approve the agreements

**Background**

The Metropolitan Council annually solicits applications for the Livable Communities Act Local Housing Incentives Programs, which provides grants to cities. One of these grant programs, the Local Housing Incentives Account (LHIA) awards funding to communities for projects that create or preserve affordable owner-occupied or rental units.

In June 2015, West Hennepin Affordable Housing Land Trust, dba Homes Within Reach (HWR), submitted a grant application through the consolidated Single Family Request for Proposal managed by Minnesota Housing, in partnership with Greater Minnesota Housing Fund, Metropolitan Council, Minnesota Department of Corrections, Department of Employment and Economic Development and the United States Department of Agriculture Rural Development.

The HWR application included the request to acquire and rehab three single-family homes in Minnetonka and other western Hennepin County communities, using Metropolitan Council LHIA Funds. The grant was awarded for $114,000 in December 2015 as a multi-community grant. The funds became available on January 1, 2016 and will expire on December 31, 2018.

While this is a multi-community grant, Minnetonka is identified as the grantee; therefore, the grant agreement with the Metropolitan Council must be executed with the city rather than Homes Within Reach or another community. Prior to receiving the funds from the Metropolitan Council, the funds must be matched. Homes Within Reach will match the funds to be used in Minnetonka with their 2016 city grant funds, and the Met Council grant monies will flow through the city’s Livable Communities Fund. Funds used outside of Minnetonka will be matched with other funding sources specific to that city.

Homes Within Reach has acquired 54 houses in Minnetonka and a total of 125 homes throughout western Hennepin County. In addition to the funds received by the Met Council and the city, Homes Within Reach has leveraged these dollars by also receiving funds from Minnesota Housing, Hennepin County HOME funds and other sources.

**Recommendation**

Staff recommends the city council approve the agreement with the Metropolitan Council for LHIA funds (pages A1-A8) and the sub-recipient agreement with Homes Within Reach (pages A9-A21).
Submitted through:
   Geralyn Barone, City Manager
   Julie Wischnack, AICP, Community Development Director
Originated by:
   Alisha Gray, Economic Development and Housing Manager
SUB-RECIPIENT FUNDING AGREEMENT BETWEEN
CITY OF MINNETONKA
AND
WEST HENNEPIN AFFORDABLE HOUSING LAND TRUST
(D/B/A HOMES WITHIN REACH)
FOR THE
METROPOLITAN COUNCIL
METROPOLITAN LIVABLE COMMUNITIES FUND
LOCAL HOUSING INCENTIVES GRANT PROGRAM
(Scattered Sites Acquisition and Rehabilitation)

THIS CONTRACT, is entered into this XX day of April, 2016, by and between the CITY OF MINNETONKA, a Minnesota municipal corporation (the "City"), and WEST HENNEPIN AFFORDABLE HOUSING LAND TRUST, d/b/a Homes Within Reach, a Minnesota non-profit corporation (the "Grantee").

WHEREAS, in cooperation with Grantee, the City applied to and received approval for funds in the amount of $150,000 from the Metropolitan Council ("Council") under its Metropolitan Livable Communities Fund, Local Housing Incentives grant program (the "Housing Grant"); and

WHEREAS, the City desires to award proceeds of the Housing Grant in the amount of $114,000 (the "Subgrant") to Grantee, to assist Grantee with the acquisition and rehabilitation of three scattered sites in western Hennepin County (the "Housing Program").

NOW, THEREFORE, the parties agree to the following terms:

1. **AWARD.** The City awards the Subgrant to Grantee for the acquisition and rehabilitation of three scattered sites as are described in Grant Agreement No. SG04366 between the City and the Council attached to this Contract as Exhibit A (the "Housing Grant Agreement") and the Application to the Council, attached to this Contract as Exhibit B, both of which are incorporated into this Contract (the "Project"). The Subgrant must be used exclusively to pay or reimburse only expenses authorized under the Housing Grant Agreement. Administration costs incurred by the Grantee are not eligible for reimbursement via this Contract. Notwithstanding anything to the contrary, the Grantee understands and agrees that any reduction or termination of the Housing Grant may result in a like reduction or termination of the Subgrant, and that any material change in the timeline or scope of the Project in the Housing Grant Agreement must be approved in writing by the City and the Council.

2. **PERFORMANCE.** The Grantee must comply with all requirements applicable to the City in the Housing Grant Agreement. Grantee’s default under the Housing Grant Agreement will constitute noncompliance with this Contract. If the City finds that there has been a failure to comply with the provisions of this Contract or that reasonable progress on the Project has not been or will not be made, the City may take action to protect its interests, including refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed. If action to correct substandard performance is not taken by the Grantee within 60 calendar days (or such longer period specified by the City) after written notice by the City, the City may terminate this Contract.

3. **TIME OF PERFORMANCE.** Grantee must start the Project upon execution of this Contract and complete the Project and the Housing Program on or before December 31, 2018. The City is not
obligated to pay for any Project costs incurred after that date or any earlier termination, whichever occurs first.

4. **CONDITIONS PRECEDENT TO DISBURSEMENT.** The following requirements are conditions precedent to the City's disbursement of any of the Subgrant proceeds.

   A. The Grantee must have provided evidence satisfactory to the City showing that Grantee has title in fee simple and site control of the property acquired.

   B. The Grantee must have provided the City with evidence of compliance with the insurance requirements of Section 7(E) herein.

   C. The Grantee must have provided to the City such evidence of compliance with all of the provisions of this Contract as the City may reasonably request.

5. **DISBURSEMENT.** It is expressly agreed and understood that the total amount to be paid by the City under this Contract will not exceed $114,000. The City will make disbursements only upon receipt of a written disbursement request in the form provided by the Council (the "Disbursement Request") from Grantee acceptable to the City and the Council. Payment requests may be made no more than once per month and must be accompanied by supporting invoices that relate to Project costs. The City will, upon its approval of the Disbursement Request, forward the Disbursement Request to the Council for approval. Upon Council approval of the Disbursement Request and disbursement of the approved amounts of Housing Grant funds, the City will disburse the approved amount of Subgrant funds in accordance with the information provided in the Disbursement Request.

6. **NOTICES.** Communication and details concerning this Contract must be directed to the following Contract representatives:

   **City:**
   City of Minnetonka
   Community Development Department
   14600 Minnetonka Blvd.
   Minnetonka, MN 55345
   Attn: Alisha Gray
   Phone: (952) 939-8285

   **Grantee:**
   West Hennepin Affordable Housing Land Trust
   5101 Thimsen Ave, Suite 200
   Minnetonka, MN 55345
   Attn: Executive Director
7. **General Conditions.**

A. **General Compliance.** The Grantee agrees to comply with all applicable federal, state and local laws and regulations governing the Project and funds provided under this Contract.

B. **Subcontracts.**

1. **Selection Process.** The Grantee must undertake to ensure that all contracts and subcontracts let in the performance of this Contract are awarded on a fair and open competition basis. Executed copies of all contracts and subcontracts along with documentation concerning the selection process must be forwarded to the City upon request.

2. **Monitoring.** The City may monitor contracted and subcontracted services on a regular basis to ensure contract compliance. Results of monitoring efforts will be summarized in written reports and provided to the Grantee. The Grantee must provide documented evidence of follow-up actions taken to correct areas of noncompliance noted in the monitoring reports.

3. **OSHA.** Grantee must require that contractors performing work being paid with the Subgrant funds be in compliance with all applicable OSHA regulations.

C. **Anti-discrimination.** The Grantee agrees during the life of this Contract not to discriminate against any employee or applicant for employment because of race, color, creed, or national origin. The Grantee must include a similar provision in all contracts and subcontracts entered into for the performance of this Contract. This Contract may be cancelled or terminated by the City, and all money due or to become due under the Contract may be forfeited for a second or subsequent violation of the terms or conditions of this paragraph.

D. **Equal Opportunity.** The Grantee recognizes the City is an equal opportunity employer and agrees during the life of this Contract to take affirmative action to provide equal employment opportunities without regard to race, color, sex, creed, national origin, religion, disability, age, marital status, sexual preference, or status with regard to public assistance.

E. **Independent Contractor.** Nothing contained in this Contract is intended to, or may be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Grantee will at all times remain an independent contractor with respect to the services to be performed under this Contract. The City is exempt from payment of all unemployment compensation, FICA, retirement, life and/or medical insurance and workers' compensation insurance because the Grantee is an independent contractor.

F. **Indemnification and Hold Harmless.** The Grantee must hold harmless, defend and indemnify the City and the Council from any and all liability, claims, actions, suits, charges, damages, losses, costs, expenses, and judgments whatsoever, including
reasonable attorney's fees, that arise directly or indirectly out of the Grantee's, its contractors or subcontractors performance or nonperformance of the services or subject matter called for in this Contract. This clause may not be construed to bar any legal remedies Grantee may have for the City's or the Council’s failure to fulfill its obligations pursuant to this Contract.

Claims included in this indemnification include any claims asserted pursuant to the Minnesota Environmental Response and Liability Act (MERLA), Minnesota Statutes, Chapter 115B, the Federal Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA) as amended, United States Code, title 42, Sections 9601 et. seq., and the Federal Resource Conservation and Recovery Act of 1976 (RCRA) as amended, United States Code, title 42, Sections 6901 et. seq. This indemnification cannot be construed as a waiver on the part of either the City or the Council of any immunities or limits on liability provided by Minnesota Statutes Chapter 466 or other applicable state or federal law.

8. **Administrative Requirements.**

   A. **Accounting Standards.** The Grantee agrees to maintain the necessary source documentation and enforce sufficient internal controls as dictated by generally accepted accounting practices to properly account for expenses incurred under this Contract.

   B. **Records.**

      1. **Retention.** The Grantee must retain all records pertinent to expenditures incurred under this Contract until conclusion of the latest of (a) six years after the Grantee has completed the Housing Program; (b) six years after the Grantee has expended all proceeds of the Subgrant; (c) six years after the resolution of all audit findings; or (d) six years after Housing Grant Agreement termination or cancellation. Records for nonexpendable property acquired with funds under this Contract must be retained for six years after final disposition of such property.

      2. **Inspections.** All Grantee records with respect to any matters covered by this Contract must be made available to the City, the Council or their designees at any time during normal business hours, as often as the City or the Council deems necessary, to audit, examine, and make excerpts or transcripts of all relevant data.

      3. **Audits.** If requested by the City, the Grantee must have an annual financial compliance audit conducted in accordance with the City's requirements. The Grantee must submit two copies of such audit report to the City. Any deficiencies noted in such an audit report or an audit/monitoring report issued by the City or its designees must be fully resolved by the Grantee within a reasonable time period after a written request from the City. Failure of the Grantee to comply with the provisions of this paragraph will constitute a
violation of this Contract and may result in the withholding of future payments or the requirement for Grantee to return all or part of the funds already disbursed.


5. **Close-Outs.** The Grantee's obligation to the City does not end until all close-out requirements are completed. Activities during this close-out period include: making final payments, disposing of program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances, and receivable accounts to the City), determining the custodianship of records and resolving audit findings.

C. **Payments.** The City will pay to the Grantee funds available under this Contract based upon information submitted by the Grantee and consistent with any approved budget and City policy concerning payments. Payments may be adjusted at the option of the City in accordance with advance funds and program income balances available in Grantee accounts.

D. **Procurement.** The Grantee must maintain an inventory record of all nonexpendable personal property procured with funds provided under this Contract. All unexpended program income must revert to the City upon termination of this Contract.

9. **Miscellaneous.**

A. **Assignability.** The Grantee may not assign or transfer any interest in this Contract (whether by assignment or novation) without the prior written consent of the City; provided, however, that claims for money due or to become due to the Grantee from the City under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer must be furnished promptly to the City.

B. **Religious Organization.** The Grantee agrees that funds provided under this Contract will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization.

C. **Governing Law.** This Contract will be governed by, and construed in accordance with, the laws of the State of Minnesota.

D. **Counterparts.** This Contract may be executed in two or more counterparts, each of which is deemed an original, but all of which taken together constitute one and the same agreement.
CITY OF MINNETONKA

By ____________________________________________
   Its Mayor

And ___________________________________________
   Its City Manager

WEST HENNEPIN AFFORDABLE HOUSING LAND TRUST

By ____________________________________________
   Its President

And ___________________________________________
   Its Executive Director
Exhibit A

Housing Grant Agreement
Exhibit B

Application to the Council for Housing Grant
LOCAL HOUSING INCENTIVES ACCOUNT

GRANTEE: City of Minnetonka

PROJECT: Homes Within Reach

GRANT AMOUNT: $114,000.00

FUNDING CYCLE: 2015

COUNCIL ACTION: December 9, 2015

EXPIRATION DATE: December 31, 2018

METROPOLITAN LIVABLE COMMUNITIES ACT

GRANT AGREEMENT

THIS GRANT AGREEMENT ("Agreement") is made and entered into by the Metropolitan Council ("Council") and the Municipality or Development Authority identified above as "Grantee."

WHEREAS, Minnesota Statutes section 473.251 creates the Metropolitan Livable Communities Fund, the uses of which fund must be consistent with and promote the purposes of the Metropolitan Livable Communities Act ("LCA") and the policies of the Council's Metropolitan Development Guide; and

WHEREAS, Minnesota Statutes sections 473.251 and 473.254 establish within the Metropolitan Livable Communities Fund a Local Housing Incentives Account and require the Council to annually distribute funds in the account to Participating Municipalities that have not met their affordable and life-cycle housing goals and are actively funding projects designed to help meet the goals, or to Development Authorities for projects located in eligible Municipalities; and

WHEREAS, the Grantee is a Municipality that has negotiated affordable and life-cycle housing goals pursuant to Minnesota Statutes section 473.254, subdivision 2 and has elected to participate in the Local Housing Incentives Account program, or is a Development Authority; and

WHEREAS, the Grantee seeks funding in connection with an application for Local Housing Incentives Account funds submitted in response to a Request for Proposals issued by the Metropolitan Housing Implementation Group for the "Funding Cycle" identified above and will use the grant funds made available under this Agreement to help fund the "Project" identified in the application; and

WHEREAS, the Council awarded Local Housing Incentives Account funds to the Grantee subject to any terms, conditions and clarifications stated in its Council Action, and with the understanding that the Project identified in the application will proceed to completion in a timely manner, all grant funds will be expended prior to the "Expiration Date" identified above and Project construction will have "commenced" before the Expiration Date.
NOW THEREFORE, in reliance on the above statements and in consideration of the mutual promises and covenants contained in this Agreement, the Grantee and the Council agree as follows:

I. DEFINITIONS

1.01. Definition of Terms. The terms defined in this section have the meanings given them in this section unless otherwise provided or indicated by the context.

(a) **Commenced.** For the purposes of Sections 2.09 and 4.03, "commenced" means significant physical improvements have occurred in furtherance of the Project (e.g., a foundation is being constructed or other tangible work on a structure has been initiated). In the absence of significant physical improvements, visible staking, engineering, land surveying, soil testing, cleanup site investigation, or pollution cleanup activities are not evidence of Project commencement for the purposes of this Agreement.

(b) **Council Action.** "Council Action" means the action or decision of the governing body of the Metropolitan Council, on the meeting date identified at Page 1 of this Agreement, by which the Grantee was awarded Local Housing Incentives Account funds.

(c) **Development Authority.** "Development Authority" means a housing and redevelopment authority, economic development authority, or port authority.

(d) **Municipality.** "Municipality" means a statutory or home rule charter city or town in the seven-county metropolitan area defined by Minnesota Statutes section 473.121, subdivision 2.

(e) **Participating Municipality.** "Participating Municipality" means a Municipality electing to participate in the Local Housing Incentives Account program under Minnesota Statutes section 473.254.

(f) **Project.** Unless clearly indicated otherwise by the context of a specific provision of this Agreement, "Project" means the development or redevelopment project identified in the application for Local Housing Incentives Account funds for which grant funds were requested. Grant-funded activities typically are components of the Project.

II. GRANT FUNDS

2.01. Source of Funds. The grant funds made available to the Grantee under this Agreement are from the Local Housing Incentives Account of the Metropolitan Livable Communities Fund. The grant funds are derived from property taxes authorized by Minnesota Statutes sections 473.249, 473.253 and 473.254, subdivision 15 and are not from federal sources.

2.02. Total Grant Amount. The Council will grant to the Grantee the "Grant Amount" identified at Page 1 of this Agreement. Notwithstanding any other provision of this Agreement, the Grantee understands and agrees that any reduction or termination of Local Housing Incentives Account funds made available to the Council, or any reduction or termination of the dollar-for-dollar match amount required under Section 2.03, may result in a like reduction in the Grant Amount made available to the Grantee.
2.03. **Match Requirement.** Pursuant to Minnesota Statutes section 473.254, subdivision 6, the Grantee shall match on a dollar-for-dollar basis the total Grant Amount received from the Council under Section 2.02. The source and amount of the dollar-for-dollar match shall be identified by the Grantee in the application for Grant Funds.

2.04. **Authorized Use of Grant Funds.** The Grant Amount made available to the Grantee under this Agreement shall be used only for the purposes and Project activities described in the application for Local Housing Incentives Account funds. A Project summary that identifies eligible uses of the grant funds as approved by the Council is attached to and incorporated into this Agreement as Attachment A. Grant funds must be used for purposes consistent with Minnesota Statutes section 473.25(a), in a Participating Municipality.

2.05. **Ineligible Uses.** Grant funds must be used for costs directly associated with the specific proposed Project activities and shall not be used for “soft costs” such as: administrative overhead; travel expenses; legal fees; insurance; bonds; permits, licenses or authorization fees; costs associated with preparing other grant proposals; operating expenses; planning costs, including comprehensive planning costs; and prorated lease and salary costs. Grant funds may not be used for costs of Project activities that occurred prior to the grant award. A detailed list of ineligible and eligible costs is available from the Council’s Livable Communities program office. Grant funds also shall not be used by the Grantee or others to supplant or replace: (a) grant or loan funds obtained for the Project from other sources; (b) Grantee contributions to the Project, including financial assistance, real property or other resources of the Grantee; or (c) funding or budgetary commitments made by the Grantee or others prior to the Council Action, unless specifically authorized by the Council. The Council shall bear no responsibility for cost overruns which may be incurred by the Grantee or others in the implementation or performance of the Project activities. The Grantee agrees to comply with any “business subsidy” requirements of Minnesota Statutes sections 116J.993 to 116J.995 that apply to the Grantee’s expenditures or uses of the grant funds.

2.06. **Loans for Low-Income Housing Tax Credit Projects.** If consistent with the application and the Project activities described or identified in Attachment A, or if requested in writing by the Grantee, the Grantee may structure the grant assistance to the Project as a loan so the Project Owner can take advantage of federal and state low-income housing tax credit programs. The Grantee may use the grant funds as a loan for a low-income housing tax credit Project, subject to the terms and conditions stated in Sections 2.04 and 2.05 and the following additional terms and conditions:

(a) The Grantee covenants and represents to the Council that the Project is a rental housing project that received or will receive an award of low-income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended, and the low-income housing tax credit program administered by the Minnesota Housing Finance Agency.

(b) The Grantee will execute a loan agreement with the Project Owner. Prior to disbursing any grant funds for the Project, the Grantee will provide to the Council a copy of the loan agreement between the Grantee and the Project Owner.

(c) The Grantee will submit annual written reports to the Council that certify: (1) the grant funds continue to be used for the Project for which the grant funds were awarded; and (2) the Project is a “qualified low-income housing project” under Section 42 of the Internal Revenue Code of 1986, as amended. This annual reporting requirement is in addition to the reporting requirements stated in Section 3.03. Notwithstanding the Expiration Date identified at Page 1 of this Agreement and referenced in Section 4.01, the Grantee will submit the annual certification reports during the
LOCAL HOUSING INCENTIVES ACCOUNT

initial “compliance period” and any “extended use period,” or until such time as the Council terminates this annual reporting requirement by written notice to the Grantee.

(d) The grant funds made available to the Grantee and disbursed to the Project Owner by the Grantee in the form of a loan may be used only for the grant-eligible activities and Project components for which the Grantee was awarded the grant funds. For the purposes of this Agreement, the term “Project Owner” means the current Project Owner and any Project Owner successor(s).

(e) Pursuant to Section 2.05, the grant funds made available to the Grantee and disbursed to the Project Owner in the form of a loan shall not be used by the Grantee, the Project Owner or others to supplant or replace: (1) grant or loan funds obtained for the Project from other sources; (2) Grantee contributions to the Project, including financial assistance, real property or other resources of the Grantee; or (3) funding or budgetary commitments made by the Grantee or others prior to the Council Action, unless specifically authorized by the Council. The Council will not make the grant funds available to the Grantee in a lump sum payment, but will disburse the grant funds to the Grantee on a reimbursement basis pursuant to Section 2.11.

(f) By executing this Agreement, the Grantee: (1) acknowledges that the Council expects the loan will be repaid so the grant funds may be used to help fund other activities consistent with the requirements of the Metropolitan Livable Communities Act; (2) covenants, represents and warrants to the Council that the Grantee’s loan to the Project Owner will meet all applicable low-income housing tax credit program requirements under Section 42 of the Internal Revenue Code of 1986, as amended (the “Code”), and the low-income housing tax credit program administered by the Minnesota Housing Finance Agency; and (3) agrees to administer its loan to the Project Owner consistent with federal and state low-income housing tax credit program requirements.

(g) The Grantee will, at its own expense, use diligent efforts to recover loan proceeds: (1) when the Project Owner becomes obligated to repay the Grantee’s loan or defaults on the Grantee’s loan; (2) when the initial thirty-year “compliance period” expires, unless the Council agrees in writing that the Grantee may make the grant funds available as a loan to the Project Owner for an “extended use period”; and (3) if noncompliance with low-income housing tax credit program requirements or some other event triggers the Project Owner’s repayment obligations under its loan agreement with the Grantee. The Grantee must repay to the Council all loan repayment amounts the Grantee receives from the Project Owner. The Grantee shall not be obligated to repay the grant funds to the Council except to the extent the Project Owner repays its loan to the Grantee, provided the Grantee has exercised the reasonable degree of diligence and used administrative and legal remedies a reasonable and prudent housing finance agency would use to obtain payment on a loan, taking into consideration (if applicable) the subordinated nature of the loan. At its discretion, the Council may: (1) permit the Grantee to use the loan repayment from the Project Owner to continue supporting affordable housing components of the Project; or (2) require the Grantee to remit the grant funds to the Council.

(h) If the Grantee earns any interest or other income from its loan agreement with the Project Owner, the Grantee will: (1) use the interest earnings or income only for the purposes of implementing the Project activities for which the grant was awarded; or (2) remit the interest earnings or income to the Council. The Grantee is not obligated to earn any interest or other income from its loan agreement with the Project Owner, except to the extent required by any applicable law.
2.07. **Revolving or Deferred Loans.** If consistent with the application and the Project summary or if requested in writing by the Grantee, the Grantee may use the grant funds to make deferred loans (loans made without interest or periodic payments), revolving loans (loans made with interest and periodic payments) or otherwise make the grant funds available on a “revolving” basis for the purposes of implementing the Project activities described or identified in Attachment A. The Grantee will submit annual written reports to the Council that report on the uses of the grant funds. The form and content of the report will be determined by the Council. This annual reporting requirement is in addition to the reporting requirements stated in Section 3.03. Notwithstanding the Expiration Date identified at Page 1 of this Agreement and referenced in Section 4.01, the Grantee will submit the annual reports until the deferred or revolving loan programs terminate, or until such time as the Council terminates this annual reporting requirement by written notice from the Council. At its discretion, the Council may: (1) permit the Grantee to use loan repayments to continue supporting affordable housing components of the Project; or (2) require the Grantee to remit the grant funds to the Council.

2.08. **Restrictions on Grants and Loans by Subrecipients.** The Grantee shall not permit any subgrantee or subrecipient to use the grant funds for grants or loans to any subgrantee or subrecipient at any tier unless the Grantee obtains the prior written consent of the Council. The requirements of this Section 2.08 shall be included in all subgrant and subrecipient agreements.

2.09. **Project Commencement and Changes.** The Project for which grant funds were requested must be “commenced” prior to the Expiration Date. The Grantee must promptly inform the Council in writing of any significant changes to the Project for which the grant funds were awarded, as well as any potential changes to the grant-funded activities described or identified in Attachment A. Failure to inform the Council of any significant changes to the Project or significant changes to grant-funded components of the Project, and use of grant funds for ineligible or unauthorized purposes, will jeopardize the Grantee’s eligibility for future LCA awards. Grant funds will not be disbursed prior to Council approval of significant changes to either the Project or grant-funded activities described or identified in Attachment A.

2.10. **Loss of Grant Funds.** The Grantee agrees to remit to the Council in a prompt manner: any unspent grant funds, including any grant funds that are not expended prior to the Expiration Date identified at Page 1 of this Agreement; any grant funds that are not used for the authorized purposes; any grant funds that are not matched on a dollar-for-dollar basis as required by Section 2.03; and any interest earnings described in Section 2.12 that are not used for the purposes of implementing the grant-funded Project activities described or identified in Attachment A. For the purposes of this Agreement, grant funds are “expended” prior to the Expiration Date if the Grantee pays or is obligated to pay for expenses of eligible grant-funded Project activities that occurred prior to the Expiration Date and the eligible expenses were incurred prior to the Expiration Date. Unspent or unused grant funds and other funds remitted to the Council shall revert to the Council’s Local Housing Incentives Account for distribution through application processes in future Funding Cycles or as otherwise permitted by law.

2.11. **Payment Request Forms, Documentation, and Disbursements.** The Council will disburse grant funds in response to written payment requests submitted by the Grantee and reviewed and approved by the Council’s authorized agent. Written payment requests shall be made using payment request forms, the form and content of which will be determined by the Council. Payment request and other reporting forms will be provided to the Grantee by the Council. Payment requests must include the following documentation:
Consultant/contractor invoices showing the time period covered by the invoice; the specific grant-funded Project activities conducted or completed during the authorized time period within which eligible costs may be incurred; and documentation supporting expenses including subcontractor and consultant invoices showing unit rates, quantities, and a description of the good or services provided. Subcontractor markups shall not exceed ten percent (10%).

The Council will disburse grant funds on a reimbursement basis or a “cost incurred” basis. The Grantee must provide with its written payment requests documentation that shows grant-funded Project activities actually have been completed. Subject to verification of each payment request form (and the required documentation) and approval for consistency with this Agreement, the Council will disburse a requested amount to the Grantee within two (2) weeks after receipt of a properly completed and verified payment request form.

2.12. Interest Earnings. If the Grantee earns any interest or other income from the grant funds received from the Council under this Agreement, the Grantee will use the interest earnings or income only for the purposes of implementing the Project activities described or identified in Attachment A.

2.13. Effect of Grant. Issuance of this grant neither implies any Council responsibility for contamination, if any, at the Project site nor imposes any obligation on the Council to participate in any pollution cleanup of the Project site if such cleanup is undertaken or required.

2.14. Resale Limitations. The Grantee must impose resale limitations regarding the disposition of any equity realized by the purchasers of “affordable” units if grant funds received from the Council under this Agreement are used for homeownership affordability gap financing in the Project described or identified in Attachment A. The intent of this resale limitation is to protect the public investment in the Project and ensure that a proportion of the affordability gap provided by the public investment in the form of grant funds received from the Council is recaptured for reuse in conjunction with other affordable housing efforts and does not become a windfall for any purchaser who might sell the home prior to expiration of a predetermined resale limitation period. If a purchaser sells the “affordable” home prior to expiration of the resale limitation time period, an equitable proportion of the affordability gap filled by grant funds received from the Council under this Agreement must be recaptured by the Grantee within twenty-four (24) months of the triggering resale event and applied to a similar affordable housing project within the Participating Municipality, or returned to the Council. Unless otherwise agreed to by the Council and the Grantee, the length of the resale limitation time period and the proportion of the affordability gap to be recovered will be consistent with resale limitation time periods and repayment schedules stated in the Project application. These resale limitations do not apply when the grant funds are used for homeownership value gap financing.

2.15. Affordability Term. The Grantee shall, through written instruments or otherwise, ensure the affordable units acquired or developed with grant funds made available under this Agreement will remain affordable for a minimum period of fifteen (15) years. The Grantee’s obligation under this section may be satisfied if other Project funding sources (e.g., the Minnesota Housing Finance Agency or the U.S. Department of Housing and Urban Development (“HUD”)) or state or federal laws (e.g., low-income housing tax credit programs) require an affordability term of at least fifteen (15) years. For the purposes of this section, “affordable housing unit” means a unit that is affordable to households at 80 percent or less of the Area Median Income (“AMI”), as established by HUD, unless the Grantee’s application stated an affordability standard lower than 80 percent of AMI, in which case the Grantee’s lower affordability
2.16. Affirmative Fair Housing Marketing Plans. The Grantee shall, through written instruments or otherwise, ensure the Project owner (and any subsequent owner(s)) adopts and implements an affirmative fair housing marketing plan for all Project housing units (whether market rate or affordable). For the purposes of this section, “affirmative fair housing marketing plan” means an affirmative fair housing marketing plan that substantially conforms to affirmative fair housing marketing plans published by HUD. The affirmative fair housing marketing plan requirement under this section shall continue for the minimum affordability term specified in Section 2.15 and shall survive the expiration or termination of this Agreement.

III. ACCOUNTING, AUDIT AND REPORT REQUIREMENTS

3.01. Accounting and Records. The Grantee agrees to establish and maintain accurate and complete accounts and records relating to the receipt and expenditure of all grant funds received from the Council. Notwithstanding the expiration and termination provisions of Sections 4.01 and 4.02, such accounts and records shall be kept and maintained by the Grantee for a period of six (6) years following the completion of the Project activities described or identified in Attachment A or six (6) years following the expenditure of the grant funds, whichever occurs earlier. For all expenditures of grant funds received pursuant to this Agreement, the Grantee will keep proper financial records and other appropriate documentation sufficient to evidence the nature and expenditure of the dollar-for-dollar match funds required under Section 2.03. Accounting methods shall be in accordance with generally accepted accounting principles.

3.02. Audits. The above accounts and records of the Grantee shall be audited in the same manner as all other accounts and records of the Grantee are audited and may be audited or inspected on the Grantee’s premises or otherwise by individuals or organizations designated and authorized by the Council at any time, following reasonable notification to the Grantee, for a period of six (6) years following the completion of the Project activities or six (6) years following the expenditure of the grant funds, whichever occurs earlier. Pursuant to Minnesota Statutes section 16C.05, subdivision 5, the books, records, documents and accounting procedures and practices of the Grantee that are relevant to this Agreement are subject to examination by the Council and either the Legislative Auditor or the State Auditor, as appropriate, for a minimum of six (6) years.

3.03. Reporting and Continuing Requirements. The Grantee will report to the Council on the status of the Project activities described or identified in Attachment A, the expenditures of the grant funds, and the source and expenditure of the dollar-for-dollar match funds required under Section 2.03. Submission of properly completed payment request forms (with proper documentation) required under Section 2.11 will constitute periodic status reports. The Grantee also must complete and submit to the Council a grant activity closeout report. The closeout report form must be submitted within 120 days after the expiration or termination of this Agreement, whichever occurs earlier. Within 120 days after the Expiration Date, the Grantee must complete and submit to the Council a certification of expenditures of funds form signed by the Grantee’s chief financial officer or finance director. The form and content of the closeout report and certification form will be determined by the Council. These reporting requirements and the reporting requirements of Sections 2.06 and 2.07 shall survive the expiration or termination of this Agreement.

3.04. Environmental Site Assessment. The Grantee represents that a Phase I Environmental Site Assessment or other environmental review has been or will be carried out, if such environmental
IV. AGREEMENT TERM

4.01. Term. This Agreement is effective upon execution of the Agreement by the Council. Unless terminated pursuant to Section 4.02, this Agreement expires on the Expiration Date identified at Page 1 of this Agreement. ALL GRANT FUNDS NOT EXPENDED BY THE GRANTEE PRIOR TO THE EXPIRATION DATE SHALL REVERT TO THE COUNCIL.

4.02. Termination. This Agreement may be terminated by the Council for cause at any time upon fourteen (14) calendar days' written notice to the Grantee. Cause shall mean a material breach of this Agreement and any amendments of this Agreement. If this Agreement is terminated prior to the Expiration Date, the Grantee shall receive payment on a pro rata basis for eligible Project activities described or identified in Attachment A that have been completed prior to the termination. Termination of this Agreement does not alter the Council's authority to recover grant funds on the basis of a later audit or other review, and does not alter the Grantee's obligation to return any grant funds due to the Council as a result of later audits or corrections. If the Council determines the Grantee has failed to comply with the terms and conditions of this Agreement and the applicable provisions of the Metropolitan Livable Communities Act, the Council may take any action to protect the Council's interests and may refuse to disburse additional grant funds and may require the Grantee to return all or part of the grant funds already disbursed.

4.03. Amendments and Extension. The Council and the Grantee may amend this Agreement by mutual agreement. Amendments or an extension of this Agreement shall be effective only on the execution of written amendments signed by authorized representatives of the Council and the Grantee. If the Grantee needs additional time within which to complete grant-funded activities and commence the Project, the Grantee must submit to the Council AT LEAST NINETY (90) CALENDAR DAYS PRIOR TO THE EXPIRATION DATE, a resolution of the Grantee’s governing body requesting the extension and a written extension request. THE EXPIRATION DATE MAY BE EXTENDED, BUT THE PERIOD OF ANY EXTENSION(S) SHALL NOT EXCEED TWO (2) YEARS BEYOND THE ORIGINAL EXPIRATION DATE IDENTIFIED AT PAGE 1 OF THIS AGREEMENT.

V. GENERAL PROVISIONS

5.01. Equal Opportunity. The Grantee agrees it will not discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local civil rights commission, disability, sexual orientation or age and will take affirmative action to insure applicants and employees are treated equally with respect to all aspects of employment, rates of pay and other forms of compensation, and selection for training.

5.02. Conflict of Interest. The members, officers and employees of the Grantee shall comply with all applicable state statutory and regulatory conflict of interest laws and provisions.

5.03. Liability. Subject to the limitations provided in Minnesota Statutes chapter 466, to the fullest extent permitted by law, the Grantee shall defend, indemnify and hold harmless the Council and its members, employees and agents from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the conduct or implementation of the Project.
LOCAL HOUSING INCENTIVES ACCOUNT

activities funded by this grant, except to the extent the claims, damages, losses and expenses arise from the Council’s own negligence. Claims included in this indemnification include, without limitation, any claims asserted pursuant to the Minnesota Environmental Response and Liability Act (MERLA), Minnesota Statutes chapter 115B, the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended, United States Code, Title 42, sections 9601 et seq., and the federal Resource Conservation and Recovery Act of 1976 (RCRA) as amended, United States Code, title 42, sections 6901 et seq. This obligation shall not be construed to negate, abridge or otherwise reduce any other right or obligation of indemnity which otherwise would exist between the Council and the Grantee. The provisions of this section shall survive the expiration or termination of this Agreement. This indemnification shall not be construed as a waiver on the part of either the Grantee or the Council of any immunities or limits on liability provided by Minnesota Statutes chapter 466, or other applicable state or federal law.

5.04. Acknowledgments and Signage. The Grantee will acknowledge the financial assistance provided by the Council in promotional materials, press releases, reports and publications relating to the Project. The acknowledgment will contain the following or comparable language:

Financing for this project was provided by the Metropolitan Council Metropolitan Livable Communities Fund.

Until the Project is completed, the Grantee shall ensure the above acknowledgment language, or alternative language approved by the Council’s authorized agent, is included on all signs (if any) located at Project or construction sites that identify Project funding partners or entities providing financial support for the Project. The acknowledgment and signage should refer to the “Metropolitan Council” (not “Metro Council”).

5.05. Permits, Bonds and Approvals. The Council assumes no responsibility for obtaining any applicable local, state or federal licenses, permits, bonds, authorizations or approvals necessary to perform or complete the Project activities described or identified in Attachment A. The Grantee and its developer(s), if any, must comply with all applicable licensing, permitting, bonding, authorization and approval requirements of federal, state and local governmental and regulatory agencies, including conservation districts.

5.06. Subgrantees, Contractors and Subcontractors. The Grantee shall include in any subgrant, contract or subcontract for Project activities appropriate provisions to ensure subgrantee, contractor and subcontractor compliance with all applicable state and federal laws and this Agreement. Along with such provisions, the Grantee shall require that contractors and subcontractors performing work covered by this grant comply with all applicable state and federal Occupational Safety and Health Act regulations. The Grantee’s subgrant agreement(s) shall expressly include the affordability and affirmative fair housing marketing plan requirements of Sections 2.15 and 2.16.

5.07. Stormwater Discharge and Water Management Plan Requirements. If any grant funds are used for urban site redevelopment, the Grantee shall at such redevelopment site meet or require to be met all applicable requirements of:

(a) Federal and state laws relating to stormwater discharges including, without limitation, any applicable requirements of Code of Federal Regulations, title 40, parts 122 and 123; and
(b) The Council’s 2040 Water Resources Policy Plan and the local water management plan for the jurisdiction within which the redevelopment site is located.

5.08. Authorized Agent. Payment request forms, written reports and correspondence submitted to the Council pursuant to this Agreement shall be directed to:

Metropolitan Council
Attn: LCA Grants Administration
390 Robert Street North
Saint Paul, Minnesota 55101-1805

5.09. Non-Assignment. Minnesota Statutes section 473.254, subdivision 6 requires the Council to distribute the grant funds to eligible “municipalities” or “development authorities” for projects in municipalities participating in the Local Housing Incentives Account program. Accordingly, this Agreement is not assignable and shall not be assigned by the Grantee.

5.10. Authorization to Reproduce Images. The Grantee certifies that the Grantee: (a) is the owner of any renderings, images, perspectives, sections, diagrams, photographs or other copyrightable materials (collectively, “copyrightable materials”) that are in the Grantee’s application or are submitted to the Council as part of the grant application review process or after grant award, or that the Grantee is fully authorized to grant permissions regarding the copyrightable materials; and (b) the copyrightable materials do not infringe upon the copyrights of others. The Grantee agrees the Council has a nonexclusive royalty-free license and all necessary permissions to reproduce and publish the copyrightable materials for noncommercial purposes, including but not limited to press releases, presentations, reports, and on the internet. The Grantee also agrees the Grantee will not hold the Council responsible for the unauthorized use of the copyrightable materials by third parties.

5.11. Warranty of Legal Capacity. The individuals signing this Agreement on behalf of the Grantee and on behalf of the Council represent and warrant on the Grantee’s and the Council’s behalf respectively that the individuals are duly authorized to execute this Agreement on the Grantee’s and the Council’s behalf respectively and that this Agreement constitutes the Grantee’s and the Council’s valid, binding and enforceable agreements.

The remainder of this page is intentionally left blank.
LOCAL HOUSING INCENTIVES ACCOUNT

IN WITNESS WHEREOF, the Grantee and the Council have caused this Agreement to be executed by their duly authorized representatives. This Agreement is effective on the date of final execution by the Council.

CITY OF MINNETONKA

By: ____________________________
Title: __________________________
Date ___________________________

METROPOLITAN COUNCIL

By: ____________________________
Beth Reetz, Director
Community Development Division
Date ___________________________

By: ____________________________
Title: __________________________
Date ___________________________

By: ____________________________
Title: __________________________
Date ___________________________
ATTACHMENT A

PROJECT SUMMARY

This attachment comprises this page and the succeeding page(s) which contain(s) a summary of the Project identified in the application for Local Housing Incentives Account grant funds submitted in response to a Request for Proposals issued by the Metropolitan Housing Implementation Group for the Funding Cycle identified at Page 1 of this Agreement. The summary reflects the proposed Project for which the Grantee was awarded grant funds by the Council Action, and may reflect changes in Project funding sources, changes in funding amounts, or minor changes in the proposed Project that occurred subsequent to application submission. The application is incorporated into this Agreement by reference and is made a part of this Agreement as follows. If the application or any provision in the application conflicts with or is inconsistent with the Council Action, other provisions of this Agreement, or the Project summary contained in this Attachment A, the terms, descriptions and dollar amounts reflected in the Council Action or contained in this Agreement and the Project summary shall prevail. For the purposes of resolving conflicts or inconsistencies, the order of precedence is: (1) the Council Action; (2) this Agreement; (3) the Project summary; and (4) the grant application.
Project Summary

Grant # SG-04366
Type: Local Housing Incentives Account
Applicant City of Minnetonka on behalf of West Hennepin Affordable Housing Land Trust and suburban Hennepin County Communities
Project Name Homes Within Reach
Project Location Suburban Hennepin County
Council Districts 1 – Katie Rodriguez
2 – Lona Schreiber
3 – Jennifer Munt
5 – Steve Elkins
6 – Gail Dorfman

Project Detail

(Re)Development summary of project to commence by 12/31/2018

<table>
<thead>
<tr>
<th>West Hennepin Affordable Housing Land Trust (WHAHLT) through its Homes Within Reach (HWR) program proposes to acquire, rehabilitate, and resell six, single family, detached units in western Hennepin County to increase the affordable housing stock available through the land trust. During the past 13 years, HRW has served 11 communities (Brooklyn Park, Deephaven, Edina, Eden Prairie, Golden Valley, Maple Grove, Minnetonka, New Hope, Richfield, St. Louis Park and Wayzata), and is working to implement the program in Bloomington and Crystal. Homes selected will be located in well-established neighborhoods, are typically between 30-60 years old, have 3 or 4 bedrooms, and have at least a single-car garage.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total housing units 6</td>
</tr>
<tr>
<td>Affordable units (80% AMI) 6 (3 homes will be directly assisted with LHIA funds)</td>
</tr>
<tr>
<td>Est. total development cost $2.1 million</td>
</tr>
<tr>
<td>Est. private funds leveraged $810,000</td>
</tr>
<tr>
<td>Est. other public funds $1.2 million</td>
</tr>
</tbody>
</table>

Funding

| LHIA Funding Match Hennepin County HOME |
| Other LCA funding $908,000 – Seven prior LHIA awards |
| Recommended Funding |
| $114,000 LHIA |
| $228,000 Minnesota Housing |
| Other Funding Sources |
| $810,000 Private investment |
| 300,000 Hennepin Co. HOME |
| 150,000 Hennepin Co. AHIF |
| 501,817 Cities of Eden Prairie, Edina, Maple Grove, Minnetonka and St. Louis Park |
| $2,013,817 Total Funding Sources |
Introduction

The original Minnetonka sign ordinance was adopted in 1966. The current sign ordinance was adopted in 1991. There has not been a major update to the ordinance, in its entirety, since that time. The last major amendment was the addition of the dynamic display ordinance in 2007. Staff has recognized that in the time since the last comprehensive sign ordinance update, there have been many changes in business practices, sign technology and standards, building standards, and societal views on signage that the current ordinance does not fully address. Specifically, in practice, certain ordinance requirements have become outdated and non-functional. This has led to an increase in variance requests, amendments to dated sign covenants, and the need for development-specific sign plans.

Background

In the mid to late 1970’s, a Sign Ordinance Committee developed a new sign ordinance and presented recommendations to the city council. The sign ordinance was not adopted by the city council, presumably because it was not well received by the business community and local sign industries. As a result, the city continued to operate under the original 1966 sign ordinance, which was outdated and did not reflect the sign technology and community standards of the day. During that time, city staff, the planning commission and the city council negotiated sign approvals, which was ineffective, lacked ordinance authority, was inconsistent, and difficult to enforce. As a result, in 1989, the mayor and city council appointed a Sign Ordinance Committee to address these concerns. The existing sign ordinance was adopted by the city council on February 25, 1991.

Current Ordinance and the Law

The 1991 sign ordinance has proven effective in regulating the type, location, size and quantity of signs on properties. The ordinance is especially prescriptive in the types of signs allowed. For example, the code includes definitions and regulations for “grand opening” and “construction” signs. Although it may seem intuitive to regulate various types of signs by their function, the courts have held that sign regulations need to be content-neutral. This means that if one must read the sign to know what it is, then by pure definition, it doesn’t meet neutrality standards.
Objectives

The sign ordinance will be updated in two phases. This proposed ordinance is part of the first phase. The first phase is intended to address issues resulting from a recent court decision and organizational issues. The second phase will focus on regulatory standards. In summary, each phase focuses on the following:

Phase 1 -

- **Remove content-based regulations from the ordinance.** The existing sign ordinance is largely based on a sign’s content and wording. For example, in residential zoning districts, there are separate regulations for leasing, real estate, and construction signs. Several court cases have found constitutional issues with sign ordinances which include content-based standards. Most recently, a United Stated Supreme Court Decision in June 2015 struck down a sign ordinance involving “directional signs” as a content-based regulation. Content-based regulations are subject to higher judicial scrutiny under First Amendment analysis and are more vulnerable to challenge.

- **Improve the organization and user-friendliness of the sign ordinance.** Because the city code is often downloaded and interpreted by others, it is important to make the ordinance easy to read and follow.

Phase 2 -

- **Update for current industry trends and standards.** As the city discovered during the review of the dynamic sign ordinance, technology in the sign industry has changed significantly since the adoption of the city’s current ordinance. Additionally, staff has noticed changes in the branding and marketing goals of companies. Some examples of the branding changes include incorporating the logo into a company’s trade name, and adding trade slogans or catch phrases in the sign. These changes impact the types, styles and design of signage.

- **Provide for more flexibility in the ordinance.** The existing ordinance has very limited flexibility built into it. This has resulted in an increased number of variances and sign plans reviewed by the planning commission and city council. Additional flexibility will need to recognize differing site characteristics and visibility needs while maintaining community aesthetics and traffic safety.

City staff anticipates the formation of a group of community stakeholders to discuss Phase 2 efforts. The stakeholder group will include property owners, property managers, developers, and sign contractors. The goals of the stakeholder process will be to outline the changes, receive feedback, and solicit additional comments and input. Phase 2 efforts will commence in late 2016-early 2017.
Phase 1 Proposed Changes

Based on these objectives, staff is proposing changes identified below. A separate disposition table is provided to assist in tracking changes from the current ordinance to the proposed ordinance. (See pages A80 to A112). The disposition table shows the existing ordinance on the left side. Changes to existing language are shown with tracked changes. Changes to organization, such as new numbering, and comments on changes, are shown on the right side.

The proposed changes are summarized below:

- Move the sign ordinance from section 300 to section 325. This is a first step in reorganizing the zoning code. By using all of chapter 3 for the zoning code, staff believes the zoning code will become more user-friendly and have greater visual appeal. Currently, the sign code is contained within a single section, section 300.30. The proposed revision would spread the sign code over six sections, 325.01 through 325.06.

- Reorganize the sign ordinance into a more logical sequence. For example, the current sign ordinance has procedural provisions, like the sign application process, at the end rather than at the beginning of the ordinance. The new organization is:
  - Purpose and Findings, section 325.01
  - Definitions, section 325.02
  - Citation, Administration and Enforcement, section 325.03
  - Permits, Procedure and Variances, section 325.04
  - General Regulations, section 325.05
  - District Regulations, section 325.06

- Reduce the visual density of the ordinance by maximizing the use of tables. Existing regulations that are currently in a narrative text form were put into a table format.

- Remove content-based terms with minimal substantive changes. For example:
  - Distinguishing between on-premise signs and off-premise signs is constitutionally permissible, as is distinguishing between commercial and noncommercial speech. Several general prohibitions limit content in that manner: permanent off-premise signs are prohibited in all districts; commercial signs are not allowed in residential districts except as expressly permitted.
  - Signs are regulated by the type of construction and the location rather than the use of the sign. For example:
    - Instead of “identification signs” for residential property, the proposed ordinance allows permanent signs with the same spatial limitations as under the existing ordinance (wall signs for single and
two-family dwellings; monument signs for subdivisions and multifamily dwellings).

- Instead of “scoreboard signs,” the code allows permanent signs on properties with athletic fields.
- “Directional signs” are addressed as permanent freestanding signs that must be located near drive aisle and parking areas (See section 325.05(3)(d)).
- “Construction signs” and “real estate signs” are now temporary on-premise commercial signs, allowed on a vacant property under development and allowed when a property is for lease or sale. (See section 325.06(1)(d) for residential properties and 325.06(5) for business and industrial properties).
- “Temporary outdoor advertising signs” are now called “temporary off-premise commercial signs. (See section 325.05(3)(e)).

The proposed ordinance allows substitution of a commercial sign with a non-commercial sign.

See examples on pages A78-A79.

- Remove substantive requirements from definitions. For example, a prohibition on projecting signs was removed from the “wall sign” definition and added as a substantive location requirement.

- Make limited substantive changes as necessary to address content neutrality issues or as advisable. Those changes include:
  - The proposed ordinance limits the number of temporary noncommercial signs that may be posted to an aggregate of 18 square feet per property in residential districts. Currently there is no limit. State law will override the numerical limit during state general election years.
  - The proposed ordinance removes the prohibition on including product advertisements on signs in commercial districts.
  - The proposed ordinance removes the distinctions in sizes allowed for logos versus other sign text.
  - The definition of “sign” has been revised so that it no longer includes devices that are not visible from a street or adjacent property. If it can’t be seen, we don’t regulate it.
  - The definition of “sign” has been revised so that the city no longer regulates flags that do not convey commercial messages.
  - “Leasing sign” options for business uses.
Staff Comments

The purpose of introducing an ordinance is to give the city council the opportunity to review an ordinance before sending it to the planning commission for a recommendation. Introducing an ordinance does not constitute an approval.

Staff Recommendation

Introduce the ordinance on pages A1-A77 and refer it to the planning commission.

Submitted through:
  Geralyn Barone, City Manager
  Julie Wischnack, AICP, Community Development Director

Originated by:
  Corrine Heine, City Attorney
  Loren Gordon, AICP, City Planner
Ordinance No. 2016-

An Ordinance amending the city’s sign regulations; repealing section 300.30 of the Minnetonka City Code and adding a new section 325

The City of Minnetonka Ordains:

Section 1. Section 300.30 of the Minnetonka City Code, a copy of which is attached as Exhibit A, is repealed.

Section 2. The Minnetonka City Code is amended by adding a new section 325, in the form of the attached Exhibit B.

Section 3. This ordinance is effective on the date of its adoption.

 Adopted by the city council of the City of Minnetonka, Minnesota, on

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this Ordinance:

Date of introduction:
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on

David E. Maeda, City Clerk
SECTION 300.30. SIGN ORDINANCE.

1. Purpose and Findings.

The purpose and findings of the sign ordinance are as follows:

a) Purpose: the sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs which meet the city's goals by authorizing:

1) permanent signs which establish a high standard of aesthetics;
2) signs which are compatible with their surroundings;
3) signs which are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
4) signs which are large enough to convey the intended message and to help citizens find their way to intended destinations;
5) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
6) permanent signs which give preference to the on-premise owner or occupant; and
7) temporary commercial signs and advertising displays which provide an opportunity for grand openings and occasional sales events while restricting signs which create continuous visual clutter and hazards at public right-of-way intersections.

b) Findings: the city of Minnetonka finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the city finds:

1) permanent and temporary signs have a direct impact on and relationship to the image of the community;
2) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;
3) an opportunity for viable identification of community businesses and institutions must be established;

4) the safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;

5) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;

6) uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;

7) uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;

8) commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and

9) the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.

(Amended by Ord. #2007-21 adopted June 25, 2007)

2. Definitions.

1. “Building length” - the longest straight line parallel to adjacent public right-of-way from end wall to end wall of a building. (Figure 30-1)

Figure 30-1
2. “Canopy or awning sign” - a sign constructed of flexible translucent or fabric type material which incorporates a written message or logo on the exterior. (Figure 30-2)

Figure 30-2

3. “Commercial sign” - any sign which advertises or identifies a product, business, service, event, or any other matter of a commercial nature, even though the matter may be related to a nonprofit organization.

4. “Construction sign” - any sign which displays information regarding the construction or development of the site on which it is displayed.

5. “Copy and graphic” - the wording and other display messages such as logos or symbols on a sign. (Figure 30-3)

Figure 30-3

6. “Copy and graphic area” - the area in square feet of the smallest four-sided figure which encloses the copy and graphic of a sign. (Figure 30-4)

Figure 30-4
7. “Directional sign” - a sign which serves primarily to direct traffic to the location of a place, area or activity. (Figure 30-5)

Figure 30-5

8. “Dynamic display” - any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

9. “Freestanding sign” - a sign which is self-supporting and affixed to a frame structure not attached to a building.

10. “Grand opening” - commencement of operation of a new business. For purposes of the ordinance, a grand opening is considered to occur if there is a business name change or change in type of business or activity.

11. “Identification sign” - a sign which is limited to the name and/or identifying symbol of a development, institution or person on the premises where the sign is located.
12. “Illumination, internal” - a light source within the sign.

13. “Illumination, external” - a light source which is not internal to the sign.

14. “Items of information” - individual copy and graphic items situated in a manner which presents separate messages. An item of information can only be a name, an address, a logo, or geographic directions.

15. “Limited tenant building” - a commercial retail establishment or a group of commercial retail establishments with the designed occupancy of three or less tenants. It must have shared parking and a visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity. This includes single tenant retail structures.

16. “Logo” - an identifying graphic which may or may not be a registered trademark.

17. “Merchandise box” - a sign which is affixed on and/or located adjacent to a gas pump and used to advertise services and goods.

18. “Monument sign” - a sign not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is 50% or more of the greatest width of the sign. (Figure 30-6)

**Figure 30-6**

19. “Multi-tenant center” - a group of commercial retail establishments with a designed occupancy of four or more tenants with shared parking and visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity.

20. “Non-commercial opinion sign” - any sign which is not a commercial sign, which expresses an opinion and which is deemed by the courts to have greater protection under the first amendment than a commercial sign.

services located on the site where the sign is installed.

22. “Outdoor advertising sign” - any sign that is located outdoors and that advertises a product, business, service, event, or any other matter that is not available, or does not take place, on the same premises as the sign. An outdoor advertising sign does not include a sign that is not understandable or readable by the naked eye of an ordinary person with 20/20 vision from property other than where the sign is located, such as from adjacent property or a public street.

23. “Permanent sign” - any sign other than a temporary sign.

24. “Portable sign” - a sign with or without copy and graphic that is designed or intended to be moved or transported. Examples of portable signs are: (Figure 30-7)

Figure 30-7

• A - or T - frame signs;
• sandwich signs;
• signs designed to be transported by trailer or on wheels;
• mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business;
• a sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached temporarily or permanently to the ground, a structure, or other sign.

25. “Pylon sign” - a sign supported by a post or posts so that the sign and supports are finished to grade by encasing the posts in a material consistent with the sign and where the base width dimension is a minimum of 10% up to and including 50% of the greatest width of the sign.

"American Legal Publishing Corporation"
26. “Real estate sign” - any sign pertaining to the sale, lease or rental of land or buildings.

27. “Regulation baseball field” - a field to accommodate high school through adult competitive play. Field dimensions must include 90-foot base paths and minimum outfield distances of 310 feet. Fields must be designed for competitive play and include spectator seating for a minimum capacity of 400. One principal field at each high school may be a regulation baseball field without regard to minimum spectator seating.

28. "Scoreboard" - a sign associated with an athletic field that includes information and/or statistics pertinent to an on-site game or activity and also includes any sponsor or identification panels.

29. “Sign” - any writing, pictorial presentation, number, illustration or decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term “sign” shall not be deemed to include the terms “building” or “landscaping”, or any architectural embellishment of a building not intended to communicate information.

30. “Temporary business sign” - a temporary sign which is used by a business to display commercial messages pertaining to on site services and goods or any non-commercial message.

31. “Temporary sign” - a sign which is designed or intended to be displayed for a short period of time and is not permanently installed. This includes items such as banners, pennants, flags of other than a political jurisdiction, beacons, sandwich or curb signs, balloons or other air or gas filled figures. (Figure 30-9)
32. “Unified development” - a development of three or more principal structures with common characteristics as determined by the city. Common characteristics may include shared access, similar architecture, single ownership or history of site plan review approval.

33. “Wall sign” - a single faced sign attached to or erected against an exterior wall of a building with the face in a parallel plane to the plane of the building wall and which does not project more than 18 inches.


3. Residential Sign Regulations.

a) Within residential zoning districts, permanent signs are permitted as follows:

1) Identification signs: for each single family or two family dwelling, one identification sign not to exceed 2 square feet in area and located on the lot to which the sign pertains;

2) Low density residential identification signs: for each single family subdivision containing at least 6 lots and each two family subdivision containing a potential for at least 12 dwellings, identification signs are permitted which comply with the following standards:
   a. one monument style sign;
   b. 30 square foot maximum copy and graphic area per entrance;
   c. 75 square foot maximum total monument area per entrance;
   d. 6-foot maximum height;
   e. located at primary entrances to subdivision;
Minnetonka Code of Ordinances

f. a second sign may be located at the primary entrance as long as total copy and graphic area of the two signs does not exceed 30 square feet;

g. single or double faced. If double faced, the sign faces shall be parallel;

h. external illumination;

i. located within a dedicated permanent sign easement and not within public right-of-way; and

j. a neighborhood or homeowner's association shall be responsible for perpetual maintenance of the sign.

3) Medium and high density residential identification signs: for each medium or high density residential development, identification signs which comply with the following standards are permitted:

a. one monument style sign;

b. 36 square foot maximum copy and graphic area per entrance;

c. 100 square foot maximum total monument area per entrance;

d. 8-foot maximum sign height;

e. located at primary entrances to development;

f. a second sign may be located at the primary entrance as long as total copy and graphic area of the two signs does not exceed 36 square feet;

g. single or double faced. If double faced, the sign faces shall be parallel;

h. external illumination when the sign is located adjacent to, or across a public right-of-way from, low density residential parcels; and

i. if the sign is to be located in a development which includes individual ownership parcels, the sign shall be located on a parcel held in common ownership and shall be perpetually maintained by a homeowner's association or responsible property owners.

4) Conditionally permitted uses in residential districts: for the following conditionally permitted uses within a residential district, permanent signs which comply with the following standards are permitted. If the use is not specifically listed below it is regulated within the above paragraphs of this subdivision.

a. Educational, religious and public institution signs: for each educational, religious, public or private institution, and nursing home property, signs are permitted which
comply with the following standards:

1. monument signs:
   a) one sign not to exceed 30 square feet maximum copy and graphic area;
   b) 75 square feet maximum monument area;
   c) 8-foot maximum height;
   d) single or double faced; and
   e) internal or external illumination and the light source shall not be exposed.

2. wall mounted signs:
   a) individually mounted letters not to exceed 24 inches in height;
   b) one sign, area not to exceed 50 square feet or 10 percent of the area of the building wall on which the sign is located, whichever is less; and
   c) illumination shall be external.

3. scoreboard signs for athletic fields as regulated under section 300.30, subdivision 3(a)(4)b2.

b. Public and private parks: for each public or private park property, signs are permitted according to the following standards:

1. monument signs:
   a) one sign not to exceed 32 square feet;
   b) 8-foot maximum height;
   c) single or double faced;
   d) product or service advertising is prohibited except readerboards may display public service announcements only;
   e) internal or external illumination and the light source shall not be exposed; and
   f) illumination shall be allowed between 6 a.m. to 10 p.m. only.
2. scoreboards:

one scoreboard per playing field is allowed if it does not exceed 410 square feet in size, except that a playing field with structured seating capacity for greater than 2000 people may have one or more scoreboards and the total area of the scoreboard or scoreboards cannot exceed 1000 square feet in size; and

3. athletic field fence panels:

   a) athletic field fence panels which contain outdoor advertising signs as defined in this ordinance are prohibited; and

   b) an advertising fence panel which directly faces the infield and was legally established prior to the effective date of this ordinance is considered a legal nonconforming use which may not be altered, enlarged or replaced by another nonconforming sign except the message may be changed.

b) Within residential zoning districts, temporary signs are permitted as follows.

   1) Within all residential zoning districts, construction signs which comply with the following are permitted:

      a. the development must be within a medium or high density zoning district or low density zoning with a minimum of four lots;

      b. 32 square feet maximum sign area;

      c. 12-foot maximum sign height for signs not exceeding 4 feet in width, otherwise 8 foot maximum height; (Figure 30-11)

**Figure 30-11**
d. one sign located on the property with which the sign is associated;

e. for medium and high density residential developments, the sign shall be removed within 18 months after issuance of a building permit, or 7 days after issuance of a certificate of occupancy (for multi-phased developments, issuance of a certificate of occupancy for the last building) whichever is sooner; and

f. for low density residential subdivisions, the sign shall be removed after building permits are issued for 90 percent of the lots.

2) Within low and medium density residential zoning districts, temporary real estate signs which comply with the following standards are permitted:

a. 6 square foot maximum area; (Figure 30-12)
b. 6 foot maximum height;
c. one sign per property;
d. located on-premise; and
e. shall be removed within 7 days after the execution of a rental or lease agreement or the closing of a sale.

3) Within medium and high density residential zoning districts, leasing signs which meet the following standards are permitted.

a. Leasing signs: signs indicating the rental or lease of medium and high density residential developments which comply with the following standards are permitted:

1. one sign located on the site which the sign is advertising;

2. display period shall end 12 months after the issuance of a certificate of occupancy (for multi-phased developments where construction is continuous, issuance of a certificate of occupancy for the last building);

3. for freestanding signs, the following standards apply:
   a) 32 square foot maximum area; and
   b) 12-foot maximum height for signs not exceeding 4 feet in width, otherwise 8 foot maximum height. (Figure 30-13)

Figure 30-13

4. for banner signs, the following standards apply:
   a) 60 square foot maximum area; and
   b) shall be affixed to a building wall. (Figure 30-14)
b. Leasing sign without time limit: In addition to the above, a leasing message may be displayed without time limitation if incorporated into a permanent monument sign according to the following standards:

1. the monument sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument;

2. leasing message area may be up to an additional 25 percent of the potential copy and graphic area of the monument identification sign; and

3. the leasing message cannot exceed the area covered by the identification monument message.  (Figure 30-15)

Figure 30-15

4) The city council may approve temporary signs on public or institutional property for special events. The first approval for a site may allow only one use of the sign for a specified duration. Subsequent approvals for the same type of sign may allow recurring use of the sign for limited durations over a period of up to 5 years.
4. Office Sign Regulations.

Within the B-1, office business district, permanent signs are permitted according to the following standards:

a) Monument identification signs:
   1) one sign per development;
   2) maximum copy and graphic area as follows:
      \[\begin{array}{cc}
      \text{width of adjacent} & \text{copy and graphic} \\
      \text{right-of-way} & \text{area} \\
      \hline
      \text{less than 100 feet} & 36 \text{ square feet} \\
      \text{100 feet or greater} & 50 \text{ square feet} \\
      \end{array}\]
   3) maximum monument area is two times the potential copy and graphic area;
   4) copy and graphic display limited to three items of information; (Figure 30-16)

Figure 30-16

b) Wall mounted signs: one wall mounted sign either individually mounted letter type (option 1) or wall mounted tenant identification type (option 2) but not both per building unless
otherwise specified in this section is permitted. The sign must comply with the following standards.

1) Option 1: individually mounted letter type signs which comply with the following standards are permitted:

   a.  24 inches maximum copy and graphic height except for logo which may be 36 inches in height and width;
   
   b.  copy and graphic area shall not exceed 50 square feet or 25 percent of the length of the building where the sign is located, whichever is greater; (Figure 30-17)

   c.  properties with more than one right-of-way frontage are permitted one sign facing each frontage; and

   d.  illumination shall comply with the following standards:

       1. if sign is mounted above the first floor, illumination, if any, shall be internal; and

       2. signs with external illumination shall have no exposed light sources or fixtures.

2) Option 2: wall mounted tenant identification type signs which comply with the following standards are permitted:

   a.  30 square feet maximum sign area. For buildings with more than one primary entrance, one sign may be located at each entrance provided that total area does not exceed 30 square feet;

   b.  signs shall be mounted within the first floor elevation; (Figure 30-18) and

   c.  illumination shall comply with the following standards:

       1. if sign is mounted above the first floor, illumination, if any, shall be internal; and

       2. signs with external illumination shall have no exposed light sources or fixtures.
c. signs with external illumination shall have no exposed light sources or fixtures.

(Amended by Ord. #2007-21, adopted June 25, 2007)

5. Limited and General Business Sign Regulations.

Within the B-2 and B-3 business districts except for hotels, permanent signs which comply with the following standards are permitted:

a) Freestanding signs.

1) Size of sign permitted is determined by the gross square footage of the principal structure located in the development.

2) One sign per development unless a multi-tenant building or limited tenant building is 100,000 gross square feet or more and has two or more primary access points. A second monument at a secondary access point is permitted if the primary freestanding sign is of monument style. The second monument sign shall include a shopping center identification message only and shall not exceed 50 percent of the copy and graphic area and height requirement of the permitted principal sign.

3) The following table lists the maximum size and heights for permitted freestanding signs for all B-2 and B-3 zoned businesses:

<table>
<thead>
<tr>
<th>pylon</th>
<th>monument</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

:"American Legal Publishing Corporation"
signs for all B-2 and B-3 zoned businesses:

<table>
<thead>
<tr>
<th>principal structure (gross square feet)</th>
<th>pylon</th>
<th>monument</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>height</td>
<td>sign size (sq. ft.)</td>
</tr>
<tr>
<td>greater than 400,000</td>
<td>30'</td>
<td>200</td>
</tr>
<tr>
<td>100,000 - 400,000</td>
<td>24'</td>
<td>100</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>18'</td>
<td>80</td>
</tr>
<tr>
<td>less than 20,000</td>
<td>15'</td>
<td>60</td>
</tr>
<tr>
<td>building with multiple screen theater</td>
<td>30'</td>
<td>200</td>
</tr>
</tbody>
</table>

4) Monument area shall not exceed 1.5 times the permitted copy and graphic area.

5) Multi-tenant buildings shall display the name of the shopping center only. Limited tenant businesses may display one tenant identification and corresponding logo per tenant. Buildings with multiple screen theaters may display movie titles and ratings. No product or service advertising is permitted.

6) Signs may be single or double faced.

7) Signs which are not internally illuminated shall have light fixtures and sources screened from views.

b) Wall mounted signs.

1) Multi-tenant wall signs.

   a. Each tenant is permitted tenant identification and one logo which shall not include product advertising except as part of the tenants trade name or logo.

   b. Tenant identification shall be individually mounted and internally illuminated letters. Wall signs not containing individually mounted letters may be approved by the city if all signs are of a similar design and incorporated into the architecture of the principal structure. (Figure 30-19)
Figure 30-19

![Sign Diagram]

c. Each tenant is permitted one logo which shall not exceed 36 inches high by 36 inches wide. (Figure 30-20)

Figure 30-20

![Sign Band Diagram]

d. The vertical dimension of the tenant identification shall not exceed 26 inches in height. Heights may be revised based on unique circumstances, such as extraordinary distance from right-of-way or unusual building configuration, when determined by the planning commission that signs would not be readable from adjacent public right-of-way according to commonly accepted industry standards.

e. Each tenant sign shall be installed within a 26-inch high designated horizontal band. The band shall be of uniform background consisting of building surface, facade, or treatment. The sign band and letter height may be modified upon approval of the planning commission to allow for architectural integration of the tenant sign. Consideration will be given to the proportional relationship of the sign width and height to the scale of the building.

f. Each tenant sign shall not extend closer than two feet from the tenants lease line.

g. All letters in a tenant identification shall be of uniform colors, not to exceed two, except for logos which may be multicolored. A multicolored logo must comply with the restrictions in paragraph c. above.

h. The planning commission may recognize separate sign plans for: "American Legal Publishing Corporation"
multi-tenant buildings which will supersede the ordinance. The sign plans which have been approved by the planning commission will have the effect of a sign ordinance for the specific property.

2) Limited tenant wall signs.
   a. Size of signage is determined by gross square footage of principal structure on property.
   b. The following table indicates maximum signage permitted for limited tenant buildings:

<table>
<thead>
<tr>
<th>Principal Structure Size (Gross Sq. Ft.)</th>
<th>Individual Wall Sign Calculation</th>
<th>Total Wall Signage for Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>100,000 - 400,000 sq. ft.</td>
<td>200 sq. ft. or 10 percent of wall face, whichever is less</td>
<td>300 sq. ft.</td>
</tr>
<tr>
<td>20,000 - 100,000 sq. ft.</td>
<td>150 sq. ft. or 10 percent of wall face, whichever is less</td>
<td>240 sq. ft.</td>
</tr>
<tr>
<td>less than 20,000 sq. ft.</td>
<td>100 sq. ft. or 15 percent of wall face, whichever is less</td>
<td>150 sq. ft.</td>
</tr>
</tbody>
</table>

c. Wall signs shall not include product advertising. Wall signs shall include tenant identification, tenant logo, shopping center name, shopping center logo, or any combination of the four.

c) Hotel Signs. Because of the need for high visibility and the variety in size and shape of hotel structures, variances will be considered but not necessarily granted.

1) Freestanding signs:
   a. one monument sign, except that a second monument sign may be allowed if the property has frontage and access on two arterial streets;
   b. 15 foot maximum monument height; and
   c. 60 square feet maximum copy and graphic area.

2) Wall signs:
   a. individually mounted and internally illuminated letters;
b. one wall sign except that a second wall sign on a second wall may be permitted if the signs are not directly oriented toward a low density residential area; and

c. maximum letter height up to 36 inches. Variances may be considered for letter height based on proportional relationship to the mass and height of building.

6. Industrial Sign Regulations.

Within the I-1 industrial district permanent signs which comply with the following standards are permitted:

a) Monument identification sign. Any single or multi-tenant building within an industrial zone is permitted one of the following freestanding identification signs that must comply with the listed standards.

1) Building identification sign:
   a. one monument style sign;
   b. 60 square feet maximum copy and graphic area;
   c. 90 square feet maximum total monument size;
   d. 10 foot maximum height; and
   e. address and/or building identification displayed only; no product or service advertising is permitted. (Figure 30-21)

Figure 30-21

2) Tenant identification monument sign:
   a. one monument sign;
   b. 85 square feet maximum copy and graphic area;
   c. 120 square feet maximum monument size;
   d. 10 foot maximum height;
e. sign may display only identification of tenants;

f. tenant identification monuments are not permitted to be located along designated collector or arterial streets. (Figure 30-22)

Figure 30-22

![Diagram of monument area]

120 sq. ft. max. monument area

10'

g. tenant identification monuments are not permitted in areas designated for mixed uses on the city comprehensive guide plan map; and

h. individual tenant identification signs as specified in the following subdivision 6(b) are not permitted.

b) Individual tenant identification signs: for multi-tenant buildings one of the options listed in this paragraph may be selected for tenant identification. All signs must comply with the listed standards. The building owner or a representative shall designate a sign design for each multi-tenant building. This designation will be recorded by the city and kept on record for the building. Each sign on the property must conform to the designated tenant identification sign option. Changes to the sign designation may be made upon request, and approved administratively if all signs located on the site are brought into conformance with the requested sign plan modification. The planning commission must review sign plan changes if nonconforming signs are created. These signs are not permitted if the building freestanding sign is a tenant identification freestanding sign.

1) Option 1: freestanding identification sign:

a. one sign at the tenant's primary building entrance;

b. 9 square feet maximum area;

c. 6 foot maximum height and 5 foot maximum width;

::"American Legal Publishing Corporation"
d. single faced;
e. positioned parallel to a parking lot sidewalk or perpendicular to tenant walkway;
f. located consistent with other freestanding identification signs;
g. tenant identification only, no product advertising; and
h. uniform material, color and style. (Figure 30-23)

Figure 30-23

2) Option 2: wall sign:
   a. one sign at the tenant's primary building entrance;
   b. 3 foot by 4 foot maximum dimension;
   c. located adjacent to the tenant entrance;
   d. 8 foot maximum from the ground to top edge of sign;
   e. tenant identification message with no product advertising; and
   f. uniform material, color and style. (Figure 30-24)

Figure 30-24
3) Option 3: individually mounted letters:
   a. individually mounted letters not to exceed 18 inches in height with one per tenant at their primary entrance;
   b. located within an 18-inch high designated sign band for the entire building;
   c. affixed to a uniform background consisting of the building surface, facade or treatment;
   d. located no closer than two feet from the tenant's exterior lease lines;
   e. compatible with the building architecture; and
   f. uniform material, color, illumination and style. (Figure 30-25)

Figure 30-25

3' x 4'

sign dimension

b_{max}

c) Single tenant identification sign: single tenant building signs within an industrial zone which comply with the following standards are permitted:
1) wall mounted individual letters;

2) wall signs shall not include product advertising. Wall signs shall include tenant identification, tent logo or both; and

3) total surface area of all building signs shall not exceed 5 percent of the building face upon which the signs are located up to a maximum 150 square feet. (Figure 30-26)

Figure 30-26

7. Unified Development Sign Regulations.

Within office business and industrial districts, unified development signs which comply with the following standards are permitted. Uses governed under this section are also allowed signs permitted under subdivisions 4 or 6.

a) Unified development identification monuments:

1) one sign per unified development;

2) 50 square feet maximum copy and graphic area;

3) 100 square feet maximum monument size; (Figure 30-27)

Figure 30-27
4) 10 foot maximum height;

5) located at the primary entrance to the unified development;

6) demonstration of ownership of the property or existence of permanent easement where sign is located must be submitted with the sign permit application;

7) one sign may be located at each side of a primary entrance as long as the total copy and graphic area of the two signs does not exceed 50 square feet nor the monument total 100 square feet; and

8) signs which are not internally illuminated shall have light fixtures and light sources screened from views.

b) Unified Development leasing sign: as an alternative to requirements specified in subdivision 8(c), one of the following leasing sign options for a unified development may be displayed.

1) Option 1: incorporated into monument sign:
   a. monument sign architecturally designed to accommodate a leasing message within the perimeter of the monument;
   b. leasing message area may be up to an additional 25 percent of the potential copy and graphic area of the monument sign; and (Figure 30-28)

Figure 30-28
c. the leasing message cannot exceed the area covered by identification monument message.

2) Option 2: secondary monument sign:
   a. a secondary monument sign may be installed at an access point to a unified development;
   b. design and materials identical to the unified development monument sign; and
   c. secondary monument area, height and copy and graphic area shall not exceed 50 percent of the unified development monument sign. (Figure 30-29)

Figure 30-29

8. Business and Industrial Temporary Sign Regulations.
Within business and industrial districts, real estate and temporary signs are permitted according
to the following standards:

a) Temporary construction or real estate sign on undeveloped property: a vacant parcel within a business or industrial zone is permitted a temporary construction or real estate sign which complies with the following standards:

   1) one sign located on the site which the sign is advertising;
   2) 32 square feet maximum sign area;
   3) 12 foot maximum height;
   4) shall be removed upon issuance of a certificate of occupancy for a building; and
   5) one additional sign up to 32 square feet is permitted on properties 3 acres or over with frontage on 2 or more designated collector or arterial streets. (Figure 30-30)

Figure 30-30

b) Temporary real estate sign: signs indicating the rental, lease, or sale of a business or industrial building are permitted according to the following:

   1) one sign located on the property which the sign is advertising;
   2) 32 square feet maximum sign area;
   3) 12 foot maximum height;
   4) freestanding or wall mounted;
   5) for sale signs are without time limit. If both leasing and for sale messages are displayed, the sign shall be considered a leasing sign; and
   6) leasing or rental signs shall be displayed no longer than 12 months after the issuance of a certificate of occupancy. In the case of vacant limited tenant buildings, a 12 month display period is permitted from the date of vacancy.

"American Legal Publishing Corporation"
c) Leasing sign without time limit: in addition to the above, one of the following leasing sign options may be displayed on a property without time limit if in compliance with the listed standards.

1) Option 1: freestanding incorporated sign:

   a. the principal freestanding sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument or pylon sign;

   b. the leasing message cannot exceed that of the identification monument or pylon message;

   c. leasing message is in addition to potential monument or pylon copy and graphic area; and

   d. maximum size of leasing sign message permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-31)

Figure 30-31

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Leasing Message</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>15 square feet</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>20 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>25 square feet</td>
</tr>
</tbody>
</table>
2) Option 2: freestanding sign:
   a. one freestanding sign;
   b. setback 5 feet from all property lines;
   c. 8 foot maximum height and 6 foot maximum width; and
   d. maximum size of leasing sign permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-32)

Figure 30-32

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Leasing Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>12 square feet</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>16 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>18 square feet</td>
</tr>
</tbody>
</table>

3) Option 3: wall mounted sign or banner:
   a. buildings two stories or under:
      1. one wall sign;
      2. directly anchored to the building wall; and
      3. maximum size of leasing sign permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-33)

Figure 30-33
Minnetonka Code of Ordinances

### Principal Structure

<table>
<thead>
<tr>
<th>Gross Square Footage</th>
<th>Leasing Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>12 square feet</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>16 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>18 square feet</td>
</tr>
</tbody>
</table>

b. buildings three stories or higher:
   1. 30 square feet maximum area;
   2. directly anchored to the building wall; and
   3. displayed on the building's third story or any higher story. (Figure 30-34)

**Figure 30-34**
4) Leasing signs up to 32 square feet in size will be permitted without time limit instead of option 2 or 3 if the standards in either a. or b. are met:
   
   a. business or industrial development directly abuts a street with posted speed limit of 55 m.p.h. or greater; or
   
   b. the principal structure is greater than four stories.

   If a property qualifies for a 32 square foot sign under a. or b. and also has a second frontage on a designated collector or arterial road, option 2 or 3 as found above is also permitted.

d) Temporary business signs in business and industrial districts: temporary signs are permitted as follows.

1) Banners not to exceed 30 square feet according to the following:
   
   a. maximum 30 day display period to coincide with the grand opening of a business;
   
   b. a business may display a banner on two occasions per calendar year with a maximum 10 day display period for each occasion;
   
   c. banner messages must relate to on-premise product or services, or any noncommercial message; and
   
   d. the banner must be affixed to a principal structure which is owned or leased by the business which the sign is advertising.

2) Search lights or inflatable advertising devices are permitted according to the following:
Minnetonka Code of Ordinances

a. for each development, two occasions per calendar year with each occasion not to exceed three days; and

b. written authorization from the property owner or their designee must be submitted with the sign permit application.

3) Portable signs, stringers, and pennants are not permitted.


The following regulations shall apply to all signs permitted in all districts.

a) Political campaign signs: temporary political campaign signs are permitted according to the following:

1) display period from 30 days before an election day or August 1 of an election year, whichever is earlier, to 10 days after an election day. Additionally, signs may remain on display between primary and general elections;

2) consent of underlying property owner is required;

3) must be at least five feet from the edge of a public street and must not obstruct driver visibility at intersections;

4) for Minnetonka city elections, the following size limitations apply during odd-numbered years and outside the period of August 1 through 10 days after the state general election day in even-numbered years: 5 square foot maximum sign area, except on designated collector or arterial streets where up to 32 square-foot maximum sign area is permitted; and

5) must comply with the fair campaign practices act in Minn. Stat. chapter 211B.

b) Directional signs: permanent directional signs are permitted according to the following:

1) 7 square feet maximum size; (Figure 30-35)
2) 6 foot maximum height;

3) a majority of sign area for directional message; and

4) 15 square feet maximum parking lot directional signs for commercial buildings over 400,000 square feet.

c) Address sign: street identification numbers are required in all zoning districts and should be clearly visible from the street. Address signs do not reduce permitted sign area.

d) Residential security system signs: all signs identifying the presence of a residential security system are permitted not to exceed one square foot. One sign is permitted per driveway connection to a public right-of-way or where one private driveway converges into another.

e) Sign setbacks: all signs unless specifically noted otherwise shall maintain a 10 foot setback from all lot lines. The city may require a greater or lessor setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.

f) Unless otherwise specified, maximum angle permitted between faces of a double face freestanding sign is 45 degrees. (Figure 30-36)

Figure 30-36

![Diagram of 45° max. angle]

g) Governmental signs: permanent governmental signs for control of traffic and other regulatory/notification purposes and street signs are exempt from the provision of this section.

h) P.U.D./P.I.D. zoning districts: permanent and temporary signs are regulated according to the standards for the corresponding land use and zoning category as stated in this section. A sign plan with differing requirements may be approved by the city. Factors which will be used in determining if an individual P.U.D./P.I.D. sign plan will be considered include the following:

1) The development includes a high rise (greater than 3 story) structure;

2) the development includes multiple structures and/or substantial site area;

3) the development includes mixed uses;

4) a sign plan is uniquely adapted to address the visibility needs of a development.

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while remaining consistent with the intent of this section to direct high quality signage; and

5) the sign plan includes permanent sign covenants which can be enforced by the city.

i) Noncommercial opinion signs: on-premise noncommercial opinion signs are permitted as follows.

1) In low, medium, and high density residential districts, each dwelling unit is permitted an additional sign which is no larger than 6 square feet and no higher than 6 feet tall. In medium and high density districts, the sign must be attached to the dwelling unit or placed in another location which clearly does not appear to represent the opinions of other residents in the area who have not agreed to the sign. No permit fee is required for a sign authorized under this paragraph.

2) In all districts, any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy. For new signs posted with a noncommercial message, the sign fee is waived until such time as the sign is converted to contain a commercial message.

j) Flags: flags of a political jurisdiction which comply with the following standards are permitted.

1) Display of one flag is not restricted.

2) Display of more than one flag is permitted as follows:
   a. maximum of 3 flagpoles;
   b. 35 feet maximum flagpole height;
   c. 180 square feet total for all flags; and
   d. shall not be displayed on light poles.

3) Variances to permit display of flags for both political and non-political entities will be considered, but not necessarily granted. Variances will be considered only upon evidence that the following standards are met:
   a. submission of a sign plan and permanent sign covenants which include a comprehensive sign package for the site;
   b. 35 foot maximum flagpole height;
   c. shall not be located on lightpoles.
d. limited to one identification flag;

e. the maximum distance from top to bottom of any flag shall be 20 percent of the flagpole up to a maximum of 6 feet;

f. flagpoles clustered at a designated area; and

g. the location of the flagpoles be enhanced or landscaped. (Figure 30-37)

Figure 30-37

k) Temporary outdoor advertising signs are permitted as follows:

1) must be at least 5 feet from the edge of a public street and must not obstruct driver visibility at intersections;

2) may not be on the right-of-way of county and state roads and municipal state-aid streets;

3) are limited to one per parcel of property as defined in Subd. 10 (r) below for the same topic, location, event, or matter;

4) must receive permission from the underlying property owner;

5) may only be displayed between 6:00 a.m. on a Thursday and 6:00 p.m. on the following Sunday; and

6) must be no larger than 3 square feet in area and no higher than 6 feet above the ground to which it is attached.

l) Approved sign plans: the city may enforce, in the same manner as the requirements of this section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.
m) Changeable messages: a message that is not permanently attached to the sign face but that is not a dynamic display may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to change messages even if not used.

n) Font size: every line of copy and graphics in a sign must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more.


The following types of signs are expressly prohibited in all districts:

a) roof signs including signs mounted on a roof surface or projecting above the roof line of a structure if either attached to the structure or cantilevered over the structure;

b) signs with dynamic displays except search lights under subdivision 8 and those allowed under subdivision 14;

c) portable signs, except temporary signs that are specifically permitted in section 300.30;

d) projecting signs. Wall signs shall be mounted parallel to the building and shall not project more than 18 inches from the face of the building;

e) painted wall signs including signs painted on the face of a structure. Works of art which are not commercial messages are exempt;

f) signs attached to trees and utility poles;

g) signs within public right-of-way except for official traffic signs and those specified in subparagraph 9(k) and (l);

h) signs which are designed to resemble official traffic signs except signs which are used to control traffic on private property;

i) abandoned signs or signs other than outdoor advertising structures that advertise an activity, business, product or service no longer available on the premises on which the sign is located;

j) signs attached to fences except athletic field fence panels according to subdivision 1;
k) illuminated signs which exhibit any of the following:
   1) external illumination that is determined to interfere with safe traffic operations;
   2) the sign is directly oriented to any residential district;
   3) illumination of a commercial sign in a residential district, except a sign used for a conditionally permitted use; or
   4) the level of illumination exceed standards specified in section 300.28, subd. 2.

l) signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets;

m) exterior signs that obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any structure;

n) signs that are in violation of the building code or the electrical code adopted by the city;

o) blank signs;

p) merchandise boxes or signs not affixed to a principal structure excluding signs permitted in subdivision 8(d);

q) outdoor advertising signs are not permitted in any zoning district, except that the provisions of this paragraph do not apply to temporary outdoor advertising signs permitted under Subd. 9 (k) above. Outdoor advertising signs which exist on the effective date of this section shall be considered as nonconforming signs and are subject to standards contained in section 300.29. An outdoor advertising sign is a principal use of property. No permitted or conditionally permitted use or any part of such use may be located on the same parcel of property as such a sign. The parcel on which such a sign is located may not be subdivided to segregate the sign from the remaining property. For the purposes of this paragraph, “parcel of property” means any property for which one property identification number has been issued by the county, or all contiguous property in common ownership as of October 15, 1997, whichever is greater; and

r) any sign not expressly permitted by the provisions in section 300.30.

(Amended by Ord. #2007-21, adopted June 25, 2007)

11. **Sign Construction and Maintenance.**

All signs shall conform to the following standards.

a) Construction specifications. All signs shall be constructed in accordance with the following:
1) the Minnesota state building code;

2) all electric signs shall be approved and labeled as conforming to the standards of the Underwriters' Laboratories, Inc., the United States bureau of standards or other similar institutions of recognized standing. All illuminating elements shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are partly illuminated shall meet all electrical requirements for that portion which is illuminated;

3) all permanent freestanding signs shall have self-supporting structures erected on and permanently attached to concrete foundations;

4) for wall signs, the wall must be designed for and have sufficient strength to support the sign; and

5) signs shall be constructed to withstand the following wind loads:
   a. for solid signs, 30 pounds per square foot on one face of the sign; and
   b. for other signs, 36 pounds per square foot of the total face area of the letters and other sign surface, or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

b) Sign maintenance and repair. All signs shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for distance of 10 feet shall be neatly trimmed and free of weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.


a) Abandoned signs and signs in disrepair. An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 30 days after notification. If compliance with the provisions of this section is not achieved within 30 days, the city may remove the sign as a public nuisance by following the procedure as specified in section 1120.045 of the municipal code of ordinances. If an abandoned sign remains in good condition and without holes or other evidence of disrepair or damage, the sign shall not be considered as abandoned for a period of one year.

b) Signs on public property or within public right-of-way: The city may at any time and without notice impound signs which have been installed on public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following:
1) a fee must be paid to the city as established in city code section 710. For each subsequent impoundment in a calendar year, the specified fee shall be doubled;

2) the sign may be retrieved from a designated impound area during routine business hours and within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and

3) the city may not be held liable for any damage to impounded signs.

13. Permits and Permit Fees.

Signs that require a permit and the corresponding fee are listed in the following.

a) All permanent signs permitted in subdivisions 3, 4, 5, 6, and 7 require a sign permit. The permit must be received prior to installation of the sign. The permit and inspection fee for all permanent signs is specified in city code section 710.

b) All temporary signs permitted in subdivision 8 require a temporary sign permit. The permit and inspection fee for permitted signs, banners, search lights, or inflatable advertising devices is specified in city code section 710.

c) Application for a permit must be on a form provided by the city and must include the following information:

1) name and address of the owner of the sign;

2) street address or location of the property on which the sign is to be located, along with the name and address of the property owner;

3) the type of sign as defined in this section;

4) site plan showing the location of the proposed sign;

5) specifications and scale drawings showing the materials, design, dimensions, structural supports, method of attachment and electrical components of the sign;

6) plan showing the location and size of all existing signs located on the same premises upon city request;

7) name of licensed electrician who will make the final connection of an illuminated sign; and

8) sign permit fee.

d) All signs not listed above do not require a permit but must comply with the regulations
found in this section.

e) When this section becomes effective, the owner or other person having control of any outdoor advertising sign (billboard) must file an application for a permit for the maintenance and annual inspection of such sign.

Application for such permits must be accompanied by detailed plans and such other necessary information to determine the location and compliance with all applicable regulations, and permit may be issued upon payment of the required permit fee. All permits for advertising signs expire on December 31, of each year. The permit and inspection fee is specified in city code section 710.

f) The fee for application for variance from this section or approval of a sign plan for a development is specified in city code section 710.

g) Sign permit applications must be acted upon by city staff within 10 days after a complete application is submitted. A decision must be made in writing. If a permit is denied, the reason must be stated in writing. The applicant may appeal a denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for planning commission review as soon as practicable, but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon as practicable, but no later than 30 days after the appeal was submitted. All review of a sign permit application must be based solely on whether the application complies with city ordinances.

h) Sign permits become null and void if the sign is not installed 180 days after the issuance of a permit.


a) Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed,
become inaccurate without frequent changes.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character.

Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

b) Regulations. Dynamic displays on signs are allowed subject to the following conditions:

1) Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face;

2) A dynamic display may not change or move more often than once every 20 minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least 20 minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three seconds;

3) The images and messages displayed must be static, and the transition from one
static display to another must be instantaneous without any special effects;

4) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;

5) Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause 1 above, then no dynamic display is allowed;

6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance;

7) Dynamic displays must comply with the brightness standards contained in subdivision 15;

8) Dynamic displays existing on June 25, 2007 must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause 1 may continue as a non-conforming development subject to section 300.29. An existing dynamic display that cannot meet the minimum size requirement in clause 5 must use the largest size possible for one line of copy to fit in the available space.

c) Incentives. Outdoor advertising signs do not need to serve the same way-finding function as do on-premises signs. Further, outdoor advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.

1) A person may obtain a permit for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:

(a) The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through

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(d) of this subsection. This removal must include the complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.

(b) The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.

(c) Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two or more of the following additional criteria:

(1) The removed sign is located adjacent to a highway with more than two regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to those of an interstate highway;

(2) All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;

(3) The removed sign is located in a noncommercial zoning district;

(4) The removed sign is located in a special planning area designated in the 1999 comprehensive plan; or

(5) The removed copy and graphic area is equal to or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.

(d) If the removed sign face is one for which a state permit is required by state law, the applicant must surrender its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.

(e) The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.

2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet
all other requirements of this ordinance.

(Added by Ord. 2007-21, adopted June 25, 2007)

15. Brightness Standards.

a) All signs must meet the following brightness standards in addition to those in subdivision 10:

1) No sign may be brighter than is necessary for clear and adequate visibility.

2) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

3) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

b) The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made immediately upon notice of non-compliance from the city. The person owning or controlling the sign may appeal the city's determination through the following appeal procedure:

1) After making the adjustment required by the city, the person owning or controlling the sign may appeal the city's determination by delivering a written appeal to the city clerk within 10 days after the city's non-compliance notice. The written appeal must include the name of a person unrelated to the person and business making the appeal, who will serve on the appeal panel.

2) Within five business days after receiving the appeal, the city must name a person who is not an official or employee of the city to serve on the appeal panel. Within five business days after the city names its representative, the city's representative must contact the sign owner's representative, and the two of them must appoint a third member to the panel, who has no relationship to either party.

3) The appeal panel may develop its own rules of procedure, but it must hold a hearing within five business days after the third member is appointed. The city and the sign owner must be given the opportunity to present testimony, and the panel may hold the hearing, or a portion of it, at the sign location. The panel must issue its decision on what level of brightness is needed to meet the brightness standards within five business days after the hearing commences. The decision will be binding on both parties.

c) All signs installed after June 25, 2007 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in
response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

(Added by Ord. 2007-21, adopted June 25, 2007)
SECTION 325. SIGN REGULATIONS

SECTION 325.01 PURPOSE AND FINDINGS

1. Purpose. The sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the city's goals by authorizing:
   a) permanent signs that establish a high standard of aesthetics;
   b) signs that are compatible with their surroundings;
   c) signs that are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
   d) signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;
   e) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
   f) permanent signs that give preference to the on-premise owner or occupant; and
   g) temporary commercial signs and advertising displays that provide an opportunity for grand openings and occasional sales events while restricting signs that create continuous visual clutter and hazards at public right-of-way intersections.

2. Findings. The city of Minnetonka finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the city finds:
   a) permanent and temporary signs have a direct impact on and relationship to the image of the community;
   b) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;
   c) an opportunity for viable identification of community businesses and institutions must be established;
   d) the safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;
   e) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;
f) uncontrollable and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;

g) uncontrollable and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;

h) commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and

i) the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.

3. Severability. Every section, subdivision, clause or phrase of this section 325 is declared separable from every other section, subdivision, clause or phrase. If any such part is held to be invalid by competent authority, no other part shall be invalidated by such action or decision.

SECTION 325.02. DEFINITIONS.

1. “Commercial sign” - any sign that advertises or identifies a product, business, service, entertainment, or any other matter of a commercial nature, even though the matter may be related to a nonprofit organization.

2. “Copy and graphic” - the wording and other display messages such as logos or symbols on a sign.

3. “Copy and graphic area” - the area in square feet of the smallest four-sided figure which encloses the copy and graphic of a sign.

4. “Dynamic display” - any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

5. “Freestanding sign” - a sign which is self-supporting and affixed to a frame structure not attached to a building.

6. “Illumination, internal” - a light source within the sign.

7. “Illumination, external” - a light source which is not internal to the sign.
8. “Items of information” - individual copy and graphic items situated in a manner which presents separate messages. An item of information can only be a name, an address, a logo, or geographic directions.

9. “Limited tenant building” - a commercial retail establishment or a group of commercial retail establishments with the designed occupancy of three or less tenants. It must have shared parking and a visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity. This includes single tenant retail structures.

10. “Merchandise box” - a sign which is affixed on or located adjacent to a gas pump and used to advertise services and goods.

11. “Monument sign” - a sign not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is 50% or more of the greatest width of the sign.

12. “Multi-tenant center” - a group of commercial retail establishments with a designed occupancy of four or more tenants with shared parking and visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity.

13. “Non-commercial sign” - any sign that is not a commercial sign, including but not limited to signs that convey messages concerning political, religious, social, ideological, public service and informational topics.

14. “On-premise sign” - a sign relating in its subject matter to, or which directs attention to, a business, person, activity, commodity, service or entertainment located on the site where the sign is installed.

15. “Off-premise sign” - a sign relating in its subject matter to, or that directs attention to, a business, person, activity, commodity, service, entertainment or any other matter that is not available, or does not take place, on the same premises as the sign. A discontinued sign is an off-premise sign.


17. “Permanent sign” - any sign other than a temporary sign.

18. “Portable sign” - a sign with or without copy and graphic that is designed or intended to be moved or transported. Examples of portable signs are: A - or T - frame signs; sandwich signs; signs designed to be transported by trailer or on wheels; signs mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business. A sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached temporarily or permanently to the ground, a structure, or other sign.

19. “Private road open to public travel” has the meaning given that term under the Manual of Uniform Traffic Control Devices.

20. “Pylon sign” - a sign supported by a post or posts so that the sign and supports are finished to grade by encasing the posts in a material consistent with the sign
and where the base width dimension is a minimum of 10% up to and including 50% of the greatest width of the sign.

21. "Sign" - any writing, pictorial presentation, number, illustration or decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term “sign” shall not be deemed to include: the terms “building” or “landscaping”, or any architectural embellishment of a building not intended to communicate information; works of art that do not convey commercial messages and that are painted on a building wall; flags that do not convey commercial messages; or any sign structure or device that is not visible from an adjacent street, property line or building on adjacent property.

22. "Temporary sign" - a sign constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended to be displayed for a limited period of time. This includes items such as banners, pennants, beacons, sandwich or curb signs, balloons or other air or gas filled figures.

23. "Wall sign" - a single faced sign attached to or erected against an exterior wall of a building with the face in a parallel plane to the plane of the building wall.

SECTION 325.03. CITATION; ADMINISTRATION AND ENFORCEMENT.

1. **Citation.**
   This section 325 may be cited as the Minnetonka Sign Ordinance.

2. **Administration and enforcement.**
   Administration and enforcement of this section 325 is governed by section 300.03.

SECTION 325.04. PERMITS, PROCEDURE AND VARIANCES.

3. **Permit not required.**

   The following signs do not require a permit but must meet the regulations in this section:

   a) Signs required or allowed by section 325.05, subd. 3.
   b) Temporary signs in residential districts as allowed by section 325.06, subd. 1(d)(1).

4. **Permit required.**

   a) No person may erect or install any of the following signs without first obtaining a permit from the community development director or designee:
b) All permanent signs permitted in section 325.06 require a sign permit. The permit must be received prior to installation of the sign. The permit and inspection fee for all permanent signs is specified in city code section 710.

c) All temporary signs permitted in section 325.06, subdivision 8 require a temporary sign permit. The permit and inspection fee for permitted signs, banners, search lights, or inflatable advertising devices is specified in city code section 710.

5. Permit procedure.

a) Application for a permit must be on a form provided by the city and must include the following information:
   1) name and address of the owner of the sign;
   2) street address or location of the property on which the sign is to be located, along with the name and address of the property owner;
   3) the type of sign as defined in this section;
   4) site plan showing the location of the proposed sign;
   5) specifications and scale drawings showing the materials, design, dimensions, structural supports, method of attachment and electrical components of the sign;
   6) plan showing the location and size of all existing signs located on the same premises upon city request;
   7) name of licensed electrician who will make the final connection of an illuminated sign; and
   8) sign permit fee as specified in city code section 710.

b) The community development director or designee must approve or deny a sign permit application within 10 days after a complete application is submitted. A decision must be made in writing and must be mailed or electronically delivered to the applicant at the address or email address provided in the application. If a permit is denied, the reason must be stated in writing.

c) An applicant may appeal a denial by submitting a request in writing within 10 days after the decision was mailed or electronically delivered. The appeal must be scheduled for planning commission review as soon as practicable, but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon as practicable, but no later than 30 days after the appeal was submitted. All review of a sign permit application must be based solely on whether the application complies with city ordinances.
6. **Variance.**

A variance from the regulations in this section requires a separate application, according to the procedures in section 300.07 of this code. The fee for application for variance from this section or approval of a sign plan for a development is specified in city code section 710.

7. **Permit expiration.**

A sign permit becomes null and void if the sign is not installed within 180 days after issuance of the permit, and a new application must be submitted.

**SECTION 325.05 GENERAL REGULATIONS.**

1. **Scope.** The regulations in this section 325.05 apply to signs in all zoning districts.

2. **Prohibited Signs.**
   a) Signs are prohibited in all districts unless authorized under this section 325.
   b) Portable signs are prohibited in all districts, except for temporary traffic control devices in temporary traffic control zones as required by the Manual on Uniform Traffic Control Devices.
   c) Signs designed to resemble official traffic control devices are prohibited in all districts, except signs that are used to control traffic on private property.
   d) abandoned signs;
   e) blank signs;
   f) merchandise boxes or signs not affixed to a principal structure excluding signs permitted in subdivision 8(d);
   g) permanent off-premises signs are not permitted in any zoning district.

3. **Permitted signs.**
   The following signs are required or permitted in every zoning district:
   a) The owner of any property with an assigned street address must mark its property with the street address numerals, so that emergency services providers can easily identify the address from the public street. The identification may be on the curb or on the principal building of the property. The size and location of the identifying numerals must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, or where the building is located more than 150 feet from the public street, the identifier must be located on the mailbox or other suitable device that is visible from the street.
b) Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state.

c) Permanent and temporary signs required by law or ordinance for regulatory/notification purposes.

d) Permanent freestanding signs are permitted on properties with more than 20 parking spaces, provided the signs comply with the requirements in Table 325.1:

<table>
<thead>
<tr>
<th>Table 325.1 Parking lot signs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum sign area</strong></td>
</tr>
<tr>
<td><strong>Maximum height</strong></td>
</tr>
<tr>
<td><strong>Location requirement</strong></td>
</tr>
<tr>
<td><strong>Numerical limit</strong></td>
</tr>
</tbody>
</table>

e) Temporary off-premise commercial signs are permitted in all districts, provided the signs comply with the following:
   1) must be at least 5 feet from the edge of a public street and must not obstruct driver visibility at intersections;
   2) may not be on the right-of-way of county and state roads and municipal state-aid streets;
   3) are limited to one per parcel of property as defined in subdivision 9 below for the same topic, location, event, or matter;
   4) may only be displayed between 6:00 a.m. on a Thursday and 6:00 p.m. on the following Sunday; and
   5) must be no larger than 3 square feet in area and no higher than 6 feet above the ground to which it is attached.

f) In all districts, any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy. For new signs posted with a noncommercial message, the sign fee is waived until such time as the sign is converted to contain a commercial message.

4. **Location requirements.**

a) Signs may not be located on property without the permission of the property owner. For signs located in public right-of-way as allowed under subdivision 3(e)
of this section 325.05, the permission of the immediately adjacent property owner must be obtained.

b) Unless specifically noted otherwise, all signs must maintain a 10 foot setback from all lot lines. The city may require a greater or lesser setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.

c) Signs may not be mounted on a roof surface and may not project above the roof line of a structure if either attached to the structure or cantilevered over the structure.

d) Signs may not be attached to trees or utility poles.

e) Signs may not be located within public right-of-way except for official traffic control devices and those allowed by section 3(e) of this section 325.05;

f) Signs attached to fences;

g) Signs may not be located so as to obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets in a manner that presents a hazard to public safety;

h) Signs may not be located so as to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any structure;

5. **Approved sign plans.**
   The city may enforce, in the same manner as the requirements of this section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.

6. **Changeable messages.**
   A message that is not permanently attached to the sign face but that is not a dynamic display may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to change messages even if not used.

7. **Font size.**
   Every line of copy and graphics in a sign must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more.

8. **Sign illumination.**
   a) All illuminated signs must meet the following standards:
      1) External illumination on signs must be directed so that the illumination does not interfere with safe traffic operations;
2) Externally illuminated signs must not be directly oriented to any residential district;
3) No sign may be brighter than is necessary for clear and adequate visibility.
4) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.
5) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

b) The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made immediately upon notice of non-compliance from the city. The person owning or controlling the sign may appeal the city's determination through the following appeal procedure:

1) After making the adjustment required by the city, the person owning or controlling the sign may appeal the city's determination by delivering a written appeal to the city clerk within 10 days after the city's non-compliance notice. The written appeal must include the name of a person unrelated to the person and business making the appeal, who will serve on the appeal panel.

2) Within five business days after receiving the appeal, the city must name a person who is not an official or employee of the city to serve on the appeal panel. Within five business days after the city names its representative, the city's representative must contact the sign owner's representative, and the two of them must appoint a third member to the panel, who has no relationship to either party.

3) The appeal panel may develop its own rules of procedure, but it must hold a hearing within five business days after the third member is appointed. The city and the sign owner must be given the opportunity to present testimony, and the panel may hold the hearing, or a portion of it, at the sign location. The panel must issue its decision on what level of brightness is needed to meet the brightness standards within five business days after the hearing commences. The decision will be binding on both parties.

c) All signs installed after June 25, 2007 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

9. **Outdoor advertising displays.**
Outdoor advertising signs which exist as of March 13, 1991 are nonconforming signs. A permanent outdoor advertising sign is a principal use of property. No permitted or conditionally permitted use or any part of such use may be located on the same parcel of property as such a sign. The parcel on which such a sign is located may not be subdivided to segregate the sign from the remaining property. For the purposes of this paragraph, “parcel of property” means any property for which one property identification number has been issued by the county, or all contiguous property in common ownership as of October 15, 1997, whichever is greater.

10. **Dynamic Displays.**
   a) Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character.

Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign’s ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.
A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

b) Regulations. Dynamic displays on signs are allowed subject to the following conditions:

1) Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face;

2) A dynamic display may not change or move more often than once every 20 minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least 20 minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three seconds;

3) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;

4) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;

5) Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause 1 above, then no dynamic display is allowed;

6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped
with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance;

7) Dynamic displays must comply with the brightness standards contained in subdivision 15;

8) Dynamic displays existing on June 25, 2007 must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause 1 may continue as a non-conforming development subject to section 300.29. An existing dynamic display that cannot meet the minimum size requirement in clause 5 must use the largest size possible for one line of copy to fit in the available space.

c) Incentives. Outdoor advertising signs do not need to serve the same way-finding function as do on-premises signs. Further, outdoor advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.

1) A person may obtain a permit for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:

(a) The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through (d) of this subsection. This removal must include the complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city’s costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.

(b) The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.

(c) Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two or more of the following additional criteria:
(1) The removed sign is located adjacent to a highway with more than two regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to those of an interstate highway;

(2) All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;

(3) The removed sign is located in a noncommercial zoning district;

(4) The removed sign is located in a special planning area designated in the 1999 comprehensive plan; or

(5) The removed copy and graphic area is equal to or or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.

(d) If the removed sign face is one for which a state permit is required by state law, the applicant must surrender its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.

(e) The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.

2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet all other requirements of this ordinance.

11. Sign construction and maintenance.
All signs must conform to the following standards.

a) Construction specifications. All permanent signs must be constructed in accordance with the following:

1) the Minnesota state building code;

2) all electric signs must be approved and labeled as conforming to the standards of the Underwriters' Laboratories, Inc., the United States bureau of standards or other similar institutions of recognized standing. All illuminating elements must be kept in satisfactory working condition or immediately repaired or replaced. Signs that are partly illuminated must meet all electrical requirements for the portion that is illuminated;
3) all permanent freestanding signs must have self-supporting structures erected on and permanently attached to concrete foundations;
4) for wall signs, the wall must be designed for and have sufficient strength to support the sign;
5) wall signs must be mounted parallel to the building and may not project more than 18 inches from the face of the building;
6) signs may not be painted on the wall of a building;
7) Unless otherwise specified in this section, the maximum angle permitted between faces of a double face freestanding sign is 45 degrees; and
8) signs must be constructed to withstand the following wind loads:
   (a) for solid signs, 30 pounds per square foot on one face of the sign; and
   (b) for other signs, 36 pounds per square foot of the total face area of the letters and other sign surface, or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

b) Sign maintenance and repair. All signs must be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for distance of 10 feet must be neatly trimmed and free of weeds. Rubbish or debris under or near the sign that would constitute a fire or health hazard must be removed.


a) Abandoned signs and signs in disrepair. An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 30 days after notification. If compliance with the provisions of this section is not achieved within 30 days, the city may remove the sign as a public nuisance by following the procedure as specified in section 1120.045 of the municipal code of ordinances. If an abandoned sign remains in good condition and without holes or other evidence of disrepair or damage, the sign shall not be considered as abandoned for a period of one year.

b) Signs on public property or within public right-of-way: The city may at any time and without notice impound signs which have been installed on public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following:
   1) a fee must be paid to the city as established in city code section 710. For each subsequent impoundment in a calendar year, the specified fee shall be doubled;
2) the sign may be retrieved from a designated impound area during routine business hours and within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and
3) the city may not be held liable for any damage to impounded signs.

13. **Nonconforming Signs.**
   Any sign that complied with all applicable laws and ordinances at that time that it was erected but that has been or is made nonconforming due to a subsequently enacted amendment of this city code is governed by section 300.29.

**SECTION 325.06. DISTRICT REGULATIONS.**

1. **Residential Districts.**
   Within residential zoning districts, signs are permitted as provided in this subsection. Except as expressly permitted in this subsection, commercial signs are not allowed:
   a) Permanent wall signs:
      1) for each single family or multi-family residential structure, one wall sign not to exceed 2 square feet in area;
      2) for each educational, religious, public or private institution, or nursing home property one wall mounted sign that complies with the requirements in Table 325.5:
   b) Permanent monument signs:
      1) Low density residential: or each single family subdivision containing at least 6 lots and each two family subdivision containing a potential for at least 12 dwellings, one or two monument style signs, provided the signs meet the requirements in Table 325.5. A neighborhood or homeowner’s association must be responsible for perpetual maintenance of the sign.
      2) Medium and high density residential: for each medium or high density residential development, one or two monument style signs, provided the signs meet the requirements in Table 325.5. The sign must be perpetually maintained by a homeowner's association or responsible property owners.
      3) Educational, religious and public institution signs: for each educational, religious, public or private institution, and nursing home property, one monument sign, provided it complies with the requirements in Table 325.5.
      4) Public and private parks: for each public or private park property, one monument sign, provided it complies with the requirements in Table 325.5.
   c) Permanent pylon signs:
      One pylon sign is allowed per athletic playing field with structured seating capacity for 2000 or fewer people, or one or more pylon signs per athletic playing field with structured seating capacity for greater than 2000 people; provided, that sign(s) must meet the requirements in Table 325.5.
   d) Temporary signs.
1) Within all residential zoning districts, temporary noncommercial signage is permitted provided it meets the requirements of Table 325.5.

2) Within all residential zoning districts, on-premises commercial signage is permitted on properties where new construction activity is taking place, provided the signs comply with the requirements in Table 325.2:

<table>
<thead>
<tr>
<th>Table 325.2: Temporary signage for development properties -325.06(1)(d)(1)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property type</strong></td>
</tr>
<tr>
<td><strong>Sign type</strong></td>
</tr>
<tr>
<td><strong>Numerical limit</strong></td>
</tr>
<tr>
<td><strong>Maximum sign area</strong></td>
</tr>
<tr>
<td><strong>Maximum height</strong></td>
</tr>
<tr>
<td><strong>Maximum duration</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Other requirement</strong></td>
</tr>
</tbody>
</table>

3) One temporary on-premises commercial sign is permitted on a low or medium density residential property that is for lease or sale, subject to the requirements in Table 325.3.

<table>
<thead>
<tr>
<th>Table 325.3. Temporary signage per 325.06(1)(d)(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sign type</strong></td>
</tr>
<tr>
<td><strong>Maximum area</strong></td>
</tr>
<tr>
<td><strong>Maximum height</strong></td>
</tr>
<tr>
<td><strong>Maximum duration</strong></td>
</tr>
</tbody>
</table>
4) One temporary on-premises commercial sign is permitted on a medium or high density residential property that is for lease or sale, subject to the requirements in Table 325.4; except, that no temporary sign is allowed if the graphic area of a permanent monument sign, as allowed under subdivision 1(b)(2) of this section, is increased as allowed by Table 325.5.

<table>
<thead>
<tr>
<th>Table 325.4. Temporary signage per 325.06(1)(d)(4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign type: choice of one:</td>
</tr>
<tr>
<td>Freestanding</td>
</tr>
<tr>
<td>Banner attached to wall</td>
</tr>
<tr>
<td>Maximum area</td>
</tr>
<tr>
<td>32 square feet</td>
</tr>
<tr>
<td>60 square feet</td>
</tr>
<tr>
<td>Maximum height</td>
</tr>
<tr>
<td>12 feet, unless width exceeds 4 feet, then 8 ft.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Maximum duration</td>
</tr>
<tr>
<td>12 months after issuance of certificate of occupancy for last building</td>
</tr>
<tr>
<td>12 months after issuance of certificate of occupancy for last building</td>
</tr>
</tbody>
</table>

5) The city council may approve temporary on-premises signs on public or institutional property. The first approval for a site may allow only one use of the sign for a specified duration. Subsequent approvals for the same type of sign may allow recurring use of the sign for limited durations over a period of up to 5 years.

<table>
<thead>
<tr>
<th>Table 325.5: Residential District Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign type</td>
</tr>
<tr>
<td>Max. Area Sign Structure</td>
</tr>
<tr>
<td>Max. Graphic Area</td>
</tr>
<tr>
<td>Max. Height</td>
</tr>
<tr>
<td>Illumination</td>
</tr>
<tr>
<td>Other</td>
</tr>
<tr>
<td>Permanent wall sign –residential use 325.06(1)(a)(1)</td>
</tr>
<tr>
<td>2 sq ft</td>
</tr>
<tr>
<td>2 sq ft</td>
</tr>
<tr>
<td>1 ft</td>
</tr>
<tr>
<td>External only</td>
</tr>
<tr>
<td>Permanent wall sign –educational, religious, institutional or nursing home use 325.06(1)(a)(2)</td>
</tr>
<tr>
<td>Lesser of 50 sq ft or 10% of wall on which sign is located</td>
</tr>
<tr>
<td>Lesser of 50 sq ft or 10% of wall on which sign is located</td>
</tr>
<tr>
<td>Individual letters not more than 24 in.</td>
</tr>
<tr>
<td>External only</td>
</tr>
<tr>
<td>Sign type</td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td>Permanent monument sign – low density residential use 325.06(1)(b)(1)</td>
</tr>
<tr>
<td>Permanent monument sign – medium and high density residential use 325.06(1)(b)(2)</td>
</tr>
<tr>
<td>Permanent monument sign – educational, religious, institutional or nursing home use 325.06(1)(b)(3)</td>
</tr>
<tr>
<td>Permanent monument sign – public or park use 325.06(1)(b)(4)</td>
</tr>
<tr>
<td>Permanent sign – athletic field use with structured</td>
</tr>
</tbody>
</table>
2. **Office Business District Sign Regulations.**
   Within the B-1, office business district, signs are permitted according to the following standards:
   a) Permanent monument signs: one permanent monument sign is permitted per development, provided the sign complies with the requirements of Table 325.6.
   b) Permanent wall signs: one permanent wall sign per building, either individually mounted letter type (option 1) or wall mounted type (option 2), except as provided in Table 325.6. Signs must meet the requirements in Table 325.6.

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>seating for 2000 or fewer people 325.06(1)(c)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permanent sign – athletic field use with structured seating for more than 2000 people 325.06(1)(c)</td>
<td>500 sq. ft. per sign face; 1000 sq. ft. aggregate</td>
<td>500 sq. ft. per sign face; 1000 sq. ft. aggregate</td>
<td>35</td>
<td>Internally illuminated</td>
<td></td>
</tr>
<tr>
<td>Temporary freestanding noncommercial signs – any residential use 325.06(1)(d)(1)</td>
<td>6 square feet per sign; 18 square feet aggregate per property</td>
<td>6 square feet per sign; 18 square feet aggregate per property</td>
<td>3 ft.</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 325.6: Office Business District Sign Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign type</td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td>Permanent monument sign – adjacent ROW is less than 100 ft in width</td>
</tr>
</tbody>
</table>
### Table 325.6: Office Business District Sign Requirements

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent monument sign – adjacent ROW is 100 ft. or more in width</td>
<td>100</td>
<td>50 sq. ft.</td>
<td>15 ft.</td>
<td>Internal or external</td>
<td>Limit of three items of information per copy and graphic area; external light fixtures and sources must be screened from view</td>
</tr>
<tr>
<td>Permanent wall sign Must select Option 1 or Option 2</td>
<td>Op. 1</td>
<td>The greater of 50 sq. ft. or 25% of length of building where sign is located</td>
<td>24 in. copy height 36 in. logo height</td>
<td>Internal only, if mounted above first floor; internal or external if mounted on first floor; no exposed light sources or fixtures on external lights</td>
<td>Individually mounted letters only; Properties with more than one street frontage may have one sign per building facing each frontage</td>
</tr>
<tr>
<td></td>
<td>Op. 2</td>
<td>30 sq. ft. aggregate</td>
<td>Internal or external; no exposed light sources or fixtures on external lights</td>
<td></td>
<td>Must be mounted within first floor elevation; If more than one primary entrance, one sign allowed per entrance, subject to aggregate square foot limitation</td>
</tr>
</tbody>
</table>

### Limited and General Business Sign Regulations.
Within the B-2 and B-3 business districts, the following signs are permitted:

a) Permanent freestanding signs. Except as provided in Table 325.9, one freestanding sign is permitted per development. Signs must meet the requirements in Table 325.7 and Table 325.9.
Table 325.7 Freestanding Sign Size Limitations

<table>
<thead>
<tr>
<th>Principal Structure (gross square feet)</th>
<th>pylon</th>
<th>monument</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. height</td>
<td>Max. sign size (sq. ft.)</td>
<td>Max. height</td>
</tr>
<tr>
<td>greater than 400,000</td>
<td>30'</td>
<td>200</td>
</tr>
<tr>
<td>100,000 - 400,000</td>
<td>24'</td>
<td>100</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>18'</td>
<td>80</td>
</tr>
<tr>
<td>less than 20,000</td>
<td>15'</td>
<td>60</td>
</tr>
<tr>
<td>building with multiple screen theater</td>
<td>30'</td>
<td>200</td>
</tr>
</tbody>
</table>

b) Permanent wall signs.
1) Multi-tenant wall signs. One permanent wall sign is permitted per tenant space, and must be located no closer than two feet from any lease line. Signs must meet the requirements in Table 325.8 and Table 325.9.
2) Limited tenant wall signs. One permanent wall sign is permitted per exterior wall face on limited tenant buildings, subject to the limitations in Table 325.8 and Table 325.9.

Table 325.8 Wall Sign Size Limitations

<table>
<thead>
<tr>
<th>Principal Structure Size (Gross Sq. Ft.)</th>
<th>Individual Wall Sign Calculation</th>
<th>Total Wall Signage for Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>100,000 - 400,000 sq. ft.</td>
<td>200 sq. ft. or 10 percent of wall face, whichever is less</td>
<td>300 sq. ft.</td>
</tr>
<tr>
<td>20,000 - 100,000 sq. ft.</td>
<td>150 sq. ft. or 10 percent of wall face, whichever is less</td>
<td>240 sq. ft.</td>
</tr>
<tr>
<td>less than 20,000sq. ft.</td>
<td>100 sq. ft. or 15 percent of wall face, whichever is less</td>
<td>150 sq. ft.</td>
</tr>
</tbody>
</table>

Table 325.9 Limited and General Business District Sign Requirements

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent freestanding sign</td>
<td>Hotel</td>
<td>60 sq. ft.</td>
<td>15 ft.</td>
<td></td>
<td>One monument sign per development,</td>
</tr>
<tr>
<td>Sign type</td>
<td>Max. Area Structure</td>
<td>Max. Graphic Area</td>
<td>Max. Height</td>
<td>Illumination</td>
<td>Other</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>---------------------</td>
<td>-------------------</td>
<td>-------------</td>
<td>--------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Property with Drive-Thru</td>
<td>50 sq. ft.</td>
<td>N/A</td>
<td>8 ft.</td>
<td>Internal</td>
<td>Allowed in addition to sign under “Other” below Single-faced only</td>
</tr>
<tr>
<td>Other</td>
<td>Monument area cannot exceed 1.5 times allowed copy and graphic area</td>
<td>See Table 325.7</td>
<td>See Table 325.7</td>
<td>Either; no exposed light sources or fixtures on external lights</td>
<td>Signs may be single or double faced One sign per development except: For multi-tenant building or limited tenant building with more than 100,000 gross sq. ft. and with 2 or more access points, one monument sign allowed at primary access and second monument allowed at second access; height and graphic limits for second monument are 50% of those in Table 325.7</td>
</tr>
<tr>
<td>Permanent wall sign</td>
<td>Hotel</td>
<td>36 in. per letter</td>
<td>Internal</td>
<td></td>
<td>Individually mounted letter-type sign only One sign per development, except 2nd sign on 2nd wall allowed if neither sign is directly oriented</td>
</tr>
</tbody>
</table>

except hotel with frontage and access on 2 arterial streets may have 2 monument signs
### Table 325.9 Limited and General Business District Sign Requirements

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-tenant</td>
<td>See Table 325.8</td>
<td>See Table 325.8</td>
<td>36 in.</td>
<td>Internal for individual letters</td>
<td>Individually mounted letters required unless all wall signs are incorporated into architecture of structure and of similar design Must be installed within 26-in. high horizontal band of uniform background</td>
</tr>
<tr>
<td>Limited tenant</td>
<td>See Table 325.8</td>
<td>See Table 325.8</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

c) Permanent on-premises sign: In addition to, or as a modification of, of the signs allowed by paragraphs (a) and (b) above, one of the following options is allowed, provided, that any property with signage allowed under this paragraph (c) is not allowed to have temporary signage under subdivision 5(3) of this section 305.06.

1) Option 1:
   a. the principal freestanding sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument or pylon sign;
   b. the leasing message cannot exceed that of the identification monument or pylon message;
   c. leasing message is in addition to potential monument or pylon copy and graphic area; and the maximum size of the permanent freestanding sign permitted under paragraph (a) above may be increased as provided in Table 325.10.
2) Option 2: in addition to the permanent freestanding sign allowed under paragraph (a) above, one additional permanent freestanding sign is allowed, provided it complies with the following standards:
   a. setback 5 feet from all property lines;
   b. 8 foot maximum height and 6 foot maximum width; and
   c. maximum size of sign permitted is determined by the gross square footage of the principal structure as provided in Table 325.11:

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>12 square feet</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>16 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>18 square feet</td>
</tr>
</tbody>
</table>

3) Option 3: in addition to the permanent freestanding sign allowed under paragraph (a) above, a permanent wall mounted sign or banner is allowed, provided it complies with the following standards:
   a. buildings two stories or under:
      (1) one wall sign;
      (2) directly anchored to the building wall; and
      (3) maximum size of sign permitted is determined by the gross square footage of the principal structure as provided in Table 325.12:

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>12 square feet</td>
</tr>
</tbody>
</table>
b. buildings three stories or higher:
   (1) 30 square feet maximum area;
   (2) directly anchored to the building wall; and
   (3) displayed on the building's third story or any higher story.
   (4) signs up to 32 square feet in size will be permitted without time limit
       instead of option 2 or 3 if the standards in either a. or b. are met:
       a. business or industrial development directly abuts a street with
          posted speed limit of 55 m.p.h. or greater; or
       b. the principal structure is greater than four stories.
       c. If a property qualifies for a 32 square foot sign under a. or b. and
          also has a second frontage on a designated collector or arterial
          road, option 2 or 3 as found above is also permitted.

4. **Industrial Sign Regulations.**
   Within the I-1 industrial district permanent signs which comply with the following
   standards are permitted:
   a) Monument sign. One permanent monument sign is permitted per property. The
      property owner must elect from one of two options in Table 325.13, and the sign
      must meet the requirements for the selected option.
   b) Permanent signage per tenant space. For multi-tenant buildings that do not have
      a monument sign under option 2 of Table 325.13, additional permanent signage
      is permitted as provided in this subdivision 4(b). The signs must meet the
      requirements of Table 325.13. The building owner or a representative must
      designate a sign design for the tenant spaces. The designation will be recorded
      by the city and kept on record for the property. Each sign on the property must
      conform to the designated sign option, and all signs must be uniform in material,
      color, style, illumination and placement. Changes to the sign designation may be
      made upon request, and approved administratively if all signs located on the site
      are brought into conformance with the requested sign plan modification. The
      planning commission must review sign plan changes if nonconforming signs are
      created.
   c) Permanent signage for single-tenant buildings: for single tenant buildings, one or
      more permanent wall signs are allowed per building, subject to the requirements
      in Table 325.13.
   d) Permanent on-premises sign: In addition to, or as a modification of, of the signs
      allowed by paragraphs (a), (b) and (c) above, one of the sign options allowed in
      section 325.06(3)(c) is allowed in the industrial district, provided, that any

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>20,000 - 100,000</td>
<td>16 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>18 square feet</td>
</tr>
</tbody>
</table>
property with signage allowed under this paragraph (d) is not allowed to have temporary signage under subdivision 5(3) of this section 305.06.

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent monument sign per property</td>
<td>Option 1</td>
<td>90 sq. ft.</td>
<td>60 sq. ft.</td>
<td>10 ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Option 2</td>
<td>120 sq. ft.</td>
<td>85 sq. ft.</td>
<td>10 ft.</td>
<td>Allowed for properties with multi-tenant buildings only. If this option is selected, permanent per-tenant-space signs are not allowed. Option is not available in areas designated for mixed use on the comprehensive guide plan</td>
</tr>
<tr>
<td>Multi-tenant buildings: signs per tenant space:</td>
<td>Option A: monument or pylon</td>
<td>9 sq. ft.</td>
<td>6 ft.</td>
<td></td>
<td>One at each tenant’s primary building entrance Maximum width of 5 feet Single faced Positioned parallel to parking lot sidewalk or perpendicular to tenant walkway</td>
</tr>
<tr>
<td></td>
<td>Option B: wall sign</td>
<td>12 ft.</td>
<td>4 ft.</td>
<td></td>
<td>One at each tenant’s primary building entrance Max. distance of 8 ft from ground to top edge of sign</td>
</tr>
<tr>
<td></td>
<td>Option C: Individually mounted letters</td>
<td>18 in.</td>
<td></td>
<td></td>
<td>One at each tenant’s primary entrance No more than 2 ft from tenant’s exterior lease lines</td>
</tr>
</tbody>
</table>
Table 325.13 Industrial District Sign Requirements

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Max. Area Sign Structure</th>
<th>Max. Graphic Area</th>
<th>Max. Height</th>
<th>Illumination</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-tenant buildings:</td>
<td></td>
<td>Wall-mounted</td>
<td>5% of</td>
<td></td>
<td>Must be installed within 18-in. high</td>
</tr>
<tr>
<td></td>
<td></td>
<td>individual letters</td>
<td>building</td>
<td></td>
<td>horizontal band of uniform background</td>
</tr>
</tbody>
</table>
<pre><code>                            |                          |                   | face on which |              | One per building                               |
                            |                          |                   | sign is located or 150 sq. ft., whichever is less |              |                                                 |
</code></pre>

5. **Business and Industrial Temporary Sign Regulations.**

Within business and industrial districts, temporary on-premises commercial signs are permitted as follows:

a) Banners not to exceed 30 square feet according to the following:
   1) maximum 30 day display period to coincide with the grand opening of a business;
   2) a business may display a banner on two occasions per calendar year with a maximum 10 day display period for each occasion;

b) Search lights or inflatable advertising devices are permitted as follows: one for each development, a maximum of two occasions per calendar year with each occasion not to exceed three days; and

c) Stringers, and pennants are not permitted.

d) Temporary on-premises commercial signage is permitted on vacant properties where new construction activity is taking place, provided the signs comply with the requirements in Table 325.14.

Table 325.14 Temporary Signs During Construction

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Pylon</th>
</tr>
</thead>
<tbody>
<tr>
<td>Numerical limit</td>
<td>One per development project number, according to the records of the</td>
</tr>
<tr>
<td></td>
<td>community development department; One additional sign if the property is over 3 acres in size with frontage on 2</td>
</tr>
</tbody>
</table>
e) Temporary on-premises commercial signage is permitted on improved properties that are for lease or sale, provided the signs comply with the requirements in Table 325.15.

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Freestanding or wall</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Table 325.14</strong> Temporary Signs During Construction</td>
<td></td>
</tr>
<tr>
<td>or more designated collector or arterial streets</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum sign area</strong></td>
<td>32 square feet</td>
</tr>
<tr>
<td><strong>Maximum height</strong></td>
<td>12 feet</td>
</tr>
<tr>
<td><strong>Maximum duration</strong></td>
<td>7 days after issuance of certificate of occupancy for building</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sign type</th>
<th>Freestanding or wall</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Table 325.15</strong> Temporary Signs on Properties for Lease or Sale</td>
<td></td>
</tr>
<tr>
<td>One per property</td>
<td></td>
</tr>
<tr>
<td>One additional sign if the property is over 3 acres in size with frontage on 2 or more designated collector or arterial streets</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum sign area</strong></td>
<td>32 square feet</td>
</tr>
<tr>
<td><strong>Maximum height</strong></td>
<td>12 feet</td>
</tr>
<tr>
<td><strong>Maximum duration</strong></td>
<td></td>
</tr>
</tbody>
</table>

6. **Planned Unit Development Districts**
Permanent and temporary signs in planned unit development districts are regulated according to the standards for the corresponding land use and zoning category as stated in this chapter 3. A sign plan with differing requirements may be approved by the city. Factors that will be used in determining if an individual P.U.D./P.I.D. sign plan will be considered include the following:
- a) The development includes a high rise (greater than 3 story) structure;
- b) the development includes multiple structures and/or substantial site area;
- c) the development includes mixed uses;
- d) a sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and
e) the sign plan includes permanent sign covenants which can be enforced by the city.
### Sign Examples

<table>
<thead>
<tr>
<th>Existing Ordinance Sign Examples</th>
<th>Proposed Ordinance Sign Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Temporary Real Estate Sign</strong></td>
<td>Temporary On-Premise Sign</td>
</tr>
<tr>
<td><img src="image1.png" alt="Temporary Real Estate Sign" /></td>
<td><img src="image2.png" alt="Temporary On-Premise Sign" /></td>
</tr>
<tr>
<td><strong>Portable Sign</strong></td>
<td>Temporary On- or Off-Premise Sign</td>
</tr>
<tr>
<td><img src="image3.png" alt="Portable Sign" /></td>
<td><img src="image4.png" alt="Temporary On- or Off-Premise Sign" /></td>
</tr>
<tr>
<td><strong>Leasing Sign</strong></td>
<td>Temporary On-Premise Sign</td>
</tr>
<tr>
<td><img src="image5.png" alt="Leasing Sign" /></td>
<td><img src="image6.png" alt="Temporary On-Premise Sign" /></td>
</tr>
<tr>
<td><strong>Directional Sign</strong></td>
<td>Permanent Freestanding Parking Lot Sign</td>
</tr>
<tr>
<td><img src="image7.png" alt="Directional Sign" /></td>
<td><img src="image8.png" alt="Permanent Freestanding Parking Lot Sign" /></td>
</tr>
<tr>
<td><strong>Grand Opening Sign</strong></td>
<td>Temporary On-Premise Sign</td>
</tr>
<tr>
<td><img src="image9.png" alt="Grand Opening Sign" /></td>
<td><img src="image10.png" alt="Temporary On-Premise Sign" /></td>
</tr>
<tr>
<td>Monument Sign</td>
<td>Pylon Sign</td>
</tr>
<tr>
<td>---------------</td>
<td>------------</td>
</tr>
<tr>
<td><img src="image1" alt="Monument Sign" /></td>
<td><img src="image2" alt="Pylon Sign" /></td>
</tr>
</tbody>
</table>

**Monument Sign**

**Pylon Sign**
**1. Purpose and Findings.**

The purpose and findings of the sign ordinance are as follows:

a) **Purpose:** the sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs which meet the city's goals by authorizing:

   1) permanent signs which establish a high standard of aesthetics;
   2) signs which are compatible with their surroundings;
   3) signs which are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
   4) signs which are large enough to convey the intended message and to help citizens find their way to intended destinations;
   5) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
   6) permanent signs which give preference to the on-premise owner or occupant; and
   7) temporary commercial signs and advertising displays which provide an opportunity for grand openings and occasional sales events while restricting signs which create continuous visual clutter and hazards at public right-of-way intersections.

b) **Findings:** the city of Minnetonka finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the city finds:

   1) permanent and temporary signs have a direct impact on and relationship to the image of the community;
   2) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;
   3) an opportunity for viable identification of community businesses and institutions must be established;

---

**DISPOSITION TABLE**

<table>
<thead>
<tr>
<th>Section title or Subsection – original language</th>
<th>Notes on disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>SECTION 300.30. SIGN ORDINANCE.</td>
<td>Renumbered as Section 325</td>
</tr>
<tr>
<td></td>
<td>Added severability clause</td>
</tr>
<tr>
<td>1. Purpose and Findings. The purpose and findings of the sign ordinance are as follows:</td>
<td></td>
</tr>
<tr>
<td>a) <strong>Purpose:</strong> the sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs which meet the city's goals by authorizing:</td>
<td></td>
</tr>
<tr>
<td>1) permanent signs which establish a high standard of aesthetics;</td>
<td></td>
</tr>
<tr>
<td>2) signs which are compatible with their surroundings;</td>
<td></td>
</tr>
<tr>
<td>3) signs which are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;</td>
<td></td>
</tr>
<tr>
<td>4) signs which are large enough to convey the intended message and to help citizens find their way to intended destinations;</td>
<td></td>
</tr>
<tr>
<td>5) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;</td>
<td></td>
</tr>
<tr>
<td>6) permanent signs which give preference to the on-premise owner or occupant; and</td>
<td></td>
</tr>
<tr>
<td>7) temporary commercial signs and advertising displays which provide an opportunity for grand openings and occasional sales events while restricting signs which create continuous visual clutter and hazards at public right-of-way intersections.</td>
<td></td>
</tr>
<tr>
<td>b) <strong>Findings:</strong> the city of Minnetonka finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the city finds:</td>
<td></td>
</tr>
<tr>
<td>1) permanent and temporary signs have a direct impact on and relationship to the image of the community;</td>
<td></td>
</tr>
<tr>
<td>2) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;</td>
<td></td>
</tr>
<tr>
<td>3) an opportunity for viable identification of community businesses and institutions must be established;</td>
<td></td>
</tr>
</tbody>
</table>
4) the safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;
5) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;
6) uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
7) uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;
8) commercial signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and
9) the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.

2. Definitions.

1. “Building length” - the longest straight line parallel to adjacent public right-of-way from end wall to end wall of a building. (Figure 30-1)

2. “Canopy or awning sign” - a sign constructed of flexible translucent or fabric type material which incorporates a written message or logo on the exterior. (Figure 30-2)

3. “Commercial sign” - any sign which advertises or identifies a product, business, service, entertainment, or any other matter of a commercial nature, even though the matter may be related to a nonprofit organization.

4. “Construction sign” - any sign which displays information regarding the construction or development of the site on which it is displayed.

5. “Copy and graphic” - the wording and other display messages such as logos or symbols on a sign. (Figure 30-3)

Notes on disposition

Renumbered as section 325.02
Does not appear in code

Revised so that code allows signs while construction is occurring but does not specify content of signs.
<table>
<thead>
<tr>
<th>Section title or Subsection – original language</th>
<th>Notes on disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. “Copy and graphic area” - the area in square feet of the smallest four-sided figure which encloses the copy and graphic of a sign. (Figure 30-4) <strong>Figure 30-4</strong></td>
<td>Revised code to allow signs in and near parking areas. See 325.05(3)(d)</td>
</tr>
<tr>
<td>7. “Directional sign” – a sign which serves primarily to direct traffic to the location of a place, area or activity. (Figure 30-5) <strong>Figure 30-5</strong></td>
<td>Content based</td>
</tr>
<tr>
<td>8. “Dynamic display” - any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, &quot;digital ink&quot; or any other method or technology that allows the sign face to present a series of images or displays.</td>
<td>Content based</td>
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<tr>
<td>9. “Freestanding sign” - a sign which is self-supporting and affixed to a frame structure not attached to a building.</td>
<td>Content based</td>
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<td>10. “Grand opening”—commencement of operation of a new business. For purposes of the ordinance, a grand opening is considered to occur if there is a business name change or change in type of business or activity.</td>
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<tr>
<td>11. “Identification sign” - a sign which is limited to no more than the name and identifying symbol of a development, institution or person on the premises where the sign is located.</td>
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<td>12. “Illumination, internal” - a light source within the sign.</td>
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<tr>
<td>13. “Illumination, external” - a light source which is not internal to the sign.</td>
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<tr>
<td>14. “Items of information” - individual copy and graphic items situated in a manner which presents separate messages. An item of information can only be a name, an address, a logo, or geographic directions.</td>
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<td>15. “Limited tenant building” - a commercial retail establishment or a group of commercial retail establishments with the designed occupancy of three or less tenants. It must have shared parking and a visual appearance as a contiguous structure which may or may not be planned, constructed or</td>
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<tr>
<td>Section title or Subsection – original language</td>
<td>Notes on disposition</td>
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<tr>
<td>managed as a total entity. This includes single tenant retail structures.</td>
<td>Content-based</td>
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<td>16. “Logo” – an identifying graphic which may or may not be a registered trademark.</td>
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<tr>
<td>17. “Merchandise box” – a sign which is affixed on or located adjacent to a gas pump and used to advertise services and goods.</td>
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<tr>
<td>18. “Monument sign” – a sign not supported by exposed posts or poles which is architecturally designed and located directly at grade where the base width dimension is 50% or more of the greatest width of the sign. (Figure 30-6)</td>
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</tr>
<tr>
<td><strong>Figure 30-6</strong></td>
<td></td>
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<tr>
<td>19. “Multi-tenant center” – a group of commercial retail establishments with a designed occupancy of four or more tenants with shared parking and visual appearance as a contiguous structure which may or may not be planned, constructed or managed as a total entity.</td>
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</tr>
<tr>
<td>20. “Non-commercial opinion sign” – any sign which conveys messages concerning political, religious, social, ideological, public service and informational topics which expresses an opinion and which is deemed by the courts to have greater protection under the first amendment than a commercial sign.</td>
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<td>21. “On-premise sign” – a sign identifying a business, person, activity, goods, products or services located on the site where the sign is installed.</td>
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<tr>
<td>22. “Outdoor advertising signOff-premise sign” – any sign relating in its subject matter to, or that directs attention to, that is located outdoors and that advertises a product, business, person, activity, commodity, service, event, entertainment, or any other matter that is not available, or does not take place, on the same premises as the sign. An outdoor advertising sign does not include a sign that is not understandable or readable by the naked eye of an ordinary person with 20/20 vision from property other than where the sign is located, such as from adjacent property or a public street.</td>
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<tr>
<td><strong>Figure 30-7</strong></td>
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<tr>
<td>23. “Outdoor advertising sign” – a permanent off-premise sign.</td>
<td>“Outdoor advertising” is now used only for billboards. “Off-premise” covers other signs, such as garage sales, open house, etc.</td>
</tr>
<tr>
<td>24. “Portable sign” – a sign with or without copy and graphic that is designed or intended to be moved or transported. Examples of portable signs are: (Figure 30-7)</td>
<td>Incorporated into definition of “sign”</td>
</tr>
<tr>
<td><strong>Figure 30-7</strong></td>
<td>E.g., billboards</td>
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<tr>
<td>Section title or Subsection – original language</td>
<td>Notes on disposition</td>
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<td>------------------------------------------------</td>
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</table>
| • A - or T - frame signs;  
• sandwich signs;  
• signs designed to be transported by trailer or on wheels;  
• mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business;  
• a sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached temporarily or permanently to the ground, a structure, or other sign. | Added to address traffic control devices |
| 1. “Private road open to public travel” has the meaning given that term under the Manual of Uniform Traffic Control Devices. | |
| 25. “Pylon sign” - a sign supported by a post or posts so that the sign and supports are finished to grade by encasing the posts in a material consistent with the sign and where the base width dimension is a minimum of 10% up to and including 50% of the greatest width of the sign. (Figure 30-8) | Revised to allow signs while property is for sale or lease |
| Figure 30-8 | |
| 26. “Real estate sign” - any sign pertaining to the sale, lease or rental of land or buildings. | Term not used in ordinance |
| 27. “Regulation baseball field” - a field to accommodate high school through adult competitive play. Field dimensions must include 90-foot base paths and minimum outfield distances of 310 feet. Fields must be designed for competitive play and include spectator seating for a minimum capacity of 400. One principal field at each high school may be a regulation baseball field without regard to minimum spectator seating. | Regulated as pylon sign in residential district |
| 28. “Scoreboard” - a sign associated with an athletic field that includes information pertinent to an on-site game or activity and also includes any sponsor or identification panels. | Painted wall signs excluded from definition, rather than exempted from prohibited signs |
| 29. “Sign” - any writing, pictorial presentation, number, illustration or decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term “sign” shall not be deemed to include: the terms “building” or “landscaping”, or any architectural embellishment of a building not intended to communicate information; works of art that do not convey commercial messages and that are painted on a building wall; flags that do not convey commercial messages; or any device that is not visible from an adjacent street, property line or building on adjacent property. | New exemption for noncommercial flags – old flag regulations were content-based |

Signs not visible are not regulated
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<tr>
<td>30. “Temporary business sign” - a temporary sign which is used by a business to display commercial messages pertaining to on site services and goods or any non-commercial message.</td>
<td>Not needed – temporary on-premise commercial sign</td>
</tr>
<tr>
<td>31. “Temporary sign” - a sign which is designed or intended to be displayed for a short period of time and is not permanently installed. This includes items such as banners, pennants, flags of other than a political jurisdiction, beacons, sandwich or curb signs, balloons or other air or gas filled figures. (Figure 30-9)</td>
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<tr>
<td>Figure 30-9</td>
<td></td>
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<tr>
<td>32. “Unified development” - a development of three or more principal structures with common characteristics as determined by the city. Common characteristics may include shared access, similar architecture, single ownership or history of site plan review approval.</td>
<td>Added as construction requirement in 325.05(11)</td>
</tr>
<tr>
<td>33. “Wall sign” - a single faced sign attached to or erected against an exterior wall of a building with the face in a parallel plane to the plane of the building wall and which does not project more than 18 inches.</td>
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### 3. Residential Sign Regulations.

a) Within residential zoning districts, permanent signs are permitted as follows:

1) Identification signs: for each single family or two family dwelling, one identification sign not to exceed 2 square feet in area and located on the lot to which the sign pertains;
2) Low density residential identification signs: for each single family subdivision containing at least 6 lots and each two family subdivision containing a potential for at least 12 dwellings, identification signs are permitted which comply with the following standards:
   a. one monument style sign;
   b. 30 square foot maximum copy and graphic area per entrance;
   c. 75 square foot maximum total monument area per entrance;
   d. 6-foot maximum height;
   e. located at primary entrances to subdivision;
   f. a second sign may be located at the primary entrance as long as total copy and graphic area of the two signs does not exceed 30 square feet;
   g. single or double faced. If double faced, the sign faces shall be parallel;
   h. external illumination;

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Sign Ordinance Phase 1
i. located within a dedicated permanent sign easement and not within public right-of-way; and

j. a neighborhood or homeowner's association shall be responsible for perpetual maintenance of the sign.

3) Medium and high density residential identification signs: for each medium or high density residential development, identification signs which comply with the following standards are permitted:
   a. one monument style sign;
   b. 36 square foot maximum copy and graphic area per entrance;
   c. 100 square foot maximum total monument area per entrance;
   d. 8-foot maximum sign height;
   e. located at primary entrances to development;
   f. a second sign may be located at the primary entrance as long as total copy and graphic area of the two signs does not exceed 36 square feet;
   g. single or double faced. If double faced, the sign faces shall be parallel;
   h. external illumination when the sign is located adjacent to, or across a public right-of-way from, low density residential parcels; and
   i. if the sign is to be located in a development which includes individual ownership parcels, the sign shall be located on a parcel held in common ownership and shall be perpetually maintained by a homeowner's association or responsible property owners.

4) Conditionally permitted uses in residential districts: for the following conditionally permitted uses within a residential district, permanent signs which comply with the following standards are permitted. If the use is not specifically listed below it is regulated within the above paragraphs of this subdivision.
   a. Educational, religious and public institution signs: for each educational, religious, public or private institution, and nursing home property, signs are permitted which comply with the following standards:
      1. monument signs:
         a) one sign not to exceed 30 square feet maximum copy and graphic area;
         b) 75 square feet maximum monument area;
         c) 8-foot maximum height;
         d) single or double faced; and
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<tr>
<td>e) internal or external illumination and the light source shall not be exposed.</td>
<td>Scoreboards are pylons</td>
</tr>
<tr>
<td>2. wall mounted signs:</td>
<td>Addressed as pylon sign</td>
</tr>
<tr>
<td>a) individually mounted letters not to exceed 24 inches in height;</td>
<td>Addressed through general requirements: signs attached to fences are prohibited; signs not visible from street or property are not regulated; nonconforming signs are allowed to continue</td>
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<tr>
<td>b) one sign, area not to exceed 50 square feet or 10 percent of the area of the building wall on which the sign is located, whichever is less; and</td>
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<td>c) illumination shall be external.</td>
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<td>3. scoreboard signs for athletic fields as regulated under section 300.30, subdivision 3(a)(4)b2.</td>
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<td>b. Public and private parks: for each public or private park property, signs are permitted according to the following standards:</td>
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<td>1. monument signs:</td>
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<td>a) one sign not to exceed 32 square feet;</td>
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<tr>
<td>b) 8-foot maximum height;</td>
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<tr>
<td>c) single or double faced;</td>
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<td>d) product or service advertising is prohibited except readerboards may display public service announcements only;</td>
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<tr>
<td>e) internal or external illumination and the light source shall not be exposed; and</td>
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<tr>
<td>f) illumination shall be allowed between 6 a.m. to 10 p.m. only.</td>
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<td>2. scoreboards:</td>
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<td>one scoreboard per playing field is allowed if it does not exceed 410 square feet in size, except that a playing field with structured seating capacity for greater than 2000 people may have one or more scoreboards and the total area of the scoreboard or scoreboards cannot exceed 1000 square feet in size; and</td>
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<td>3. athletic field fence panels:</td>
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<tr>
<td>a) athletic field fence panels which contain outdoor advertising signs as defined in this ordinance are prohibited; and</td>
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<tr>
<td>b) an advertising fence panel which directly faces the infield and was legally established prior to the effective date of this ordinance is considered a legal nonconforming use which may not be altered, enlarged or replaced by another nonconforming sign except the message may be changed.</td>
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<tr>
<td>b) Within residential zoning districts, temporary signs are permitted as follows.</td>
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<tr>
<td>1) Within all residential zoning districts, construction signs which comply with the following are permitted:</td>
<td></td>
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</tbody>
</table>
a. the development must be within a medium or high density zoning district or low density zoning with a minimum of four lots;
b. 32 square feet maximum sign area;
c. 12-foot maximum sign height for signs not exceeding 4 feet in width, otherwise 8 foot maximum height;  (Figure 30-11)

Figure 30-11

d. one sign located on the property with which the sign is associated;
e. for medium and high density residential developments, the sign shall be removed within 18 months after issuance of a building permit, or 7 days after issuance of a certificate of occupancy (for multi-phased developments, issuance of a certificate of occupancy for the last building) whichever is sooner; and
f. for low density residential subdivisions, the sign shall be removed after building permits are issued for 90 percent of the lots.

2) Within low and medium density residential zoning districts, temporary real estate signs which comply with the following standards are permitted:
   a. 6 square foot maximum area;  (Figure 30-12)

Figure 30-12

b. 6 foot maximum height;
c. one sign per property;
d. located on-premise; and
e. shall be removed within 7 days after the execution of a rental or lease agreement or the closing of a sale.

3) Within medium and high density residential zoning districts, leasing signs which meet the following standards are permitted.
   a. Leasing signs: signs indicating the rental or lease of medium and high density residential developments which comply with the following standards are permitted:
      1. one sign located on the site which the sign is advertising;
      2. display period shall end 12 months after the issuance of a certificate of occupancy (for multi-phased developments where construction is continuous, issuance of a certificate of occupancy for the last building);
      3. for freestanding signs, the following standards apply:
         a) 32 square foot maximum area; and

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<tr>
<th>Section title or Subsection – original language</th>
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<tbody>
<tr>
<td>a. the development must be within a medium or</td>
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<td>high density zoning district or low density</td>
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<tr>
<td>zoning with a minimum of four lots;</td>
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<tr>
<td>b. 32 square feet maximum sign area;</td>
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<td>c. 12-foot maximum sign height for signs not</td>
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<td>exceeding 4 feet in width, otherwise 8 foot</td>
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<td>maximum height;</td>
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<td>d. one sign located on the property with which</td>
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<td>the sign is associated;</td>
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<td>e. for medium and high density residential</td>
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<td>developments, the sign shall be removed</td>
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<td>within 18 months after issuance of a building</td>
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<td>permit, or 7 days after issuance of a</td>
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<td>certificate of occupancy (for multi-phased</td>
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<td>developments, issuance of a certificate of</td>
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<td>occupancy for the last building) whichever is</td>
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<td>sooner; and</td>
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<td>f. for low density residential subdivisions,</td>
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<td>the sign shall be removed after building</td>
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<td>permits are issued for 90 percent of the</td>
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<td>lots.</td>
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<td>2) Within low and medium density residential</td>
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<td>zoning districts, temporary real estate signs</td>
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<td>which comply with the following standards are</td>
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<td>permitted:</td>
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<tr>
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<td>closing of a sale.</td>
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<td>or lease of medium and high density</td>
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<td>residential developments which comply with the</td>
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<td>following standards are permitted:</td>
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<tr>
<td>1. one sign located on the site which the sign</td>
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<td>is advertising;</td>
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<tr>
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<td>occupancy for the last building);</td>
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<tr>
<td>3. for freestanding signs, the following</td>
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<td>standards apply:</td>
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<tr>
<td>a) 32 square foot maximum area; and</td>
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b) 12-foot maximum height for signs not exceeding 4 feet in width, otherwise 8 foot maximum height. (Figure 30-13)

Figure 30-13

4. for banner signs, the following standards apply:
   a) 60 square foot maximum area; and
   b) shall be affixed to a building wall. (Figure 30-14)

Figure 30-14

b. Leasing sign without time limit: In addition to the above, a leasing message may be displayed without time limitation if incorporated into a permanent monument sign according to the following standards:
   1. the monument sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument;
   2. leasing message area may be up to an additional 25 percent of the potential copy and graphic area of the monument identification sign; and
   3. the leasing message cannot exceed the area covered by the identification monument message. (Figure 30-15)

Figure 30-15

4) The city council may approve temporary signs on public or institutional property for special events. The first approval for a site may allow only one use of the sign for a specified duration. Subsequent approvals for the same type of sign may allow recurring use of the sign for limited durations over a period of up to 5 years.

4. Office Sign Regulations.
Within the B-1, office business district, permanent signs are permitted according to the following standards:
   a) Monument identification signs:
      1) one sign per development;
      2) maximum copy and graphic area as follows:
         | width of adjacent right-of-way | copy and graphic area |
         | less than 100 feet | 36 square feet |
         | 100 feet or greater | 50 square feet |
      3) maximum monument area is two times the potential copy and graphic area;
      4) copy and graphic display limited to three items of information; (Figure 30-16)

Figure 30-16

Renumbered as a section under 325.06(2) District Regulations
Standards moved into tables
5) 15 foot maximum height; and  
6) signs which are not internally illuminated shall have light fixtures and sources screened from view.  
b) Wall mounted signs: one wall mounted sign either individually mounted letter type (option 1) or wall mounted tenant identification type (option 2) but not both per building unless otherwise specified in this section is permitted. The sign must comply with the following standards.  
   1) Option 1: individually mounted letter type signs which comply with the following standards are permitted:  
      a. 24 inches maximum copy and graphic height except for logo which may be 36 inches in height and width;  
      b. copy and graphic area shall not exceed 50 square feet or 25 percent of the length of the building where the sign is located, whichever is greater; (Figure 30-17)  
       
       Figure 30-17  
       
       c. properties with more than one right-of-way frontage are permitted one sign facing each frontage; and  
       d. illumination shall comply with the following standards:  
          1. if sign is mounted above the first floor, illumination, if any, shall be internal; and  
          2. signs with external illumination shall have no exposed light sources or fixtures.  
   2) Option 2: wall mounted tenant identification type signs which comply with the following standards are permitted:  
      a. 30 square feet maximum sign area. For buildings with more than one primary entrance, one sign may be located at each entrance provided that total area does not exceed 30 square feet;  
      b. signs shall be mounted within the first floor elevation; (Figure 30-18) and  
       
       Figure 30-18  
       
       c. signs with external illumination shall have no exposed light sources or fixtures.  

5. Limited and General Business Sign Regulations.  
Within the B-2 and B-3 business districts except for hotels, permanent signs which comply with the following standards are permitted:  
a) Freestanding signs.  
   1) Size of sign permitted is determined by the gross square footage of the principal structure located in the development.  

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| 5) 15 foot maximum height; and  
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      b. copy and graphic area shall not exceed 50 square feet or 25 percent of the length of the building where the sign is located, whichever is greater; (Figure 30-17)  
       
       Figure 30-17  
       
       c. properties with more than one right-of-way frontage are permitted one sign facing each frontage; and  
       d. illumination shall comply with the following standards:  
          1. if sign is mounted above the first floor, illumination, if any, shall be internal; and  
          2. signs with external illumination shall have no exposed light sources or fixtures.  
   2) Option 2: wall mounted tenant identification type signs which comply with the following standards are permitted:  
      a. 30 square feet maximum sign area. For buildings with more than one primary entrance, one sign may be located at each entrance provided that total area does not exceed 30 square feet;  
      b. signs shall be mounted within the first floor elevation; (Figure 30-18) and  
       
       Figure 30-18  
       
       c. signs with external illumination shall have no exposed light sources or fixtures.  

5. Limited and General Business Sign Regulations.  
Within the B-2 and B-3 business districts except for hotels, permanent signs which comply with the following standards are permitted:  
a) Freestanding signs.  
   1) Size of sign permitted is determined by the gross square footage of the principal structure located in the development.  

Renumbered as 325.06(3) District Regulations  
Standards moved to tables
2) One sign per development unless a multi-tenant building or limited tenant building is 100,000 gross square feet or more and has two or more primary access points. A second monument at a secondary access point is permitted if the primary freestanding sign is of monument style. The second monument sign shall include a shopping center identification message only and shall not exceed 50 percent of the copy and graphic area and height requirement of the permitted principal sign.

3) The following table lists the maximum size and heights for permitted freestanding signs for all B-2 and B-3 zoned businesses:

| principal structure (gross square feet) | pylon | | monument | |
|----------------------------------------|-------|----------------|----------------|
|                                        | height| sign size (sq. ft.) | height | copy & graphic (sq. ft.) |
| greater than 400,000                   | 30'   | 200             | 21'    | 100               |
| 100,000 - 400,000                      | 24'   | 100             | 21'    | 100               |
| 20,000 - 100,000                       | 18'   | 80              | 18'    | 80                |
| less than 20,000                        | 15'   | 60              | 15'    | 60                |
| building with multiple screen theater  | 30'   | 200             | 21'    | 100               |

4) Monument area shall not exceed 1.5 times the permitted copy and graphic area.

5) Multi-tenant buildings shall display the name of the shopping center only. Limited tenant businesses may display one tenant identification and corresponding logo per tenant. Buildings with multiple screen theaters may display movie titles and ratings. No product or service advertising is permitted.

6) Signs may be single or double faced.

7) Signs which are not internally illuminated shall have light fixtures and sources screened from views.

b) Wall mounted signs.

1) Multi-tenant wall signs.
<table>
<thead>
<tr>
<th>Section title or Subsection – original language</th>
<th>Notes on disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Each tenant is permitted tenant identification and one logo which shall not include product advertising except as part of the tenants trade name or logo.</td>
<td></td>
</tr>
<tr>
<td>b. Tenant identification shall be individually mounted and internally illuminated letters. Wall signs not containing individually mounted letters may be approved by the city if all signs are of a similar design and incorporated into the architecture of the principal structure. (Figure 30-19)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-19</strong></td>
<td></td>
</tr>
<tr>
<td>— c. Each tenant is permitted one logo which shall not exceed 36 inches high by 36 inches wide. (Figure 30-20)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-20</strong></td>
<td></td>
</tr>
<tr>
<td>d. The vertical dimension of the tenant identification shall not exceed 26 inches in height. Heights may be revised based on unique circumstances, such as extraordinary distance from right-of-way or unusual building configuration, when determined by the planning commission that signs would not be readable from adjacent public right-of-way according to commonly accepted industry standards.</td>
<td></td>
</tr>
<tr>
<td>e. Each tenant sign shall be installed within a 26-inch high designated horizontal band. The band shall be of uniform background consisting of building surface, facade, or treatment. The sign band and letter height may be modified upon approval of the planning commission to allow for architectural integration of the tenant sign. Consideration will be given to the proportional relationship of the sign width and height to the scale of the building.</td>
<td></td>
</tr>
<tr>
<td>f. Each tenant sign shall not extend closer than two feet from the tenants lease line.</td>
<td></td>
</tr>
<tr>
<td>g. All letters in a tenant identification shall be of uniform colors, not to exceed two, except for logos which may be multicolored. A multicolored logo must comply with the restrictions in paragraph c. above.</td>
<td></td>
</tr>
<tr>
<td>h. The planning commission may recognize separate sign plans for multi-tenant buildings which will supersede the ordinance. The sign plans which have been approved by the planning commission will have the effect of a sign ordinance for the specific property.</td>
<td></td>
</tr>
<tr>
<td>2) Limited tenant wall signs.</td>
<td></td>
</tr>
<tr>
<td>a. Size of signage is determined by gross square footage of principal structure on property.</td>
<td></td>
</tr>
<tr>
<td>b. The following table indicates maximum signage permitted for limited tenant buildings:</td>
<td></td>
</tr>
<tr>
<td>Principal Structure Size (Gross Sq. Ft.)</td>
<td>Individual Wall Sign Calculation</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>100,000 - 400,000 sq. ft.</td>
<td>200 sq. ft. or 10 percent of wall face, whichever is less</td>
</tr>
<tr>
<td>20,000 - 100,000 sq. ft.</td>
<td>150 sq. ft. or 10 percent of wall face, whichever is less</td>
</tr>
<tr>
<td>less than 20,000 sq. ft.</td>
<td>100 sq. ft. or 15 percent of wall face, whichever is less</td>
</tr>
</tbody>
</table>

- c. Wall signs shall not include product advertising. Wall signs shall include tenant identification, tenant logo, shopping center name, shopping center logo, or any combination of the four.
- c) Hotel Signs. Because of the need for high visibility and the variety in size and shape of hotel structures, variances will be considered but not necessarily granted.
  1) Freestanding signs:
     a. one monument sign, except that a second monument sign may be allowed if the property has frontage and access on two arterial streets;
     b. 15 foot maximum monument height; and
     c. 60 square feet maximum copy and graphic area.
  2) Wall signs:
     a. individually mounted and internally illuminated letters;
     b. one wall sign except that a second wall sign on a second wall may be permitted if the signs are not directly oriented toward a low density residential area; and
     c. maximum letter height up to 36 inches. Variances may be considered for letter height based on proportional relationship to the mass and height of building.

6. Industrial Sign Regulations.
Within the I-1 industrial district permanent signs which comply with the following standards are permitted:
 a) Monument identification sign. Any single or multi-tenant building within an industrial zone is permitted one of the following freestanding identification signs that must comply with the listed standards.
   1) Building identification sign:
      a. one monument style sign;
      b. 60 square feet maximum copy and graphic area;
<table>
<thead>
<tr>
<th>Section title or Subsection – original language</th>
<th>Notes on disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. 90 square feet maximum total monument size;</td>
<td></td>
</tr>
<tr>
<td>d. 10 foot maximum height; and</td>
<td></td>
</tr>
<tr>
<td>e. no more than address and building identification displayed; no product or service advertising is permitted. (Figure 30-21)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-21</strong></td>
<td></td>
</tr>
<tr>
<td>2) Tenant identification monument sign:</td>
<td></td>
</tr>
<tr>
<td>a. one monument sign;</td>
<td></td>
</tr>
<tr>
<td>b. 85 square feet maximum copy and graphic area;</td>
<td></td>
</tr>
<tr>
<td>c. 120 square feet maximum monument size;</td>
<td></td>
</tr>
<tr>
<td>d. 10 foot maximum height;</td>
<td></td>
</tr>
<tr>
<td>e. sign may display only identification of tenants;</td>
<td></td>
</tr>
<tr>
<td>f. tenant identification monuments are not permitted to be located along designated collector or arterial streets. (Figure 30-22)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-22</strong></td>
<td></td>
</tr>
<tr>
<td>g. tenant identification monuments are not permitted in areas designated for mixed uses on the city comprehensive guide plan map; and</td>
<td></td>
</tr>
<tr>
<td>h. individual tenant identification signs as specified in the following subdivision 6(b) are not permitted.</td>
<td></td>
</tr>
<tr>
<td><strong>b) Individual tenant identification signs: for multi-tenant buildings one of the options listed in this paragraph may be selected for tenant identification. All signs must comply with the listed standards. The building owner or a representative shall designate a sign design for each multi-tenant building. This designation will be recorded by the city and kept on record for the building. Each sign on the property must conform to the designated tenant identification sign option. Changes to the sign designation may be made upon request, and approved administratively if all signs located on the site are brought into conformance with the requested sign plan modification. The planning commission must review sign plan changes if nonconforming signs are created. These signs are not permitted if the building freestanding sign is a tenant identification freestanding sign.</strong></td>
<td></td>
</tr>
<tr>
<td>1) Option 1: freestanding identification sign:</td>
<td></td>
</tr>
<tr>
<td>a. one sign at the tenant's primary building entrance;</td>
<td></td>
</tr>
<tr>
<td>b. 9 square feet maximum area;</td>
<td></td>
</tr>
<tr>
<td>c. 6 foot maximum height and 5 foot maximum width;</td>
<td></td>
</tr>
<tr>
<td>d. single faced;</td>
<td></td>
</tr>
<tr>
<td>e. positioned parallel to a parking lot sidewalk or perpendicular to tenant walkway;</td>
<td></td>
</tr>
<tr>
<td>Section title or Subsection – original language</td>
<td>Notes on disposition</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>f. located consistent with other freestanding identification signs;</td>
<td></td>
</tr>
<tr>
<td>g. tenant identification only, no product advertising; and</td>
<td></td>
</tr>
<tr>
<td>h. uniform material, color and style. (Figure 30-23)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-23</strong></td>
<td></td>
</tr>
<tr>
<td>2) Option 2: wall sign:</td>
<td></td>
</tr>
<tr>
<td>a. one sign at the tenant's primary building entrance;</td>
<td></td>
</tr>
<tr>
<td>b. 3 foot by 4 foot maximum dimension;</td>
<td></td>
</tr>
<tr>
<td>c. located adjacent to the tenant entrance;</td>
<td></td>
</tr>
<tr>
<td>d. 8 foot maximum from the ground to top edge of sign;</td>
<td></td>
</tr>
<tr>
<td>e. tenant identification message with no product advertising; and</td>
<td></td>
</tr>
<tr>
<td>f. uniform material, color and style. (Figure 30-24)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-24</strong></td>
<td></td>
</tr>
<tr>
<td>3) Option 3: individually mounted letters:</td>
<td></td>
</tr>
<tr>
<td>a. individually mounted letters not to exceed 18 inches in height with one per tenant at their primary entrance;</td>
<td></td>
</tr>
<tr>
<td>b. located within an 18-inch high designated sign band for the entire building;</td>
<td></td>
</tr>
<tr>
<td>c. affixed to a uniform background consisting of the building surface, facade or treatment;</td>
<td></td>
</tr>
<tr>
<td>d. located no closer than two feet from the tenant's exterior lease lines;</td>
<td></td>
</tr>
<tr>
<td>e. compatible with the building architecture; and</td>
<td></td>
</tr>
<tr>
<td>f. uniform material, color, illumination and style. (Figure 30-25)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-25</strong></td>
<td></td>
</tr>
<tr>
<td>c) Single tenant identification sign: single tenant building signs within an industrial zone which comply with the following standards are permitted:</td>
<td></td>
</tr>
<tr>
<td>1) wall mounted individual letters;</td>
<td></td>
</tr>
<tr>
<td>2) wall signs shall not include product advertising. Wall signs shall include tenant identification, tent logo or both; and</td>
<td></td>
</tr>
<tr>
<td>3) total surface area of all building signs shall not exceed 5 percent of the building face upon which the signs are located up to a maximum 150 square feet. (Figure 30-26)</td>
<td></td>
</tr>
<tr>
<td><strong>Figure 30-26</strong></td>
<td></td>
</tr>
<tr>
<td>7. <strong>Unified Development Sign Regulations.</strong></td>
<td>Repealed. Will address existing plans as nonconforming signs</td>
</tr>
<tr>
<td>Within office business and industrial districts, unified development signs which comply with the following standards are permitted. Uses governed under this section are also allowed signs permitted under subdivisions 4 or 6.</td>
<td></td>
</tr>
</tbody>
</table>
Section title or Subsection – original language | Notes on disposition
---|---
a) Unified development identification monuments:
   1) one sign per unified development;
   2) 50 square feet maximum copy and graphic area;
   3) 100 square feet maximum monument size; (Figure 30-27)
   **Figure 30-27**

   4) 10 foot maximum height;
   5) located at the primary entrance to the unified development;
   6) demonstration of ownership of the property or existence of permanent easement where sign is located must be submitted with the sign permit application;
   7) one sign may be located at each side of a primary entrance as long as the total copy and graphic area of the two signs does not exceed 50 square feet nor the monument total 100 square feet; and
   8) signs which are not internally illuminated shall have light fixtures and light sources screened from views.

b) Unified Development leasing sign: as an alternative to requirements specified in subdivision 8(c), one of the following leasing sign options for a unified development may be displayed.

   1) Option 1: incorporated into monument sign:
      a. monument sign architecturally designed to accommodate a leasing message within the perimeter of the monument;
      b. leasing message area may be up to an additional 25 percent of the potential copy and graphic area of the monument sign; and (Figure 30-28)
      **Figure 30-28**

      c. the leasing message cannot exceed the area covered by identification monument message.

   2) Option 2: secondary monument sign:
      a. a secondary monument sign may be installed at an access point to a unified development;
      b. design and materials identical to the unified development monument sign; and
      c. secondary monument area, height and copy and graphic area shall not exceed 50 percent of the unified development monument sign. (Figure 30-29)
      **Figure 30-29**
8. Business and Industrial Temporary Sign Regulations.

Within business and industrial districts, real estate and temporary signs are permitted according to the following standards:

a) Temporary construction or real estate sign on undeveloped property: a vacant parcel within a business or industrial zone is permitted a temporary construction or real estate sign which complies with the following standards:
   1) one sign located on the site which the sign is advertising;
   2) 32 square feet maximum sign area;
   3) 12 foot maximum height;
   4) shall be removed upon issuance of a certificate of occupancy for a building; and
   5) one additional sign up to 32 square feet is permitted on properties 3 acres or over with frontage on 2 or more designated collector or arterial streets. (Figure 30-30)

b) Temporary real estate sign: signs indicating the rental, lease, or sale of a business or industrial building are permitted according to the following:
   1) one sign located on the property which the sign is advertising;
   2) 32 square feet maximum sign area;
   3) 12 foot maximum height;
   4) freestanding or wall mounted;
   5) for sale signs are without time limit. If both leasing and for sale messages are displayed, the sign shall be considered a leasing sign; and
   6) leasing or rental signs shall be displayed no longer than 12 months after the issuance of a certificate of occupancy. In the case of vacant limited tenant buildings, a 12 month display period is permitted from the date of vacancy.

c) Leasing sign without time limit: in addition to the above, one of the following leasing sign options may be displayed on a property without time limit if in compliance with the listed standards.
   1) Option 1: freestanding incorporated sign:
      a. the principal freestanding sign shall be architecturally designed to accommodate a leasing message within the perimeter of the monument or pylon sign;
      b. the leasing message cannot exceed that of the identification monument or pylon message;
      c. leasing message is in addition to potential monument or pylon copy and graphic area; and

Moved to 325.06(5) District regulations
Most standards moved to tables
d. maximum size of leasing sign message permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-31)

**Figure 30-31**

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Leasing Message</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>15 square feet</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>20 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>25 square feet</td>
</tr>
</tbody>
</table>

2) Option 2: freestanding sign:
   a. one freestanding sign;
   b. setback 5 feet from all property lines;
   c. 8 foot maximum height and 6 foot maximum width; and
   d. maximum size of leasing sign permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-32)

**Figure 30-32**

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Leasing Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>12 square feet</td>
</tr>
<tr>
<td>20,000 - 100,000</td>
<td>16 square feet</td>
</tr>
<tr>
<td>greater than 100,000</td>
<td>18 square feet</td>
</tr>
</tbody>
</table>

3) Option 3: wall mounted sign or banner:
   a. buildings two stories or under:
      1. one wall sign;
      2. directly anchored to the building wall; and
      3. maximum size of leasing sign permitted is determined by the gross square footage of the principal structure as follows: (Figure 30-33)

**Figure 30-33**

<table>
<thead>
<tr>
<th>Principal Structure Gross Square Footage</th>
<th>Leasing Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 20,000</td>
<td>12 square feet</td>
</tr>
</tbody>
</table>
Section title or Subsection – original language | Notes on disposition
---|---
20,000 - 100,000 | 16 square feet
greater than 100,000 | 18 square feet

b. buildings three stories or higher:
   1. 30 square feet maximum area;
   2. directly anchored to the building wall; and
   3. displayed on the building's third story or any higher story. (Figure 30-34)

Figure 30-34

4) Leasing signs up to 32 square feet in size will be permitted without time limit instead of option 2 or 3 if the standards in either a. or b. are met:
   a. business or industrial development directly abuts a street with posted speed limit of 55 m.p.h. or greater; or
   b. the principal structure is greater than four stories.

If a property qualifies for a 32 square foot sign under a. or b. and also has a second frontage on a designated collector or arterial road, option 2 or 3 as found above is also permitted.

d) Temporary business signs in business and industrial districts: temporary signs are permitted as follows.
   1) Banners not to exceed 30 square feet according to the following:
      a. maximum 30 day display period to coincide with the grand opening of a business;
      b. a business may display a banner on two occasions per calendar year with a maximum 10 day display period for each occasion;
      c. banner messages must relate to on-premise product or services, or any noncommercial message; and
      d. the banner must be affixed to a principal structure which is owned or leased by the business which the sign is advertising.
   2) Search lights or inflatable advertising devices are permitted according to the following:
      a. for each development, two occasions per calendar year with each occasion not to exceed three days; and
      b. written authorization from the property owner or their designee must be submitted with the sign permit application.
   3) Portable signs, stringers, and pennants are not permitted.

9. **General Regulations.**
The following regulations shall apply to all signs permitted in all districts.

a) Political campaign signs: temporary political campaign signs are permitted according to the following:

   Renumbered as Section 325.05
   General Regulations

   Removed “political campaign signs” as content-based
<table>
<thead>
<tr>
<th>Section title or Subsection – original language</th>
<th>Notes on disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) display during the following time periods:</td>
<td>Added provision for temporary noncommercial signs</td>
</tr>
<tr>
<td>a. the time period allowed by Minn. Stat. §211B.045 in even-numbered years;</td>
<td></td>
</tr>
<tr>
<td>b. between 46 days before August 1 until ten days after the city general election in odd-numbered years; and</td>
<td></td>
</tr>
<tr>
<td>c. between 30 days before until ten days after a special election;</td>
<td></td>
</tr>
<tr>
<td>2) consent of underlying property owner is required;</td>
<td>Addressed as permanent freestanding signs in parking lots 325.05</td>
</tr>
<tr>
<td>3) must be at least five feet from the edge of a public street and must not obstruct driver visibility at intersections;</td>
<td></td>
</tr>
<tr>
<td>4) for Minnetonka city elections, the following size limitations apply during odd-numbered years and outside the period specified in Minn. Stat. §211B.045 in even-numbered years: 6 square foot maximum sign area, except on designated collector or arterial streets where up to 32 square-foot maximum sign area is permitted; and</td>
<td></td>
</tr>
<tr>
<td>5) must comply with the fair campaign practices act in Minn. Stat., chapter 211B.</td>
<td></td>
</tr>
<tr>
<td>b) Directional signs: permanent directional signs are permitted according to the following:</td>
<td>Deleted “address sign” as content-based. Added requirement that addresses must be posted. See subsection 325.05(3)</td>
</tr>
<tr>
<td>1) 7 square feet maximum size; (Figure 30-35)</td>
<td></td>
</tr>
<tr>
<td>Figure 30-35</td>
<td>Deleted “residential security system signs” as content-based. Address by number of signs allowed on residential property.</td>
</tr>
<tr>
<td>2) 6 foot maximum height;</td>
<td>Moved to 325.05(4)</td>
</tr>
<tr>
<td>3) a majority of sign area for directional message; and</td>
<td></td>
</tr>
<tr>
<td>4) 15 square feet maximum parking lot directional signs for commercial buildings over 400,000 square feet.</td>
<td></td>
</tr>
<tr>
<td>c) Address sign: street identification numbers are required in all zoning districts and should be clearly visible from the street. Address signs do not reduce permitted sign area.</td>
<td></td>
</tr>
<tr>
<td>d) Residential security system signs: all signs identifying the presence of a residential security system are permitted not to exceed one square foot. One sign is permitted per driveway connection to a public right-of-way or where one private driveway converges into another.</td>
<td></td>
</tr>
<tr>
<td>e) Sign setbacks: all signs unless specifically noted otherwise shall maintain a 10 foot setback from all lot lines. The city may require a greater or lessor setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, designation of adjacent right-of-way.</td>
<td></td>
</tr>
<tr>
<td>Section title or Subsection – original language</td>
<td>Notes on disposition</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>f) Unless otherwise specified, maximum angle permitted between faces of a double face freestanding sign is 45 degrees. (Figure 30-36)</td>
<td>Moved to 325.05(11) Construction Standards</td>
</tr>
<tr>
<td>g) Governmental signs: permanent governmental signs for control of traffic and other regulatory/notification purposes and street signs are exempt from the provision of this section.</td>
<td>Moved to 325.06(6) District Regulations PUD</td>
</tr>
<tr>
<td>h) P.U.D./P.I.D. zoning districts: permanent and temporary signs are regulated according to the standards for the corresponding land use and zoning category as stated in this section. A sign plan with differing requirements may be approved by the city. Factors which will be used in determining if an individual P.U.D./P.I.D. sign plan will be considered include the following:</td>
<td></td>
</tr>
<tr>
<td>1) The development includes a high rise (greater than 3 story) structure;</td>
<td></td>
</tr>
<tr>
<td>2) the development includes multiple structures and/or substantial site area;</td>
<td></td>
</tr>
<tr>
<td>3) the development includes mixed uses;</td>
<td></td>
</tr>
<tr>
<td>4) a sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and</td>
<td></td>
</tr>
<tr>
<td>5) the sign plan includes permanent sign covenants which can be enforced by the city.</td>
<td></td>
</tr>
<tr>
<td>i) Noncommercial opinion signs: on-premise noncommercial opinion signs are permitted as follows.</td>
<td>Delete. In residential districts, address by setting number of permitted temporary signs.</td>
</tr>
<tr>
<td>1) In low, medium, and high density residential districts, each dwelling unit is permitted an additional sign which is no larger than 6 square feet and no higher than 6 feet tall. In medium and high density districts, the sign must be attached to the dwelling unit or placed in another location which clearly does not appear to represent the opinions of other residents in the area who have not agreed to the sign. No permit fee is required for a sign authorized under this paragraph.</td>
<td>Included in 325.05(3)(f), General Regulations</td>
</tr>
<tr>
<td>2) In all districts, any sign authorized in this chapter is allowed to contain noncommercial copy in lieu of any other copy. For new signs posted with a noncommercial message, the sign fee is waived until such time as the sign is converted to contain a commercial message.</td>
<td>Deleted. Flags that do not convey commercial messages are not regulated. Flags that convey commercial messages are not</td>
</tr>
<tr>
<td>j) Flags: flags of a political jurisdiction which comply with the following standards are permitted.</td>
<td></td>
</tr>
<tr>
<td>1) Display of one flag is not restricted.</td>
<td></td>
</tr>
<tr>
<td>2) Display of more than one flag is permitted as follows:</td>
<td></td>
</tr>
<tr>
<td>a. maximum of 3 flagpoles;</td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Section title or Subsection – original language</th>
<th>Notes on disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>— b. 35 feet maximum flagpole height;</td>
<td>permitted and are therefore prohibited.</td>
</tr>
<tr>
<td>— c. 180 square feet total for all flags; and</td>
<td></td>
</tr>
<tr>
<td>— d. shall not be displayed on light poles.</td>
<td></td>
</tr>
<tr>
<td>3) Variances to permit display of flags for both political and non-political entities will be considered, but not necessarily granted. Variances will be considered only upon evidence that the following standards are met:</td>
<td></td>
</tr>
<tr>
<td>— a. submission of a sign plan and permanent sign covenants which include a comprehensive sign package for the site;</td>
<td></td>
</tr>
<tr>
<td>— b. 35 foot maximum flagpole height;</td>
<td></td>
</tr>
<tr>
<td>— c. shall not be located on lightpoles;</td>
<td></td>
</tr>
<tr>
<td>— d. limited to one identification flag;</td>
<td></td>
</tr>
<tr>
<td>— e. the maximum distance from top to bottom of any flag shall be 20 percent of the flagpole up to a maximum of 6 feet;</td>
<td></td>
</tr>
<tr>
<td>— f. flagpoles clustered at a designated area; and</td>
<td></td>
</tr>
<tr>
<td>— g. the location of the flagpoles be enhanced or landscaped... (Figure 30-37)</td>
<td></td>
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<td>Figure 30-37</td>
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<td>k) Temporary off-premise commercial outdoor advertising signs are permitted in all districts, provided the signs comply with the following as follows:</td>
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<td>1) must be at least 5 feet from the edge of a public street and must not obstruct driver visibility at intersections;</td>
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<tr>
<td>2) may not be on the right-of-way of county and state roads and municipal state-aid streets;</td>
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<td>3) are limited to one per parcel of property as defined in Subd. 10 (r) below for the same topic, location, event, or matter;</td>
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<td>4) must receive permission from the underlying property owner;</td>
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<td>5) may only be displayed between 6:00 a.m. on a Thursday and 6:00 p.m. on the following Sunday; and</td>
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<tr>
<td>6) must be no larger than 3 square feet in area and no higher than 6 feet above the ground to which it is attached.</td>
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<td>l) Approved sign plans: the city may enforce, in the same manner as the requirements of this section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.</td>
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<tr>
<td>m) Changeable messages: a message that is not permanently attached to the sign face but that is not a dynamic display may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to change messages even if not used.</td>
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<tr>
<td>Section title or Subsection – original language</td>
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<tr>
<td>n) Font size: every line of copy and graphics in a sign must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more.</td>
<td>Renumbered 325.05(7) – general regulations</td>
</tr>
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10. **Prohibited Signs.**
The following types of signs are expressly prohibited in all districts:

a) roof signs including signs mounted on a roof surface or projecting above the roof line of a structure if either attached to the structure or cantilevered over the structure;

b) signs with dynamic displays except search lights under subdivision 8 and those allowed under subdivision 14;

c) portable signs, except temporary signs that are specifically permitted in section 300.30;

d) projecting signs. Wall signs shall be mounted parallel to the building and shall not project more than 18 inches from the face of the building;

e) painted wall signs including signs painted on the face of a structure. Works of art which are not commercial messages are exempt;

f) signs attached to trees and utility poles;

g) signs within public right-of-way except for official traffic signs and those specified in subparagraph 9(k) and (l);

h) signs which are designed to resemble official traffic control devices signs except signs that which are used to control traffic on private property;

i) abandoned signs or signs other than outdoor advertising structures that advertise an activity, business, product or service no longer available on the premises on which the sign is located;

j) signs attached to fences except athletic field fence panels according to subdivision 1;

k) illuminated signs which exhibit any of the following:

- 1) external illumination that is determined to interfere with safe traffic operations;

- 2) the sign is directly oriented to any residential district;

- 3) illumination of a commercial sign in a residential district, except a sign used for a conditionally permitted use; or

- 4) the level of illumination exceed standards specified in section 300.28, subd. 2.

l) signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets;

<p>| | Renumbered as a subsection under 325.05 General Regulations |
| | Moved to location requirements |
| | Moved to location requirements |
| | Moved to construction requirements 325.05(11) |
| | Addressed in “sign” definition and construction requirements |
| | Moved to location requirements |
| | Moved to location requirements |
| | Moved to location requirements 325.05(4) |
| | Moved to Sign Illumination in general regulations 325.05(8) |
| | Moved to location requirements |
| | Moved to location requirements |</p>
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<tr>
<td>m) exterior signs that obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any structure;</td>
<td>Deleted – duplicate of construction requirement</td>
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<td>n) signs that are in violation of the building code or the electrical code adopted by the city;</td>
<td>Moved this portion to general regulations – 325.05(9)</td>
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<td>o) blank signs;</td>
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<td>p) merchandise boxes or signs not affixed to a principal structure excluding signs permitted in subdivision 8(d);</td>
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<tr>
<td>q) permanent off-premises outdoor advertising signs are not permitted in any zoning district, except that the provisions of this paragraph do not apply to temporary outdoor advertising signs permitted under Subd. 9 (k) above. Outdoor advertising signs which exist on the effective date of this section shall be considered as nonconforming signs and are subject to standards contained in section 300.29. An outdoor advertising sign is a principal use of property. No permitted or conditionally permitted use or any part of such use may be located on the same parcel of property as such a sign. The parcel on which such a sign is located may not be subdivided to segregate the sign from the remaining property. For the purposes of this paragraph, “parcel of property” means any property for which one property identification number has been issued by the county, or all contiguous property in common ownership as of October 15, 1997, whichever is greater; and</td>
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<td>r) any sign not expressly permitted by the provisions in section 300.30.</td>
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11. Sign Construction and Maintenance.
All signs shall conform to the following standards.

a) Construction specifications. All signs shall be constructed in accordance with the following:
   1) the Minnesota state building code;
   2) all electric signs shall be approved and labeled as conforming to the standards of the Underwriters’ Laboratories, Inc., the United States bureau of standards or other similar institutions of recognized standing. All illuminating elements shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are partly illuminated shall meet all electrical requirements for that portion which is illuminated;
   3) all permanent freestanding signs shall have self-supporting structures erected on and permanently attached to concrete foundations;
   4) for wall signs, the wall must be designed for and have sufficient strength to support the sign; and | Renumbered as 325.04(7) General Regulations |
### Section title or Subsection – original language

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<tr>
<td>5) Wall signs must be mounted parallel to the building and may not project more than 18 inches from the face of the building; 6) Signs may not be painted on the wall of a building; 7) Unless otherwise specified in this section, the maximum angle permitted between faces of a double face freestanding sign is 45 degrees; and</td>
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<td>5) Signs shall be constructed to withstand the following wind loads: a. for solid signs, 30 pounds per square foot on one face of the sign; and b. for other signs, 36 pounds per square foot of the total face area of the letters and other sign surface, or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.</td>
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<tr>
<td>12. Removal of Abandoned Signs, Signs in Disrepair and Signs Located in Public Right-of-Way. a) Abandoned signs and signs in disrepair. An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 30 days after notification. If compliance with the provisions of this section is not achieved within 30 days, the city may remove the sign as a public nuisance by following the procedure as specified in section 1120.045 of the municipal code of ordinances. If an abandoned sign remains in good condition and without holes or other evidence of disrepair or damage, the sign shall not be considered as abandoned for a period of one year. b) Signs on public property or within public right-of-way: The city may at any time and without notice impound signs which have been installed on public property or within public right-of-way or easement. The sign owner may retrieve the signs according to the following: 1) A fee must be paid to the city as established in city code section 710. For each subsequent impoundment in a calendar year, the specified fee shall be doubled;</td>
<td>Renumbered as 325.05(12) – general regulations</td>
</tr>
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13. **Nonconforming Signs.**

Any sign that complied with all applicable laws and ordinances at that time that it was erected but that has been or is made nonconforming due to a subsequently enacted amendment of this city code is governed by section 300.29

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<td>2) the sign may be retrieved from a designated impound area during routine business hours and within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and 3) the city may not be held liable for any damage to impounded signs.</td>
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<td>13. <strong>Permits and Permit Fees.</strong></td>
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<tr>
<td>Signs that require a permit and the corresponding fee are listed in the following.</td>
<td>Renumbered as section 325.04(3) Permits, Procedure and Variances</td>
</tr>
<tr>
<td>a) All permanent signs permitted in subdivisions 3, 4, 5, 6, and 7 require a sign permit. The permit must be received prior to installation of the sign. The permit and inspection fee for all permanent signs is specified in city code section 710.</td>
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<td>b) All temporary signs permitted in subdivision 8 require a temporary sign permit. The permit and inspection fee for permitted signs, banners, search lights, or inflatable advertising devices is specified in city code section 710.</td>
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<tr>
<td>c) Application for a permit must be on a form provided by the city and must include the following information: 1) name and address of the owner of the sign; 2) street address or location of the property on which the sign is to be located, along with the name and address of the property owner; 3) the type of sign as defined in this section; 4) site plan showing the location of the proposed sign; 5) specifications and scale drawings showing the materials, design, dimensions, structural supports, method of attachment and electrical components of the sign; 6) plan showing the location and size of all existing signs located on the same premises upon city request; 7) name of licensed electrician who will make the final connection of an illuminated sign; and 8) sign permit fee.</td>
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<tr>
<td>d) All signs not listed above do not require a permit but must comply with the regulations found in this section.</td>
<td>Removed – never used</td>
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<td>e) <strong>When this section becomes effective, the owner or other person having control of any outdoor advertising sign</strong></td>
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(billboard) must file an application for a permit for the maintenance and annual inspection of such sign. Application for such permits must be accompanied by detailed plans and such other necessary information to determine the location and compliance with all applicable regulations, and permit may be issued upon payment of the required permit fee. All permits for advertising signs expire on December 31, of each year. The permit and inspection fee is specified in city code section 710.

f) The fee for application for variance from this section or approval of a sign plan for a development is specified in city code section 710.

g) Sign permit applications must be acted upon by city staff within 10 days after a complete application is submitted. A decision must be made in writing. If a permit is denied, the reason must be stated in writing. The applicant may appeal a denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for planning commission review as soon as practicable, but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon as practicable, but no later than 30 days after the appeal was submitted. All review of a sign permit application must be based solely on whether the application complies with city ordinances.

h) Sign permits become null and void if the sign is not installed 180 days after the issuance of a permit.


a) Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes.

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<td>Moved to 325.04(4) – permit procedures</td>
</tr>
<tr>
<td>f) The fee for application for variance from this section or approval of a sign plan for a development is specified in city code section 710.</td>
<td>Moved to 325.04(3)(b)</td>
</tr>
<tr>
<td>g) Sign permit applications must be acted upon by city staff within 10 days after a complete application is submitted. A decision must be made in writing. If a permit is denied, the reason must be stated in writing. The applicant may appeal a denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for planning commission review as soon as practicable, but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon as practicable, but no later than 30 days after the appeal was submitted. All review of a sign permit application must be based solely on whether the application complies with city ordinances.</td>
<td>Moved to 325.04(5)</td>
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<td>h) Sign permits become null and void if the sign is not installed 180 days after the issuance of a permit.</td>
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Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character. Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

b) Regulations. Dynamic displays on signs are allowed subject to the following conditions:
   1) Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face;
   2) A dynamic display may not change or move more often than once every 20 minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a
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<td>component of any other dynamic display. A display of time, date, or temperature must remain for at least 20 minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three seconds;</td>
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<td>3) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;</td>
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<td>4) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;</td>
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<tr>
<td>5) Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause 1 above, then no dynamic display is allowed;</td>
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<td>6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance;</td>
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<td>7) Dynamic displays must comply with the brightness standards contained in subdivision 15;</td>
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<td>8) Dynamic displays existing on June 25, 2007 must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause 1 may continue as a non-conforming development subject to section 300.29. An existing dynamic display that cannot meet the minimum size requirement in clause 5 must use the largest size possible for one line of copy to fit in the available space.</td>
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<td>c) Incentives. Outdoor advertising signs do not need to serve the same way-finding function as do on-premises signs. Further, outdoor advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated</td>
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removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.

1) A person may obtain a permit for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:

   (a) The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through (d) of this subsection. This removal must include the complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.

   (b) The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.

   (c) Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two or more of the following additional criteria:

      (1) The removed sign is located adjacent to a highway with more than two regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to those of an interstate highway;

      (2) All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;

      (3) The removed sign is located in a noncommercial zoning district;

      (4) The removed sign is located in a special planning area designated in the 1999 comprehensive plan; or

      (5) The removed copy and graphic area is equal to or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.
(d) If the removed sign face is one for which a state permit is required by state law, the applicant must surrender its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.

(e) The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.

2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet all other requirements of this ordinance.

15. **Brightness Standards.**

a) All signs must meet the following brightness standards in addition to those in subdivision 10:

1) No sign may be brighter than is necessary for clear and adequate visibility.

2) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

3) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

b) The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made immediately upon notice of non-compliance from the city. The person owning or controlling the sign may appeal the city's determination through the following appeal procedure:

1) After making the adjustment required by the city, the person owning or controlling the sign may appeal the city's determination by delivering a written appeal to the city clerk within 10 days after the city's non-compliance notice. The written appeal must include the name of a person unrelated to

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<td>(d) If the removed sign face is one for which a state permit is required by state law, the applicant must surrender its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.</td>
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<tr>
<td>(e) The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.</td>
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<td>2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet all other requirements of this ordinance.</td>
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<tr>
<td>15. <strong>Brightness Standards.</strong></td>
<td>Combined with illuminated signs in general regulations, 325.05(8)</td>
</tr>
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<td>2) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.</td>
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<td>3) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.</td>
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the person and business making the appeal, who will serve on the appeal panel.

2) Within five business days after receiving the appeal, the city must name a person who is not an official or employee of the city to serve on the appeal panel. Within five business days after the city names its representative, the city's representative must contact the sign owner's representative, and the two of them must appoint a third member to the panel, who has no relationship to either party.

3) The appeal panel may develop its own rules of procedure, but it must hold a hearing within five business days after the third member is appointed. The city and the sign owner must be given the opportunity to present testimony, and the panel may hold the hearing, or a portion of it, at the sign location. The panel must issue its decision on what level of brightness is needed to meet the brightness standards within five business days after the hearing commences. The decision will be binding on both parties.

c) All signs installed after June 25, 2007 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.
City Council Agenda Item #13A  
Meeting of April 25, 2016

**Brief Description**  
On-sale liquor license for Redstone American Grill, Inc.,  
12401 Wayzata Boulevard

**Recommendation**  
Continue the public hearing and grant a new license, and rescind the previous request for a transfer of the license

**Background**
Redstone American Grill is proposing to operate a restaurant within Ridgedale Mall. In August 2015, the applicant requested and the council approved, a transfer of the existing liquor license to the new location at Ridgedale Mall upon final construction of the site. The construction of the restaurant is near completion and is anticipated to open in May. The applicant is also requesting that the council rescind the transfer after approving the new license. (See page A1).

**Business Ownership & Operations**
There are no changes in the business ownership of Redstone American Grill, Inc. No police background check will be performed as the owners have already been approved as current business owners of another Minnetonka location. City Code §600.020 Subd. 4 allows no more than two on-sale intoxicating liquor licenses to be issued to the same person or entity in this city.

The operations will remain the same as for the existing Redstone American Grill restaurant. (See pages A2-A17.)

**Recommendation**
Staff recommends that the city council continue the public hearing from March 14, 2016 and grant a new license for Redstone American Grill, Inc., at Ridgedale Mall (12401 Wayzata Boulevard), and rescind the transfer of the license from 12501 Ridgedale Drive.

Submitted through:  
Geralyn Barone, City Manager  
Julie Wischnack, AICP, Community Development Director

Originated by:  
Kathy Leervig, Community Development Coordinator
March 3, 2016

City of Minnetonka
14600 Minnetonka Blvd
Minnetonka MN 55345

RE: Redstone American Grill, Inc.
12401 Wayzata Blvd. #1080
Minnetonka MN 55305

To Whom It May Concern:

I, Craig Oberlander, President of Redstone American Grill, Inc., do hereby respectfully request that at the April 25th City Council Meeting, subject to final approval of a new On-Sale & Sunday On-Sale Intoxicating Liquor License for the above referenced location, the previously approved application to transfer the current liquor license from 12501 Ridgedale Drive Minnetonka MN 55305 to the above referenced location be withdrawn.

Thank you for your assistance.

Sincerely,

Craig Oberlander
SPIRITED, RUGGED AND ROMANTIC.

REDSTONE IS FOR PEOPLE WHO KNOW HOW TO CELEBRATE GREAT FOOD.
From the moment you walk into Redstone, you know you’re in for a truly special experience. Each guest is warmly greeted at the door with a genuine smile. The people here are glad to see you and it shows. As you pass the cozy fireplace and take in the view of the bustling bar, you know you’ve arrived.

Dining at Redstone is so much more than a delicious meal; it’s a memorable experience—from the carefully selected music to the first class service.

Redstone features a wood-burning grill, rotisserie and an open exhibition kitchen where our signature steaks, chops, chicken and the freshest seafood available are creatively prepared.

The rugged, yet romantic atmosphere is perfect for any occasion, an intimate dinner, a business lunch or Sunday brunch.

Adventurous and uncompromising, Redstone’s attention to detail is evident in our commitment to making everything from scratch and to our relentless pursuit of guest satisfaction.
Redstone American Grill
Ridgedale Mall Location

Redstone is committed to offering excellent service which starts with proper training.

Food safety is paramount and all our managers are Serve Safe Certified food handlers, program recognized by the Minnesota Board of Health. The managers, servers and bartenders must also pass ServeSafe Alcohol training which is a nationally recognized program sponsored by the National Restaurant Association.

This restaurant will be open seven days a week.
Monday – Saturday 11:00am to 11:00pm
Sunday 10:00am to 10:00pm

Redstone Grill is excited to be able to continue to offer employment of:
- General Manager
- Executive Chef
- 3 Sous Chef’s
- 3 Restaurant Managers
- 85 Servers
- 12 Bartenders
- 10 Host’s
- 25 Kitchen staff
The comfort and feel of the interior of the restaurant is extended onto the patios. An outdoor fire pit, seating to accommodate dining or drinks with friends and a full service bar create an outdoor environment that is relaxing and fun.

To compliment the food and the atmosphere, the staff at Redstone American Grill is attentive and passionate regarding their role in creating a memorable guest experience. We hire professional, dedicated, service-oriented individuals that have a genuine desire to exceed the guest’s expectations in every action and interaction. Each staff member goes through an extensive training program to provide them with the knowledge and tools necessary for their job responsibilities. From the first warm welcome as guests enter the door, to the final words of appreciation as they depart, our staff exemplifies pride in their positions, in the company and in the impact that they have on the guest experience.

Redstone’s philosophy is quite simple; have the best; menu, atmosphere, service and brand. Our unwavering focus with regard to each and every detail and the impact they each have in our ability to exceed the guest expectations, keeps our focus on what is most important and has established our brand as a unique and popular niche in the competitive restaurant industry.

Additional information is available on our web site at www.redstonegrill.com
"BEST PLACE TO SEE AND BE SEEN" — REDSTONE AMERICAN GRILL, MARLTON

"Since it opened, Redstone has generated the kind of buzz usually reserved for swanky city clubs and bistros—and lived up to it."

— COURIER-POST
Rustic with a casual elegance, the atmosphere at Redstone is created with exceptional detail.

Just as with the food, there is no skimping on quality. Superior materials are used throughout.

Upon entering, the warmth of a stone fireplace welcomes you. The bar is a key attraction with its granite top and arched ceiling. You instantly want to be a part of its lively feel. Golden light and leather wall coverings give the dining room a warm, welcoming feel. A sense of comfort prevails.

Under an umbrella on a sunny afternoon or gathered around the fire pit with a martini in hand, the patio is a perfect escape when weather permits. The outdoor bar creates a uniquely relaxed energy.

The rugged and romantic atmosphere, along with first class customer service and superbly prepared dishes, may make Redstone the best dining experience you've ever had.
VOTED "BEST BARBECUE RIBS"
BY MINNEAPOLIS / ST. PAUL MAGAZINE

"You have to be impressed by the exacting standards and meticulously consistent quality of Redstone's kitchens. Baby back ribs and herb-rubbed natural chickens are slow-roasted over apple and cherry woods to produce a pliant and perfect product."

— ANDREW ZIMMERN & ADAM PLATT, 2005
The menu offers traditional American foods, uncomplicated yet recreated with bold flavors. Steaks and chops are aged to perfection. The rotisserie chicken and the award-winning ribs are long standing favorites. The wood-burning grill lends a robust flavor to many dishes including a variety of flatbreads.

Whether it's a cold, crisp chicken salad or a simple grilled fish, you can taste the quality of the ingredients. And the fresh-baked signature caramel rolls will keep you coming back for Sunday brunch.

Redstone features an open exhibition kitchen. You can experience the excitement as chefs create right before your eyes and see for yourself the authentic, fresh ingredients.

When a plate arrives at your table, you can instantly sense the artistry of our highly trained chefs. Their passion for flawless execution results in stunning presentation and consistently memorable, mouthwatering meals.

The wine list offers an impeccable selection from California to New Zealand to Italy. You'll find a perfect pairing for any meal.
### STARTERS

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BUFFALO SHRIMP</strong></td>
<td>buffalo sauce and blue cheese dressing</td>
<td>$16.00</td>
</tr>
<tr>
<td><strong>ARTICHOKE SPINACH DIP</strong></td>
<td>salsa, and warm tortilla chips</td>
<td>$11.00</td>
</tr>
<tr>
<td><strong>JERK CHICKEN FONDUE</strong></td>
<td>spicy, grilled, jerk-marinated chicken, sourdough croutons, apples, grapes</td>
<td>$13.50</td>
</tr>
<tr>
<td><strong>ARTISAN CHEESE PLATE</strong></td>
<td>blend of unique cheeses, seasonal fruits, hearth baked breads, spicy nuts,</td>
<td>$12.00</td>
</tr>
<tr>
<td><strong>CRISPY CALAMARI</strong></td>
<td>tossed in a spicy pepper mix with chipotle aioli</td>
<td>$12.00</td>
</tr>
<tr>
<td><strong>SEARED AHI TUNA</strong></td>
<td>sesame seed and black pepper crusted sushi, Asian slaw, wasabi and soy-lime</td>
<td>$15.50</td>
</tr>
<tr>
<td>* add any of the following:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sopressata sausage</td>
<td>$3.00</td>
<td></td>
</tr>
<tr>
<td>grilled steak</td>
<td>$6.00</td>
<td></td>
</tr>
<tr>
<td>extra croutons</td>
<td>$2.00</td>
<td></td>
</tr>
<tr>
<td><strong>LODGE CORNBREAD</strong></td>
<td>with maple butter</td>
<td>$9.50</td>
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**STARTER PLATTERS**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BUFFALO SHRIMP</strong></td>
<td>twenty jumborimp</td>
<td>$58.00</td>
</tr>
<tr>
<td><strong>SEARED AHI TUNA</strong></td>
<td>one pound of our signature tuna appetizer</td>
<td>$56.00</td>
</tr>
<tr>
<td><strong>REDSTONE TAPAS PLATTER</strong></td>
<td>buffalo shrimp, mini burgers, seared Ahi tuna and grilled chicken wings</td>
<td>$55.00</td>
</tr>
</tbody>
</table>

### CANYON FLATBREAD

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ORIGINAL</strong></td>
<td>basil pesto, oven roasted tomatoes, mozzarella and fresh basil</td>
<td>$11.00</td>
</tr>
<tr>
<td><strong>MARGHERITA</strong></td>
<td>basil pesto, tomatoes, fresh mozzarella, balsamic vinaigrette &amp; fresh basil</td>
<td>$12.00</td>
</tr>
<tr>
<td><strong>ROASTED PEPPERS AND SAUSAGE</strong></td>
<td>basil pesto, roasted peppers, spicy Italian sausage, pepper jack and fresh</td>
<td>$12.50</td>
</tr>
<tr>
<td></td>
<td>basil</td>
<td></td>
</tr>
<tr>
<td><strong>ROTISSERIE CHICKEN</strong></td>
<td>original flatbread with rotisserie chicken, wild mushrooms and truffle oii</td>
<td>$13.00</td>
</tr>
</tbody>
</table>

### SALADS

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>HOUSE SALAD</strong></td>
<td>mixed greens, grape tomatoes, cucumbers, red onion, parmesan, spicy nuts</td>
<td></td>
</tr>
<tr>
<td></td>
<td>and balsamic vinaigrette</td>
<td>Starter 7.50</td>
</tr>
<tr>
<td><strong>WEDGE SALAD</strong></td>
<td>iceberg, applewood smoked bacon, grape tomatoes and blue cheese dressing</td>
<td>Starter 8.50</td>
</tr>
<tr>
<td><strong>CAESAR SALAD</strong></td>
<td>romaine, garlic sourdough croutons, parmesan crisp and Caesar dressing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(anchovies available upon request!)</td>
<td>Starter 7.50</td>
</tr>
<tr>
<td><strong>SZECHWAN BEEF SALAD</strong></td>
<td>spicy seared beef, mixed greens, Asian vinaigrette</td>
<td>$16.00</td>
</tr>
<tr>
<td></td>
<td>crispy wontons &amp; peanut sauce</td>
<td></td>
</tr>
<tr>
<td><strong>ROTISERIE CHICKEN CHOPPED SALAD</strong></td>
<td>mixed greens, rotisserie chicken, cornbread croutons, grape tomatoes, applewood smoked bacon, golden raisins, sweet corn and honey-lime vinaigrette (blue cheese crumbles available upon request.)</td>
<td>$14.00</td>
</tr>
<tr>
<td><strong>THAI CHICKEN SALAD</strong></td>
<td>mixed greens, grilled chicken breast, carrots, crispy wontons, tossed in honey-lime vinaigrette, topped with cilantro and spicy peanut sauce</td>
<td>$13.00</td>
</tr>
<tr>
<td><strong>BEET &amp; GOAT CHEESE SALAD</strong></td>
<td>sliced beets, goat cheese, arugula, toasted almonds &amp; orange vinaigrette</td>
<td>$13.00</td>
</tr>
</tbody>
</table>

### Add to any salad:
- rotisserie chicken $4.00
- grilled salmon $6.00
- grilled shrimp $9.00
- seared scallops $9.00
- grilled steak $6.00

*Indicates food items that are cooked to order or served raw.
Consuming raw or undercooked meat, seafood or eggs may increase your risk for foodborne illnesses.
SEAFOOD

SIMPLE GRILLED FISH
basmati rice pilaf, seasonal vegetables, chef’s salsa and grilled citrus
ask your server for today’s selections. Choice of lemon garlic oil or cajun spice.

DAILY CATCH MKT SALMON 28.00 HALIBUT 32.00 SEA BASS 32.00

WOOD FIRED BBQ SALMON
sweet potato mashed & roasted root vegetables 28.00

SEARED DAYBOAT SCALLOPS
lobster cream, garlic spinach, truffled mashed potatoes garnished with lobster & microgreen salad 30.00

PARMESAN CRUSTED HALIBUT
garlic mashed potatoes, grilled asparagus, tomato marmalade & caper beurre blanc 32.00

PAN SEARED SEA BASS
brandy-garlic crust, stir fried vegetables with Asian sesame vinaigrette and basmati rice pilaf 32.00

STEAKS

Our meats are hand trimmed and aged 28 days.
Served with your choice of garlic mashed or loaded baked potato and seasonal vegetables.

SIGNATURE FILET* 38.00 PRIME RIB* 14 OUNCE 29.00
NEW YORK STRIP* 37.00 RIBEYE* 38.00

Steaks can be prepared with your choice of Bearnaise sauce or blue cheese crust.

Add Shrimp or Scallops 9.00

REDSTONE CLASSICS

CLASSIC ROTISSERIE CHICKEN
garlic mashed potatoes, grilled asparagus and chicken au jus 18.50

BACKYARD BARBECUE CHICKEN
basted with barbecue sauce, French fries and coleslaw 18.50

BABY BACK RIBS
slow cooked, wood fired and basted with barbecue sauce, French fries and coleslaw Half Rack 16.00 Full Rack 25.50

BARBECUE RIBS AND CHICKEN COMBO
French fries and coleslaw 24.00

APPLE CIDER GLAZED PORK CHOPS
maple marinated pork chops, roasted root vegetables and macaroni and cheese 26.00

BRAISED BEEF SHORT RIB
garlic mashed potatoes, roasted root vegetables & natural jus 27.00

GRILLED MEATLOAF
barbecue basted or mushroom Marsala sauce with seasonal vegetables and garlic mashed potatoes 17.50

Note: Smoked rotisserie cooking may impart a slight pink color.

* Indicates food items that are cooked to order or served raw.
Consuming raw or undercooked meat, seafood or eggs may increase your risk for foodborne illnesses.
BURGERS AND SANDWICHES

All burgers are available with your choice of American, Cheddar, Blue cheese, Monterey Jack or Swiss.
Served with your choice of coleslaw, French fries, garlic mashed potatoes or baked beans.

ORIGINAL BURGER*
shredded lettuce, tomato, mustard, mayonnaise and homemade pickles 12.00

REDSTONE BURGER*
cheddar, applewood smoked bacon and barbecue sauce 13.00

SALMON BURGER
shredded lettuce, tomato, onion, tarragon mayonnaise and homemade pickles 16.00

TURKEY BURGER
freshly ground, served with shredded lettuce, tomato and chipotle aioli 12.50

SIGNATURE PRIME DIP
tender sliced prime rib, horseradish mayo, Swiss cheese, crispy onion strings, French onion au jus 16.50

ROTISserie TURKEY SANDWICH
buttermilk marinated turkey, lettuce, tomato, cheddar on multi-grain bread with basil aioli 13.00

SOUP

FRENCH ONION  Monday 6.00
CHICKEN TORTILLA  Tuesday 6.00
TOMATO BASIL  Wednesday 6.00
WILD MUSHROOM WITH BRANDY CREAM  Thursday 6.00
SHRIMP AND SWEET CORN CHOWDER  Friday 7.00
LOBSTER BISQUE  Saturday 8.00
CHICKEN NOODLE  Daily 6.00

SIDES

GARLIC MASHED POTATOES 5.50
LOADED IDAHO BAKED POTATO 6.50
MASHED SWEET POTATOES 5.50
BASMATI RICE PILAF 5.50
LODGE CORNBREAD WEDGE 4.00
MAC AND CHEESE 5.50
ROSEMARY WILD MUSHROOMS 7.50
SEASONAL VEGETABLES 7.50
GRILLED ASPARAGUS WITH BEARNAISE 7.50
TRUFFLED ROOT VEGETABLES 7.50

DESSERT

STONE'S CHOCOLATE CAKE
chocolate frosting and vanilla ice cream 9.00

WARM APPLE CRISP
Granny Smith apples, cinnamon, sugar and oatmeal crumble with vanilla ice cream and caramel 9.00

BANANA CREAM PIE
toasted nut crust, banana custard, fresh bananas and whipped cream 9.00

WARM CHOCOLATE CHIP COOKIE SUNDAE
vanilla ice cream, candied pecans and whipped cream served with chocolate fudge sauce 9.00

BREAD PUDDING
vanilla ice cream, whipped cream and bourbon sauce 9.00

* Indicates food items that are cooked to order or served raw.
Consuming raw or undercooked meat, seafood or eggs may increase your risk for foodborne illnesses.
Brief Description
On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Field Day Ridgedale, LLC, 12259 Wayzata Boulevard

Recommendation
Continue the public hearing to May 9, 2016

Background
The city has received applications from Field Day Ridgedale, LLC, for on-sale wine and on-sale 3.2 percent malt beverage liquor licenses, for use at a new restaurant at Ridgedale. Field Day, by Good Earth, is a new restaurant concept owned by Parasole Restaurant Holdings, Inc.

The application was introduced to the council on March 28 and the final action on this request was scheduled for the April 25 council meeting, but the police department requested an extension for more time to complete the background check.

Recommendation
Staff recommends that the city council continue the public hearing to May 9, 2016.

Submitted through:
Geralyn Barone, City Manager
Julie Wischnack, AICP, Community Development Director

Originated by:
Kathy Leervig, Community Development Coordinator
City Council Agenda Item #13C  
Meeting of April 25, 2016

**Brief Description**  
On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for LTF Club Operations Company, Inc. dba Life Cafe, 3310 Co Rd 101

**Recommendation**  
Open the public hearing and continue to May 23, 2016

**Background**

The city has received applications from Life Café, for on-sale wine and on-sale 3.2 percent malt beverage liquor licenses, for use at the restaurant located within the Lifetime Fitness facility. The licenses would be an addition to the regular menu and for special club events. (See page A1).

**Business Ownership**

Life Café is owned by LTF Club Operations Company, Inc. Life Time Fitness Inc. is the sole owner, owning 100% of LTF Club Operations Company, Inc., since 2005. No corporate officer, corporate officer’s spouse, individual or combination of individuals, holds more than 10% of the stock of Life Time Fitness, Inc.

**Business Operations**

Beer and wine will be available in the café Monday thru Friday, noon to 10 pm and on weekends from noon to 5 pm. (See page A2). The licensed premise will include an outdoor eating area which will be open no later than 9:00 p.m. as stated in the 2001 approval for the conditional use permit (CUP). (See pages A10-A11).

It is expected that no more than 10 percent of their sales will be from wine and beer.

Alcohol can only be served by team members that are 18 years of age and older. The team member must complete the Life Time provided online alcohol serving certification before serving any alcohol. In addition, the team signs a commitment page, committing to following proper serving procedures. Management team members commit to the Life Time alcohol management procedures. Recertification in alcohol serving happens each year.

**Outdoor Patio**

The licensed premise will include the existing outdoor patio. The city approved a conditional use permit (CUP) for the outdoor easting area in April 2001. The approval was subject to conditions of approval. The patio is a cordoned area with at least one
opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access must be only through the principal building. Recently, it was discovered that speakers were installed on the patio by Lifetime staff that were unaware of the conditions of approval. An amendment would be required for the speakers but the applicant is not requesting it at this time. Lifetime has agreed to remove the speakers on the patio to help alleviate any noise within the neighborhood and comply with the 2001 approval for the outdoor eating area. (See pages A3-A9).

Application Information

Application information and license fees have been submitted. The police department’s investigative report is pending and will be forwarded to the council prior to the continued public hearing on May 23, 2016.

Recommendation

Staff recommends that the city council open the public hearing and continue it to May 23, 2016.

Submitted through:
  Geralyn Barone, City Manager
  Julie Wischnack, AICP, Community Development Director

Originated by:
  Kathy Leervig, Community Development Coordinator
LTF Minnetonka Restaurant Company, LLC
DBA Life Cafe, 3310 Co Rd 101

This map is for illustrative purposes only.
Minnetonka Alcohol Serving Narrative

Day to Day Operations

The Minnetonka LifeCafe will continue to serve the same Athletic cafe menu as before with the addition of serving beer and wine in single service containers. Offerings will include six wine selections and four beer selections.

Beer and wine will be available in the LifeCafe each day between 12:00pm and 10:00pm Monday thru Friday and 12:00pm to 5:00pm Saturday and Sunday. As required by the 2001 Conditional Use Permit, the outdoor patio area will close no later than 9 PM. Beer and wine will be served as part of the regular menu and for special club events.

Estimated revenue generated by the addition of alcohol sales should bring an additional 10% to the overall revenue of the LifeCafe or at most an additional $500 per week.

Alcohol will be stored in a locked container in the back of the house in the LifeCafe. Chilled containers will be served out of a separate container.

Alcohol can only be served by team members that are 18 years of age and older. The team member must complete the Life Time provided online alcohol serving certification before serving any alcohol. In addition, the team signs a commitment page, committing to following proper serving procedures. Management team members commit to the Life Time alcohol management procedures. Recertification in alcohol serving happens each year.

Auditing of alcohol serving is done by the Education Specialist, who manages national LifeCafe certification. The Regional Category Leader inspects overall alcohol serving procedures and verification that team members are of age to serve.
April 19, 2016

RE: Sound and Noise Management Plan for LTF Club Operations Company, Inc. Alcohol License Application at Minnetonka Life Time Athletic and Life Spa

To Whom It May Concern:

As part of Life Time’s recent application for an on-site alcohol consumption license, Life time would like to include its outdoor patio as a portion of the licensed area. The outdoor patio is equipped with tables and chairs as well as a fence that surrounds the entire patio area save for a portion of the boarder that consists of an outdoor water feature (see attached pictures). In conjunction with its alcohol application and to maintain good relationships with its neighbors, prior to the service of alcohol at the Minnetonka location, Life Time Fitness agrees to remove any and all outdoor speakers and amplified noise devices that may currently exist. All exits, in both the cafe and outdoor patio area will be signed according to the law and will indicate that, "no alcohol is allowed beyond this point."

Life Time Fitness is aware of the past noise/sound complaint(s) received by its neighbors and has taken steps to provide a peaceful environment for all in the area. Life Time believes that the complaints arose from what Life Time calls "Tonka Tuesday," which takes place one-day a month during the months of June, July, August, and September. Tonka Tuesday involves an outdoor work out and patio party. To address the concerns of its neighbors, Life Time has shortened the length of the event to the hours of 6:30-8PM and has removed its use of microphones and amplified sound devices.

Life Time is confident that the steps it has taken will allow for an enjoyable experience by both Life Time members and its Minnetonka neighbors. Life Time is dedicated to providing a healthy, safe, and enjoyable environment for its members, guests, and neighbors alike.

If you have any questions or concerns, please do not hesitate to contact me at: 952.401.2570.

Sincerely,

Adam Luebke
Corporate Counsel
Life Time Fitness, Inc.
aluebke@lifetimefitness.com

Enclosures

I CAN DO IT ALL IN MY LIFETIME
D. Resolution approving a conditional use permit for an outdoor café (LuLu's Café) at 3310 County Road 101 for Wellspring.

Tauer moved, Allendorf seconded a motion to adopt Resolution No. 2001-039, approving a conditional use permit for the outdoor eating area at 3310 County Road 101. This resolution is based on the following findings:

1) The proposal meets the standards outlined in the city code, Section 300.21.2, regarding general standards for conditional use permits for business zoning districts.

2) The proposal meets the standards outlined in the city code, Section 300.21.4., regarding accessory sidewalk cafes and outdoor eating areas. Approval is subject to the following conditions:

a. Record this resolution with the county before the city issues a building permit.

b. The outdoor café must not be open longer than 6:00 a.m. to 9:00 p.m. seven days per week, during the months of May through September.

c. Liquor may not be served in the outdoor eating area, unless the city approves a conditional use permit.

d. Must not have speakers or audio equipment in the outdoor eating area.

e. The property owner shall be responsible for the replacement of any landscaping that may die.
f. The city council may reasonably add or revise conditions to address any future unforeseen problems.

g. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

h. The applicant must agree to the above conditions in writing.

All voted "yes." Motion carried.
City Council Agenda Item #14A
Meeting of April 25, 2016

**Brief Description**
Resolution approving a conditional use permit and final site and building plans for a licensed day care facility at 14730 Excelsior Boulevard

**Recommendation**
Adopt the resolution approving the conditional use permit and plans

**Background**

In 2015, the city approved a proposal, by Lake West Development and Prestige Preschool, to operate a licensed day care facility within the existing Kraemer’s hardware building. The proposal included an extensive amount of interior and exterior remodeling of the building to accommodate the center. The council was generally comfortable with the day care use but was somewhat concerned with the proposed building aesthetics and architecture. The previously approved plans and resolution may be found on pages A18-A25.

**Proposal**

The city has received a new proposal, by Shingobee Real Estate Company, on behalf of Prestige Preschool, to demolish the former hardware store and construct a new single story building. Additional site improvements include outdoor play areas and a newly constructed parking area. The proposal requires a conditional use permit and site and building plan review, with front yard setback variance from 50 feet to 35 feet.

**Planning Commission Hearing**

The planning commission considered the request on April 15, 2016. The staff report from that meeting is attached and various plans and documents describing the proposed project may be found on pages A1–A14. Staff recommended approval of the proposal noting:

1. The proposal would meet the conditional use permit and site and building plan standards as outlined in city code.

2. The proposed setback from the west property line would be similar to other properties along Williston Road which require a 50-foot setback. Further, the proposed setback would be similar to the recently approved front yard setback for Williston Woods West, a five lot subdivision, immediately adjacent to the subject property.
At the commission meeting, a public hearing was opened to take comment. However, no comments were received. The commission discussed the proposal, asked questions and made comments as follows:

1. **Substantial conformance.** The commission asked staff to clarify why the proposal required additional commission and council review. Staff commented that the previous approvals were tied to the plans to reuse the existing building. Per the resolution, the final building plans must be in substantial conformance with the approved plan. Staff felt since the proposal no longer was to use the existing building, the change was substantial enough to require additional review.

2. **Parking.** The planning commission asked staff and the applicant to comment on whether or not there was a formal parking agreement to allow overflow post office parking on the subject property. The applicant indicated that they had a cross access easement, (not a cross parking agreement), but the applicant thought the high traffic times for each of the businesses were at complementary times.

3. **Site and building design.** The planning commission commented that the proposed architecture and increased green space would serve as a suitable transition between the commercial properties and the residential properties to the north and west.

**Planning Commission Recommendation**

On a 7-0 vote, the commission recommended that the city council approve the proposal. Meeting minutes may be found on pages A41–A43.

**Since Planning Commission Hearing**

Staff has confirmed that there are no recorded parking easements or agreements which formalize the overflow parking on the subject property.

**Staff Recommendation**

Adopt the resolution on pages A30–A40, replacing Resolution No. 2015-018 and approving a conditional use permit and final site and building plans, with a front yard setback variance, for a licensed day care facility at 14730 Excelsior Boulevard.

**Through:** Geralyn Barone, City Manager
Julie Wischnack, AICP, Community Development Director
Loren Gordon, AICP, City Planner

**Originator:** Ashley Cauley, Senior Planner
Brief Description

Items concerning a licensed day care facility at 14730 Excelsior Boulevard:

1) A conditional use permit; and

2) Final site and building plans

Recommendation

Recommend the city council adopt the resolution approving the conditional use permit and plans

Background

Kraemer’s Hardware has operated at various locations within the Glen Lake area for over 100 years. In 1972, the store moved into the then newly constructed building at the northeast corner of Excelsior Boulevard/Willison Road intersection. In 2012, the store relocated to the south side of Excelsior Boulevard; its former north location has remained vacant since.

The city has reviewed several redevelopment proposals for the site over the years. The most recent was in 2015 when the city approved a proposal, by Lake West Development and Prestige Preschool, to operate a licensed day care facility within the existing Kraemer’s building. In addition to some site improvements, the proposal included an extensive amount of interior and exterior remodeling of the building to accommodate the center. Generally, the city council was comfortable with the day care use but was somewhat concerned with the proposed building aesthetics and architecture. (See 2015 plans, resolution, and minutes on pages A16-A28.)

Current Proposal

The city has received a new proposal by Shingobee Real Estate Company, on behalf of Prestige Preschool Academy, to tear down the former hardware store and construct a new single story building. Additional site improvements include outdoor play areas and a newly constructed parking area. (See narrative and plans on page A1-A13.) The proposal requires a conditional use permit and site and building plan review, with front yard setback variance from 50 feet to 35 feet.

Primary Questions and Analysis

A land use proposal is comprised of many details. In evaluating a proposal, staff first reviews these details and then aggregates them into a few primary questions or issues.
The following outlines both the primary questions associated with the proposed day care center and staff's findings.

- **Is the proposed use generally reasonable?**
  
  Yes. Preschools and day cares are conditionally permitted uses in commercial districts. The proposed facility would meet all conditional use permit standards, which are outlined in the “Supporting Information” section of this report.

- **Is the requested front yard setback variance reasonable?**
  
  Yes.

  1. **Reasonableness and unique circumstance:** Staff finds that the variance request is reasonable and is the result of a circumstance unique to the property:
     
     - The unique lot configuration and corner lot setbacks are not common to all similarly zoned properties.
     
     - The variance request would allow for the proposed building to be centered on the property. Further, the variance would allow for a more appropriate separation between the proposed building and the building to the east. Currently, the existing building and building to the east have a separation of only five feet.
     
     - The redevelopment of the site would increase the amount of green space on the property.

  2. **Neighborhood character:** The variance would not alter the character of the existing neighborhood. As proposed, the setback from the west property line adjacent to Williston Road would be 35 feet. By city code all properties in this area, including residential properties along Williston Road, are required to maintain a 50-foot setback from Williston Road right-of-way. Half of the properties within 1,000 feet along Williston Road have a front yard setback of 35 feet or less. Further, the city council recently approved a 35-foot front yard setback for Williston Woods West, a five lot subdivision, immediately adjacent to the subject property. While these other properties are residential, the proposed building would generally align with existing and approved setbacks in the area. (See page A14.)

- **Are the proposed building and site changes appropriate?**
  
  Yes. Staff finds that the proposed building and site changes are appropriate.
1. **Site improvements.** As proposed, the Williston Road access would move south on the property. This coupled with the reconstruction of the parking lot would result in a significant reduction in impervious surface area on the property. In fact, the amount of impervious surface on the property would be reduced by almost 20 percent. A landscaped bioswale area would be constructed at the Excelsior Boulevard/Williston Road intersection. While the function of the swale is for stormwater management, it would also provide for a more pedestrian friendly environment over existing conditions. The proposal also includes two play areas and a significant amount of reclaimed turf area. Additional site improvements would occur as conditions of approval, including a sidewalk connection from the Excelsior Boulevard/Williston Road intersection to the north property line.

2. **Building.** Under the proposed plan, the existing building would be removed in order to construct a new single story 10,000 square foot building. Prestige Preschool Academy has submitted elevation drawings of their Apple Valley location. The applicant has indicated that the Minnetonka location would be developed with the same color palate and material choice. Included as a condition of approval, the applicant must submit a final material and color palate board.

**Staff Recommendation**

Recommend that the city council adopt the resolution on pages A30–A40. This resolution approves a conditional use permit and final site and building plans, with setback variance, for a licensed day care facility at 14730 Excelsior Boulevard.

Originator: Ashley Cauley, Senior Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

Project No. 14003.16a

Surrounding Northerly: Willison Woods West, single family detached homes
Land Uses Easterly: Commercial property
Southerly: Excelsior Boulevard; commercial property beyond
Westerly: Williston Road; two family homes beyond

Planning Guide Plan designation: Commercial
Zoning: B-3

Previous CUP The conditional use permit, approved in 2015, was tied to the specific site and building plans proposed at that time. Since the previous site and building plan approval was for the reuse of an existing building, a new conditional use permit is required.

Existing site The site is 1.18 acres in size and is currently improved with a single story 13,000 square foot building. The existing building has non-conforming north and east setbacks. The building on the property to the east is 0.2 feet from the property line. As a result, the separation between the two existing buildings is only five feet.
Conditions

The property currently has direct access onto Williston Road to the west and Excelsior Boulevard to the south. Currently, a significant amount of the property is paved for parking and for areas previously used by the hardware store for outdoor storage.

Proposed Building The proposed building would be just over 10,000 square feet in size and would be generally centered on the property. The following chart is intended to summarize the required, existing and proposed setbacks for the property.

<table>
<thead>
<tr>
<th></th>
<th>Required by ordinance</th>
<th>Existing building</th>
<th>Proposed building</th>
</tr>
</thead>
<tbody>
<tr>
<td>West front yard setback</td>
<td>50 ft</td>
<td>55 ft</td>
<td>35 ft *</td>
</tr>
<tr>
<td>South front yard setback</td>
<td>50 ft</td>
<td>65 ft</td>
<td>57 ft</td>
</tr>
<tr>
<td>East side yard setback</td>
<td>35 ft</td>
<td>5 ft</td>
<td>35 ft</td>
</tr>
<tr>
<td>North rear yard setback</td>
<td>35 ft</td>
<td>30 ft</td>
<td>37 ft</td>
</tr>
<tr>
<td>Lot coverage</td>
<td>85%</td>
<td>63%</td>
<td>42%</td>
</tr>
</tbody>
</table>

* requires setback variance
**Proposed Daycare**

The day care use itself would operate similar to what was approved in 2015. The facility would operate from 6:30 a.m. to 6:30 p.m. Monday through Friday. The facility would be licensed for up to 178 children, ranging in age from infants to young school children.

**Parking**

Generally, city code parking requirements are based on the land use and the size of the building in which the land use is occurring. However, for day care facilities the city code requires parking to be based on the *licensed capacity* of the facility rather than the size of the building. By both the parking ordinance, and conditional use permit, day care facilities must provide one parking stall for every six children. The proposal includes 30 newly constructed parking stalls, which is the minimum allowed by ordinance for a day care facility licensed for 178 children.

**Traffic**

Based on the traffic studies for other preschool/day care facilities, and the Institute of Transportation Engineers analysis, the proposed day care would generate more traffic than the hardware store previously occupying the site, but less than other potential uses of the building:

<table>
<thead>
<tr>
<th></th>
<th>Hardware Store</th>
<th>178 child day care</th>
<th>Post office</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.M. Peak</td>
<td>1.1/1000 sf</td>
<td>0.75/child</td>
<td>8.2/1000 sf</td>
</tr>
<tr>
<td>P.M. Peak</td>
<td>4.84/1000 sf</td>
<td>0.51/child</td>
<td>11.1/1000 sf</td>
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<tr>
<td>Daily</td>
<td>51.29/1000 sf</td>
<td>2.9/child</td>
<td>108.2/1000 sf</td>
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<tr>
<td>A.M. Peak</td>
<td>14 trips</td>
<td>134 trips</td>
<td>105 trips</td>
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<tr>
<td>P.M. Peak</td>
<td>62 trips</td>
<td>91 trips</td>
<td>142 trips</td>
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<tr>
<td>Daily</td>
<td>656 trips</td>
<td>516 trips</td>
<td>1384 trips</td>
</tr>
</tbody>
</table>

**CUP Standards**

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2:

1. The use is consistent with the intent of this ordinance;

2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

4. The use does not have an undue adverse impact on the public health, safety or welfare.

The proposal would meet the general conditional use permit standards as outlined in City Code §300.21 Subd. 3(j):

1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements;

   **Finding:** The proposed facility would serve young children. Parents/guardians would park their vehicle and then walk their children into the facility. While entry features are proposed for architectural interest, there would be no outdoor drop-off or pick-up area. As such, the onsite movements would not be interfered.

2. Outdoor play areas shall be located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas;

   **Finding:** Play areas are proposed on the east and west side of the proposed building. A newly constructed fence and landscaping would provide a buffer to the residential properties to the north.

3. One parking space for each six children based on the licensed capacity of the center; and

   **Finding:** The licensed capacity of the day care center would be for 178 children. As proposed, the newly constructed parking lot would have 30 parking stalls, which is the minimum required by ordinance.

4. Shall obtain all applicable state, county and city licensing.

   **Finding:** This has been included as a condition of approval.

**SBP Standards**  The proposal would comply with all site and building standards as outlined in City Code 300.27 Subd.5
1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

**Finding:** Members of the city's community development, engineering, fire and public works staff have reviewed the proposal and find that is generally consistent with the city's development guides.

2. Consistency with this ordinance;

**Finding:** But for the requested setback variance, the proposal would meet ordinance standards.

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

**Finding:** While the proposal would disturb a significant amount of the property, the proposal would result in a 20-percent reduction in the amount of impervious surface on the site. This will effectively increase the amount of green space on the property.

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

**Finding:** The proposal would result in an increase of landscaping and green space on the site. Further, the proposed bioswale in the southwest corner of the site would add visual interest to the property.

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

   a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;

   b) the amount and location of open space and landscaping;

   c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility
of the same with the adjacent and neighboring structures and uses; and

d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

Finding: The proposal would increase the amount of green space on the property. Further, the proposal would revitalize the property. The proposal would not hinder vehicular and pedestrian circulation. In fact, the redesigned parking lot would likely reduce the amount of “cut through” traffic of the site and a sidewalk extension would improve pedestrian access in the area.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

Finding: The proposal would reduce the amount of impervious surface on the property and introduce “greener” landscaping and stormwater management techniques to the area.

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Finding: The proposal would not negatively impact the surrounding properties. In fact, the proposal would result in a more appropriate setback between the existing building and the building to the east.

Natural Resources

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, and tree protection fencing. As a condition of approval the applicant must submit a construction management plan detailing these management practices.
The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request. (City Code §300.06 Subd. 4)

The planning commission has three options:

1. Concur with staff’s recommendation. In this case, a motion should be made to approve the proposal based on the findings outlined in the staff-drafted resolution.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending denial of the proposal. The motion should include findings for denial.

3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant or both.

The city sent notices to 533 area property owners and received no comments to date.

June 24, 2016
Location Map

Project: Prestige Preschool
Applicant: Shingobee Real Estate
Address: 14730 Excelsior Blvd
Project No. 14003.16a
To: City of Minnetonka

From: Jon Fahning, ASLA, Vice President – Real Estate Development
Stacy Gleason, Senior Project Manager, LEED AP BD+C

Date: February 22, 2016

Re: Submittal Information and Narrative
Request for Site Plan Approval
Prestige Preschool Academy

On behalf of our tenant, Prestige Preschools Academy, Shingobee Real Estate Company, LLC/Shingobee Builders, Inc. are proposing the development and construction of a facility to house a children’s educational academy as part of the 1.19 acres (±51.836 sf) of the former Kraemers Hardware location at 14730 Excelsior Boulevard in Minnetonka, Minnesota. Our request is for the review and approval of the Site Plan as part of the recent Conditional Use Permit (Resolution 2006-077) and for the development and construction of a single-story, approximately 10,816 sf facility. This location will be part of the Prestige Preschools portfolio within the Twin Cities metro area, with a recent facilities completed in Apple Valley and in Brooklyn Park, with a series of others in different stages of development. Six to eight additional facilities are anticipate for the metropolitan area, including this Minnetonka facility.

Overview
The request for Site Plan review and approval will allow the construction and development of a single story children’s academy facility estimated at 10,816 sf on the 1.19 acre property. The facility proposed would be licensed to provide educational and childcare services for up to approximately 178 children, including infant care, private kindergarten, along with before and after school, and half day programs. In addition to the building, the development of the site would accommodate playgrounds, outside play area, and adequate parking to service the intended use of the property as depicted in the proposed site plan included as part of the submittal package. The construction of the property is intended to start Spring, 2016, and is anticipated to be completed and delivered to our tenant near December, 2016, to allow for opening and licensing in 1st quarter, 2017. Design, review and final licensing of the facility will determine the final square footage and in turn, the license capacity of the facility.
Benefit to Area and City of Minnetonka and its Residents
The proposed facility and its use would fall into that original intent of the area, supporting that vision of an amenity to the surrounding residential areas and compliment to existing land uses. It is understood that the current infrastructure (water, sewer, storm water run-off, and roadways) in place was designed to accommodate a commercial-type use, which our proposed function and design would fall into and anticipate operating within the current capacity of the infrastructure in place.

The benefit to the area will be provided both from an aesthetic and support to the existing and proposed uses of the area. The design of the building is intended to blend in with the surrounding residential neighborhood facilities while carefully integrating planned parking and access into the design. Through the use of architectural materials, lighting, signage, and landscaping, the development of this site as a childhood education academy will continue to demonstrate the growth and focus of the City of Minnetonka’s commercial vision.
Existing Site Conditions

Right of way Easement

Adjacent building

Prestige Preschool
14730 Excelsior Blvd
#14003.16a
Proposed site plan
TYPICAL TREE PROTECTION DETAIL

FIELD TREE INVENTORY LOG

<table>
<thead>
<tr>
<th>PROTECTION AREA</th>
<th>LOCATION</th>
<th>SPECIES</th>
<th>DIAMETER</th>
<th>STATUS</th>
<th>REMARKS</th>
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<td>PREPARED FOR IN</td>
<td>MATERIAL</td>
<td></td>
<td></td>
<td>EST.</td>
<td></td>
</tr>
<tr>
<td>PROPOSED BUILDING</td>
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<td></td>
<td></td>
<td>END</td>
<td></td>
</tr>
</tbody>
</table>

NOTES, DETAILS, AND SCHEDULES:

Prestige Preschool
14730 Excelsior Blvd
#14003.16a
Prestige Preschool
14730 Excelsior Blvd
#14003.16a
**Properties with front yard setbacks of 35-feet or less.**
2015 Proposal
Resolution No. 2015-082

Resolution approving a conditional use permit and final site and building plans for a licensed daycare facility at 14730 Excelsior Boulevard

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 Lake West Development Co. LLC, on behalf of Prestige Preschool Academy, has requested a conditional use permit to operate a licensed daycare facility within the existing building at 14730 Excelsior Boulevard.

1.02 The property is legally described on EXHIBIT A of this resolution.

1.03 On August 27, 2015, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the conditional use permit.

Section 2. Conditional Use Permit Standards.

2.01 City Code §300.21 Subd. 2 lists the following general conditional use permit standards:

1. The use is consistent with the intent of the ordinance;

2. The use is consistent with the goals, policies and objectives of the comprehensive plan;

3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;

4. The use is consistent with the city’s water resources management...
The use is in compliance with the performance standards specified in §300.28 of the ordinance; and

6. The use does not have an undue adverse impact on the public health, safety or welfare.

2.02 City Code §300.21 Subd. 3(j) lists the following specific conditional use permit standards for licensed daycare facilities:

1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements;

2. Outdoor play areas shall be located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas;

3. One parking space for each six children based on the licensed capacity of the center; and

4. Shall obtain all applicable state, county and city licenses.

2.03 City Code §300.27, Subd. 5, states that in evaluating a site and building plan, the city will consider its compliance with the following:

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

2. Consistency with the ordinance;

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

   a) an internal sense of order for the buildings and uses on the
site and provision of a desirable environment for occupants, visitors and the general community;

b) the amount and location of open space and landscaping;

c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and

d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Section 4. Findings.

4.01 The proposed daycare facility would meet the general conditional use permit standards as outlined in City Code §300.21 Subd. 2.

4.02 The proposed daycare facility would meet the specific conditional use permit standards as outlined in City Code §300.21 Subd. 3(j).

1. The proposed facility would primarily serve young “preschool” age children. Parents/guardians would drop-off and pick-up children by parking their vehicle and walking into the facility. No outdoor drop-off or pick-up area is proposed and, as such, would not interfere with the vehicular or pedestrian circulation.

2. The proposed play area would be appropriately located on the site. A new fence and landscaping would buffer the area from existing
residential area across Williston Road and the potential, new residential area adjacent to the north.

3. The proposed parking lot would include 40 parking stalls, accommodating 240 students under the ordinance’s 1 stall per 6 child ratio.

4. As a condition of this resolution, all applicable state, county and city licenses must be obtained and submitted to the city prior to issuance of a certificate of occupancy.

4.03 The proposed daycare facility would be consistent with the site and building plan standards as outlined in City Code §300.27

1. Members of the city’s community development, engineering, fire, and public works staff have reviewed the proposal and find that it is generally consistent with the city’s development guides.

2. The proposal would meet ordinance standards.

3. The subject property is fully developed, with no area in a “natural state.” The proposal would actually increase the amount of green space on the site.

4. The proposal would significantly improve the overall site and building appearance and, therefore, that of the intersection.

5. The proposal would visually increase open/green space through removal of parking areas.

6. The proposal would not hinder vehicular and pedestrian circulation. Rather, occupancy of a long vacant site may reduce “cut thru” traffic and provision of a sidewalk connection would improve pedestrian access from the north to the surrounding commercial area to the south and east.

7. The proposal would require improvements to the building’s HVAC equipment, thereby improving energy efficiency.

8. The proposal would allow for: (1) continued use of a site that has long been used for commercial purposes; and (2) reuse of vacant building. It would not negatively impact adjacent properties or the neighboring area.
Section 5. Council Action.

5.01 The above-described conditional use permit and final site and building plans are approved, subject to the following conditions:

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans:

   - Preliminary grading and drainage plan, dated 07/24/15
   - Preliminary landscape plan, dated 07/24/15
   - Revised elevation plan, received 08/14/15

2. Prior to issuance of a building permit:

   a) Submit the following items for staff review and approval:

      1) A final materials and color palate board.

      2) A revised site plan that illustrates:

         a. The new Williston Road entrance in relation to the intersection of Peteler Lane and Williston Road.

         b. A sidewalk connection from the Excelsior Boulevard/Williston Road intersection to the north property line

      3) A revised grading and drainage plan that includes a catch basin rather than curb cut at the southwest corner of the parking lot.

      4) A revised landscaping plan. The plan must include no new tree plantings within the right-of-way or within the existing watermain easement. Natural grasses or other smaller plantings should be considered. The plan must also outline the cost of proposed plant materials.

      5) A site diagram that includes turning templates. This diagram must specifically illustrate that the turning movements can be made from northbound Williston Road into the site while cars are queued to leave the site.
b) Confirm whether existing utility connections are being altered or new utility connections are proposed. If either, a plan reflecting the alterations or new connections must be submitted for staff review and approval.

c) This resolution must be recorded with Hennepin County.

3. Prior to a certificate of occupancy, all applicable state, county and city licenses must be obtained and copies submitted to the city.

4. Maximum capacity is limited to 240 students/children.

5. The city council may reasonably add or revise conditions to address any future unforeseen problems.

6. Any change to the approved use that results in a significant increase in traffic or a significant change in character may require city council review and a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 14, 2015.

_______________________________________
Terry Schneider, Mayor

Attest:

_________________________________
David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption: Allendorf
Seconded by: Bergstedt
Voted in favor of: Wiersum, Bergstedt, Wagner, Ellingson, Allendorf, Acomb, Schneider
Voted against:
Abstained:
Absent:
Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on September 14, 2015.

David E. Maeda, City Clerk
LEGAL DESCRIPTION

Beginning at a point in the West line of the Northeast Quarter of Northeast Quarter, Section 33, Township 117, Range 22 distant 531.5 feet South of the Northwest corner of said Northeast Quarter of Northeast Quarter; thence Easterly at right angles 133 feet; thence South at right angles 120 feet; thence West at right angles 133 feet to a point in the West line of said Northeast Quarter of Northeast Quarter, 120 feet South of the point of beginning; thence North to the point of beginning, Hennepin County, Minnesota.

Abstract Property.

Tract G, Registered Land Survey No. 1187, Hennepin County, Minnesota.

Torrens Property

Torrens Certificate No. 455028.
14. Other Business:

A. Items concerning a licensed daycare facility at 14730 Excelsior Boulevard:
   1) A conditional use permit; and
   2) Final site and building plans

Thomas gave the staff report.

Jon Fletcher from Lake West Development said they were currently in discussions with Prestige Child Care Centers, an upscale child care provider based in California. The proposed plan was for a complete redevelopment of the building. There were some constraints to what could be done with the exterior of the building based on the economics. The licensing would allow for up to 240 students. There would be 40 parking stalls. The child care provider was estimating in the range of 180 to 200 students. There would be up to 16 to 18 employees spread out throughout the day. He said this proposal would work well with the proposal for the site to the north discussed earlier in the meeting.

Allendorf asked for more information about the outdoor play area. Fletcher said there would be a tetherball area along with two playgrounds, one for tots and the other for older kids. On the south side of the building there would be an infinity loop for kids to ride their tricycles. The idea was to allow one of the twelve classrooms out at any one time. Allendorf asked what type of fencing there would be. Fletcher said the fence would be a see through metal fence with some screening to meet city requirements. Allendorf said he had heard concerns from residents about having the play area next to Williston Road. He asked how tall the fence would be. Fletcher said it would be five feet high. Schneider noted there was a similar playground next to the industrial park on Baker Road.

Bergstedt said the council had seen a number of proposals for the site. Residents have had many ideas with what to do for site but the council only could deal with what comes before them. He said the proposal was an improved use that addresses a number of things. The whole area was fairly complicated as far as traffic patterns and parking. He was glad to see the stipulation that if parking issues arise, the city would have the ability to limit the number of students. He asked if there were any staff safety concerns with cars turning off Excelsior Boulevard on to Williston Road with the new access location further to the south. Thomas said there were not concerns but staff still had questions. As a condition for approval there was a requirement that a drawing be submitted showing the larger area along with some turning templates to help understand how much area was needed to make the turn safely into and out of the site.
Wiersum said the building was a big building and he agreed the proposed use was appropriate although it might not be the use the council would choose if it was picking uses. He said the design held true to the hardware store roots and it would be more desirable to make the building look more like a school. He thought there could be greater creativity with the design.

Schneider said when he first heard about the proposal he questioned if the site was appropriate for a daycare center. The more he thought about it he realized the city needed something to attract younger families with younger kids. The use was adequate although it may not be the ideal solution. He agreed that the applicant could be more creative with the design. Another thing to consider was although there would be a new roof and a new facelift for the building, the investment was not so major that 10 to 20 years from now the area could not still be redeveloped as the city would like to see done. It may postpone redevelopment but it was not a deal breaker for a major future redevelopment of the area. He said having young families with kids coming in may help the grocery store.

Allendorf said of all the recent developments in the Glen Lake area, this proposal generated the most phone calls to him and they all were positive.

**Allendorf moved, Bergstedt seconded a motion to adopt resolution 2015-082 approving the conditional use permit and plans.**

Bergstedt said all the businesses in the area, in addition to the grocery store, may benefit with young families coming in. The Glen Lake area needed a shot in the arm and the proposal would go a long ways to provide that. The council had heard comments about all the senior housing in the area. He thought the senior housing was appropriate and good but it also felt good to have something for the opposite demographic.

Barone asked Wischnack if she thought the language in the resolution was adequate to address the council’s comments on the building exterior. Wischnack said she thought it was as long as the council was comfortable having staff making the decision. Schneider said the council’s comments were to encourage the developer to look at a slightly revised concept to make the building look more charming. Staff would work with the developer to find a better look. Wischnack suggested strengthening the language in the resolution to provide more power for staff to help find a better look for the building. Schneider said he wanted to give staff some discretion to encourage the developer to find a better building look.

Fletcher said he agreed with staff on the condition to work on the color palette. He noted within the ordinance architectural detail design was not a
condition of use. He wanted to be careful not to put an unenforceable or unnecessary condition on the project. He cited the parking as an example. Either the parking was sufficient under the existing code or it was not. Schneider said he was encouraging a cooperative arrangement where Fletcher would work with staff to look at design alternatives to make the building look more charming and residential but not have staff dictate the final design. Fletcher said that was something he could commit to.

Bergstedt asked if approved, when the child care center might open. Fletcher said ideally child care centers like to line up with school years so the center would open mid to late summer in 2016 or possibly in December 2016 depending on the construction and redevelopment timeline.

Wiersum asked if the roof shape design was part of Prestige's look and was the way it looked at other locations. Fletcher said it was. Wiersum questioned why Prestige wanted to look like a home improvement store rather than more like a school but said if it was the corporate approach it was what it was. Fletcher said typically Prestige does ground up developments where there is a scraped site with a pitched roof. The economics for this site don't allow for a demolition. Schneider said to get something a little more attractive within a reasonable budget would benefit Prestige as well. Fletcher said there was every desire to make it something the market wanted from an economic standpoint.

Allendorf encouraged Fletcher to talk to whoever was currently managing the site to see if the current site could be improved immediately. He didn't want to wait until next year before something was done to the existing property to make it look palatable to the neighbors. Fletcher said he would pass that on to the owner.

Schneider said as he was looking at the grade issue of item 12A he noticed a small split between the two lots that likely was owned by the dance studio. He asked staff to make sure that was looked at. Fletcher said there was a lot gap between parcel A and B on the Williston Woods application. There was a legal process to close the gap.

All voted "yes." Motion carried.
Resolution and Minutes
Resolution No. 2016-

Resolution replacing Resolution No. 2015-082 and approving a conditional use permit and final site and building plans, with a front yard setback variance, for a licensed day care facility at 14730 Excelsior Boulevard

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 On September 14, 2015 the city approved a conditional use permit for Lake West Development CO. LLC, on behalf of Prestige Preschool Academy to operate a licensed daycare facility within the existing building.

1.02 Shingobee Builders, on behalf of Prestige Preschool Academy, has submitted a new proposal to operate a licensed day care facility within a newly constructed building at 14730 Excelsior Boulevard. (Project No. 14003.16a)

1.03 The property is legally described on Exhibit A of this resolution.

1.04 The proposal requires a conditional use permit and final site and building plan review. The proposal also requires a front yard setback variance from the west property line from 50 feet to 35 feet.

1.05 On April 16, 2016, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

2.01 City Code §300.21 Subd. 2 lists the following general conditional use permit standards:
1. The use is consistent with the intent of the ordinance;

2. The use is consistent with the goals, policies and objectives of the comprehensive plan;

3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;

4. The use is consistent with the city's water resources management plan;

5. The use is in compliance with the performance standards specified in §300.28 of the ordinance; and

6. The use does not have an undue adverse impact on the public health, safety or welfare.

2.02 City Code §300.21 Subd. 3(j) lists the following specific conditional use permit standards for licensed day care facilities:

1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements;

2. Outdoor play areas shall be located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas;

3. One parking space for each six children based on the licensed capacity of the center; and

4. Shall obtain all applicable state, county and city licenses.

2.03 City Code §300.27, Subd. 5, states that in evaluating a site and building plan, the city will consider its compliance with the following:

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

2. Consistency with the ordinance;

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
   a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
   b) the amount and location of open space and landscaping;
   c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
   d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

2.04 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique
to the property, not created by the property owner, and not solely based on
economic considerations; and (3) the proposed use would not alter the
essential character of the surrounding area.

Section 3. Findings.

3.01 The proposal meets the general conditional use permit standards outlined
in City Code §300.16 Subd.2.

3.02 The proposal meets all of the specific conditional use permit standards
outlined in City Code 300.21 Subd. 3(j) for licensed day care facilities.

1. The proposed facility would serve young children. Parents/guardians
would park their vehicle and then walk their children into the facility.
While entry features are proposed for architectural interest, there
would be no outdoor drop-off or pick-up area proposed. As such,
there would be no interference with onsite vehicular movements.

2. Play areas are proposed on the east and west side of the proposed
building. A newly constructed fence and landscaping would provide
a buffer to the residential properties to the north.

3. The licensed capacity of the day care center would be 178 children.
As proposed, the newly constructed parking lot would have 30
parking stalls, which is the minimum required by ordinance.

4. A condition of approval has been included in this resolution requiring
that the applicant obtain all applicable state, county and city
licensing.

3.03 The proposed day care facility would be consistent with the site and building
plan standards as outlined in City Code §300.27

1. Members of the city’s community development, engineering, fire and
public works staff have reviewed the proposal and find that is
generally consistent with the city’s development guides.

2. But for the requested setback variance, the proposal would meet
ordinance standards.

3. While the proposal would disturb a significant amount of the property,
the proposal would result in a 20 percent reduction in the amount of
impervious surface on the site. This would effectively increase the
amount of green space on the property.

4. The proposal would result in an increase of landscaping and green space on the site. Further, in addition to stormwater management a proposed bioswale in the southwest corner of the site would add visual interest to the property.

5. The proposal would increase the amount of green space on the property. Further, the proposal would revitalize the property. The proposal would not hinder vehicular and pedestrian circulation. In fact, the redesigned parking lot would likely reduce the amount of “cut through” traffic of the site and a sidewalk extension would improve pedestrian access in the area.

6. The proposal would reduce the amount of impervious surface on the property and introduce “greener” landscaping and stormwater management techniques to the area.

7. The proposal would not negatively impact the surrounding properties. In fact, the proposal would result in a more appropriate setback between the existing building and the building to the east.

3.04 The proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a):

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The intent of front yard setback requirements is to ensure an appropriate separation between roadways and adjacent buildings. The proposed building would maintain a similar front yard setback to other properties along Williston Road. Further, the variance request would “center” the building on the property and increase the amount of separation between the proposed building and the existing building to the east.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The Glen Lake area is one of the city’s three community village centers. The area has undergone numerous redevelopment efforts since it was established as an early commercial center. These redevelopment efforts have created a more attractive, interesting and pedestrian-friendly area. The proposal would provide additional pedestrian connections and a more inviting pedestrian experience at the Excelsior Boulevard/Williston Road intersection. Further, the proposal would introduce another type of use complimentary to existing commercial uses of this area.
3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:

   a. REASONABLENESS and UNIQUE CIRCUMSTANCE: The variance request is reasonable and is the result of a circumstance unique to the property:

      1. The unique lot configuration and corner lot setbacks are not common to all similarly zoned properties.

      2. The variance request would allow for the proposed building to be centered on the property. Further, the variance would allow for a more appropriate separation between the proposed building and the building to the east. Currently, the existing building and building to the east have a separation of only five feet.

      3. The redevelopment of the site would increase the amount of green space on the property.

   b. CHARACTER OF LOCATILTY: The variance would not alter the character of the existing neighborhood. As proposed, the setback from the west property line adjacent to Williston Road would be 35 feet. By city code all properties in this area, including residential properties along Williston Road, are required to maintain a 50-foot setback from Williston Road right-of-way. Half of the properties within 1,000 feet along Williston Road have a front yard setback of 35 feet or less. Further, the city council recently approved a 35-foot front yard setback for Williston Woods West, a five lot subdivision, immediately adjacent to the subject property. While these other properties are residential, the proposed building would generally align with existing and approved setbacks in the area.

Section 4. City Council Action.

4.01 Resolution No. 2015-082 is hereby replaced by this resolution, subject to the following conditions:

   1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans, unless modified below:
2. Prior to issuance of a building permit:
   a) This resolution must be recorded with Hennepin County.
   b) Submit the following items for staff review and approval:
      1) Final materials and color palate board.
      2) A revised site plan that illustrates:
         a. The location of all right of way, utility and access easements.
         b. The paving of the area within the Ingress and Egress Easement per Document No. 1513783.
         c. The relocation of the east play area fencing out of the Ingress and Egress Easement per Document No. 1513783.
         d. A sidewalk connection from the Excelsior Boulevard/Williston Road intersection to the north property line. The sidewalk must be a minimum of 6-feet wide. Transitions to the Williston Road driveway and entrance across the driveway must meet ADA requirements with the exception of truncated domes.
         e. Increased drive lane widths. The lane width must be a minimum of 26 feet.
      3) A revised grading plan. This plan must include spot elevations and existing contours to clearly illustrate how the proposed swale will tie into the existing berm.
      4) A revised utility plan. This plan must:
a. Remove the 1-1/2 inch water service back to the main. The corporation stop must be turned off.

b. Add a private hydrant along the new 6-inch water service to the building. The hydrant spacing along Excelsior Boulevard currently exceeds the 500-foot maximum spacing allowed by code.

c. The catch basin, shown to be removed, and the pipe, shown to be abandoned, in the southwest corner of the site must be removed to the adjacent catch basin structure on Excelsior Boulevard. The structure must be plugged and replaced. This will likely require the removal and replacement of a portion of the existing sidewalk.

d. The applicant must work with staff to determine if the 12-inch pipe, under the existing Excelsior Boulevard entrance, should be removed entirely or abandoned as shown.

5) A revised landscaping plan. This plan must:

a. Remove new plantings from within the right of way or water easement. All new deciduous tree species must be located at least 15-feet from the street. All new evergreen trees must be located at least 20-feet from the street.

b. Not include landscaping that would interfere with the use or maintenance of adjacent public sidewalks and trails.

c. Provide sufficient mitigation for trees removed from the site. Staff at its sole discretion can reduce the amount of required mitigation based on space limitations of the site.

d. Include, or possibly substitute, additional shrub species onsite.
e. Meet the minimum landscape requirements per city ordinance.

6) A stormwater management plan. This plan must include rate, volume, and water quality requirements based on the amount of impervious surface proposed.

7) A site diagram that includes turning templates. This plan must specifically illustrate safe turning radiiuses for delivery trucks and safety vehicles.

8) A construction management plan. This plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.

9) Install erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.

3. Prior to issuance of a certificate of occupancy, submit the following:
   
a) Copies of all applicable state, county and city licenses.

b) Utility as-builts following utility construction.

4. Fences exceeding 7-feet in height require a building permit.

5. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.

6. Maximum capacity of the facility is 178 students/children.

7. The city council may reasonably add or revise conditions to address any future unforeseen problems.

8. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 25, 2016.
Resolution No. 2016-

_______________________________________
Terry Schneider, Mayor

Attest:

_________________________________
David E. Maeda, City Clerk

**Action on this resolution:**

Motion for adoption:  
Seconded by:  
Voted in favor of:  
Voted against:  
Abstained:  
Absent:  
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on April 25, 2016.

_________________________________
David E. Maeda, City Clerk
Exhibit A

LEGAL DESCRIPTION

Beginning at a point in the West line of the Northeast Quarter of Northeast Quarter, Section 33, Township 117, Range 22 distant 531.5 feet South of the Northwest corner of said Northeast Quarter of Northeast Quarter; thence Easterly at right angles 133 feet; thence South at right angles 120 feet; thence West at right angles 133 feet to a point in the West line of said Northeast Quarter of Northeast Quarter, 120 feet South of the point of beginning; thence North to the point of beginning, Hennepin County, Minnesota.

Abstract Property.

Tract G, Registered Land Survey No. 1187, Hennepin County, Minnesota.

Torrens Property

Torrens Certificate No. 455028.
C. Items concerning a licensed daycare facility at 14730 Excelsior Boulevard.

Chair Kirk introduced the proposal and called for the staff report.

Cauley reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

In response to Chair Kirk’s request, Cauley shared more history of the site and exhibits from the staff report.
O’Connell asked why the planning commission is reviewing the application again since it was already approved. Cauley explained that the 2015 approval of the reuse of the building was tied to the site and building plans. This is a new proposal that requires site and building plan approval. Thomas added that if final plans are not in substantial compliance with the approved plan, then it is reviewed by the planning commission. Staff felt this change to the plan would be substantial.

Jon Fahning, representing Shingobee Builders who represent the applicant, Prestige Preschool, stated that this is the third of 12 facilities planned to be built in the Twin Cities area in the next few years. It makes sense to remove the existing building and create one more in character with the neighborhood. The existing building would have provided many challenges because of its age. The floor plan would accommodate 178 children. The proposal would be similar to the facilities in Apple Valley and Brooklyn Park.

Knight confirmed with Mr. Fahning that the facility would be open only Monday through Friday. He asked if the property owner would allow use of the parking lot by surrounding businesses on the weekends. Mr. Fahning said that there could be a cross-parking agreements. The reality is that the parking area would be utilized in the morning and evening, but not a lot during the middle of the day even on weekdays. He would be willing to work with the neighbors.

Knight thought the Apple Valley and Brooklyn Park facilities look like residences. Mr. Fahning said that the proposal would have a similar look.

In response to Chair Kirk’s question, Mr. Fahning stated that pop outs were added to break up the flat façade. There would be a door to the outside from every class room. Chair Kirk thought the proposed architecture would provide a good transition to the residential area. Mr. Fahning said that the proposal would blend into both ends of the surrounding environment.
Odland was disappointed that the existing building would not be repurposed. Mr. Fahning explained that there were environmental and instability concerns with a back wall that is near an existing retaining wall. The applicant was unable to become comfortable with the integrity of the structure of the existing building.

Powers asked for the benefits of a new building for preschool kids compared to what could have been done with the existing building. Mr. Fahning said that the materials and colors would be more geared for children, but the deciding factor was health and safety concerns. The existing building did not have a lot of doors. The basement was not safe for use.

Chair Kirk noted that the concrete and steel of most buildings is recycled or repurposed.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Chair Kirk noted the site being associated with the village center and asked for comments.

Calvert commended the project for creating more green space. The appearance, architecture, and materials would be an improvement from the previous proposal.

Knight agreed with Calvert. He has been in the basement of the existing building. It did not have the greatest smell. He would be concerned that there could be asbestos. He liked that the proposed building would be set back further from the road and provide more green space. It would be a great addition to the neighborhood.

Hanson liked the proposal. There would be more space for the tot lots. It would provide a great transition from the higher-density housing next door. It would blend the two parts of the neighborhood together.

Powers liked the proposal. Building a new building would be a step toward success. Parents and children have an intuitive understanding of a new building being better. He hoped it would be better than the existing building in more ways than even understood today. He hoped that it would be environmentally fun, interesting, and challenging. He applauded more interesting architecture. This makes him fearful of what would have happened if the previous approval was done. He wished the developer much success.

O’Connell approved of the proposal. It would clean up an eyesore on a high-traffic corner. He wished the redevelopment could continue to the east.
Odland thought the project would be great. She lives in the area. She hopes the post office could increase its hours and work out a parking arrangement with the applicant.

Chair Kirk suggested that the city council be provided information on existing cross-parking agreements. One would be nice, but not a condition of approval. The architecture would provide a good transition. Licensed childcare is a great amenity for the community.

Calvert supported incorporating architectural elements from surrounding buildings into the proposed building to provide an area identity.

*Odland moved, second by O’Connell, to recommend that the city council adopt the resolution on pages A30-A40 of the staff report. This resolution approves a conditional use permit and final site and building plans with a setback variance for a licensed daycare facility at 14730 Excelsior Boulevard.*

*Powers, Calvert, Hanson, Knight, O’Connell, Odland, and Kirk voted yes. Motion carried.*
City Council Agenda Item #14B
Meeting of April 25, 2016

Brief Description: Consideration of petition for environmental assessment worksheet for 2016 Pavement Rehabilitation Project – Libb’s Lake, Project No. 16401

Recommended Action: Adopt a resolution determining that the project is exempt from environmental review

Background

The Minnesota Environmental Quality Board (EQB) has provided the city with a petition for an environmental assessment worksheet (EAW) regarding the 2016 Pavement Rehabilitation Project – Libb’s Lake, Project No. 16401 (the “Project”). The petition asserts that, because of the nature or location of the Project, the Project may have the potential for significant environmental effects. Specifically, the petition asserts that tree removals associated with the Project merit the preparation of an EAW. The EQB has determined that the petition is complete and has designated the city as the responsible governmental unit (RGU) for the Project.

The petition contains 141 signatures representing 25 different Minnetonka properties within the project area. The project area includes approximately 316 properties and the received petition represents 8% of the properties within this area. 62 out of the 141 signatures have Minnetonka addresses. State law requires only that the persons signing the petition reside within the state. Some addresses on the petition were not legible. The petition information as well as a map illustrating those signatures that were legible are both attached.

Under state rules, the city as RGU must make a determination regarding the need for an EAW within 30 days of receipt of the petition. Within five days of its decision, the RGU must provide written notice of its decision to the Project proposer, the EQB staff, and the petitioner’s representative. Until that decision is made, no governmental approvals may be given for the Project, and construction of the Project cannot proceed.

Under Minnesota Rules, Subparts 1 and 2.B., projects for which all governmental decisions have been made are exempt from environmental review requirements, including preparation of an EAW. The Project has received all required governmental approvals, including the following:

- Minnetonka City Council Resolution No. 2015-106, Resolution receiving Feasibility Report, ordering the improvements in, authorizing preparation of Plans and Specifications, and authorizing Easement Acquisition for the 2016 Street Rehabilitation – Libb’s Lake Area Project No. 16401, dated October 12, 2015
Minnetonka City Council Resolution 2016-010, Resolution accepting plans and specifications and authorizing the advertisement for bids for the 2016 Street Rehabilitation Project, Libb’s Lake Area, dated February 8, 2016


Minnetonka City Council award of contract for Project No. 16401 to GMH Asphalt Corporation, in the amount of $7,267,853.82, approved March 14, 2014

Minnesota Pollution Control Agency Permit No. C00042827, Coverage Card for Project under the City’s NPDES General Permit MNR100001, issued April 7, 2016

No-Loss Decision under the Wetland Conservation Act, dated April 13, 2016

MCWD Permit Application #16-108, No MCWD Permit Needed, issued by Minnehaha Creek Watershed District, dated April 13, 2013 [sic][2016]

Copies of the governmental decisions are attached.

Because all government decisions have been made, the Project is exempt, and an EAW is not required. The council has discretion to order an EAW even though the Project is exempt, but staff does not recommend that approach. If an EAW is prepared, no work may proceed under the contract until the EAW is completed. It is highly likely that the work would be delayed until next year, which would open the city to claims for damages by the contractor. Staff recommends instead that the Project proceed. As in all projects of this type, staff will attempt to further reduce tree loss during construction.

The approved construction plans for the Project identified approximately 290 trees for potential removal. Staff reviews trees on an individual basis during the Project and looks at ways to limit construction impacts on a case-by-case basis. The construction plans present a worst-case scenario. In practice, on all projects, the city staff further works with the contractor and affected property owners to make field changes, where feasible and practical, in an effort to reduce property impacts, including tree removals.

For this Project, based on the field inspections performed since the contract was awarded, staff believes it may be possible to avoid removal of approximately one third of the trees identified for removal in the approved plans. Some trees may be saved by relocating water service lines, which will require permission from affected property owners. In other cases, the city and contractor may be able to adjust work limits, in cooperation with affected property owners, to reduce damage to root systems. Because the utilities and root systems are underground, the total number of trees that will be removed cannot be determined with accuracy until construction begins; however, staff’s current estimate is less than 200.

**Recommendation**

Adopt a resolution determining that the Project is exempt from environmental review.
Submitted through:
  Geralyn Barone, City Manager
  Julie Wischnack, Community Development Director
  Will Manchester, City Engineer

Originated by:
  Corrine Heine, City Attorney
Resolution No. 2016-

Resolution determining that an environmental assessment worksheet is not needed for 2016 Pavement Rehabilitation Project – Libb’s Lake, Project No. 16401

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01 The Minnesota Environmental Quality Board (EQB) has provided the city with a petition for an environmental assessment worksheet related to 2016 Pavement Rehabilitation Project – Libb’s Lake, Project No. 16401.

1.02 The EQB has designated the city as the responsible governmental unit for purposes of environmental review under Minnesota Rules chapter 4410.

1.03 Under Minnesota Rules 4410.4600, Subparts 1 and 2.B., a project is exempt from environmental review under chapter 4410 if all governmental decisions have been made prior to receipt of the petition for EAW.

1.04 The Project required the following governmental decisions, the last of which was received on April 13, 2016:

b. Minnetonka City Council Resolution 2016-010, Resolution accepting plans and specifications and authorizing the advertisement for bids for the 2016 Street Rehabilitation Project, Libb’s Lake Area, dated February 8, 2016
d. Minnetonka City Council award of contract for Project No. 16401 to GMH Asphalt Corporation, in the amount of $7,267,853.82, approved March 14, 2014
e. Minnesota Pollution Control Agency Permit No. C00042827, Coverage Card for Project under the City’s NPDES General Permit MNR100001, issued April 7, 2016
f. No-Loss Decision under the Wetland Conservation Act, dated April 13, 2016
g. MCWD Permit Application #16-108, No MCWD Permit Needed, issued by Minnehaha Creek Watershed District, dated April 13, 2013 [sic][2016]

Section 2. Council Action.
2.01. The City Council finds that the Project is exempt from environmental review pursuant to Minnesota Rules 4410.4600, Subparts 1 and 2.B.

2.02. The City Council finds that an EAW is not needed because the Project is exempt from environmental review.

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 25, 2016.

______________________________
Terry Schneider, Mayor

Attest:

______________________________
David E. Maeda, City Clerk

**Action on this resolution:**

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on April 25, 2016.

______________________________
David E. Maeda, City Clerk
April 15, 2016

Julie Wischnack
Community Development Director
City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345

RE: Petition for an Environmental Assessment Worksheet for the Libbs Lake Neighborhood Street Reconstruction Project

Dear Ms. Wischnack,

The Environmental Quality Board (EQB) has received a petition requesting that an Environmental Assessment Worksheet (EAW) be prepared on the project described in the petition, and has determined that the City of Minnetonka is the appropriate governmental unit to decide the need for an EAW.

The requirements for environmental review, including the preparation of an EAW, can be found in the Minnesota Rules, chapter 4410. The procedures to be followed in making the EAW decision are set forth in part 4410.1100. Key points in the procedures include:

1. No final government approvals may be given to the project named in the petition, nor may construction on the project be started until the need for an EAW has been determined. Project construction includes any activities which directly affect the environment, including preparation of land. If the decision is to prepare an EAW, approval must be withheld until either a Negative Declaration is issued or an Environmental Impact Statement (EIS) is completed (see part 4410.3100, subpart 1).

2. A first step in making the decision regarding the need for an EAW would be to compare the project to the mandatory EAW, EIS, and Exemption categories listed in parts 4410.4300, 4410.4400, and 4410.4600, respectively. If the project should fall under any of these categories, environmental review is automatically required or prohibited. If this should be the case, proceed accordingly.

3. If preparation of an EAW is neither mandatory nor exempted, the City of Minnetonka has the option to prepare an EAW. The standard to be used to decide if an EAW should be done is given in part 4410.1100, subp. 6. Note that this requires that a record of decision, including specific findings of fact, be maintained.

4. You are allowed up to 30 working days (Saturdays, Sundays and holidays do not count) for your decision if it will be made by a council, board, or other body which meets only periodically, or 15...
working days if it will be made by a single individual. You may request an extra 15 days from the EQB if the decision will be made by an individual.

5. You must notify, in writing, the proposer, the petitioners’ representative, and the EQB of your decision within 5 working days. I would appreciate if you would send a copy of your record of decision on the petition along with notification of your decision for our records. This is not required, however.

6. If for any reason you are unable to act on the petition at this time (e.g., no application has yet been filed or the application has been withdrawn or denied), the petition will remain in effect for a period of one year, and must be acted upon prior to any final decision concerning the project identified in the petition.

Notice of the petition and its assignment to your unit of government will be published in the EQB Monitor on April 25, 2016.

If you have any questions or need any assistance, please do not hesitate to call me. The telephone number is 651-757-2873.

Sincerely,

Mark Riegel
Planner
Environmental Review
Environmental Quality Board

Enclosure

cc: Richard Kopy, Petitioner’s Representative (email only)
    Will Seuffert, EQB Executive Director (email only)
**Petition for an EAW on the Libbs Lake Neighborhood Street Reconstruction Project**

**Outline of Submittal Package to Minnesota Environmental Quality Board -- Mark Riegel at 651-757-2472**

The following items are included in this package to the EQB as part of the petition for an Environmental Review of the Libbs Lake Neighborhood Construction Project. All of the attachments refer in this table are included in the Appendices to the report.

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<th>Page</th>
<th>Description</th>
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| 2    | Why are the residents requesting and Environmental Assessment at this time?  
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| 3    | Pending Permit with the Watershed District for stormwater line into wetland in Groveland Park  
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| 10   | Summary and Conclusion of Petition to EQB  
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**Project Description**

This petition is made to the Minnesota Environmental Quality Review Board requesting that an Environmental Assessment be completed on the Libbs Lake Neighborhood Street and Utility project. This $7.5 million project is scheduled to begin in late April of this year and impact approximately 300 residents. Included in the project are three separate neighborhoods over an approximate 2 square mile area. Included in this submittal to the EQB is the map of the project area and the project information prepared by the City in a recent mailing to the residents (Attachment 1).

The project involves street reconstruction and utility renovations. All utilities will be reconstructed including cable, telephone, electric power, gas, sanitary sewer, storm sewer and watermain. New streets will collect storm water with curbs and gutters and change the drainage characteristics of the neighborhood. Permits are pending with the Minnehaha Creek Watershed District for Water Body impacts and wetland protection as a result of these new drainage revision impacts. The watermain utility re-construction will involve the removal of a reported 290 trees in project area 2 and 3, each of which is greater than 10 inches in diameter, a few larger than 100” in diameter. There are no tree removals planned for area 1.

The City’s contact is the City Manager, Geralyn Barone, 952-939-8200; gbarone@eminnetonka.com

**Why are the Residents requesting an Environmental Assessment at this time?**

The majority of residents are against the removal of all of these trees. They feel that there are several alternatives that the City could utilize to alleviate the environmental damage that will result from the removal of these mature trees. Unfortunately, few of the residents knew the impact of the tree removals before the last few days. In fact, as of this writing on April 13th, the exact tree removals have not been marked by the City or its’ contractor.

The majority of the residents are requesting a moratorium on the project schedule, including no tree cutting, while the City re-studies the alternatives involved in alleviating the tree destruction that will result from this project. The residents would like to be involved in the review of the study parameters and the study process. We request a partner relationship with the City, rather than an adversarial relationship, as it seems to be at present. A good example of the feeling of the residents and the position of the City can be reviewed via the video of the City Council meeting which took place on April 11th. This project discussion item was not on the published agenda. But, the residents showed up and made a plea to the City Council to listen to their views regarding the project. The item resulted in 90 minutes of discussion with no resolution. As residents, at this point, our only remaining steps are to request further
Environmental Review, or District Court. We will hold on the latter until we know what the disposition of this request produces.

The project representative for the neighborhood group is Mary Schmidt; 3314 Shores Blvd, Minnetonka, MN; schmidty4v@aol.com; or Richard Koppy; 3013 Lake Shore Blvd, Minnetonka, MN; rkoppy@evs-eng.com  Cell 612-360-3231;

**Project Schedule and Timing:**

The City has indicated to the residents that no further changes can be made to the project because the bids have been received and the contract with the contractor has been authorized. But, as of this date, no work has been performed. A public informational meeting is scheduled for April 14th with tree removal scheduled to being the week of April 18th. Because of the late notice to the residents of the 290 trees that will be removed, the residents feel the information process has not been complete. Had the complete nature of the project been communicated weeks ago, this same petition would have been filed earlier. Information on the project is contained in the attached City newsletter and the Street Construction brochure. See Attachment 1. There is considerable conflict over this matter in the neighborhood.

**City’s Position on the Neighborhood’s request to use other methods of construction:**

The City Attorney on March 7th wrote a position paper letter to the Attorney of Mary and Joe Schmidt, 3144 Shores Blvd, summarizing the City’s position on why the alternatives that the residents wished to be considered could not be considered further. Unfortunately, the language in the letter was adversarial and contained several inaccurate statements regarding the watermain construction alternatives. This letter is attached for further review (Attachment 2). Two examples of inaccuracies are on page two. First, the reference to the comparison for HDPE vs Ductile Iron Pipe for directional drilling is inaccurate. The Ductile Iron Pipe industry has a product that is directly comparable to HDPE and is used for directional drilling all of the time. It is more expensive, but has the same quality characteristics that the City Attorney says they want by their selection of Ductile Iron pipe. Secondly, the City attorney indicates the State Plumbing Code prohibits the use of directional drilling for water service lines. This is inaccurate and refers to directional drilling from the shut-off valve into the house. From the shut-off valve to the watermain in the street, drilling of service pipe is not prohibited assuming correct boring methods are utilized. These erroneous statements resulted in the neighborhood residents being misguided in their efforts to have the City look further into alternate construction methods.

**Minnehaha Creek Watershed District Permit for Wetland alteration:**

One additional note is that the City has not completed their Minnehaha Creek Watershed District permit. Terrance Chastan-Davis, in the permitting office at the Watershed District
office, indicated that the permit had been received from the City for Wetland and Water Crossing impacts, but the data was incomplete. Staff was waiting for additional material from the City before they resume processing of the permit. This relates to the re-direction of stormwater into the Groveland Park west of Shores Blvd. Attachment 3 and 4 describe the new, directionally bored 18” stormwater line that was to take stormwater from the new curbed section of Shores Blvd to the wetland within the Park. Without this connection there are no outlets for the Stormwater flow. There are several other areas within the project that stormwater disposition has not been clearly engineered. Going from bituminous paved streets with no curb and gutter to new streets with curb and gutter require a stormwater management plan. This needs to be studied further within the Environmental Assessment that the residents are requesting. Where is the stormwater from the new streets going to flow and how will it be treated before it enters water bodies like Frederick Lake (Groveland Park) and Lake Minnetonka?

**City’s performance as Arborist and Anti-Tree Engineer**

Attachment 5 is the April, 2016 newsletter that was mailed to the residents. It includes a four-page section on the high value that the City places on trees. Tree City USA is what the City of Minnetonka likes to call itself. In 1994 they achieved their first designation as a USA Tree City. For the 20th consecutive year, the city of Minnetonka has been recognized by the Arbor Day Foundation as a Tree City USA community for its commitment to urban forestry. Yet, they are planning a project that will remove nearly 300 mature trees and replant 0 trees. This is hardly the formula that will allow the City of Minnetonka to remain on the list of other distinguished Tree City recipients. The City of Minnetonka April Newsletter where they extol the virtues of maintaining an Urban Forest to improve the City is a contradiction of the efforts involved in this project. **At a minimum, for a Tree City USA member to place no value on the saving of the trees in this neighborhood is a insincere approach to dealing with this situation. Especially when you consider there is no replacement plan or money allocated in the project budget for new tree plantings.**

**Supporting material related to the Damage to the trees in the neighborhood**

The neighborhood residents feel that the removal of 290 trees for the placement of a new watermain should be re-evaluated and studied further with respect to the environmental damage of the tree loss. Attached are two plan sheets referring to one street within the project area, Shores Blvd. On this street alone covering a length of 1,000 feet, 18 trees are shown to be removed. Most of the trees, all greater than 48” in diameter, are on the west side of the street and are related to the 8” watermain replacement project that is scheduled to be done as part of the project. The City plans to excavate the entire street, remove the old cast iron 8” watermain and replace it with a new 8” ductile iron pipe. Because of the 8 feet of depth that has to be excavated to remove and replace the old watermain, the City feels the trees have to be removed. Additionally, many of the other trees that appear to be outside of the impact of the watermain project, are being removed because of new 3/4” service lines that will be run from
the new watermain to the property line. At the property line, a shut-off valve/stop box will be constructed and the line will then be connected to the individual property water service lines. Attachment 6 includes plan sheets explaining in detail the construction planned for Shores Blvd.

All of this work is proposed to be done "open trench". This is where the devastation comes into play. The neighborhood was developed over the period of time between early 1900 and 1950. The boulevard areas are all significantly planted and developed throughout the area. An open trench scenario is the worst methodology to utilize for this approach. The residents have suggested that a "Directional Bore" method of construction needs to be employed. This will reduce the boulevard and tree loss impacts by 90%. No open trenches are needed. With this method of construction, pits are established on either end of the bore, and then the pipe is bored through an auguring process underground. Tree roots are not an obstacle because the operation takes place at a lower level than the majority of the roots. The City has stated that they are not interested in this method because of additional costs, and there is no time left to study the alternatives. They have also indicated that they do not want to use HD PE pipe because it is inferior to Ductile Iron pipe. We have suggested that they use a brand of Ductile Iron pipe that is available for boring and meets their quality specification.

It is interesting to note that the City has required the gas company to directional bore the majority of its replacement lines in the neighborhood. Michels Pipeline and Centerpoint Energy started their work in 2015, and have directional bored more than 80% of the project pipe lines that have been replaced. Very little damage has occurred with their work activities during this period of time. The residents want the same approach utilized with the watermain replacement project.

Additionally, the City is contracting with the same contractor to bore a 18"stormwater line through Groveland Park from Shores Boulevard. This is located on the attached set of plans at Station 24+50. There are other locations that the storm water line could be located that would allow open trench methods, but they are choosing directional bore in this situation. The rationale of why they are boring this line, but no other utility lines, has not been explained during the public interaction sessions.

The City also argues that there are no assessments for this project, and over costs for directional boring of pipes would not be in the best interests of the City budget. The residents have indicated once they know what the additional charges would be, they would consider paying this additional charge, waive their right to a public hearing on this assessment, and the project could move forward. Unfortunately, the City did not do an option bid on the "directional bore" method. So, at this time, City staff indicates it would be more difficult to achieve because of the contract they have set up with their street contractor.

The following table identifies the tree loss and damages that are estimated for the neighborhood based upon the research that was done for the preparation of this EQB submittal. Contained in the Appendix on Attachments 7 and 8 are valuation and appraisal methods that relate to urban trees. Using 290 trees as the loss factor, the table includes a summary of the three valuation methods.
The Minneapolis Urban Forest Study, attachment 8, captured a lot of information on what value trees have to the environment. The table below has one tree damage estimate calculated based upon their Minneapolis Study. With the removal of 290 trees, these values are indications of what losses the City of Minnetonka will realize.

<table>
<thead>
<tr>
<th>Method</th>
<th>Loss per property</th>
<th>Total Tree Damages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real Estate Valuation method</td>
<td>$3750</td>
<td>$656,250</td>
</tr>
<tr>
<td>Minneapolis Urban Forest method</td>
<td>$1,914</td>
<td>$335,000</td>
</tr>
<tr>
<td>Univ. of Purdue Appraiser method</td>
<td>$4,143</td>
<td>$725,000</td>
</tr>
<tr>
<td>Average of the three methods</td>
<td>$3,269</td>
<td>$572,083</td>
</tr>
</tbody>
</table>

An explanation of these three valuation methods and how the dollar values were produced are contained in Attachment 7 and 8. No one should discount the value of the 290 trees that will be lost as a result of this restoration maintenance project. Even if you use the older study done in 2004 for the City of Minneapolis and the lowest valuation of the three, there is no doubt that a loss of $335,000 to a neighborhood should catch the attention of people charged with the maintenance of the green infrastructure of the City. It is doubtful whether alternate methods of construction would have resulted in a higher expenditure of funds. A twist on this issue is that some of the residents offered to pay an extra payment for what the cost would be for an alternate construction method that would save 90% of the trees. The City chose not to alternate bid other methods and ignored the resident’s plea.

If the neighborhood residents would have been notified that the watermain replacement approach would result in 290 mature trees being cut down, there is no doubt that a majority of residents would have opted to not do the project. The focus should be on using a method that renovates the water main at the same time allowing the trees to maintain their value to the neighborhood. Later, in this report, two alternate methods are discussed.

The average damage claims of nearly $600,000 dollars shown in the table certainly has room for debate. The overall value could be higher or lower than this figure, but the neighborhood will definitely feel a significant loss in the real estate value of the neighborhood; there is no doubt of this fact.

**Supporting material relating to the Environmental Damage**

The loss of 290 mature trees with no replanting plan will have an effect of reducing real estate values. They will also have a significant environmental effect on the neighborhood and the metro area. The International Society of Arboriculture has provided quite a few facts concerning what mature trees can do for neighborhoods. These thoughts are included here.
URBAN AND COMMUNITY FORESTRY: IMPROVING OUR QUALITY OF LIFE

Urban and community forestry can make a difference in our lives. Each one of us can make a personal contribution. As we develop and apply technologies for a better way of life, often times side effects adversely affect our natural environment. For example, in our urban areas summer temperatures and noise levels are higher than in the surrounding countryside. Air pollution problems are more concentrated, and the landscape is significantly altered, reducing personal health benefits available to us by having access to wooded areas and green open spaces. Trees help solve these problems. Now, 80 per-cent of us live in cities and towns and we can act individually to improve our natural environment through the planting and care of trees on our own streets, and by supporting community-wide forestry programs. Through technology we are learning more about trees and how they benefit mankind, and how we can do a better job of planting and caring for these trees that make up our urban forests.

TREES ADD BEAUTY AND IMPROVE PERSONAL HEALTH

Trees are major capital assets in America’s cities and towns. Just as streets, sidewalks, sewers, public buildings and recreational facilities are a part of a community’s infrastructure, so are publicly owned trees. Trees-and, collectively, the urban forest-are important assets that require care and maintenance the same as other public property. Trees are on the job 24 hours every day working for all of us to improve our environment and quality of life.

Without trees, the city is a sterile landscape of concrete, brick, steel and asphalt. Picture your town without trees. Would it be a place where you would like to live? Trees make communities livable for people. Trees add beauty and create an environment beneficial to our mental health. Trees:

- Add natural character to our cities and towns.
- Provide us with colors, flowers, and beautiful shapes, forms and textures.
- Screen harsh scenery.
- Soften the outline of masonry, metal and glass.
- Can be used architecturally to provide space definition and landscape continuity.

Trees impact deeply on our moods and emotions, providing psychological benefits impossible to measure. A healthy forest growing in places where people live and work is an essential element of the health of the people themselves.

- Create feelings of relaxation and well-being.
- Provide privacy and a sense of solitude and security.
- Shorten post-operative hospital stays when patients are placed in rooms with a view of trees and open spaces.
- A well-managed urban forest contributes to a sense of community pride and ownership.

TREES REDUCE AIR POLLUTION
Trees and other plants make their own food from carbon dioxide (CO₂) in the atmosphere, water, sunlight and a small amount of soil elements. In the process, they release oxygen (O₂) for us to breathe. Trees:

- Help to settle out, trap and hold particulate pollutants (dust, ash, pollen and smoke) that can damage human lungs.
- Absorb CO₂ and other dangerous gases and, in turn, replenish the atmosphere with oxygen.
- Produce enough oxygen on each acre for 18 people every day.
- Absorb enough CO, on each acre, over a years’ time, to equal the amount you produce when you drive your car 26,000 miles.

Trees remove gaseous pollutants by absorbing them through the pores in the leaf surface. *Particulates* are trapped and filtered by leaves, stems and twigs, and washed to the ground by rainfall.

Air pollutants injure trees by damaging their foliage and impairing the process of photosynthesis (food making). They also weaken trees making them more susceptible to other health problems such as insects and diseases.

The loss of trees in our urban areas not only intensifies the urban "heat-island" effect from loss of shade and evaporation, but we lose a principal absorber of carbon dioxide and trapper of other air pollutants as well.

The greenhouse effect is created when heat from the sun enters the atmosphere and is prevented from radiating back into space by air-polluting gases. The buildup of about 40 heat-trapping gases is created mostly by human activities. Heat buildup threatens to raise global temperatures to levels unprecedented in human history. About half of the greenhouse effect is caused by CO₂.
Trees act as a carbon sink by removing the carbon from CO₂ and storing it as cellulose in the trunk while releasing oxygen back into the air. A healthy tree stores about 13 pounds of carbon annually - or 2.6 tons per acre each year.

Trees also reduce the green-house effect by shading our homes and office buildings. This reduces air conditioning needs up to 30 percent, thereby reducing the amount of fossil fuels burned to produce electricity.

This combination of CO₂ removal from the atmosphere, carbon storage in wood, and the cooling effect makes trees a very efficient tool in fighting the greenhouse effect.

TREES CONSERVE WATER AND REDUCE SOIL EROSION

Trees create organic matter on the soil surface from their leaf litter. Their roots increase soil permeability. This results in:

- Reduced surface runoff of water from storms.
- Reduced soil erosion and sedimentation of streams.
- Increased ground water recharge that is significantly reduced by paving.
- Lesser amounts of chemicals transported to streams.
- Reduced wind erosion of soil.
- Without trees, cities would need to increase sewage and storm water drainage channels and waste - treatment capacities to handle increased water runoff.

TREES SAVE ENERGY
Strategically placed trees can be as effective as other energy saving home improvements, such as insulation and the installation of weather-tight windows and doors. Trees can help reduce your heating and cooling costs. Trees save energy through cooling in the hotter months. They provide a windbreak during winter. This results in burning less fossil fuels to generate electricity for cooling and heating.

Strategically placed shade trees—a minimum of three large trees around your home—can reduce air conditioning costs up to 30 percent. Shade trees offer their best benefits when you:

- Plant deciduous trees, which shed their leaves during winter. These trees provide shade and block heat from the sun during hotter months. By dropping their leaves in the fall they admit sun-light in the colder months.
- Place these trees on the south and west sides of buildings.
- Shade all hard surfaces such as driveways, patios and sidewalks to minimize landscape heat load.
- Evergreens, retain their leaves/needles year-long. They will serve as windbreaks to save from 10 to 50 percent in energy used for heating. Evergreens offer their best benefits when you:
  - Place them to intercept and slow winter winds, usually on the north side of your home.
  - Trees also provide significant shading benefits during summer.

TREES MODIFY LOCAL CLIMATE

Trees can help cool the "heat island" effect in our inner cities. These islands result from storage of thermal energy in concrete, steel and asphalt. Heat islands are 3 to 10 degrees warmer than the surrounding countryside. The collective effect of a large area of transpiring trees (evaporating water) reduces the air temperature in these areas. Trees also:

- Lower air temperature through shade.
- Increase humidity in dry climates through evaporation of moisture.
- Reduce glare on sunny days.
- Reduce wind speed.

TREES INCREASE ECONOMIC STABILITY

The scope and condition of a community's trees and, collectively, its urban forest, is usually the first impression a community projects to its visitors. Studies have shown that:

- Trees enhance community economic stability by attracting businesses and tourists.
- People linger and shop longer along tree-lined streets.
- Apartments and offices in wooded areas rent more quickly, have higher occupancy rates and tenants stay longer.
- Businesses leasing office space in wooded developments find their workers are more productive and absenteeism is reduced.
• A community’s urban forest is an extension of its pride and community spirit.

**TREES REDUCE NOISE POLLUTION**

Trees absorb and block noise from the urban environment.

**TREES CREATE WILDLIFE AND PLANT DIVERSITY**

Trees and associated plants create local ecosystems that provide habitat and food for birds and animals. They offer suitable mini-climates for other plants that would otherwise be absent from urban areas. Biodiversity is an important part of urban forestry.

**Material Evidence of the Damage to the Environment**

A contractor hired to take down trees within the neighborhood will remove 290 trees starting on April 20, unless an alternate method of construction is utilized. This section of the petition will focus on the value to the City on these 290 trees and attempt to place a qualitative and quantitative value on the loss.

Within the City's April newsletter, a four-page section entitled Community Forest lays out the argument of the value of trees in Minnetonka. This document is included as a reference to the following information which is laid out more thoroughly in the newsletter by the City's Forrester.

• All of the trees in Minnetonka form a Community Forest with the following values:
  ○ Privacy for all of the properties they inhabit. There are 150 residents that will experience at least one 12” tree loss or greater as a result of the tree cut. Another 100 residents will be within 100 feet of this same tree cut; singular tree or more.
  ○ These trees define the community. People have selected the Libb's Lake neighborhood to live because of the aesthetics of the neighborhood defined by the trees. The City of Minnetonka calls itself a "tree city". The removal of these trees without considering another form of construction to save them will impact the culture and identity of the City. Three photos are included on three separate streets that define the neighborhood. In each of the conditions shown on these photos, the trees on one side of the street or both, will be removed.
  ○ Trees are the City's green infrastructure offering wind and noise control, improved air quality, stormwater collection, erosion control, and energy savings.
    • Wind and noise control – The canopy of the tree shelters structures from wind and noise and adds privacy.
    • Air Quality – Reduces CO2 emissions.
    • Stormwater and Erosion control – Takes out of the atmosphere 40 to 1900 gallons per day.
• Energy Savings -- The canopy filters harmful UV light and can provide cooling shade, reducing energy used for air conditioning. Homes that have been outfitted with heating and air conditioning systems in this neighborhood without these trees may find their existing systems are not sized adequately to keep up with air conditioning needs in the warm months.

○ It takes many small trees to equal the benefits of one large tree.

<table>
<thead>
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<th>Annual Benefits, tree size</th>
<th>2&quot;</th>
<th>10&quot;</th>
<th>20&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stormwater Intercepted</td>
<td>44 gal</td>
<td>639 gal</td>
<td>1898 gal</td>
</tr>
<tr>
<td>Energy Saved with Tree</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electricity</td>
<td>12 Kwh</td>
<td>112 Kwh</td>
<td>212 Kwh</td>
</tr>
<tr>
<td>Natural Gas</td>
<td>2 therms</td>
<td>16 therms</td>
<td>29 therms</td>
</tr>
<tr>
<td>Carbon Dioxide absorbed</td>
<td>33 lbs</td>
<td>349 lbs</td>
<td>680 lbs</td>
</tr>
<tr>
<td>Improvement to Air Quality</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dollar value</td>
<td>0.38</td>
<td>$3.85</td>
<td>$5.10</td>
</tr>
</tbody>
</table>

○ Number of 2" Trees needed to equal benefits of one 20" Tree

| Stormwater Interception     | 53 |
| Energy Savings              | 14-17 |
| Carbon Monoxide Absorption  | 20 |
| Air Quality Improvement     | 22 |

• Sadly, in the City’s proposal for this neighborhood project, they are proposing to cut down 220 trees of various sizes all 12 inches or greater in size. **But, they are not proposing to replant any trees.**

**Alternate methods of Construction to reduce tree loss**

There are several methods that could be used to eliminate the tree loss. Two of the most notable methods are Directional Boring and Pipe Bursting. Directional Boring was bid by the City for the Storm sewer pipe connection from Shores Blvd to the wetland in Groveland Park. It goes under the tree roots and has little disturbance to the boulevard landscaping areas. The City of Bloomington recently accomplished a major directional boring project for their utility system through a residential neighborhood. HDPE pipe is generally used (this is what
Michels/Centerpointe Energy is using within the Libbs Lake neighborhood for the gas line replacement program). Why would the City have Centerpointe use this method, but reject it for watermain? The City Attorney commented in the March 7th letter that HDPE pipe is inferior to Ductile Iron pipe and the City doesn’t want to use an inferior product. If the City Attorney would have been better informed, she would have found there is an TD Ductile Iron Pipe that is the same or better quality as the ductile iron pipe they are planning to use, and it is used for Directional Boring. When the residents asked the City Engineer why they hadn’t alternate bid this method, the answer was we looked at it but rejected it for cost and complications of installation. Has anyone at the City compared the additional cost of the piping to the loss of 290 trees?

The second method of trenchless construction is the Pipe Bursting method. Using this method, the contractor runs a new line through the existing cast iron pipe and pressurizes this pipe bursting the old cast iron pipe and allowing the new pipe to take its place in the exact location of the cast iron pipe. The resultant disturbance to the surrounding area is zero and the capacity of the new pipe is whatever the designer determines. Attachments 10, 11, 12 and 13 are examples of Pipe Bursting projects in the past few years in nearby Cities of St. Paul, Plymouth, Fridley and Mound. These examples include the replacement of 6 to 8 inch cast iron pipe with new 8” pipe using the Pipe Bursting method. When questioned about the staff’s review of this method, they indicated they had looked at it and it was more expensive then the chosen method. Again, no alternate bidding process was utilized; nor were the residents of this neighborhood consulted about the impact of the extra cost.

Of the two methods, the Pipe Bursting method for this neighborhood offers the best hope of lesser disturbance and the saving of trees. It is estimated that 90% of the trees that are scheduled for removal would be saved by this method. Based upon the valuation of trees that are removed at nearly $600,000 in the earlier section of the report, this equates to a savings of approximately $500,000. The pipe bursting method additional cost wouldn’t even be close to this cost estimate.

**Summary and Conclusion:**

There are other options to replace the existing watermain that would avoid the destruction of the boulevard areas and the removal of nearly 300 trees. The city admits they have not considered this issue adequately through additional studies or an alternate bid approach in their bid documents. The residents feel the value of the trees is so significant to the neighborhood that these studies and bidding steps must be taken, even if the project has to be put on hold for a couple of months. This report has explained the tremendous real estate loss that will be experienced within this neighborhood, not to mention the “tree canopy” and environmental damage that will forever be caused.

We hereby request the Minnesota Environmental Quality Board to take steps to require an Environmental Assessment to be completed on this project reviewing the tree loss, the value
impacts resulting from the tree loss and the boulevard destruction impacts in all of the areas of the neighborhood from the results of the open trenching construction method they are using for the watermain replacement project. The City should review alternate construction methods comparing additional costs to the value of saving trees. Additionally, the City should review a comprehensive tree reforestation plan at a minimum regardless of which alternate is chosen. We value our neighborhood and this should be the minimal response to our request.

**Notification Letter**

Attachment 14 is a letter of notification that was delivered to the City of Minnetonka on Monday, April 11th at the City Council meeting.

**Petition Explanation**

Petition attachments with more than 100 signatures of Minnesota residents are included in the appendix. We believed we have honestly met the requirement to have people who are residents of the Minnesota and have an interest in this Environmental Study request sign this petition.

**APPENDICES**

Attachment 1 – Libbs Lake Neighborhood Street Reconstruction project update and Map
Attachment 2 – City Attorney’s Letter dated March 7, 2016
Attachment 3, 4 – Groveland Park Storm water line connection to the protected wetland
Attachment 5 – City of Minnetonka April, 2016 Newsletter to the Residents
Attachment 6 – Shores Blvd Plan Sheets
Attachment 7 – Three methods of Tree/Real Estate Valuation
Attachment 8 – City of Minneapolis 2006 Urban Tree Study
Attachment 9, 10, 11, 12 – Pipe Bursting Case Studies in the Metro area of Minnesota
Attachment 13 – Notification Letter to City of Minnetonka delivered on April 11th

Attachments 14 – Greater than 100 signed petitions of resident/property owners in the State of Minnesota
Project Begins Week of April 18

The City of Minnetonka is reconstructing the utility and road infrastructure in your neighborhood this season. Construction is expected to begin the week of April 18 and will continue into the fall. Refer to the attached map to see the specific project areas and to find out when construction is expected to begin on your street.

APPROXIMATE SCHEDULE
Please note, this schedule is subject to change and dependent on weather:

- **Week of April 11**: Impacted trees will be marked for removal.
- **Week of April 18**: Tree removal begins.
- **Late April/Early May**: Construction begins in Areas 1 and 2.
- **Early June**: Area 1 streets are paved; turf restoration begins.
- **Late July/Early August**: The first layer of pavement is added to Area 2 streets; turf restoration begins. Area 3 construction begins.
- **October**: The first layer of pavement is added to Area 3 streets; turf restoration begins.
- **June 2017**: The final layer of pavement is completed in Areas 2 and 3.

PROJECT KICK-OFF MEETING - THURSDAY, APRIL 14

Meet the city's project coordinators at a construction kick-off meeting at Grotonka Park on Thursday, April 14 at 5 p.m. to learn more about the construction of the project.

HOW TO STAY INFORMED

- Subscribe to receive email and/or text notifications about the project by visiting eminnetonka.com/libbslakeproject
- Visit eminnetonka.com/libbslakeproject for weekly project updates
- Look for regular project updates in the mail
- Attend monthly neighborhood meetings with Project Manager Phil Olson (stay tuned for more details through project updates)
- Contact city staff

Thank you in advance for your patience and cooperation throughout construction!
WHAT TO EXPECT WHEN CONSTRUCTION BEGINS

Tree Removal
Though the city works to minimize tree removal as much as possible, this project does require the removal of some trees in the public right-of-way. The public right-of-way in this construction area varies; however, it is generally located approximately 15-20 feet beyond the existing street. The trees needing to be removed will be marked the week before removal.

Area 1 (see map)
Complete utility reconstruction is not necessary in this area, so crews will perform a “mill and overlay” by removing the top two inches of pavement and resurfacing with new pavement. At the same time, crews will complete repairs to the existing sanitary sewer system in the area. Please note, the reconstruction process highlighted in the enclosed brochure does not apply to this area.

Areas 2 and 3 (see map)
The streets and underground utility infrastructure in Areas 2 and 3 will be completely reconstructed; see the enclosed Street Reconstruction brochure for complete details on what to expect. Area 2 streets will be fully constructed prior to beginning construction in Area 3.

PROJECT IMPACTS
Due to the invasive nature of reconstruction, temporary service interruptions and changes to property access are common. While these inconveniences can be frustrating, the city will work to minimize disruptions as much as possible. The following areas are directly impacted by construction:

- Driveway Access, Driveway Changes
- Mail Delivery, Garbage/Recycling Service
- Parking
- Electrical, Cable and Internet Interruptions: Centerpoint Energy, Xcel Energy, Comcast Cable and Century Link are planning to replace or relocate some of their facilities in conjunction with the project. These companies notify homeowners separately in the event your service will be affected. Please note, these private utilities are not under contract with the city and schedule their own work.

See the enclosed Street Reconstruction brochure for additional details on what to expect.

HOW TO PREPARE

- Plan for Changes to Recycling and Garbage Collection Schedules
  - Recycling and garbage will typically be collected before 7 a.m. during construction.
- Plan for Changes to School Bus Routes
  - The school district will contact residents directly if changes to bus stops/services are necessary during construction.
- Remove Landscaping Materials from Right-of-Way
  - Property owners are responsible for removing or transplanting any existing trees and plants located within the public right-of-way that they would like to save.
  - The contractor will salvage landscaping materials such as fencing, arbors, boulders and sculptures to homeowners. These items will not be replaced as a part of the project.
- Remove Pet Containment and Irrigation Systems from Work Zone
  - The city will reimburse owners for the expense, but all pet containment systems and irrigation systems must be removed from the work zone prior to construction. Please contact Chris Smith for further details.
- Inform City Staff of Special Needs or Planned Events
  - Is there a special event at your house this summer? Do you work from home? Please tell us about any special needs and we will do our best to accommodate your plans.
2016 Rehabilitation Program

Mill and Overlay Areas

Area 1

Full Reconstruction Areas

Area 2

Area 3

minnetonka
Where quality is our nature

This map is for illustrative purposes only.
March 7, 2016

Patrick J. Neaton
Neaton & Puklich, P.L.L.P.
7975 Stone Creek Drive, Suite 120
Chanhassen, MN 55317

RE:  Joe and Mary Schmidt/3314 Shores Blvd.

Dear Mr. Neaton:

This letter is sent in response to your letter of March 2, 2016, which was directed to Sarah Krake and Phillip [sic] Olson of the city engineering department. First, I need to clarify what appears to have been a miscommunication between you and your clients. The Smiths never sent their letter dated January 6 to the city council. Phillip Olson talked with Mrs. Schmidt just before the January 4, 2016 city council meeting. Mrs. Schmidt showed the letter, or something similar to it, to Mr. Olson. He skimmed it and handed it back to her. He told her she could speak to the council at the meeting and also offered to schedule a meeting with the Schmidts to discuss the trees. Mrs. Schmidt left before the meeting started. The Schmidts did not request a meeting, and the city never received the letter attached to your letter of March 2.

We agree that the Schmidts have the right to use land that they own within city right-of-way, so long as it does not interfere with the city’s right-of-way use. The Schmidts’ rights, however, are subordinate to the city’s right to improve its streets. The city has no obligation to compensate for removal of the trees, where removal is reasonably necessary for public use of the right-of-way. 


In this instance, tree removal is necessary because of the public improvement project. The trees are located within three to four feet of the water main or water service lines that must be replaced. The water main is located at a depth of eight feet below grade. Replacement of the main with open-cut excavation will require that the root structure be largely removed on the street-side of each tree; this will result in either the death of the tree or render the tree susceptible to wind damage. More significantly, the proximity of the trees to the excavation site creates an unsafe working environment for workers.

The city cannot accept your clients’ proposal to use an alternate installation method (you suggested directional drilling), at your clients’ expense, for several reasons:

www.eminnetonka.com
• Directional drilling would require the city to use high-density polyethylene (HDPE) pipe rather than Ductile iron pipe (DIP). DIP is recognized as superior to DIP based on strength, durability, flow capacity, safety factor and other criteria.

• The city cannot offer one property owner an alternative construction method without offering the same method to other owners. This creates complexities in administration for the city and the contractor, as well as practical issues for the contractor in managing two forms of installation on the same project. It simply is not a practical solution.

• Even if directional drilling were used, two trees would still need to be removed in order to replace water service lines. The state plumbing code prohibits use of directional drilling for water service lines (as opposed to water mains).

Minnetonka prides itself on its natural resources, and staff takes all reasonable measures to prevent tree loss on city projects. Sometimes, however, tree loss is necessary, and this is one of those circumstances. Mr. Olson told the Schmidts that the city might be able to save the northernmost tree if the Schmidts would allow the city to relocate their water service line further south. That would require additional excavation on their property, but the city is willing to work with the Schmidts to determine whether that is a viable option. The city’s inspector will work with the Schmidts during construction to discuss possible options.

Sincerely,

Corrine A. Heine
City Attorney
Attachment #4 – Storm Sewer into Frederick lake
Planting the seeds for solar energy

The City of Minnetonka has been working for years to reduce its ecological footprint and save taxpayer dollars through energy saving initiatives. From installing more efficient lights, to improving insulation in buildings, the city is continuously updating its systems to be as "green" and cost effective as possible. Now, the city is making plans to harness the power of the sun to save even more energy and tax dollars in the coming years.

Solar energy is one of the most clean and affordable ways to generate electricity, yet space constraints often present hurdles to implementing the technology. In 2013, the city of Minnetonka considered placing solar panels on the only flat-roof building available, the public works building, but found that the panels would interfere with roof replacement and would not have met the building's energy needs. The city opted to wait for a solution that would generate more power and savings.

When a state law passed in 2013 that enabled community solar gardens in Minnesota, a new option emerged. Under this program, developers can build solar gardens, which are facilities that use ground-mounted or roof-mounted solar panels to generate electricity that flows into the electrical power grid. Xcel Energy customers, such as the city, may contract with these developers and purchase a subscription to the garden. The subscriber will then receive a discount on their bill based on the amount of energy the garden produces for that customer contract.

There are several requirements that complicate the process of building and participating in a solar garden. First, the garden must be located in the subscriber’s county or an adjacent county. Additionally, each garden is limited to a specified number of kilowatts and no more than five gardens are allowed at any given site. In addition, they must be constructed close to Xcel Energy transmission infrastructure suitable for connection to the garden. Not only do these factors significantly reduce the number of sites available, it also creates a sense of urgency, because once the suitable sites are filled, the opportunity to participate will be lost.

When the city received a proposal from a solar garden developer early last year, both staff and the city council had many questions. To answer these questions, the city partnered with a local energy consultant to research solar garden participation and potential savings to the city.

What is a solar garden?

When most people think of gardens, they picture rows of plants or produce. In a solar garden, the plants are replaced by ground-mounted solar panels that harness the power of the sun to produce electricity.

Subscribing to a solar garden will allow the city to:

• Reap the benefits of solar energy
• Save from $7 to $25 million on energy costs over a 25 year period
• Power streetlights, water systems, buildings, and more
• Reduce our impact on the environment

Interested in using solar to power your home or business?

If you're interested in learning how to harness solar energy for your home or businesses, visit the American Solar Energy Society's website at energysage.com/ases for more information.

A win-win situation

Through this research, the city discovered that participation in a solar garden was a win-win situation - not only did it have the potential to return $7 to $25 million in energy savings over 25 years, it could also be done with no financial commitment from the city. The report also determined that out of the more than 30 solar garden developers in the area (none of which are in Minnetonka), only three were recommended to have the capability to successfully build solar gardens that could meet the city's requirements. The report also highlighted that because it takes roughly 15.7 million kWh hours to run the city's buildings, street lights and water systems, the city would need to subscribe to multiple gardens to harness enough energy.

In order to move quickly, the city made the decision to negotiate directly with three developers to ensure competitive agreements. The vendor contracts were approved by the city council on August 31, 2015.

Finalizing the details

Despite contract negotiations being completed, however, some hurdles still remain. Before the city will be able to participate, each of the three contractors must finalize the details of their agreements with Xcel Energy, and those negotiations are in process but out of the city's hands. "The city has committed to taking part in solar energy and has done what we can to move this forward," Public Works Director Brian Wagstrom said. "Now it is up to Xcel Energy and the developers to finalize the details."

If all goes as planned, Wagstrom says one of the developers could be up and running with a solar garden as early as the end of 2016, and the other two could be ready to go by 2017. The cost savings will be immediate, with Xcel Energy crediting the city's account based on how much energy each solar garden produces. "This is all part of a bigger plan to reduce the city's energy consumption," said Wagstrom. "Powering city facilities with solar energy will not only save taxpayers and businesses money, it will also greatly reduce the city's impact on the environment, thereby ensuring the viability of the city for generations to come."
Silver Skates Ice Revue is April 28, 29 and 30

Minnetonka Ice Arena's All Season Skating School is proud to present the 42nd Annual Silver Skates Ice Revue, "Star Struck." More than 200 skaters from Minnetonka and surrounding communities are featured again this year.

Show times are:
- Thursday, April 28, 6:30 p.m.
- Friday, April 29, 6:30 p.m.
- Saturday, April 30, 2 p.m.

General admission for each performance is $6, with free admission for children under 5. Senior citizens and individuals with special needs are granted free admission to the Saturday afternoon performance. Don't forget to bring a coat or blanket, as it does get cold in the ice arena.

Summer Skating Lessons

Interested in skating lessons? Summer skating lessons for both children and adults are held Monday evenings beginning June 13. Call the Minnetonka Ice Arena at 952-939-8310 or visit eminnetonka.com for more information.

Home repair loans available for limited time

For a limited time only, the city is accepting applications for the Small Projects Housing Rehabilitation Loan Program. This program offers up to $5,000 through a 0 percent, no interest, no payment, deferred loan, for homeowners wanting to make eligible home improvements. If you continue to own and live in your home for 10 years after receiving a loan, the loan is completely forgiven.

To be eligible, your income must not exceed:

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<td>$76,350</td>
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<td>7 person</td>
<td>$81,600</td>
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<tr>
<td>8 person</td>
<td>$86,900</td>
</tr>
</tbody>
</table>

Applications will be available starting at 8 a.m. Monday, April 11, and will be accepted on a first come, first served basis until Wednesday, April 27. For application forms and more information about the program, visit eminnetonka.com/housing, stop by City Hall (14600 Minnetonka Boulevard), or call 952-939-8290. Remember, there are a limited number of loans available, so you must act quickly!

Other Opportunities Available

If you don't meet the guidelines for the small projects program, there are several other home repair loans available for Minnetonka residents. Call 952-939-8290 or visit eminnetonka.com/housing to learn more about these opportunities.

Learn more about becoming a Burwell House tour guide

Originally built by the Burwell family in 1883 and purchased by the city in 1970, the historical Charles H. Burwell house at 13209 E. McGinty Road is a treasured city resource. Meticulously restored to its original character, regular tours are offered to give visitors of all ages a chance to experience what life was like in the late nineteenth century. In order to make these tours possible, however, the city must rely on volunteers from the community.

Find out what it takes to become a Burwell House tour guide at one of the following open house events. Attendees will meet other guides and get a tour of the house.

Tuesday, April 26 at 5:30-6:30 p.m.
Tuesday, May 3 at 10:30-11:30 a.m.

Volunteering at the Burwell House is a unique way to connect with the community and learn more about Minnetonka's history. For more information on becoming a tour guide, or to RSVP to an open house event, contact Moranda Zimmerman at 952-939-8219 or mzimmer@eminnetonka.com.
Coffee with Natural Resources
Monday, April 11, 11 a.m.
Everyone knows that landscaping can increase your home’s curb appeal, but did you know that by using sustainable and natural landscaping techniques you are also conserving water? Join Natural Resources Manager Jo Colleran and learn how to reduce water use and how to protect our lakes, wetlands and creeks. Refreshments will be served.
Cost: $2 (Course #2180401-01)

Volunteer Social
Wednesday, April 13, Noon
Volunteers, please let us show our appreciation and join us for a social.
Menu: Baked potato bar and dessert.
Cost: Free! RSVP by Monday, April 11 (Course #3100101-01)

Ask a Pharmacy Student
UMN Pharmacy Students
Tuesday, April 19, 10:30 a.m.
Diabetes, blood pressure, cholesterol, heart failure, asthma, COPD, arthritis, joint health, vitamins, supplements, prescription medications and more. Pharmacy students from the University of Minnesota will be available to answer questions and provide information about your medications, health conditions and concerns.
Cost: Free! (Course #2180416-01)

Lunch and a Movie Everest
Friday, April 22, Noon
Based on a true-life tale of death and survival, this epic adventure tracks the fate of two climbing parties as they encounter a massive snowstorm on Mount Everest.
Menu: Pulled pork sandwich, potato salad, chips and a treat.
Cost: $5 due Tuesday, April 19. (Course #2100204-01)

Community Connections:
The Lives of Wolves, Coyotes & Foxes
Stan Tekiela
Monday, April 25, 10:30 a.m.
Take a fascinating look at some of the most intriguing animals in the wild. Featuring award winning images and fun and entertaining information, this presentation is a visual feast. Provided by Lake Minnetonka Senior Care Providers: Community Connections.
Cost: $2 (Course #2180410-01)

Financial Fraud Protection
Tuesday, April 26, 10 a.m.
Learn about financial fraud, stranger scams and family financial exploitation.
A representative from the MN Elder Justice Center, along with the Minnetonka Police Department, will highlight local senior fraud cases and share helpful tips and techniques to take measures against this growing national problem impacting retirees. Refreshments provided.
Cost: Free! (Course #2180414-01)

Grief, Loss, Transition and Downsizing
Marcie Spears
Thursday, April 28, 6:30 p.m.
Join Marcie Spears of Organizing Angel and learn how to downsize your things in the midst of emotional situations. Go from stuck and overwhelmed to hopeful and confident. Gain the tools you need to reclaim your space. Topics include: “How will I know when I’m ready?” and “How do I do it my way?”
Cost: $2 (Course #2180405-01)
Athletic Activities

Adult Golf League (50+)
Mondays, May 2–Aug. 29
A great way to meet new people, this informal 16-week co-ed league plays at four area golf courses: Glen Lake, Braemar, Baker and Eagle Lake. Participants are rotated with different players each week.
• $230 due April 13. (No league play May 30 and July 4)
  Tee times: 9:30–10:30 a.m.
  (Course #3120401-01)

70+ Softball
Mondays and Wednesdays, 9 a.m.–noon
April–October
Slow-pitch softball is played at Big Willow Fields #5-6, 11522 Minnetonka Blvd.
Modified rules allow for competitive play without the risk of serious injury.
Registration will be accepted throughout the season.
• $25 (Course #3120201-01)

Indoor Pickleball
October–May
Try the fun and social game of pickleball.
Limited supplies are available.
• Tuesdays and Wednesdays, 7:30–10 a.m.
• Thursdays and Fridays, 7:30–9:30 a.m.
• Saturdays, 1–3 p.m.
• Free for Willow, SilverSneakers and Silver and Fit members. $4 per day for non-members.

Williston Fitness Center
14509 Minnetonka Drive

Minnetonka Bike Club
Kick Off Meeting:
Thursday, April 7, 9:30 a.m.
The goal of the club is to provide moderate exercise under safe conditions and encourage social interaction and friendship. Three groups accommodate different levels of ability. More information at mtukabikers.org.
• $8 (Course #4120102-01)

Leisure Programs

Mahjongg
Carole Harris
Wednesdays, April 6–May 18
10 a.m.–noon
Learn to play the intriguing game of Mahjongg, a game of chance and skill.
• $56 (Course #2190201-01)

Continuing Bridge
Lee Solee
Mondays, April 18–May 16
1–3 p.m.
Continue learning to bid and score during the challenging game of bridge. Please bring a deck of cards.
• $30 (Course #3190301-01)

Education Programs

New! Healthy Living: Advanced Care Planning and End of Life
Dr. Sicora and Mataveen Tyra
Monday, May 2, 1–3 p.m.
Learn about the options for end of life and advanced care planning. Necessary forms will be available on site. Provided by North Memorial Health Care.
• $2 (Course #2180417-01)

New! Mind Fit
Carrie Dunkley, BSHA
Tuesdays, May 17–June 21
9–10:30 a.m.
Just like the body, the brain can show signs of aging. Learn about proactive ways to enhance cognitive functioning, including fun group activities, during this informative six-part series led by a brain fitness expert.
• $12 (Course #3180401-01)

Defensive Driving
Register through MN Highway Safety Center, 1-888-234-1294, or visit mnsafetycenter.org for all classes.
4-hour renewal sessions:
• $22, Thursday, April 7, 9 a.m.–1 p.m.
• $22, Thursday, April 28, 9 a.m.–1 p.m.

Help with Electronic Devices
Monday, April 18, 1:30–2:30 p.m.
Hopkins High School senior will offer free one-on-one training on all personal digital camera, iPad, iPod, etc. This is a great way to learn and to enjoy visiting with students.
Free! (Course #2180412-01)

Chow with the Chief
Tuesday, April 26, 5:30 p.m.
Tour Minnetonka Fire Station 1 and visit with the chief and firefighters. 14550 Minnetonka Blvd. Parking available at city hall.
Menu: Grilled hot dogs, chips and beverage.
Free! (Course #2180415-01)

History Programs

Scottish Estates
Terry Kubista
Thursdays, April 7–28
1–3 p.m.
Stories and inner workings of four of Scotland’s most magnificent country estates through the eyes of the owners and those who keep the estates operating. Inveraray Castle, Dumfries House, Kinross Castle and Rosslyn Chapel will be discussed.
• $28 (Course #2180101-04)

Prohibition in Minnesota
Dan Hartman
Wednesday, April 13
10:30 a.m.–noon
Examine the effects of Prohibition in Minnesota including the well-known Minnesota 13, a group of moonshiners in Stearns County. Also, take a look at the caves in St. Paul and learn how they were used during Prohibition.
• $3 (Course #3180201-01)

Interest Groups

Interest groups are coordinated and led by seniors in the community. All groups meet at the Minnetonka Community Center, unless noted otherwise.

Bird Club
1st Friday, 10 a.m.
Speaker: Karla Bloem, Great Horned Owls

Book Club
3rd Thursday, 1 p.m.
The Lowland by Jhumpa Lahiri

Garden Club
2nd Monday, 1 p.m.
Tour of plantings at Tonkadale

Literary Book Club
6th Tuesday, 7:15 p.m.
Picture of Dorian Gray by Oscar Wilde
In the mid-1800s, before this area was settled by farmers, a vast oak savanna blanketed much of the landscape between Minnetonka’s lakes, streams and wetlands, while smaller stands of mixed woodland dominated to the southwest. During the 20th century, farms gave way to industry and suburban housing. Now, according to the Minnesota Land Cover Classification System, more than 67 percent of Minnetonka is covered by artificial surfaces and roughly 15 percent of the landscape remains wooded.

All of the trees in Minnetonka, on both private and public property, form a community forest that provides many benefits to people and the environment—from privacy and aesthetics to wildlife habitat. Trees are also the city’s green infrastructure, offering wind control, improved air quality, stormwater collection and energy savings. Plus, the community forest is a renewable resource. If trees are removed, others can be planted in their place.

Just as private property owners may need to remove trees for remodeling or expansion projects, city projects sometimes require tree removal in order to improve roadways, water and sewer lines, and other infrastructure. Even so, the city prescribes mature trees when possible and encourages residents to do the same. Did you know that it takes many small trees to equal the benefits of one large tree? (See table.) If you are planning a new project, have you thought about which trees to keep, or how those trees might be impacted by construction?

Keep reading to learn about the biology of trees, their benefits to people, and best practices for maintaining the health of mature trees on your property. Use the calculator at treebenefits.com to calculate the value of trees on your property.

### Annual Benefits

<table>
<thead>
<tr>
<th>Tree Diameter</th>
<th>2&quot;</th>
<th>10&quot;</th>
<th>20&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stormwater Intercepted</td>
<td>64 gal</td>
<td>503 gal</td>
<td>1,886 gal</td>
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<tr>
<td>Energy Saved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electricity</td>
<td>12 kWh</td>
<td>112 kWh</td>
<td>212 kWh</td>
</tr>
<tr>
<td>Natural gas</td>
<td>2 therms</td>
<td>16 therms</td>
<td>29 therms</td>
</tr>
<tr>
<td>Carbon Dioxide Absorbed</td>
<td>33 lbs</td>
<td>349 lbs</td>
<td>680 lbs</td>
</tr>
<tr>
<td>Improvements to Air Quality (value)</td>
<td>$36</td>
<td>$3.65</td>
<td>$5.10</td>
</tr>
</tbody>
</table>

### Number of 2" Trees Needed to Equal Benefits of One 20" Oak Tree

- Stormwater interception: 69
- Energy savings: 14-17
- Carbon monoxide absorption: 20
- Air quality improvements: 22

### Time to Wrap Up Tree Pruning and Removal

April marks the time of year when the pruning of oak trees must stop in order to avoid spreading oak wilt disease, the fatal fungus so dangerous to oak trees.

Follow these guidelines to reduce the risk of spreading the disease:

**Months** | **Level of Oak Wilt Risk**
---|---
April-June | High Risk (stop pruning) (Blue)
July-Oct. | Low Risk (use caution) (Green)
Nov.-March | No Risk (white)

Fumes or dusts from pruning can become high risk with warm spring.

There are other guidelines about pruning or removing ash trees in order to prevent the spread of emerald ash borers (EAB). The "EAB Front" typically moves only 1-2 miles per year if left up to the insect's normal flight and growth patterns, but human-assisted movement can carry the insect at 60 mph to the next county or state.

This chart illustrates the likelihood of transporting EAB when pruning or removing ash trees:

**Months** | **Level of EAB Risk**
---|---
May-Oct. | EAB is Active (stop pruning/removing) (Blue)
Nov.-April | EAB is Inactive (okay to prune/remove) (White)

For more information on oak wilt and EAB visit minnetonka.com. If you have questions, contact the forestry information line at 952-988-8409.

### Reminder: Pick up your pre-ordered trees

**April 29 or 30**

If you ordered a tree through the city tree sale remember to pick up your tree at the Public Works Facility (4522 Minnetonka Blvd.) during one of the following times:

- Friday, April 29, 9 a.m.-2 p.m.
- Saturday, April 30, 9 a.m.-noon

After arriving at the facility, follow the signs to the east entrance where the recycling drop-off center is located.

Trees which are not picked up will be planted in a Minnetonka park.

Order confirmations will be sent via U.S. mail to participants approximately two weeks prior to the event as an additional reminder. Questions? Call Minnetonka Public Works at 952-988-8409.
WHAT GOOD ARE TREES TO US?

Trees increase property values, offer health benefits (from decreased blood pressure to improved concentration), improve the quality of our environment, and provide countless materials. In fact, just about every part of a tree is useful to people.

**Canopy**
- The canopy filters harmful UV light and can provide cooling shade, reducing energy used for air conditioning.
- Leaves capture carbon dioxide, release oxygen, and improve air quality.
- Leaves, flowers, fruits, and seeds feed pollinators, birds, and other wildlife—as well as people.
- The canopy shelters structures from wind and noise, and adds privacy.

**Trunk**
- Wood is an important building material used to make myriad products.
- Sap is extracted from maple, birch, and black walnut trees in spring to make syrup.
- Tree resins are key ingredients in some cleaning products, flavorings, medicines, and adhesives.
- Cellulose from wood fibers is used to manufacture paper, linoleum, rayon fabrics, paint, cosmetics, and even molded plastics.

**Root System**
- Roots absorb stormwater, allowing more water to soak into the soil—which in turn reduces runoff pollution and flooding.
- Erosion is slower where tree roots hold the soil in place.
- Roots anchor a tree in the soil, reducing the risk that the tree will fall and damage people or property.
- Fine roots absorb healthful minerals from the soil, which we obtain by eating foods like fruit and nuts.
Leaf and brush drop-off sites open April 2

Each spring and fall, the city accepts leaves, yard waste and brush from Minnetonka residents at the Public Works Facility at 11522 Minnetonka Blvd.

REGULAR HOURS AND LOCATION

Monday and Tuesday, 11 a.m. to 7 p.m.
Saturday, 7 a.m. to 3 p.m.
Public Works Facility
11522 Minnetonka Blvd.
*Please note, Monday and Tuesday hours have changed.

LEAF DROP-OFF SITE OPEN APRIL 2–MAY 21

In addition to regular hours, the leaf drop-off site is open Friday, May 6, 13 and 20 from noon to 6 p.m. and Sunday, May 8 and 15 from noon to 4 p.m.

Leaf Drop-off Site Guidelines
* A driver's license, state ID or utility bill must be presented to verify residency
* Leaves and yard waste such as grass, weeds, pine cones, needles, straw, plants, and garden materials are accepted
* Sticks and branches smaller than 2" in diameter are also accepted; larger materials must go into the separate brush pile
* Bags of any kind cannot be left at the drop-off site. Residents must take all bags home (including compostable bags) after depositing leaves and yard waste
* Leaves are not accepted from commercial tree or lawn services without proof of Minnetonka origin
* Remember to bring proper equipment, like a stout pitch fork, for unloading leaves
* Loads of leaves must be covered during transport

BRUSH DROP-OFF SITE OPEN APRIL 2–NOV. 19

In addition to regular hours, the brush drop-off site is open Friday, May 6, 13 and 20 from noon to 6 p.m. and Sunday, May 8 and 15 from noon to 4 p.m.

Brush Drop-off Site Guidelines
* Branches up to eight feet in length are accepted
* Stumps, dirt, sod, trash, metal, plastics, concrete, lumber, fences or wood scraps are not accepted
* Brush is not accepted from commercial tree or lawn services without proof of Minnetonka origin
* All yard waste must be disposed of in the leaf drop-off area. The brush drop-off and leaf drop-off programs have different processing methods and distinct end markets for the different materials. It is important they stay separate.

For more information, call Public Works at 952-988-8400 or visit eminnetonka.com.
Plan early for the arrival of garlic mustard

Unfortunately, wet conditions in 2015 and warm temperatures in the early winter gave garlic mustard a head start on the 2016 growing season. Many of these invasive plants are already larger than normal and have the potential to create a bumper crop of seeds that will only advance its spread.

Help deter the spread of this noxious weed by learning more about it at an upcoming workshop or by volunteering to help remove the weed from area parks.

### Garlic Mustard Events

**Thursday, April 14**
Garlic Mustard Workshop #1
Learn time-specific methods to reduce the risk of garlic mustard returning annually.
6:30–8 p.m.
Community Room
Minnetonka Community Center

**Wednesday, May 11**
Volunteer Opportunity
Meadow Park
5–7 p.m.
Meet at parking lot, 2725 Oakland Road

**Wednesday, May 18**
Volunteer Opportunity
Jidana Park
5–7 p.m.
Meet at parking lot, 3333 Jidana Lane

**Thursday, May 26**
Garlic Mustard Workshop #2
Learn time-specific methods to reduce the risk of garlic mustard returning annually.
6:30–8 p.m.
Community Room
Minnetonka Community Center

### Rain Barrel and Compost Bin Pick-Up

**Saturday, May 7**
8 a.m.–noon
OR
**Monday, May 9**
5–7 p.m.
City of St. Louis Park Municipal Service Center, 7305 Oxford Street

Rain barrels must be pre-ordered online at recyclenorthstate.org. Please note, these are the only dates available to pick up your order in St. Louis Park.

### Halloway Park Plant Walk

**Wednesday, May 25**
5:30–7 p.m.
Meet at trail entrance, 12415 Halloway Rd., on south side of the street

Assist restoration specialist Janet Van Sloun in removing garlic mustard in wildflower areas near the trail.

*RSVP for volunteer opportunities*

Individuals should RSVP to 952-988-8400 or at minnetonka.com. Groups should RSVP to Restoration Specialist Janet Van Sloun at 952-988-8423 to schedule a date and place. Volunteers are required to sign a release form and will be asked to wear work clothes and sturdy footwear; bring hand trowel, pruners, garden gloves, insect repellent and water.
Attachment 6 are on the next two sheets – Plan sheets for Shore Blvd
Determining a valuation of the tree loss in the Libb's Lake neighborhood

Wednesday, April 13, 2016
9:01 PM

For this tree valuation exercise I will use four methods of calculation...

1. The valuation of trees on the property of 3013 Lakeshore Blvd during the 2010 fire damage...
2. The valuation of the Urban Forest in Minneapolis from a 2006 study...
3. The University of Purdue method of valuing trees that has a website...
4. The International Society of Arboriculture ISA method of valuing landscaping...

List each of these separately and compare the findings in total and then apply to the projected tree loss in the Libbs Lake neighborhood area using these facts.

- 1 sq mi area with 175 residential single family dwellings
- 225 trees are being taken down, this doesn’t reflect the total number of trees in this area, only the number being cut down
- Average size of each tree: use 15 inches...

Valuation method #1 -- 3013 Lakeshore Blvd tree loss during a major fire that totally destroyed the neighbor's home. 20 trees averaging approx 10" in size were lost. The insurance company collected three estimates of damage because of a total loss of these trees and awarded $35,000. The home value at the time was estimated at $500,000. It has two slips onto Lake Minnetonka, so it has a higher value than the normal home. Today that same home has a value of $850,000.

- The value of $500k and the tree loss of $35k represent 7%. However, this was less than 50% of the tree value on the property. Not all of the trees were consumed by fire and the fire only impacted the west perimeter of the lot. So, if you assume the trees represented 45% of the trees on the property and divide the 35000 by 0.45; the total landscape value on the property was on the order of $87500 or 15.5% of the value of the property.
- The real estate society estimates that landscaping/trees represent on the norm approximately 10 to 20% of a lot's value.

Valuation method #2 -- Urban Forest article that was researched in completed in 2006 relates to the City of Minneapolis and its' urban forest. The complete research report is attached to this submittal. The authors are David Nowak, a research forester and Jack Stevens, a practicing forester. Jeffrey walton is a research forester with his office in the US Forest Service Headquarter's in Syracuse, NY. The article was sponsored and published by the USDA Forest Service. Here are some important facts from the article:

- In 2004, the UFORE model was used to survey and analyze Minneapolis urban forest.
- The study came up with several calculated environmental benefits of the Mpls tree cover. These are summarized and reviewed in this submittal justifying the environmental damage that will occur with the removal of the 225 trees taken down in the Libbs Lake neighborhood with no replanting plan.
- The study one tenth acre plots were sampled throughout the City and analyzed using the UFORE model. A summary of these values is contained in the report. These same values can be applied.
to the Libbs Lake neighborhood which represents the same area of the United States with similar tree cover and urban conditions as Mpls.

- Forest Structure
- Risk of Insect pests and diseases
- Air pollution removal
- Carbon storage
- Annual Carbon removal
- Changes and impacts to building energy use

- It is noted that more detail can be found at the following website: www.fs.fed.us/ne/syracuse/Data/data.htm

- Basic Data from the 2004 to 2005 study:
  - 979,000 trees in the City of Minneapolis
  - Tree canopies that cover 26.4% of the area of the City
  - Most common tree species at that time were Green Ash, American Elm, and Boxelder.
  - The Mpls Urban Forest stores about 250,000 tons of carbon valued at $4.6 million.
  - These trees remove about 8,900 tons of carbon per year valued at $165,000.
  - Trees and shrubs combined remove about 384 tons of air pollution per year or $1.9 million
  - The structural, or compensatory, value is estimated at $756 million.

- Information such as collected in this study can be used to improve and augment support for urban forest management programs which seek to accomplish the following objectives year to year:
  - Increase the number of healthy trees per year to increase pollution and carbon removal;
  - Sustain existing tree cover -- don't remove the pollution removal attraction of the tree mass;
  - Maximize use of low VOC emitting trees -- these reduce ozone and carbon monoxide formation;
  - Sustain large, healthy trees -- these large trees have the greatest per tree effects;
  - Use long lived trees -- reduce long term pollutant emissions from planting and removal activities -- chain saws do not help the environment;
  - Use low maintenance trees -- reduce pollutants emissions from maintenance activities associated with high maintenance trees;
  - Trees reduce energy uses of homes and reduce the carbon foot print;
  - Trees reduce heat on parked cars and subsequently reduce vehicular VOC emissions;
  - Trees remove stormwater from the environment through the presence -- this assists in stormwater problems, erosion control issues, and temperature reduction;
  - Trees in heavily populated areas maximize air quality benefits;
  - The best 3 species for Structural value include Green Ash, American Elm, and Silver Maple. 80% of the trees being removed are of these varieties in the Libbs Lake neighborhood. Based upon size, 50% of the removal includes the Silver Maple species.

- Based upon the Minneapolis Urban Forest Study, the structural value of the Mpls Urban Forest is $756 million. The average tree in Mpls that was included in the study was approximately 10 inches. The average tree proposed to being taken down in Libbs Lake area is 15". Related on a 1:1 basis, the loss of trees in the Libbs Lake area is approximately $335,000. This doesn't included the tremendous year to year value these 290 trees bring to the City of Minnetonka and the Libbs Lake neighborhood. With no tree replacement program, the City of Minnetonka is going the wrong way toward living with their legend as being a "tree lovers city".
Tree Appraisal Methodology reported by the University of Purdue in a September, 2012 report (see https://www.extension.purdue.edu/extmedia/fnr/fnr-473-w.pdf)

Regardless of the appraisal method used, there are some primary factors to consider. The four major elements involved in properly assessing the value of a tree are size, species, condition and location. A thorough understanding of each is imperative; otherwise, the appraisal will lack credibility and significance for the case.

- The species rating is a comparative value given to the tree or plant based upon its individual characteristics. Consideration is given to the plant's assets and its inherent qualities. This rating is provided by a council of experts in the area and will vary within regions around the country.
- The condition of the tree is a subjective determination made by the appraiser during the inspection. It is an assessment of the tree's structural integrity and health at the time of appraisal.
- The size of the plant is measured using common tools and industry standards. A diameter tape or tape measure can be used to measure trunk size, and is typically recorded as the diameter at 4.5 feet above grade, or shoulder height.
- The location factor involves the landscape value of the site and the placement of the tree on the property.
- After the primary plant and site assessments have been completed, determination of the proper approach is necessary. The Guide for Plant Appraisal details three basic methods for plant valuation: cost, income and market approaches.
- The Cost Approach considers the amount in dollars to either repair damage to the tree or replace the tree.
  - The formula used in the process is stated as: Value = Basic Tree Cost x Species Rating % x Condition Rating % x Location Rating % • Basic Tree Cost is the Replacement Tree Cost + (Base Price x Adjusted Trunk Area, or ATA). Base price is determined to be $65 for Indiana. ATA is the area of the tree trunk in square inches measured at standard height of 4.5 feet, less the area of the largest available transplantable tree, which is determined to be $800 in Indiana. A table of conversions from Diameter at Breast Height, or DBH, to ATA is available in the CTLA guide. • Species rating is the factor assigned to a given tree species, based on the list provided in this publication. This subjective rating is based on individual qualities and traits, which may vary geographically within the state because of local climate and environmental influences. • Location rating is a value determined by the tree's placement in the landscape and the overall area in which the property is located. It is derived by the following equation: (Site % + Contribution % + Placement %) ÷ 3 • Condition rating is determined by establishing the overall health and structural integrity of the tree. An assessment of condition includes roots, trunk and canopy. The appraiser and the appraisal situation determine the amount of detail in this assessment.
  - Replacement Tree Costs are the cost of the tree, cost of transporting the tree to the site, planting it in the same location as the appraised tree and monitoring it during the maintenance period. This cost is subjective to location.
- Example: A residential site located on Main Street has a Black Walnut, Juglans nigra, located in the rear of the site, near the garage. The tree measures 33 inches DBH, and is in good condition. The tree owners wish to have it appraised to determine the value of the tree on their property. Using the Trunk Formula Method as defined by the Council of Tree and Landscape Appraisers as Value = Basic Tree Cost x Species Rating % x Condition Rating % x Location Rating % the formula
can be expanded to determine the values for each component as: 

\[ V = \left( RC + \left( BP \times (ATA - ATr) \right) \right) \times SR \times CR \times LR \]

**V = Value of appraised plant.** **RC = Replacement Cost** for the average largest transplantable sized tree that a nursery can provide in this area. This has been determined to be $800 for Indiana. **BP = Base Price per square inch dollar value** of a tree. For Indiana, this has been determined to be $65. **ATA = Adjusted Trunk Area value** at DBH in square inches of the tree. This number is available from the chart provided in the CTLA guide. **ATr = Adjusted Trunk replacement value** at DBH in square inches of the average largest transplantable sized tree that a nursery can provide in Indiana. This has been found to be 4 inches, which has a trunk area of 13 square inches. **SR = Species Rating value** between .00 and 1.00, which can be determined by using the table provided. This is a subjective value, which can be adjusted to a higher or lower value, depending on the location in the state. **LR = Location Rating value** between .00 and 1.00, and determined by rating the placement of the tree in the landscape. This value is an average of site, contribution and placement ratings. **CR = Condition Rating value** between .00 and 1.00 for the tree, and determined by assessment of overall tree health and structure. Using the information provided and subjectively rating the tree for appraisal, the formula values would be: 

\[ \text{Appraised Value} = 800 + \left( \left( 65 \times (835 - 13) \right) \times 0.50 \times 0.88 \times 0.70 \right) \]

**Appraised Value = $16,703** based on the assessment of the tree and property. This is the worth of the tree in relation to the property, site and location.

## Within the article on appraising trees are several tables that can be used to identify the condition ratings for the trees including:

- Species Rating Guide
- Condition rating for landscape trees
- Location rating for landscape trees

## Using the example within this article and a 48” Silver Maple on the Schmidt’s residency on Shores Blvd the following appraisal value is calculated:

- **Tree measures 48” DBH and is in good condition.**
- **Value of Appraised Tree = Basic Tree Cost x Species Rating % x Condition Rating % x Location Rating %**

\[ V = (RC + (BP \times (ATA - ATr))) \times SR \times CR \times LR \]

- **RC = Replacement cost** for the average largest transplantable tree that a tree nursery can provide in this area. This is $500 in this area of the metro.
- **BP = Base price per square inch dollar value** of the tree. For Minnesota this is $100.
- **ATA = Adjusted Trunk Area value** at DBH in square inches of the tree. See chart for value on website = 500 sq. in.
- **ATr = 6 inch transplantable tree with a trunk area of 28 square inches.**
- **Species Rating for Silver Maple is 0.40** from the table. 
- **Location Rating from the chart is 0.90.**
- **Condition rating for this Silver Maple is 0.80.**

- **Appraised Value of the single Silver Maple = $500 + (100x(500-28)x0.40x0.80x0.90) = $14,100** approximate value of tree in its mature setting on Shores Blvd

## Summary of Valuation Methods used in this report. Assume 1.5 tree removal per residential dwelling

| (1) Real Estate Valuation = 15% is based on landscaping; 175 homes in neighborhood X value of 10% of their 15% total tree value per property is being | $656,250 total loss. |
removed. Average assessed valuation of the homes $250,000; 1.5% per property = $3,750 per property loss estimated

(2) Mpls Urban Forest evaluation methodology = $335,000 for the 290 trees or $1,155 per tree

(3) Appraiser Method = 290 trees X $2500 per tree = $725,000 value for all of the proposed trees to be removed

Granted estimating tree valuation loss is not an exact Science... the average of the three methods that were published results in a property loss for the Libbs Lake neighborhood from the 290 trees that are being cut down with no replacement plan is $572,083. The City through a re-evaluation of the watermain replacement method certainly will be able to reduce this impact with a comparable or less replacement method for the watermain.

Attachment #8 – City of Minneapolis Urban Forest Study in 2006

Minneapolis' Urban Forest 2006 Study.pdf
Minneapolis' Urban Forest
Abstract
An analysis of trees in Minneapolis, MN, reveals that the city has about 979,000 trees with canopies that cover 26.4 percent of the area. The most common tree species are green ash, American elm, and boxelder. The urban forest currently stores about 250,000 tons of carbon valued at $4.6 million. In addition, these trees remove about 8,900 tons of carbon per year ($164,000 per year) and trees and shrubs combined remove about 884 tons of air pollution per year ($1.9 million per year). The structural, or compensatory, value is estimated at $756 million. Information on the structure and functions of the urban forest can be used to improve and augment support for urban forest management programs and to integrate urban forests within plans to improve environmental quality in the Minneapolis area.

The Authors
DAVID J. NOWAK is a research forester and project leader, ROBERT E. HOEHN III, is a biological sciences technician, DANIEL E. CRANE is an information technology specialist, JACK C. STEVENS is a forester, and JEFFREY T. WALTON is a research forester with the Forest Service’s Northeastern Research Station at Syracuse, NY. JERRY SOND is a consulting urban forester and GREG INA is a manager of geographic information systems/information technology with the Davey Resource Group at Kent, OH.
Executive Summary

Trees in cities can contribute significantly to human health and environmental quality. Unfortunately, little is known about the urban forest resource and what it contributes to the local and regional society and economy. To better understand the urban forest resource and its numerous values, the USDA Forest Service, Northeastern Research Station, developed the Urban Forest Effects (UFORE) model. Results from this model are used to advance the understanding of the urban forest resource, improve urban forest policies, planning and management, provide data for potential inclusion of trees within environmental regulations, and determine how trees affect the environment and consequently enhance human health and environmental quality in urban areas.

Forest structure is a measure of various physical attributes of the vegetation, such as tree species composition, number of trees, tree density, tree health, leaf area, biomass, and species diversity. Forest functions, which are determined by forest structure, include a wide range of environmental and ecosystem services such as air pollution removal and cooler air temperatures. Forest values are an estimate of the economic worth of the various forest functions.

To help determine the vegetation structure, functions, and values of the urban forest in Minneapolis, a vegetation assessment was conducted during the summer of 2004. For this assessment, one-tenth acre field plots were sampled and analyzed using the UFORE model. This report summarizes results and values of:

- Forest structure
- Carbon storage
- Risk of insect pests and diseases
- Annual carbon removal (sequestration)
- Air pollution removal
- Changes in building energy use

More detailed information can be found at: www.fs.fed.us/ne/syracuse/Data/data.htm.
Urban Forest Effects Model and Field Measurements

Though urban forests have many functions and values, currently only a few of these attributes can be assessed. To help assess the city’s urban forest, data from 110 field plots located throughout the city were analyzed using the Forest Service’s Urban Forest Effects (UFORE) model.¹

UFORE is designed to use standardized field data from randomly located plots and local hourly air pollution and meteorological data to quantify urban forest structure and its numerous effects, including:

- Urban forest structure (e.g., species composition, tree density, tree health, leaf area, leaf and tree biomass, species diversity, etc.).
- Amount of pollution removed hourly by the urban forest and its associated percent air quality improvement throughout a year. Pollution removal is calculated for ozone, sulfur dioxide, nitrogen dioxide, carbon monoxide, and particulate matter (<10 microns).
- Total carbon stored and net carbon annually sequestered by the urban forest.
- Effects of trees on energy use in buildings and consequent effects on carbon dioxide emissions from power plants.
- Compensatory value of the forest, as well as the value for air pollution removal and carbon storage and sequestration.
- Potential impact of infestations by Asian longhorned beetles, emerald ash borers, gypsy moth, and Dutch elm disease.

For more information go to http://www.ufore.org

In the field, one-tenth acre plots were randomly located within a grid pattern at a density of approximately one plot every 340 acres. In Minneapolis, service districts were used to divide the analysis into smaller zones. The plots were divided among the following service districts: River District (49 plots), Lakes District (31 plots), and Minnehaha District (30 plots).
Field data were collected by Davey Resource Group during the leaf-on season to properly assess tree canopies. Within each plot, data included land use, ground and tree cover, shrub characteristics, and individual tree attributes of species, stem diameter at breast height (d.b.h.; measured at 4.5 ft), tree height, height to base of live crown, crown width, percentage crown canopy missing and dieback, and distance and direction to residential buildings.

To calculate current carbon storage, biomass for each tree was calculated using equations from the literature and measured tree data. Open-grown, maintained trees tend to have less biomass than predicted by forest-derived biomass equations. To adjust for this difference, biomass results for open-grown urban trees are multiplied by 0.8. No adjustment is made for trees found in natural stand conditions. Tree dry-weight biomass was converted to stored carbon by multiplying by 0.5.

To estimate the gross amount of carbon sequestered annually, average diameter growth from the appropriate genera and diameter class and tree condition was added to the existing tree diameter (year x) to estimate tree diameter and carbon storage in year x+1.

Air pollution removal estimates are derived from calculated hourly tree-canopy resistances for ozone, and sulfur and nitrogen dioxides based on a hybrid of big-leaf and multi-layer canopy deposition models. As the removal of carbon monoxide and particulate matter by vegetation is not directly related to transpiration, removal rates (deposition velocities) for these pollutants were based on average measured values from the literature that were adjusted depending on leaf phenology and leaf area. Particulate removal incorporated a 50 percent resuspension rate of particles back to the atmosphere.

Seasonal effects of trees on energy use in residential building was calculated based on procedures described in the literature using distance and direction of trees from residential structures, tree height and tree condition data.

Compensatory values were based on valuation procedures of the Council of Tree and Landscape Appraisers, which uses tree species, diameter, condition and location information.

To learn more about UFORE methods visit: http://www.fs.fed.us/ne/syracuse/Data/data.htm or www.ufore.org
Tree Characteristics of the Urban Forest

The urban forest of Minneapolis has an estimated 979,000 trees and a tree cover of 26.4 percent. Trees with diameters less than 6 inches account for 47.3 percent of the population. The three most common species are green ash (21.6 percent), American elm (17.1 percent), and boxelder (9.1 percent). The 10 most common species account for 75 percent of all trees; their relative abundance is illustrated below.

The highest density of trees occurs in the Lakes District (31.6 trees/acre), followed by the Minnehaha District (29.0 trees/acre) and the River District (19.8 trees/acre). The overall tree density in Minneapolis is 26.2 trees/acre, which is within the range of other city tree densities (Appendix I), of 14.4 to 119.2 trees/acre.

Tree density is highest in the Lakes District, lowest in the River District.

There are an estimated 979,000 trees in Minneapolis with canopies that cover 26.4 percent of the city.

The 10 most common species account for 75 percent of the total number of trees.
Nearly three-quarters of the tree species in Minneapolis are native to Minnesota.

Urban forests are a mix of native tree species that existed prior to the development of the city and exotic species that were introduced by residents or other means.

Urban forests are a mix of native trees species that existed prior to the development of the city and exotic species that were introduced by residents or other means. Thus, urban forests often have a tree diversity that is higher than surrounding native landscapes. An increased tree diversity can minimize the overall impact or destruction by a species-specific insect or disease, but the increase in the number of exotic plants can also pose a risk to native plants if some of the exotics species are invasive plants that can potentially out-compete and displace native species. In Minneapolis, about 80 percent of the trees are species native to North America, while 74 percent are native to the state. Species exotic to Minnesota make up 26 percent of the population. Most exotic tree species have an origin from Eurasia (9.2 percent of the species).

*North America + refers to tree species that are native to North America and one other continent.
Urban Forest Cover and Leaf Area

Trees cover about 26.4 percent of Minneapolis and shrubs cover 6 percent of the city. Dominant ground cover types include herbaceous (e.g., grass, gardens) (34.0 percent), impervious surfaces (excluding buildings) (e.g., driveways, sidewalks, parking lots) (33.6 percent), and buildings (18.0 percent).

Many tree benefits are linked directly to the amount of healthy leaf surface area of the plant. In Minneapolis, trees that dominate in terms of leaf area are green ash, American elm, and silver maple.

Tree species with relatively large individuals contributing leaf area to the population (species with percentage of canopy much greater than percentage of population) are silver maple, bur oak, and sugar maple. Smaller trees in the population are American basswood, northern white cedar, and boxelder (species with percentage of canopy much less than percentage of population). A species must also constitute at least 1 percent of the total population to be considered as relatively large or small trees in the population.

Tree importance values (IV) are calculated using a formula that takes into account the relative leaf area and relative composition. The most important species in the urban forest, according to calculated IVs, are green ash, American elm, and silver maple.
Air Pollution Removal by Urban Trees

Poor air quality is a common problem in many urban areas. It can lead to human health problems, damage to landscape materials and ecosystem processes, and reduced visibility. The urban forest can help improve air quality by reducing air temperature, directly removing pollutants from the air, and reducing energy consumption in buildings, which consequently reduce air pollutant emissions from power plants. Trees also emit volatile organic compounds that can contribute to ozone formation. However, integrative studies have revealed that an increase in tree cover leads to reduced ozone formation.12

Pollution removal by trees and shrubs in Minneapolis was estimated using field data and hourly pollution and weather data for 2000. Pollution removal was greatest for particulate matter less than ten microns (PM10), followed by ozone (O3), nitrogen dioxide (NO2), sulfur dioxide (SO2), and carbon monoxide (CO). It is estimated that trees and shrubs remove 384 tons of air pollution (CO, NO2, O3, PM10, SO2) per year with an associated value of $1.9 million (based on estimated national median externality costs associated with pollutants13). Trees remove about four times more air pollution than shrubs in Minneapolis.

The average percentage of air pollution removal during the daytime, in-leaf season was estimated to be:

- O3 0.58%
- PM10 0.57%
- SO2 0.57%
- NO2 0.36%
- CO 0.002%

Peak 1-hour air quality improvements during the in-leaf season for heavily-treeed areas (100% tree cover) was estimated to be:

- O3 14.9%
- PM10 11.1%
- SO2 15.5%
- NO2 7.2%
- CO 0.05%
Carbon Storage and Sequestration

Climate change is an issue of global concern. Urban trees can help mitigate climate change by sequestering atmospheric carbon (from carbon dioxide) in tissue and by reducing energy use in buildings, consequently reducing carbon dioxide emissions from fossil-fuel based power plants.\(^{14}\)

Trees reduce the amount of carbon in the atmosphere by sequestering carbon in new tissue growth every year. The amount of carbon annually sequestered is increased with healthier trees and larger diameter trees. Minneapolis’ trees gross sequestration is about 8,900 tons of carbon per year with an associated value of $164,000. Net carbon sequestration in the Minneapolis urban forest is about 4,200 tons.

Carbon storage by trees is another way trees can influence global climate change. As trees grow, they store more carbon by holding it in their accumulated tissue. As trees die and decay, they release much of the stored carbon back into the atmosphere. Thus, carbon storage is an indication of the amount of carbon that can be lost if trees are allowed to die and decompose. Trees in Minneapolis are estimated to store 250,000 tons of carbon ($4.6 million). Of all the species sampled, American elm stores and sequesters the most carbon (about 18.6 percent of the total carbon stored and 19.2 percent of all sequestered carbon).
Trees Affect Energy Use in Buildings

Trees affect energy consumption by shading buildings, providing evaporative cooling, and blocking winter winds. Trees tend to reduce building energy consumption in the summer months and can either increase or decrease building energy use in the winter months, depending on the location of trees around the building. Estimates of tree effects on energy use are based on field measurements of tree distance and direction to space-conditioned residential buildings.9

Based on 2002 energy costs, trees in Minneapolis are estimated to reduce energy costs from residential buildings by $221,000 annually. Trees also provide an additional $15,900 in value by reducing the amount of carbon released by fossil-fuel based power plants (a reduction of 900 tons of carbon emissions).

Annual energy savings due to trees near residential buildings. Note: negative numbers indicate an increase in energy use or carbon emissions.

<table>
<thead>
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<th>Heating</th>
<th>Cooling</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>MBTU(^a)</td>
<td>-174,000</td>
<td>n/a</td>
<td>-174,000</td>
</tr>
<tr>
<td>MWH(^b)</td>
<td>-1,100</td>
<td>17,900</td>
<td>16,800</td>
</tr>
<tr>
<td>Carbon avoided (t)</td>
<td>-3,100</td>
<td>4,000</td>
<td>900</td>
</tr>
</tbody>
</table>

\(^a\) Million British Thermal Units  
\(^b\) Megawatt-hour

Annual savings\(^c\) (U.S. $) in residential energy expenditure during heating and cooling seasons. Note: negative numbers indicate a cost due to increased energy use or carbon emissions.

<table>
<thead>
<tr>
<th></th>
<th>Heating</th>
<th>Cooling</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>MBTU(^a)</td>
<td>-1,182,000</td>
<td>n/a</td>
<td>-1,182,000</td>
</tr>
<tr>
<td>MWH(^b)</td>
<td>-96,000</td>
<td>1,499,000</td>
<td>1,403,000</td>
</tr>
<tr>
<td>Carbon avoided</td>
<td>-57,500</td>
<td>73,400</td>
<td>15,900</td>
</tr>
</tbody>
</table>

\(^a\) Million British Thermal Units  
\(^b\) Megawatt-hour  
\(^c\) Based on state-wide energy cost
Structural and Functional Values

Urban forests have a structural value based on the tree itself (e.g., the cost of having to replace the tree with a similar tree). The structural value\(^\text{10}\) of urban forest in Minneapolis is about $756 million. The structural value of an urban forest tends to increase with a rise in the number and size of healthy trees.

Urban forests also have functional values (either positive or negative) based on the functions the tree performs. Annual functional values also tend to increase with increased number and size of healthy trees, and are usually on the order of several million dollars per year. There are many other functional values of the urban forest, though they are not quantified here (e.g., reduction in air temperatures and ultraviolet radiation, improvements in water quality). Through proper management, urban forest values can be increased. However, the values and benefits also can decrease as the amount of healthy tree cover declines.

**Structural values:**
- Structural value: $756 million
- Carbon storage: $4.6 million

**Annual functional values:**
- Carbon sequestration: $164,000
- Pollution removal: $1.9 million
- Lower energy costs and carbon emission reductions: $237,000

More detailed information on the urban forest in Minneapolis can be found at www.fs.fed.us/nc/syracuse/Data/data.htm. Additionally, information on other urban forest values can be found in Appendix I and information comparing tree benefits to estimates of average carbons emissions in the city, average automobile emissions, and average household emissions can be found in Appendix III.
Potential Insect and Disease Impacts

Various insects and diseases can infest urban forests, potentially killing trees and reducing the health, value and sustainability of the urban forest. As various pests have differing tree hosts, the potential damage or risk of each pest will differ. Four exotic pests were analyzed for their potential impact: Asian longhorned beetle, gypsy moth, emerald ash borer, and Dutch elm disease.

The Asian longhorned beetle (ALB)\(^{15}\) is an insect that bores into and kills a wide range of hardwood species. ALB represents a potential loss to the Minneapolis urban forest of $487 million in structural value (68.1 percent of the tree population).

\[\text{Number of trees} \quad \text{(Compensatory value ($\text{millions}$)} \]

The gypsy moth (GM)\(^{16}\) is a defoliator that feeds on many species causing widespread defoliation and tree death if outbreak conditions last several years. This pest could potentially result in a loss of $80 million in structural value (10.1 percent of the tree population).

Emerald ash borer (EAB)\(^{17}\) has killed thousands of ash trees in Michigan, Ohio, and Indiana. EAB has the potential to affect 22.0 percent of the population ($148 million in structural value).

American elm, one of the most important street trees in the 20th century, has been devastated by the Dutch elm disease (DED). Since first reported in the 1930s, it has killed more than 50 percent of the native elm population in the United States.\(^{18}\) Although some elm species have shown varying degrees of resistance, Minneapolis possibly could lose 17.1 percent of its trees to this disease ($141 million in structural value).
Appendix I. Comparison of Urban Forests

A commonly asked question is, “How does this city compare to other cities?” Although comparison among cities should be made with caution as there are many attributes of a city that affect urban forest structure and functions, summary data are provided from other cities analyzed using the UFORE model.

I. City totals, trees only

<table>
<thead>
<tr>
<th>City</th>
<th>% Tree cover</th>
<th>Number of trees</th>
<th>Carbon storage (tons)</th>
<th>Carbon sequestration (tons/yr)</th>
<th>Pollution removal (tons/yr)</th>
<th>Pollution value U.S. $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calgary, Canadaa</td>
<td>7.2</td>
<td>11,889,000</td>
<td>445,000</td>
<td>21,400</td>
<td>326</td>
<td>1,611,000</td>
</tr>
<tr>
<td>Atlanta, GAb</td>
<td>36.7</td>
<td>9,415,000</td>
<td>1,344,000</td>
<td>46,400</td>
<td>1,663</td>
<td>8,321,000</td>
</tr>
<tr>
<td>Toronto, Canadac</td>
<td>20.5</td>
<td>7,542,000</td>
<td>992,000</td>
<td>40,300</td>
<td>1,212</td>
<td>6,105,000</td>
</tr>
<tr>
<td>New York, NYe</td>
<td>20.9</td>
<td>5,212,000</td>
<td>1,350,000</td>
<td>42,300</td>
<td>1,677</td>
<td>8,071,000</td>
</tr>
<tr>
<td>Baltimore, MDf</td>
<td>21.0</td>
<td>2,627,000</td>
<td>597,000</td>
<td>16,200</td>
<td>430</td>
<td>2,129,000</td>
</tr>
<tr>
<td>Philadelphia, PAb</td>
<td>15.7</td>
<td>2,113,000</td>
<td>530,000</td>
<td>16,100</td>
<td>576</td>
<td>2,826,000</td>
</tr>
<tr>
<td>Washington, DCF</td>
<td>28.6</td>
<td>1,928,000</td>
<td>523,000</td>
<td>16,100</td>
<td>418</td>
<td>1,956,000</td>
</tr>
<tr>
<td>Boston, MAb</td>
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<td>1,183,000</td>
<td>319,000</td>
<td>10,500</td>
<td>254</td>
<td>1,729,000</td>
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<tr>
<td>Woodbridge, Njf</td>
<td>29.5</td>
<td>986,000</td>
<td>160,000</td>
<td>5,560</td>
<td>210</td>
<td>1,037,000</td>
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<tr>
<td>Minneapolis, MNf</td>
<td>26.4</td>
<td>979,000</td>
<td>250,000</td>
<td>8,900</td>
<td>306</td>
<td>1,527,000</td>
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<tr>
<td>Syracuse, NYd</td>
<td>23.1</td>
<td>876,000</td>
<td>173,000</td>
<td>5,420</td>
<td>109</td>
<td>568,000</td>
</tr>
<tr>
<td>San Francisco, CAg</td>
<td>11.9</td>
<td>668,000</td>
<td>194,000</td>
<td>5,100</td>
<td>141</td>
<td>693,000</td>
</tr>
<tr>
<td>Morgantown, WVh</td>
<td>35.5</td>
<td>658,000</td>
<td>93,000</td>
<td>2,890</td>
<td>72</td>
<td>333,000</td>
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<tr>
<td>Mooresville, NJf</td>
<td>28.0</td>
<td>583,000</td>
<td>117,000</td>
<td>3,760</td>
<td>118</td>
<td>576,000</td>
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<tr>
<td>Jersey City, NJf</td>
<td>11.5</td>
<td>136,000</td>
<td>21,000</td>
<td>890</td>
<td>41</td>
<td>196,000</td>
</tr>
<tr>
<td>Freehold, NJf</td>
<td>34.4</td>
<td>48,000</td>
<td>20,000</td>
<td>545</td>
<td>22</td>
<td>110,000</td>
</tr>
</tbody>
</table>

II. Per acre values of tree effects

<table>
<thead>
<tr>
<th>City</th>
<th>No. of trees</th>
<th>Carbon Storage (tons)</th>
<th>Carbon sequestration (tons/yr)</th>
<th>Pollution removal (lbs/yr)</th>
<th>Pollution value U.S. $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calgary, Canadaa</td>
<td>66.7</td>
<td>2.5</td>
<td>0.12</td>
<td>3.7</td>
<td>9.0</td>
</tr>
<tr>
<td>Atlanta, GAb</td>
<td>111.6</td>
<td>15.9</td>
<td>0.55</td>
<td>39.4</td>
<td>98.6</td>
</tr>
<tr>
<td>Toronto, Canadac</td>
<td>48.3</td>
<td>6.4</td>
<td>0.26</td>
<td>15.5</td>
<td>39.1</td>
</tr>
<tr>
<td>New York, NYe</td>
<td>26.4</td>
<td>6.8</td>
<td>0.21</td>
<td>17.0</td>
<td>40.9</td>
</tr>
<tr>
<td>Baltimore, MDf</td>
<td>50.8</td>
<td>11.6</td>
<td>0.31</td>
<td>16.6</td>
<td>41.2</td>
</tr>
<tr>
<td>Philadelphia, PAb</td>
<td>25.1</td>
<td>6.3</td>
<td>0.19</td>
<td>13.6</td>
<td>33.5</td>
</tr>
<tr>
<td>Washington, DCF</td>
<td>49.0</td>
<td>13.3</td>
<td>0.41</td>
<td>21.3</td>
<td>49.7</td>
</tr>
<tr>
<td>Boston, MAb</td>
<td>33.5</td>
<td>9.1</td>
<td>0.30</td>
<td>16.1</td>
<td>40.4</td>
</tr>
<tr>
<td>Woodbridge, NJf</td>
<td>66.5</td>
<td>10.8</td>
<td>0.38</td>
<td>28.4</td>
<td>70.0</td>
</tr>
<tr>
<td>Minneapolis, MNf</td>
<td>26.2</td>
<td>6.7</td>
<td>0.24</td>
<td>16.4</td>
<td>40.9</td>
</tr>
<tr>
<td>Syracuse, NYd</td>
<td>54.5</td>
<td>10.8</td>
<td>0.34</td>
<td>13.5</td>
<td>35.4</td>
</tr>
<tr>
<td>San Francisco, CAg</td>
<td>22.5</td>
<td>6.6</td>
<td>0.17</td>
<td>9.5</td>
<td>23.4</td>
</tr>
<tr>
<td>Morgantown, WVh</td>
<td>119.2</td>
<td>16.8</td>
<td>0.52</td>
<td>26.0</td>
<td>60.3</td>
</tr>
<tr>
<td>Mooresville, NJf</td>
<td>62.1</td>
<td>12.4</td>
<td>0.40</td>
<td>25.1</td>
<td>61.3</td>
</tr>
<tr>
<td>Jersey City, NJf</td>
<td>14.4</td>
<td>2.2</td>
<td>0.09</td>
<td>8.6</td>
<td>20.7</td>
</tr>
<tr>
<td>Freehold, NJf</td>
<td>38.3</td>
<td>16.0</td>
<td>0.44</td>
<td>34.9</td>
<td>88.2</td>
</tr>
</tbody>
</table>

Data collection group

- City personnel
- ACRT, Inc.
- University of Toronto
- U.S. Forest Service
- Casey Trees Endowment Fund
- New Jersey Department of Environmental Protection
- Davey Resource Group
- West Virginia University
Appendix II. General Recommendations for Air Quality Improvement

Urban vegetation can directly and indirectly affect local and regional air quality by altering the urban atmospheric environment. Four main ways that urban trees affect air quality are:

- Temperature reduction and other microclimatic effects
- Removal of air pollutants
- Emission of volatile organic compounds (VOC) and tree maintenance emissions
- Energy conservation in buildings and consequent power plant emissions

The cumulative and interactive effects of trees on climate, pollution removal, and VOC and power plant emissions determine the overall impact of trees on air pollution. Cumulative studies involving urban tree impacts on ozone have revealed that increased urban canopy cover, particularly with low VOC emitting species, leads to reduced ozone concentrations in cities. Local urban forest management decisions also can help improve air quality.

Urban forest management strategies to help improve air quality include:

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase the number of healthy trees</td>
<td>Increase pollution removal</td>
</tr>
<tr>
<td>Sustain existing tree cover</td>
<td>Maintain pollution removal levels</td>
</tr>
<tr>
<td>Maximize use of low VOC-emitting trees</td>
<td>Reduces ozone and carbon monoxide formation</td>
</tr>
<tr>
<td>Sustain large, healthy trees</td>
<td>Large trees have greatest per-tree effects</td>
</tr>
<tr>
<td>Use long-lived trees</td>
<td>Reduce long-term pollutant emissions from planting and removal</td>
</tr>
<tr>
<td>Use low maintenance trees</td>
<td>Reduce pollutants emissions from maintenance activities</td>
</tr>
<tr>
<td>Reduce fossil fuel use in maintaining vegetation</td>
<td>Reduce pollutant emissions</td>
</tr>
<tr>
<td>Plant trees in energy conserving locations</td>
<td>Reduce pollutant emissions from power plants</td>
</tr>
<tr>
<td>Plant trees to shade parked cars</td>
<td>Reduce vehicular VOC emissions</td>
</tr>
<tr>
<td>Supply ample water to vegetation</td>
<td>Enhance pollution removal and temperature reduction</td>
</tr>
<tr>
<td>Plant trees in polluted or heavily populated areas</td>
<td>Maximizes tree air quality benefits</td>
</tr>
<tr>
<td>Avoid pollutant-sensitive species</td>
<td>Improve tree health</td>
</tr>
<tr>
<td>Utilize evergreen trees for particulate matter</td>
<td>Year-round removal of particles</td>
</tr>
</tbody>
</table>
Appendix III. Relative Tree Effects

The urban forest in Minneapolis provides benefits that include carbon storage and sequestration, and air pollutant removal. To estimate a relative value of these benefits, tree benefits were compared to estimates of average carbon emissions in city\textsuperscript{19}, average passenger automobile emissions\textsuperscript{20}, and average household emissions\textsuperscript{21}.

**General tree information:**
- Average tree diameter (d.b.h.) = 10.3 in.
- Median tree diameter (d.b.h.) = 6.7 in.
- Average number of trees per person = 2.6
- Number of trees sampled = 278
- Number of species sampled = 41

**Average tree effects by tree diameter:**

<table>
<thead>
<tr>
<th>D.b.h. Class (inch)</th>
<th>Carbon storage (lbs)</th>
<th>($)</th>
<th>(miles)\textsuperscript{a}</th>
<th>Carbon sequestration (lbs/yr)</th>
<th>($)/yr</th>
<th>(miles)\textsuperscript{a}</th>
<th>Pollution removal (lbs)</th>
<th>($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-3</td>
<td>8</td>
<td>0.08</td>
<td>30</td>
<td>2.4</td>
<td>0.02</td>
<td>9</td>
<td>0.4</td>
<td>0.86</td>
</tr>
<tr>
<td>3-6</td>
<td>44</td>
<td>0.40</td>
<td>160</td>
<td>6.2</td>
<td>0.06</td>
<td>23</td>
<td>0.4</td>
<td>0.95</td>
</tr>
<tr>
<td>6-9</td>
<td>124</td>
<td>1.15</td>
<td>460</td>
<td>12.0</td>
<td>0.11</td>
<td>44</td>
<td>0.6</td>
<td>1.34</td>
</tr>
<tr>
<td>9-12</td>
<td>268</td>
<td>2.47</td>
<td>980</td>
<td>18.7</td>
<td>0.17</td>
<td>69</td>
<td>0.8</td>
<td>1.86</td>
</tr>
<tr>
<td>12-15</td>
<td>483</td>
<td>4.45</td>
<td>1,770</td>
<td>24.5</td>
<td>0.23</td>
<td>90</td>
<td>0.8</td>
<td>1.81</td>
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<tr>
<td>15-18</td>
<td>721</td>
<td>6.64</td>
<td>2,640</td>
<td>30.3</td>
<td>0.28</td>
<td>111</td>
<td>0.9</td>
<td>2.01</td>
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<tr>
<td>18-21</td>
<td>1,068</td>
<td>9.84</td>
<td>3,910</td>
<td>37.7</td>
<td>0.35</td>
<td>138</td>
<td>0.8</td>
<td>1.84</td>
</tr>
<tr>
<td>21-24</td>
<td>1,303</td>
<td>12.00</td>
<td>4,770</td>
<td>40.7</td>
<td>0.37</td>
<td>149</td>
<td>0.9</td>
<td>1.99</td>
</tr>
<tr>
<td>24-27</td>
<td>1,516</td>
<td>13.97</td>
<td>5,550</td>
<td>31.4</td>
<td>0.29</td>
<td>115</td>
<td>1.7</td>
<td>3.75</td>
</tr>
<tr>
<td>27-30</td>
<td>2,883</td>
<td>26.55</td>
<td>10,560</td>
<td>75.3</td>
<td>0.69</td>
<td>276</td>
<td>0.7</td>
<td>1.69</td>
</tr>
<tr>
<td>30+</td>
<td>4,338</td>
<td>39.96</td>
<td>15,890</td>
<td>91.2</td>
<td>0.84</td>
<td>334</td>
<td>1.1</td>
<td>2.51</td>
</tr>
</tbody>
</table>

\textsuperscript{a} miles = number of automobile miles driven that produces emissions equivalent to tree effect

The Minneapolis urban forest provides:

**Carbon storage equivalent to:**
- Amount of carbon (C) emitted in city in 40 days or
- Annual C emissions from 150,000 automobiles or
- Annual C emissions from 75,500 single family houses

**Carbon monoxide removal equivalent to:**
- Annual carbon monoxide emissions from 31 automobiles or
- Annual carbon monoxide emissions from 100 single family houses

**Nitrogen dioxide removal equivalent to:**
- Annual nitrogen dioxide emissions from 2,900 automobiles or
- Annual nitrogen dioxide emissions from 1,900 single family houses

**Sulfur dioxide removal equivalent to:**
- Annual sulfur dioxide emissions from 19,900 automobiles or
- Annual sulfur dioxide emissions from 300 single family houses

**Particulate matter less than 10 micron (PM$_{10}$) removal equivalent to:**
- Annual PM10 emissions from 315,600 automobiles or
- Annual PM10 emissions from 30,500 single family houses

**Annual C sequestration equivalent to:**
- Amount of C emitted in city in 1.4 days or
- Annual C emissions from 5,300 automobiles or
- Annual C emissions from 2,700 single family houses
## Appendix IV. List of Species Sampled in Minneapolis

<table>
<thead>
<tr>
<th>Genus</th>
<th>Species</th>
<th>Common Name</th>
<th>% Population</th>
<th>% Leaf Area</th>
<th>IV a</th>
<th>Potential pest b</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abies</td>
<td>concolor</td>
<td>white fir</td>
<td>0.3</td>
<td>0.9</td>
<td>1.2</td>
<td></td>
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<tr>
<td>Acer</td>
<td>negundo</td>
<td>boxelder</td>
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<td>1.4</td>
<td>10.5</td>
<td></td>
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<tr>
<td>Acer</td>
<td>platanoides</td>
<td>Norway maple</td>
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<td>7.6</td>
<td>11.8</td>
<td></td>
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<tr>
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<td>saccharinum</td>
<td>silver maple</td>
<td>3.3</td>
<td>10.5</td>
<td>13.8</td>
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</tr>
<tr>
<td>Acer</td>
<td>saccharum</td>
<td>sugar maple</td>
<td>1.0</td>
<td>3.5</td>
<td>4.5</td>
<td></td>
</tr>
<tr>
<td>Acer</td>
<td>rubrum</td>
<td>red maple</td>
<td>1.0</td>
<td>1.0</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td>Aesculus</td>
<td>pavia</td>
<td>red buckeye</td>
<td>0.4</td>
<td>1.2</td>
<td>1.6</td>
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<tr>
<td>Aesculus</td>
<td>hippocastanum</td>
<td>horsechestnut</td>
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<td>0.4</td>
<td>0.7</td>
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<td>Betula</td>
<td>papyrifera</td>
<td>paper birch</td>
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<td>1.4</td>
<td>2.5</td>
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<tr>
<td>Betula</td>
<td>pendula</td>
<td>European white birch</td>
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<td>0.2</td>
<td>0.8</td>
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<td>Catalpa</td>
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<td>1.2</td>
<td>1.9</td>
<td></td>
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<tr>
<td>Celtis</td>
<td>occidentalis</td>
<td>northern hackberry</td>
<td>4.3</td>
<td>4.0</td>
<td>8.3</td>
<td></td>
</tr>
<tr>
<td>Fraxinus</td>
<td>pennsylvanica</td>
<td>green ash</td>
<td>21.6</td>
<td>24.8</td>
<td>46.4</td>
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<tr>
<td>Gleditsia</td>
<td>tricanthos</td>
<td>honeylocust</td>
<td>2.2</td>
<td>1.3</td>
<td>3.5</td>
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</tr>
<tr>
<td>Juglans</td>
<td>nigra</td>
<td>black walnut</td>
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<td>0.2</td>
<td>1.1</td>
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</tr>
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<td>Juniperus</td>
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<td>juniper</td>
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<td>0.5</td>
<td>0.8</td>
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</tr>
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<td>1.2</td>
<td>5.5</td>
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<td>other species</td>
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<td>1.2</td>
<td></td>
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<td>pungens</td>
<td>blue spruce</td>
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<td>1.9</td>
<td>5.2</td>
<td></td>
</tr>
<tr>
<td>Picea</td>
<td>glauca</td>
<td>white spruce</td>
<td>1.4</td>
<td>1.4</td>
<td>2.8</td>
<td></td>
</tr>
<tr>
<td>Pinus</td>
<td>nigra</td>
<td>Austrian pine</td>
<td>2.6</td>
<td>3.1</td>
<td>5.7</td>
<td></td>
</tr>
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<td>eastern white pine</td>
<td>0.7</td>
<td>0.8</td>
<td>1.5</td>
<td></td>
</tr>
<tr>
<td>Pinus</td>
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*aIV = importance value (% population + % leaf area)

bALB = Asian longhorned beetle; GM = gypsy moth; EAB = emerald ash borer; DED = Dutch elm disease
References


16 Northeastern Area State and Private Forestry.  

17 Northeastern Area State and Private Forestry. 2005. **Forest health protection emerald ash borer**

Explanation of Calculations of Appendix III


Average annual passenger automobile emissions per vehicle were based on dividing total 2002 pollutant emissions from light-duty gas vehicles by total number of passenger cars in 2002 (National Transportation Statistics http://www.bts.gov/publications/national_transportation_statistics/2004/).


Average household emissions based on average electricity kWh usage, natural gas Btu usage, fuel oil Btu usage, kerosene Btu usage, LPG Btu usage, and wood Btu usage per household from:


CO$_2$, SO$_2$, and NOx power plant emission per KWh from:


CO emission per kWh assumes one-third of 1 percent of C emissions is CO based on:


PM$_{10}$ emission per kWh from:


CO$_2$, NOx, SO$_2$, PM$_{10}$, and CO emission per Btu for natural gas, propane and butane (average used to represent LPG), Fuel #4 and #6 (average used to represent fuel oil and kerosene) from:


CO$_2$ and fine particle emissions per Btu of wood from:


CO, NOx and SOx emission per Btu of wood based on total emissions from wood burning (tonnes) from:


Emissions per dry tonne of wood converted to emissions per Btu based on average dry weight per cord of wood and average Btu per cord from:


An analysis of trees in Minneapolis, MN, reveals that the city has about 979,000 trees with canopies that cover 26.4 percent of the area. The most common tree species are green ash, American elm, and boxelder. The urban forest currently stores about 250,000 tons of carbon valued at $4.6 million. In addition, these trees remove about 8,900 tons of carbon per year ($164,000 per year) and trees and shrubs combined remove about 384 tons of air pollution per year ($1.9 million per year). The structural, or compensatory, value is estimated at $756 million. Information on the structure and functions of the urban forest can be used to improve and augment support for urban forest management programs and to integrate urban forests within plans to improve environmental quality in the Minneapolis area.

Keywords: urban forestry; ecosystem services; air pollution removal; carbon sequestration; tree value
St. Paul Completes First Pipe Bursting Project with Fusible PVC® Pipe

St. Paul Regional Water Services (SPRWS) typically installs ductile iron water mains using open-cut methods when expanding or upgrading its system. However, a unique situation required SPRWS to consider an alternative pipeline material using a new installation method to upgrade an existing 6-inch cast iron water main in a northwest neighborhood in the City of St. Paul. The existing water main along West Cottage Avenue - which provides access to a number of apartment complexes - needed to be replaced. Open-cut water main construction was not a favored option as the City would have needed to shut down West Cottage Avenue, causing a major disruption for its many residents.

As an alternative, pipe bursting was evaluated and approved as an acceptable solution for replacing the existing cast iron water main. Pipe bursting allowed SPRWS to utilize the existing water main alignment, upsize the existing pipe size, and maintain vehicular access along West Cottage Avenue. SPRWS evaluated both Fusible PVC® pipe and HDPE as material options for the bursting project. In order to compare the two materials on an equivalent inside diameter and pressure class basis, 8-inch DR18 Fusible PVC® pipe was bid against 10-inch DR9 HDPE.

Palda and Sons, Inc. was awarded the project by SPRWS and selected Red Pederson Utilities, Inc. (RPU) to perform the pipe bursting. RPU specializes in pipe bursting and has experience working with Fusible PVC® pipe. The Fusible PVC® pipe option minimized risk by reducing the amount of soil displacement required for the bursting process; a benefit which led to its selection as the material of choice to replace the existing 6-inch cast iron water main. Static pipe bursting equipment from TT Technologies was used to burst the existing main and pull in the new 8-inch Fusible PVC® pipe. The experienced crew from RPU completed the project quickly and efficiently, which minimized the amount of time the water main was out of service.

Temporary aboveground piping was used to maintain water service to the neighborhood's residents during construction of the new main. After the new 8-inch Fusible PVC® pipe was pulled into place, crews from SPRWS tapped the new main and reconnected the existing water services using standard PVC saddle taps. In total, the project required replacing 2,080 LF of 6-inch cast iron with 8-inch DR18 Fusible PVC® pipe. Graeme Chaple of SPRWS noted: "The project went well and we were happy with the product. The ease of use and familiarity we have with PVC would lead us to use Fusible PVC® pipe again in this type of application."

**Pipeline Details and Project Summary**

- **Project:** West Cottage Avenue Pipe Bursting - St. Paul, MN
- **Length/Pipe Size:** 2,080 LF - 8-inch DR18
- **Pressure Test:** 150 psi for 2 hours
- **Installation:** Pipe Bursting
- **Owner/Engineer:** St. Paul Regional Water Services
- **Bursting Contractor:** Red Pederson Utilities, Inc
- **General Contractor:** Palda and Sons, Inc.
- **UGSI Contact:** Dan Christensen (715) 206-0518 dchristensen@undergroundsolutions.com

**Pipe Bursting Equipment Staging**
Feeding Bursting Rods Through Existing 6-inch Cast Iron Fusible PVC® Pipe is Fused and Laid Out

Cutter and Expander Head are Attached to Pipe

Bursting Equipment is Pulled Through Existing 6-inch Cast Iron Fusible PVC® Pipe is Pulled Through Existing 6-inch Cast Iron

From <http://www.undergroundsolutions.com/St-Paul-MN.php>
Many utilities throughout the Midwest maintain some amount of cast iron pipe in their water distribution networks. As these cast iron water mains reach the end of their useful lives, utility owners and engineers must determine the best way to replace them. In the Minneapolis metropolitan area, many cities have successfully used pipe bursting, a trenchless construction technique, to replace existing cast iron mains.

The City of Mound, Minnesota is one of the latest communities to embrace pipe bursting technology. In the course of one year, Mound has employed pipe bursting on three separate projects to replace aging cast iron water mains. These projects involved the replacement of 6-inch, 8-inch, and 10-inch water mains along Bartlett and West Three Points Boulevards. Pipe bursting enabled replacement of the water mains with minimal impact to the existing roadways. An additional benefit of pipe bursting rehabilitation is that it utilizes the existing pipeline alignment, eliminating the need to find a new alignment in increasingly crowded utility corridors.

All three of these recent water main pipe bursting projects used Fusible PVC® pipe as the replacement pipe material for the new water main. Fusible PVC® pipe’s successful track record in water main pipe bursting projects across the country, combined with its compatibility with standard ductile iron waterworks fittings, was critical to its selection on these projects. In addition, the high-strength, low-profile fusion joint provides a consistent outside diameter along the entire length of the fused pipeline which facilitates a smoother installation versus segmented pipe products with bells or collars.
Bolton & Menk, Inc. was the design engineer for each of the Mound projects. Bolton & Menk’s engineering professionals understand the value pipe bursting provides its clients when used in the appropriate applications.

Matt Bauman at Bolton & Menk commented on several factors that led to pipe bursting for these projects: “Three Points Boulevard is the only road in and out of a peninsula with hundreds of residents and 3,000 vehicle trips per day. Replacing pipe while maintaining traffic flow throughout the entire construction process was critical to selecting pipe bursting. On Bartlett Boulevard, pipe bursting allowed work to occur at lower overall costs since the entire roadway was not scheduled for replacement.”

The Mound projects involved size-on-size replacement of the existing water mains, which means the existing cast iron pipe was replaced with the same nominal size Fusible C-900® pipe. Although it was not required for these projects, pipe bursting technology also facilitates upsizing the existing pipeline if an increase in hydraulic capacity is desired.

One of the most frequently asked questions when utilities are considering pipe bursting projects is: “How are the existing water services managed during construction?” Water main replacement with pipe bursting typically requires the use of temporary above-ground water lines after the existing services are potholed and disconnected. With many contractors skilled and efficient at running temporary water services, concerns over managing existing water services should not be a reason to dismiss pipe bursting as a potential water main rehabilitation option.

Consulting with local engineers, contractors, and industry equipment suppliers is always a recommended first step when considering a pipe bursting project.

### Pipeline Details and Project Summary

**Project:** Bartlett Blvd. Water Main Improvements: Lost Lake Bridge to Wilshire Blvd.

**Project:** Bartlett Blvd. Water Main Improvements: Commerce Blvd. to Lost Lake Bridge

**Project:** 2014 Street, Utility, & Retaining Wall Improvements: West Three Points Blvd. Utilities

<table>
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<tr>
<th>Length &amp; Pipe Size</th>
<th>Installation</th>
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<tr>
<td>3,600 LF of 6” DR18 Fusible C-900*</td>
<td>Pipe Bursting</td>
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<td>2,070 LF of 8” DR18 Fusible C-900*</td>
<td>HDD / Jack &amp; Bore</td>
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<tr>
<td>405 LF of 10” DR18 Fusible C-900*</td>
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</table>
Pipe Fusion along West Three Points Blvd.

Standard Fittings Reconnections

Underground Solutions, Inc. (UGSI) provides infrastructure technologies for water, wastewater and power cable conduit applications. UGSI's Fusible PVC® pipe products, including Fusible C-900®, Fusible C-905® and FPVC®, utilize patented technology to produce a fused monolithic, fully-restrained, gasket-free, leak-free piping system ideal for trenchless (horizontal directional drilling, pipe bursting and sliplining) or conventional "open-cut" installations and are available in 4-inch to 36-inch diameters. The combination of standard fittings and lower weight with higher flow for a given pressure class versus other thermoplastic pipe ensures that Fusible PVC® pipe brings greater economy to most pipeline projects.

From <http://undergroundsolutions.com/Mound-MN.php>
The City of Fridley, MN Continues to Expand Its Use of Trenchless Installation Methods using Fusible PVC® Pipe

The City of Fridley, Minnesota has become very familiar with trenchless technologies over the last several years, utilizing various methods for their pipeline replacement and rehabilitation projects. Often designing and managing their projects "In-house," the City has seen first-hand the benefits of trenchless construction. The less invasive installation methods are able to provide a more efficient means of installing pipe when used in the right applications.

Layne Otteson, engineer and project manager for the City, understands the importance of selecting the right installation methods and materials. To formalize the selection process, he has developed a methods and materials matrix to help evaluate each project to decide what tools work best for each application. Otteson believes that providing contractors a range of options helps to enhance competitiveness and reduce cost.

The compatibility of Fusible PVC® pipe with trenchless installations and ease of maintenance for utility owners has resulted in the pipe being used for multiple water main improvement projects in Fridley. Most recently, Red Pederson Utilities replaced 1,200 LF of existing 6-inch water main along Matterhorn Drive with Fusible PVC® pipe using pipe bursting. Though this pipeline replacement was part of a larger project, bidding contractors were given the option to provide bids for 1) horizontal directionally drilling (HDD) a new 6-inch water main, 2) pipe bursting the existing 6-inch cast iron water main, or 3) lining the existing 6-inch water main.

The bid format allowed contractors to bid the job based on the installation method they thought would be optimal for the project. The water main pipe bursting went smoothly and quickly, which allowed for timely reinstatement of permanent water services to the 15 customers served by the water main. Overall, the ability to pair trenchless methods and materials with the right applications has led to successful projects such as this one.

Pipeline Details and Project Summary

Project: 2013 Watermain Rehabilitation Project No. 427
Location: Fridley, MN
Length: 1,200 LF
Pipe Size: 6" DR18 Fusible C-900®
Installation: Pipe Burst
Owner/Engineer: City of Fridley, MN
Trenchless Contractor: Red Pederson Utilities, Inc.
General Contractor: Penn Contracting, Inc.
UGSI Contact: Dan Christensen (715) 206-0518 dchristensen@undergroundsolutions.com
The City of Plymouth Leads Minneapolis Metro Area in Pipebursting Cast Iron Mains with Fusible PVC® Pipe

After recent successful installations of Fusible C-900® pipe using the pipeburst method in the Minneapolis metro area, the City of Plymouth decided to perform a large-scale project utilizing this cost effective rehabilitation technology. In pipebursting, the compromised cast iron line is "burst" or shattered in the ground with a new carrier line pulled through the remains - without open cutting the alignment. The City designed and engineered the project internally.

Pipeline Details and Project Summary

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<td>Hardrives Inc; Rogers, MN</td>
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<td>Utility Contractor:</td>
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<tr>
<td>Pipe Length:</td>
<td>4,280 LF 8&quot; DR18 Fusible C-900®</td>
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The project had many characteristics which made it an excellent candidate for pipebursting. The soil conditions were wet clay which made conventional dig-and-replace an undesirably "messy" and difficult project. By going the trenchless route, the cost of excavation and road/surface restoration was reduced significantly. The alignment was along a busy roadway with many
businesses, including the Four Seasons Mall - which would have been disrupted by a large open trench dewatering operation. The City selected Fusible PVC® pipe over other thermoplastic pipe options in order to maintain consistency in piping materials (AWWA C900) and use standard, off-the-shelf fittings. Pipebursting over 4,000 LF of 8" cast iron pipe resulted in minimal impact to businesses while providing the City with a long-term, sustainable solution. Dan Campbell, Project Manager from the City of Plymouth, stated, "I was very happy with the pipebursting and was surprised with how smoothly and quickly that section went."

In early 2011, after completing several Fusible PVC® pipeburst projects in the prior year, Red Pederson Utilities (RPU) opted to have a few of their personnel trained to fuse Fusible PVC® pipe. As a "trenchless" contractor, with a specialty in pipebursting, the qualification made fusing short and intermittent runs a more simple and economical process. The Plymouth project was the largest Fusible PVC® pipebursting project to date for RPU. RPU found ways to increase efficiency, such as using the McElroy "Pipe Horse". Once loaded, the pipe can be inserted into the fusion machine by the fusion technician in an efficient manner. Red Pederson summarized the project, "Fusible PVC® allows us as the the trenchless subcontractor to complete our bursting process, then get out of the way of the pipe contractor. We pull our equipment out of the pit, move to the next run, and the pipe guys are already making their connections to the hydrants, etc."

Underground Solutions, Inc. (UGSI) provides infrastructure technologies for water, wastewater and power cable conduit applications. UGSI's Fusible PVC® pipe products, including Fusible C-900®, Fusible C-905® and FPVC®, utilize patented technology to produce a fused monolithic, fully-restrained, gasket-free, leak-free piping system ideal for trenchless (horizontal directional drilling, pipe bursting and sliplining) or conventional "open-cut" installations and are available in 4-inch to 36-inch diameters. The combination of standard fittings and lower weight with higher flow for a given pressure class versus other thermoplastic pipe ensures that Fusible PVC® pipe brings greater economy to most pipeline projects.

From <http://undergroundsolutions.com/Plymouth-MN.php>
Mayor Terry Schneider  
City of Minnetonka, Minnesota  
April 11, 2016  

Re: Environmental Assessment petition  

Dear Mayor Schneider:  

We are petitioning the Minnesota EQB to direct the City of Minnetonka to perform an Environmental Assessment on the Libbs Lake Neighborhood Street Reconstruction Project. Unfortunately, our efforts to convince the City staff and City Council to save the trees for sake of a different water main reconstruction alternative has not been successful. We feel that there are several alternatives available and wish to have the City study these further. Unfortunately, this is a late date to file this petition. However, the magnitude of the tree removal was not made clear until the past few days. On the positive side, no tree removal work has been performed as of this date. We request a moratorium be placed on all the marking and cutting of trees until the study has been performed and the appropriate public involvement meetings held.  

Attached is a copy of our petition that will be filed with the Minnesota Environmental Quality Review Board on Tuesday, April 12th. If you have questions or wish to communicate with our group, our petitioner representative is Mary Schmidt, 3314 Shores Blvd, Minnetonka, MN. Email address is schmidtby4v@aol.com.  

Our group looks forward to working with the City as a partner on this important study.  

Mary Schmidt  
3314 Shores Blvd
Request for an Environmental Review of the Libbs Lake Street Reconstruction project -- April 11, 2016

This petition is made to the Minnesota Environmental Quality Review Board requesting that an Environmental Assessment be completed on the Libbs Lake Neighborhood Street and Utility project. This $7.5 million project is scheduled to begin in April of this year and impact approximately 300 residents. Included in the project are three separate neighborhoods over an approximate 2 square mile area. The project involves street reconstruction and utility renovations. All utilities will be reconstructed including cable, telephone, electric power, gas, sanitary sewer, storm sewer and watermain. New streets will collect storm water with curbs and gutters and change the drainage characteristics of the neighborhood. Depth of subcuts for the water and sewer reconstruction will average eight feet.

The utility re-construction will involve the removal of approximately 200 trees, each of which is greater than 12 inches in diameter, some as big as 72" in diameter. The residents are against the removal of all of these trees. They feel that there are alternatives that the City could utilize to alleviate the environmental damage that will result from the removal of these mature trees. Unfortunately, few of the residents knew the impact of the tree removals until in the last few days. We, the undersigned, are requesting a moratorium on the project schedule, including no tree marking or cutting, while the City re-studies the alternatives involved in the tree removal destruction that will result from this project. The residents would like to be involved in the review of the study parameters and the study process. We request a partner relationship with the City, rather than an adversarial relationship, as it seems to be at present.

The City has indicated to the residents that no further changes can be made to the project because the bids have been received and the contract with the contractor has been authorized. But, as of this date, no work has been performed. A public informational meeting is scheduled for April 14th with tree removal scheduled to begin the week of April 18th. Because of the late notice to the residents of all the trees that will be removed, we feel the information process has not been complete. Had we known the complete nature of the project weeks ago, this same petition would have been filed earlier. Information on the project is contained in the attached City newsletter and the attached Street Construction brochure. There is considerable conflict in the neighborhood.

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<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Signature</th>
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</thead>
<tbody>
<tr>
<td>Tom Sinclaire</td>
<td>6620 Elco View Rd ST. LOUIS MN</td>
<td></td>
</tr>
<tr>
<td>Andrew Jensen</td>
<td>4288 Northern Rd DRESDEN</td>
<td></td>
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<tr>
<td>Madeleine Nelson</td>
<td>5541 Nantucket Pl MINNEAPOLIS</td>
<td></td>
</tr>
<tr>
<td>Bria Dols</td>
<td>1000 4th St NE NEW PRAGUE MN</td>
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<tr>
<td>Tiffany Woods</td>
<td>30662 Home Ave. MN 55438</td>
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<tr>
<td>Roel Feen</td>
<td>4775 County Rd 101 DAYTON MN</td>
<td></td>
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<tr>
<td>Ashley McCall</td>
<td>301 Lewis Ave WATERTOWN MN</td>
<td></td>
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<tr>
<td>Laura Green-Johnson</td>
<td>10110-38th Ave N PLYMOUTH, MN</td>
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<tr>
<td>Shelley Jungman</td>
<td>1952 COMMONWEALTH BLD #7 MANHASSETTN</td>
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<tr>
<td>Mark Newstrom</td>
<td>6200 BIRCH LN MOUND MN 55364</td>
<td></td>
</tr>
<tr>
<td>Zach Gabler</td>
<td>17701 Leons Dr MINNEAPOLIS MN</td>
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Name | Print | Address | Signature
---|---|---|---
Glen Severnig | Glenn Severnig | 18000 Lawrence Dr NE | 
Brittany Butler | Brittany Butler | 115 N 40th St | 
Maddy Herron | Maddy Herron | 18330 Byram Rd | 
Kristen Eichhorn | Kristen Eichhorn | 41175 Tonka Wood Rd | 
Stephanie Humenny | Stephanie Humenny | 41175 Tonka Wood Rd | 
Thieng Bui | Thieng Bui | 790 Belmont Ln | 
Tony Ch | Tony Ch | 6135 Innsbruck Dr | 
Julie LaRose | Julie LaRose | 5985 Chaska Rd | 
Joshua Jackson | Joshua Jackson | 5540 Main St | 
Kegan Matchan | Kegan Matchan | 6241 Church Rd |
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<tr>
<td>Brittany Nelson</td>
<td>3005 Lawnshall Cn. Unit 21</td>
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<td></td>
<td>Plymouth, MN 55446</td>
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<tr>
<td>Dawn Verderss</td>
<td>289 Space Place Mpls MN 55403</td>
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<tr>
<td>Diane Ahrens</td>
<td>635 Mpls MN 55405</td>
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<tr>
<td>Joanne Searan Johnson</td>
<td>3545 Rainbow Dr Mkt 55345</td>
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<tr>
<td>Brinna Haug</td>
<td>1081 Quantico LN N Maple Grove</td>
<td>55311</td>
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<tr>
<td>Molly Vaughn</td>
<td>5558 Wingwood CT Mkt MN 55345</td>
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<tr>
<td>Brian Allen</td>
<td>3240 Harding Ave Shorewood MN 55331</td>
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<tr>
<td>Taylor Pygareau</td>
<td>1328 Cobbles Tree Rd N ChanhQn 55344</td>
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<tr>
<td>Robert Unger</td>
<td>22060 Stratford Place Shorewood 55337</td>
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<tr>
<td>Chase Campbell</td>
<td>1249 Sandstone Curve Shorewood MN 55379</td>
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<tr>
<td>Phil Kast</td>
<td>4416 Loretta ln Mkt 55345</td>
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<td>Donna Berndt</td>
<td>5127 Forest Rd</td>
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<tr>
<td>Shannon Roberg</td>
<td>2017 Aldrich Ave</td>
<td></td>
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<tr>
<td>Kyle Wiip</td>
<td>16827 Scenic Ln</td>
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<tr>
<td>Bryce Emmons</td>
<td>3373 county rd 101</td>
<td></td>
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<tr>
<td>Cornet Kreiger</td>
<td>3333 county rd 101</td>
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<tr>
<td>Sean Gannon</td>
<td>3373 county rd 101</td>
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<tr>
<td>Kellie Perry</td>
<td>14550 Woodbury Rd</td>
<td></td>
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<tr>
<td>Nicole Train</td>
<td>17516 Minnetonka Blvd</td>
<td></td>
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<tr>
<td>Kristy Hall</td>
<td>1913 Grey Village Drive N</td>
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<tr>
<td>Jessica Zettla</td>
<td>7421 Glenwood Ave</td>
<td></td>
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<tr>
<td>Rachel Asmann</td>
<td>3640 Larchwood Circle</td>
<td></td>
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<tr>
<td>Ryan Gustafson</td>
<td>411 Division St. Excelsior MN</td>
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<td>Jimmy Nor Horne</td>
<td>16606 Park Lane</td>
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<tr>
<td>Meranda Zinda</td>
<td>3804 26 1/2 Ave</td>
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<tr>
<td>Charli Fradella</td>
<td>Big Lake MN</td>
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<tr>
<td>Pat Jones</td>
<td>1101 Overlook LN</td>
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<tr>
<td>Brian Kuhns</td>
<td>2930 North Scott Circle</td>
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<tr>
<td>Benjamin</td>
<td>6245 Harwood Ave S.</td>
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<tr>
<td>Ruby C. Schara</td>
<td>182 Judint Dr. shaska</td>
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<tr>
<td>Thomas Lutz</td>
<td>3246 Girard Ave S.</td>
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<tr>
<td>Robert Fabesty</td>
<td>4407 Wilshire Blk</td>
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<tr>
<td>Abbey Nillvet</td>
<td>23911 Cedar Ln</td>
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<td>Arturo L. Maldonado</td>
<td>12310 Singletree Ln</td>
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<tr>
<td>Ilene Kopp</td>
<td></td>
<td>3109 Salem Ave, SLP, Mn 55416</td>
<td></td>
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<tr>
<td>Karen Kopp</td>
<td></td>
<td>3013 Lake Shore Blvd N, Mn 55411</td>
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<tr>
<td>Richard Kopp</td>
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<td>3013 Lake Shore Blvd N, Mn 55411</td>
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<tr>
<td>Sally Smith</td>
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<td>5129 Ely Rd, Bloomington, Mn 55437</td>
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<tr>
<td>Mark Chins</td>
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<td>Chanhassen, Mn 55317</td>
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<td>Kim Goers</td>
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<tr>
<td>Linda Karchuk</td>
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<td>6526 Harver Hill Trail</td>
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<td>Sonya Bach</td>
<td></td>
<td>3047 Blue Lake Ave, SLP 55426</td>
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<td>Ben Smith</td>
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<tr>
<td>Patrick Sweeney</td>
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<tr>
<td>Brandon McVey</td>
<td></td>
<td>4675 Hampton Rd, Mound</td>
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<tr>
<td>Ivin GIAMMI</td>
<td></td>
<td>120 Chicago Ave, N. Wayzata, Mn 55341</td>
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<tr>
<td>George Zschack</td>
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<td>5038 N 7th Ave E</td>
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<tr>
<td>Mark Lindstrom</td>
<td>5625 W 7th St N</td>
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<tr>
<td>Jim Fordtager</td>
<td>3515 Fairlawn Dr</td>
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<tr>
<td>Mary Irwind</td>
<td>12891 6th St N</td>
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<tr>
<td>Jeffrey Johnson</td>
<td>16451 Fernando Way West</td>
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<tr>
<td>Morgan Maldonado</td>
<td>12301 Sutliff Ln E</td>
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<tr>
<td>Jeff Steenmeier</td>
<td>20057 Kendall Ave North</td>
<td></td>
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<tr>
<td>Casey Petterson</td>
<td>5641 Medicine Ave E</td>
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<tr>
<td>Noah Stettz</td>
<td>5122 Lincoln Dr E</td>
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<tr>
<td>Chris Wiedmuss</td>
<td>6525 Harrow Hill Trail 1</td>
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<tr>
<td>Sierra Smink</td>
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<tr>
<td>Joe Schmidt</td>
<td>3814 Shores Blvd.</td>
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<tr>
<td>Dave Prochnow</td>
<td>3333 Harbor Ln Plymouth 55426</td>
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<tr>
<td>Andrew Grinde</td>
<td>19176 Lake Ave Wayzata 55391</td>
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<tr>
<td>Meg Erickson</td>
<td>12920 Excelsior Blvd #3 Hopkins</td>
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<tr>
<td>Tatiana Alberg</td>
<td>4225 Northern Rd Hopkins 55302</td>
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<td>Idena Bronstein</td>
<td>3901 Hillcrest Rd Deephaven 55391</td>
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<tr>
<td>Malik El Haddi</td>
<td>1924 Como Ave SE MPLS MN 55414</td>
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<tr>
<td>Gary Strodey</td>
<td>236 15th Ave N Hopkins MN 55343</td>
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<tr>
<td>Sam Patridge</td>
<td>3554 Lowrey St. Deephaven</td>
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<tr>
<td>Christopher Lucas</td>
<td>3620 Robin Ave Minneapolis MN 55416</td>
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<td>Mary E. Betzerman</td>
<td></td>
<td>1464 Melrose Ave.</td>
<td>St. Louis Park, MN</td>
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<tr>
<td>Laura Bloomquist</td>
<td></td>
<td>1602 69th Ave. S.</td>
<td>Fridley, MN 55432</td>
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<tr>
<td>Mike Mazur</td>
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<td>5733-13th Ave. S.</td>
<td>MPLS, MN 55417</td>
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<tr>
<td>Matt Johnson</td>
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<td>16710 E. Brook Ave.</td>
<td>Minneopolis, MN</td>
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<td>Gunars Oelsen</td>
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<td>10707 Edgewood Ave.</td>
<td>Minneapolis, MN</td>
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<td>Vying Demetrations</td>
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<tr>
<td>Kathy Robinson</td>
<td></td>
<td>17036 Grays Bay Rd.</td>
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<th>Name</th>
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<tbody>
<tr>
<td>Sarah Barton</td>
<td>18075 Fairhomes La Deephaven</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lisa McKenzie</td>
<td>2921 Maryland Av. St. Louis Park</td>
<td></td>
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<tr>
<td>Zach Gertner</td>
<td>14905 Oakwood Dr. Minneapolis</td>
<td></td>
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<tr>
<td>Matt Makis (Makis)</td>
<td>1000 S Grant Blvd. Hopkins</td>
<td></td>
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<tr>
<td>Tom McCann</td>
<td>4230 Belle Aven.</td>
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<tr>
<td>Pil-Jae Chang</td>
<td>5405 Ximines Ln. Plymouth MN</td>
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<tr>
<td>Hinh Pham</td>
<td>3404 Hwy. 101. Plymouth MN</td>
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<tr>
<td>Krist Benthin</td>
<td>2800 Center Ln. Plymouth MN</td>
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<tr>
<td>Melissa Black</td>
<td>17946 Kauschborn Rd.</td>
<td></td>
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<tr>
<td>Sam Weilens</td>
<td>3213 County Rd. 101 S</td>
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<tr>
<td>Janine Rothsien</td>
<td>5600 Lyn Ave. Mpls.</td>
<td></td>
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<tr>
<td>Michael Bellany</td>
<td>421 Jefferson Ave. S Hopkins</td>
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Request for an Environmental Review of the Libbs Lake Street Reconstruction project -- April 11, 2016

This petition is made to the Minnesota Environmental Quality Review Board requesting that an Environmental Assessment be completed on the Libbs Lake Neighborhood Street and Utility project. This $7.5 million project is scheduled to begin in April of this year and impact approximately 300 residents. Included in the project are three separate neighborhoods over an approximate 2 square mile area. The project involves street reconstruction and utility renovations. All utilities will be reconstructed including cable, telephone, electric power, gas, sanitary sewer, storm sewer and watermain. New streets will collect storm water with curbs and gutters and change the drainage characteristics of the neighborhood. Depth of cuts for the water and sewer reconstruction will average eight feet.

The utility re-construction will involve the removal of approximately 200 trees, each of which is greater than 12 inches in diameter, some as big as 72” in diameter. The residents are against the removal of all of these trees. They feel that there are alternatives that the City could utilize to alleviate the environmental damage that will result from the removal of these mature trees. Unfortunately, few of the residents knew the impact of the tree removals until in the last few days. We, the undersigned, are requesting a moratorium on the project schedule, including no tree marking or cutting, while the City re-studies the alternatives involved in the tree removal destruction that will result from this project. The residents would like to be involved in the review of the study parameters and the study process. We request a partner relationship with the City, rather than an adversarial relationship, as it seems to be at present.

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<tr>
<td>John McKelvey</td>
<td>17032 Prentice Ave. Way Minnetonka 55343</td>
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<tr>
<td>Thanasi Pappas</td>
<td>3323 Shores Blvd Minnetonka 55343</td>
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<td>Melinda Pappas</td>
<td>3323 Shores Blvd Minnetonka 55343</td>
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<tr>
<td>Naomi Daigle</td>
<td>16804 Minnetonka Blvd Minnetonka 55343</td>
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<tr>
<td>Mica Daigle</td>
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<tr>
<td>Phil Norris</td>
<td>3315 Shores Blvd Minnetonka 55343</td>
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<tr>
<td>Todd Cooney</td>
<td>647 Krumkoe Ln Edina MN 55439</td>
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<tr>
<td>TYLER STATMAN</td>
<td>1521 Millpond Ct Chaska, MN 55318</td>
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<tr>
<td>Karen Norris</td>
<td>3315</td>
<td>Shores Blvd</td>
<td>Wayzata</td>
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<tr>
<td>Terrence Peters</td>
<td>10334</td>
<td>310th Ave Princeton 55371</td>
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<tr>
<td>Linnea Hudson</td>
<td>6733</td>
<td>214th St N Forest Lake, MN 55325</td>
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<tr>
<td>Arlene Hokish</td>
<td>3225</td>
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<tr>
<td>Linda Shinn</td>
<td>3210</td>
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<tr>
<td>Karl Forsman</td>
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<tr>
<td>Kevin Raye Smith</td>
<td>3525</td>
<td>Elmwood Blvd, Wayzata, MN 55345</td>
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<tr>
<td>Teresa Johnson</td>
<td>16814</td>
<td>Cottage Grove Av, MTHA, MN 55371</td>
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<tr>
<td>James Glaeser</td>
<td>16814</td>
<td>Cottage Grove Av, MTHA, MN 55371</td>
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<tr>
<td>Sophia Heick</td>
<td>3224</td>
<td>Shores Blvd, Wayzata 55391</td>
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<tr>
<td>Sharon Davis</td>
<td>3221</td>
<td>Shores Blvd, Wayzata 55391</td>
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Resolution No. 2015-106

Resolution receiving Feasibility Report, ordering the improvements in, authorizing preparation of Plans and Specifications, and authorizing Easement Acquisition for the 2016 Street Rehabilitation – Libb’s Lake Area Project No. 16401

Be It Resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. A feasibility report was prepared by and/or under the direction of the engineering department of the City of Minnetonka with reference to the proposed 2016 Street Rehabilitation Project – Libb’s Lake Area No. 16401.

1.02. This report was received by the City Council on October 12, 2015 with the project to be known as:

2016 Street Rehabilitation – Libb’s Lake Area, Project No. 16401.

Section 2. Council Action.

2.01. The feasibility report is hereby accepted and the preparation of plans and specifications are hereby authorized.

2.02. The proposed improvements are hereby ordered as proposed.

2.03. The city engineer is hereby designated as the engineer for this improvement. He may retain any professional help he deems necessary.

2.04. The city attorney and the city engineer are hereby authorized to acquire necessary easements by negotiation or condemnation.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 12, 2015.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk
Action on This Resolution:

Motion for adoption: Allendorf
Seconded by: Bergstedt
Voted in favor of: Wagner, Ellingson, Allendorf, Acomb, Bergstedt, Schneider
Voted against: Wiersum
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on October 12, 2015.

David E. Maeda, City Clerk
RESOLUTION NO. 2016-010

RESOLUTION ACCEPTING PLANS AND SPECIFICATIONS
AND AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE
2016 STREET REHABILITATION PROJECT, LIBB’S LAKE AREA

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. Pursuant to city council authorization on October 12, 2015, plans and
specifications have been prepared by and/or under the direction of the city
engineer who is a Licensed Professional Engineer in the State of Minnesota
for the 2016 Street Rehabilitation Project, Libb’s Lake area.

1.02. The plans and specifications for the construction of the aforementioned
project have been presented to the city council for approval.

Section 2. Council Action.

2.01. The plans and specifications, copies of which are on file in the engineering
department, are hereby accepted upon the recommendation of the city
engineer.

2.02. The city clerk shall prepare and cause to be inserted in the official
newspaper and in Finance & Commerce an advertisement for bids for the
making of such improvements under such approved plans and
specifications. The advertisement shall specify the work to be done, shall
state that bids will be opened and read aloud at 10:00 a.m., local time, on
March 1, 2016, in the Council Chambers at the Minnetonka city hall, and
that no bids will be considered unless sealed and filed with the clerk and
accompanied by a cash deposit, cashier’s check, bid bond or certified check
made payable to the city clerk for five (5) percent of the amount of the bid.

Adopted by the City Council of the City of Minnetonka, Minnesota, on February 8, 2016.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk
ACTION ON THIS RESOLUTION:

Motion for adoption: Wiersum
Seconded by: Allendorf
Voted in favor of: Allendorf, Acomb, Wiersum, Bergstedt, Ellingson, Schneider
Voted against:
Abstained:
Absent: Wagner
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on February 8, 2016.

__________________________
David E. Maeda, City Clerk
MINNESOTA DEPARTMENT OF HEALTH
Division of Environmental Health
REPORT ON PLANS

Plans and specifications on watermain: Street Rehabilitation Project 2016 - Libbs Lake Area, Minnetonka, Hennepin County, Plan No. 160327

OWNERSHIP: Minnetonka City Council, c/o Mr. David Maeda, City Clerk, Minnetonka City Hall, 14600 Minnetonka Boulevard, Minnetonka, Minnesota 55343

SUBMITTER(S): WSB & Associates, Inc., c/o Mr. Jim Stremel, 701 Xenia Avenue South, Minneapolis, Minnesota 55416

Date Received: February 16, 2016
Date Reviewed: March 4, 2016

SCOPE: This report covers the design of this project insofar as the safety and sanitary quality of the water for public consumption may be affected, and applies to this project only and not to the entire system or any other part thereof. The examination of plans is based upon the supposition that the data on which the design is based are correct, and that necessary legal authority has been obtained to construct the project. The responsibility for the design of structural features and the efficiency of equipment must be taken by the project designer. Approval is contingent upon satisfactory disposition of any requirements included with this report. It is the project owner's responsibility to retain the plans at the project location.

Water supply plans are examined with regard to the location, construction and operational features of the design and maintenance of all parts of the system which may affect the safety and sanitary quality of the water. Examination is based on the standards of this department.

It is the contractor's responsibility to contact the Minnesota Department of Health (MDH) for inspections as indicated in the report pertaining to inspections. If you have any questions regarding information contained in this report, please contact me at 651/201-4684. Please direct all questions regarding plumbing inspections to the Minnesota Department of Labor and Industry at 651/284-5067.

This project consists of the installation of 530 lineal feet of 6-inch ductile iron watermain.

The alternate bids include the installation of the following watermains:

1. 730 lineal feet of 6-inch ductile iron or C900 PVC watermain.
2. 1,307 lineal feet of 8-inch ductile iron or C900 PVC watermain.

Requirement(s):

1. Watermains shall be laid at least 10 feet horizontally from any gravity sanitary sewer, storm sewer or sewer manhole, whenever possible. When local conditions prevent a horizontal separation of 10 feet, a watermain may be laid closer to a storm or sanitary sewer provided that:
   a. The bottom of the watermain is at least 18 inches above the top of the sewer; or
   b. Where this vertical separation cannot be obtained, the sewer shall be constructed of materials and with joints that are equivalent to watermain standards of construction, and shall be pressure tested to assure watertightness prior to backfilling.
2. Hydrant drains shall not be connected to or located within 10 feet of sanitary sewers, storm sewers, sewer catch basins or sewer manholes.

3. All sewer manholes, including catch basins, that are installed less than 10 feet from the watermain, shall be constructed with a watertight base and pipe connections to the structure.

4. Disinfection of the watermain shall be performed according to AWWA Standard C 651. However, if the tablet or continuous feed methods are used, the completed watermain shall be disinfected for 24 hours with at least 50 ppm available chlorine, rather than the 25 ppm, as specified in AWWA Standard C 651, with a residual of at least 10 ppm throughout the length of the main at the end of the 24-hour period.

5. When temporary watermains and water services are used, the following requirements must be met:
   a. Piping used for temporary watermain shall meet the requirements of the MDH. The temporary watermain shall be disinfected in accordance with AWWA C 651, with the exception that a minimum chlorine residual of 50 ppm shall be used. The watermain and service lines must be tested for bacteriological quality prior to use in accordance with AWWA Standard C 651.
   b. The temporary water service piping shall be approved by the local administrative authority. The MDH requires that the temporary water service line meet the National Sanitation Foundation Standard 61. Otherwise, the service line material must meet the requirements of the Plumbing Code, Minnesota Rules, Chapter 4715, and must be approved by the manufacturer for above ground use. The temporary water service lines must be disinfected in accordance with either AWWA Standard C 651 (with the exception listed above), or the Minnesota Plumbing Code, Minnesota Rules, Chapter 4715.2250. The watermain and service lines must be tested for bacteriological quality prior to use in accordance with AWWA Standard C 651.

COMPLIANCE: No construction shall take place except in accordance with the approved plans. If it is desired to make deviations from the approved plans, the MDH should be consulted and approval of the changes obtained before the construction is started; otherwise, such construction is installed without proper approval and, in addition, may create dangers to public health.

Authorization for construction in accordance with the approved plans may be withdrawn if construction is not undertaken within a period of two years. The fact that the plans have been approved does not necessarily mean that recommendations or requirements for change will not be made at some later time when changed conditions, additional information, or advanced knowledge make improvements necessary.

Approved:

David Weum, P.E.
Public Health Engineer
Section of Drinking Water Protection
P.O. Box 64975
St. Paul, Minnesota  55164-0975

cc:  Mr. Jim Stremel, WSB & Associates, Inc.
Wiersum congratulated the Minnetonka High School girls basketball team for making it to the state tournament; the Wayzata High School boys hockey team for winning the state tournament; and the Hopkins High School boys basketball team for winning the state tournament.

8. Citizens Wishing to Discuss Matters not on the Agenda

Bill Jones, 5120 Lee Way, said he and his partner started the Rock ‘n’ Read project. The bus that was parked in the Kraemers parking lot was part of the project. John Kraemer gave permission for the bus to be parked there. Over the summer, city staff contacted Jones to let him know there was a complaint about the bus sitting in the parking lot and it would have to be moved. He was told it was one of the council members who had made the complaint. He asked about the two postal trucks also parked in the parking lot and was informed there were no complaints about those trucks. He found a new location to park the bus but during the spring there would be a cleaning and volunteer day and he wanted assurance that he would not be cited if the bus was parked in the Kraemers lot. He asked if it was common that the city enforced ordinances only when there were complaints.

Schneider said there was a longstanding informal policy that the city did not go out and look for ordinance violations. If a complaint was received the ordinance was enforced. There is an attempt to balance being flexible in allowing the community to do what it thinks is right versus not allowing things to get out of hand. Staff usually is able to work with the person involved to find a solution to address the issue. Barone said staff follows up on a complaint no matter who has made the complaint. Staff tries to work with the person to make sure the community standards are followed. She said just because the property owner grants permission, it doesn’t mean the ordinance does not have to be followed.

9. Bids and Purchases:

A. Bids for 2016 Street Rehabilitation project, Libb’s Lake area

Barone gave the staff report.

Wagner asked if the city had past issues with a company that made a bid, how the past experiences are taken into account when deciding which bid to take. City Engineer Will Manchester said this year in evaluating the bids the whole package including the subcontractors were looked at. All the subcontractors involved with this project met the qualifications.
Wiersum noted the budget amount was quite a bit higher than the contract amount. He asked if part of this was because of the low oil prices. Manchester said in talking with other cities, lower prices were being seen throughout the industry. This hasn’t been specifically correlated to the low oil prices.

Wiersum moved, Wagner seconded a motion to award contract to GMH Asphalt Corporation in the amount of $7,267,853.82 for the 2016 Street Rehabilitation project, Libb’s Lake area. All voted “yes.” Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote: None

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances:

A. Items concerning 14840 and 14900 State Highway 7:

1) Ordinance rezoning a portion of 14840 State Highway 7 from B-1, Office, to PUD, Planned Unit Development;
2) Ordinance amending the existing master development plan;
3) Site and building plan review;
4) Conditional use permit; and
5) Preliminary and final plats.

City Planner Loren Gordon gave the staff report.

J. Lindsay, 17202 Grays Bay Boulevard, said he was excited about the project and with the tenant who would occupy the building.

Wiersum said the access on to Highwood was discussed at the neighborhood meeting. He asked the planning commission to look at if the access was a must have or a nice to have. Keeping the commercial area separate from the residential neighborhood appealed to him.

Schneider said he shared Wiersum’s concern. He complimented the architect for the work on the building. The building has been lacking for a number of years. He said the architect did a phenomenal job making the building look like a professional building.

Gordon noted the expanded notification area.

Allendorf asked if there was access on the west side to the parking area. Gordon said the existing access would remain.
The Construction site identified below is covered under the National Pollutant Discharge Elimination System/State Disposal System General Permit MNR100001 and is authorized by the Minnesota Pollution Control Agency (MPCA) to discharge stormwater associated with construction activities.

**Permit ID Number:** C00042827

**Owner:** Minnetonka city of

**General Contractor:** GMH Asphalt Corporation

**Project Name:** 2016 Street Reconstruction Project

**Permit Coverage Date:** 04/14/2016

If you have questions regarding the stormwater program for construction activity, please access the MPCA Stormwater website at [http://www.pca.state.mn.us/stormwater](http://www.pca.state.mn.us/stormwater) or call the Construction Stormwater Program at 651-757-2119 or toll free at 800-657-3804.
Minnesota Wetland Conservation Act
Notice of Decision

Local Government Unit (LGU)
City of Minnetonka

Address
11522 Minnetonka Blvd.
Minnetonka, MN 55305

1. PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Project Name</th>
<th>Date of Application</th>
<th>Application Number</th>
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<tbody>
<tr>
<td>Phil Olson, Project Engineer, City of Minnetonka</td>
<td>Libb’s Lake 2016 Road Reconstruction Project - Wetland E</td>
<td>4.5.16 Received via mail 4.6.16</td>
<td>Libb’s Lake 2016 Road Reconstruction Project - Wetland E</td>
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X Attach site locator map.

Type of Decision:

- [ ] Wetland Boundary or Type
- [ ] Replacement Plan
- [ ] No-Loss
- [ ] Exemption
- [ ] Sequencing
- [ ] Banking Plan

Technical Evaluation Panel Findings and Recommendation (if any):

- [ ] Approve
- [ ] Approve with conditions
- [ ] Deny

This activity qualifies for a No-Loss under section 8420.0415, Subpart H., the TEP did not review this application.

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: April 13, 2016

X Approved

- [ ] Approved with conditions (include below)
- [ ] Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

On April 6, 2016 the city of Minnetonka received a complete No-Loss application to temporarily impact 94 square feet of a type 2/3 wetland in order to replace a substandard water main as part of the City of Minnetonka’s 2016 Road Reconstruction project in the Libb’s Lake neighborhood.

According to the application an 8-inch water line will be installed adjacent to the wetland. The area will be excavated in order to replace the existing water line. The excavation will result in a total wetland impact of 94 square feet. The excavated material will be stock piled, the pipe will be removed and reinstalled and the excavated material will be replaced. The area will be seeded with a State Seed Mix 34-181. The time from impact to restoration is expected to be no more than 180 days.

This activity qualifies for a No Loss under section 8420.0415, Subpart H., and the city of Minnetonka approves this application.
For Replacement Plans using credits from the State Wetland Bank:

<table>
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<tr>
<th>Bank Account #</th>
<th>Bank Service Area</th>
<th>County</th>
<th>Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

☐ Financial Assurance: For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).

☐ Deed Recording: For project-specific replacement, evidence must be provided to the LGU that the BWSR “Declaration of Restrictions and Covenants” and “Consent to Replacement Wetland” forms have been filed with the county recorder’s office in which the replacement wetland is located.

☐ Credit Withdrawal: For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

Wetlands may not be impacted until all applicable conditions have been met!

LGU Authorized Signature:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Phone Number and E-mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jo Colleran</td>
<td>Natural Resources Manager</td>
<td>952.988.8415</td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="mailto:jcolleran@eminnetonka.com">jcolleran@eminnetonka.com</a></td>
</tr>
</tbody>
</table>

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for five years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

☐ Appeal of an LGU staff decision. Send petition and $---- fee (if applicable) to:
   City of Minnetonka
☐ Appeal of LGU governing body decision. Send petition and $500 filing fee to:
   Executive Director

BWSR Forms 7-1-10

Page 2 of 3
4. LIST OF ADDRESSEES

X SWCD TEP member: Stacey Lijewski, stacey.lijewski@hennepin.us
X BWSR TEP member: Ben Meyer, ben.meyer@state.mn.us
X LGU additional contact: Aaron Schwartz, aschwartz@eminnetonka.com
□ DNR TEP member:
X DNR Regional Office: Leslie Parris, leslie.parris@state.mn.us
X WD or WMO (if applicable): Katherine Sylvia, ksylvia@minnehahacreek.org, Minnehaha Creek Watershed District
X Applicant and Landowner (if different): Phil Olson, City of Minnetonka, polson@eminnetonka.com
Tom Dietrich, City of Minnetonka, tdietrich@eminnetonka.com,
Dustin Simonson, WSB & Associates, dsimonson@wscmb.com
□ Members of the public who requested notice: None
X Corps of Engineers Project Manager: Melissa Jenny, Melissa.M.Jenny@usace.army.mil
□ BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

5. MAILING INFORMATION

➢ For a list of BWSR TEP representatives: www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf
➢ For a list of DNR TEP representatives: www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf
➢ Department of Natural Resources Regional Offices:

<table>
<thead>
<tr>
<th>NW Region:</th>
<th>NE Region:</th>
<th>Central Region:</th>
<th>Southern Region:</th>
</tr>
</thead>
</table>

For a map of DNR Administrative Regions, see: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf

➢ For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687 or send to:

US Army Corps of Engineers
St. Paul District, ATTN: OP-R
180 Fifth St. East, Suite 700
St. Paul, MN 55101-1678

➢ For Wetland Bank Plan applications, also send a copy of the application to:

Minnesota Board of Water and Soil Resources
Wetland Bank Coordinator
520 Lafayette Road North
St. Paul, MN 55155

6. ATTACHMENTS

In addition to the site locator map, list any other attachments:
X Application dated April 5, 2016
April 13th, 2013

City of Minnetonka
Attn: Phil Olson
14600 Minnetonka Boulevard
Minnetonka, MN 55345

RE: MCWD Permit Application #16-108: Minnetonka 2016 Street Reconstruction
No MCWD Permit Needed

Dear Mr. Olson,

Thank you for submitting an application for a Minnehaha Creek Watershed District permit for Wetland Protection and Waterbody Crossings & Structures for road reconstruction located at various streets around Libbs Lake in the City of Minnetonka. The application was initially received on March 8th, 2016 with updated plans received on April 5th, 2016.

After review of the updated plans submitted, the proposed project no longer triggers the District’s Waterbody Crossings & Structures and Wetland Protection rules.

- The updated plan proposes no impact to the bank or bed of wetland F and no longer fulfills the criteria to trigger the Waterbody Crossings & Structures Rule.
- An NOD for No-Loss for Wetland E was received on April 13th, 2016. Per section 2(a) of the Wetland Protection Rule, work affecting a wetland that qualifies as no-loss under the WCA and work affecting an incidental wetland, as defined in the WCA, do not require a permit under this rule.

MCWD Staff recommends that the City analyze the impacts for a new point source discharging to wetland F under the City’s Stormwater Management Rule.

If final municipal approval of the project results in changes to the project you must submit revised plans to the MCWD for review.

Please contact me at 952-641-4504 or hquinn@minnehahacreek.org if you have any questions or concerns.

Respectfully,

Heidi Quinn
Permitting Technician

CC: Tom Dietrich, City of Minnetonka; Dustin Simonson, WSB; Katherine Sylvia, MCWD

We collaborate with public and private partners to protect and improve land and water for current and future generations.
10C Agreements for Metropolitan Council LHIA funds

Attached is Exhibit B referenced in the agreement.

13C. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for LTF Club Operations Company, Inc. dba Life Cafe, 3310 Co Rd 101

Staff received the attached comments after the council packet was distributed.

14A Resolution approving a conditional use permit and final site and building plans for a licensed day care facility at 14730 Excelsior Boulevard

Included with the community development director’s change memo is a revised utility plan.
Memorandum

To: City Council
From: Julie Wischnack, AICP, Community Development Director
Date: April 25, 2016
Subject: Change Memo for April 18, 2016

10C – Agreements for Metropolitan Council LHIA funds

Exhibit B (Application to the Council for Housing Grant) is attached

13C – On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for LTF Club Operations Company, Inc. dba Life Cafe, 3310 Co Rd 101

The attached comments were received following distribution of the agenda packet.

14A – Resolution approving a conditional use permit and final site and building plans for a licensed day care facility at 14730 Excelsior Boulevard

1) A revised utility plan. This plan must:
   a. Add a private public hydrant along the new 6-inch water service to the building. The hydrant spacing along Excelsior Boulevard currently exceeds the 500-foot maximum spacing allowed by code.
Single Family Request for Proposal (RFP) Application General Section

**Instructions**

**Application Deadline:**
June 16, 2015
12:00 Noon

Carefully read the 2015 Single Family RFP Consolidated Application Guide and Instructions (RFP Application Guide) **before** completing the RFP Application, Workbook and Supplements. The RFP Application Guide provides updated information and submission instructions for the Single Family RFP.

You are strongly encouraged to submit proposals that address affordable housing needs to the maximum extent possible, **as quickly as possible**. The ability to complete a project/program in a timely fashion is critical. The funding award term is 20 months from the effective date on the Funding Agreement. Proposals that are development-ready will be given priority.

**Applicant Information**

1. **Proposal Name:** Homes Within Reach

   Applicant Information (as it should appear on the Agreement, if funded):
   - Name: West Hennepin Affordable Housing Land Trust
   - Address: 5101 Thimsen Avenue, Suite 202
   - City: Minnetonka
   - State: Minnesota
   - Zip: 55345
   - County: Hennepin

   **Executive Director/President:**
   - Name: Janet A. Lindbo
   - Email: jlindbo@homeswithinreach.org
   - Phone: 952-401-7071

2. **RFP Contact Name:** Janet A. Lindbo
   - Phone: 952-401-7071

3. **Type of Organization (e.g. HRA, CAP, nonprofit, for-profit):** Nonprofit

4. **Name of the Applicant organization’s parent company, if parent company is not the Applicant:**

---

2015 Single Family Request For Proposal General Application

Page 1 of 14
Name: 
Address: 
City: 
State: 
Zip: 

Rationale for the Applicant organization, instead of the parent company, applying for Impact Fund dollars:

5. Applicant:
   State ID #: 572698
   Federal ID #: 41-2019107

Parent Organization:
   State ID #: 
   Federal ID #: 

6. Applicant’s Nationwide Mortgage Licensing System and Registry (NMLS) # (if proposing to originate Impact Fund Deferred Loans)

7. Is this a Collaborative Application? (See definition in RFP Application Guide.)
   Yes
   No

If “Yes,” provide the following information for each organization in the Collaborative Application. If more than two, attach additional page.
   Organization Name: 
   Address: 
   City: 
   State: 
   Zip: 
   Contact Name: 
   Phone: 

   Organization Name: 
   Address: 
   City: 
   State: 
   Zip: 
   Contact Name: 
   Phone:
8. Will you as the Administrator contract with a Processing Entity?

☐ Yes
☒ No

If “Yes,” provide the following information. (See definition of Processing Entity in RFP Application Guide.)

Processing Entity’s Name: __________________________
Address: __________________________
City: __________________________
State: __________________________
Zip: __________________________
Contact Name: __________________________
Phone: __________________________

---

**Funding Request**

Complete the Funding Request chart found in the General Workbook.

If requesting funds from Minnesota Housing’s Community Homeownership Impact Fund (Impact Fund) and a co-funder or funding partner, indicate the amount you are requesting from each funder. If you don’t have a preference, request Impact Funds.

---

**Project Overview**

1. Place an "X" next to each activity for which you are requesting funding. You must complete a Housing Activity Section for each activity for which you request funds.

☐ Acquisition/Rehabilitation/Resale (includes Value Gap and may include Affordability Gap)
☐ (Stand-Alone) Affordability Gap (not including rehab or construction)
☐ New Construction/Demolition-Rebuild (includes Value Gap and may include Affordability Gap)
☐ Owner-occupied Rehabilitation (includes Community Fix Up loan interest rate write-down)

2. In two sentences, explain how the proposed Housing Activity project or program is (or isn’t) a part of a more comprehensive housing or community development strategy:

West Hennepin Affordable Housing Land Trust (WHAHLT) dba Homes Within Reach (HWR) has implemented the Community Land Trust practice in eleven (11) Hennepin County suburban communities since 2002; offering long-term affordable homeownership solutions for low to moderate income work-force households who provide essential services to sustain and maintain the communities' HWR serves.

WHAHLT is acknowledged by many of the communities we serve as an important option (included in some of the communities' comprehensive plans) to assist low to moderate income families in owning a home near the community they work or live, preserve affordable homeownership, rehabilitate existing housing stock, add new households to the community while protecting the public’s investment in offering affordable housing; thereby linking housing...
3. How will you measure the impacts your proposed housing activity has in addressing need in terms of:
   • Immediate impacts on housing unit or households, within two years:
     The HWR program offers a program for low to moderate income families to become homeowners in communities where they would otherwise be unable to purchase a home in the suburbs of Hennepin County. It is HWR experience that homeownership using the CLT practice stabilizes families and does not over burden their income to do so. In addition, homeowners using the Community Land Trust practice receive benefits that typically are accrued to homeowners; tax benefits, ability to make improvements, increase their financial standings and offer a legacy to their spouses and children and provide a strong base for families to flourish and engage community services, jobs and excellent educational opportunities. Furthermore, families many times can manage their cost of living expenses better when moving away from escalating rents currently taking place in the rental market in Hennepin County and throughout the metro area.
   • The longer-term impacts on subpopulation(s) or community, within 3-5 years:
     Long term impacts with Community Land Trust practice are as follows;
     • Expands homeownership Opportunities: CLT sustains a long-term practice that serves multiple families to become homeowners with the creation of one affordable home, stabilizes families and in turn adds value to the community where the homeowner works and or lives.
     • Retains Community Wealth: Strengthening and maintaining the communities' resources takes place through the community's growth, delivery of services, increased labor pool to local businesses, reduction of freeway congestion when giving the opportunity for workers to live near their work while the CLT practice provides a mechanism to invest in long-term affordable housing.
     • Enhance Residential Stability: The CLT organization (HWR) supports homeowners before and after the purchase of the home, especially during times of crisis and change in a homeowner's life. Furthermore the program assists neighborhoods in maintaining their residential housing as they age in place.
     • Preserves Housing Affordability: The CLT (HWR) links the investment in making a home affordable with the home rather than the owners, thereby serving multiple families. This recycling of funds from owner to owner ensures the home remains affordable over a long period of time.

4. In the General Workbook on the 2015 Request for Proposal Funding Request Chart, you indicated the proposed income limit to be served. To better understand your limit, please select one of the following:
   ☐ % of AMI Impact Fund,
   ☐ 80% of AMI based on HUD, adjusted for family size, or
   ☐ Another methodology.

Please explain.

HWR's CLT program serves households with incomes at 80% or less Area Median Income.
In practice, HWR has served households between 32% and 79% AMI, the average program wide AMI is 60.2% for new sales and resales.

### Applicant Capacity and Partners

1. Describe your mission, purpose and role in providing the proposed Housing Activity.

   West Hennepin Affordable Housing Land Trust (WHAHLT) dba Homes Within Reach (HWR), a nonprofit organization was created in May 2001; a Community Land Trust whose service area is the 44 communities of western suburban Hennepin County; and currently active in eleven (11) communities in suburban Hennepin County.

   WHAHLT was created in order to increase the number of homeownership opportunities that exist for working households in suburban Hennepin County. The concept of using the Community Land Trust (CLT) practice was initiated by the City of Minnetonka to provide affordable homeownership in Minnetonka and the western suburbs in Hennepin County. In 2004, the name Homes Within Reach was introduced to the public to better describe the organization’s purpose.

   West Hennepin Affordable Housing Land Trust vision is to transform people’s lives through homeownership. The mission is to create and sustain affordable homeownership housing for low-to-moderate income families that would be otherwise unable to buy a home in the suburbs of Hennepin County, using the Community Land Trust practice.

   This is achieved by acquiring and retaining the ownership of real property, rehabilitating and then selling the improvements to homeowners earning less than 80% Area Median Income (AMI). This arrangement between the homeowner and HWR protects housing affordability in perpetuity by ensuring that the housing is more affordable to low-to-moderate income households upon the sale of a single-family home.

   The organization was formed to hold title to land to preserve its long-term affordability and it receives public and private donations of land or monies to purchase properties. In doing so, HWR offers both communities and homebuyers the ability to sustain permanently affordable homeownership by maintaining affordability, which preserves public and private investment.

   The core values of the organization are -

   1. Belief in homeownership
   2. Bringing stability into people’s lives
   3. Creating value for communities and families.

2. Describe your past experience in completing a Housing Activity similar to the proposal. (Include experience of developing and selling affordable housing, if applicable.)

   In 2002, WHAHLT implemented its Community Land Trust program, offering existing detached single family homes for sale to qualified low to moderate income buyers. As of May 2015, HWR has expanded its service area from one to eleven communities, resulting in assisting 135 households who would have not been able to purchase a home on the open market. Furthermore, HWR is working to expand its program to other suburban communities, such as Bloomington and Crystal.
Over the past thirteen years, HWR has offered an assortment of styles and types of entry-level homes to low to moderate income applicants; beginning with existing detached single family homes in 2002, adding a newly constructed detached single family home in 2005, townhomes and twin homes in 2004 through 2011.

As of June 12, 2015, HWR experience in creating affordable homeownership options using the Community Land Trust are as follows:

Eighty-nine (89) of one hundred and twenty-one (121) properties were acquired, rehabilitated through the oversight of HWR and then sold the home to a qualified household (73%), using the Community Land Trust (CLT) practice. Three of the 88 are still being rehabbed and not sold. However, one of the three has an executed sale purchase agreement scheduled for closing in August.

The remaining thirty-two properties were either rehabbed or built by a third party developer/contractor and HWR purchased the property once rehabilitation was completed and turned around and sold it to a qualified family. Of the thirty-two, 20 were newly constructed townhomes or twin homes, four were newly constructed detached single family homes and eight were rehabbed.

In addition to acquiring market rate, entry level properties, HWR purchased twenty-one (21) foreclosed properties from 2009 through 5/2015 and rehabilitated the properties and sold twenty (20) homes to qualified homebuyers using the CLT program.

Land costs of six (6) of the twenty-one (21) foreclosed properties were funded by Minnesota Housing 2012 Infrastructure Bond Proceeds (10-2012-32 CRV). Additionally, six (6) of the twenty-one (21) foreclosed properties were funded with CRV monies beginning in 2009, of which one property used both Bond Proceeds and CRV funds. Therefore, Minnesota Housing has partnered with HWR and other funders to revitalize and resell 12 foreclosed properties in the suburbs of Hennepin County. Furthermore, Met Council awards provided funds towards six (6) of the twenty-one (21) foreclosed properties from 2009 -5/2015.

The community location of the 21 acquired foreclosed properties are as follows -

- Brooklyn Park 6
- Eden Prairie 1
- Edina 1
- Maple Grove 2
- Minnetonka 3
- New Hope 2
- Richfield 3
- St. Louis Park 3 (includes a tax-forfeiture - abandoned property)

HWR features of cost, quality and location of homes continue to appeal and draw interest from inquiries and applicants as it has done over the past 13 years. The HWR Marketing Plan, (please refer to Tab J, Exhibit 1 in the Acquisition, Rehab & Resale Application) was developed to engage program interest with workforce families, including those that are considered underserved families. Our grassroots networking efforts factor in the understanding that our applicants do not initially believe they are capable of purchasing a home. Based on HWR past experience, its best marketing activities with respect to advertising is through referrals of homeowners, vendors, communities etc. and the HWR website assists those interested in finding out more about the program.
Therefore, a referral from someone they trust is an important tool in marketing to the target market whether they are considered “underserved” or not. Hence, HWR grassroots networking activities are very important to reaching the program’s clients.

One of the best referral sources is HWR applicants and new homeowners who understand the success they felt in purchasing a home and how it makes a difference in the lives of their family. HWR has used many testimonials of its homeowners – describing their successes in becoming a homeowner. One important technique in garnering inquiries is through posting flyers, announcing the benefits and values of the program and or availability of a home or an event. HWR has created 3 districts in our service area and created maps of where to post flyers with informational tags in key service areas of communities we are serving (libraries, service centers, Town Halls, coffee houses, day care centers, grocery stores, etc.).

Also, networking is important and is accomplished through 1-1 contacts, presentations, written information to local newspapers, libraries and service centers, local government, community agencies, religious organizations, community advocate groups, public school systems and community employers.

Over the past four years, HWR continues to redefine its application process based on the changes in the applicant’s response and readiness. The completion of the application is the first step, followed by the Informational Meeting and a review of readiness to become a homeowner and the ability to meet lending requirements for a mortgage.

The growth and sustainability of the HWR program has been supported by the work of numerous partners, vendors, consultants, volunteers, referral contacts, and staff all working to serve the organization’s mission of “Transforming people lives through homeownership”!

All Applicants that are a **non-profit 501(c) (3) organization** or a **for-profit organization** must complete the applicable **Organization Capacity and Review Form** and provide associated documentation. The forms are found on [Minnesota Housing’s Impact Fund webpage](#).

**Cooperatively Developed Plan**

A Cooperatively Developed Plan (CDP) is a community supported plan that encompasses multiple affordable housing **and** related service initiatives in a geographically defined area that is developed through the cooperation and input of a city or county (or instrumentality thereof) or a regional unit of government and one or more of the following entities:

- A neighborhood group or community group;
- Housing providers; and
- Housing funders.

If your proposal is supported by a CDP, please answer the following questions:

1. List the geographically defined area or areas to which the CDP applies and summarize the scope of the affordable and workforce housing needs and related service initiatives identified in it.

2. What is the connection between the affordable housing and related service initiatives identified in the CDP and your proposed Housing Activity?
3. Describe the process in creating the plan (i.e., summarize discussions and meetings related to the overall plan and the impact upon related service initiatives).

4. List persons/organizations that participated in the development of the CDP, including their role in its creation and their area of expertise or interest group represented.

**Note:** Community Profiles cost-burdened low income homeowner data could also be used to support housing need.

**Workforce Housing**

To assist with the completion of this section, review the Workforce Housing methodology document. Job growth and long commute maps are available in Minnesota Housing’s Community Profiles for Scoring.

**Note:** This Workforce Housing section does not apply to proposals for Owner-occupied Rehabilitation.

1. **Low housing vacancy rate:** Typically, a low vacancy rate or a tight ownership housing market is defined as less than five months’ supply of homes for sale; however, the supply should be low relative to what job expansion is planned (i.e., the supply may be currently more than five months but is expected to be less than five months after the expansion).

In answering the following questions, cite data sources and specify the geography/area to which the data applies.

a. What size of homes (# of bedrooms) and/or other characteristics are in demand by the workforce?

   The majority of HWR applicants are interested in purchasing an existing detached home and typically do not want to manage party walls and want their own yard, since many have lived previously in multi-unit dwellings. Therefore, the majority of the homes purchased and sold by HWR are existing detached single family homes that offer three bedroom plus (ability for a fourth bedroom in the basement level with an egress window), 1 to 1.5 baths, at least a single car garage and a lot size ranging from .3 to .5 acre.

   The location and cost of home is the number one determining factor in purchasing a home for HWR buyers. HWR purchases existing detached entry-level properties in well established neighborhoods that are typically 30 to 60 + years old with easy access to schools, transportation, access to highways, shopping and medical services. The designs of the homes include, but are not limited to a rambler, split level and cottage (1 ½ story) style homes. The home sizes range from 900 to 1700 square feet of finished living space, many times including a partially finished basement.

   Over the past 12 months, HWR has experienced a greater demand from our pool of applicants for homes with more than three bedrooms, because of larger families. In addition, we have also experienced greater interest by single individuals, readying themselves for marriage and a family. Another important characteristic of our applicant
pool is the home's school district/schools. Many work-force applicants do not want to move their children to another school system due to age, programs offered and children's disabilities.

b. What is the median sales price, or price range, of the homes?

Please review the following chart that outlines the various Hennepin County suburban communities’ Housing Supply Overview that HWR serves. This information was researched and provided by the Minneapolis Area Association of Realtors as of April 2015. The median sales prices Includes all sales price ranges, yet the median Sales Price and how it has changed from April 2014, tells a story of increase in the purchase price in a majority of the communities HWR serves.

Over the past 12 months, HWR acquisition purchase price has ranged from $180,000 to $285,000, depending on location, condition of property - land and improvement value. In 2014, HWR average sales price for improvements (home) only, when using the Community Land Trust practice was $130,000. The Community Profile Report for 2014 actual experience in 2014 with a median value for a property of $215,000 includes Bloomington to the service area/target market for 2016 proposed housing activity.

<table>
<thead>
<tr>
<th>Communities</th>
<th>Median Sales Price Yr. to Date</th>
<th>Yr. to Date change +/-</th>
<th>Months\’ Supply of Properties Yr. to Date</th>
<th>Avg. Sale Time (days) Yr. to Date</th>
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<tbody>
<tr>
<td>Bloomington</td>
<td>$209,000</td>
<td>11.5% +</td>
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<td>70</td>
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<td>Brooklyn Park</td>
<td>$177,000</td>
<td>9.4% +</td>
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<td>Crystal</td>
<td>$165,000</td>
<td>18.7% +</td>
<td>2.9</td>
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</tr>
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<td>Edina</td>
<td>$366,733</td>
<td>0.03% +</td>
<td>5.</td>
<td>94</td>
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<tr>
<td>Eden Prairie</td>
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<tr>
<td>Golden Valley</td>
<td>$232,500</td>
<td>8.8% -</td>
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<tr>
<td>Maple Grove</td>
<td>$239,900</td>
<td>10.2% +</td>
<td>2.8</td>
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<tr>
<td>Minnetonka</td>
<td>$295,000</td>
<td>9.3% +</td>
<td>4.2</td>
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<tr>
<td>New Hope</td>
<td>$175,000</td>
<td>2.9% +</td>
<td>2.6</td>
<td>51</td>
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<tr>
<td>Richfield</td>
<td>$187,450</td>
<td>7.7% +</td>
<td>1.3</td>
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<tr>
<td>St. Louis Park</td>
<td>$235,649</td>
<td>6.9% +</td>
<td>2.5</td>
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</tbody>
</table>

Source of Chart Information: Minneapolis Area Realtor Association

Overall, the number of months of supply ranges from 1.3 in Richfield to 4.2 in Minneonka according to the Minneapolis Area Realtor Association.

The Community Profile Report for 2014 HWR Target Market, states the median value of 2.1 months of supply of homes for the service / target market; ranging from 1.7 to 5.2; However, it is HWR experience that the entry level detached homes sell very quickly, because of limited inventory and greater demand.

c. What is the months’ supply of similar homes in the community?

Please refer to the above chart and where it states months’ supply of homes per community, where housing is proposed in the HWR service area and includes two new communities HWR is working to implement the program in 2016 - Bloomington & Crystal. Overall, the number of months of supply ranges from 1.3 in Richfield to 4.2 in Minneonka according to the Minneapolis Area Realtor Association.

The Community Profile Report for 2014 HWR Target Market, states the median value of 2.1 months of supply of homes for the service / target market; ranging from 1.7 to 5.2; However, it is HWR experience that the entry level detached homes sell very quickly, because of limited inventory and greater demand.
d. What is the average for-sale listing time of similar homes on the market?

According to the Minneapolis Area Association of Realtors the average for sale listing time ranges from 51 to 125 days for HWR service area. HWR days held from the time of purchase, rehab, qualify buyer and sale of the home using the Community Land Trust practice is 102 day over the past thirteen years. In 2014, we experienced 134 days due to significant rehab with four properties.

e. Alternative ways to show effective low vacancy or housing supply (if applicable, cite data that demonstrates an effective low ownership housing vacancy):

- Wages paid by the community’s growing businesses are too low to support the available median-priced for-sale or for-rent homes in the local market (mismatch between wages and housing costs).

With respect to the condition of the current housing market, experts state the metro areas including the Hennepin County suburbs are somewhere between recovery and normalization from the recession; however, housing requires further job and wage growth to support a recovery. Thus far, the types of jobs being created are not advantageous to increasing the number of potential buyers, because the economy is producing more low-wage jobs as opposed to moderate-higher wage jobs that were lost in the recession.

The current homeowner cost burdened in the HWR service area is 60.5% according to the Minnesota Housing Profile of HWR current Target Market, where job loss in the recession were mid-wage occupations and recovery of those jobs has been with lower wage jobs. Please refer to Tab E, Exhibit 1, to review the HWR Target Market Community Profile according to the Minnesota Housing Community Profiles.

Therefore the real issue is the income levels, which are not keeping pace with the increase in housing costs and the ability of workforce families to access affordable homeownership options.

In 2013, the National Association of Realtors’ Home Affordability Index dropped to a five-year low and many predict the trend will continue. Please see Tab L, Exhibit 1, 2 & 3 regarding Minnesota Housing Community Profile Maps of workforce areas where it illustrates a combination of job growth for low and moderate wage jobs and long commutes for portions and a majority of HWR service area and target market.

The proposed activity of creating and sustaining affordable homeownership meets the needs of the suburban communities because of the challenges of providing and the need for additional suburban workforce housing, since land values are high, demand for living in the suburban communities of Hennepin County has led to increased home values and the entry-level properties are out priced for many essential workers who work or live in the suburban communities. The median earnings for many jobs do not cover actual housing costs. Therefore, the suburban communities’ workforce reality is to have a job does not guarantee an affordable home.

For families and communities to be strong and stable, housing must be affordable. In Hennepin County, a family of four with two full-time wage earners needs to earn a combined annual salary of $61,666 to afford the basic cost of living according the Cost of Living in Minnesota Family Wage & Budget Calculator, JOBS NOW Coalition.

According to the Minneapolis Area Association of Realtors, from January 2014 through December 2014, median sales price increased 7.2% in the Twin Cities and market-wide
inventory levels were reduced by 7.2% and Single-Family segment decreased 4.6%.

![Housing Affordability by Occupation, Hennepin County](image)

Source: OES Wage Data by economic development region, MN DEED, Q1 2014; HUD FMR, 2014; MN Dept. of Revenue Sales Ratio Study, Jan-Sept 2013

Thus, essential community workers face challenges finding a home that fits their budget as the Minnesota Housing Partnership chart above demonstrates.

HWR does not expect to experience a reduction in land values in the western suburbs of Hennepin County due to the scarcity of land for development and growth. With the combination of land values and little developable land, many of the affordable homes in the target market are rental units and condominiums, the HWR program is an important mechanism in creating affordable homeownership that in turns supports economic growth for all.

Based on thirteen years of experience and the various comprehensive plans of the communities we serve; land values will continue to be a component of why HWR is an important tool in providing the CLT practice in the western suburbs of Hennepin County.

**• An assessment showing an inadequate supply of single-family homes in the area.**

Alternative data:

In 2014, the average HWR - CLT home sold for $125,387, supporting an average household income of $46,182 for new sales and resales in six of the communities HWR served. However, according to the HWR Community Profile Report, providing key homeownership indicators, the proposed service area properties sold for an average of $215,000 (includes the City of Bloomington), way beyond the affordability of work force households who fill essential roles in a community's work force. Homes that are structurally sound are not available in HWR service area in the $100,000 to $145,000 price range.

2. **Commuter data:** Is the community or target geography in an area that Minnesota Housing has identified as one where more than 15% of the workforce commutes 30 or more miles into the community for work?

   ☒ Yes

   ☐ No
If No, skip to #3 - Job Growth data.

If you have supplemental information about the nature and reasons for the long commutes, please summarize that information. This could include:

- An assessment showing an inadequate supply of single family homes in the area
- A description of the mismatch between the cost of housing in the community and the wages earned at facilities in the community
- The names of specific employers in the community who pay for buses to transport workers to their facilities from out of town, and/or any other pertinent information.

Alternative data:

Please review the documentation of need in Tab M, Exhibit 3, which highlights high costs of housing in the target market vs the work-force household income.

3. **Job growth data:** Is the community or target geography in an area that Minnesota Housing has identified as having significant job growth?

☑ Yes
☐ No

If the community has not been identified as a job growth area on the map by Minnesota Housing but you have local data documenting job growth, provide the source, nature of the data and the amount and timing of the job growth.

As a point of reference, Minnesota Housing uses data from the Department of Employment and Economic Development’s (DEED’s) Quarterly Census of Employment and Wages to assess job growth.

Alternative data describing the nature of the job growth, including such things as the industries and wages involved:

Many of the jobs that are available today or are being created do not pay wages that are adequate to afford homeowership for workforce families who provide essential services in the suburban communities of Hennepin County.

It is expected that job growth in years to come will be through new positions and job replacements. According to Minnesota Department of Employment and Economic Development the sectors that are expected to add the most workers are personal and home care aides, combined food preparation and service workers, home health aides and nurses. However, according to the Jobs NOW Coalition, in the second quarter of 2014, fewer than 3 of 5 job openings were for full-time jobs. For the open full time jobs, the median wage fell below $16/hour, from over $18/hour a year earlier. A median part-time open job pays only $10/hour, which would be inadequate for many workers to afford housing plus other basic needs. The types of jobs being created are not conducive to increasing the number of potential buyers because the economy is producing more low-wage jobs as opposed to moderate-higher wage jobs.

The following chart illustrates the State’s projections for employment of growth from 2012-2022 and it indicates that the job growth will most likely be producing more low/modest-wage
jobs as opposed to moderate-higher wage jobs.

![Chart showing job openings](chart.png)


### Required Documentation

Submit the following documents with your application. Please provide in the order listed and label each as noted below, or include a cover sheet for each item. If you are unable to provide one of these required documents, include a description as to why.

1. **Completed General Application Workbook.**
2. **Completed Housing Activity Section and Workbook** for each type of Housing Activity for which you are requesting funds. (See “Project Overview” section above.)
3. **Updated 2014 Impact Fund Annual Report(s).** Required if you have an open Impact Fund or CRV award.
4. **Staff resumes** for staff involved with the proposed activity.
5. **Organization Capacity and Review Form - Non-governmental Organizations** or **Organization Capacity and Review Form - For-Profit Organizations**, as applicable. Attach required documentation.
6. **Cooperatively Developed Plan (CDP).** If a documented CDP is available, please provide excerpts (or at least page citations) from the plan that support or justify the proposed Housing Activity. City comprehensive plans, housing inventories or housing needs research reports alone do not qualify as a CDP. If submitted, such plans or housing reports must be accompanied by a letter of support from the Applicant unit of government as well as clear evidence of community involvement (e.g., a neighborhood or community group; housing providers; housing funders).

### Signature

The proposal(s) and information provided in this application are true and correct to the best of
my knowledge.

Janet A. Lindbo - signature on paper application
Authorized Signature

Janet A. Lindbo
Printed Name

Executive Director
Title

June 15, 2015
Date
Ms Leervig,

I'm writing you concerning the liquor license that Lifetime Fitness has applied for.

First of all I don't see a need for another liquor establishment when we have a good off sale sharing their parking lot and Spasso wine shop and restaurant across the street.

As Breconwood residents, I have a concern about additional noise on the back side of Lifetime Fitness. We already listen to tractor tires being flipped at all times of the day and night.

When they are outside working out, it sounds like a drill Sargent barking out orders.

The previous occupant, Wellness was a great neighbor and there was never an issue.

I also don't see what drinking alcoholic beverages has to do with working out?

Is this exclusively for the inside of the building or are they planning for drinking outside and building on a patio type scenario?

Can't imagine the increase in noise with liquor consumption along with everything else.

I hope the commission takes this into consideration and drives around LTF and understand how it will adversely affect their neighbors.

I have spoken with other residents in Breconwood I & II and found no one in favor of this.

Thanks,
Roger Nelson
President
Breconwood II
Hello,

I'm an owner/resident of Breconwood, directly behind Lifetime. To my knowledge, Lifetime closes their cafe by 8 pm, so as long as the liquor license doesn't change the general character of the business (meaning it remains a little cafe and patio for a quick snack that might now include a glass of wine or beer, as opposed to another full service restaurant), I have no objection to the license being granted.

Thank you for passing my comments on to the council.

**Renée Wilson**  
REALTOR - Edina Realty

"No Surprises.....No Missed Opportunities"

Click here to download my mobile app: [http://app.edinarealty.com/ReneeWilson](http://app.edinarealty.com/ReneeWilson)
I am a resident of Minnetonka and have serious concerns about Lifetime's request to secure a liquor license. As we live close to Lifetime, this would significantly impact my husband and me.

We have had problems in the past with Lifetime Fitness violating the city's noise ordinance with outdoor fitness classes starting at 6:30 am which include heavy tires being bounced around and loud, boisterous instructions being given to participants in the class. In the past, the police have been involved due to ongoing disregard of the city's noise ordinance.

As Lifetime Fitness is a Fitness/Health Club, it does not appear to be congruent with selling alcohol to its patrons.

This will likely result in behavior which will be disruptive to nearby residents.

I have discussed this situation with our neighbors and there is significant concern being expressed by many.

Sincerely,

Karen Linnea Benson
Minnetonka resident
Addenda
Minnetonka City Council
Meeting of April 25, 2016

10C Agreements for Metropolitan Council LHI A funds

Attached is Exhibit B referenced in the agreement.

13C. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for LTF Club Operations Company, Inc. dba Life Cafe, 3310 Co Rd 101

Staff received the attached comments after the council packet was distributed.

14A Resolution approving a conditional use permit and final site and building plans for a licensed day care facility at 14730 Excelsior Boulevard

Included with the community development director’s change memo is a revised utility plan.
Memorandum

To: City Council

From: Julie Wischnack, AICP, Community Development Director

Date: April 25, 2016

Subject: Change Memo for April 18, 2016

10C – Agreements for Metropolitan Council LHIA funds

Exhibit B (Application to the Council for Housing Grant) is attached.

13C – On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for LTF Club Operations Company, Inc. dba Life Cafe, 3310 Co Rd 101

The attached comments were received following distribution of the agenda packet.

14A – Resolution approving a conditional use permit and final site and building plans for a licensed day care facility at 14730 Excelsior Boulevard

1) A revised utility plan. This plan must:

   a. Add a private public hydrant along the new 6-inch water service to the building. The hydrant spacing along Excelsior Boulevard currently exceeds the 500-foot maximum spacing allowed by code.
Single Family Request for Proposal (RFP) Application General Section

Instructions

Application Deadline:
June 16, 2015
12:00 Noon

Carefully read the 2015 Single Family RFP Consolidated Application Guide and Instructions (RFP Application Guide) before completing the RFP Application, Workbook and Supplements. The RFP Application Guide provides updated information and submission instructions for the Single Family RFP.

You are strongly encouraged to submit proposals that address affordable housing needs to the maximum extent possible, as quickly as possible. The ability to complete a project/program in a timely fashion is critical. The funding award term is 20 months from the effective date on the Funding Agreement. Proposals that are development-ready will be given priority.

Applicant Information

1. Proposal Name: Homes Within Reach

   Applicant Information (as it should appear on the Agreement, if funded):
   
   Name: West Hennepin Affordable Housing Land Trust
   Address: 5101 Thimsen Avenue, Suite 202
   City: Minnetonka
   State: Minnesota
   Zip: 55345
   County: Hennepin

   Executive Director/President:
   
   Name: Janet A. Lindbo
   Email: jlindbo@homeswithinreach.org
   Phone: 952-401-7071

2. RFP Contact Name: Janet A. Lindbo
   Phone: 952-401-7071

3. Type of Organization (e.g. HRA, CAP, nonprofit, for-profit): Nonprofit

4. Name of the Applicant organization’s parent company, if parent company is not the Applicant:
Name: 
Address: 
City: 
State: 
Zip: 

Rationale for the Applicant organization, instead of the parent company, applying for Impact Fund dollars:

5. Applicant:
   State ID #: 572698
   Federal ID #: 41-2019107

Parent Organization:
   State ID #: 
   Federal ID #: 

6. Applicant’s Nationwide Mortgage Licensing System and Registry (NMLS) # (if proposing to originate Impact Fund Deferred Loans)

7. Is this a Collaborative Application? (See definition in RFP Application Guide.)
   ☑ Yes
   ☐ No

   If “Yes,” provide the following information for each organization in the Collaborative Application.
   If more than two, attach additional page.
   Organization Name: 
   Address: 
   City: 
   State: 
   Zip: 
   Contact Name: 
   Phone: 

   Organization Name: 
   Address: 
   City: 
   State: 
   Zip: 
   Contact Name: 
   Phone:
8. Will you as the Administrator contract with a Processing Entity?
   - Yes
   - No

   If “Yes,” provide the following information. (See definition of Processing Entity in RFP Application Guide.)
   - Processing Entity’s Name:
   - Address:
   - City:
   - State:
   - Zip:
   - Contact Name:
   - Phone:

### Funding Request

Complete the Funding Request chart found in the General Workbook.

If requesting funds from Minnesota Housing’s Community Homeownership Impact Fund (Impact Fund) and a co-funder or funding partner, indicate the amount you are requesting from each funder. If you don’t have a preference, request Impact Funds.

### Project Overview

1. Place an “X” next to each activity for which you are requesting funding. You must complete a Housing Activity Section for each activity for which you request funds.
   - ☑ Acquisition/Rehabilitation/Resale (includes Value Gap and may include Affordability Gap)
   - ☐ (Stand-Alone) Affordability Gap (not including rehab or construction)
   - ☐ New Construction/Demolition-Rebuild (includes Value Gap and may include Affordability Gap)
   - ☐ Owner-occupied Rehabilitation (includes Community Fix Up loan interest rate write-down)

2. In two sentences, explain how the proposed Housing Activity project or program is (or isn’t) a part of a more comprehensive housing or community development strategy:

   West Hennepin Affordable Housing Land Trust (WHAHLT) dba Homes Within Reach (HWR) has implemented the Community Land Trust practice in eleven (11) Hennepin County suburban communities since 2002; offering long-term affordable homeownership solutions for low to moderate income work-force households who provide essential services to sustain and maintain the communities' HWR serves.

   WHAHLT is acknowledged by many of the communities we serve as an important option (included in some of the communities' comprehensive plans) to assist low to moderate income families in owning a home near the community they work or live, preserve affordable homeownership, rehabilitate existing housing stock, add new households to the community while protecting the public's investment in offering affordable housing; thereby linking housing
3. How will you measure the impacts your proposed housing activity has in addressing need in terms of:
   • Immediate impacts on housing unit or households, within two years:
     The HWR program offers a program for low to moderate income families to become homeowners in communities where they would otherwise be unable to purchase a home in the suburbs of Hennepin County. It is HWR experience that homeownership using the CLT practice stabilizes families and does not over burden their income to do so. In addition, homeowners using the Community Land Trust practice receive benefits that typically are accrued to homeowners; tax benefits, ability to make improvements, increase their financial standings and offer a legacy to their spouses and children and provide a strong base for families to flourish and engage community services, jobs and excellent educational opportunities. Furthermore, families many times can manage their cost of living expenses better when moving away from escalating rents currently taking place in the rental market in Hennepin County and throughout the metro area.
   • The longer-term impacts on subpopulation(s) or community, within 3-5 years:
     Long term impacts with Community Land Trust practice are as follows;
     • **Expands homeownership Opportunities**: CLT sustains a long-term practice that serves multiple families to become homeowners with the creation of one affordable home, stabilizes families and in turn adds value to the community where the homeowner works and or lives.
     • **Retains Community Wealth**: Strengthening and maintaining the communities' resources takes place through the community's growth, delivery of services, increased labor pool to local businesses, reduction of freeway congestion when giving the opportunity for workers to live near their work while the CLT practice provides a mechanism to invest in long-term affordable housing.
     • **Enhance Residential Stability**: The CLT organization (HWR) supports homeowners before and after the purchase of the home, especially during times of crisis and change in a homeowner's life. Furthermore the program assists neighborhoods in maintaining their residential housing as they age in place.
     • **Preserves Housing Affordability**: The CLT (HWR) links the investment in making a home affordable with the home rather than the owners, thereby serving multiple families. This recycling of funds from owner to owner ensures the home remains affordable over a long period of time.

4. In the General Workbook on the 2015 Request for Proposal Funding Request Chart, you indicated the proposed income limit to be served. To better understand your limit, please select one of the following:
   - [ ] % of AMI Impact Fund,
   - [ ] 80% of AMI based on HUD, adjusted for family size, or
   - [ ] Another methodology.

Please explain.

HWR's CLT program serves households with incomes at 80% or less Area Median Income
In practice, HWR has served households between 32% and 79% AMI, the average program wide AMI is 60.2% for new sales and resales.

### Applicant Capacity and Partners

1. Describe your mission, purpose and role in providing the proposed Housing Activity.

West Hennepin Affordable Housing Land Trust (WHAHLT) dba Homes Within Reach (HWR), a nonprofit organization was created in May 2001; a Community Land Trust whose service area is the 44 communities of western suburban Hennepin County; and currently active in eleven (11) communities in suburban Hennepin County.

WHAHLT was created in order to increase the number of homeownership opportunities that exist for working households in suburban Hennepin County. The concept of using the Community Land Trust (CLT) practice was initiated by the City of Minnetonka to provide affordable homeownership in Minnetonka and the western suburbs in Hennepin County. In 2004, the name Homes Within Reach was introduced to the public to better describe the organization’s purpose.

West Hennepin Affordable Housing Land Trust vision is to transform people’s lives through homeownership. The mission is to create and sustain affordable homeownership housing for low-to-moderate income families that would be otherwise unable to buy a home in the suburbs of Hennepin County, using the Community Land Trust practice.

This is achieved by acquiring and retaining the ownership of real property, rehabilitating and then selling the improvements to homeowners earning less than 80% Area Median Income (AMI). This arrangement between the homeowner and HWR protects housing affordability in perpetuity by ensuring that the housing is more affordable to low-to-moderate income households upon the sale of a single-family home.

The organization was formed to hold title to land to preserve its long-term affordability and it recieves public and private donations of land or monies to purchase properties. In doing so, HWR offers both communities and homebuyers the ability to sustain permanently affordable homeownership by maintaining affordability, which preserves public and private investment.

The core values of the organization are -

1. Belief in homeownership
2. Bringing stability into people’s lives
3. Creating value for communities and families.

2. Describe your past experience in completing a Housing Activity similar to the proposal. (Include experience of developing and selling affordable housing, if applicable.)

In 2002, WHAHLT implemented its Community Land Trust program, offering existing detached single family homes for sale to qualified low to moderate income buyers. As of May 2015, HWR has expanded its service area from one to eleven communities, resulting in assisting 135 households who would have not been able to purchase a home on the open market. Furthermore, HWR is working to expand its program to other suburban communities, such as Bloomington and Crystal.
Over the past thirteen years, HWR has offered an assortment of styles and types of entry-level homes to low to moderate income applicants; beginning with existing detached single family homes in 2002, adding a newly constructed detached single family home in 2005, townhomes and twin homes in 2004 through 2011.

As of June 12, 2015, HWR experience in creating affordable homeownership options using the Community Land Trust are as follows:

Eighty-nine (89) of one hundred and twenty-one (121) properties were acquired, rehabilitated through the oversight of HWR and then sold the home to a qualified household (73%), using the Community Land Trust (CLT) practice. Three of the 88 are still being rehabbed and not sold. However, one of the three has an executed sale purchase agreement scheduled for closing in August.

The remaining thirty-two properties were either rehabbed or built by a third party developer/contractor and HWR purchased the property once rehabilitation was completed and turned around and sold it to a qualified family. Of the thirty-two, 20 were newly constructed townhomes or twin homes, four were newly constructed detached single family homes and eight were rehabbed.

In addition to acquiring market rate, entry level properties, HWR purchased twenty-one (21) foreclosed properties from 2009 through 5/2015 and rehabilitated the properties and sold twenty (20) homes to qualified homebuyers using the CLT program.

Land costs of six (6) of the twenty-one (21) foreclosed properties were funded by Minnesota Housing 2012 Infrastructure Bond Proceeds (10-2012-32 CRV). Additionally, six (6) of the twenty-one (21) foreclosed properties were funded with CRV monies beginning in 2009, of which one property used both Bond Proceeds and CRV funds. Therefore, Minnesota Housing has partnered with HWR and other funders to revitalize and resell 12 foreclosed properties in the suburbs of Hennepin County. Furthermore, Met Council awards provided funds towards six (6) of the twenty-one (21) foreclosed properties from 2009 -5/2015.

The community location of the 21 acquired foreclosed properties are as follows -

- Brooklyn Park  6
- Eden Prairie  1
- Edina  1
- Maple Grove  2
- Minnetonka  3
- New Hope  2
- Richfield  3
- St. Louis Park  3 (includes a tax-forfeiture - abandoned property)

HWR features of cost, quality and location of homes continue to appeal and draw interest from inquiries and applicants as it has done over the past 13 years. The HWR Marketing Plan, (please refer to Tab J, Exhibit 1 in the Acquisition, Rehab & Resale Application) was developed to engage program interest with workforce families, including those that are considered underserved families. Our grassroots networking efforts factor in the understanding that our applicants do not initially believe they are capable of purchasing a home. Based on HWR past experience, its best marketing activities with respect to advertising is through referrals of homeowners, vendors, communities etc. and the HWR website assists those interested in finding out more about the program.
Therefore, a referral from someone they trust is an important tool in marketing to the target market whether they are considered “underserved” or not. Hence, HWR grassroots networking activities are very important to reaching the program’s clients.

One of the best referral sources is HWR applicants and new homeowners who understand the success they felt in purchasing a home and how it makes a difference in the lives of their family. HWR has used many testimonials of its homeowners – describing their successes in becoming a homeowner. One important technique in garnering inquiries is through posting flyers, announcing the benefits and values of the program and or availability of a home or an event. HWR has created 3 districts in our service area and created maps of where to post flyers with informational tags in key service areas of communities we are serving (libraries, service centers, Town Halls, coffee houses, day care centers, grocery stores, etc.).

Also, networking is important and is accomplished through 1-1 contacts, presentations, written information to local newspapers, libraries and service centers, local government, community agencies, religious organizations, community advocate groups, public school systems and community employers.

Over the past four years, HWR continues to redefine its application process based on the changes in the applicant’s response and readiness. The completion of the application is the first step, followed by the Informational Meeting and a review of readiness to become a homeowner and the ability to meet lending requirements for a mortgage.

The growth and sustainability of the HWR program has been supported by the work of numerous partners, vendors, consultants, volunteers, referral contacts, and staff all working to serve the organization’s mission of “Transforming people lives through homeownership”!

All Applicants that are a non-profit 501(c) (3) organization or a for-profit organization must complete the applicable Organization Capacity and Review Form and provide associated documentation. The forms are found on Minnesota Housing’s Impact Fund webpage.

**Cooperatively Developed Plan**

A Cooperatively Developed Plan (CDP) is a community supported plan that encompasses multiple affordable housing and related service initiatives in a geographically defined area that is developed through the cooperation and input of a city or county (or instrumentality thereof) or a regional unit of government and one or more of the following entities:

- A neighborhood group or community group;
- Housing providers; and
- Housing funders.

If your proposal is supported by a CDP, please answer the following questions:

1. List the geographically defined area or areas to which the CDP applies and summarize the scope of the affordable and workforce housing needs and related service initiatives identified in it.

2. What is the connection between the affordable housing and related service initiatives identified in the CDP and your proposed Housing Activity?
3. Describe the process in creating the plan (i.e., summarize discussions and meetings related to the overall plan and the impact upon related service initiatives).

4. List persons/organizations that participated in the development of the CDP, including their role in its creation and their area of expertise or interest group represented.

Note: Community Profiles cost-burdened low income homeowner data could also be used to support housing need.

**Workforce Housing**

To assist with the completion of this section, review the Workforce Housing methodology document. Job growth and long commute maps are available in Minnesota Housing’s Community Profiles for Scoring.

*Note:* This Workforce Housing section *does not apply* to proposals for Owner-occupied Rehabilitation.

1. **Low housing vacancy rate:** Typically, a low vacancy rate or a tight ownership housing market is defined as less than five months’ supply of homes for sale; however, the supply should be low relative to what job expansion is planned (i.e., the supply may be currently more than five months but is expected to be less than five months after the expansion).

   In answering the following questions, cite data sources and specify the geography/area to which the data applies.

   a. What size of homes (# of bedrooms) and/or other characteristics are in demand by the workforce?

   The majority of HWR applicants are interested in purchasing an existing detached home and typically do not want to manage party walls and want their own yard, since many have lived previously in multi-unit dwellings. Therefore, the majority of the homes purchased and sold by HWR are existing detached single family homes that offer three bedroom plus (ability for a fourth bedroom in the basement level with a egress window), 1 to 1.5 baths, at least a single car garage and a lot size ranging from .3 to .5 acre.

   The location and cost of home is the number one determining factor in purchasing a home for HWR buyers. HWR purchases existing detached entry-level properties in well established neighborhoods that are typically 30 to 60 + years old with easy access to schools, transportation, access to highways, shopping and medical services. The designs of the homes include, but are not limited to a rambler, split level and cottage (1 ½ story) style homes. The home sizes range from 900 to 1700 square feet of finished living space, many times including a partially finished basement.

   Over the past 12 months, HWR has experienced a greater demand from our pool of applicants for homes with more than three bedrooms, because of larger families. In addition, we have also experienced greater interest by single individuals, readying themselves for marriage and a family. Another important characteristic of our applicant...
b. What is the median sales price, or price range, of the homes?

Please review the following chart that outlines the various Hennepin County suburban communities’ Housing Supply Overview that HWR serves. This information was researched and provided by the Minneapolis Area Association of Realtors as of April 2015. The median sales prices includes all sales price ranges, yet the median Sales Price and how it has changed from April 2014, tells a story of increase in the purchase price in a majority of the communities HWR serves.

Over the past 12 months, HWR acquisition purchase price has ranged from $180,000 to $285,000, depending on location, condition of property - land and improvement value. In 2014, HWR average sales price for improvements (home) only, when using the Community Land Trust practice was $130,000.

The Community Profile Report for 2014 actual experience in 2014 with a median value for a property of $215,000 includes Bloomington to the service area/target market for 2016 proposed housing activity.

<table>
<thead>
<tr>
<th>Communities</th>
<th>Median Sales Price Yr. to Date</th>
<th>Yr. to Date change +/-</th>
<th>Months’ Supply of Properties Yr. to Date</th>
<th>Avg. Sale Time (days) Yr. to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bloomington</td>
<td>$ 209,000</td>
<td>11.5% +</td>
<td>2.5</td>
<td>70</td>
</tr>
<tr>
<td>Brooklyn Park</td>
<td>$ 177,000</td>
<td>9.4% +</td>
<td>2.5</td>
<td>82</td>
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<tr>
<td>Crystal</td>
<td>$ 165,000</td>
<td>18.7% +</td>
<td>2.9</td>
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<td>.03% +</td>
<td>5.</td>
<td>94</td>
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<td>Eden Prairie</td>
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<td>Golden Valley</td>
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<td>3.8</td>
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<tr>
<td>Maple Grove</td>
<td>$ 239,900</td>
<td>10.2% +</td>
<td>2.8</td>
<td>84</td>
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<tr>
<td>Minnetonka</td>
<td>$ 295,000</td>
<td>9.3% +</td>
<td>4.2</td>
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<tr>
<td>New Hope</td>
<td>$ 175,000</td>
<td>2.9% +</td>
<td>2.6</td>
<td>51</td>
</tr>
<tr>
<td>Richfield</td>
<td>$ 187,450</td>
<td>7.7% +</td>
<td>1.3</td>
<td>54</td>
</tr>
<tr>
<td>St. Louis Park</td>
<td>$ 235,649</td>
<td>6.9% +</td>
<td>2.5</td>
<td>83</td>
</tr>
</tbody>
</table>

Source of Chart Information: Minneapolis Area Realtor Association

The number of months of supply ranges from 1.3 in Richfield to 4.2 in Minnetonka according to the Minneapolis Area Realtor Association.

The Community Profile Report for 2014 HWR Target Market, states the median value of 2.1 months of supply of homes for the service / target market; ranging from 1.7 to 5.2; However, it is HWR experience that the entry level detached homes sell very quickly, because of limited inventory and greater demand.

c. What is the months’ supply of similar homes in the community?

Please refer to the above chart and where it states months’ supply of homes per community, where housing is proposed in the HWR service area and includes two new communities HWR is working to implement the program in 2016 - Bloomington & Crystal. Overall, the number of months of supply ranges from 1.3 in Richfield to 4.2 in Minneonka according to the Minneapolis Area Realtor Association.

The Community Profile Report for 2014 HWR Target Market, states the median value of 2.1 months of supply of homes for the service / target market; ranging from 1.7 to 5.2; However, it is HWR experience that the entry level detached homes sell very quickly, because of limited inventory and greater demand.
d. What is the average for-sale listing time of similar homes on the market?

According to the Minneapolis Area Association of Realtors the average for sale listing time ranges from 51 to 125 days for HWR service area. HWR days held from the time of purchase, rehab, qualify buyer and sale of the home using the Community Land Trust practice is 102 day over the past thirteen years. In 2014, we experienced 134 days due to significant rehab with four properties.

e. Alternative ways to show effective low vacancy or housing supply (if applicable, cite data that demonstrates an effective low ownership housing vacancy):

• Wages paid by the community’s growing businesses are too low to support the available median-priced for-sale or for-rent homes in the local market (mismatch between wages and housing costs).

With respect to the condition of the current housing market, experts state the metro areas including the Hennepin County suburbs are somewhere between recovery and normalization from the recession; however, housing requires further job and wage growth to support a recovery. Thus far, the types of jobs being created are not advantageous to increasing the number of potential buyers, because the economy is producing more low-wage jobs as opposed to moderate-higher wage jobs that were lost in the recession.

The current homeowner cost burdened in the HWR service area is 60.5% according to the Minnesota Housing Profile of HWR current Target Market, where job loss in the recession were mid-wage occupations and recovery of those jobs has been with lower wage jobs. Please refer to Tab E, Exhibit 1, to review the HWR Target Market Community Profile according to the Minnesota Housing Community Profiles.

Therefore the real issue is the income levels, which are not keeping pace with the increase in housing costs and the ability of workforce families to access affordable homeownership options.

In 2013, the National Association of Realtors’ Home Affordability Index dropped to a five-year low and many predict the trend will continue. Please see Tab I, Exhibit 1, 2 & 3 regarding Minnesota Housing Community Profile Maps of workforce areas where it illustrates a combination of job growth for low and moderate wage jobs and long commutes for portions and a majority of HWR service area and target market.

The proposed activity of creating and sustaining affordable homeownership meets the needs of the suburban communities because of the challenges of providing and the need for additional suburban workforce housing, since land values are high, demand for living in the suburban communities of Hennepin County has led to increased home values and the entry-level properties are out priced for many essential workers who work or live in the suburban communities. The median earnings for many jobs do not cover actual housing costs. Therefore, the suburban communities’ workforce reality is to have a job does not guarantee an affordable home.

For families and communities to be strong and stable, housing must be affordable. In Hennepin County, a family of four with two full-time wage earners needs to earn a combined annual salary of $61,666 to afford the basic cost of living according the Cost of Living in Minnesota Family Wage & Budget Calculator, JOBS NOW Coalition.

According to the Minneapolis Area Association of Realtors, from January 2014 through December 2014, median sales price increased 7.2% in the Twin Cities and market-wide
inventory levels were reduced by 7.2% and Single-Family segment decreased 4.6%.

Source: OES Wage Data by economic development region, MN DEED, Q1 2014; HUD FMR, 2014; MN Dept. of Revenue Sales Ratio Study, Jan-Sept 2013

Thus, essential community workers face challenges finding a home that fits their budget as the Minnesota Housing Partnership chart above demonstrates.

HWR does not expect to experience a reduction in land values in the western suburbs of Hennepin County due to the scarcity of land for development and growth. With the combination of land values and little developable land, many of the affordable homes in the target market are rental units and condominiums, the HWR program is an important mechanism in creating affordable homeownership that in turns supports economic growth for all.

Based on thirteen years of experience and the various comprehensive plans of the communities we serve; land values will continue to be a component of why HWR is an important tool in providing the CLT practice in the western suburbs of Hennepin County.

- An assessment showing an inadequate supply of single-family homes in the area.

Alternative data:

In 2014, the average HWR - CLT home sold for $125,387, supporting an average household income of $46,182 for new sales and resales in six of the communities HWR served. However, according to the HWR Community Profile Report, providing key homeownership indicators. the proposed service area properties sold for an average of $215,000 (includes the City of Bloomington), way beyond the affordability of work force households who fill essential roles in a community's work force. Homes that are structurally sound are not available in HWR service area in the $100,000 to $145,000 price range.

2. **Commuter data:** Is the community or target geography in an area that Minnesota Housing has identified as one where more than 15% of the workforce commutes 30 or more miles into the community for work?

☐ Yes
☐ No
If No, skip to #3 - Job Growth data.

If you have supplemental information about the nature and reasons for the long commutes, please summarize that information. This could include:

- An assessment showing an inadequate supply of single family homes in the area
- A description of the mismatch between the cost of housing in the community and the wages earned at facilities in the community
- The names of specific employers in the community who pay for buses to transport workers to their facilities from out of town, and/or any other pertinent information.

Alternative data:

Please review the documentation of need in **Tab M, Exhibit 3**, which highlights high costs of housing in the target market vs the work-force household income.

3. **Job growth data:** Is the community or target geography in an area that Minnesota Housing has identified as having significant job growth?

☑ Yes  ☐ No

If the community has not been identified as a job growth area on the map by Minnesota Housing but you have local data documenting job growth, provide the source, nature of the data and the amount and timing of the job growth.

As a point of reference, Minnesota Housing uses data from the Department of Employment and Economic Development’s (DEED’s) **Quarterly Census of Employment and Wages** to assess job growth.

Alternative data describing the nature of the job growth, including such things as the industries and wages involved:

Many of the jobs that are available today or are being created do not pay wages that are adequate to afford homeownership for workforce families who provide essential services in the suburban communities of Hennepin County.

It is expected that job growth in years to come will be through new positions and job replacements. According to Minnesota Department of Employment and Economic Development the sectors that are expected to add the most workers are personal and home care aides, combined food preparation and service workers, home health aides and nurses. However, according to the Jobs NOW Coalition, in the second quarter of 2014, fewer than 3 of 5 job openings were for full-time jobs. For the open full time jobs, the median wage fell below $16/hour, from over $18/hour a year earlier. A median part-time open job pays only $10/hour, which would be inadequate for many workers to afford housing plus other basic needs. The types of jobs being created are not conducive to increasing the number of potential buyers because the economy is producing more low-wage jobs as opposed to moderate-higher wage jobs.

The following chart illustrates the State’s projections for employment of growth from 2012-2022 and it indicates that the job growth will most likely be producing more low/modest-wage
jobs as opposed to moderate-higher wage jobs.

![Occupations with the Most Job Openings](image)


### Required Documentation

Submit the following documents with your application. Please provide in the order listed and label each as noted below, or include a cover sheet for each item. If you are unable to provide one of these required documents, include a description as to why.

1. **Completed General Application Workbook.**
2. **Completed Housing Activity Section and Workbook** for each type of Housing Activity for which you are requesting funds. (See “Project Overview” section above.)
3. **Updated 2014 Impact Fund Annual Report(s).** Required if you have an open Impact Fund or CRV award.
4. **Staff resumes** for staff involved with the proposed activity.
5. **Organization Capacity and Review Form - Non-governmental Organizations** or **Organization Capacity and Review Form - For-Profit Organizations,** as applicable. Attach required documentation.
6. **Cooperatively Developed Plan (CDP).** If a documented CDP is available, please provide excerpts (or at least page citations) from the plan that support or justify the proposed Housing Activity. City comprehensive plans, housing inventories or housing needs research reports alone do not qualify as a CDP. If submitted, such plans or housing reports must be accompanied by a letter of support from the Applicant unit of government as well as clear evidence of community involvement (e.g., a neighborhood or community group; housing providers; housing funders).

### Signature

The proposal(s) and information provided in this application are true and correct to the best of
my knowledge.

Janet A. Lindbo - signature on paper application
Authorized Signature
Janet A. Lindbo
Printed Name
Executive Director
Title
June 15, 2015
Date
Ms Leervig,

I'm writing you concerning the liquor license that Lifetime Fitness has applied for.

First of all I don't see a need for another liquor establishment when we have a good off sale sharing their parking lot and Spasso wine shop and restaurant across the street.

As Breconwood residents, I have a concern about additional noise on the back side of Lifetime Fitness. We already listen to tractor tires being flipped at all times of the day and night.

When they are outside working out, it sounds like a drill Sargent barking out orders.

The previous occupant, Wellness was a great neighbor and there was never an issue.

I also don't see what drinking alcoholic beverages has to do with working out?

Is this exclusively for the inside of the building or are they planning for drinking outside and building on a patio type scenario?

Can't imagine the increase in noise with liquor consumption along with everything else.

I hope the commission takes this into consideration and drives around LTF and understand how it will adversely affect their neighbors.

I have spoken with other residents in Breconwood I & II and found no one in favor of this.

Thanks,
Roger Nelson
President
Breconwood II
Hello,

I'm an owner/resident of Breconwood, directly behind Lifetime. To my knowledge, Lifetime closes their cafe by 8 pm, so as long as the liquor license doesn't change the general character of the business (meaning it remains a little cafe and patio for a quick snack that might now include a glass of wine or beer, as opposed to another full service restaurant), I have no objection to the license being granted.

Thank you for passing my comments on to the council.

Renée Wilson
REALTOR - Edina Realty

"No Surprises.....No Missed Opportunities"

Click here to download my mobile app: http://app.edinarealty.com/ReneeWilson
I am a resident of Minnetonka and have serious concerns about Lifetime's request to secure a liquor license. As we live close to Lifetime, this would significantly impact my husband and me.

We have had problems in the past with Lifetime Fitness violating the city's noise ordinance with outdoor fitness classes starting at 6:30 am which include heavy tires being bounced around and loud, boisterous instructions being given to participants in the class. In the past, the police have been involved due to ongoing disregard of the city's noise ordinance.

As Lifetime Fitness is a Fitness/Health Club, it does not appear to be congruent with selling alcohol to its patrons.

This will likely result in behavior which will be disruptive to nearby residents.

I have discussed this situation with our neighbors and there is significant concern being expressed by many.

Sincerely,

Karen Linnea Benson
Minnetonka resident