Agenda
Minnetonka City Council
Regular Meeting, Monday, August 14, 2017
6:30 P.M.
Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Acomb-Wiersum-Bergstedt-Wagner-Ellingson-Allendorf-Schneider
4. Approval of Agenda
5. Approval of Minutes: July 10, 2017 regular council meeting
6. Special Matters: None
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases:
   A. Bids for Pickleball Courts
      Recommendation: Reject bids (majority vote)
10. Consent Agenda - Items Requiring a Majority Vote:
    A. Resolutions pertaining to levying the 2017 Special Assessments
B. Resolution approving a conditional use permit for a restaurant with outdoor seating area at Ridgedale Corner Shoppes, 1801/1805 Plymouth Road
C. Resolution approving a conditional use permit and final site and building plans for a storage building at Hopkins High School at 10901 Hillside Lane West
D. Resolution approving a conditional use permit to allow accessory structures with an aggregate gross floor area of 1,455 square feet at 13330 North Street
E. Resolution approving the final plat of WILLISTON WOODS 2nd ADDITION at 5435 and 5439 Williston Road

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Replays of this meeting can be seen during the following days and times: Mondays, 6:30 p.m., Wednesdays, 6:30 p.m., Fridays, 12 p.m., Saturdays, 12 p.m. The city’s website also offers video streaming of the council meeting.
For more information, please call 952.939.8200 or visit eminnetonka.com
F. Order for tobacco license violation for Spielmann’s Amoco at 2711 Hopkins Crossroad

11. Consent Agenda - Items Requiring Five Votes:
   A. Preliminary and final plats, with lot area and front yard setback variance, and waiving the McMansion Policy, for GRENIER ROAD ADDITION at 5717 Eden Prairie Road

   Recommendation: Adopt the resolution approving the requests (5 votes)

12. Introduction of Ordinances:
   A. Items concerning Shady Oak Road Redevelopment:
      1) Comprehensive guide plan amendment;
      2) Rezoning;
      3) Subdivision; and
      4) Site and Building Plan review

   Recommendation: Introduce the ordinance rezoning the property from B-2 to Planned Unit Development and refer to the planning commission (4 votes)

13. Public Hearings:
   A. Temporary on-sale liquor license for The Rotary Club of Minnetonka Foundation, 14350 County Road 62

   Recommendation: Hold the public hearing and grant the license (5 votes)

14. Other Business:
   A. Resolution for the Plymouth Road trail project

   Recommendation: Adopt the resolution (4 votes)
   B. Resolution adopting the proposed Pond and Lake Management Policy

   Recommendation: Adopt the resolution (4 votes)

15. Appointments and Reappointments: None

16. Adjournment
Minutes
Minnetonka City Council
Monday, July 10, 2017

1. Call to Order

Mayor Terry Schneider called the meeting to order at 6:30 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

Acomb moved, Wiersum seconded a motion to accept the agenda with an

addendum to item 10A. All voted “yes.” Motion carried.

5. Approval of Minutes: None

6. Special Matters: None

7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported on upcoming city events and council meetings.

8. Citizens Wishing to Discuss Matters not on the Agenda

9. Bids and Purchases: None

10. Consent Agenda – Items Requiring a Majority Vote:

A. Resolution approving a conditional use permit to allow the
demolition and reconstruction of a larger accessory structure at 3841 Baker Road

Allendorf moved, Acomb seconded a motion to adopt resolution 2017-069

approving a conditional use permit for accessory structures exceeding

1,000 square feet and 12 feet in height at 3841 Baker Road. 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. Items concerning Minnetonka Hills Apartments at 2800 and 2828 Jordan Avenue:

1) Major amendment to an existing master development plan;
2) Final site and building plans, with parking variances; and
3) Preliminary and final plats

City Planner Loren Gordon gave the staff report.

Wagner noted that if a person exceeds the 15 miles per hour limit indicated on the sign, they cannot be ticketed for speeding. City Engineer Will Manchester indicated that was correct and that the signs are advisory. Schneider asked why 15 miles per hour is used given it’s so slow. He thought 20-25 miles per hour was more realistic. Manchester said there was a formula used based on the grade of the road.

Wagner noted the property was guided R5 for quite some time, and with the steep slope impacts he asked if the issue was really a design issue or if any R5 plan would have the same issues as this proposal. Gordon said the site has some areas where the R5 ordinance would indicate the area should be avoided. The question was what could be designed for the site that would be economically feasible, meet the city’s ordinances, and would get approved. He said the city had not received an alternative from the developer. No alternatives for the site had been looked at since the 2004 townhouse project. Wagner asked if density was also the issue given the parking limitation. Gordon said anytime there was a multi-story project, parking probably had more impact than the building itself. Wagner asked what parking the developer was proposing for the property. Gordon said the proposal met the city’s ordinance.

Acomb said that during the concept plan review there was discussion about affordable housing being encouraged as part of the project. She asked if staff had any conversations with the developer about affordable housing. Gordon said there had been a discussion with the applicant and the applicant would address that with the council.

John Ferrier, CSM Corporation, said that while the mass of the building generally stayed the same as what was shown in the concept plan, the placement of the building had been moved around to best fit for slope and tree preservation. He showed the tree buffer to Highway 169. He said this
was a market driven plan and market studies had shown there really was a need for this type of housing. Affordable housing was being analyzed. A lot would depend on what type of TIF pool was available. He said the site was a very expensive site to develop. This would make affordable housing a little more difficult.

Clark Wicklund, Alliant Engineering, said in looking at the city’s steep slope ordinance, there were performance standards that had six objectives. One was to preserve open space and that wasn’t a condition with this property. The remaining five objectives related to risk and maintaining the city’s identity. He said the views surrounding what would be disturbed would be very limited to a small corridor that would primarily be visible to northbound traffic on Highway 169. The site’s location near the ridge line near the top of the watershed would limit the amount of stormwater passes through the site. The risk during construction and post-construction before the site becomes stabilized would be limited. He said there was 14 feet of cut in terms of the excavation quantities. This was a manageable amount that was dealt with daily on road projects. Looking at the issue as what’s observed, what’s maintained, and the feasibility, he said buildings with underground parking are tucked into slopes all the time. The nearby apartment building, which was considerably larger, was also on a 20 percent slope.

Susan Goll, board member with the Cedar Cove Homeowners Association, said the only access in and out for the Cedar Cove residents was on Jordan Avenue. The residents understand the need for high density housing and what a desirable location this property was. She said the association doesn’t believe this is the right project for a number of reasons. The planning commission talked a lot about the impact on the environment. The residents appreciate the environment and it was one of the things they loved about living in the area. Because the trees on the ridge line would have to be removed, the view would change substantially. She showed a picture of the view from the existing Minnetonka Hills building entrance showing many trees that would be removed because the area would become part of the parking area. The residents’ biggest concern was the traffic. She said the traffic study indicated there would not be much impact on the existing flow. The concerns however related to the 140 feet sight distance in both directions. The guidelines indicated for a speed limit of 20 miles per hour, the decision sight distance was 225 feet. For a 30 miles per hour speed limit the distance was 335 feet. A vehicle making a left turn from the existing driveway does not have the appropriate sight distance to make the maneuver. The traffic study recommended 15 miles per hour speed limit to address the issue. She said another concern was when the Minnetonka Hills plows its parking lot there was no place for the cars to park. Many cars park along Jordan area leaving little room for emergency vehicles to get through. She noted staff
indicated they had talked with the developer about this issue. She asked for further study of traffic be done regardless what happened with this proposal because of the existing safety issues.

Allendorf asked if staff looked at straightening the roads to keep drivers in their lanes and a no parking situation on the one side of the road. Manchester said staff had looked into the options. He said striping the center line would be an improvement to keep drivers within their lanes. Adding white fog lines by the curb would also help by making the lanes seem more narrow. Adding no parking signs could be looked at but staff wanted to be sure that issues weren’t being created in other areas by doing so. Allendorf said whether this project were approved or not, adding the center line striping could help guide drivers.

Wiersum asked if there were meaningful opportunities to do some trimming of the foliage to improve the sight lines. Gordon said looking to the north there was a retaining wall that was preventing possible improvements to the visibility issue. He said the wall could be moved back further into the hillside but it was unlikely it could be moved enough to meet the 335 foot guideline.

Allendorf said in listening to the comments, he questioned if anything could be built on the site. He asked Gordon what the developer could do that would respect the steep slope and ridgeline. Gordon said staff had discussed what could be built that staff would recommend approval to the council. He said staff had not seen anything from the developer other than this plan. There may be ways to look at the site with a development on the southern half and also doing something on the northern side. It would take a finely tuned analysis of all the site conditions to figure out what could work.

Wagner said in looking back at the history of the site, even though there was agreement this was a good site for R5, there had been concerns about steep slopes since 1985. The question was if R5 housing could really be built on the site. He was trying to determine if the issue was one of design and density that could be addressed by the developer, or if any R5 proposal would run into the same issues. He couldn’t support the project because of the ordinance.

Wiersum noted there was a disagreement between staff and the developer about steep slope cutting and filling measurement. Assuming the staff measurement was correct, the question was what would need to be done to the design to bring the proposal into compliance. He didn’t think staff knew the answer to the question because there hadn’t been the interaction between staff and the developer. He said he clearly was not in a position to approve the proposal at this point. The developer had to
decide if he wanted to move forward, and if he does he will need to work more closely with staff to figure out what was really doable.

Schneider said he didn’t have quite the concerns that staff and the other council members have likely because of the history and background of how the steep slope ordinance was developed. This particular site had always had the challenge of wanting something built but not knowing how that could be done. He thought there was some opportunity to reduce the berm and retaining wall. Lowering the grade two or three feet would significantly improve the sightline. He said there were deep discussions when the steep slope ordinance was developed. He thought the consultant captured some of the huge issues like tree preservation, view sheds and safety. That was how some of the language was incorporated. There had been back and forth discussions about how no slope was the same. The idea of building on the pinnacle or ridge was strictly for the idea that if someone were going to build a structure, they should not be building on the steepest part of the slope. He pointed to the building on Plymouth Road that was built on the ridge, the peak was removed and part of the slope is gone. In this case however the peak was not in the middle but on the edge of the two properties. If the building were put there, there wouldn’t be a second thought about cutting off 14 feet, but the building wouldn’t be there because of the parking,

Allendorf moved, Wagner seconded a motion to table the item for a period not to exceed 60 days. All voted “yes.” Motion carried.

B. Items concerning a parking lot expansion at Minnetonka Executive Plaza, 10275 Wayzata Boulevard:

- Major amendment to the existing master development plan;
- Parking setback variance; and
- Encroachment agreement

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2017-070 denying the major amendment to the existing master development plan, parking setback variance, and an encroachment agreement for parking lot expansion at Minnetonka Executive Plaza, 10275 Wayzata Boulevard. All voted “yes.” Motion carried.

15. Appointments and Reappointments: None

16. Adjournment
Wiersum moved, Acomb seconded a motion to adjourn the meeting at 8:25 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk
Brief Description: Bids for Pickleball Courts

Recommended Action: Reject bids

Background

Pickleball is one of the fastest growing sports, both locally and nationally. Since 2012, our park system has provided four non-dedicated pickleball courts, which overlap the two existing tennis courts at Meadow Park. In addition, six practice quality courts were added to one of the two existing paved hockey rinks at Meadow Park. Several options have been considered to expand the availability of pickleball courts, from converting the tennis courts at Meadow Park to dedicated pickleball courts to construction of new courts at Lone Lake Park.

The Park Board held meetings on August 3 and September 7, 2016 to review concepts and take public comment to construct courts at either Meadow Park or Lone Lake Park. At the conclusion of the meetings, the Park Board recommended placing in the Capital Improvements Program (CIP) construction of eight new courts at Lone Lake Park. Construction of pickleball courts was inserted in the 2017-2021 CIP to be constructed in 2018 with $310,000 budgeted for construction and is also included in the recently approved 2018-2022 CIP.

In an effort to have courts available for play as early as possible for the 2018 season, the project was bid on August 3, 2017. The project was phased to complete site grading and paving in the fall of 2017, and final court coatings and restoration to be completed in the spring of 2018.

Bids

On Thursday August 3, 2017, bids were received for the project. The bids are tabulated as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rachel Contracting, Inc.</td>
<td>$423,050.94</td>
</tr>
<tr>
<td>Barber Construction, Inc.</td>
<td>$429,552.00</td>
</tr>
<tr>
<td>New Look Contracting, Inc.</td>
<td>$440,991.00</td>
</tr>
<tr>
<td>Veit &amp; Company, Inc.</td>
<td>$448,685.60</td>
</tr>
<tr>
<td>Peterson Companies, Inc.</td>
<td>$459,525.34</td>
</tr>
<tr>
<td>Engineer's Estimate</td>
<td>$424,822.00</td>
</tr>
</tbody>
</table>
Bidding in the summer construction season often times results in higher than expected bids as compared to bidding in the winter/spring as contractors obtain work for the coming construction season. Conversations with contractors indicated this was the case for this bid. The Engineer’s estimate that was prepared with the final plan design took this into account; however, the adopted budget of $310,000 from the Park & Trail Fund is significantly less than the estimate.

Staff believes the budgeted amount can be met with a spring 2018 bid schedule. However, should the bids still exceed the amount budgeted in the CIP, staff will look at either recommending amending the CIP or scaling the project back to six courts instead of eight. Although the construction will be delayed, bid specifications will be modified to complete construction as early as possible in 2018.

Recommendation

Based on the bid results, staff recommends rejecting all bids.

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

Originated by:
  Brian Wagstrom, Public Works Director
  Darin Ellingson, Public Works Street and Park Operations Manager
City Council Agenda Item #10A  
Meeting of August 14, 2017

**Brief Description:** Resolutions pertaining to levying the 2017 Special Assessments

**Recommended Action:** Adopt the resolutions

**Background**

As part of the process of levying special assessments, Minnesota statutes require the city council to adopt resolutions that: 1) indicate the cost of the improvements; 2) order the preparation of special assessment rolls; and 3) set the date for the public hearing to consider the proposed special assessments. Attached are a series of resolutions regarding nuisance abatements and diseased tree removals that are proposed to be specially assessed in 2017. Each of these resolutions is associated with a separate category of improvements and each category is outlined below.

The assessments are structured on the basis of cost variances and market rates. The finance director has determined that the interest rates for the 2017 nuisance and tree special assessments will be as noted below. These interest rates are benchmarked to the current Aaa municipal bond rate. The term and interest rate for each assessment is as follows:

<table>
<thead>
<tr>
<th>Assessment Amount</th>
<th>Term</th>
<th>Interest Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;$1,000</td>
<td>1 year</td>
<td>2.46%</td>
</tr>
<tr>
<td>$1,000-2,999</td>
<td>3 years</td>
<td>2.98%</td>
</tr>
<tr>
<td>$3,000-5,000</td>
<td>5 years</td>
<td>3.12%</td>
</tr>
<tr>
<td>&gt;$5,000</td>
<td>10 years</td>
<td>3.87%</td>
</tr>
</tbody>
</table>

The process for special assessment includes numerous communications with parcel owners and opportunities for prepayments of the assessments. Prior to determining the property must be assessed, division staff associated with the specific type of assessment have notified or worked with the property owners regarding the associated work financed by the city. After determination of assessment, staff sends a notice of hearing to each property owner and publishes the notice in the newspaper in late August. After the public hearing in September, property owners are given thirty (30) days to prepay assessments or partial assessments without an interest charge. After this first prepayment deadline, property owners are given up to forty-six (46) additional days to pay the full amount with interest until required certification to the county on November 30.
• **Privately Installed Sewer and Water Improvement Projects.** No projects to be assessed this year.

• **Nuisance Abatement Projects.** There are 48 nuisance abatement projects (including diseased tree removals) in which the city has incurred costs totaling $74,507.81. Three of the projects were completed through the use of a Nuisance Abatement Agreement signed by the property owners for work that was needed on the properties at 16417 Hilltop Ter, 11829 Shady Oak Dr and 3545 Fairlawn Dr. It is proposed that the projects be specially assessed for the full cost of the abatement. These projects are proposed to be specially assessed in accordance with Minnesota statutes and city council policies regarding the levying of these nuisance abatement projects. The amounts proposed to be specially assessed are as follows:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-534</td>
<td>5801</td>
<td>Covington Ter</td>
<td>31-117-22-42-0036</td>
<td>$84.48</td>
</tr>
<tr>
<td>N-535</td>
<td>5108</td>
<td>Beacon Hill Rd</td>
<td>28-117-22-41-0026</td>
<td>$84.48</td>
</tr>
<tr>
<td>N-536</td>
<td>4561</td>
<td>Ellerdale Rd</td>
<td>22-117-22-34-0033</td>
<td>$84.48</td>
</tr>
<tr>
<td>N-537</td>
<td>4926</td>
<td>Clear Spring Rd</td>
<td>29-117-22-24-0029</td>
<td>$84.48</td>
</tr>
<tr>
<td>N-528</td>
<td>13929</td>
<td>Excelsior Blvd</td>
<td>27-117-22-34-0024</td>
<td>$112.64</td>
</tr>
<tr>
<td>N-511</td>
<td>4942</td>
<td>Acorn Ridge Rd</td>
<td>30-117-22-23-0051</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-523</td>
<td>5623</td>
<td>Lakeland Rd</td>
<td>32-117-22-13-0015</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-504</td>
<td>17081</td>
<td>Creek Ridge Tr</td>
<td>32-117-22-33-0008</td>
<td>$268.33</td>
</tr>
<tr>
<td>N-530</td>
<td>14222</td>
<td>Bellevue Dr</td>
<td>27-117-22-32-0014</td>
<td>$420.33</td>
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<tr>
<td>N-520</td>
<td>11303</td>
<td>Royzelle La</td>
<td>14-117-22-44-0048</td>
<td>$436.65</td>
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<tr>
<td>N-521</td>
<td>11911</td>
<td>Ridgmount Ave W</td>
<td>02-117-22-12-0022</td>
<td>$436.65</td>
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<tr>
<td>N-525</td>
<td>4831</td>
<td>Williston Rd</td>
<td>28-117-22-14-0068</td>
<td>$436.65</td>
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<tr>
<td>N-512</td>
<td>5608</td>
<td>Whited Ave</td>
<td>33-117-22-24-0062</td>
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<tr>
<td>N-527</td>
<td>5013</td>
<td>Mayview Rd</td>
<td>27-117-22-31-0019</td>
<td>$604.98</td>
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<tr>
<td>N-519</td>
<td>4941</td>
<td>West La</td>
<td>30-117-22-23-0053</td>
<td>$705.59</td>
</tr>
<tr>
<td>N-526</td>
<td>16211</td>
<td>Gleason Lake Rd</td>
<td>05-117-22-11-0017</td>
<td>$936.65</td>
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Subtotal $5,606.20
### 2017 Nuisance Abatements – Project No. 4894 (3-year term)

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
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<tbody>
<tr>
<td>N-522</td>
<td>12525</td>
<td>Ridgemount Ave W</td>
<td>02-117-22-22-0014</td>
<td>$1,080.55</td>
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<tr>
<td>N-514</td>
<td>4826</td>
<td>Royal Oaks Dr</td>
<td>27-117-22-14-0069</td>
<td>$1,936.65</td>
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<tr>
<td>N-524</td>
<td>16108</td>
<td>Minnetonka Blvd</td>
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<td>$1,936.65</td>
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<td>N-506</td>
<td>2500</td>
<td>Sylvan Pl</td>
<td>11-117-22-31-0068</td>
<td>$2,062.48</td>
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<tr>
<td>N-508</td>
<td>2701</td>
<td>Cherrywood Rd</td>
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<td>N-532</td>
<td>16417</td>
<td>Hilltop Ter</td>
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<td>$2,564.10</td>
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<td>N-516</td>
<td>13015</td>
<td>Lake St Extension</td>
<td>22-117-22-41-0005</td>
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### 2017 Nuisance Abatements – Project No. 4894 (5-year term)

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<th>Assessment Amount</th>
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<td>N-513</td>
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<td>Minnehaha Pl</td>
<td>15-117-22-22-0035</td>
<td>$3,673.94</td>
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<tr>
<td>N-533</td>
<td>11829</td>
<td>Shady Oak Dr</td>
<td>26-117-22-12-0032</td>
<td>$4,618.17</td>
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### 2017 Nuisance Abatements – Project No. 4894 (10-year term)

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<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-501</td>
<td>5117</td>
<td>Beacon Hill Rd</td>
<td>28-117-22-41-0050</td>
<td>$5,642.27</td>
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<tr>
<td>N-502</td>
<td>11806</td>
<td>Cedar Lake Rd</td>
<td>11-117-22-43-0015</td>
<td>$6,147.24</td>
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<tr>
<td>N-515</td>
<td>3545</td>
<td>Fairlawn Dr</td>
<td>17-117-22-43-0063</td>
<td>$11,428.26</td>
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<td></td>
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<td><strong>Subtotal</strong></td>
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### 2017 Diseased Tree Removal – Project No. 4902 (1-year term)

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<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-33</td>
<td>5701</td>
<td>Lake Rose Dr</td>
<td>33-117-22-24-0016</td>
<td>$21.83</td>
</tr>
<tr>
<td>T-66</td>
<td>10402</td>
<td>34&lt;sup&gt;th&lt;/sup&gt; Circle W</td>
<td>13-117-22-42-0323</td>
<td>$48.78</td>
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<td>T-35</td>
<td>5540</td>
<td>Mahoney Ave</td>
<td>31-117-22-11-0040</td>
<td>$76.40</td>
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<tr>
<td>T-38</td>
<td>5537</td>
<td>Glenavon Ave</td>
<td>34-117-22-12-0028</td>
<td>$151.08</td>
</tr>
<tr>
<td>T-19</td>
<td>292</td>
<td>Whitegate La</td>
<td>05-117-22-11-0079</td>
<td>$168.96</td>
</tr>
<tr>
<td>T-71</td>
<td>14400</td>
<td>Minnehaha Pl</td>
<td>16-117-22-11-0050</td>
<td>$168.96</td>
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<td>T-36</td>
<td>11622</td>
<td>Live Oak Dr</td>
<td>11-117-22-12-0015</td>
<td>$359.74</td>
</tr>
<tr>
<td>T-39/T-25</td>
<td>4441</td>
<td>Gaywood Dr</td>
<td>22-117-22-34-0004</td>
<td>$466.76</td>
</tr>
<tr>
<td>T-1</td>
<td>5123</td>
<td>Belwood La</td>
<td>29-117-22-41-0046</td>
<td>$481.97</td>
</tr>
<tr>
<td>T-21</td>
<td>1504</td>
<td>Traymore Rd</td>
<td>01-117-22-31-0015</td>
<td>$563.20</td>
</tr>
<tr>
<td>T-22</td>
<td>4230</td>
<td>Fairview Ave</td>
<td>23-117-22-31-0017</td>
<td>$563.20</td>
</tr>
<tr>
<td>T-69</td>
<td>11700</td>
<td>Live Oak Dr</td>
<td>11-117-22-12-0027</td>
<td>$573.66</td>
</tr>
<tr>
<td>T-76</td>
<td>n/a</td>
<td>Oakland/Plymouth Rd</td>
<td>15-117-22-11-0001</td>
<td>$760.32</td>
</tr>
</tbody>
</table>

Subtotal $4,404.86

### 2017 Diseased Tree Removal – Project No. 4902 (3-year term)

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-74</td>
<td>12015</td>
<td>Mayflower Cir</td>
<td>11-117-22-31-0042</td>
<td>$1,130.89</td>
</tr>
<tr>
<td>T-63</td>
<td>3825</td>
<td>Cottage La</td>
<td>23-117-22-12-0048</td>
<td>$1,343.35</td>
</tr>
<tr>
<td>T-70</td>
<td>n/a</td>
<td>Stone Rd/Hwy 494</td>
<td>10-117-22-33-0001</td>
<td>$2,337.26</td>
</tr>
<tr>
<td>T-79</td>
<td>4724</td>
<td>Williston Rd</td>
<td>28-117-22-12-0031</td>
<td>$2,590.70</td>
</tr>
</tbody>
</table>

Subtotal $7,402.20
2017 Diseased Tree Removal – Project No. 4902 (5-year term)

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-49</td>
<td>3978</td>
<td>Vandan Rd</td>
<td>20-117-22-22-0033</td>
<td>$3,604.44</td>
</tr>
<tr>
<td>T-78</td>
<td>11410</td>
<td>Oakvale Rd N</td>
<td>14-117-22-44-0007</td>
<td>$3,604.44</td>
</tr>
<tr>
<td>T-5</td>
<td>18313</td>
<td>Kathleene Dr</td>
<td>31-117-22-13-0018</td>
<td>$3,717.08</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Subtotal</strong></td>
<td><strong>$10,925.96</strong></td>
</tr>
</tbody>
</table>

Recommendation

Adopt the following attached resolutions:

1) Resolution declaring costs for Project No. 4894 (1-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing.

2) Resolution declaring costs for Project No. 4894 (3-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing.

3) Resolution declaring costs for Project No. 4894 (5-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing.

4) Resolution declaring costs for Project No. 4894 (10-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing.

5) Resolution declaring costs for diseased tree removal - Project No. 4902 (1-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing.

6) Resolution declaring costs for diseased tree removal - Project No. 4902 (3-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing.

7) Resolution declaring costs for diseased tree removal - Project No. 4902 (5-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing.
Submitted through:
   Geralyn Barone, City Manager
   Perry Vetter, Assistant City Manager
   Merrill King, Finance Director
   Colin Schmidt, City Assessor
   John Weinand, Environmental Health Supervisor
   Jo Colleran, Natural Resource Manager

Originated by:
   Denise Ostlund, Assessment Specialist
Resolution No. 2017-

Resolution declaring costs for Project No. 4894 (1-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing

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

Section 1. Background.

1.01. State law allows the city to make improvements to abate nuisances and allows the city to assess those improvement costs against the benefitting properties.

1.02. City code section 845.045 provides the method by which the city may abate public nuisances. The abatement may take place through an agreement with the property owner, by order of the enforcing officer, or by order of the city council.

1.03. Listed below are the nuisance abatement improvement projects that are proposed to be specially assessed in 2017 over a one-year time period bearing an interest rate of 2.46 percent. These improvements are categorized as general nuisance abatements or as diseased tree removals.

Section 2. Council Action.

2.01. The costs for the following nuisance abatement improvement projects are proposed to be specially assessed over a one-year term bearing an interest rate of 2.46 percent:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-534</td>
<td>5801</td>
<td>Covington Ter</td>
<td>31-117-22-42-0036</td>
<td>$84.48</td>
</tr>
<tr>
<td>N-535</td>
<td>5108</td>
<td>Beacon Hill Rd</td>
<td>28-117-22-41-0026</td>
<td>$84.48</td>
</tr>
<tr>
<td>N-536</td>
<td>4561</td>
<td>Ellerdale Rd</td>
<td>22-117-22-34-0033</td>
<td>$84.48</td>
</tr>
<tr>
<td>N-537</td>
<td>4926</td>
<td>Clear Spring Rd</td>
<td>29-117-22-24-0029</td>
<td>$84.48</td>
</tr>
<tr>
<td>N-528</td>
<td>13929</td>
<td>Excelsior Blvd</td>
<td>27-117-22-34-0024</td>
<td>$112.64</td>
</tr>
<tr>
<td>N-511</td>
<td>4942</td>
<td>Acorn Ridge Rd</td>
<td>30-117-22-23-0051</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-523</td>
<td>5623</td>
<td>Lakeland Rd</td>
<td>32-117-22-13-0015</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-504</td>
<td>17081</td>
<td>Creek Ridge Tr</td>
<td>32-117-22-33-0008</td>
<td>$268.33</td>
</tr>
<tr>
<td>N-530</td>
<td>14222</td>
<td>Bellevue Dr</td>
<td>27-117-22-32-0014</td>
<td>$420.33</td>
</tr>
<tr>
<td>N-520</td>
<td>11303</td>
<td>Royzelle La</td>
<td>14-117-22-44-0048</td>
<td>$436.65</td>
</tr>
<tr>
<td>N-521</td>
<td>11911</td>
<td>Ridgemount Ave W</td>
<td>02-117-22-12-0022</td>
<td>$436.65</td>
</tr>
<tr>
<td>N-525</td>
<td>4831</td>
<td>Williston Rd</td>
<td>28-117-22-14-0068</td>
<td>$436.65</td>
</tr>
</tbody>
</table>
2.02. The city clerk is directed to calculate the special assessment rolls to show the proper amount to be specially assessed against each designated property. The city clerk is also directed to keep a copy of the proposed special assessment rolls in the clerk’s office for public inspection.

2.03. A public hearing will be held on September 11, 2017, in the council chambers of the City of Minnetonka at 6:30 p.m. to consider the proposed special assessments. At this public hearing, all persons owning affected property will be given an opportunity to be heard with reference to the special assessments.

2.04. The city clerk is directed to publish notice of the public hearing one time in the official newspaper at least two weeks prior to the hearing and to mail notice of the public hearing to the owner of each parcel described in the assessment rolls, in accordance with state law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 14, 2017.

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 August 14, 2017.

______________________________________________________________________________

David E. Maeda, City Clerk
Resolution No. 2017-

Resolution declaring costs for Project No. 4894 (3-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing

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

Section 1. Background.

1.01. State law allows the city to make improvements to abate nuisances and allows the city to assess those improvement costs against the benefitting properties.

1.02. City code section 845.045 provides the method by which the city may abate public nuisances. The abatement may take place through an agreement with the property owner, by order of the enforcing officer, or by order of the city council.

1.03. Listed below are the nuisance abatement improvement projects that are proposed to be specially assessed in 2017 over a three-year time period bearing an interest rate of 2.98 percent. These improvements are categorized as general nuisance abatements or as diseased tree removals.

Section 2. Council Action.

2.01. The costs for the following nuisance abatement improvement projects are proposed to be specially assessed over a three-year term bearing an interest rate of 2.98 percent:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-522</td>
<td>12525</td>
<td>Ridgement Ave W</td>
<td>02-117-22-22-0014</td>
<td>$1,080.55</td>
</tr>
<tr>
<td>N-514</td>
<td>4826</td>
<td>Royal Oaks Dr</td>
<td>27-117-22-14-0069</td>
<td>$1,936.65</td>
</tr>
<tr>
<td>N-524</td>
<td>16108</td>
<td>Minnetonka Blvd</td>
<td>17-117-22-41-0036</td>
<td>$1,936.65</td>
</tr>
<tr>
<td>N-506</td>
<td>2500</td>
<td>Sylvan Pl</td>
<td>11-117-22-31-0068</td>
<td>$2,062.48</td>
</tr>
<tr>
<td>N-508</td>
<td>2701</td>
<td>Cherrywood Rd</td>
<td>10-117-22-42-0013</td>
<td>$2,173.30</td>
</tr>
<tr>
<td>N-532</td>
<td>16417</td>
<td>Hilltop Ter</td>
<td>32-117-22-12-0035</td>
<td>$2,564.10</td>
</tr>
<tr>
<td>N-516</td>
<td>13015</td>
<td>Lake St Extension</td>
<td>22-117-22-41-0005</td>
<td>$2,904.98</td>
</tr>
</tbody>
</table>

Subtotal: $14,658.71
2.02. The city clerk is directed to calculate the special assessment rolls to show the proper amount to be specially assessed against each designated property. The city clerk is also directed to keep a copy of the proposed special assessment rolls in the clerk’s office for public inspection.

2.03. A public hearing will be held on September 11, 2017, in the council chambers of the City of Minnetonka at 6:30 p.m. to consider the proposed special assessments. At this public hearing, all persons owning affected property will be given an opportunity to be heard with reference to the special assessments.

2.04. The city clerk is directed to publish notice of the public hearing one time in the official newspaper at least two weeks prior to the hearing and to mail notice of the public hearing to the owner of each parcel described in the assessment rolls, in accordance with state law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 14, 2017.

__________________________
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 August 14, 2017.

__________________________
David E. Maeda, City Clerk
Resolution No. 2017-

Resolution declaring costs for Project No. 4894 (5-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing

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

Section 1. Background.

1.01. State law allows the city to make improvements to abate nuisances and allows the city to assess those improvement costs against the benefitting properties.

1.02. City code section 845.045 provides the method by which the city may abate public nuisances. The abatement may take place through an agreement with the property owner, by order of the enforcing officer, or by order of the city council.

1.03. Listed below are the nuisance abatement improvement projects that are proposed to be specially assessed in 2017 over a five-year time period bearing an interest rate of 3.12 percent. These improvements are categorized as general nuisance abatements or as diseased tree removals.

Section 2. Council Action.

2.01. The costs for the following nuisance abatement improvement projects are proposed to be specially assessed over a five-year term bearing an interest rate of 3.12 percent:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-513</td>
<td>14010</td>
<td>Minnehaha Pl</td>
<td>15-117-22-22-0035</td>
<td>$3,673.94</td>
</tr>
<tr>
<td>N-533</td>
<td>11829</td>
<td>Shady Oak Dr</td>
<td>26-117-22-12-0032</td>
<td>$4,618.17</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Subtotal</td>
</tr>
</tbody>
</table>

2.02. The city clerk is directed to calculate the special assessment rolls to show the proper amount to be specially assessed against each designated property. The city clerk is also directed to keep a copy of the proposed special assessment rolls in the clerk’s office for public inspection.
2.03. A public hearing will be held on September 11, 2017, in the council chambers of the City of Minnetonka at 6:30 p.m. to consider the proposed special assessments. At this public hearing, all persons owning affected property will be given an opportunity to be heard with reference to the special assessments.

2.04. The city clerk is directed to publish notice of the public hearing one time in the official newspaper at least two weeks prior to the hearing and to mail notice of the public hearing to the owner of each parcel described in the assessment rolls, in accordance with state law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 14, 2017.

_____________________
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 August 14, 2017.

_____________________
David E. Maeda, City Clerk
Resolution No. 2017-

Resolution declaring costs for Project No. 4894 (10-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing

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

Section 1. Background.

1.01. State law allows the city to make improvements to abate nuisances and allows the city to assess those improvement costs against the benefitting properties.

1.02. City code section 845.045 provides the method by which the city may abate public nuisances. The abatement may take place through an agreement with the property owner, by order of the enforcing officer, or by order of the city council.

1.03. Listed below are the nuisance abatement improvement projects that are proposed to be specially assessed in 2017 over a ten-year time period bearing an interest rate of 3.87 percent. These improvements are categorized as general nuisance abatements or as diseased tree removals.

Section 2. Council Action.

2.01. The costs for the following nuisance abatement improvement projects are proposed to be specially assessed over a ten-year term bearing an interest rate of 3.87 percent:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-501</td>
<td>5117</td>
<td>Beacon Hill Rd</td>
<td>28-117-22-41-0050</td>
<td>$5,642.27</td>
</tr>
<tr>
<td>N-502</td>
<td>11806</td>
<td>Cedar Lake Rd</td>
<td>11-117-22-43-0015</td>
<td>$6,147.24</td>
</tr>
<tr>
<td>N-515</td>
<td>3545</td>
<td>Fairlawn Dr</td>
<td>17-117-22-43-0063</td>
<td>$11,428.26</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Subtotal</td>
<td>$23,217.77</td>
</tr>
</tbody>
</table>

2.02. The city clerk is directed to calculate the special assessment rolls to show the proper amount to be specially assessed against each designated property. The city clerk is also directed to keep a copy of the proposed special assessment rolls in the clerk’s office for public inspection.
2.03. A public hearing will be held on September 11, 2017, in the council chambers of the City of Minnetonka at 6:30 p.m. to consider the proposed special assessments. At this public hearing, all persons owning affected property will be given an opportunity to be heard with reference to the special assessments.

2.04. The city clerk is directed to publish notice of the public hearing one time in the official newspaper at least two weeks prior to the hearing and to mail notice of the public hearing to the owner of each parcel described in the assessment rolls, in accordance with state law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 14, 2017.

_________________________________________
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 August 14, 2017.

_________________________________________
David E. Maeda, City Clerk
Resolution No. 2017-

Resolution declaring costs for diseased tree removal – Project No. 4902 (1-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing

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

Section 1. Background.

1.01. State law allows the city to make improvements to abate nuisances and allows the city to assess those improvement costs against the benefitting properties.

1.02. City code section 845.045 provides the method by which the city may abate public nuisances. The abatement may take place through an agreement with the property owner, by order of the enforcing officer, or by order of the city council.

1.03. Listed below are the nuisance abatement improvement projects that are proposed to be specially assessed in 2017 over a one-year time period bearing an interest rate of 2.46 percent. These improvements are categorized as general nuisance abatements or as diseased tree removals.

Section 2. Council Action.

2.01. The costs for the following nuisance abatement improvement projects are proposed to be specially assessed over a one-year term bearing an interest rate of 2.46 percent:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-33</td>
<td>5701</td>
<td>Lake Rose Dr</td>
<td>33-117-22-24-0016</td>
<td>$21.83</td>
</tr>
<tr>
<td>T-66</td>
<td>10402</td>
<td>34&lt;sup&gt;th&lt;/sup&gt; Circle W</td>
<td>13-117-22-42-0323</td>
<td>$48.78</td>
</tr>
<tr>
<td>T-35</td>
<td>5540</td>
<td>Mahoney Ave</td>
<td>31-117-22-11-0040</td>
<td>$76.40</td>
</tr>
<tr>
<td>T-38</td>
<td>5537</td>
<td>Glenavon Ave</td>
<td>34-117-22-12-0028</td>
<td>$151.08</td>
</tr>
<tr>
<td>T-19</td>
<td>292</td>
<td>Whitegate La</td>
<td>05-117-22-11-0079</td>
<td>$168.96</td>
</tr>
<tr>
<td>T-71</td>
<td>14400</td>
<td>Minnehaha Pl</td>
<td>16-117-22-11-0050</td>
<td>$168.96</td>
</tr>
<tr>
<td>T-36</td>
<td>11622</td>
<td>Live Oak Dr</td>
<td>11-117-22-12-0015</td>
<td>$359.74</td>
</tr>
<tr>
<td>T-39/T-25</td>
<td>4441</td>
<td>Gaywood Dr</td>
<td>22-117-22-34-0004</td>
<td>$466.76</td>
</tr>
<tr>
<td>T-1</td>
<td>5123</td>
<td>Belwood La</td>
<td>29-117-22-41-0046</td>
<td>$481.97</td>
</tr>
<tr>
<td>T-21</td>
<td>1504</td>
<td>Traymore Rd</td>
<td>01-117-22-31-0015</td>
<td>$563.20</td>
</tr>
<tr>
<td>T-22</td>
<td>4230</td>
<td>Fairview Ave</td>
<td>23-117-22-31-0017</td>
<td>$563.20</td>
</tr>
</tbody>
</table>
2.02. The city clerk is directed to calculate the special assessment rolls to show the proper amount to be specially assessed against each designated property. The city clerk is also directed to keep a copy of the proposed special assessment rolls in the clerk’s office for public inspection.

2.03. A public hearing will be held on September 11, 2017, in the council chambers of the City of Minnetonka at 6:30 p.m. to consider the proposed special assessments. At this public hearing, all persons owning affected property will be given an opportunity to be heard with reference to the special assessments.

2.04. The city clerk is directed to publish notice of the public hearing one time in the official newspaper at least two weeks prior to the hearing and to mail notice of the public hearing to the owner of each parcel described in the assessment rolls, in accordance with state law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 14, 2017.

__________________________
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 August 14, 2017.

________________________________________
David E. Maeda, City Clerk
Resolution No. 2017-

Resolution declaring costs for diseased tree removal – Project No. 4902 (3-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing

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

Section 1. Background.

1.01. State law allows the city to make improvements to abate nuisances and allows the city to assess those improvement costs against the benefitting properties.

1.02. City code section 845.045 provides the method by which the city may abate public nuisances. The abatement may take place through an agreement with the property owner, by order of the enforcing officer, or by order of the city council.

1.03. Listed below are the nuisance abatement improvement projects that are proposed to be specially assessed in 2017 over a three-year time period bearing an interest rate of 2.98 percent. These improvements are categorized as general nuisance abatements or as diseased tree removals.

Section 2. Council Action.

2.01. The costs for the following nuisance abatement improvement projects are proposed to be specially assessed over a three-year term bearing an interest rate of 2.98 percent:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-74</td>
<td>12015</td>
<td>Mayflower Cir</td>
<td>11-117-22-31-0042</td>
<td>$1,130.89</td>
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<td></td>
<td></td>
<td><strong>Subtotal</strong></td>
<td><strong>$7,402.20</strong></td>
</tr>
</tbody>
</table>

2.02. The city clerk is directed to calculate the special assessment rolls to show the proper amount to be specially assessed against each designated property. The city clerk is also directed to keep a copy of the proposed special assessment rolls in the clerk’s office for public inspection.
2.03. A public hearing will be held on September 11, 2017, in the council chambers of the City of Minnetonka at 6:30 p.m. to consider the proposed special assessments. At this public hearing, all persons owning affected property will be given an opportunity to be heard with reference to the special assessments.

2.04. The city clerk is directed to publish notice of the public hearing one time in the official newspaper at least two weeks prior to the hearing and to mail notice of the public hearing to the owner of each parcel described in the assessment rolls, in accordance with state law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 14, 2017.

______________________________
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 August 14, 2017.

______________________________
David E. Maeda, City Clerk
Resolution No. 2017-

Resolution declaring costs for diseased tree removal – Project No. 4902 (5-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing

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

Section 1. Background.

1.01. State law allows the city to make improvements to abate nuisances and allows the city to assess those improvement costs against the benefitting properties.

1.02. City code section 845.045 provides the method by which the city may abate public nuisances. The abatement may take place through an agreement with the property owner, by order of the enforcing officer, or by order of the city council.

1.03. Listed below are the nuisance abatement improvement projects that are proposed to be specially assessed in 2017 over a five-year time period bearing an interest rate of 3.12 percent. These improvements are categorized as general nuisance abatements or as diseased tree removals.

Section 2. Council Action.

2.01. The costs for the following nuisance abatement improvement projects are proposed to be specially assessed over a five-year term bearing an interest rate of 3.12 percent:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-49</td>
<td>3978</td>
<td>Vandan Rd</td>
<td>20-117-22-22-0033</td>
<td>$3,604.44</td>
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<td>T-78</td>
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<td>Oakvale Rd N</td>
<td>14-117-22-44-0007</td>
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<td>T-5</td>
<td>18313</td>
<td>Kathleene Dr</td>
<td>31-117-22-13-0018</td>
<td>$3,717.08</td>
</tr>
</tbody>
</table>

Subtotal: $10,925.96

2.02. The city clerk is directed to calculate the special assessment rolls to show the proper amount to be specially assessed against each designated property. The city clerk is also directed to keep a copy of the proposed special assessment rolls in the clerk’s office for public inspection.
2.03. A public hearing will be held on September 11, 2017, in the council chambers of the City of Minnetonka at 6:30 p.m. to consider the proposed special assessments. At this public hearing, all persons owning affected property will be given an opportunity to be heard with reference to the special assessments.

2.04. The city clerk is directed to publish notice of the public hearing one time in the official newspaper at least two weeks prior to the hearing and to mail notice of the public hearing to the owner of each parcel described in the assessment rolls, in accordance with state law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 14, 2017.

______________________________
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 August 14, 2017.

______________________________
David E. Maeda, City Clerk
City Council Agenda Item #10B
Meeting of August 14, 2017

Brief Description
Resolution approving a conditional use permit for a restaurant with outdoor seating area at Ridgedale Corner Shoppes, 1801/1805 Plymouth Road.

Recommendation
Adopt the resolution approving the request.

Background
In October 2016, the city approved redevelopment of the existing TCF Bank property at 1801 Plymouth Road. As approved, the existing, two-story bank building will be removed and a new, one-story, 10,200 square foot building will be constructed on the site. TCF Bank will occupy the westerly 2,200 square feet of the new building. This area is currently under construction. Upon completion of the new space, the existing bank building will be removed and 7,800 square feet of new retail space added to the east.

Current Proposal
Ridgedale Retail, LLC., on behalf of Starbucks Coffee, is proposing to operate a coffee shop within the easternmost tenant space of the new building. The coffee shop would include both indoor and outdoor seating, but no drive-thru. By city code, a coffee shop is considered a fast food restaurant and is a conditionally-permitted use within the Planned I-394 (PID) zoning district.

Planning Commission Hearing
The planning commission considered the various requests on July 20, 2017. The commission report and plans are attached. Staff recommended approval of the proposal. At its meeting, the planning commission opened a public hearing to take public comment; no comments were received.

Planning Commission Recommendation
On a 6-0 vote, the commission recommend the city council approve the applicant’s request. Meeting minutes are attached. There have been no changes to the proposal since the hearing.

Staff Recommendation
Staff recommends that the city council adopt the resolution approving a conditional use permit for a restaurant with outdoor seating area at Ridgedale Corner Shoppes, 1801/1805 Plymouth Road.
Subject: Starbucks at Ridgedale Corner Shoppes, 1801/1805 Plymouth Road

Through: Geralyn Barone, City Manager
        Julie Wischnack, AICP, Community Development Director
        Loren Gordon, AICP, City Planner

Originator: Susan Thomas, AICP, Assistant City Planner
Brief Description  Conditional use permit for a restaurant with outdoor seating area at Ridgedale Corner Shoppes, 1801/1805 Plymouth Road.

Recommendation  Recommend the city council adopt the resolution approving the request.

Background

In October 2016, the city approved redevelopment of the existing TCF Bank property at 1801 Plymouth Road. As approved, the existing, two-story bank building will be removed and a new, one-story, 10,200 square foot building will be constructed on the site. TCF Bank will occupy the westerly 2,200 square feet of the new building. This area is currently under construction. Upon completion of the new space, the existing bank building will be removed and 7,800 square feet of new retail space added to the east.

Current Proposal

Ridgedale Retail, LLC., on behalf of Starbucks Coffee, is proposing to operate a coffee shop within the easternmost tenant space of the new building. The coffee shop would include both indoor and outdoor seating, but no drive-thru. By city code, a coffee shop is considered a fast food restaurant and is a conditionally-permitted use within the Planned I-394 (PID) zoning district.

Staff Analysis

The primary issue associated with the proposed coffee shop is parking. A parking study was completed in conjunction with the 2016 development review concluded:

- The number of parking stalls provided on site would meet city code and Institute of Transportation Engineers (ITE) average parking demand requirements for a 10,200 square foot retail/bank building.

- Depending on the type of tenants in the retail portion of the building, potential parking demand may exceed parking supply. Therefore, specific tenants and parking demand should be monitored.

- If a coffee shop/restaurant use were to occupy a tenant space, the parking supply would not meet city code and additional parking and pedestrian accommodations would likely need to be considered.
With these findings already in place, an updated parking study was completed taking the now proposed coffee shop into consideration. This study concluded that, with a roughly 2,100 square foot coffee shop:

- The 47 parking stalls that will ultimately be constructed on site would not meet the minimum city code parking requirement.
- ITE suggests an average parking demand of 38 spaces in the a.m. and 47 spaces in the p.m.
- ITE suggests an 85th percentile parking demand of 50 spaces in the a.m. and 57 spaces in the p.m. For more information on 85th percentile, see the “Supporting Information” section of this report.

<table>
<thead>
<tr>
<th>Parking Available</th>
<th>47 spaces</th>
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</thead>
<tbody>
<tr>
<td>Parking with Coffee Shop</td>
<td>City Code Requirement</td>
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<tr>
<td></td>
<td>ITE Average Demand</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ITE 85th Percentile</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In the past, the city has approved proposals that do not meet city code parking requirements when either: (1) a parking study suggests that actual parking demand – based on ITE demand information – can be met with available on-site parking; or (2) off-site parking is secured such that anticipated parking demand can be met. City code specifically allows off-site parking, located within 400 feet, to be “used” to meet parking requirements.

Since publication of the parking study, the applicant has provided a parking exhibit illustrating how 11 additional parking spaces could be added to the site. These spaces would bring total on-site parking to 58 spaces, meeting both the ITE average and 85th percentile demand. The applicant indicates a willingness to construct six of these 11 stalls now, with five stalls remaining as proof-of-parking. With this parking exhibit – and with the significant amount of off-site parking that may be available in the Ridgedale area – staff is comfortable recommending approval of the request. Staff recommendation includes a condition that, in the event additional parking is required due to observed, recurrent demand, one of the following must occur: (1) proof-of-parking must be paved; or (2) an off-site parking agreement must be obtained.

**Staff Recommendation**

Recommend the city council adopt the resolution approving a conditional use permit for a restaurant with outdoor seating area at Ridgedale Corner Shoppes, 1801/1805 Plymouth Rd.
Plymouth Road.

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

**Surrounding Uses**
The subject property is surrounded by commercial and service commercial uses.

**Planning**
Guide Plan designation: mixed use
Existing Zoning: PID, planned I-394 development

**85\textsuperscript{th} Percentile**
The Institute of Transportation Engineers (ITE) provides parking demand data based on field observed parking data. ITE expresses parking demand in a variety of ways.

- **Average Demand.** Average demand is generally expressed as a ratio of total occupied parking stalls to some independent variable, such as building square footage or number of employees.

- **Range of Demand.** Range provides the lowest and highest peak parking demand ratio at a study site.

- **85\textsuperscript{th} Percentile.** The 85\textsuperscript{th} percentile indicates the number below which 85% of the peak demand observations fall.

- **33\textsuperscript{rd} Percentile.** The 33\textsuperscript{rd} percentile indicates the number below which 33% of the peak demand observations fall.

- **95 Percent Confidence Interval.** 95% confidence indicates the range within which there is a 95% likelihood that the average parking demand will fall. ITE gives this number only when there is reliable data for 20 or more study sites.

The following is example ITE information for a general office building.

![Land Use: 701 Office Building](image)
CUP Standards

City Code §300.31 Subd. 4(b)2(o) lists the following specific standards that must be met for granting a conditional use permit for restaurants located on property designated for retail use. The proposal would meet these standards.

1. Must be in retail multiple tenant centers only and conform to the architecture of a specific center;

   **Finding:** The proposed coffee shop would be located within the Ridgedale Corner Shoppes. The façade of the entire building has been attractively designed and proposed coffee shop would not change the approved design

2. Will not be permitted when traffic studies indicate significant impacts on the levels of service as defined by the Institute of Traffic Engineers on the roadway system;

   **Finding:** Staff does not anticipate that the proposed coffee shop, in and of itself, would significantly impact levels of service at surrounding roadway systems. Parking can be provided consistent with Institute of Transportation Engineer (ITE) Average and 85th Percentile Demand estimates.

3. Outdoor seating areas will be approved only subject to the following:

   a) Must be located in a controlled or 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;

      **Finding:** The size and raised elevation would provide for a controlled area.

   b) Must be set back at least 200 feet and screened from any adjacent property designated in the comprehensive plan for residential use;

      **Finding:** The proposed coffee shop would be located roughly 300 feet from the closest residential property, which is located in the 1700 Plymouth Road building on the west side of Plymouth Road. That property is guided for mixed use and already contains a coffee shop with outdoor seating area.
Meeting of July 20, 2017
Subject: Starbucks Coffee, Ridgedale Corner Shoppes, 1801/1805 Plymouth Rd

Subject: Starbucks Coffee, Ridgedale Corner Shoppes, 1801/1805 Plymouth Rd

- c) Must be located and designed so as not to interfere with pedestrian and vehicular circulation;
  
  **Finding:** The outdoor seating area would not impact on-site circulation.

- d) Must be located next to an entrance to the main use;
  
  **Finding:** This condition is met.

- e) Must be equipped with refuse containers and periodically patrolled for litter pick-up;
  
  **Finding:** This has been included as a condition of approval.

- f) Must not have speakers or audio equipment that is audible from adjacent residential parcels; and
  
  **Finding:** This has been included as a condition of approval.

- g) Must meet building setback requirements.
  
  **Finding:** The outdoor area would exceed all minimum building setback requirements.

4. Drive-up windows and related stacking spaces will be approved only subject to the following:

- a) Public address systems must not be audible from any residential parcel; and

- b) Stacking for a minimum of six cars per aisle must be provided subject to applicable parking lot setbacks.

- c) Must be set back at least 100 feet and screened from any adjacent property designated in the comprehensive plan for residential use.

  **Finding:** No drive-up window is proposed.

5. Restaurants or fast-food restaurants with less than 1,200 square feet gross floor area, designed seating capacity not exceeding 25, having no drive-up window and located in retail multiple tenant centers are exempt from the requirements of

...
this section and are considered to be a standard retail use. For tenants with accessory fast-food restaurants, the 1,200-square-foot calculation will include the total gross area of all restaurants and fast-food restaurants within the tenant space.

Pyramid of Discretion

Motion Options

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the resolution approving the proposal.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the request. This motion should include reasons for the denial recommendation.

3. Table the requests. 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.

Voting Requirement

The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council’s final approval requires an affirmative vote of a simple majority.

Neighborhood Comment

The city sent notices to 354 area property owners. No written comments have been received.

Deadline for Action

September 11, 2017
LOCATION MAP

Project: Ridgedale Corner Shoppes
Applicant: Ridgedale Retail, LLC
Address: 1801 Plymouth Road
Project #16020.17c
SCOPE OF WORK
1 STOREFRONT ENTRY
2 MERCHANDISE BAYS (2 QTY)
3 PROPOSED EXIT DOOR
4 SERVICE DOOR
5 OUTDOOR PATIO SEATING AREA
6 MANAGER'S DESK WITH TECHNOLOGY RACK
7 ELECTRICAL PANELS
8 WATER SERVICE

PRELIMINARY OCCUPANT LOAD

<table>
<thead>
<tr>
<th>OCCUPANT LOAD</th>
<th>SF</th>
<th>PL</th>
</tr>
</thead>
<tbody>
<tr>
<td>SALES AREA</td>
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<td>6</td>
</tr>
<tr>
<td>SEATING AREA</td>
<td>469</td>
<td>32</td>
</tr>
<tr>
<td>ENGINE AREA</td>
<td>353</td>
<td>32</td>
</tr>
<tr>
<td>Boh AREA</td>
<td>382</td>
<td>32</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

TEST FIT - NOT FOR CONSTRUCTION
**SCOPE OF WORK**

1. Shared Trash Enclosure (LL) Starbucks requires equivalent of 12' x 20' dedicated trash enclosure
2. Outdoor Patio (LL)
3. Bike Racks (LL)
4. Landscaping (LL)
5. (LL) To provide striping & curb cut for customer access
6. Shared Utilities Room
7. Parking Stops Along Sidewalk, Typ. (LL)

**TEST FIT - NOT FOR CONSTRUCTION**
Memorandum
SRF No. 01710734

To: Susan Thomas, AICP, Assistant City Planner
City of Minnetonka

From: Tom Sachi, PE, Senior Engineer
Matt Pacyna, PE, Senior Associate

Date: June 15, 2017

Subject: Ridgedale Corner Shoppes Parking Study Update

Introduction

SRF has completed an updated parking study for the proposed Ridgedale Corner Shoppes development in the southeast quadrant of the Plymouth Road/Cartway Lane intersection in the City of Minnetonka (see Figure 1: Project Location). This study updates the parking section from the TCF Bank Redevelopment Traffic Study, dated September 15, 2016, given the proposed land use change. The main objectives of the study are to determine if the proposed parking supply is sufficient to meet the demand for the newly proposed land uses and to identify potential parking opportunities, if necessary. The following information provides the assumptions, analysis, and recommendations offered for consideration.

Proposed Development

The proposed development shown in Figure 2, which is under construction, consists of a 2,200 square foot TCF Bank, 5,900 square foot general retail space, and 2,100 square foot coffee shop. The previous traffic study assumed a 2,400 square foot TCF Bank and 7,800 square foot general retail space, but noted that if a change in land use was proposed (such as a coffee shop or restaurant), that parking would need to be reassessed.

Parking Review

The proposed development will have a total of 45* parking spaces on site. To determine if the proposed parking supply will meet demand for the site, a detailed parking review was completed using both the Minnetonka City Code as well as the ITE Parking Generation Manual, Fourth Edition. The following information summarizes the updated parking demand review.

1) The minimum parking requirement based on Minnetonka City Code (Chapter 3, Section 300.28) states that for both a bank and retail store, the minimum number of parking spaces required is one space per 250 square feet of gross floor area and for a coffee shop, one space per 60 square feet of gross floor area is required.

*47 spaces were approved with the building permit
2) Given that the proposed development includes 8,100 square feet of bank/retail space and a 2,100 square foot coffee shop, a total of 68 parking spaces are required based on City code, which results in a 23 space deficit.

3) Both the ITE average and 85th percentile parking demand rates were reviewed to develop a parking demand range. Due to the varying times of day in which the land uses are expected to reach their peak parking demand (i.e. coffee shop peaks during the morning, while retail and bank uses peak in the afternoon), a parking demand range was developed. The average parking demand for the proposed development is expected to range from 38 spaces in the morning to 47 spaces in the afternoon. The 85th percentile parking demand for the proposed development is expected to range from 50 spaces in the morning to 57 spaces in the afternoon. This represents a parking deficit between five (5) and 12 spaces.

The proposed development parking does not meet the Minnetonka City Code or the ITE 85th percentile parking demand requirements. Therefore, a mutual parking agreement should be considered with surrounding property owners to utilize alternative parking adjacent to the site. This agreement should cover a minimum of 12 spaces.

**Other Considerations**

A cursory review of the area indicates that the adjacent Ridgedale Mall has sufficient parking to accommodate the overflow demand from the proposed development. However, these patrons would need to cross the internal mall roadway. Therefore, the following pedestrian enhancements, as illustrated in Figure 3, could be included:

- Advanced Pedestrian Warning Signs
- Painted Crosswalk
- Raised and Painted Crosswalk
- Upgraded pedestrian level lighting
- Curb bump outs to reduce crossing distance
- Rectangular Rapid Flashing Beacon (RRFB)
- Stop for Pedestrian knock down Roadway Signs (installed on the center line, not applicable during the winter)

If a parking agreement is reached, employees should be encouraged to park in the spaces across the internal mall roadway to provide customers more convenient parking, as well as to limit pedestrian crossing.
Consider pedestrian level lighting
Expand sidewalk landing area

Consider a raised crosswalk or curb bump outs to reduce vehicle speeds

Potential Overflow Parking Area

MUTCD W11-2

MUTCD R1-6
house their equipment. The proposed building is the first step in improving the area. A new comprehensive plan will be developed for the high school site.

Acting Chair Calvert thought the proposal would be a step in the right direction to clean up the site.

**Schack moved, second by Knight, to recommend that the city council adopt the resolution approving a conditional use permit and final site and building plans for a storage building at Hopkins High School at 10901 Hillside Lane West.**

*Schack, Sewall, Knight, O’Connell, Powers, and Calvert voted yes. Kirk was absent. Motion carried.*

This item is tentatively scheduled to be reviewed by the city council at its August 14, 2017 meeting.

C. **Conditional use permit for a restaurant with outdoor seating area at Ridgedale Corner Shoppes at 1801 and 1805 Plymouth Road.**

Acting Chair Calvert introduced the proposal and called for the staff report.

Gordon reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Steve Johnson, applicant, explained that parking for the site has always been tight. The proposal was approved knowing that parking would be tight and that there would be a restaurant use on the east end. The Starbucks leasing the space is willing to go ahead without additional parking. He was comfortable with adding the parks which would enhance the project even more. Firestone refused to consider negotiation of shared parking spaces. Joan Suko, the mall manager for General Growth Properties, has agreed to provide 20 spaces for construction and contractor parking. The proposal seems to be the most logical solution to the traffic study. TCF staff agreed that the proposal would not impact its drive-through windows. The Starbucks would be a café and not have a drive-through window.

Mr. Johnson said that the other two uses would have minimal impact on parking. Gordon said that the site would not have enough parking for the other two uses to be restaurants.
The public hearing was opened. No testimony was submitted and the hearing was closed.

Powers thought that the proposal would be a good solution to the parking concerns. He appreciated the applicant providing a broad understanding of the issue.

Schack noted that Starbucks seems confident that there would be enough parking.

Sewall noted that Starbucks would have peak hours earlier than the other uses. He thought it would work. It is nice to see a small, start-up business in Minnetonka.

Acting Chair Calvert thought it would be a great location.

_Powers moved, second by Sewall, to recommend that the city council adopt the resolution approving a conditional use permit for a restaurant with an outdoor seating area at Ridgedale Corner Shoppes at 1801 and 1805 Plymouth Road._

_Schack, Sewall, Knight, O'Connell, Powers, and Calvert voted yes. Kirk was absent. Motion carried._

This item is tentatively scheduled to be reviewed by the city council at its August 14, 2017 meeting.

9. Adjournment

_Sewall moved, second by Schack, to adjourn the meeting at 7:45 p.m. Motion carried unanimously._

By: ____________________________

Lois T. Mason
Planning Secretary
Resolution No. 2017-

Resolution approving a conditional use permit for a restaurant with an outdoor seating area in the Ridgedale Corner Shoppes at 1801/1805 Plymouth Road

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

Section 1. Background.

1.01 Ridgedale Retail, LLC., on behalf of Starbucks Coffee, is proposing to operate a coffee shop within the easternmost tenant space of the Ridgedale Corner Shoppes building. The coffee shop would include both indoor and outdoor seating, but no drive-thru. By city code, a coffee shop is considered a fast food restaurant and is a conditionally-permitted use within the Planned I-394 (PID) zoning district.

1.02 The property is located at 1801/1805 Plymouth Road. It is legally described as: Lots 1 and 2, Block 1, Ridgedale Center Ninth Addition.

1.03 On July 20, 2017 the planning commission held a public hearing on the proposed restaurant. 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. Standards.

2.01 City Code §300.21 Subd. 2 lists the following general standards that must be met for granting a conditional use permit:

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 §300.31 Subd. 4(b)2(o) lists the following specific standards that must be met for granting a conditional use permit for restaurants located on property designated for retail use:

1. Must be in retail multiple tenant centers only and conform to the architecture of a specific center;

2. Will not be permitted when traffic studies indicate significant impacts on the levels of service as defined by the Institute of Traffic Engineers on the roadway system;

3. Outdoor seating areas will be approved only subject to the following:

   a) must be located in a controlled or 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;

   b) must be set back at least 200 feet and screened from any adjacent property designated in the comprehensive plan for residential use;

   c) must be located and designed so as not to interfere with pedestrian and vehicular circulation;

   d) must be located next to an entrance to the main use;

   e) must be equipped with refuse containers and periodically patrolled for litter pick-up;

   f) must not have speakers or audio equipment that is audible
from adjacent residential parcels; and

g) must meet building setback requirements.

4. Drive-up windows and related stacking spaces will be approved only subject to the following:

a) public address systems must not be audible from any residential parcel; and

b) stacking for a minimum of six cars per aisle must be provided subject to applicable parking lot setbacks.

c) must be set back at least 100 feet and screened from any adjacent property designated in the comprehensive plan for residential use.

5. Restaurants or fast-food restaurants with less than 1,200 square feet gross floor area, designed seating capacity not exceeding 25, having no drive-up window and located in retail multiple tenant centers are exempt from the requirements of this section and are considered to be a standard retail use. For tenants with accessory fast-food restaurants, the 1,200-square-foot calculation will include the total gross area of all restaurants and fast-food restaurants within the tenant space.

Section 3. Findings.

3.01 The proposed restaurant would meet the general conditional use permit standards as outlined in City Code §300.21 Subd. 2.

3.02 The proposed restaurant would meet the specific conditional use permit standards as outlined in City Code §300.31 Subd. 4(b)2(o).

1. The proposed coffee shop would be located within the Ridgedale Corner Shoppes. The façade of the entire building has been attractively designed and the proposed coffee shop would not alter this design.

2. The city does not anticipate that the proposed coffee shop, in and of itself, would significantly impact levels of service at surrounding roadway systems. Parking can be provided consistent with Institute of Transportation Engineer (ITE) 85th Percentile Demand estimates.
3. The outdoor seating area would:
   a) Be located in a large, paved patio area. The size and raised elevation of the patio would provide for a controlled area.
   b) Be located roughly 300 feet from the closest residential property, which is the 1700 Plymouth Road building on the west side of Plymouth Road. That property is guided for mixed use and already contains a coffee shop with outdoor seating area.
   c) Not impact on-site circulation.
   d) Be equipped with refuse containers and periodically patrolled for litter pick-up;
   e) Not have speakers or audio equipment that is audible from residential parcels.
   f) Exceed all minimum building setback requirements.

4. No drive-up window is proposed.


4.01 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 plans included in the staff report associated with the conditional use permit request, including:
   - Proposed Floor Plan, dated May 16, 2017
   - Proposed Site Plan, dated May 16, 2017
   - Parking Exhibit, dated July 14, 2017

2. Prior to issuance of building permit for tenant finish, this resolution must be recorded with Hennepin County.

3. Prior to final parking lot paving, the applicant must obtain stormwater management approval from city engineering staff and the Basset Creek Watershed Management Commission.
4. The outdoor seating area must be equipped with refuse containers and periodically patrolled for litter pick-up.

5. Speakers or audio equipment that is audible from adjacent residential parcels is not allowed.

6. In the event that the city observes recurrent parking demand exceeding on-site parking supply, one of the following must occur within a reasonable and mutually agreeable timeframe:
   a) Proof-of-parking spaces must be constructed. The property owner will be responsible for all cost associated with this construction and with any costs associated with required stormwater management facilitates; or
   b) An off-site parking agreement must be obtained and a copy of the agreement provided to the city.

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 August 14, 2017.

_______________________________________
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 August 14, 2017.

__________________________________
David E. Maeda, City Clerk
City Council Agenda Item #10C
Meeting of August 14, 2017

Brief Description
Resolution approving a conditional use permit and final site and building plans for a storage facility at Hopkins High School at 10901 Hillside Lane West.

Recommendation
Adopt the resolution approving the request

Proposal
Kevin Neuman, on behalf of the Hopkins School District, is proposing to construct a storage building on the Hopkins High School campus at 10901 Hillside Lane West. The proposed building would be located northeast of the existing football field and directly south of the tennis courts. The storage building would be 1,964 square feet in area and 14.5 feet in height. The building would be neutral color, mirroring the existing storage building northwest of the football field. (See attached.)

Planning Commission Hearing
The planning commission considered the request on July 20, 2017. At the meeting, staff recommended approval of the proposal noting:

1. Construction of a storage building on school property is reasonable.

2. The proposed structure would comply with the required standards and ordinances for the conditional use permit and site and building plan review.

3. The proposal would not negatively impact surrounding land uses, as the nearest residential property is over 300 feet from the proposed building. The proposed building would be appropriately buffered by the existing tennis courts and distance.

At the meeting, one resident spoke and provided his concerns about the proposal. Specifically, he suggested that some of the existing buildings be removed and storage consolidated. The resident also voiced concerns regarding noise, lights, and the visual aesthetics of the campus. Many of these concerns related to the turf and softball field project, approved in April 24, 2017.

Planning Commission Recommendation
On a 6-0 vote, the commission recommended that the city council approve the request. Meeting minutes are attached. There have been no changes to the proposal or additional information received since the planning commission’s meeting on this item.
Staff Recommendation

Adopt the resolution approving a conditional use permit for a storage building at 10901 Hillside Lane West.

Through:    Geralyn Barone, City Manager
            Julie Wischnack, AICP, Community Development Director
            Loren Gordon, AICP, City Planner

Originator: Drew Ingvalson, Planner
Proposal

Kevin Neuman, on behalf of the Hopkins School District, is proposing to construct a storage building on the Hopkins High School campus at 10901 Hillside Lane West. The proposed building would be located northeast of the existing football field and directly south of the tennis courts. The storage building would be 1,964 square feet in area and 14.5 feet in height. The building would be neutral color, mirroring the existing storage building northwest of the football field. (See attached).

Staff 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 the primary questions associated with the applicant's request and staff findings:

1. **Is the request reasonable?**

   Yes. Construction of a storage building on school property is reasonable. The proposed building would:
   
   - Meet the required standards and ordinances for the conditional use permit and site and building plan review.
   - Comply with all required setbacks.
   - Not result in a significant increase in impervious surface on the site.

2. **Would the proposal negatively impact surrounding land uses?**

   No. The proposal would not negatively impact surrounding land uses, as:
• The proposed building would be appropriately buffered from surrounding residential properties. There are existing tennis courts between the proposed structure location and the nearest residential homes.

• The proposed structure would be located over 250 feet from the nearest school property line and over 300 feet from the nearest residential property.

**Staff Recommendation**

Adopt the resolution approving a conditional use permit and final site and building plans for a storage building at Hopkins High School, 10901 Hillside Lane West.

Originator: Drew Ingvalson, Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

Project No. 96079.17b
Property 10901 Hillside Lane West
Applicant Kevin Neuman, on behalf of the Hopkins School District

Surrounding Land Uses
Northerly: single family homes, zoned R-1
Easterly: Hopkins School District campus
Southerly: Hopkins School District campus
Westerly: Hopkins School District campus

Planning
Guide Plan designation: Institutional
Zoning: R-1, Low density residential

Building Architecture
The storage building would be just under 2,000 square feet in size and would be comprised of beige colored siding, a brick base, and beige metal roof materials. (See attached).

Required Setbacks
The following chart describes the required setbacks. These setbacks are measured to the exterior property lines:

<table>
<thead>
<tr>
<th></th>
<th>Required by ordinance</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northernly</td>
<td>50 ft.</td>
<td>± 250 ft.</td>
</tr>
<tr>
<td>Easterly</td>
<td>50 ft.</td>
<td>± 1,100 ft.</td>
</tr>
<tr>
<td>Southerly</td>
<td>50 ft.</td>
<td>± 1,050 ft.</td>
</tr>
<tr>
<td>Westerly</td>
<td>50 ft.</td>
<td>± 750 ft.</td>
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Screening
The proposed building would be located adjacent to the existing tennis court on the site. This would put the proposed structure approximately 250 feet (across the tennis courts) from Hillside Lane West and over 300 feet from the nearest residential property. The significant distance and existing tennis courts will serve as screening for the structure from public view and residential properties.

SBP Standards
The proposed building would comply with site and building standards as outlined in city code.

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

Finding: The proposal has been reviewed by planning, engineering, building, natural resources, fire, and public
works. Staff finds the proposal to be generally consistent with the city’s development guides.

2. Consistency with the ordinance;

**Finding:** The proposal would meet all minimum 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:** The proposed building would only slightly increase the amount of impervious surface on the site and no trees would be removed.

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 proposed building would maintain a consistent relationship with the other storage buildings and elements of 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;

      **Finding:** The proposed storage building would be located in a desirable location. It would be located adjacent to the existing tennis courts and various athletic fields, and near an existing storage building.

   b) the amount and location of open space and landscaping;

      **Finding:** The proposed building would be partially on an existing concrete surface and would only slightly reduce the amount of existing open space on the site.

   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

**Finding:** Materials would be complementary to the adjacent structures, including the existing storage building to the west.

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:** No vehicular or pedestrian circulation changes are proposed at this time.

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 shed is proposed for an area that would only slightly reduce the amount of open space on site and would require only minimal grading.

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:** Distance and existing tennis courts would provide adequate screening.

The proposed building would comply with the general conditional use permit standards.

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 would 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 of the community.

CUP Specific Standards

The proposed building would comply with the specific conditional use permit standards as outlined in city code.

1. Site and building plans subject to review pursuant to section 300.27 of this ordinance.

Finding: This standard has been addressed within the SBP Standards section of this report.

2. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

Finding: The Hopkins High School Campus has access to Cedar Lake Road, an arterial roadway. However, the proposed storage building itself would not generate traffic.

3. Buildings setback 50 feet from all property lines;

Finding: The proposed building would have setbacks to the exterior property lines of the Hopkins School District campus that are greater than 50 feet.

4. Parking spaces and parking setbacks subject to section 300.28 of this ordinance; and

Finding: Parking on the subject property will be unchanged with the proposed improvement.

5. No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and

Finding: A significant amount of the proposed building would be located on an existing impervious surface and would only minimally increase the impervious surface on the property.

6. Stand-alone utility buildings, such as lift stations, are only subject to site and building plan review.
Finding: The proposal is for a storage building and it is subject to the conditional use permit.

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.

Neighborhood Comments
The city sent notices to 945 area property owners and has not received any written comments.

Pyramid of Discretion

Motion Options
The planning commission has three options:

1. Concur with staff’s recommendation. In this case a motion should be made to recommend approval of 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.

Voting Requirement
The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council’s final approval requires an affirmative vote of a simple majority.
Deadline for Action  September 28, 2017
Location Map

Project: Hopkins HS Garage
Address: 2400 Lindberg Dr
Project No. 96079.17b

This map is for illustrative purposes only.
Property Setback Distances from Structure

- 750 feet
- 250 feet
- 1,050 feet
- 1,050 feet
- 1,100 feet
Proposed Structure Location from Hillside Lane West
### SIDE SECTION SCHEDULE

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<tr>
<td>M</td>
<td>BTM CHD BRACE</td>
<td>2x4 100-07 SPF NO.2</td>
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**Not To Scale**
B. Conditional use permit and site and building plan review for a storage building at Hopkins High School at 10901 Hillside Lane West.

Acting Chair Calvert introduced the proposal and called for the staff report.

Ingvalson reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Powers appreciated the colorful drawings.

Kevin Newman, Hopkins Public Schools Buildings and Grounds staff, applicant, appreciated Ingvalson explaining the situation. He stated that the school would be installing the second largest turf field in Minnesota. It would allow use of the field during more months of the year. The storage building would allow cleanup of an outdoor storage area. He was excited to move forward with the project. There may be improvements done to the older storage buildings, but the proposal should provide adequate storage. The current pending referendum includes a proposal for a new plaza in the southeast corner with new concessions area, ticket sale booth, and bathrooms.

The public hearing was opened.

Steve Thompson, 2204 Hillside Circle, stated that he was concerned that there are already five buildings surrounding the baseball field. He would like some of them removed and consolidated. He was concerned with noise, lights, and the visual aesthetics. He has a good relationship with the school staff. He would like approval of a comprehensive plan to combine the small shacks put up over the years. The wind blows around the screening of the tennis courts.

Mr. Thompson stated that he received a notification for this proposal, but not for a different proposal. Ingvalson looked up the mailing list and found Steve and Mary Thompson’s name and address on the list of those who were sent a notice for the public hearing for that proposal. Ingvalson explained what lighting would be used for the other project. There would be no lighting added for the current proposal.

No testimony was submitted and the hearing was closed.

Mr. Newman explained which poles are used for telecommunications equipment and rope courses. He explained how the lighting would be improved for the neighbors. The older buildings belong to the football and baseball associations to
house their equipment. The proposed building is the first step in improving the area. A new comprehensive plan will be developed for the high school site.

Acting Chair Calvert thought the proposal would be a step in the right direction to clean up the site.

Schack moved, second by Knight, to recommend that the city council adopt the resolution approving a conditional use permit and final site and building plans for a storage building at Hopkins High School at 10901 Hillside Lane West.

Schack, Sewall, Knight, O’Connell, Powers, and Calvert voted yes. Kirk was absent. Motion carried.

This item is tentatively scheduled to be reviewed by the city council at its August 14, 2017 meeting.

C. Conditional use permit for a restaurant with outdoor seating area at Ridgedale Corner Shoppes at 1801 and 1805 Plymouth Road.

Acting Chair Calvert introduced the proposal and called for the staff report.

Gordon reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Steve Johnson, applicant, explained that parking for the site has always been tight. The proposal was approved knowing that parking would be tight and that there would be a restaurant use on the east end. The Starbucks leasing the space is willing to go ahead without additional parking. He was comfortable with adding the parks which would enhance the project even more. Firestone refused to consider negotiation of shared parking spaces. Joan Suko, the mall manager for General Growth Properties, has agreed to provide 20 spaces for construction and contractor parking. The proposal seems to be the most logical solution to the traffic study. TCF staff agreed that the proposal would not impact its drive-through windows. The Starbucks would be a café and not have a drive-through window.

Mr. Johnson said that the other two uses would have minimal impact on parking. Gordon said that the site would not have enough parking for the other two uses to be restaurants.
City Council Resolution No. 2017-

Resolution approving a conditional use permit and final site and building plans for a storage building at Hopkins High School, 10901 Hillside Lane West

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

Section 1. Background.

1.01 Kevin Neuman, on behalf of the Hopkins School District, has requested approval of final site and building plans and conditional use permit for a storage building.

1.02 The property is located at 10901 Hillside Lane West. It is legally described in Exhibit A of this resolution.

1.03 By City Code §300.10 Subd. 4, educational institutions and facilities are conditionally-permitted land uses. The proposed storage building would increase the potential use of the Hopkins High School campus.

1.04 On July 20, 2017, 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 amendment.

Section 2. General Standards.

2.01 City Code §300.16, Subd. 2, states no conditional use permit shall be granted unless the city council determines that all of the following standards will be met:

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.

2.02 City Code §300.16, Subd. 3, states that in addition to the general standards, no conditional use permit shall be granted unless the city council determines that all of the specific standards for a specific use will be met. For public buildings or facilities, except for recreational buildings that contain less than 1,000 square feet, and utility cabinets larger than 150 cubic feet:

1. Site and building plans subject to review pursuant to section 300.27 of the ordinance.

2. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

3. Buildings set back 50 feet from all property lines;

4. Parking spaces and parking setbacks subject to section 300.28 of this ordinance;

5. No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and

6. Stand-alone utility buildings, such as lift stations, are only subject to site and building plan review.

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 3. Findings.

3.01 The proposal would meet the general conditional use permit standards outlined in the 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 would 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 of the community.

3.02 The proposal would meet the specific conditional use permit standards outlined in the City Code §300.16, Subd. 3.

1. The proposal would meet site and building plan standards as outlined the Section 3.03 of this resolution.

2. The Hopkins High School Campus has access to Cedar Lake Road, an arterial roadway. However, the proposed storage building would not generate traffic.

3. The proposed building would have setbacks to the exterior property lines of the Hopkins School campus that are greater than 50 feet.

4. Parking on the subject property would be unchanged with the proposed improvement.

5. A significant amount of the proposed building would be located on an existing impervious surface. The building would only minimally increase the impervious surface on the property.

6. The proposal is for a storage building and it is subject to the conditional use permit.

3.03 The proposal would meet site and building plan standards outlined in the City Code §300.27, Subd. 5.

1. The proposal has been reviewed by planning, engineering, building, natural resources, fire, and public works and found to be generally consistent with the city’s development standards.

2. The proposal would meet all minimum ordinance standards.
3. The proposed building would only slightly increase the amount of impervious surface on the site and no trees will be removed.

4. The proposed building would maintain a consistent relationship with the other storage buildings and elements of the property.

5. The proposed storage building would have a functional and harmonious design with existing structures and site features.
   a) The proposed storage building would be located in a desirable location. It would be located adjacent to the existing tennis courts and various athletic fields, and near an existing storage building.
   b) The proposed building would be partially on an existing concrete surface and would only slightly reduce the amount of existing open space on the site.
   c) Materials would be complementary to the adjacent structures, including the existing storage building to the west.
   d) No vehicular or pedestrian circulation changes are proposed at this time.
   e) The structure is proposed for an area that would only slightly reduce the amount of open space on site and would require only minimal grading.
   f) Distance to property lines and existing tennis courts would provide adequate screening.

Section 4. City Council Action.

4.01 The final conditional use permit and final site and building plans for a storage building at 10901 Hillside Lane West are hereby approved. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Site plan date stamped June 2, 2017
   - Building elevations dated June 2, 2017
• Floor plans dated June 2, 2017

2. Prior to issuance of a building permit, submit the following items for staff review and approval:

1) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:

• The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

• If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

3. The property owner is responsible for replacing any required landscaping that dies.

4. The applicant must prohibit heavy machinery or truck traffic from use of Hillside Lane. Access must come from the eastern parking lot or from the parking lot south of the track.

5. Inlet protection of storm drains is required as directed by staff.

6. Construction must begin by December 31, 2018, unless the planning commission grants a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 14, 2017.

__________________________________________
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 August 14, 2017.

______________________________
David E. Maeda, City Clerk
Exhibit “A”

City Council Agenda Item #10D  
Meeting of August 14, 2017

Brief Description  
Resolution approving a conditional use permit to allow accessory structures with an aggregate gross floor area of 1,455 square feet at 13330 North Street.

Recommendation  
Adopt the resolution approving the conditional use permit.

Proposal  
The subject property is currently improved with an existing home and a two-car, 675 square foot, detached garage. The applicant is proposing to construct a second, two-car, detached garage. The garage would be built into the “hill” on the west side of the property. The topography, coupled with the proposed landscaping around the perimeter of the new garage, would provide screening. Additionally, the garage has been structurally designed to accommodate a future green roof. The applicant indicates that, while the green roof would not be installed initially due to the weather conditions, installation would occur early next spring.

Planning Commission Hearing  
The planning commission considered the request on July 20, 2017. The staff report from that meeting and various plans and documents describing the proposal are attached. Staff is recommending approval, noting:

- The proposal meets the general and specific conditional use permit standards for accessory structures exceeding 1,000 square feet.

- The proposed detached garage would meet all applicable setback requirements.

- The proposed garage would initially be screened from adjacent properties by topography and landscaping. Additional screening would be added in the future following the construction of a green roof.

At the commission meeting, a public hearing was opened to take comments. However, no comments were received.

Planning Commission Recommendation  
On a 6-0 vote, the commission recommended that the city council approve the conditional use permit. There have been no changes to the proposal or additional information received since the planning commission’s meeting on this item.

Staff Recommendation
Staff recommends the city council adopt the resolution approving the conditional use permit at 13330 North Street.

Through:   Geralyn Barone, City Manager
           Julie Wischnack, AICP, Community Development Director
           Loren Gordon, AICP, City Planner

Originator:  Susan Thomas, AICP, Principal Planner
Brief Description
Conditional use permit to allow accessory structures with an aggregate gross floor area of 1,455 square feet at 13330 North Street.

Recommendation
Recommend the city council adopt the resolution approving the request.

Proposal
The subject property is currently improved with an existing home and a two-car, 675 square foot, detached garage. The applicant is proposing to construct a second, two-car, detached garage. The garage would be built into the "hill" on the west side of the property. The topography, coupled with the proposed landscaping around the perimeter of the new garage, would provide screening. Additionally, the garage has been structurally designed to accommodate a future green roof. The applicant indicates that, while the green roof would not be installed initially due to the weather conditions, installation would occur early next spring.

By ordinance, a conditional use permit is required when a property will exceed an aggregate gross floor area – the total sum of the gross area of all accessory structures on the property – of 1,000 square feet. If approved, the conditional use permit would allow two detached accessory structures with an aggregate total of 1,455 square feet.

Staff Analysis
Staff finds that the applicant’s proposal is reasonable.

- The proposal would meet all the general and specific conditional use permit standards for accessory structures exceeding 1,000 square feet.
- The proposed detached garage would meet all setback requirements. Further, though the property is technically located adjacent to public right-of-way, that right-of-way is not improved. As such, the proposed garage would not be visible from an improved public street.
- The proposed garage would be initially screened from adjacent properties by topography and landscaping. Additional screening would be added in the future following the construction of a green roof.
Staff Recommendation

Recommend the city council adopt the attached resolution, which approves a conditional use permit allowing accessory structures with a gross floor area of 1,455 square feet at 13330 North Street.

Originator: Ashley Cauley, Senior Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

Project No. 05079.17a
Property 13330 North Street
Applicant Greg Elsner of Shelter Architecture
Surrounding Land Uses All properties to the north, south, east and west are improved with single family residential homes, zoned R-1 and guided for Low Density residential
Planning Guide Plan designation: Low density residential
Zoning: R-1

Background

In 1986, the city approved a subdivision of the property immediately to the west of the subject property. As part of that subdivision, 30’ of right-of-way was dedicated along the east property line. This was to allow for access to future lots as the area continued to develop.

In 2003, the city council approved a two-lot subdivision creating the subject property. At this time, the remaining 20’ of right-of-way was dedicated. It was determined that the construction of the cul-de-sac was not immediately necessary to serve the new lot (subject property) but rather would be required as part of any future development.
In 2005, the planning commission approved a front setback variance to allow the construction of the existing garage. This variance reduced the required setback by 5-feet to allow for a 40-square foot point intrusion.

Lot-behind-lot

By ordinance, a lot-behind-lot is a lot that has substandard or not frontage on a public road right-of-way. Despite the property's visual appearance as a lot-behind-lot, the property has frontage onto unimproved, public right-of-way.

Setbacks

As a standard R-1 lot, the setbacks for accessory structures on the property are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front yard setback</strong></td>
<td>35 ft</td>
<td>51 ft</td>
</tr>
<tr>
<td><strong>Side and rear yard setback</strong></td>
<td>15 ft for conditionally permitted structures</td>
<td>Side yard: 15 ft Rear yard: 63 ft</td>
</tr>
</tbody>
</table>

Building height

By ordinance, building height is measured from the midpoint for the highest peak to grade. Using this definition, the proposed building height for the garage is 12 feet.

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 §300.16 Subd.3(f):

1. Side and year setbacks equal to the height of the structure or 15 feet, whichever is greater;
Finding: The proposed garage would have a code-defined building height of 12 feet. The proposed setback would be 15 feet. As such, the proposal meets this requirement.

2. No additional curb cuts to be permitted;

Finding: The proposed garage would share a driveway with the existing garage. No additional curb cuts are proposed.

3. Not to be used for commercial activities;

Finding: The proposed garage would be used for additional vehicular storage. No commercial activities are proposed. Nonetheless, this has been included as a condition of approval.

4. Structure to be architecturally consistent with the principal structure;

Finding: The proposed garage would be architecturally consistent with the modern design of both the existing home and garage.

5. Landscaping to be required to buffer views when the structure is highly visible from adjacent properties; and

Finding: Topography and proposed landscaping would screen the proposed garage initially. Additional screening would be provided by a future green roof.

6. Site and building plan subject to review pursuant to section 300.27 of this ordinance.

Finding: The proposed garage would meet the site and building plan standards as noted below.

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: Staff from the city's community development, engineering, finance, fire and public works department have reviewed the proposal and found that it is consistent with the
city’s comprehensive guide plan and water resource management plan.

2. Consistency with this ordinance;

**Finding:** The proposal meets all 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:** In order to construct the pergola and deck, four aspen trees would be removed. However, the proposal includes a green roof and an increased amount of landscaping onsite.

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 proposed location of the garage would provide for reasonable screening from adjacent properties and would increase the amount of onsite landscaping.

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: Since the property is visually a lot-behind-lot, the proposed garage would not be visible from any adjacent roadways. The structure would be architecturally consistent with existing structures on the property.

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: While it is unlikely that the green roof would be installed this year, the garage would be structurally constructed to accommodate a green roof.

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 garage would only be visible from the properties to the south and west. To screen views of the proposed garage, the applicant is using existing topography and proposing to increase the landscaping onsite.

Approving Body

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)

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.

Pyramid of Discretion

This proposal
Motion Options

The planning commission has the following motion options:

1. Concur with staff’s recommendation. In this case, a motion should be made recommending the city council 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 the city council deny the request. 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.

Voting Requirement

The planning commission will make a recommendation to the city council. A recommendation requires an affirmative vote of a simple majority. The city council’s final approval requires an affirmative vote of a simple majority.

Neighborhood Comments

The city sent notices to 57 area property owners and received one comment to date. (See attached.)

Deadline for Action

September 25, 2017
Location Map

Project: Mike & Lisa Ostenson
Applicant: AIA Shelter Architecture
Address: 13330 North St
Project No. 05079.17a

City of minnetonka

This map is for illustrative purposes only.
To whom it may concern:

Thank you for reviewing our request for a conditional use permit at 13330 North Street. We’re excited about the opportunity to build a new garage for our home that will house 2 additional cars. We’ve reviewed the requirements for the permit and feel we have met them accordingly (including set backs, height restrictions, and fit/finish with current structures). Additionally, we’ve met with our nearest neighbors and have discussed our plans/intentions and both are agreeable to the new structure. We also want you to know that we are being mindful of our neighbor to the west and plan to screen the roof immediately with native landscaping and have future plans of installing a green roof with a tray system (likely next spring when the weather conditions will be more suitable). If you have any questions or comments, we’d be happy to address them at the July 20th meeting.

Regards,

Mike and Lisa Ostenson
A-1.0

Proposed accessory structure
NEW SLAT CANOPY
AND WALKWAY DECK

NEW GARAGE ROOF
DESIGNED FOR FUTURE GREEN ROOF TRAY SYSTEM

EXIST. HOUSE ROOF

EXIST. GARAGE ROOF
EXISTING HOUSE

NEW SLAT CANOPY OVER A NEW WALKWAY DECK

NEW GARAGE

NEW ORNAMENTAL GRASS, SPECIES TBD.

THERMALLY MODIFIED WOOD SIDING

WOOD SOFFIT

STEEL CANOPY STRUCTURE

THERMALLY MODIFIED CANOPY SLATS

NEW ORNAMENTAL GRASS, SPECIES TBD.

POURED CONCRETE

GLASS AND ALUMINIUM GARAGE DOOR
POURED CONCRETE
THERMALLY MODIFIED WOOD SIDING
WOOD SOFFIT
LAP SIDING TO MATCH HOUSE
POURED CONCRETE
STEEL CANOPY STRUCTURE
THERMALLY MODIFIED CANOPY SLATS
NEW WINDOWS
LAP SIDING TO MATCH HOUSE
WOOD ROOF
THERMALLY MODIFIED WOOD ROOF
POURED CONCRETE

Future tray-based green roof
Ornamental grass - species TBD
Poured concrete garage wall
Poured concrete retaining wall

Exterior Elevations - New Garage

1/2 SIZE
NOT FOR CONSTRUCTION
1/2 SIZE
1/2 SIZE
1/2 SIZE
1/2 SIZE

Ostenson
Project number: 17036
1330 North Street
Minnetonka, MN 55343
Mike & Lisa Ostenson

Issue Date
Issue Date

6/5/17 11:12:30 AM
Ashley,

In regards to an application for an **additional** accessory structure of 690 sq. ft. at 13330 North Street, why is the city even considering it? It exceeds city zoning code in several respects, and it is certainly not a hardship to have less than 1000 sq. ft. of accessory buildings for anyone. What’s the point of having zoning regulations if you are to allow variations for a matter of convenience?

Dewey Hassig 4624 Church Lane, Minnetonka, formerly of 5342 Mayview Rd. Minnetonka.
Adopt the resolution approving the expansion permit.

C. Conditional use permit to allow accessory structures with an aggregate gross floor area of 1,455 square feet at 13330 North Street.

Recommend that the city council approve the request.

Schack, Sewall, Knight, O'Connell, Powers, and Calvert voted yes. Kirk was absent. Motion carried and the items on the consent agenda were approved as submitted.
Resolution No. 2017-

Resolution approving a conditional use permit to allow accessory structures with gross floor area of 1,455 square feet at 13330 North Street

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

Section 1. Background.

1.01 The subject property is located at 13330 North Street. It is legally described as follows:

The North 220 feet of the West 123 feet of Lot 20, Auditors Subdivision Number 321, Hennepin County, Minnesota

1.02 Greg Elsner, on behalf of the property owners, has requested a conditional use permit to construct a second detached garage on the subject property. The proposed garage, combined with an existing detached garage, would result in an aggregate 1,455 square feet of detached structures.

1.03 On July 20, 2017, 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 §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.

2.02 City Code §300.16 Subd. 3(f) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:

1. Side and rear setbacks equal to the height of the structure or 15 feet,
whichever is greater;

2. No additional curb cuts to be permitted;

3. Not to be used for commercial activities;

4. Structure to be architecturally consistent with the principal structure;

5. Landscaping to be required to buffer views when the structure is highly visible from adjacent properties; and

6. Site and building plan subject to review pursuant to section 300.27 of this ordinance.

Section 3. Findings.

3.01 The proposal would meet the general conditional use permit standards outlined in City Code §300.16 Subd.2.

3.02 The proposal would meet all of the specific conditional use permit standards outlined in City Code 300.16 Subd.3(f).

1. The proposed garage would have a code-defined building height of 12 feet. The proposed setback would be 15 feet.

2. The proposed garage would share a driveway with the existing garage. No additional curb cuts are proposed.

3. The proposed garage would be used for additional vehicular storage. No commercial activities are proposed.

4. The proposed garage would be architecturally consistent with the modern design of both the existing home and garage.

5. Topography and proposed landscaping would screen the proposed garage initially. Additional screening would be provided by a future green roof.

6. The proposed garage would meet the site and building plan standards as outlined in City Code Section 300.27 Subd. 5.

Section 4. City Council Action.

4.01 The above-described conditional use permit is 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:
   - Site survey with issue date June 5, 2017
   - Site plan dated June 5, 2017
   - Floor and plans dated June 5, 2017
   - Sections and elevations dated June 5, 2017

2. Prior to issuance of a building permit, this resolution must be recorded with Hennepin County.

3. No additional curb cuts are allowed on the property.

4. The accessory structure may not be used for commercial activities.

5. The accessory structure may not be converted into living space unless operating in conformance with City Code Section 300.10.

6. The city council may reasonably add or revise conditions to address any future unforeseen problems.

7. 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 August 14, 2017.

____________________________
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 August 14, 2017.

______________________________
David E. Maeda, City Clerk
Brief Description  Resolution approving the final plat of WILLISTON WOODS WEST 2nd ADDITION at 5435 and 5439 Williston Road

Recommendation  Adopt the resolution approving the final plat

Background

In March 2016, the city council approved the preliminary plat of WILLISTON WOODS WEST. As approved, the existing properties at 5431 and 5439 Williston Road would be divided to create five smaller, single-family lots. At the time of preliminary plat approval, the applicant noted that final plating of the site would likely be presented in two phases. The first final plat application would be submitted for the northerly lots. A second final plat application would be submitted sometime after for the southerly lots. This phased final platting would allow time to resolve a “gap” issue between the existing 5431 and 5439 sites. Phased final platting is allowed by city code.

In August 2016, the city council approved the first phase final plat, WILLISTON WOODS WEST. The plat divided the 5431 Williston Road property into three lots and one outlot.

In May 2017, a grading permit was issued for general site grading and installation of utilities.

Current Request

The property line “gap” issue has been resolved. Lake West Development is now requesting approval of the second phase final plat, WILLISTON WOODS WEST 2nd ADDITION.

Staff Comment

This final plat generally reflects the site design approved as the preliminary plat.

Staff Recommendation

Adopt the resolution approving the final plat for WILLISTON WOODS WEST 2nd Addition at 5431 Williston Road.

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

Originated by:
Susan Thomas, AICP, Assistant City Planner
Location Map
Project: Williston Woods West 2nd Addition
Applicant: Lake West Development
Address: 5435 & 5439 Williston Rd

This map is for illustrative purposes only.
KNOW ALL PERSONS BY THESE PRESENTS: That Williston Road, LLC, a Minnesota limited liability company, owner of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

That part of the Northeast Quarter of the Northeast Quarter of Section 33, Township 117, Range 22, Hennepin County, Minnesota described as follows: Beginning at a point on the west line of said Northeast Quarter of the Northeast Quarter distant 206.50 feet south of the northwest corner thereof; thence east parallel with the north line of said Northeast Quarter of the Northeast Quarter 257.31 feet; thence north parallel with said west line 250.00 feet; thence west parallel with said north line 257.31 feet to the point of beginning.

Has caused the same to be surveyed and platted as WILLISTON WOODS WEST and does hereby dedicate to the public for public use the easements for drainage and utility purposes as shown on the plat.

In witness whereof said Williston Road, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _________ day of ____________________, 20____.

WILLISTON ROAD, LLC
_____________________________________________
its: __________________________________________

STATE OF MINNESOTA
COUNTY OF _________________
The foregoing instrument was acknowledged before me this ______ day of ___________________, 20____ by _____________________, the __________________________ of Williston Road, LLC, a Minnesota limited liability company, on behalf of the company.

_____________________________________________
_____________________________________________
Notary Public, ____________ County, Minnesota
My Commission Expires __________________

MINNETONKA, MINNESOTA
This plat of WILLISTON WOODS WEST was approved and accepted by the City Council of Minnetonka, Minnesota at a regular meeting thereof held on this ______ day of ___________________, 20____. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the city or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subdivision 2.

CITY COUNCIL OF MINNETONKA, MINNESOTA
By: ____________________________________________ Mayor
By:_____________________________________________ Clerk

RESIDENT AND REAL ESTATE SERVICES, HENNEPIN COUNTY, MINNESOTA
I hereby certify that taxes payable in _________ and prior years have been paid in full for all land described on this plat.

Dated this _________ day of __________________, 20____.
Mark V. Chapin, Hennepin County Auditor
By: ___________________________________________ Deputy

SURVEY DIVISION, HENNEPIN COUNTY, MINNESOTA
Pursuant to Minnesota Statutes, Section 303B.565 (1969), this plat has been approved this _________ day of ____________________, 20____.

Chris F. Mavis, Hennepin County Surveyor
By:___________________________________________

COUNTY RECORDER, HENNEPIN COUNTY, MINNESOTA
I hereby certify that the within plat of WILLISTON WOODS WEST was recorded in this office the _________ day of __________________, 20____, or block ______, at ____. o'clock ___.M.

Martin McCormick, County Recorder
By: ___________________________________________ Deputy
KNOW ALL PERSONS BY THESE PRESENTS: That Williston Road, LLC, a Minnesota limited liability company, owner of the following described property situated in the City of Minnetonka, State of Minnesota, has caused the same to be surveyed and platted as WILLISTON WOODS WEST 2ND ADDITION and does hereby dedicate to the public for public use the public way and easements for drainage and utility purposes as shown on this plat.

The foregoing instrument was acknowledged before me this __________ day of ___________________, 20____ by Eric B. Lindgren, a duly licensed Land Surveyor in the State of Minnesota, Minnesota License Number 48176, who being duly sworn, says that he executed the same in the course of his business as a duly licensed Land Surveyor in the State of Minnesota, Minnesota License Number 48176, that he was the person who surveyed and platted the said property, and that he has not been employed or retained by any person other than the above described grantor for the purpose of surveying and platting said property.

I Eric B. Lindgren, a duly licensed Land Surveyor in the State of Minnesota, Minnesota License Number 48176, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wetlands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this plat, have been, or will be, correctly set; that all monuments depicted on this plat have been, or will be, correctly set within one year; that all water boundaries and wetlands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this plat, have been, or will be, correctly set; and that I am a duly licensed Land Surveyor in the State of Minnesota, Minnesota License Number 48176.

I hereby certify that the within plat of WILLISTON WOODS WEST 2ND ADDITION is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be, correctly set within one year; that all water boundaries and wetlands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this plat, have been, or will be, correctly set; and that I am a duly licensed Land Surveyor in the State of Minnesota, Minnesota License Number 48176.

I hereby certify that taxes payable in _________ and prior years have been paid in full for all land described on this plat.

I hereby certify that the within plat of WILLISTON WOODS WEST 2ND ADDITION is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be, correctly set within one year; that all water boundaries and wetlands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this plat, have been, or will be, correctly set; and that I am a duly licensed Land Surveyor in the State of Minnesota, Minnesota License Number 48176.

I hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be, correctly set within one year; that all water boundaries and wetlands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this plat, have been, or will be, correctly set; and that I am a duly licensed Land Surveyor in the State of Minnesota, Minnesota License Number 48176.

I hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be, correctly set within one year; that all water boundaries and wetlands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this plat, have been, or will be, correctly set; and that I am a duly licensed Land Surveyor in the State of Minnesota, Minnesota License Number 48176.
Resolution No. 2017-

Resolution approving the final plat of WILLISTON WOODS WEST 2ND ADDITION
at 5435 and 5439 Williston Road

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

Section 1. Background.

1.01 Lake West Development, LLC has requested final plat approval for WILLISTON WOODS WEST 2ND ADDITION.

1.02 The properties to be included in the WILLISTON WOODS WEST 2ND ADDITION are located at 5435 and 5439 Williston Road. They are legally as:

Outlot A, WILLISTON WOODS WEST, and;

That part of the Northwest Quarter of the Northeast Quarter of Section 33, Township 117, Range 22, Hennepin County, Minnesota described as follows: Beginning at a point on the west line of said Northeast Quarter of the Northeast Quarter distant 456.50 feet south of the northwest corner thereof; thence south along said west line 75.00 feet; thence east parallel with the north line of said Northeast Quarter of Northeast Quarter 207.31 feet; thence north parallel with said west line 75.00 feet; thence west parallel with said north line 207.31 feet to the point of beginning.

1.03 On March 14, 2016, the city council approved the WILLISTON WOODS WEST preliminary plat.

1.04 On August 8, 2016, the city council approved the WILLISTON WOODS WEST final plat, creating three of the five lots approved under the preliminary plat.
Section 2. Council Action.

2.01 The city council approves the final plat of WILLISTON WOODS WEST 2nd at 5435 and 5439 Williston Road. Approval is subject to the following conditions:

1. Compliance with conditions outlined in preliminary plat Resolution No. 2016-020 except as modified by the following conditions.

2. Prior to release of the final plat:

   a) Submit two mylars for city signatures.

   b) Submit the following legal documents, required under Resolution No. 2016-020, for review and approval of the city attorney:

      1) Revised shared driveway easements, reflecting the new legal descriptions of 5435 and 5439 Williston Road. The easements must include a non-obstruction requirement over the actual shared portion of the driveway.

      2) Revised stormwater facilities easements, reflecting the new legal descriptions of 5435 and 5439 Williston Road.

      3) Title evidence that is current within thirty days of submittal.

3. Unless the city council approves a time extension, the final plat must be recorded by August 14, 2018.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 14, 2017.

________________________________________
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 August 14, 2017.

_________________________________
David E. Maeda, City Clerk
City Council Agenda Item #10F  
Meeting of August 14, 2017

Brief Description  
Order for tobacco license violation for Spielmann’s Amoco at 2711 Hopkins Crossroad

Recommendation  
Issue the order

Background
Currently, the city has 30 establishments that hold tobacco licenses. The city council has adopted a system of presumptive penalties to be applied when certain tobacco violations occur. Under the presumptive penalties schedule, tobacco licensees are subject to a fine, or a fine plus a license suspension, after the conclusion of criminal proceedings brought by the legal department. A form stipulating the penalty is sent to the licensee, who may agree to the penalty or request an administrative hearing before the city council. When the licensee agrees to the penalty, it must be brought back and acknowledged through issuance of an order by the city council.

Licensees are initially subject to a fine of at least $250, the second violation is at least a $500 fine, and the third and any subsequent offenses within a two-year period have penalties of a $600 fine and a minimum seven-day suspension. The violation described below is a first offense for the licensee.

As a reminder, the civil penalty phase cannot begin until the criminal proceedings have been completed. The employee was criminally charged and found guilty.

A stipulation form was sent to Spielmann’s Amoco regarding the sale of tobacco to a minor. The sales occurred during a police department compliance check conducted on June 21, 2016. The licensee has agreed to the penalty listed below:

<table>
<thead>
<tr>
<th>Licensee</th>
<th>Establishment</th>
<th>Offense (Date)</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spielmann’s Amoco</td>
<td>Spielmann’s Amoco</td>
<td>1st (06/21/16)</td>
<td>$250</td>
</tr>
<tr>
<td></td>
<td>2711 Hopkins Crossroad</td>
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</table>

The violation does not require a suspension of the tobacco license.

Recommendation
Per council policy on tobacco violations, presumptive penalties are required. Staff recommends the city council approve issuing the enclosed Findings of Fact, Conclusion, and Order for the establishment listed above.

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

Originated by:
Kathy Leervig, Community Development Coordinator
Pursuant to a Stipulation executed by Julie Wischnack, Community Development Director for the City of Minnetonka, and A. James Speilmann, owner of Speilmann’s Amoco, the City Council makes the following:

**FINDINGS OF FACT**

1. The licensee captioned above has been licensed for the sale of tobacco products from the City of Minnetonka for the year 2017, and conducts its licensed activity at 2711 Hopkins Crossroad, within the City.

2. Pursuant to Minn. Stat. §609.685 and Minnetonka City Code §625.040, a licensee must not sell tobacco products to a person under 18 years old.

3. On June 21, 2016, Gerald Hanson, a person employed by the above-captioned licensee, sold a tobacco product to a person who was under 18 years old.

**CONCLUSION**

1. The tobacco licensee captioned above violated Minn. Stat. 609.685 and Minnetonka City Code 625.040 by selling a tobacco product to a juvenile on June 21, 2016.
ORDER

IT IS HEREBY ORDERED, pursuant to Minnetonka City Code §625.055, that the licensee captioned above is subject to the following sanctions:

(1) a $250.00 civil penalty

The penalty must be paid within 30 days of the date of this order.

Failure to comply with this order will subject the licensee to further sanctions.

By order of the City Council of the City of Minnetonka, Minnesota, August 14, 2017.

________________________
Terry Schneider, Mayor

ATTEST:

________________________
David E. Maeda, City Clerk

ACTION ON THIS ORDER:

Motion for issuance:
Seconded by:
Voted in favor of:
Voted against:
Absent: Allendorf
Abstained:
Order issued.

I certify that the above is an accurate copy of the Findings of Fact, Conclusion, and Order issued by the City Council of the City of Minnetonka, Minnesota, at an authorized meeting held on August 14, 2017.

________________________
David E. Maeda, City Clerk
City Council Agenda Item #11A  
Meeting of August 14, 2017

**Brief Description**  Preliminary and final plats, with lot area and front yard setback variance, and waiving the McMansion Policy, for GRENIER ROAD ADDITION at 5717 Eden Prairie Road.

**Recommendation**  Adopt the resolution approving the requests.

**Background**

The 1.08-acre subject property is located at the northeast corner of the Eden Prairie/Grenier Road intersection. It is improved with a single-family home and detached garage.

In 2006, the property owners submitted an application to subdivide the property into two lots. The existing home and garage would remain, with a new home to be constructed on the newly created lot. During the subdivision review process, it was determined that right-of-way on both Eden Prairie Road and Grenier Road was substandard adjacent to the property. An additional 7 feet was required along the county road and 10 feet along the local street. The dedication of this right-of-way significantly impacted the subdivision request. Prior to right-of-way dedication, the proposed subdivision met all minimum subdivision and zoning ordinance standards. However, with the required dedication, two variances were necessary: (1) lot area variance for the easterly lot; and (2) front yard setback variance for the existing home.

Understanding that the variances were based on the right-of-way dedication, the city approved the preliminary plat with variances. However, the owners were opposed to the right-of-way dedication and never submitted a final plat application. The preliminary plat approval expired in 2007.

**Proposal**

The property owners are now proposing the identical subdivision as was approved eleven years ago. However, unlike 2006, the owners are now amenable to the right-of-way dedication.

**Planning Commission Hearing**

The planning commission considered the various requests on July 20, 2017. The commission report and plans are attached. Staff recommended approval of the proposal. At its meeting, the planning commission opened a public hearing to take public comment; no comments were received.
Planning Commission Recommendation

On a 6-0 vote, the commission recommended the city council approve the proposal as per staff's recommendation. Meeting minutes are attached. There have been no changes to the proposal since the hearing.

Staff Recommendation

Staff recommends the city council adopt the resolution approving preliminary and final plats, with lot area and front yard setback variances, and waiving the McMansion Policy, for GRENIER ROAD ADDITION at 5717 Eden Prairie Road.

Through:  Geralyn Barone, City Manager
          Julie Wischnack, AICP, Community Development Director
          Loren Gordon, AICP, City Planner

Originator:  Susan Thomas, AICP, Assistant City Planner
Brief Description  Preliminary and final plats, with lot area and front yard setback variance, and waiving the McMansion Policy, for GRENIER ROAD ADDITION at 5717 Eden Prairie Road.

Recommendation  Recommend the city council adopt the resolution approving the requests.

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Understanding that the variances were based on the right-of-way dedication, the city approved the preliminary plat with variances. However, the owners were opposed to the right-of-way dedication and never submitted a final plat application. The preliminary plat approval expired in 2007.

Proposal

The property owners are now proposing the identical subdivision as was approved eleven years ago. However, unlike 2006, the owners are now amenable to the right-of-way dedication.

Primary Questions and Analysis

The following outlines the primary questions associated with the proposed subdivision and staff's findings.
1. **Are the proposed lots reasonable?**

Yes. The proposed lots, including the lot area variance, are reasonable for two reasons.

- **Right-of-Way.** But for the dedication of right-of-way along Grenier Road, the subject property could be divided into two lots meeting all minimum subdivision and zoning ordinances. (See attached.)

- **Lot Area Variance.** Lot sizes vary considerably in the immediate area. In fact, there are three existing, substandard lots along Grenier Road and several more in the surrounding neighborhood. The lot size variance would not impact neighborhood character.

2. **Is the requested front yard setback variance reasonable?**

Yes. The existing home is located 25 feet from the south property line adjacent to Grenier Road; this setback meets the code requirement for a corner lot. With the dedication of right-of-way, the setback to the existing home would be reduced to 15 feet. In other words, it is the city’s action – rather than any action or request of the property owner – that creates the front yard setback variance situation.

3. **Would the proposal meet the tree protection ordinance?**

Yes. There are nine high-priority trees located on the subject property or within the required right-of-way. The general grading plan submitted suggests that two of these trees – or 22% – would be removed or significantly impacted by new home construction. This would be less than 35% removal/impact allowed under the tree protection ordinance.

- **Should the McMansion Policy be waived?**

Yes. Under the McMansion Policy, the city may restrict the size of homes when:

  - (1) the lot on which the home will be built requires a variance; or
  - (2) a home itself requires a variance.

The policy is not applied on lots that meet minimum size and dimension standards or to homes that meet minimum setback standards. In case of the proposed subdivision, the lot area and setback variances are necessary **because of the required dedication of right-of-way.** In staff’s opinion, it would not be reasonable for the city to restrict house size based on variances that the city itself “created.”
Staff Recommendation

Recommend the city council adopt the resolution approving preliminary and final plats, with lot area and front yard setback variances, and waiving the McMansion Policy, for GRENIER ROAD ADDITION at 5717 Eden Prairie Road.

Originator: Susan Thomas, Assistant City Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

**Surrounding Land Uses**
All properties to the north, east, south and west are single family residential homes, zoned R-1 and guided for low density residential homes.

**Planning**
Guide Plan designation: Low density residential
Zoning: R-1

**Proposed Lots**
With the right-of-way dedication one variance is required from minimum standards of the subdivision ordinance, a lot area variance for proposed Lot 2.

<table>
<thead>
<tr>
<th></th>
<th>REQUIRED</th>
<th>LOT 1</th>
<th>LOT 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>22,000 sf</td>
<td>23,640 sf</td>
<td>19,040**</td>
</tr>
<tr>
<td>Buildable Area</td>
<td>3,500 sq.ft</td>
<td>8,500 sf</td>
<td>8,600 sf</td>
</tr>
<tr>
<td>At ROW</td>
<td>80 ft</td>
<td>140 ft</td>
<td>140 ft</td>
</tr>
<tr>
<td>At Setback</td>
<td>110 ft</td>
<td>135 ft</td>
<td>125 ft</td>
</tr>
<tr>
<td>Depth</td>
<td>125 ft</td>
<td>165 ft</td>
<td>145 ft</td>
</tr>
</tbody>
</table>

*All numbers rounded down to the nearest 5 sf or 5 ft
**variance required

The sizes of the proposed lots could, technically, be “evened out.” However, this would result in less intuitive lots lines. (See attached.)

**Grading**
As required by the subdivision application process, a generalized home footprint, location, and grading plan have been submitted by the applicant. A specific plan would be submitted and reviewed by staff at the time of the building permit for the vacant lot.

**Stormwater**
The proposal does not trigger the city’s stormwater rule.

**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.

**Neighborhood Comments**
The city sent notices to 52 area property owners and received no comments to date.
Pyramid of Discretion

This Proposal

Motion Options

The planning commission has three options:

1. Concur with staff’s recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the subdivision.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the request. The motion must include a statement as to why the denial is recommended.

3. Table the request. In this case, a motion should be made to table the request. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant or both.

Voting Requirement

The planning commission will make a recommendation to the city council on the applicant’s proposal. A recommendation for approval requires an affirmative vote of a simple majority. The city council’s final approval requires affirmative votes of five members, due to the variances.

Deadline for Action

October 9, 2017
Subject Property

Project: Grenier Road Addition
Applicant: Duane & Shirley Shultz
Address: 5717 Eden Prairie Rd
Project No. 06018.17a
EXHIBIT: COMPLIANT PLAN PRIOR TO DEDICATION

PREVIOUSLY DEDICATED

337.99  N 89°42’37” E

GRENIER ROAD

PROPOSED HARD COVER

LOT 1: 26,646.1 sq ft
LOT 2: 19,042.7 sq ft

PREVIOUSLY DEDICATED

EXHIBIT: COMPLIANT PLAN PRIOR TO DEDICATION
PLAT WITH NO VARIANCE
OF E.O. EXC:ONS:

EXISTING PROPERTY LINE

GRENIER ROAD

LOT 1
25,012 SF

LOT 2
22,000 SF

PROPOSED HOUSE
FBDL OR SEW

337.99 N 89°42'37" E

PRESIDENTIAL UNIT

EDEN PRAIRIE ROAD
(UCCS No. 4, PLAT 35)

PROPERTY DESCRIPTION

The part of the Northeast Quarter of the northeast Quarter of Section 33, Township 117
Range 22, W of the 4th Principal Meridian described as follows: Commencing on
the west line of the Northeast Quarter of the northeast Quarter of Section 33, Township
117, Range 22, at a point 75.9 feet south of the south line of EDEN LAKE PARK, thence
southeast along said eastern line 148.7 feet to a point 276.3 feet north of right angles
from the south line of Northeast Quarter of said Section, thence East 87 degrees 30 minutes
with said line of said road to east line of said Northeast Quarter of said Township,
thence north to beginning. EXCEPT the east 200 feet thereon.

PRELIMINARY PLAT OF
GRENIER ROAD ADDITION

PREPARED FOR:
Duane A. Shultz
5717 Eden Prairie Road
Minnetonka, MN 55345

APR 11 2006

SUBMITTED BY
APPLICANT
CITY OF MINNETONKA

DEMARS-GABRIEL
LAND SURVEYORS, INC.
3100 Hennepin Ave. S
Minneapolis, MN 55437
Phone: (612) 555-0953
Fax: (612) 555-0876

DECKED
APR 10, 2009

MINN. REG. No. 274-14

Scale 1" = 30'

File No. 1927
Book/Page 428-29

Gross Area 52,087 SF
Net Area 45,420 SF
4) The property owner is responsible for replacing any required landscaping that dies.

5) All rooftop and ground-mounted mechanical equipment and exterior trash and recycling storage areas must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.

6) Approval does not include the signs shown on the drawings. Separate permits are required from staff.

7) With the exception of security lighting, lights within the buildings and skyway must be turned off by 11:00 p.m. unless there is an emergency situation or a room is being cleaned.

8) Spaces shown as proof-of-parking may not be paved unless approved by the city upon showing of a demonstrated need for these spaces. If proof-of-parking is required, additional screening of the new parking lot may be required if city staff deems it necessary.

9) An encroachment agreement to allow the skyway within the city right-of-way, subject to review and approval of the city attorney.

10) Phase II would require site and building plan review.

11) Construction must begin by December 31, 2007, unless the planning commission grants a time extension.

12) Sign the employee parking lot to prohibit exiting onto Green Circle Drive.

All voted "yes." Motion carried.

B. Preliminary plat, with lot area variances, for a two-lot subdivision at 5717 Eden Prairie Road for Duane Shultz.

Olson provided an overview of the proposed subdivision.

Allendorf asked if there is a fallback position if the 10-foot right-of-way is not agreed to.

Olson responded the applicant previously provided 5 feet of additional right-of-way. With the existing 10 feet, and the new 10 feet, there are 25 feet from the center to his property. He explained 25 feet on each side meets the normal 50-foot right-of-way requirement, which is the Code-required right-of-way. He noted
there have been some times when the city has reduced a right-of-way in an effort to save trees or on a minorly used cul-de-sac.

Duane Schultz, 5717 Eden Prairie Road, stated he has lived in Minnetonka for 40 years. He asked Olson to repeat the information regarding the current right-of-way and the current road.

Olson pointed out the property line of the applicant on an overhead projection of the proposed plat. He explained there is the historic 10-foot easement for Grenier Road, and then some time ago, an additional 5 feet was acquired. He pointed out the additional 10 feet that is being asked for tonight. He explained the city would be looking for the remaining 25 feet from the south side.

Callison asked if the road is on the existing right-of-way or if it is south of that border.

Olson pointed out where the pavement is on the plat. He stated some of that 15 feet is paved.

Schultz stated when he acquired this property many years ago, it was 60,000 square feet. Through time and adjacent road projects, he is down to 39,000 square feet for the entire property. The survey just completed of the lot would indicate the property line is actually across Grenier Road, and at the east end of the property it is two-thirds of the way across the road. That is where much of the land has gone. For the past number of years, he has paid taxes on the 60,000 square feet. In 2004 and 2005 the County adjusted the size of the lot down to 1.07 acres. He understands both lots 1 and 2 require a variance for being under the 22,000 square feet level.

Callison responded only one lot requires a variance.

Schultz continued the trees are important to him. He was involved with the Glen Lake Mighty Mites many years ago. At that time he obtained 16 trees to be planted at the Mighty Mites fields. Each team planted a tree and many of those trees are still there today; he is concerned that these trees will go away.

Callison explained she understands his concern, and noted if there were a project to put a road in here, there would be another procedure to go through. This decision tonight does not dictate what will happen to those trees.
Schultz stated he would not like to see the 10 feet taken. He asked if it would be possible to reduce that right-of-way to 5 feet, which would guarantee the trees would stay.

Callison stated she cannot speculate that the trees would necessarily be saved if the road were 5 feet further away. She does not know at what point an impact will be seen.

Peterson stated reducing the right-of-way to 5 feet does not mean it would legally protect the trees, because the city might need a construction easement that would have the trees go down. Giving the city the easement to those 10 feet does not give the city unlimited right to cut those trees down. The only right the city has is to construct a public street. Absent the need to do that, those trees will remain Mr. Schultz's. The city can only take those trees down if it is needed for the street.

Schultz stated there are eight houses on Grenier Road today, and assuming this lot is simplified, there would be nine. He questioned the need for a 50-foot street with so few houses at any point in time.

Callison stated the street would not be 50 feet; the standard is 26 feet. However, width is needed on either side of the street for construction.

Schultz stated he feels very passionate about the trees.

Callison reiterated there would be a second process to go through if ever the city felt it needed to widen the street.

Schneider stated if this had adequate right-of-way on the south side of the road, this road would be a good candidate for a 40-foot right-of-way because of the tree impact. He noted if the road is rebuilt, the city would have to decide what to do with acquiring more right-of-way, or the area to the south may redevelop. With that unknown in place, he is inclined to stay with the city standards for now with the idea that the city has no plans to redo the street, and in all likelihood it would only be rebuilt if it fell apart or the area to the south develops.

Schultz noted that property to the south just sold recently.

Callison thanked the applicant for his comments.
Wiersum asked where Grenier Road fits into the city's plans for street reconstruction. He sympathized with Mr. Schultz's concern because when the right-of-way is lost, there are no guarantees.

Gustafson stated the city currently has no plans to reconstruct the street. It is not scheduled for anything within the next 10 years. He pointed out that any time the city does a reconstruction project; every effort is made to save as many trees as possible. He stated the city would do everything possible to protect the trees.

Allendorf recalled when he asked his earlier question about a fallback right-of-way amount, he was trying to grab on to some sort of principle or rule. Because there are only nine houses on the street does not mean it will not be reconstructed because it may deteriorate. He stated he will follow staff's recommendation, knowing the applicant's feelings, but also knowing that this council or the council 10 years from now will be very attuned to what the natural resources are.

Wiersum stated he will also go along with the staff recommendation because there are not great alternatives on the north or south side of the road. He noted this situation arises out of the applicant's desire to subdivide his property. He believes staff will be compassionate regarding the trees. The applicant will be able to divide his property, and the city is able to obtain the right-of-way. Even though it is not a perfect solution, both parties are gaining something.

Ellingson stated he was inclined to go along with a smaller easement as suggested by Allendorf. He noted there is almost no traffic on this street because there are only nine houses. He stated the other people who live on the street except for the new houses have not had to give up this 10 feet.

Olson stated when the Sheely's subdivided their lot, they did dedicate 25 feet on the south half of the road and the right-of-way for a turnaround cul-de-sac.

Ellingson restated that other than the two new houses, he is not sure the city has acquired that 10-foot easement from other houses on the street. His understanding is the city would have to buy an easement from those other houses like it bought the 5 feet from the Schultz's a while ago. He does not think it is likely the street will be widened for a long time, so it does not seem necessary to take the full 10 feet.
Peterson stated the reason the city is able to get additional right-of-way from the applicant is that he is getting an advantage and a benefit of being able to subdivide his property. The law gives the city the right at that point to request the right-of-way because his property will add more traffic onto that public road and will create an additional burden on that road. Therefore the city does have the right to ask for an additional right-of-way. If the properties on the south side did not subdivide, the city would not have had the opportunity to ask for the additional right-of-way.

Callison stated she will support the staff recommendation on this. It is difficult to do that, but it is prudent as a city to request the right-of-way and not to pay for it down the road. She is comfortable that if the road is widened at some point, every effort will be made to avoid those trees. She also understands that Schultz wants to subdivide his lot, and that is the reason this is transpiring. This is a good decision for future planning.

Schneider moved, Wiersum seconded a motion to give preliminary approval to the Grenier Road Addition plat, date stamped April 11, 2006, with lot area variances. Approval is based on the following findings:

1) Except for the requested variances, the proposal meets the required standards and ordinance for a preliminary plat:
   a. The variances are reasonable. The variances are necessary due to required dedication of street right-of-way. If the additional right-of-way were not needed along Grenier Road, the property could be divided without variance.
   b. The proposed lot sizes would be consistent with existing substandard lots in the area.
   c. The existing property is a large, corner lot located on a substandard right-of-way. This is a unique circumstance not common to every R-1 property.
   d. The variances would not alter the character of the neighborhood.

Approval is subject to the following conditions:
1) Complete the following before final plat approval:
   a. Show the following on the final plat:
      (1) Dedicate 10-feet of additional right-of-way along Grenier Road.
      (2) Dedicate 7 feet of additional right-of-way along Eden Prairie Road.
      (3) At least ten-foot-wide drainage and utility easements along the front property lines and at
least seven-foot-wide drainage and utility easements along all other lot lines.

b. Pay the city a park dedication fee of $2,375.

c. Submit final utility plans.

2) The following items must be submitted to the city before the city releases the final plat:

a. An electronic CAD file of the final plat in microstation or DXF on a CD disk.

b. The following documents for the city attorney's approval:

(1) Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the final plat.

(2) Provide restrictive covenants to be recorded against the individual lots with the plat. The covenants must include the conditions that have not been met as of the release of the plat. These covenants must first be submitted for the city attorney's approval.

These documents must be recorded with the final plat, and a drawing of any easement must be attached to the easement deed.

c. Any other requirements included with final plat approval.

3) The following must be completed before the city issues a building permit:

a. City approval of a grading and tree preservation plan for each lot. The plans must be in substantial compliance with the building pad shown on the preliminary plat and must preserve trees designated for preservation at the time of preliminary plat approval. The city may require adjustments in the house pad location to maximize tree preservation. The sewer and water services must be shown to minimize impact to any significant trees.

b. City approval of the installation of a temporary rock driveway, erosion control, and tree protection fencing for each lot.

c. Submit a copy of the recorded plat and any easement or covenants required to be recorded.

d. Pay a hookup fee for sanitary sewer and water.

e. Submit a letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance. If the grading for proposed streets has not been completed, the planning director may approve a time extension to this requirement.
4) During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.

5) Trees must be planted to compensate for significant trees removed from each site that would be outside of the building pad and driveway area. The trees must be primarily species native to the area. They must be at least 2 1/2 inches in diameter for deciduous trees and 6 feet tall for coniferous trees. The property owner or original developer must replace the required trees if they die within one year after installation.

6) The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

Wiersum, Thomas, Allendorf, Schneider and Callison voted “yes.” Ellingson voted “no.” Motion carried.

15. APPOINTMENTS and REAPPOINTMENTS: None.

16. ADJOURNMENT.

Thomas moved, Wiersum seconded a motion to adjourn the meeting at 8:29 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

Laura Ronbeck,
Acting City Clerk
8. Public Hearings

A. Preliminary and final plats with lot area and front yard setback variances and waiving of the McMansion Policy for Grenier Road Addition at 5717 Eden Prairie Road.

Acting Chair Calvert introduced the proposal and called for the staff report.

Gordon reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Sewall asked why the right-of-way easement would be increased. Gordon explained that it would bring the right of way closer to the city's fifty-foot standard.

The public hearing was opened.

Duane Schulz, owner of 5717 Eden Prairie Road, explained that the house across from Grenier Road is five feet from the paved street. His property’s lot line is located in his neighbor’s front yard. His property’s back lot line is about three fourths of the way across Grenier Road. The current situation created the need for the change in dedication. Staff made a good point that four of the properties adjoining his property are substandard-sized lots now. There is a tree shown on the proposed lot that was damaged by a storm two weeks ago that will have to be removed or it will fall on his garage.

No testimony was submitted and the hearing was closed.

Acting Chair Calvert felt that the proposal is pretty straightforward.

Powers moved, second by Sewall, to recommend that the city council adopt the resolution approving preliminary and final plats with lot area and front yard setback variances and waiving of the McMansion Policy for Grenier Road Addition at 5717 Eden Prairie Road.

Schack, Sewall, Knight, O'Connell, Powers, and Calvert voted yes. Kirk was absent. Motion carried.

This item is tentatively scheduled to be reviewed by the city council at its August 14, 2017 meeting.
Resolution No. 2017-
Resolution approving the preliminary and final plats, with lot area and front yard setback variances, and waiving the McMansion Policy, for GRENIER ROAD ADDITION at 5717 Eden Prairie Road

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

Section 1. Background.

1.01 Duane and Shirley Shultz own the property at 5717 Eden Prairie Road. The property is legally described on Exhibit A of this resolution.

1.02 In 2006, the property owners proposed to divide the property into two lots. During review of the subdivision, Hennepin County requested additional right-of-way adjacent to Eden Prairie Road and the city noted the need for additional right-of-way adjacent to Grenier Road. The dedication of this right-of-way impacted the subdivision request. Prior to right-of-way dedication the proposed subdivision met all minimum subdivision and zoning ordinance standards. However, with the required dedication, two variances were necessary: (1) lot area variance for the newly created lot; and (2) front yard setback variance for the existing home.

1.03 On June 5, 2006, the city council approved the preliminary plat, with variances. At the time of approval, the property owners indicated their opposition to the right-of-way dedication.

1.04 The preliminary plat approval expired on June 5, 2007, without a final plat application being submitted.
1.05 Duane and Shirley Shultz are again proposing to divide the property into two lots as approved in 2006. However, the submitted plans now specifically include dedication of the county and city rights-of-way.

1.06 The proposed plats include the following variances:

- Lot area variance for proposed Lot 2 from 22,000 square feet to 19,042 square feet.
- Front yard setback variance for the existing home from 25 feet to 15 feet.

1.07 On July 20, 2017, the planning commission held a hearing on the proposed subdivision. 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 preliminary and final plats, with lot area and front yard setback variances, and waive the McMansion Policy.

Section 2. General Standards.

2.01 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the city to grant variances.

2.02 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution.

2.03 By City Code §400.055, a variance may be granted from the provisions of the subdivision ordinance when an applicant meets the burden of proving that:

1. The proposed variance is a reasonable use of the property, considering such things as:
   a) functional and aesthetic justifications for the variance; and
   b) improvement to the appearance and stability of the property and neighborhood.

2. The circumstances justifying the variance are unique to the property, are not caused by the landowner, are not solely for the landowner's
convenience, and are not solely because of economic considerations; and

3. The variance would not adversely affect or alter the essential character of the neighborhood.

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.

2.05 The McMansion Policy is a tool the city can use to ensure that homes constructed on lots requiring variance from the subdivision ordinance, or homes that require variances to zoning standards, have a visual mass similar to that of existing homes within a neighborhood. Under the policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property.

Section 3. Findings.

3.01 The proposed preliminary and final plats would meet all but one design requirement as outlined in City Code §400.030. Specifically, a lot area variance is required for proposed Lot 2. The lot area variance would meet the variance standard as outlined in City Code §400.055:

1. Reasonableness and Unique Circumstance. The lot area variance is reasonable given the unique circumstances associated with the site. But for the dedication of right-of-way along Grenier Road, the subject property could be divided into two lots meeting all minimum subdivision ordinance requirements.

2. Neighborhood Character. Lot sizes vary considerably in immediate area. In fact, there are three existing, substandard lots along Grenier Road and several more in the surrounding neighborhood. The lot size variance would not impact neighborhood character.

3.02 The front yard setback variance to the existing house would meet the
variance standard outlined in City Code §300.07 Subd. 1(a):

1. **Purpose and Intent.** The intent of the front yard setback requirement is twofold: (1) to ensure adequate separation between structures and the traveled portion of streets; and (2) to establish consistent building lines with a neighborhood. The proposed setback would meet this intent. There is no change currently proposed to the location of the traveled portion of Grenier Road or to the location of the existing home. The variance is purely technical in nature.

2. **Comprehensive Plan.** The guiding principles in the comprehensive plan provide for maintaining, preserving, and enhancing existing single-family neighborhoods. The setback variance is not contrary to these principles. Rather, it would allow the existing home to remain in its current location and configuration while allowing the city to acquire right-of-way.

3. **Practical Difficulties.**
   a) **Reasonableness and Unique Circumstance.** The setback variance is reasonable due to a unique circumstance. The existing home is located 25 feet from the south property line adjacent to Grenier Road; this setback meets the code requirement for a corner lot. With the dedication of right-of-way, the setback to the existing home would be reduced to 15 feet. In other words, it is the city’s action that creates the front yard setback variance situation.
   b) **Neighborhood Character.** The setback variance for the existing home would have no visual impact on the surrounding area. There is no change currently proposed to the location of the traveled portion of Grenier Road or to the location of the existing home. The variance is purely technical in nature.

3.03 The intent of the McMansion Policy is to ensure that homes constructed on lots requiring variance from the subdivision ordinance, or homes that require variances to zoning standards, have a visual mass similar to that of existing homes within a neighborhood. The policy is not applied on lots that meet minimum size and dimension standards or to homes that meet minimum setback standards. In case of the proposed subdivision, the lot area and setback variances are necessary because of the required dedication of right-of-way. It would not be reasonable for the city to restrict house size based on variances that the city itself “created.”

4.01 The above-described preliminary and final plat, with lot area and front yard setback variances, are hereby approved. Approval is based on the findings outlined in Section 3 of this resolution.

4.02 The McMansion Policy is hereby waived. This waiver is based on the findings outlined in Section 3 of this resolution.

4.03 Approval and waiver are subject to the following conditions:

1. Prior to release of the final plat for recording, submit the following:
   a) Documents for the city attorney’s review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
      1) Title evidence that is current within thirty days before release of the final plat.
      2) An encroachment agreement for an existing retaining wall located within newly established drainage and utility easements.
   b) Two sets of mylars for city signatures.
   c) An electronic CAD file of the plat in microstation or DXF.
   d) Park dedication fee of $5,000.

2. Subject to staff approval, GRENIER ROAD ADDITION must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   • Preliminary Plat, with revised date June 19, 2017

3. Prior to issuance of a building permit for any new home:
   a) Submit the following items for staff review and approval:
      1) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
2) Final grading and tree preservation plan for the lot. The plan must be in substantial conformance with: (1) grading shown on Preliminary Plat, revised date June 19, 2017; and (2) the following conditions:

   a. No more than three (3) high-priority trees may be removed from the combined site.

   b. High-priority trees shown to be preserved must be protected during all grading and construction activity.

   c. Final grading must be adjusted relative to the 29-inch sugar maple located west of the new home. There must be less than 30 percent impact to the tree's critical root zone.

   d. Final design of the new home must minimize grading east and north of the home to minimize impact to trees on adjacent lots.

   e. Grading must direct runoff toward the southwest corner of home and lot prior to discharging to street.

3) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:

   • The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

   • If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

   b) Install a temporary rock driveway, erosion control and tree protection fencing and any other measures as required for
staff inspection. These items must be maintained throughout the course of construction.

d) Submit all required hook-up fees.

e) Unless specifically authorized by city staff, no site work or tree removal may occur until issuance of a building permit.

4. Any new homes constructed on Lots 1 and 2 are subject to the following:

a) Principal structure minimum setbacks are required as follows:

<table>
<thead>
<tr>
<th>Setback</th>
<th>Lot 1</th>
<th>Lot 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard</td>
<td>35 feet south property line*</td>
<td>35 feet</td>
</tr>
<tr>
<td></td>
<td>50 feet west property line*</td>
<td></td>
</tr>
<tr>
<td>Side Yard</td>
<td>10 feet</td>
<td>60 feet west property line</td>
</tr>
<tr>
<td>Aggregate Side Yard</td>
<td>30 feet</td>
<td>70 feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>35 feet east property line is defined as rear line by code</td>
<td>26 feet</td>
</tr>
</tbody>
</table>

*One front yard setback may be reduced by 10 feet without variance, so long as other front yard setback is met.

b) If a new home cannot be encompassed by 150 feet of fire hose coverage, either: (1) the home must be protected by a 13D automatic fire sprinkler system or an approved alternative system; or (2) the driveway must be 20 feet wide of paved surface at less than 10% grade.

5. During construction, the streets must be kept free of debris and sediment.

6. Permits may be required from other outside agencies including Nine-Mile Creek Watershed District. It is the applicant’s and/or property owner’s responsibility to obtain any necessary permits.

7. Any work within Hennepin County right-of-way will require a specific permit from the County. Proof of such permit must be submitted to the city prior to work in the right-of-way.
8. This approval will be void on August 14, 2018 if: (1) the final plat has not been recorded with the county; and (2) the city has not received and approved a written application for a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 14, 2017.

_________________________
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 August 14, 2017.

_________________________
David E. Maeda, City Clerk
EXHIBIT A

That part of the Southeast Quarter of the Northeast Quarter of Section 33, Township 117 North, Range 22 West of the 5th principal meridian described as follows: Commencing on the east line of the Southeast Quarter of the Northeast Quarter of Section 33, Township 117, Range 22; at a point 751.9 feet south of the south line of GLEN LAKE PARK; thence west parallel with the south line of said Addition, to east line of Eden Prairie Road; thence southerly along said easterly line 166.2 feet to a point 276.8 feet north at right angles from south line of Northeast Quarter of said Section; thence East 82 degrees 30 minutes with east line of said road to east line of said Southeast Quarter of the Northeast Quarter; thence north to beginning, EXCEPT the east 200 feet thereof.
City Council Agenda Item #12A
Meeting of August 14, 2017

**Brief Description**

Items concerning Shady Oak Road Redevelopment:

1) Comprehensive guide plan amendment;
2) Rezoning,
3) Subdivision, and
4) Site and Building Plan review

**Recommendation**

Introduce the ordinance rezoning the property from B-2 to Planned Unit Development and refer it to the planning commission

**Background**

The city of Minnetonka purchased the property at 4312 Shady Oak Rd. in March 2015. In November 2016, after several neighborhood meetings and a developer interview process, the city council selected Ron Clark Construction to begin negotiations and propose a development concept.

A concept drawing and site plan were presented in February and April of 2017. In June 2017, following community and city feedback, Ron Clark Construction announced it would make modifications to the concept plan. The revised concept plan was submitted as a formal application on July 24, 2017 and presented at an open house on August 2, 2017.

**Proposal**

Shady Oak Crossing. Ron Clark Construction is proposing a three-story, 49-unit apartment building on the property located at 4312 Shady Oak Road. The proposed apartment building would have underground parking, resident community room, exercise room, on-site manager’s office and an outdoor play area. The building would have a mix of 1, 2 and 3 bedroom apartments with rents expected to be between $800 and $1200 per month. The proposal requires: (1) Comprehensive Plan amendment, (2) Rezoning, (3) Subdivision and (4) Site and Building Plan review. The proposal requires approval of:

1) **Comprehensive Guide Plan Amendment.** The 2030 Comprehensive Guide Plan designates the site for commercial land uses. The proposal requires an amendment to high-density residential.
2) **Rezoning.** The property is zoned B-2 and R-1. The applicant is requesting a rezoning to Planned Unit Development.

3) **Subdivision.** The applicant is proposing to subdivide a portion of the adjacent and also city-owned residential property and allowance for stormwater management to occur on that property with an easement.

4) **Final Site and Building Plans.** By city code, site and building plan review is required for construction of any new building of the proposed size.

**Issue Identification**

The purpose of introducing an ordinance is to give the city council the opportunity to review a new application before sending it to the planning commission for a recommendation. Introducing an ordinance does not constitute an approval. The tentative planning commission date is September 7, 2017.

Based on preliminary review of the proposal, staff has identified the following issues for further analysis and discussion:

1) **Land Use Change.** The property has functioned as a commercial property for decades. A change of use to some form of residential or mixed commercial/residential use has been anticipated in city redevelopment planning studies for many years. Recent roadway improvements to Shady Oak Road have changed traffic dynamics and access along the corridor.

2) **Site and Building Design.** Review of the proposed site and building design will consider site context, comments from previous concept plan reviews and community input. The proposal presents different land use dynamics and site function than the long-standing commercial building.

3) **Stormwater Management.** Development of this site will require implementation of new stormwater management techniques. The proposed techniques will be analyzed for conformance with the city’s water resources management plan.

4) **Neighborhood Buffering and Screening.** Although the commercial building has no landscape or constructed screening to buffer it from the adjacent single-family neighborhood, the proposal presents an opportunity to improve screening and buffer the site and Shady Oak Road corridor.

**Staff Recommendation**

Introduce the attached ordinance and refer it to the planning commission.
Submitted through:
   Geralyn Barone, City Manager
   Julie Wischnack, AICP, Community Development Director

Originated by:
   Loren Gordon, AICP, City Planner
LOCATION MAP

Project: Shady Oak Redevelopment
Address: 4312 Shady Oak Rd.

This map is for illustrative purposes only.
Planting soil to be a 1:1:1 mixture with 1 part peat, 1 part soil, and 1 part sand and installed as per detail drawings. All perennial areas to be

ORNAMENTAL SHRUBS AND PERENNIALS

Shade Tree Planting Detail

Landscape Plan

3 - NOP
1 - HTO

5 - SGM
3 - NOP

34 - KFO
12 - TGD

2 - JLT

3 - AUB
3 - SGB

29 - LPS
2 - FFM

22 - MHR
2 - JLT

3 - HTO

Rock Mulch

SITE ID SIGN LOCATION

OAK DRIVE LANE

SHADY OAK ROAD

SHADY OAK CROSSING

PRELIMINARY PLAN, NOT FOR CONSTRUCTION

PLANT SCHEDULE - PHASE TWO ONLY

<table>
<thead>
<tr>
<th>NO.</th>
<th>COMMON/BOTANICAL NAME</th>
<th>QTY</th>
<th>SIZE</th>
<th>KEY</th>
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<tbody>
<tr>
<td>1.</td>
<td>Acer saccharum 'Bailsta'</td>
<td>4</td>
<td>2.5&quot;</td>
<td>2</td>
</tr>
<tr>
<td>2.</td>
<td>Acer x freemanni 'Sienna'</td>
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<td>2.5&quot;</td>
<td>2</td>
</tr>
<tr>
<td>3.</td>
<td>Calamogrostis x acutifolia 'Karl Foerster'</td>
<td>6</td>
<td>1.5&quot;</td>
<td>3</td>
</tr>
<tr>
<td>4.</td>
<td>Hemerocallis 'Happy Returns'</td>
<td>6</td>
<td>2.5&quot;</td>
<td>2</td>
</tr>
<tr>
<td>5.</td>
<td>Thuja occidentalis 'Techny Globe'</td>
<td>3</td>
<td>2.5&quot;</td>
<td>2</td>
</tr>
<tr>
<td>6.</td>
<td>Rhus aromatica</td>
<td>6</td>
<td>2.5&quot;</td>
<td>2</td>
</tr>
<tr>
<td>7.</td>
<td>Spiraea japonica 'Little Princess'</td>
<td>6</td>
<td>2.5&quot;</td>
<td>2</td>
</tr>
<tr>
<td>8.</td>
<td>Pinus resinosa</td>
<td>6</td>
<td>2.5&quot;</td>
<td>2</td>
</tr>
<tr>
<td>9.</td>
<td>Quercus robur x macrocarpa 'Clemons'</td>
<td>6</td>
<td>6'</td>
<td>10</td>
</tr>
<tr>
<td>10.</td>
<td>Malus 'Spring Snow'</td>
<td>6</td>
<td>2.5&quot;</td>
<td>2</td>
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<tr>
<td>11.</td>
<td>Acer x freemanni 'Sienna'</td>
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<td>2.5&quot;</td>
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<td>12.</td>
<td>Calamogrostis x acutifolia 'Karl Foerster'</td>
<td>6</td>
<td>1.5&quot;</td>
<td>3</td>
</tr>
</tbody>
</table>

GENERAL NOTES PLAN SPECIFIC:

All plantings shall be true to name and size in accordance with American Nurseryman's Standards.

Planting soil to be a 1:1:1 mixture with 1 part peat, 1 part soil, and 1 part sand and installed as per detail drawings. All perennial areas to be excavated to a depth of 12 inches and backfilled with the planting soil mixture.

All plantings shall be guaranteed for one year (365 days) from date of acceptance. Landscape Contractor shall replace any dead or damaged plants at no additional cost to Owner during the guarantee period. Landscape Contractor shall make monthly site maintenance inspections and notify owner of maintenance deficiencies.

All trees shall be guied at the discretion of the landscape contractor. Landscape contractor shall warrant plants to be plumb at the end of the warranty period. All trees shall be wrapped at the end of November of installation year.

All shrub beds and areas indicated as receiving rock mulch shall receive a 5" deep layer of 2-4" size Washed River Rock over 3 ounce landscape fabric. Landscape maintenance bed around the building is 3 feet wide with 1 inch river rock over 3 ounce landscape fabric. All single trees shall receive a 4" layer of shredded bark mulch free of leaves, twigs, and other extraneous debris over weed barrier fabric.

All areas where soil and mulch shall have commercial grade black poly edger as shown in details.

SOD LIMITS ARE TO THE LOT LINES, STREET CURB, OR THE NORTH, EAST, AND SOUTH SIDE OF BUILDING. ON THE WEST SIDE OF THE BUILDING 30 FEET FROM EITHER THE BUILDING OR BEHIND CURB. SEE BALANCE OF THE AREAS ON THE WEST SIDE BY STRINGING 3 PART OF LANDSCAPE CONTRACT.

Sod shall be cultured Kentucky bluegrass, free of weeds and clumps. All area within the irrigation limits shall be sodded. Landscape Contractor will water at time of installation and roll all as needed to assure a smooth turf. All slopes greater than 3 to 1 shall be staked.

All shrub beds and areas indicated as receiving rock mulch shall receive a 5" deep layer of 2-4" size Washed River Rock over 3 ounce landscape fabric. Landscape maintenance bed around the building is 3 feet wide with 1 inch river rock over 3 ounce landscape fabric. All single trees shall receive a 4" layer of shredded bark mulch free of leaves, twigs, and other extraneous debris over weed barrier fabric.

All areas outside the irrigation limits shall be seeded with MNDOT 25-131 and mulch with straw disc anchored. Any slopes greater than 3:1 shall be blanketed with 2 side straw blanket.

A performance based irrigation system shall be installed by the Landscape Contractor including sleeve as needed. RPZ shall be supplied to the general contractor for installation. Coordinate with the general contractor for the size of the irrigation stub. IRRIGATION INSTALLED ONLY IN THE SODDED TURF AREAS.

Landscape Contractor shall be responsible for locating all utilities by actual location in the field prior to any planting operation.
Area Schedule (Gross Units)

<table>
<thead>
<tr>
<th>Name</th>
<th>Count</th>
<th>Gross Area</th>
<th>Unit Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit A1</td>
<td>10</td>
<td>818 ft²</td>
<td>1BR</td>
</tr>
<tr>
<td>Unit A2</td>
<td>Type A</td>
<td>2</td>
<td>801 ft²</td>
</tr>
<tr>
<td>Unit C1</td>
<td>13</td>
<td>1,015 ft²</td>
<td>2BR</td>
</tr>
<tr>
<td>Unit C2</td>
<td>10</td>
<td>1,038 ft²</td>
<td>2BR</td>
</tr>
<tr>
<td>Unit D3b</td>
<td>10</td>
<td>1,367 ft²</td>
<td>3BR</td>
</tr>
<tr>
<td>Unit D3c</td>
<td>2</td>
<td>1,328 ft²</td>
<td>3BR</td>
</tr>
<tr>
<td>Unit D4</td>
<td>2</td>
<td>1,337 ft²</td>
<td>3BR</td>
</tr>
</tbody>
</table>

Grand total: 49 units

Parking Schedule

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<th>Type</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garage</td>
<td>66</td>
</tr>
<tr>
<td>Surface</td>
<td>21</td>
</tr>
<tr>
<td>Surface ADA</td>
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Total Gross Area

<table>
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<tr>
<th>Level</th>
<th>Area</th>
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<tr>
<td>Level 3</td>
<td>17,268 ft²</td>
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<tr>
<td>Level 2</td>
<td>23,410 ft²</td>
</tr>
<tr>
<td>Level 1</td>
<td>23,461 ft²</td>
</tr>
<tr>
<td>Level -1</td>
<td>23,857 ft²</td>
</tr>
</tbody>
</table>

Grand total: 87,996 ft²
Calvert thought that it would be important that the project appear homogenous and not have the affordable housing building appear different than the other building.

Sewell thought that the project looks great. He favored managing the height. As the starting point for development in the area, it looks great and has a lot of great features.

This concept plan is tentatively scheduled to be reviewed by the city council at its meeting on March 6, 2017.

B. Concept plan review for the Shady Oak Redevelopment located at 4312 Shady Oak Road.

Chair Kirk introduced the proposal and called for the staff report.

Gordon and Wischnack reported. They recommended that the planning commissioners provide comments and feedback on the identified key issues and others the planning commission deems appropriate. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Wischnack explained that “low income” housing refers to a resident with an annual income of less than 30 percent of the area median income. Median income is $85,000 for this area. “Affordable housing” covers a range of up to 80 percent of the area median income. The proposed rent would be between $800 and $1,200 a unit which would be considered 60 percent of area median income. Wischnack refers to it as “workforce housing” and the worker typically earns between $40,000 and $50,000 a year. Tax credits would be used to offset the affordability of the project. The proposal would not be “Section 8 housing,” but Section 8 vouchers may be used to subsidize the rent.

Knight noted that the site has a fair amount of pollution. He asked if the adjacent site on the south side would be part of the proposal. Wischnack answered in the negative.

Chair Kirk asked who pays to have the site cleaned up. Wischnack explained that there are grants available. The city would apply for a grant to fund the cleanup. The city likes to have the redevelopment grading coincide with the cleanup.
Tim Whitten, of Whitten Associates, and Mike Roebuck and Mike Waldo, of Ron Clark Construction and Design, the development team, introduced themselves. Mr. Whitten stated that he is excited to work on the site since it is located in Minnetonka. He pointed out a large stormwater management easement located on the site. The site has a grade challenge and access restricted to Oak Drive Lane. The most efficient way to access the proposed three-story building with 54 units and structured parking would be straight in from the end. The site today is mostly impervious surface. There would be 59 enclosed parking stalls and 32 surface parking stalls. The grade dictated the site’s design. The proposal would reduce the site’s amount of impervious surface. A lot of green would be added. Even though the amount of stormwater runoff would be decreased, a rain garden would still be added to clean the stormwater. The concept plan shows the mass and scale of the building. The architectural features would provide a transition from existing residential to a commercial area. The focus would be to keep the main roof at a low pitch and stay within scale. Landscaping details would be worked out. Ron Clark is known for exceeding landscaping requirements. He was available for questions.

Calvert confirmed with Mr. Whitten that brick in brown tones and cement-board detailing would be the idea for the exterior.

Mr. Waldo explained that 54 units would allow for a full-time caretaker on site and on-site manager. He would like more than 54 units, but that would be a little tight.

Chair Kirk invited anyone present to comment.

Andy Braun, 4408 Crawford Road, asked for the purchase price of the site, the selling price of the site, the cost of the development, and how much profit would be expected from the rent of the units. He thought residents of the three-story building would be able to see his residence. He was concerned for his property’s value, public safety, and his wellbeing. “The record” shows that the comments were “less than three stories.” He asked if “Section 8” could apply.

Elizabeth Miller, 4408 Crawford Road, stated that she spoke on behalf of four of her neighbors. Her landscape would be degraded by the scope of the project. They received the information a couple weeks ago. The homeowners are invested for the future. A park or green space was off the table for discussion. The neighbors would take the loss on their property values, happiness, and safety.

Ann Aanestad, 4255 Oak Drive Lane, stated that she was concerned with the height of the proposed building. The surrounding houses are ramblers, one-story,
and modest-style houses. The underground parking would make the building four stories. It would not fit the housing in the area. The nearest park is over a mile away. There is not enough green space to accommodate 54 units. The proposal would cause grid lock in the area. The apartment building would not be appropriate in the area. It would not fit.

Chris Aanestad, 4255 Oak Drive Lane, stated that the building looks like it is four stories with the roof. It does not fit with the character of the neighborhood at all. He preferred owner-occupied. He did not know why townhomes would not be considered. He asked for the size of the lot and how many townhomes would be feasible. He thought 10 townhomes would allow the city to recoup its money. Traffic is a huge issue. This is the only access out of the neighborhood.

Kyle Holm, 4234 Oak Drive Lane, was worried about the stress 54 units would put on the school systems. The size of the building would be doubled. He asked if lowering the number of units could decrease rent because an on-site manager would not be funded. The rent would still be high. He is investing in his house. He agreed that something needs to happen on the site, but he is worried about his resale value.

David Cousins, 4531 Greenwood Drive, stated that he did not see a complete line of justification. He asked what more needs to be done with the process and how urgent is the redevelopment. He asked for the tax consequences for the city and county.

Mr. Braun asked if the $800 to $1,200 range included subsidies. He was concerned with headlights hitting a house near the site. He questioned why all options were not on the board to begin with.

Ellen Cousins, 4531 Greenwood Drive, requested that action be tabled for a couple years until the lite rail has been operating to see what would be the best use of the property. She saw no reason to develop the property. The proposal would ruin the neighborhood.

Mr. Braun said that the site is very visible on a main corridor. Something commercial that would be a public resource would be more appropriate than residential. Residential housing should be located further from the corridor.

Ms. Miller confirmed that commissioners had something that she previously submitted.
Nathan Toldts, 4231 Oak Drive Lane, stated that he was concerned with the size of the building, number of units, and traffic. He would prefer something smaller that would provide more of a transition to the single-family residences.

Receiving public comments was concluded.

Chair Kirk noted that this concept plan is tentatively scheduled to be reviewed by the city council at its meeting on February 27, 2017.

Chair Kirk explained that the planning commission looks at the land use issues of each proposal, not the financial aspects. Wischnack stated that the purchase price for both properties was $1.9 million. The sale price is unknown and will not be public information until it is included in the agenda report and reviewed by the city council for approval of the sale at a city council meeting. Of the $1.9 million paid for the Shady Oak project, $900,000 was returned to the city. When the city council purchased the property, the purpose was to solve a road improvement issue. The city council has purchased other properties for parks, but not this site.

Mr. Waldo explained that apartment buildings financed with tax credits or any other source is required to allow a Section 8 voucher to be used based on the rent being charged. He estimated 5 to 12 percent of the units would have a renter utilizing a voucher. He noted voucher users are some of the best tenants because the participants do not want to risk losing the voucher.

Gordon noted that the site is located in the Hopkins School District. The school district would be better able to estimate the number of school-age children in the area. Bus routes are planned during the enrollment process. He estimated that a school bus would travel past the site.

Gordon explained that redevelopment has always improved surrounding property values in Minnetonka. A residential apartment building pays the highest rate of property taxes. There is a commercial use underperforming next door. An underperforming commercial use next door could decrease surrounding property values.

Chair Kirk reviewed comments from the public including concern with the size of the building and traffic issues related to Oak Drive Lane and Shady Oak Road.

Calvert clarified that the site is currently zoned for a commercial use. Gordon confirmed that the site is guided by the comprehensive guide plan for commercial and its zoning district is B-2, which would allow offices, gas stations, and fast-
food restaurants with a drive-through window. The proposed zoning change would be a less intensive district than a commercial district.

Calvert asked how a 54-unit apartment building would fit with the city’s housing goals. Gordon reviewed the housing gaps analysis that projected 1,250 units would be located within a half mile of the Shady Oak SWLRT station.

Wischnack reviewed options considered for the site. The city’s goal of purchasing the site was not to make money. It was necessary for the Shady Oak Road improvement project. The city hopes to break even when it is sold.

Powers confirmed with Wischnack that a commercial use could apply to be located on the site, but never did. Wischnack explained that staff met with developers representing each type of use and all of them determined that the location would not be good for retail or commercial. A pharmacy may be the only viable commercial use.

Calvert confirmed with Wischnack that the adjacent house would not be included in the proposal.

Knight thought that the proposal probably is too big, has too many units, and would add to the traffic problems.

Calvert was concerned with the mass. She was excited that the building would be moved away from the road and create green space. Having an on-site manager is important, but she thought that the building would be too big.

Powers did not think the proposal would fit into the neighborhood. Headlights into the house and traffic on Oak Drive Lane are serious issues. He did not like the concept plan.

Calvert clarified that the proposal would provide “affordable housing.” She has no aversion to renters who utilize vouchers.

O’Connell stated that he knows of developments that provide Section 42 housing and the buildings are well maintained and attractive. He stated that multi-family housing should be located on a busy, arterial road. The issue with access to travel north is real and the proposal would increase that problem. The use of the site is better as multi-family residential than its current zoning. The site is an eyesore. It would benefit the neighborhood to fix it.
Sewell felt that apartments would be an appropriate use, but the scale of the building may not fit and could adversely impact the neighborhood.

Chair Kirk noted that the utility easement limits what can be done on the site. The proposed building would be too tall and long. There would be no transition from the proposed building to single-family residences. The entrance would need to be on the west side to provide better traffic flow. There should be no more than one driveway off of Oak Drive Lane.

Chair Kirk thanked the neighbors for their attendance.

9. **Adjournment**

* Sewell moved, second by Calvert, to adjourn the meeting at 9:33 p.m.*  
*Motion carried unanimously.*

By:  

_____________________________  
Lois T. Mason  
Planning Secretary
Bergstedt moved, Wiersum seconded a motion to grant the license. All voted “yes.” Motion carried.

14. Other Business:

A. Concept plan review for the Shady Oak Redevelopment located at 4312 Shady Oak Road

Wischnack gave the staff report.

Mike Waldo, Ron Clark Construction, said the company really likes the site and has enjoyed working with the city. During the concept plan review process the developer was trying to understand what the neighborhood, planning commission and council was looking for. He felt that the apartment use was a great transitional zoning.

Tim Whitten, Whitten Associates, said currently pretty much the entire site was covered by impervious surface. There was an opportunity to add a lot of green space. The current building was a walkout on the west side. The proposal would put a parking structure in place of the walkout. He said there was an easement on the west side that defined the site. The building can’t go past that. A number of different options were looked at as they prepared to respond to the request for information. Everything they looked at came back to the same location on the property with one structured building. The solution they are looking at works hard to fit into the available space. The hope is to push the building close to Shady Oak Road to create an urban feel.

Whitten noted there were around 50 people who attended the neighborhood meeting and he was appreciative of the respectful discussion. In looking at the site there was a significant grade difference from the south to the north. The only realistic access was on Oak Drive Lane. This would work well since the site tipped that way. In the middle of the surface parking was the main entrance to the building. A lot of grade needs to be raised to provide the handicap accessibility. This provides the opportunity to cover the structured part of the building. The center of the building on the main floor would be the common area amenities. The idea was to promote direct access for residents to get to the Shady Oak Road sidewalk so they can take advantage of mass transit. There would be ample space for bikes in the building.

Ann Aanestad, 4255 Oak Drive Lane, said the roadway off Shady Oak Road was actually preferred but because property to the south of the proposed building was privately owned, it could not be purchased. Due to the reconstruction of Shady Oak Road there already was a lot of traffic
coming from the upper neighborhoods into her neighborhood. She said the proposed building would cause massive traffic concerns and was too big. The building was surrounded by wetlands that already were disturbed by the road reconstruction. She said the wetlands should be preserved. She asked that the city consider making it into a preserve area to preserve water quality and the wetlands.

David Cousins, 4531 Greenwood Drive, said the consensus at the neighborhood meeting was there wasn’t a lot of support for the project. The building as rendered looks nothing like the other buildings in the area. He said planning commissioners made comments about the site continually being looked at as some type of transitional site, but the height of the building was too much. There were several comments about too much mass. There were also concerns about the traffic situation. He suggested re-thinking what should be done with the site.

Elizabeth Miller, 4408 Crawford Road, said said she shared the same concerns as the other two testifiers including traffic issues. The area needed more community development as it was cut off from any nearby amenities such as parks. She felt that option was taken off the table from the very beginning. She said one of the planning commissioners agreed that the project would hurt neighborhood property values. Sustainable agriculture was something the city was lacking. Nationwide there are school to garden programs that are very positive to the community.

Kyle Holm, 4234 Oak Drive Lane, asked what the developer was thinking the roof peak height would be. His house’s roof peak height was 19 feet and he thought this was comparable to the rest of the neighborhood. He said the foundation size of the proposed building would double from the current building. He shared the concerns about traffic. The neighborhood was starting to turn over with a lot of young families so he liked the idea of gardening for the property.

Wagner noted the other property was not being included at this point and asked for more information about that. There had been a lot of discussion during the council study session about whether to include the other property as part of this project and the council seemed to be split on the issue. Wischnack said that on the original submission there were townhomes placed on the location. Because of the neighboring single family homes staff felt it seemed odd to place a twin home on the property. It could still be added to the plan.

Wiersum said the fact the city owned both the parcels it begged the question if there could be more creativity with the transition. He asked what options existed, given the easement, to bridge the two properties in a
way that made sense. Whitten said it would be a terrific opportunity to use both properties as one if not for the easement between the two. The variety of different site solutions would have been extraordinary. Wiersum asked what the dollar value was for the smaller lot. Wischnack said the average house value in the neighborhood was $205,000. Wiersum said while the ideas for a park were nice, $1.9 million for a one acre park seemed too spendy but maybe using the separated property creatively to create an amenity might take the sting out of some of the options being considered.

Allendorf said his recollection of the council’s discussion during the study session was the same as Wagner’s. He thought the majority of the council was leaning on looking at a proposal that would use both properties not together, because of the easement, but the townhouse idea on the west property provided a good transition into the neighborhood. He asked if it was anticipated a traffic study would be done if the project moved forward. Wischnack said a traffic study along with all the environmental work and storm water analysis would be done if the project proceeded. She noted there had been discussion about gaining access off the Mainstreet and those discussions would continue.

Ellingson said during the neighborhood meeting it was pointed out it was possible to turn left or right on Oak Drive Lane but it was difficult to turn left especially during rush hour. He questioned how the traffic would be directed to Mainstreet.

Acomb said housing made sense for the site. She had concerns about the size of the building compared to the single-family homes and businesses in the area. The multi-level housing in Hopkins along Mainstreet doesn’t have such a large look. She drove the neighborhood earlier in the day and said it was a charming neighborhood. She thought it would be a great place to live given the proximity to the light rail station. There were parts of the plan she appreciated like the green space and the bicycle accommodations. She had concerns about circulation on the site and the two access points. She recalled the discussions about including the other property and at the time it was more appealing to her than it currently was. There’s no buffer between the building and the neighborhood. She liked the idea of having some open space.

Wagner said this location was studied by the council for a number of years. The council had always considered the area as part of the light rail walkshed. The discussion was about ensuring this site was attractive and blended in with what the future of the corridor will be. It will not fit in with the current strip mall or the empty lots. The council would love to have open space everywhere but that wasn’t why this particular parcel was
purchased by the city. He thought the site outlived its life as a commercial site and housing was appropriate. He was not as concerned with the 54 units because the other options looked had even more units. He liked the look that made it feel more "townhome-ish" versus the current look with one entrance that looked too "apartment building-ish." He would like to have it feel more residential in the look.

Bergstedt said there were a lot of constraints on the site. When the city purchased the property, it was not done with the intention to have a park and he thought residential was appropriate. It looked like a very urban apartment building with its proximity to the road. If there was a way to soften the look and make it look more "townhome-ish" that would be good. His biggest concern was with the traffic. If people can't easily and safely get on to Shady Oak Road then the number of units and how well the building was designed didn't matter. He noted the site was a contaminated site and asked how that would be addressed with whatever was developed on the site and how that would be funded. Wischnack said the site cleanup was part of the negotiation. With other contaminated sites the city applied for available funding from the county, state and Metropolitan Council. Typically, the cleanup was done as part of the development process. The cleanup can't be done without removing the building and contaminated soil. Currently staff was writing the response action plan. This had to be done regardless of how the site was developed.

Wiersum said a number of things had been looked at for the property. The proposal for 54 units was the smallest that was looked at other than the townhomes, which simply were not feasible. If done right, 54 units would work if the traffic works. He looked at the stacking on Oak Drive Lane as being an issue. He said looking at the multi-unit buildings the council approved during the last five years, many of them very attractive buildings, he has never driven by one and thought, 'that's smaller than I expected it would be.' For him that was a challenge. With the peaked roof, even though from a zoning standpoint it was a three-story building, he could understand the concerns that it looked like a four-story building. He challenged the architect to make the building look smaller. He said the site could be developed as commercial, but residential was less intrusive. Whatever ultimately was approved would be a dramatic improvement over what exists today. He wouldn't want to live next to what currently is on the site. The traffic study would tell a lot and would likely reveal some issues. He would like the building to have less scale and mass so it looked smaller.

Schneider said the use of housing and the potential to do workforce housing on the site was a great advantage for the city. It was very difficult to do and there was a certain critical mass needed to attract the attention
of the funders to make it happen. He thought 54 units was about the right number and would not push for a two-story building or a significantly different footprint. His guess was the traffic study would show the streets can handle traffic, and there would be a wait and a challenge with the people parked in the garage exiting during rush hour. He strongly suggested losing the efficiency of having the driveway go in direct but rather going in to the west. He would be willing to grant a parking variance because it would serve the neighborhood and make the development better. Having the driveway that close to the intersection was problematic. He also suggested widening the city street so there was a right turn in and left turn out. He said the current design while very attractive but lost some of the charm and “wow” factor that was initially shown. For him there were a couple of options. One was going forward with what was currently shown with a little less pitched roof to reduce the appearance. Another option would be adding a front porch and a patio to the first level units facing Excelsior Boulevard. This would be a huge benefit to the character and look.

Wischnack said the next steps would be to have more neighborhood meetings and another concept plan review.

15. Appointments and Reappointments:

A. Appointment of advisors for the 2017 Local Board of Appeal and Equalization

Schneider moved, Bergstedt seconded a motion to approve the appointment of Mr. Powers, Ms. Frost, Mr. Kriedberg and Ms. Miller as advisors for the 2017 Minnetonka Local Board of Appeal and Equalization. All voted “yes.” Motion carried.

16. Adjournment

Bergstedt moved, Wiersum seconded a motion to adjourn the meeting at 8:29 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk
Schneider said he liked the natural look of the wood but in today’s environment it deteriorates rapidly. It looks good for a year or two. He suggested looking at something that was more stable that looks good long term.

Wiersum said the boardwalk between Crosby Cove and Grays Bay dam was particularly well done and was extremely durable given the amount of traffic. He suggested using that same material for this boardwalk. He asked if there was a place in the city that used the same lighting as was being proposed for this project. D. Ellingson said this would be the first LED lighting used in Minnetonka.

Bergstedt said he preferred the synthetic material for the boardwalk. He questioned the durability of wood and had even bigger questions about how slippery wood can become when it’s wet.

Wagner moved, Bergstedt seconded a motion to adopt resolution 2017-040 approving the conditional use permit, with wetland setback variances, for trails and boardwalks within required wetland buffers; and resolution 2017-041 approving the conditional use permit for installation lighting on an existing athletic field until 9:45 p.m. All voted “yes.” Motion carried.

C. Continued concept plan review for the Shady Oak Redevelopment located at 4312 Shady Oak Road

Gordon, and City Engineer Will Manchester gave the staff report.

Tony Heppelmann, WSB & Associates, said he was directly involved with the Shady Oak Road reconstruction project. As soon as the city contacted his company to do the study, they went and put out video cameras to count the traffic. Simulation models are used to model the traffic. The modeled data is used to compare with the visual data. What the data showed was the 54-unit apartment building would increase the delay for drivers on Oak Drive Lane turning on to Shady Oak Road by three seconds. The traffic study also looked at what the traffic would be if the current building were fully occupied. He said in the p.m. peak hour it would generate almost three times the traffic amount compared with the apartment building. Other types of redevelopment like a Walgreens were also looked at and it was determined something like that would generate almost twice the amount of traffic compared with the apartment building. He said the apartment building would probably be the lowest traffic generator of anything that could be put on the site.

Heppelmann said currently the Oak Drive Lane is about 28 feet wide, only wide enough for a single vehicle approach so vehicles making a left turn
have the potential to block vehicles making a right turn. The study showed that at most there would be a couple vehicle queue. The information was provided at the open house and there was a question about when the counts were taken and if spring breaks might have impacted the count. He said WSB went out a second time and the counts on Oak Drive Lane were pretty much identical. The numbers on Shady Oak Road were up for unknown reasons. He noted the counts on Shady Oak Road were up about 70 percent from 2012 likely due to the diversion off Highway 169.

Wagner asked what could be expected in terms of stacking on Oak Drive Lane. Heppelmann said the model indicated the longest expected queue was two vehicles but there was enough room for four vehicles.

Schneider noted Heppelmann had said there was a potential for a vehicle making a left turn to block the ability of another vehicle to make a right turn. He asked if the recommendation was to put in a right turn lane. Heppelmann said currently the road isn't wide enough to add a right turn lane so in order to accomplish this, the curb would have to be moved. Given that most of the time there weren’t vehicles on Oak Drive Lane at the intersection, he didn’t think the cost of moving the curb was justified. The study showed the average overall delay was about 16 seconds.

Wischnack continued the staff report. She said there were three questions staff was presenting to the council to help guide the council discussion.

1) Is the council comfortable with the proposed multi-family apartment building with the monthly rents falling in the range of $800-$1,200?
2) Is the council comfortable with this density (30-32 units per acre)?
3) Comments about the design of the building.

Tim Whitten, Whitten Associates, presented the revised concept plan.

Mike Waldo, Ron Clark Construction and Design, showed examples of the company’s buildings in other communities. He went over some of the changes to the plan meant to address concerns that had been raised at the neighborhood meetings.

Wagner noted a lot had changed through the process. The current plan was for affordable and tax credit housing. He asked if anything had change in terms of the viability of the project given the potential changes at the federal level. Waldo said there had been changes since they started working on the RFI at the beginning of the process. The election and the expectation of tax reform had reduced the value of the credits. The difference is probably round 10 or 11 cents less than a year ago. He said he thinks the credits will go back up two or three cents.
Wiersum asked if the amount of habitable square footage had changed from earlier concepts. He also asked if there had been a change to the mix of one, two, and three bedroom units. Waldo said 98 percent of the mixture was the same. He said the overall square footage was substantially the same.

Fartun Ahmed, 14528 Moonlight Hill Road, said she is a business owner in the city and her parents run a daycare near this site. She supports the project and asked the council to support it as well. Affordable housing is very important for the city and discussions about affordable housing need to happen. She said young people like herself think very differently than the older generation that lives in the city. A lot of her generation is not looking to settle down and buy homes right away. A lot of her peers have school loans that they are trying to pay off so affordable housing was important to them. She said she read a lot of the rhetoric that was on the Minnetonka Matters portion of the city website. Comments like “this is going to be another Blake Road” were very inappropriate. She grew up in Westside Village on Blake Road and she doesn’t use drugs or trash neighborhoods and the same could be said with a lot of people in that neighborhood. She said the racial inequality that exists in Minnetonka is something that needs to be discussed. Comments like “those people” refer to members of her community. It was important to have affordable housing for the law-abiding citizens who are very innovative and who want to contribute to the community. She said a lot of the parents who use her childcare center have had to move out of the city because they can’t find affordable housing. A lot of the young people who grew up in the city are looking for diversity, innovation and community building.

Paul Burgett, a Hopkins resident, said he was opposed the project. He agreed with Ahmed that affordable housing was a good thing. He thought it should have been part of the discussion for the 75-unit development off Highway 169 where it wouldn’t impact the neighborhood as much. He was opposed to the size of the building, which would be two-thirds the size of the Titanic. The huge building would be dropped into a neighborhood that wasn’t made for it. He supported affordable housing in the city but thought jamming this building into this neighborhood would hurt affordable housing going forward. He suggested townhomes would be a better fit for the site or that the city wait five to ten years to see what happens to the market.

Elizabeth Miller submitted a petition signed by people opposed to the plan. She asked the architect at the open house what the tangible size difference in height was between this plan and the previous plan. She said the architect had no idea. If the city was investing taxpayer money to the developer, she thought the developer should at least know the height of
the building. If the developer could not live without 54 units and the neighbors couldn’t live with 54 units there was a disconnect and maybe this wasn’t the right developer. She said she appreciated Acomb’s inquiry during the Minnetonka Hills Apartments’ discussion about if affordable housing had been considered for that development because that’s where Miller thought affordable housing should go. She noted a map was emailed to staff showing where affordable housing was located in the city. She noted there was a very high amount within a one-mile radius of this neighborhood and little in the rest of the city. There were affordable homes in the neighborhood through the Homes Within Reach program. She would like to see more of that type of housing. She said the traffic engineer didn’t take into consideration the increased traffic that would occur with the park and ride if the LRT is built. She lives on Bradford Road and turning onto Shady Oak Road is very dangerous. She asked for a traffic study in that area too. She noted there was no easy access to Junction Park. The trees shown in the drawing were 50 feet high and in reality it would take years for the trees to grow that high.

Jen Westmoreland Bouchard, 4640 Caribou Drive, said she seconded everything Ahmed said. She had noticed a dangerous and very harmful thread of rhetoric in the comments on the online petition and the Minnetonka Matters site as well. She asked those opposed to the plan that had valid concerns to talk with their neighbors who are conflating crime with affordable housing and disparaging members of the community who live on Blake Road. She said she was impressed with the clear communication coming from the city but she was noticing there were voices being left out of the conversation. Westmoreland Bouchard said another resident, Angelique Ellis, asked her to share her comments with the council. Ellis looked for months to find affordable housing in the city. She needed a space that would accommodate her as someone in a wheelchair. Ellis indicated there was a lack of affordable housing for people with disabilities.

Chris Aanestad, 4255 Oak Drive Lane, asked what the buildable area was for the property. He said staff indicated it was 30-32 units per acre. According to his calculations using 54 units, the buildable area was 1.2 acres. This equates to 45 units per acre. He noted 15 business owners had been knocked off the property. He questioned if the city wanted tax credits for developers or jobs and taxes collected from business owners.

Farhia Mohamed said she was a resident in Ward 3. She was supportive of the project. It was deeply disturbing that some of the neighbors leapt to unwarranted conclusions such as thinking an individual was unfit and undesirable due to their financial bracket. Everyone wanted to live in a safe and secure neighborhood. If the sole concern about the project had
to do with the landscape then the discussion should focus on what could be done to create conscientiousness behind the design. However if the opposition perpetuated racial segregation within the city, a city that was mostly white, then the city has failed. Race matters. She quoted a Somali proverb that translated meant a person doesn’t enter a home simply because the door was open but rather a person enters a home because there was a welcoming face at the door. She said this was the community people want in Minnetonka.

Joyce Fiedler said she was a huge proponent of affordable housing. With her disappointment in the presidential election, her goal for the year was to find common ground in all she did. This plan was a good example. The people raising concerns about the building size, the number of people in it, and the traffic, had reasonable concerns. The people concerned about affordable housing also had reasonable concerns. She said the racial component should not be ignored. Everyone should recognize and listen to each other’s concerns.

Jim Reinitz, 4252 Oak Drive Lane, said he was a member of the Ford site task force in St. Paul. He had not heard any discussion about the pollution on the Shady Oak Road site. He supported affordable housing in areas where people could walk or bike to their jobs. This would reduce pollution and help the ozone layer. He said affordable housing should be put all around the city not just in certain sections.

Steve Philbrook, 4222 Oak Drive Lane, said most of the neighbors did not have an issue with affordable housing. He didn’t know anyone in the neighborhood who was a racist. His mother participated in the walk for peace march on Washington. He grew up as a hippie and was very liberal. His problem was the big monstrosity being shoved down the neighbors’ throats. One can put pearls on a pig and it still will be a pig. He said the traffic in the area already was horrible and dangerous. Research had to be done to determine if the site was polluted. Further research was needed to study the traffic.

Ellen Cousins, 4531 Greenwood Drive, said she wanted the council to remember the times when they were surprised by how big other buildings were once they were built. Buildings on drawings look a lot smaller than when they actually are built. She also wanted the council to keep in mind this would not just impact people on Oak Drive Lane but also people on Bradford Lane, Crawford Road and the whole neighborhood behind. She said the traffic engineer reported traffic was 75 percent higher than it was in 2012. She wondered what the projection had been in 2012. She asked the council to take a step back and determine if the project should be built now or if it was better to wait to build the right project.
Abbey Holm, 4234 Oak Drive Lane, said she thought affordable housing was terrific. She had lived in affordable housing. She thought this specific site was not conducive to the size of the building being discussed. She noted she had a discussion with Wiersum and she appreciated his comments about compromise being about meeting in the middle. If the developer could not lower the number of units from 54 then there was no ability to make a compromise.

Tim Gustafson, 12340 James Road, said the renderings looked beautiful from the Hopkins side but not the Minnetonka side. He said it appeared the decision had already been made that the only solution was a multi-unit building. The options for other types of community projects like a public garden or expanding the park were not being considered. The taxpayers of the city had already paid for the property. Why not consider what the people would like to see on the property?

Wagner said the council had been discussing the Shady Oak Road corridor for over a decade and the corridor’s proximity to the potential light rail station. The council had been told that residential development generates less traffic than commercial development. With the desire to have a more walkable community, this area was probably at the edge of where housing could occur. He said he always thought this corridor could blend commercial services and housing. He thought multi-family housing for this property was appropriate. The site was close to transit, both current and future. He’s always been an avid believer that affordable housing should be near transit.

Wiersum agreed multi-family housing was appropriate for this site. In discussing the village centers the council had often discussed the notion of combining affordable housing with transit.

Acomb agreed multi-family housing was appropriate for the site for the reasons Wagner and Wiersum had mentioned. The city wanted a diversity of housing stock and affordable housing was something the city wanted to make sure was provided for. She thought affordable housing needs to be looked at throughout the city.

Ellingson noted there was a townhouse development just kitty korner from this site on Main Street so there already was housing close to the location. The road reconstruction took away parking in front of the buildings so it made it more difficult for commercial businesses. He thought housing was appropriate for the site. He thought one of the best things about the plan was it was 100 percent affordable housing.
Bergstedt said the city desperately needed affordable housing throughout the city so anytime it can be added, it was a good thing. This location being close to downtown Hopkins, good transit and possibly the LRT, made it very appropriate for some type of multi-family affordable housing.

Wagner said everyone would like R1 housing or a park on the site but for him that would be a massive underutilization of the property. There weren’t locations in the city that have characteristics of this property, being near transit. The city was falling behind on its affordable housing targets and affordable housing was appropriate for this site.

Schneider noted there was a comment that the property should be used for Home Within Reach homes. He was part of the steering group that created that program and serves on its board. While doable, it takes a lot of extra effort and resources. Nothing of any substance can be done quickly. There have been 40-50 homes built through the program in the city, but it has taken 12-15 years to do so. This plan would provide over 50 units immediately. He thought the walkability to transit and tying it in with LRT was critical but the proximity to downtown Hopkins was just as important. He said the concept and scope of the project was very appropriate. It was important to keep in mind the challenging tax credit financing and its connection with the feasibility of the project happening. There was a difficult process the developer has to go through so the profit earned was well deserved. People who thought the number of units could be cut in half didn’t understand the dynamics of affordable housing and how difficult it was, particularly in the tax credit market.

Wiersum thanked Ron Clark and his team for their work. He said he gets offended when people talk about developer greed because everyone wants to get paid. People have a right to make a living. Developers play a valuable role in the community. He noted he was paraphrased but paraphrased badly. He didn’t say compromise was having people get to the middle. What he said was the best compromises occur when nobody was happy. That’s where he saw the challenge with the plan. If somebody wins somebody was going to lose. The developer was saying to get a quality building, 54 units were needed. This would allow for fulltime management. This made sense. He said he was the one that said looking at other developments, none looked smaller than he expected. He was concerned about that for this site. It was a small site. It was ideally located for housing and well located for affordable housing. Getting this right was important because he didn’t want to build the wrong project in the wrong place where people got mad enough that general support for affordable housing diminished. He was hoping for a compromise that would make everybody unhappy and that the end result was a multi-unit building with
significant number affordable units that was scaled appropriately for this site. He thought the concept plan was a little on the high side.

Bergstedt commended everyone who attended the meeting and for people being respectful with those that didn’t share the same point of view. He said he found himself feeling strongly both ways. The city needs affordable housing and this was a fabulous location for affordable housing. The part that makes it difficult was what the neighbors were saying. When he looked at the size of the parcel, the mass of the building and the lack of green space, a lot of things that were done with other developments could not be done here. This would be a huge building on a very small parcel. He thought townhouses would be a nice transition into the single family neighborhood on each side. The problem was to do affordable housing required more mass to make it work economically. If the council decided it wanted less units, he believed the developer would not submit an application. They had put in a lot of effort to try and make the building look smaller.

Acomb said one comment that resonated with her was the need to look for common ground. She supported the importance of using affordability in this location. She also was concerned with the size of the building and the impact on the neighbors. Her desire was to do something that made the building smaller. She preferred a two story building even if this meant it couldn’t be 100 percent affordable units. This might be a compromise that needed to be made even if it meant the development couldn’t be with this developer. She thought that would be unfortunate and didn’t want to see that happen.

Ellingson said most of the other commercial buildings along Shady Oak Road were one story. The townhouses were two stories. To have a three-story building would be out of scale with the other buildings. He said his other concern was there already were traffic issues and access to Shady Oak Road. He didn’t want to create another access issue for those living in the building. The original proposal was a building that was over 300 feet long, equal to a football field. This seemed like a big footprint. He wondered why the roof couldn’t be flat. This would be one way to make it look smaller.

Wagner said this was a classic dilemma for the council. There were neighborhood concerns about size and density. There were council and community goals for affordable housing. There were constraints with the site no matter what went there because of the easement. He was thinking about this site and the Shady Oak LRT station in the context of a 100-year transformation. What is seen today won’t be what will be seen tomorrow. The question for the council was if this building was the start of the
inevitable transition in this corridor. Would the transition start in 2020 when this building might go up or would it start in 2030, or 2040 when the light rail station goes in. Eventually the area would become more dense. He would like to have 54 units on a bigger site but that wasn’t the hand the city was dealt here. He saw the corridor intensifying in use and that it would become more walkable. He said the size of other recent developments do not bother him as much as some of the other council members. He thought the new building on Plymouth Road looks nice and was a great addition to the Ridgedale area. He thought Cherrywood Pointe and Applewood Pointe would be good additions to the city. The city could wait to see if something else gets proposed, but the math probably would not change. He didn’t disagree with anything the neighbors said but in reality, it wasn’t going to become a garden.

Schneider said before Council Member Allendorf left the country, he shared his thoughts about this plan with him. Allendorf was very supportive of affordable housing and felt this was the right site but he felt the building was too big. He would be willing to add additional incentives from the city contribution, whether it be reduced price or a combination of things to allow the number of units to be reduced while still making it feasible to reduce the size. This still would not mean a story could be eliminated from the building but it could be made smaller.

Schneider said he was reluctant for the city to put more money into the project but with the shared pain that was discussed maybe that was something that should be on the table. The city did not want to get so prescriptive that the development just did not work because nobody would benefit from that. The question was trying to find the right balance in getting the building to be as palatable as possible without jeopardizing the feasibility. This was the direction he would give the developer. He suggested fleshing out the design perhaps taking into account Allendorf’s suggestion to see if something more palatable could be considered. He thought there was a solution in that mix. The reason he didn’t think going from a three story to a two story building was feasible was because it would eliminate the underground parking. The challenge was making the three stories compact and designed enough to become more attractive. He thought being more creative with the edges of the building while potentially losing a few units might work. While the neighbors might not like to look at the building it would be an asset to the neighborhood with all the noise, traffic, light and activity on Shady Oak Road. The challenge would be finding the right mix and this would require the developer working with staff, and perhaps an open-minded neighborhood representative who could contribute a perspective that would contribute to the process.
Ordinance No. 2017-

An ordinance rezoning the property at 4312 Shady Oak Road from B-2 to Planned Unit Development

The City Of Minnetonka Ordains:

Section 1.

1.01 The subject property is located at 4312 Shady Oak Road. It is legally described as described in Exhibit A.

1.02 The proposed three-story, 49-unit apartment building would have 66 underground parking spaces, 21 surface parking spaces, a resident community room, an exercise room, on-site manager’s office and an outdoor play area. The building would have a mix of 1, 2 and 3 bedroom apartments.

Section 2.

2.01 This ordinance is based on the findings that the proposed development would not negatively impact public health, safety, or welfare.

2.02 This ordinance is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans:
   - Site Plan, dated July 24, 2017
   - Grading Plan, dated July 24, 2017
   - Utility Plan, dated July 24, 2017
   - Landscape Plan, dated July 24, 2017
   - Building Elevations, dated July 24, 2017
2. The development must further comply with all conditions outlined in City Council Resolution No. 2017-xx, adopted by the Minnetonka City Council on ______________, 2017.

Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on ______________, 2017.

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 regular meeting held on ______________, 2017.

________________________
David E. Maeda, City Clerk
City Council Agenda Item #13A  
Meeting of August 14, 2017

**Brief Description**
Temporary on-sale liquor license for The Rotary Club of Minnetonka Foundation, 14350 County Road 62

**Recommendation**
Hold the public hearing and grant the license

**Background**

The city has received an application for a temporary on-sale liquor license from the Rotary Club of Minnetonka Foundation (The Rotary Club) for an indoor/outdoor fundraising event at the Glen Lake Golf and Practice Center, 14350 County Road 62.

The Rotary Club is requesting approval for a fundraising event on Thursday, September 14, 2017. The Minnetonka Rotary Charity Golf tournament is a charity event that raises money for the Hopkins/Minnetonka communities with 100% of the proceeds providing grants and scholarships to local non-profits whose mission is to serve and develop youth in the community.

**The Event, including an outdoor activity with intoxicating liquor**

The event will take place on Thursday, September 8, 2016 from 1 p.m. to 8 p.m. Events include a 9-hole golf tournament, wine and beer tasting event, food, and silent auction. The Rotary Club volunteers will be serving the beer.

Beer and wine tasting, and food will be served both in the clubhouse and on the patio directly outside the clubhouse. The outside drinking area will be roped off, as is required for an outdoor event. All participants will be required to show identification that they are 21-years-of-age or older, and will be required to wear a wristband verifying their age.

**Recommendation**

The city did not encounter any issues with the event in 2016. Staff recommends the council hold the public hearing and grant the temporary liquor license in connection with a fundraising event, including outdoor events, for The Rotary Club of Minnetonka Foundation.

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

Originated by:
- Kathy Leervig, Community Development Coordinator
Location Map

Applicant: The Rotary Club of Minnetonka
Event Location: 14350 Co Rd 62
City of Minnetonka

Site Plan

Club House

Outdoor Patio

DISCLAIMER: This drawing is not a legally recorded plat or an accurate survey. It is intended to be only an approximate representation of information from various government offices and other sources. It should not be used for a purpose that requires exact measurement or precision. People who use this drawing do so at their own risk. The City of Minnetonka is not responsible for any inaccuracies contained in the drawing. The City of Minnetonka provides no warranty, express or implied, about the correctness of the information.
July 12, 2017

Dear Neighbor,

This letter is to inform you that the Rotary Club of Minnetonka has made application to the City of Minnetonka for an event at the address of 14350 County Road 62, Minnetonka, at the Glen Lake Golf and Practice Center. You are receiving this letter as fulfillment of the city’s requirement to notify all residences within 400 feet of the facility that the event will include the serving of food and alcohol as described below:

Name of event: Minnetonka Rotary Charity Golf Event
Date of Event: Thursday, September 14, 2017
Time of Event: 1pm to 8pm
Type of Liquor Served: Beer and Wine
Outdoor Activity Planned: Golf

This letter serves as your notice that the city will review this application at a regular City Council Meeting. The tentative date for the public hearing before the council is Monday, August 14th, 2017. The meeting begins at 6:30 pm in the council chambers of the Minnetonka Community Center at 14600 Minnetonka Blvd, Minnetonka, MN.

If you have any comments, you may contact Julie Wischnak, Community Development Director, City of Minnetonka at 952-939-8282 or by e-mail to: jwischnack@eminnetonka.com. Your comments must be received by the city on or before August 11, 2017.

Sincerely,

Alexa Rundquist, President
Minnetonka Rotary Club Foundation
City Council Agenda Item #14A
Meeting of August 14, 2017

Brief Description: Resolution for the Plymouth Road trail project

Recommended Action: Adopt the resolution

Introduction

The city’s park and trail improvement fund provides funding for the city’s Trail Improvement Plan; a multi-year plan created to maintain and enhance the city’s trail and sidewalk system within the city. This plan identifies new trails and walks to be added to the citywide system to provide connections between existing trails, parks, schools, and village center points of interest.

In recent years, the city embarked on a community wide envisioning process in which residents further identified the desire to prioritize construction of trails and sidewalks to safely connect the city. In response, council directed staff to further assist in this planning effort by revisiting the existing Trail Improvement Plan to combine past trail planning efforts with new considerations, and prioritize all unscheduled and unfunded trail segments currently identified within the city. Trail segments with top priorities have been included in the Capital Improvements Program (CIP).

Background

The newly refined Trail Improvement Plan identified Plymouth Road (County Road 61), from Minnetonka Boulevard north to Hilloway Road, as a high priority corridor. Completing this trail segment allows connectivity to the Ridgedale Center area as well as the Lake Minnetonka Regional trail, local trails and sidewalks, schools, and parks. In August 2016, staff began work on a feasibility study for the consideration of this proposed trail segment in partnership with Hennepin County, with each organization funding 50% of the study cost.

The Plymouth Road trail funding is included in the 2018-2022 CIP over two years, as follows:

- 2018 from Amy Lane to Hilloway Road
- 2019 from Minnetonka Boulevard to Amy Lane

Proposed Improvements

The improvements proposed include an 8-foot wide off-road multi-use bituminous trail on the east side of Plymouth Road, from Minnetonka Boulevard north to Hilloway Road.
This corridor is approximately 1.5 miles long and will connect the Minnetonka Mills/Lake Minnetonka LRT Regional Trail to the Ridgedale Mall area.

The east side of the road is recommended for the following reasons: the existing trail north of the project area is on the east side, the existing connections on Cedar Lake Road are on the east side, less utility conflicts, less impacts to driveways and private landscaping, and connections to the existing school, library, and Minnetonka Mills businesses are on the east side, thus minimizing roadway crossings.

**Trail Sections**

The trail is proposed to match the existing roadway with two different cross sections. From Minnetonka Boulevard to Cedar Lake Road, an 8-foot bituminous trail is proposed to be installed behind a 2-foot concrete clear/safety zone and new concrete curb and gutter. From Cedar Lake Road to Hilloway Road, an 8-foot bituminous trail is proposed to be installed with a 4-foot wide grass boulevard matching into the existing bituminous curb. Grading, tree removal, and impacts to driveways and landscaping of adjacent properties are needed to construct these segments to meet Hennepin County standards; however, these two cross sections will minimize impacts to the greatest extent possible.

**Bridge Crossings**

Two existing bridge crossings will need to be modified along the route to accommodate the trail, one at the Minnehaha Creek crossing and one at the BNSF Railroad crossing. Both bridges will be retrofitted by reducing and shifting the existing vehicle lanes. The Minnehaha Creek Bridge has an existing 6-foot wide sidewalk that will need to be widened to 12 feet and the BNSF Railroad Bridge has an existing 6-foot wide shoulder that will need to be widened to create a 10-foot trail with on-road barrier/delineators. Although modifying the BNSF Railroad Bridge does not achieve the preferred separation between traffic and trail users, it does meet the minimum Hennepin County design standards. Ultimately, a separate trail-only bridge should be considered across the BNSF Railroad as future funding allows.

**Crosswalks**

Crosswalk locations will be reviewed in detail during final design. There are currently signalized crossings or crosswalks at Minnetonka Boulevard, McGinty Road, Cedar Lake Road and Ridgedale Drive.

**Overhead Power Burial**

Staff has been working with Xcel Energy to finalize estimates for burying overhead power along Plymouth Road. In an effort to coordinate the burial with the trail project, the overhead burial is planned in advance of the trail work and in two separate phases. The first phase is proposed from Hilloway Road to Woodbridge Trail and the second phase is proposed from Minnetonka Boulevard to Woodbridge Trail. Both phases will
require isolated areas of tree removal in conjunction with this work and ahead of the trail project contract award.

To date, Xcel Energy has finalized the attached statement of work for burying overhead power from Hilloway Road to Woodbridge Trail. A separate contract for the burying of overhead power from Minnetonka Boulevard to Woodbridge Trail will be presented to council at a future date. Xcel Energy requires city payment of 50-percent of the estimated costs up front before work begins. Once a project is complete, Xcel Energy bills the city for the remainder of the actual project costs. These costs are proposed to be paid from the city’s Electric Franchise Fee Fund and are already included within the city’s adopted CIP in 2018 and 2019.

Xcel Energy is requesting execution of one of their standard agreements for each project that outlines the conditions for overhead power line burial along these corridors. The city attorney has reviewed these agreements.

Public Input

An informational meeting was held on July 20, 2017. In addition to the webpage notification of the meeting and an article published citywide in the Minnetonka Memo, approximately 419 mailers were sent directly to residents and businesses in the area. Staff also installed signs in three locations (readable in both north and south directions) along the east side of Plymouth Road in the proposed trail location indicating the “Proposed Trail” and providing signup information for project updates.

Approximately 45 residents attended the meeting and staff presented a concept layout of the proposed trail project in a short presentation. Staff discussed how trail projects are very intensive and disruptive to adjacent properties and that this project will require tree removal and impacts to properties including landscaping and driveways. Following the presentation and general questions, city and Hennepin County staff provided an open house format to take one-on-one feedback from residents. Residents were generally very supportive of the project.

At the meeting, staff further presented information on the different ways to stay informed during construction. Staff has been using various strategies to provide updates for other city projects, including signage, text alerts, email updates, citizen alerts, and newsletters.

A listing of resident questions and staff answers are attached with this report.

Estimated Project Costs and Funding

The total estimated construction cost, including engineering, administration, and contingency is $3,195,000. The budget amount for the project is shown below and is included in the 2018–2022 CIP. The budget for the park and trail improvement fund will
be reviewed as final estimates are completed and potential adjustments as well as amendments to the adopted capital plan can be considered during the development of the 2019-2023 CIP.

On August 1, 2017, the city received a Hennepin County Bikeway Participation program grant for the construction of the trail on the east side of Plymouth Road from Amy Lane to Hilloway Road, to be constructed in 2018, in the amount of $100,000, the maximum amount possible for this grant.

<table>
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<tr>
<th></th>
<th>Budget Amount</th>
<th>Proposed Funding</th>
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<td>Contingencies – 10%</td>
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<td>$2,900,000</td>
<td>$3,195,000</td>
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</tr>
</tbody>
</table>

**Schedule**

If the recommended actions are approved by council, staff would begin developing the final plans this fall. The plans would then be brought to council for final approval in 2018 with the intention of having council consider bids and award a contract for Phase 1 (Amy Lane to Hilloway Road) in early spring, with construction proposed to likely begin in early summer. A contract for Phase 2 (Minnetonka Boulevard to Amy Lane) would then be ready for council to consider bids and award a contract in the spring of 2019, with construction beginning in early summer of the same year.

**Recommendation**

Adopt the attached resolution receiving the feasibility report, ordering the improvements, authorizing preparation of plans and specifications, authorizing easement acquisition, and authorizing the mayor and city manager to execute an agreement with Xcel Energy in the amount of $203,712.90 for the Plymouth Road trail project No.19206.

Submitted through:

Geralyn Barone, City Manager
Will Manchester, PE, Director of Engineering

Originated by:

Phil Olson, PE, Assistant City Engineer
Resolution No. 2017-

Resolution receiving Feasibility Report, ordering the improvements in, authorizing preparation of Plans and Specifications, authorizing Easement Acquisition, and authorizing the mayor and city manager to execute an Agreement with Xcel Energy for the Plymouth Road Trail Project No. 19206

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 Plymouth Road Trail Project No. 19206.

1.02. This report was received by the City Council on August 14, 2017 with the project to be known as:

Plymouth Road Trail, Project No. 19206.

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.

2.05. The mayor and city manager are hereby authorized to execute an agreement with Xcel Energy in the amount of $203,712.90.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 14, 2017.

Terry Schneider, Mayor

Attest:
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 August 14, 2017.

__________________________________________
David E. Maeda, City Clerk
Plymouth Road Trail Informational Meeting
July 20, 2017
5:00 p.m., Minnetonka Community Center

Name: Laurent Hage
Address: 2312 Rivendell Lane, Minnetonka, MN 55341
Phone: [Redacted]
Email: [Redacted]

Comments:
(1) Yes, we support the trail on Plymouth Road
(2) Would like referrals to contacts with appropriate contacts to bring in a treadmill desk for the County to try for a month if approved lease to your office.
(3) Our property has a small creek that's becoming very dense with trees & mosquitoes. Appreciate spraying every once in a while.

Thank You

City Contact
Phil Olson, P.E. – Assistant City Engineer
Phone: 952-939-8239
Email: polson@eminnetonka.com
Plymouth Road Trail Informational Meeting
July 20, 2017
5:00 p.m., Minnetonka Community Center

Name: **MARK MARTI**
Address: **5010 Woodbridge Tr**
Phone: 
Email: 

Comments:

**WONDERFUL**

**FANTASTIC**

**AWESOME IDEA**

**NEEDED FOR BOTH SAFETY AND UTILITY.**

**100% IN SUPPORT**

---

City Contact
Phil Olson, P.E. – Assistant City Engineer
Phone: 952-939-8239
Email: polson@eminnetonka.com
Plymouth Road Trail Informational Meeting
July 20, 2017
5:00 p.m., Minnetonka Community Center

Name: Renee' Abel
Address: 12801 Meadow Circle
Phone: [Redacted]
Email: [Redacted]

Comments:

Great idea!

City Contact
Phil Olson, P.E. – Assistant City Engineer
Phone: 952-939-8239
Email: polson@eminnetonka.com
Plymouth Road Trail Informational Meeting
July 20, 2017
5:00 p.m., Minnetonka Community Center

Name: Larry Falk
Address: 12801 Meadow Circle
Phone: [Redacted]
Email: [Redacted]

Comments:
As both a bicycle rider and motorist who uses Plymouth Road every day, I am very much in favor of this project.

City Contact
Phil Olson, P.E. – Assistant City Engineer
Phone: 952-939-8239
Email: polson@eminnetonka.com
Plymouth Road Trail Informational Meeting
July 20, 2017
5:00 p.m., Minnetonka Community Center

Name: 
Address: 
Phone: 
Email: 

Comments:

Looking forward to the finished product

City Contact
Phil Olson, P.E. – Assistant City Engineer
Phone: 952-939-8239
Email: polson@eminnetonka.com
Plymouth Road Trail Informational Meeting
July 20, 2017
5:00 p.m., Minnetonka Community Center

Name: Jill Eisenberg
Address: 2721 Bent Tree Circle
Phone: 
Email: 

Comments:
I am on the Bent Tree Assoc Board and need to know set back & impact of monuments on North & South Side of Bent Tree Road at Plymouth Rd. We need to know right of way width & impact on monuments.

City Contact
Phil Olson, P.E. – Assistant City Engineer
Phone: 952-939-8239
Email: polson@eminnetonka.com
Plymouth Road Trail Informational Meeting
July 20, 2017
5:00 p.m., Minnetonka Community Center

Name: OLIVER LEDERER
Address: 2909 PLYMOUTH RD
Phone: [Redacted]
Email: [Redacted]

Comments:
- Looking forward to this being built. We see pedestrians all the time walking on the shoulder and worry about their safety.
- Can any traffic calming be incorporated to slow down traffic.
- Snow plowing is a concern.
- PLEASE make sure that screening (We currently have a row of mature shrubs) will be replaced with a screening fence or equivalent vegetation.

City Contact
Phil Olson, P.E. – Assistant City Engineer
Phone: 952-939-8239
Email: polson@eminnetonka.com

GREAT WORK !!!
Plymouth Road Trail Informational Meeting
July 20, 2017
5:00 p.m., Minnetonka Community Center

Name: Steve Hoppe & Karen Hoppe
Address: 12800 April Lane
Phone: [Redacted]
Email: [Redacted]

Comments:
1. The meeting was ended before everyone's questions were answered.
2. Why are we not fixing the bridge? The bridge is the problem?
3. Why build a trail next to a busy road. It will be unsafe.

City Contact
Phil Olson, P.E. – Assistant City Engineer
Phone: 952-939-8239
Email: polson@eminnetonka.com
Plymouth Road Trail Informational Meeting
July 20, 2017
5:00 p.m., Minnetonka Community Center

Name: Peggy Kwon
Address: 13012 Seven Eleven, Minnetonka
Phone: [Redacted]
Email: [Redacted]

Comments:

The trail plan looks great, and it will be a nice asset to the city. I just have one comment - please do what you can to maintain at least 3-ft shoulders for bikes on the road. Commuter cyclists move too fast for a multi-use trail, and traffic is a bit high for them to mix it up in a shared lane situation.

Thanks on behalf of the Minnetonka Bike Club, Hennepin County Bicycle Advisory Committee, & Minnetonka Park Board.

City Contact
Phil Olson, P.E. – Assistant City Engineer
Phone: 952-939-8239
Email: polson@eminnetonka.com

[Handwritten notes on the trail and road]

> Curb cut on curve south of Cedar Lake to use trail (to use bridge)
Plymouth Road Trail Informational Meeting
July 20, 2017
5:00 p.m., Minnetonka Community Center

Name: Rob Anderson
Address: 2214 Dwaight Ln
Phone: [Redacted]
Email: [Redacted]

Comments:

Could the city consider adding a trail on Hillway that would extend from the current trail on Hillway between Plymouth Rd & Byrnes on the side of Hillway Park. And maybe reorganizing the trail that is there now too.

Thank you.

Strong support for this project.

City Contact
Phil Olson, P.E. – Assistant City Engineer
Phone: 952-939-8239
Email: polson@eminnetonka.com
Plymouth Road Trail Informational Meeting
July 20, 2017
5:00 p.m., Minnetonka Community Center

Name: M. McKee
Address:
Phone:
Email:

Comments:

[Handwritten: well presented ☑]

City Contact

Phil Olson, P.E. – Assistant City Engineer
Phone: 952-939-8239
Email: polson@eminnetonka.com
1. **Q:** Will the to-be-determined trail bridge be a stand-alone bridge?  
   **A:** The feasibility report currently identifies this bridge as a stand-alone bridge east of the existing BNSF Railroad Bridge, owned by Hennepin County.

2. **Q:** Will the speed limit change?  
   **A:** There are no plans to complete a speed limit study or change speed limits with this project.

3. **Q:** What does trail look like? Will there be concrete barriers or some sort of buffer?  
   **A:** The trail is planned to be an 8-foot wide bituminous trail with a variable width buffer between the trail and roadway. Generally the area south of Cedar Lake Road will include a 2-foot wide concrete buffer and the area north of Cedar Lake Road will include a 4-foot wide grass buffer.

4. **Q:** Thanks, in support of the project. Will you be replacing the trail on Hilloway Road with this project?  
   **A:** The replacement or maintenance of existing trails is completed through the city’s maintenance program. We will notify public works about the condition of the Hilloway Road trail so it can be reviewed with upcoming maintenance planning.

5. **Q:** Good project. I live on Woodbridge and am concerned on crossing Plymouth Road to get to the new trail. Will the city coordinate with county on signal timing?  
   **A:** The city can review this with the county following construction.

6. **Q:** How is it integrated into driveways?  
   **A:** This will be outlined further with final design, but usually the trail will go through existing driveways and any portion of existing driveways that are impacted will be replaced with the project.

7. **Q:** Lives at Plymouth and Muriel. What will happen to my fence?  
   **A:** This will be looked further into with the final design plans. There is budget for fence replacement if the fence is impacted by the project.

8. **Q:** If you have existing screening will the city replace?  
   **A:** Screening for specific properties will be reviewed during final design.

9. **Q:** Is there traffic calming on Plymouth Road? In last two years vehicles have run into his yard.  
   **A:** No changes to the roadway are proposed with this project. Cities have seen reduced vehicle speeds on roadways where a trail has been added.
10. Q: Lives on Forest Meadow Drive. How are we supposed to get to the trail?  
A: Vehicles are required to stop for pedestrians at all intersections, but other alternatives to getting to this trail include the pedestrian signal at the intersection of Cedar Lake Road and Plymouth Road, and the existing trails west of Plymouth Road that extend to McGinty Road/Oakland Road. Further evaluation of crossing locations will occur during final design.

11. Q: Bent Tree Association, what is the width of what is being added? Have monument signs.  
A: This will be reviewed during the final design phase of this project. It would be good to get your contact information so the project team can coordinate this work with the HOA.

12. Q: Will Plymouth Road change? Will it be widened to add more lanes?  
A: No changes to Plymouth Road width/number of lanes are proposed with this project.
Plymouth Road Trail Feasibility Study

Minnetonka Boulevard to Hilloway Road

City of Minnetonka

Prepared by:

SRF Consulting Group, Inc.

Date: August, 2017

SRF No. 0169408
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Executive Summary

This report assesses the feasibility of constructing an off-road multi-use trail adjacent to the east side of Plymouth Road (CSAH 61), from Minnetonka Boulevard (CSAH 5) to Hilloway Road within the City of Minnetonka. The purpose for this trail along this 1.5-mile corridor is to provide a connection to existing off-road facilities on either end of the project including the Lake Minnetonka LRT Regional Trail and the local trail connections in the Ridgedale Mall area. In addition, this upgrade of the existing on-street bike facility project will provide a new local pedestrian connection and access for local neighborhood users.

The report examines the physical, technical, and financial constraints along the corridor to construct an off-road trail facility. It concludes with a cost estimate for the proposed trail shown in Figure 5 that optimizes use of existing facilities and divides construction into three separate segments as follows for implementation as funding becomes available:

- Segment 1: Hilloway Road to Amy Lane
- Segment 2: Amy Lane to Cedar Lake Road
- Segment 3: Cedar Lake Road to Minnetonka Boulevard.

In addition, a cost estimate with corresponding graphics for an ultimate build, trail-only bridge over the BNSF Railway and a brief discussion about potential project funding sources is also included.

Project Introduction and Objectives

Plymouth Road (CSAH 61) from Minnetonka Boulevard (CSAH 5) to Hilloway Road is a two-lane road that serves as a main north-south connector on the county state aid transportation system through a large residential area. It is categorized in Hennepin County as an A Minor Reliever with an annual average daily traffic volume of over 10,000 vehicles per day. The study area contains two existing roadway structures: Minnehaha Creek Bridge and BNSF Railroad Bridge. This corridor also has two signalized intersections: one at the south end of the project at Minnetonka Boulevard (CSAH 5) and one at Cedar Lake Road, the approximate midpoint of the project.

The City of Minnetonka has received feedback from residents requesting the addition of a dedicated trail in this corridor including through its Imagine Minnetonka Visioning process. This report examines the feasibility of constructing an off-road trail along the east side of Plymouth Road. A discussion on selecting the east side for the trail is included in the “Existing Conditions and Design Constraints” section of this report. The proposed off-road trail would include grade-separated crossings over the BNSF Railway and Minnehaha Creek to provide a safe walking or biking route along the corridor. The purpose of this study is to:

- Conduct conceptual analysis of alignments and profiles for a new off-road trail through the project corridor.
- Outline potential structure and aesthetic options for grade separated crossings.
- Identify impacts to properties and potential right of way easements and acquisitions
- Identify impacts to existing utilities
- Identify surface storm water and other environmental impacts
- Provide a cost estimate of the proposed improvements for an ‘ultimate build’ and segmented ‘interim build’ scenarios as funding becomes available.

**Existing Conditions and Design Constraints**

**EXISTING CONDITIONS**

Currently there is no existing off road pedestrian route along Plymouth Road (CSAH 61) from McGinty Road to the northerly project limits. The paved shoulders are signed as an on-road bicycle route, and vary in width from 4’-6’ along this roadway segment. The posted speed limit is 30 mph from Minnetonka Boulevard (CSAH 5) to Cedar Lake Road. Continuing north to Hilloway Road the posted speed limit increases to 35 mph. The typical corridor right-of-way width is 73 feet as shown in the graphic below.

Upon examination of the existing conditions, an off-road trail on the east side of the roadway over a trail on the west side was chosen for the following reasons:

- North terminus connection to existing trail north of Hilloway Road on the east side of the road.
- South terminus connection to existing crosswalk across the signalized intersection of Minnetonka Boulevard (CSAH 5) for the Minnetonka LRT trail is on the east side.
- Existing school and commercial areas near Minnetonka Boulevard are located on the east side of Plymouth Road.
- There are half as many residential street crossings and less potential conflicts with existing overhead utility poles on the east side of the roadway.
- Impacts to trees, landscaping, and driveways are minimized on the east side.
• Greater density of potential users on east side requiring less crossing of Plymouth Road for access.

There are two existing striped crosswalks within the corridor: the east leg of the Plymouth Road / Cedar Lake Road signalized intersection and the north side of McGinty Road intersection across from St. David’s School.

**DESIGN GOALS**

Horizontal and vertical (profile) alignments were established according to the requirements of the MnDOT Bikeway Design Guide Manual and applicable Minnesota State Aid Roadway standards. The proposed trail design considered the following design goals:

- Maintain the existing roadway lanes and shoulders
- Minimize impact to existing utilities
- Minimize right-of-way and established vegetation/tree/landscape/driveway impacts
- Utilize existing bridge structures for grade-separated crossings
- Maintain existing drainage and/or provide stormwater treatments where feasible.
- Install retaining walls where feasible to limit right-of-way impacts.
- Provide a long-range plan to better separate pedestrians and vehicles.

Separate studies have shown that painted crosswalks at non-signalized intersections create a safety hazard for pedestrians. Additional analysis during final design for the crossings will be required.

**Utility Impacts**

An introductory investigation into existing utilities has been completed according to the Gopher State One Call (GSOC) process. Requests for as-built plans and maps were made on call ticket number 163211281. Utility companies that identified existing facilities in the corridor by GSOC include:

- City of Minnetonka – Water and Sewer
- Comcast
- CenturyLink/Lightcore
- Hennepin County - Signals
- CenterPoint Energy
- Xcel Energy

Our analysis suggests the proposed trail alignment on the east side of corridor poses the least amount of conflicts. Below is a listing of significant utility issues along the proposed alignment.

- There is an existing 6-inch gas line from Sheffield Curve to the Hilloway Road that resides behind the curb on the east side of the corridor. Since the proposed trail would be placed at or above existing boulevard grade, relocation of the gas main should not be
required. The remainder of the CenterPoint infrastructure either resides underneath the roadway shoulder or on the west side of the corridor.

- Xcel Energy has overhead power infrastructure north of Woodbridge Trail to Hilloway Lane N. on the east side of the road. The proposed trail alignment as shown in Figure 5 will require pole relocations or minor trail alignment adjustments. Overhead Xcel infrastructure, including intersection light poles, reside on the west side of the corridor from McGinty Road to Woodbridge Trail.
- An existing traffic signal mast arm pole and signal cabinet are located in the northeast corner of the intersection of Plymouth Road and Cedar Lake Road. The trail on the north side of the intersection can be constructed around the signal. However, the traffic signal pedestal pole in the southeast corner of this intersection will require relocation due to limited right-of-way and steep slopes.

**Property Impacts and Acquisition Information**

Ideally a new proposed off-road two-way trail would be 10-feet wide and have a 6-foot wide turf boulevard between the trail and roadway curb. Due to existing corridor constraints, a minimum allowable two-way trail width of 8 feet is proposed. Furthermore, the boulevard width was reduced to minimize right-of-way impacts to adjacent properties. For proposed boulevards, the corridor was broken down into two sections:

- South of Cedar Lake Road (Segment 3): 2-foot concrete boulevard with new concrete curb and gutter immediately adjacent to the trail
- North of Cedar Lake Road (Segments 1 and 2): 4-foot grass boulevard from the back of the existing bituminous curb to front of trail.

A minimum slope of 1:3 is proposed on the back side of the trail to tie into existing ground in cut areas while a 1:4 slope is proposed to tie into existing ground in fill areas. Retaining walls are recommended in several locations to lessen the amount of right-of-way impact. Nine different modular block retaining walls totaling approximately 1,600’ in length have been included with the proposed off-road alignment configuration.

A total of 18 private parcels and 1 City-owned parcel have been identified as having potential right-of-way impacts, including approximately 0.9 acres of temporary easement and approximately 5500 SF of permanent easement. These impacted parcels can be seen on Figure 5: Preliminary Plymouth Road Trail Layout. A railroad permit and an additional 1650 SF of temporary/permanent easement on the parcel north of the BNSF Railway Corridor would be required to construct a separate trail-only bridge identified in Figure 8: BNSF Railroad Crossing: Separate Trail Bridge Layout.

There are several mature trees along the project corridor that will be impacted by the trail installation. Short retaining walls, slope grading, and alignment modifications will be implemented during final design to try and minimize these impacts.
Drainage

The project is located within Minnehaha Creek Watershed District (MCWD). New impervious area resulting from the trail construction will exceed the threshold for compliance with the MCWD Stormwater Management Rule. This will require stormwater treatment and rate control Best Management Practices (BMP’s) to be implemented with the project. A formal permit from MCWD is not required as the City of Minnetonka administers the MCWD Stormwater Management Rule on their behalf. In addition, the project will require a National Pollutant Discharge Elimination System (NPDES) permit administered by the Minnesota Pollution Control Agency.

The proposed trail from Cedar Lake Road to Hilloway Road (Segments 1 and 2) is separated from the roadway by a 4’ wide vegetated pervious area. Since the pervious area is equal to at least half of the width of the proposed trail (8’), this trail portion would meet the exception for stormwater treatment requirements. However, Segment 3 is adjacent to the curb and will require one or more stormwater BMPs to provide phosphorous, rate and volume control for the stormwater runoff. The stormwater BMP(s) may be able to provide treatment for some existing roadway impervious that is currently untreated to allow a more consolidated approach to treating the stormwater while still meeting MCWD and NPDES requirements. These stormwater BMP(s) would likely consist of vegetated infiltration basins and structural treatments such as sump manholes.

The existing drainage patterns along Plymouth Road (CSAH 61) are primarily rural. There are segments of curb and gutter, but very little existing storm sewer. The proposed addition of the trail and curb and gutter south of Cedar Lake Road will convert the area to an urban design section along the east side of the roadway. The newly urban roadway will need to be analyzed to confirm the surface stormwater design spread meets State Aid standards and storm sewer will be needed to convey the runoff to storm water BMPs or existing discharge points. At a minimum, any storm sewer draining to wetlands or surface waters will need treatment with a sump manhole or other structural BMP. The costs for new infrastructure required for stormwater conveyance have been identified separately from other costs required to implement stormwater treatment BMP’s in the project cost estimate.

We have identified several potential areas for stormwater management to implement either vegetated basins or structural BMP’s which are shown on Figure 5. The locations and treatment types were selected based on the roadway/trail profile, existing stormwater infrastructure, and the utilization of existing public right-of-way to minimize costs.

Bridge Types and Aesthetics

Both existing bridges reside in Segment 3 of this corridor. Modifying the existing bridge versus building a separate structure to accommodate the trail was examined at each location. Existing structure type, available right-of-way width, existing roadway lane configuration,
minimum State Aid Standard lane widths and structure requirements, environmental impacts, and estimated cost were factors in the evaluation.

Although more separation between roadway traffic is preferred, it was found that the existing bridges can be used until additional funding is available to replace the roadway bridge and add an additional trail bridge. A detailed explanation of the evaluation for each structure is included in the paragraphs below.

MINNEHAHA CREEK BRIDGE:

This bridge carries Plymouth Road over Minnehaha Creek and is owned by Hennepin County. The existing configuration is shown in Figure 1 below.

![Figure 1. Existing Minnehaha Creek Bridge Configuration](image1)

Utilizing the forthcoming reduced minimum lane-width Minnesota State Aid Standards (anticipated release in July 2017) the trail can be accommodated on the existing structure. By reducing the existing 12-foot and 14-foot lanes to 11-foot and 12-foot widths respectively, an additional 6 feet of width would be reallocated for the trail. The added 6-foot width would be added to the east side and an elevated non-motorized trail would have a 12-foot width (8-foot trail plus 2-foot clearance on either side) as seen in Figure 2.

![Figure 2. Proposed Minnehaha Creek Bridge Configuration](image2)

Proposed modifications include a 2-inch mill and overlay of from the crown of the deck east and replacing easterly 6-foot sidewalk with a 12-foot wide raised trail. The existing metal railing would be replaced with a metal railing meeting the minimum bicycle protection height requirement of 54-inches. The proposed modifications add dead load and additional pedestrian load to the existing structure. The structural capacity of the superstructure and substructures should be evaluated and coordinated with the owner prior to advancing this
concept. Refer to Figure 7: Minnehaha Creek Crossing – Modify Existing Bridge in the appendix for additional information.

BNSF RAILROAD CROSSING:

This bridge carries Plymouth Road over The BNSF Railway and is owned by Hennepin County. Figure 3 below shows the existing lane configuration.

![Figure 3. Existing BNSF Railway Bridge Configuration](image)

BNSF RAILROAD CROSSING: INTERIM SOLUTION

The trail can be accommodated on the bridge by reducing the roadway lanes and shoulder widths and adding tube delineators. By reducing the 12-foot lanes to 11-foot lanes and the shoulder from 6-foot to 2-feet, an additional 6-feet would be reallocated to accommodate a 10-foot proposed trail as seen in Figure 4.

Adding vertical delineators is required between the trail and traffic lane, and replacement of the metal railing with a new metal railing meeting the minimum bicycle protection height requirement of 54-inches. The structural capacity of the superstructure and substructures should be evaluated and coordinated with the owner prior to advancing this concept. Refer to Figure 4 below or Figure 9: BNSF Railroad Bridge – Modify Existing Bridge in the attachments for additional information.

![Figure 4. Proposed BNSF Railroad Crossing Bridge](image)

Structurally modifying this existing bridge to accommodate an 8-foot trail with 2-foot trail clear zones on either side is prohibitive from a structural and cost perspective. Therefore, a separate trail-only structure adjacent to the existing bridge at this location is preferred. Timing for a new trail-only bridge may occur when additional funding is available or the existing bridge can be updated when the existing roadway bridge is replaced in the future.
Refer to Figure 8: BNSF Railroad Crossing – Separate Trail Bridge for additional information.

Public Involvement
This project study has been initiated by the City of Minnetonka with cooperation from Hennepin County. Staff members from both agencies have participated in project coordination meetings dating back to late 2016 and have provided ongoing feedback regarding the contents of this report. A neighborhood informational meeting scheduled for July 20, 2017 to be held at the City of Minnetonka will provide the opportunity for the public to review the proposed trail design. Comments received will be incorporated into the final report.

Project Costs
The recommended trail configuration utilizing the existing bridge structures is shown in Figure 5. Estimated project costs incorporate 2016 construction costs. An estimated cost per square foot for temporary easement needed to construct the trail is based on an assumed average residential property value and percentage of area impact to each property. A detailed evaluation for each parcel will be necessary in final design to determine itemized impacts to each property. A 10% contingency is included for additional items unknown at this time including potential wetland mitigation. A factor of 25% was added to the construction cost to capture engineering, inspection, administration and capitalized interest components of the overall project cost. Detailed opinions of probable costs can be found in Appendix A-C of this report.

Project Funding
This corridor ranked 3rd out of 74 on the City of Minnetonka’s Priority Trail Ranking. It is also included on the Hennepin County 2040 Bicycle Transportation Plan System Map and is eligible to compete for funding from the Hennepin County Sidewalk and Bikeway Participation Program. Another potential funding source would result from the City of Minnetonka’s electric franchise fee program.

Summary
We recommend proceeding with constructing ‘interim-build’ scenario to provide a functional, safe off-road multi-use facility in this project corridor to fulfill the identified need from the both the City of Minnetonka and Hennepin County. The interim scenario could function until funding becomes available for the ultimate build option.

The project can further be broken down into three separate project segments. Segment 1 and Segment 2 could be combined into in a single project that would implement a trail for ½ the corridor length for less than 1/3 of the overall project cost. This would provide an off-
road facility connection to the existing on-road facilities on Cedar Lake Road that would result in an immediate benefit for all pedestrians and bikers in the corridor. See a segmental cost breakdown in Table 1 below.

<table>
<thead>
<tr>
<th>Table 1: Cost Breakdown by Segments</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Segment 1: Hilloway Road to Amy Lane</td>
<td>$162,000.00</td>
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<tr>
<td>Segment 2: Amy Lane to Cedar Lake Road</td>
<td>$815,000.00</td>
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<td>*Segment 3: Cedar Lake Road to Minnetonka Boulevard</td>
<td>$1,306,000.00</td>
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<td>$1,137,400.00</td>
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<td>Total</td>
<td>$3,420,400.00</td>
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</table>

* Cost includes modification of existing BNSF Bridge to accommodate trail

** Cost includes new structure for trail only and restoration of the existing BNSF Bridge

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

Print Name: Michael J. Mohs

Signature: [Signature]

Date: August 3rd, 2017 License No. 43559
# APPENDIX A

## Plymouth Road Trail Feasibility Estimated Cost - Segment 1-3 Total

<table>
<thead>
<tr>
<th>REMOVALS</th>
<th>ITEM DESCRIPTION</th>
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<th>UNIT COST</th>
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**TOTAL REMOVALS**

$54,000.00

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**TOTAL EARTHWORK**

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**TOTAL MISCELLANEOUS**

$1,004,000.00

**SUBTOTAL**

$1,693,000.00

**10% CONTINGENCY**

$169,000.00

**SUBTOTAL + 10% CONTINGENCY**

$1,862,000.00

**ENGINEERING, INSPECTION, ADMINISTRATION, AND CAPITALIZED INTEREST (25%)**

$423,000.00

**TOTAL ESTIMATED COST**

$2,285,000.00
### APPENDIX B

Plymouth Road Trail Feasibility Estimated Cost - BNSF Railroad Crossing: Separate Trail Bridge

<table>
<thead>
<tr>
<th>ITEM DESCRIPTION</th>
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<th>ESTIMATED COST</th>
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## APPENDIX C

### Plymouth Road Trail Feasibility Estimated Cost - Segment 1-3

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<th>ITEM DESCRIPTION</th>
<th>SEGMENT 1</th>
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<td>SIGNALS (ADJUST)</td>
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NOTES:

1. Bridge modification concept is for bridge number 27633 in Minnehaha Creek. Geometrically, the structural capacity of the existing superstructure and substructure must be evaluated and coordinated with Hennepin County prior to advancing this concept into a preliminary design.

2. Mill and overlay limits are shown as minimum recommended limits for bridge modifications, and overall to the full bridge superstructure and substructure should be coordinated with Hennepin County.

Figure 6

Typical Section

Plan

Typical Section

Plymouth Road Trail Feasibility Study

For the City of Minnetonka, in Hennepin County, MN
BNSF RAILROAD CROSSING: MODIFY EXISTING BRIDGE

PLYMOUTH ROAD TRAIL FEASIBILITY STUDY
FOR THE CITY OF MINNETONKA, IN HENNEPIN COUNTY, MN

Figure 7
BNSF Railroad Crossing: Separate Trail Bridge Layout
HENNEPIN COUNTY
MINNETONKA, MN

Plymouth Road

BNSF Railway

BNSF Railroad Crossing & Separate Trail Bridge Layout

LEGEND
- BRIDGES
- RETAINING WALLS
- CURB AND GUTTER
- BIKE PATHS & BIKEWAYS
- PRELIMINARY CONSTRUCTION LIMITS
- SHRUBS AND VEGETATION
- EXISTING Right OF Way
- EXISTING Trail
- POTENTIAL PARCEL IMPACTS

Figure 8

7/18/2017
Job #0179408
August 4th, 2017

City of Minnetonka
Plymouth Rd (Hilloway Rd W to Woodbridge Trl)
2303 Plymouth Rd
Minnetonka, MN 55305

Re: Plymouth Rd. Overhead to Underground Conversion

To whom it may concern,

Thank you for the opportunity to respond to your request for a cost estimate regarding the Plymouth Rd. Overhead to Underground Conversion - The relocation of existing overhead facilities, to be installed underground.

Your request is for Xcel Energy to remove existing overhead distribution lines which currently exist on the east side of Plymouth Rd from Hilloway Rd W heading south to Woodbridge Trl and replace them with new underground facilities.

The cost to remove overhead distribution facilities and install new underground facilities for this project would be $203,712.90

This requires that the City of Minnetonka, Hennepin County and the State of Minnesota approve the permit applications for relocation of facilities. The customer is required to provide any easements needed in order to replace/relocate existing overhead electrical equipment.

Xcel Energy will require one half of the total payment, $101,856.45 prior to the start of the work. The other half of the total payment, $101,856.45 will be due at the completion of work. The City of Minnetonka is responsible for any costs exceeding this estimate after actual costs have been determined, and would be reimbursed any costs less than estimated.

The primary cost elements included in this cost are as follows:

A) Directional boring a total of 1,870’ of Feeder, 760’ of Primary, and 280’ of Secondary cable
B) Installation of two PMH-9 Switch Centers to tie into the existing underground system
C) Installation of one Transformer and two secondary pedestals to tie in existing customers
D) Installation of two new poles at either extent of the new underground facilities
E) Removal of the existing overhead system

Please note that these costs are excluded from this estimate:
1) Removal of cable television, telephone, or telecommunications equipment attached to poles.
2) Removal of poles not belonging to Xcel Energy.
3) Rewiring of customer secondary services to new connection points or to accept underground service. It is the requestor's responsibility to contact customers regarding any needed rewiring of their services.
4) Xcel Energy requires that a licensed, qualified survey group verifies that all chosen locations for the Xcel Energy underground facilities will be within an established easement or road right of way area prior to their installation.

5) Winter Construction charges

Should the City of Minnetonka choose to proceed with this project, please have the appropriate party sign and date the “Statement of Work Requested” contract. Return all copies to me at 5309 W. 70th St, Edina, MN, 55439. A signed copy will be returned to you at a later date.

This cost is good for 90 days from the date of this letter. Any agreement reached after this date would be subject to a review of the estimate, which could include a change to the above stated cost.

If you have any questions, please contact me at (952) 380-2637.

Sincerely,

Jacob R. Mock
Designer
Xcel Energy Inc.
STATEMENT OF WORK REQUESTED
BY COUNTY, CITY, TOWN OR TOWNSHIP
FOR PROJECTS WITH ESTIMATED
CONSTRUCTION COSTS OVER $25,000

DATE: August 4th, 2017
WORK REQUESTED BY: City of Minnetonka

WORK LOCATION: Plymouth Rd (Hilloway Rd W to Woodbridge Trl)
ADDRESS: 2303 Plymouth Rd
Minnetonka, MN 55305

CONSORTING OF:

The following shall constitute the “Work” to be performed by Xcel Energy:

The City of Minnetonka has requested that Xcel Energy replace the existing overhead facilities currently existing on the east side of Plymouth Rd from the intersection of Hilloway Rd W heading south to the intersection of Woodbridge Trl with a new underground system. The cost to remove overhead distribution facilities and install new underground facilities for this project is $203,712.90.

The primary cost elements included in this cost are as follows:
A) Directional boring: 1,870’ of Feeder, 760’ of Primary, and 280’ of Secondary cable
B) Installation of two PMH-9 Switch Centers to tie into the existing underground system
C) Installation of one Transformer and two secondary pedestals for existing customers
D) Installation of two new poles at either extent of the new underground facilities
E) Removal of the existing overhead system on east side of Plymouth Rd

Municipality agrees to pay Xcel Energy for Xcel Energy’s actual total cost of the Work, subject to the Municipality’s right of cost review in accordance with the terms of this Statement of Work (“Statement”). The current estimate for the Work is $203,712.90 ______ (“Estimate”).

The undersigned hereby requests and authorizes Xcel Energy to perform the Work. In consideration thereof and in lieu of a City Requested Facilities Surcharge, the City agrees to pay Xcel Energy on the date of this Statement an initial payment of ($101,856.45 ______) which is fifty (50) percent of the Estimate (“Down Payment”).

All Work shall be performed pursuant to good utility practice (as that term is generally understood in the utility industry) utilizing Xcel Energy’s commercially reasonable efforts to complete the Work within the Estimate under Xcel Energy’s then current design standards, operating procedures, and safety procedures. The facilities installed or removed by Xcel Energy shall be the property of Xcel Energy and any payment by Municipality shall not entitle Municipality to any ownership interest or right therein. Municipality’s and Xcel Energy’s rights and obligations with respect to the facilities and services provided through the facilities are subject to the terms of this Statement, as well as the additional terms and conditions provided in the Xcel Energy Electric Rate Book, as now exists or may hereafter be changed, on file with the Minnesota Public Utilities Commission.

In advance of the Work, Municipality agrees to inform Xcel Energy of any Municipality-related or other projects that may affect the Work. During the Work, Xcel Energy agrees to provide the Municipality notice of any proposed change orders increasing the cost of the Work. Municipality acknowledges that change orders that result from requests of Municipality with respect to the performance of the Work or the scope of the Work may increase Xcel Energy’s actual cost of the Work. Upon completion of the Work, Xcel Energy agrees to provide Municipality with final detail of the actual work performed and the actual costs of such work performed. Xcel Energy will identify any information included in such information that is non-public pursuant to Minn. Stat. Ch. 13. Upon request by Municipality, Xcel Energy shall provide Municipality the opportunity to review more detailed documentation of the Work performed and related costs.

Xcel Energy agrees to keep Municipality reasonably informed with respect to Xcel Energy’s performance of the Work, consistent with good utility practice and will, at minimum, apprise Municipality when half of the Estimate has been spent and when ninety percent of the Estimate has
been spent. Xcel Energy also agrees to timely notify the Municipality when the Work is substantially complete.

Upon receipt of the invoice for the cost balance, the City shall have the right to require that Xcel Energy provide reasonable cost support documentation, including change orders, for its actual total cost of the Work. The Municipality shall pay the balance of cost not subject to reasonable dispute within the timeframe set forth in the Minnesota Municipal Prompt Payment Act, Minn. Stat. 471.425. Xcel Energy and Municipality shall reasonably try to resolve any disputes with respect to costs incurred in performance of the Work in good faith. In the event Xcel Energy and Municipality are unable to resolve any such disputes, the parties may seek redress in a forum with jurisdiction over the dispute.

This Statement of Work is agreed to by Xcel Energy and Municipality and receipt of the above Down Payment of $101,856.45 is hereby acknowledged on behalf of Xcel Energy.

Northern States Power Company, a Minnesota corporation ("Xcel Energy")

City of Minnetonka

Print Full Name and Title

Print Full Name and Title (if applicable)

Signature

Signature of Authorized Representative

Address: 5309 W. 70th St

Edina, MN 55439

Phone: (952) 380-2637

E-mail: Jacob.r.mock@xcelenergy.com

Xcel Energy Work Order # 12580338

Estimated Construction $ 187,883.42

Estimated Removal $ 15,829.48

Estimated Total $ 203,712.90

Form 17-7012
City Council Agenda Item #14B
Meeting of August 14, 2017

Brief Description: Resolution adopting the proposed Pond and Lake Management Policy

Recommended Action: Adopt the resolution

Introduction

At the October 17, 2016 and March 20, 2017 study sessions, the city council discussed the history and practices regarding water quality regulation and management, water quality and aquatic vegetation management options, and reviewed partnerships with various governmental agencies. Staff presented this information to seek council direction and input on what changes to current practices, if any, are desired. As a result, the proposed Pond and Lake Management Policy will allow council to consider potential funding for organized lake associations wanting to pursue water quality and aesthetic improvement projects by means of a fair and systematic approach.

Background

The city of Minnetonka has a strong history of protecting surface waters. The city’s first iteration of a water resources management plan was developed in 1959, 13 years prior to the inception of the Clean Water Act by the federal government in 1972. Since that time, the city’s water resources management plan, which includes stormwater, wetland, floodplain and shoreland protections, has continued to evolve to make certain water quality in the city is a primary focus for protection, while balancing the infrastructure and development goals of the city.

Water Quality/Aquatic Vegetation Management

The city has historically defined water quality based on overall health, function and value (pollutant load, clarity, aquatic communities and wildlife benefit). The city has not typically defined water quality based on aesthetic appeal or recreational opportunities. Nearly all lakes within the city do not provide for public access, with the exception of Lake Minnetonka. The city has continually monitored select water bodies throughout the city since 1993 with the primary focus being approximately 24 lakes and wetlands.

While the city has historically defined water quality based on overall health, function and value, the city does receive concerns from residents of water quality directly related to aesthetic appeal and recreational capability. These residents have requested the city increase its standards for protecting surface waters and provide a role in undertaking lake management strategies, which include vegetation removal.
Council and staff discussed the importance of protecting lakes currently identified with moderate to good water quality as a high priority, and then to address those with poorer water quality. Lakes designated as having poor water quality will likely require significant investment in trying to improve their health. Improvements to water quality are not instantaneous, and sometimes may not be achieved. Realistic expectations of concerned residents should be clearly reviewed and discussed prior to implementation of improvement projects.

**Proposed Policy**

Council identified a need to consider potential funding for organized groups that promote water quality through a fair and systematic process. The attached *Lake and Pond Management Policy* provides organized groups the means to petition the city for improvements funded through the city’s Capital Improvements Program (CIP) or through special assessments after demonstrating all other public grant funding sources have been explored, are not feasible or do not cover full cost of the improvements.

Prior to a petition being brought before city council, the petitioner will need to meet the following criteria:

- Meet with city staff to discuss available city technical resources and data to determine if additional feasibility report is necessary.
- Set realistic expectations and determine if desired improvements are achievable based on technical resources and/or feasibility report.
- Establish a lake association.
- Develop a lake management plan in conjunction with city staff. Plan should include but not be limited to efforts for education, enforcement, communication, signage, improvement projects and planned funding related to grants, assessments and city funding. Plan shall also include a written statement of need and reasonableness, and additional documentation outlining the expectations and responsibilities that must be adopted, signed, and recorded by each party.

Further, this policy provides a distinction between water quality improvements and those improvements specifically related to aesthetics. Those projects scientifically proven to provide water quality benefits would be eligible for city grant funding and those projects with primary goals involving aesthetic only benefit would be eligible for assessment funding.

**Pond and Lake Management – Focus Group**

Since the March 20, 2017 study session, city staff reached out to lake associations/groups that had previously been in contact with the city regarding water quality and improvements related to aesthetics, to request feedback on the content of
the proposed policy. A meeting was held at city hall on June 15, 2017 in which representatives of Grays Bay (Lake Minnetonka), Lake Minnetogga, Lake Rose, Lake Windsor, and Wing Lake were in attendance. Two lake associations issued comments on the proposed policy, which can be found attached to this document; however, no changes were requested to the policy as written. Overall, responses to the policy’s structure and content have been supportive and positive in nature and no additional meetings as offered by city staff were requested for further understanding or comment on the proposed policy.

Recommendation

Adopt the resolution adopting the new city council policy 12.11 regarding Pond and Lake Management.

Submitted through:
  Geralyn Barone, City Manager
  Will Manchester, City Engineer
  Brian Wagstrom, Public Works Director

Originated by:
  Jo Colleran, Natural Resources Manager
  Tom Dietrich, Water Resources Engineering Coordinator
Resolution No. 2017-

Resolution adopting council policy 12.11 regarding pond and lake management

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

Section 1. Background.

1.01. The city desires to consider potential funding for organized Lake Associations wanting to pursue water quality and aesthetic improvement projects by means of a fair and systematic approach.

1.02. The policy provides organized groups the means to petition the city for improvements funded through the city’s Capital Improvements Program (CIP) or through special assessments after demonstrating all other public grant funding sources have been explored, are not feasible or do not cover full cost of the improvements.

1.03. The policy provides a distinction between water quality improvements and those improvements specifically related to aesthetics. Those projects scientifically proven to provide water quality benefits would be eligible for city grant funding and those projects with primary goals involving aesthetic only benefit would be eligible for assessment funding.

1.04. The city council has reviewed the pond and lake management policy as prepared by the city engineer and finds the policy appropriately provides organized groups the means to petition the city for city funded water quality and aesthetic improvements.

Section 2. Council Action.

2.01. The city council hereby adopts council policy 12.11 regarding pond and lake management.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 14, 2017.

______________________________
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 August 14, 2017.

__________________________________________
David E. Maeda, City Clerk
Policy Number 12.11
Lake and Pond Management

Purpose of Policy: This policy establishes guidelines and criteria for lake and pond management for aquatic vegetation and water quality to which the city council will consider petitions for improvements.

Introduction
This policy is applicable to property owners, by formation of a lake association, seeking improvements to lakes or ponds where a future, attainable improvement can be systematically and technically shown obtainable through prior review.

Improvement Requests
Lake associations in the city of Minnetonka may request improvements to lakes and ponds, in writing, for city council consideration prior to February 1 for the 5-year Capital Improvements Program (CIP). Prioritization of projects will be weighed against other city projects and petitions received, and planned as budget and schedule allow. In the event multiple petitions are received in a year, projects will be prioritized based upon the quantifiable water quality benefit and as determined by the city engineer. Petitions received after February 1 may be brought before the city council for consideration if, in the opinion of the city engineer, it is feasible to include such projects in the construction schedule for the following year. Petitions must be signed by the lake association president or authorized representative. All petitioners must waive any rights to a public hearing and any appeal of the special assessments associated with the petition as adopted by the city council. Petitions will be reviewed annually as received for the next review cycle.

Lake Association
For purposes of this policy, a lake association is defined as an organization of residents owning property on or in the vicinity of a lake or pond shoreline which has:

- Established official non-profit status
- Adopted bylaws and a mission statement
- Membership of at least 60% of the residents owning shoreline property
- Appointed officers
- Elected a board of directors to act in an official capacity
- Published articles of incorporation

Lake associations are communal organizations of private property owners surrounding a priority waterbody which uphold a unified interest and remain active in improving the function and value of water resources, or aesthetics. Associations meeting the above criteria are eligible to petition the city for improvements.

Consideration of Petitions
Prior to a petition being brought before city council, the petitioner must:

- Meet with city staff to discuss available city technical resources and data to determine if additional feasibility report is necessary.
City of Minnetonka

- Set realistic expectations and determine if desired improvements are achievable based on technical resources and/or feasibility report.
- Establish a lake association.
- Develop a lake management plan in conjunction with city staff. Plan should include but not be limited to efforts for education, enforcement, communication, signage, improvement projects and planned funding related to grants, assessments and city funding.

A feasibility review may be necessary to determine if the proposed improvements will obtain the desired outcome of the petitioner, and provide realistic expectations for all parties involved. The feasibility report must be coordinated by engineering staff at the direction of the city engineer, or by a licensed professional obtained by the petitioners as approved by the city engineer. In order for a petitioner to request city council reimbursement of a feasibility report, a lake association must be established prior to the request. An escrow or cash deposit may be required based on the city engineer’s estimate for this work.

The city of Minnetonka will consider improvements for lake associations adhering to the above criteria only in those circumstances in which the proposed project addresses one or more of the following scientifically proven goals:

- To promote water quality improvements and revitalization of natural conditions through the installation or implementation of best management practices with a demonstrated benefit.
- To address sources of pollution or contamination for the betterment of the natural environment.
- To maintain or restore ecological stability.
- To prevent harm to the intended use of the lake.
- To establish association wide initiatives aimed at reducing the impact land-use has on water quality.

Projects with primary goals involving aesthetic only benefit will not undergo consideration for city participation funding, however, may be considered for assessment funding.

Funding, Grants, Assessments, and Assistance
The city will assist all interested parties in identifying available federal, state, and watershed grant opportunities and programs available for their particular project during technical resource sharing and support. Additional technical assistance is also available as outlined further in the city’s Water Resource Management Plan. Any and all assistance is subject to the adherence of city code and policy for all parcels around a particular waterbody. No funding or assistance will be provided should illegal dumping or other nuisance violations persist in a given area.

If a petitioner demonstrates all other public funding sources have been explored and are not feasible, or do not cover the entirety of the costs associated with a particular project, the city council may consider improvements to be 100% financed through special assessments to the lake association members, or all properties receiving a public benefit as determined by the city council. Further evaluation will occur as necessary to determine the applicability of the assessment to specific properties. The city will coordinate with the petitioner(s) to
develop a workable assessment applied to participants within a given project. The maximum financing term will be for 20 years and at an interest rate determined by the city’s finance director, unless an alternate term or rate is otherwise approved by the council. The petitioner(s) must enter into an agreement with the city, including a specific statement of need and reasonableness, and additional documentation outlining the expectations and responsibilities that must be adopted, signed, and recorded by each party.

City Participation
Upon demonstration that non-city grant opportunities have been explored, the city council may consider city participation grant funding awards in amounts not to exceed 50% of the project cost or as designated by the 5-year CIP funding per association, for those projects that fulfill a proven, scientific water quality management benefit of a particular priority waterbody. This city funding shall only be considered by city council for those lake associations that have independently pursued and implemented two lake management plan action items deemed to be beneficial by the city engineer. Examples of such action items may include, but are not limited to, education-based initiatives, outreach programs, structural best management practices, and organized clean-up efforts. The improvements completed by the lake association must be in line with the goals identified in the city’s Water Resource Management Plan and other applicable state standards. An education and outreach program designed to engage neighbors and citizens must be incorporated as part of an application for funding through the city. Details of an effective outreach program are further defined in the city’s Water Resource Management Plan. All projects funded by the city council must be coordinated through the city engineer.

Adopted by Resolution No. 2017-XXX
Council Meeting of August 14, 2017
Hi Andy,

Thank you again for your comments and participating in the Focus Group for the Pond and Lake Management Policy. The city will assist you as much as we can with the non-profit establishment, and can outline the steps necessary to achieve non-profit status if that would be helpful. I agree that the meeting was extremely useful to hear multiple perspectives and opinions from different Lake Associations. Moving forward, I think it would be useful to have an annual meeting between the Lake Association representatives, hosted by the city to continue to share questions, successes, and opinions. I’ll contact the group in the near future to establish a timeframe for an annual meeting.

If you have any questions or concerns moving forward, please feel free to contact me.

Thanks,

Tom Dietrich
Water Resources Engineering Coordinator

City of Minnetonka
14600 Minnetonka Blvd.
Minnetonka, MN 55345
Direct: (952) 939-8233
General: (952) 939-8200
www.eminnetonka.com

Hi Andy,

Thank you for your email. I’ll include this in the report to council.

Also, I received your other emails and will be responding shortly. If you have any questions in the meantime, please feel free to contact me.

Thanks,

Tom Dietrich
Water Resources Engineering Coordinator
Hi Tom

Sorry for the late reply. It's been a busy summer.

My main impression of the plan is that it's going to take a great deal of organizational work for a group to take advantage of the funding offered in the plan. This puts smaller lakes at a disadvantage in comparison to larger lakes because larger lake organizations will tend to be larger, more well organized and better funded. As I said at the meeting some of the requirements seem daunting to me such as becoming a non-profit organization. I can understand the need for it from the city's perspective but it would be helpful if there was some guidance from the city on how to accomplish those requirements.

It was very interesting to meet other representatives of lake associations and groups. I appreciate how much work it is to organize a meeting like that. I know this was a special one-off meeting. But it would be great if the city could organize a meeting like that maybe once a year. We can learn a lot from each other.

Thanks,

Andy Waterous
Windsor Lake

On Wed, Jul 12, 2017 at 2:37 PM Tom Dietrich <tdietrich@eminnetonka.com> wrote:

All,

Thank you for being a part of the focus group as the city develops a Pond and Lake Management Policy. As we discussed at the group meeting, we want your feedback on the current draft of the policy prior to taking it to city council for their consideration. I’ve heard comments from a few of the associations on the policy, which we requested by July 7th, 2017, however if you have any remaining comments, please provide them to me by the end of the day this Friday, July 14th, 2017 at 4:30 pm.
As the city has received no additional requests for meetings to discuss the policy, we will be summarizing the comments submitted and including them in our report to city council, scheduled for August 14th, 2017. Please let me know if you or others will be planning to attend. If you have any questions or concerns, please feel free to contact me.

Thanks,

Tom Dietrich  
Water Resources Engineering Coordinator

14600 Minnetonka Blvd.  
Minnetonka, MN 55345  
Direct: (952) 939-8233  
General: (952) 939-8200  
www.eminnetonka.com

From: Tom Dietrich  
Sent: Tuesday, June 27, 2017 3:39 PM  
To: Michael Ruesewald <mruesewald@gmail.com>; 'Andy Waterous' <muddywaterous@gmail.com>; 'awallner@wcreativebranding.com' <awallner@wcreativebranding.com>; 'Mary Perkins' <mary.perkins.licsw@gmail.com>; 'terryb@tbryce.com' <terryb@tbryce.com>; 'sigbirkeland@msn.com' <sigbirkeland@msn.com>  
Cc: Jo Colleran <jcolleran@eminnetonka.com>; Will Manchester <wmanchester@eminnetonka.com>; Philip Olson <polson@eminnetonka.com>  
Subject: Pond and Lake Management - Focus Group Meeting Minutes
All,

Please find the draft minutes and attendance sheet from the June 15th, 2017 Pond and Lake Management Focus Group meeting attached. Should you have any questions, or edits to the minutes, please feel free to contact me.

Thanks,

Tom Dietrich
Water Resources Engineering Coordinator

14600 Minnetonka Blvd.
Minnetonka, MN 55345
Direct: (952) 939-8233
General: (952) 939-8200

www.eminnetonka.com
Hi Andy,

Thank you for your email. To clarify, the policy states that those projects shown to provide a demonstrated water quality benefit are eligible for city assistance for up to 50% of the project cost, or as outlined in the CIP. This assistance is available regardless if the project in question has been awarded or denied public funding. However, prior to seeking city assistance, a lake association must demonstrate that it has attempted to acquire public funding, and that public funding is either not available, or does not cover the full cost of the project. The various venues where public funding can be sought was included as a handout at the meeting, and has been attached for your convenience.

Regarding fees for lakeshore homeowners, are you referring to funding through assessments, or the “Lake Districts” tax mechanism that Terry Bryce discussed? Please let me know and I can follow up with more information.

In regards to your first email, the monies set aside for stormwater capital improvement projects will begin in 2018 and continue through 2022, as approved by council this past June. The stormwater CIP funding is made available to the lake associations through the Pond and Lake Management Policy. The stormwater CIP was approved on June 12th, 2017, and the relevant information regarding the stormwater CIP can be found on page 108 of 209 in the link below.


Finally, I’ve contacted Barr Engineering for a higher resolution image of the figure you included in your previous email. I’ll pass along anything they might have.

If you have any additional questions or concerns, please feel free to contact me.

Thanks,

Tom Dietrich
Water Resources Engineering Coordinator
Hi Tom,

One more follow up question on the funding. The policy and discussion also talked about supporting associations in getting access to grant funding and limiting city participation to 50% in projects where grant funding is used. I believe the limit was 50%.

We also talked about creating a funding source by charging fees to the lake homeowners.

It’s not clear to me how all of these funding sources work together. Does the 50% limit apply only when there are other grant monies involved? If we had a project that could be financed with fees charged to lake homeowners and city funds, would the limit apply? Another way to ask this is does the city policy require we get grant funding from other sources before the city will participate thus also triggering the 50% limit?

Just seeking clarification.

Thanks,

Andy Waterous

On Sun, Jul 16, 2017 at 4:56 PM Andy Waterous <muddywaterous@gmail.com> wrote:

Hi Tom,

During the focus group meeting on 6/15 we discussed a program the city has started that would help lake associations gain access to funding from the city. The city set aside funds in the current year and for several subsequent years. Can you send me a document with the details?

Thank you,

Andy Waterous
Windsor Lake
Hi Sig,

I wanted to follow up with you briefly based on the comments you submitted earlier in July. As you know, the city is currently working on the next iteration of its water resources management plan, which inventories the cities resources and sets forth goals for the next ten years. As part of this process, the city will be including a section that expands upon the Pond and Lake Management policy, specifically addressing the technical and educational resources available to the public.

Also, comments were received from other Lake Associations to hold check-in meetings amongst all Lake Associations representatives on an annual basis to share ideas, successes, and questions. The city is more than willing to host these meetings into the future, and can provide updates to any new educational resources that become available at that time. I’m also happy to attend any Lake Association meetings you have in the future to provide updates on educational or technical resources.

Should you have any questions or concerns, please feel free to contact me.

Thanks,

Tom Dietrich
Water Resources Engineering Coordinator

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Hi Sig,

Thank you for your comments. I’ll make sure these are included in the council report when the policy returns to City Council. If you have any other questions or comments, please feel free to contact me.

Thanks,
Hello Tom:

Happy July... I received only one reply to your request for feedback on the Lake Policy and it is attached below for your review. I agree with our member, Julie Brokaw, that more education about current science and possible participation in ongoing studies would be beneficial.

Thanks,

Sig Birkeland, President
Minnetogna Lake and Wetlands Association

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Hi Sig & Holly,

Thanks for passing this along. Its really interesting. Brent and I will be in Europe during the early part of July and will mis the meeting so I thought I would pass my thoughts on now.

Overall I think the lake policy looks really good and I support its overall push for lake quality and education. But I would love to see the City support or offer Lake Associations the opportunity to participate in University or other research activities that are related to evolving best practices and some of the "catch 22" issues related to lake management. A lot of issues surrounding lake management are complex interactions and still not fully understood. For instance, there are ongoing studies of how the increase in cattails/vegetation can both help and hurt the water quality.

I read about research at UMD on the value of burning, thinning or collecting some of the dead organic matter in the winter so the dead stalks don't all fall into the lake when new growth occurs in the spring. I have also read that lakes with considerable shallow areas like ours can actually be taken over by the vegetation and...
become a marsh wetland rather than a lake. What is the right balance? It would be interesting to participate in a study with researchers who could evaluate the benefit of various practices.

I think participating in studies and research could also get more people excited about learning about lake management issues. And I am only suggestion a small portion of the city funds or programs focus on this. Or perhaps the City could educate Lake Associations on different on-going research and studies lakes may participate in?

Again, thanks so much for passing this along - and sorry for the long response!! I really appreciate your focus on the long-term health (& beauty) of our lake!!

Best, Julie

Julie Brokaw  
Executive Director  | j.b. Brokaw | An Innovation Consultancy  
| Julie@jbbrokawconsulting.com

On Mon, Jun 19, 2017 at 8:45 AM, SIGVARD <sigbirkeland@msn.com> wrote:

Good Morning Members:
I am forwarding a City of Minnetonka Lake Policy Draft which was presented to a group of 5 lake association representatives this past Wednesday by city employees. The City is establishing this policy to better manage water quality and to be able to respond to residents (and associations) seeking to improve their lakes.

The new lake policy is attached to this email so that our membership may review it and make suggestions for additions or improvement to the policy. The goals are improved lake water quality and education of members and residents. Notably, the city made it very clear that improving aesthetics of our lakes is not a goal due to the extremely high costs and potential harmful side effects. This was especially evident when the representatives of shallow lakes (<15 ft. deep) described their desire to remove vegetation choking their lakes completely. Minnetoga, by comparison, seems quite healthy but remains in need of continued improvements.

In sum, please take a few moments to review the new policy document and send me your comments and suggestions for improvement (by July 5). I will then forward them on to the city for their consideration and possible inclusion in the new policy.

Thanks!
Sig Birkeland, President
Minnetoga Lake & Wetlands Association

From: Tom Dietrich <tdietrich@eminnetonka.com>  
Sent: Friday, June 16, 2017 8:27 AM  
To: 'sigbirkeland@msn.com'; 'Mary Perkins'; Michael Ruesewald; 'Andy Waterous'; 'Rosemary Wallner'; 'awallner@wcreativebranding.com'; 'terryb@tbryce.com'
Cc: Will Manchester; Philip Olson; Jo Colleran  
Subject: Pond and Lake Management - Focus Group

Good Morning All,

Thank you again for taking the time to attend the Pond and Lake Management focus group meeting last night. The feedback was extremely useful, and we look forward to your further comments. As promised, please find a word document of the draft Pond and Lake Management policy attached for your review. Please feel free to submit your lake association’s comments in whatever format is most convenient. As a reminder comments need to be returned to the city by July 7th, 2017. Also, please let me know if you are interested in holding an additional meeting to discuss any further comments or concerns. If you have any questions in the meantime, please feel free to contact me.

Thanks,

Tom Dietrich  
Water Resources Engineering Coordinator

Minnetonka

www.eminnetonka.com

Official web site of city government, with information on the City Council, a community profile, resident information, meeting agendas, City services, current events ...
Introduction

In recent months, city council members have posed questions and raised concerns regarding storm water management plans for development and redevelopment projects. Additionally, a number of council members have been approached by residents requesting greater city involvement in addressing water quality and unwanted vegetation in area lakes. Finally, council has been encouraging more partnerships with other agencies.

This report and a presentation at the October 17 study session will provide history and practices regarding water quality regulation and management; discuss water quality and aquatic vegetation management options; and review partnerships with various governmental agencies. Staff is seeking council direction on what changes to current practices, if any, are desired.

Background

The city of Minnetonka has a strong history of protecting surface waters. The city’s first iteration of a water resources management plan was developed in 1959, 13 years prior to the inception of the Clean Water Act by the federal government in 1972. Since that time, the city’s water resources management plan, which includes stormwater, wetland, floodplain and shoreland protections, has continued to evolve to make certain water quality in the city is a primary focus for protection, while balancing the infrastructure and development goals of the city.

Regulation

Water quality is heavily regulated by multiple, overlapping levels of government starting at the local level with the city of Minnetonka. Many of the city rules and regulations currently in place are based upon state, federal and watershed district requirements, which provide a higher standard of water quality protection in areas where appropriate. These regulations provide a strong protection of water quality, while allowing a balance of necessary improvements such as reconstruction and infrastructure projects, as well as development and redevelopment within the city. Current regulations require no negative impacts to the existing conditions. In most cases, however, significant improvements to water quality from the existing conditions are achieved.
**Storm water**
Council adopted the most recent water resources management update in 2010. At that time, it provided adoption for the most stringent storm water rules of each of the four watershed districts in the city, which include; Bassett Creek Water Management Commission (BCWMC), Minnehaha Creek Watershed District (MCWD), Nine Mile Creek Watershed District (NMCWD), and Riley Purgatory Bluff Creek Watershed District (RPBCWD). Storm water regulations are managed in two scenarios: by the city on behalf of the watershed district by partnership agreement, or directly by the watershed district. In either case, the rules for the greatest protection of water quality are developed in conjunction with a technical committee of a variety of stakeholders involved. These rules are currently under review with the watershed districts and will be brought to council in the upcoming year for consideration of further improved city regulations.

**Floodplain**
There are two types of floodplain, city staff regulated as adopted by council in 1974, and FEMA regulated as determined by the federal government. Council will be considering approval of an ordinance update on October 24, 2016 for improved FEMA mapping last completed in 2004.

**Shoreland**
Shoreland is regulated by city staff as originally adopted by council in 1986, and provides regulations for protection of shoreland areas. In 2007, the council considered but did not adopt stricter shoreland regulations.

**Wetland**
Wetlands are regulated by ordinance as originally adopted by council in 1974 and under the state’s Wetland Conservation Act. The city’s natural resources division is the LGU (Local Government Unit) that regulates wetlands in conjunction with the Hennepin County Soil and Water Conservation District (SWCD), State Board of Water and Soil Resources (BWSR), Minnesota Department of Natural Resources (DNR), watershed districts, and United States Army Corps of Engineers (USACE).

Although the city’s storm water regulations require strong protection of water quality, they do not apply if there is not an increase in impervious surface, disturbance of 50 cubic yards of material (approximately 3 dump trucks), or 5,000 square feet of area is disturbed. Essentially, a redevelopment site that utilizes the existing building and parking area does not typically require improved storm water treatment.

Staff does currently find the regulations enforced within the city of Minnetonka to provide strong protection to water quality while still balancing the goals of development, redevelopment, and infrastructure projects. However, staff will be recommending
updates to council regarding city storm water rules in the upcoming year to provide consistency with newly revised watershed district rules.

**Discussion Questions**

- Should the city consider more strict storm water regulations for redevelopment projects that do not increase impervious surface?
- Should the city consider more strict impervious surface requirements?

**Water Quality/Aquatic Vegetation Management**

*Water Quality*

The city has historically defined water quality based on overall health, function and value (pollutant load, clarity, aquatic communities and wildlife benefit). The city has not typically defined water quality based on aesthetic appeal or recreational opportunities. Nearly all lakes within the city do not provide for public access, with the exception of Lake Minnetonka.

The city has monitored select water bodies throughout the city since 1993 with the primary focus being approximately 24 lakes and wetlands. Historically, the monitoring has been conducted in three year cycles and continued in this format through 2013. In 2014, the city modified its water quality monitoring program, reducing the number of monitored water bodies from 24 to 14. Additional information regarding this adjustment can be found in the Supporting Information section of this report. The city’s current assessment of lake water quality is as follows:

**Deep water lakes** (Currently have good water quality)
- Glen Lake, Grays Bay (Lake Minnetonka), Libb’s Lake (Lake Minnetonka), Lone Lake, Lake Minnetoga, Shady Oak Lake.

**Shallow water lakes** (Currently have poor water quality)
- Gleason Lake, Lake Holiday, Lake Rose, Windsor Lake, Wing Lake.

**Medium depth water lakes** (Currently have moderate water quality)
- Crane Lake, Shavers Lake.

*Resident Concerns*

While the city has historically defined water quality based on overall health, function and value (pollutant load, clarity, aquatic communities and wildlife benefit), the city does receive concerns from residents of water quality directly related to aesthetic appeal and recreational capability. These residents have requested the city increase its standards for protecting surface waters and provide a role in undertaking lake management strategies which include vegetation removal.
The city has also received requests specifically from Grays Bay (Lake Minnetonka) property owners for additional funding assistance of invasive species removals. They indicated private property owners contribute financially to this removal and feel public marina boat traffic is contributing further to increased removal needs.

It is important to note the city’s role with the Lake Minnetonka Conservation District (LMCD). The city is required to pay toward the LMCD’s annual budget, which includes funding of a program to manage invasive species on Lake Minnetonka. Lake Minnetonka does provide a designated public access to the lake, as opposed to other lakes in the city.

Lake Treatment/Aquatic Vegetation Management Considerations
Staff believes that it is important to continue to make a concerted effort to protect the lakes currently identified with moderate to good water quality as a priority, and then to address those with poorer water quality. Lakes which are already compromised to poor water quality likely require many resources to be expended in trying to improve their health and water quality improvements, which are not instantaneous, if achievable.

(1) Aquatic Plant, Invasive Species, and Algae Removal
In addition to considering increased regulation to limit runoff and treatment of vegetated areas to private properties adjacent to lakes, there are options that could be considered when discussing the city’s role relating to lake management techniques. These options include aquatic plant removal, invasive species removal, and algae removal. These have not historically been considered or funded by the city of Minnetonka. As a reference, watershed districts in the city do not currently financially support programs for these types of management options. Therefore, funding is not currently available from the watershed districts, although grant opportunities can be pursued through the Minnesota DNR. Permits for these types of options are primarily regulated by the DNR, USACE, and Minnesota Pollution Control Agency (PCA).

Costs
The attached City of Minnetonka Lake Management Options and Associated Costs chart illustrates estimated costs, benefits, assessment tools, and relevant regulations for treatments that may be considered. As illustrated, these types of options are expensive and would in many cases require annual applications to maintain consistency between treatments to be effective. Each lake would be different, and an assessment would need to be completed to fully understand treatments that should be applied. They are not permanent solutions, but a continuous cycle. Also, the city does not have current staff experienced in these types of treatments, or the available staff capacity to take on a new program of this type. Funding consideration of any additional programs must also consider these factors.
To provide insight of the costs, the Nine Mile Creek Watershed District completed a *Use Attainability Analysis for Lake Rose, Wing Lake, and Lake Holiday* in 2010 in response to residents' concerns with water quality. As one example, the study identified recommendations to improve water quality on Wing Lake which included removal of vegetation over a 5-year cycle. The estimated costs were as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Study to identify Management Plan</td>
<td>$50,000</td>
</tr>
<tr>
<td>Implement Best Management Practices</td>
<td>$90,000</td>
</tr>
<tr>
<td>Aquatic Plant Management (5 years/50% removal)</td>
<td>$64,000</td>
</tr>
<tr>
<td>Aluminum Sulfate (prevent phosphorus)</td>
<td>$26,000</td>
</tr>
<tr>
<td></td>
<td>$230,000</td>
</tr>
</tbody>
</table>

The above costs would not likely have an immediate or significant impact to improve water quality or fully remove aquatic plants; however, this would begin to work towards a water quality benefit and remove aquatic vegetation.

**Organized Lake Associations/Potential Funding Options**

In years past, staff has encouraged lake associations to organize to gain support and work towards their common goals since the city could not offer financial assistance. As such, there are essentially three cost groups associated with lake treatment and aquatic vegetation removal: identifying the issues, implementation of solutions, and expert staff and resources to follow through with these requests. Also, many of the areas needed to improve lake quality are confined to private property, with no public land or access.

Currently, Lake Windsor has an organized group that has been working with the DNR on treatment of the lake. In previous years, residents surrounding Wing Lake, Lake Rose, and Lake Holiday have done similarly. Staff has fully supported organization of these groups and worked to provide any technical assistance possible.

As a means for the city to potentially further assist requests of these types in the future, staff would offer the following funding assistance options be considered which would allow:

(A) **Assessment of Costs**

Assess all costs associated with technical assistance, implementation, and expert staff time directly to organized lake associations requesting improvements. These groups would need an approved management plan to implement specific lake management strategies through assessments. It could function in a similar manner to the city's current assessment policies and allow individual properties owners within the association to be assessed.
(B) Low Interest Loan Program
A low interest loan program may be considered to allow organized lake associations with an approved management plan to implement specific lake management strategies. It could function in a similar manner to the city’s current Home Improvement Loan Programs.

(3) Alternative Initiatives for Lake Treatment
Staff will continue to take an active role in maintaining partnerships, work with developers, analyze internal practices, monitor surface waters and actively educate the public. As an alternative to the above options, below are a list of additional alternatives that can be individually considered in water protection:

(A) Provide technical assistance/study efforts to organized lake associations
(B) Provide funding and install additional high benefit storm water treatment features to lake areas where public property currently exists or on private property in partnership with property owners. Examples would include:
   o Shady Oak Beach, Adath Jeshurun Synagogue (Lake Windsor)
(C) Increase street sweeping frequency
(D) Modify or enhance ditches along roadways to promote infiltration and pollutant removal
(E) Continue to promote storm water areas on private property as a part of street reconstruction program
(F) Incorporate enhanced stormwater treatment as part of redevelopment efforts. Examples would include:
   o Glen Lake downtown area, Hennepin County Home School site

Due to the significant costs and resources associated with the consideration of a city-wide program of this type, staff recommends further exploring strategy (2) (A) described above. This allows for a funding option to private property owners requesting assistance with lake treatment for aquatic vegetation removal and/or improving water quality.

Discussion Questions

- Does the council agree with exploring instituting strategy (2) (A) to create a cost assessment program for private property owners?
- Are there other specific lake treatment options and/or resources the council would like to consider?

Projects/Partnerships – Past, Present, Future

To achieve the goal of protecting and improving our waters, the city has and continues to take an active role in developing partnerships with state and local agencies, as well
as developers, to incorporate low impact development techniques, analyze internal practices to identify areas for improvement, monitor surface waters to evaluate the quality of these waterbodies, and take an active role in educating the public.

City staff works closely with other agencies to leverage resources for public and private water quality improvement projects, regulation and educational events. See the supplemental information at the end of this report for specific examples of recent and past partnerships.

- The city’s partners include watershed districts, Metropolitan Council, BWSR, DNR, neighboring cities, Hennepin County, MnDOT, developers, and Master Water Stewards (citizen activists).

The city did recently discuss the Minnehaha Creek corridor with the MCWD, whose staff indicated the desire to partner on an overall planning effort to prepare for future development projects along the creek corridor in the city. This effort would identify key areas for potential funding where significant improvements could be planned to provide the most beneficial improvements to the creek when development, redevelopment, or infrastructure projects arise. As a note, the city currently owns approximately 80% of the property along the creek in Minnetonka. Staff will continue these discussions with MCWD, as well as other partners for any available opportunities.

Notably, staff continues to track the MCWD, NMCWD, and RPBCWD cost share programs, which provide up to $25,000 in matching funds. Also, each has opportunities for larger, specialized projects to be included in their Capital Improvement Programs. The Met Council provides stormwater grant funding of 75%, with 25% city contribution; however, these funds are only available to watershed districts or management organizations, which would sponsor a city application. BWSR’s Clean Water Fund provides funding on a project by project basis. As city projects and private developments are planned, staff will pursue these and other opportunities as appropriate.

Discussion Question

- Does the council have other suggestions for pursuing water quality management partnerships?

Submitted through:
  Geralyn Barone, City Manager
  Will Manchester, City Engineer
  Brian Wagstrom, Public Works Director

Originated by:
  Jo Colleran, Natural Resources Manager
Tom Dietrich, Water Resources Coordinating Engineer
Supporting Information

City Water Quality Monitoring

In 2014, the city modified its water quality monitoring program, reducing the number of monitored water bodies from 24 to 14. The 14 priority water bodies were identified as those water bodies with high community significance, such as lakes used as recreational resources, impaired waters, and other water bodies that city staff has identified as especially important resources. The modified monitoring program also included monitoring water quality in select ponds and wetlands located directly upstream of the priority waters to assess whether these water bodies may be acting as sources of phosphorus and to help target implementation efforts of projects that protect and improve the water quality of these resources.

In 2013, the city applied for and received a State of Minnesota grant through the Clean Water Fund (CWF) to help fund implementation of this improved program focusing on sub-watersheds. Compilation of improved 2014-2016 monitoring will identify specific Best Management Practices (BMPs) that will be available in 2017. The preliminary analysis has identified limited public property for BMP’s; however, all opportunities are currently being explored.

Creek assessment general quality:
- Minnehaha Creek has issues relating to chloride, fecal chloroform, fish health and dissolved oxygen
- Nine Mile Creek has issues relating to chloride and fish health
- Riley Purgatory Bluff Creek has issues relating to turbidity (lacking clarity)

Lake Minnetonka Conservation District City Contribution

It is important to note the city’s role with the Lake Minnetonka Conservation District (LMCD). As required under state law, the city pays toward the LMCD’s annual budget which includes a program to manage invasive species on Lake Minnetonka. A designated public access in Minnetonka to the lake is provided, as opposed to other lakes in the city.

- In 2017, the city of Minnetonka’s share of the LMCD assessment is $65,269. There are 14 cities around the lake, and Minnetonka is responsible for 20% of the assessments even though only 3% of the shoreline lies within the city.
- Of the city’s assessment, $14,200 is dedicated to invasive species management. LMCD’s total aquatic invasive species budget for 2017 is $112,624 or 21% of the agency’s total budget.
• There are 29 city owned slips for rent at Grays Bay Marina. The 2016 rental fee was $3,900. The city uses revenues from the slip rentals to help pay the annual LMCD assessment.

Education of Water Quality

The city continues to take an active role in educating the general public each year through:

• publishing Minnetonka Memo articles to inform the public about actions that protect or negatively impact surface waters
• educating all 4th grade classes in Minnetonka about surface waters protection
• conducting workshops on native landscaping, turf management, rain gardens and shallow lakes
• providing website information and educational links
• promoting information and events through billboard advertisements
• providing volunteer opportunities such as the Wetland Health Evaluation Program and the Citizen Assisted Lake Monitoring program
• targeting education efforts on specific water quality issues like chlorides and pet waste

Current Projects

Staff negotiates with developers and works to incorporate low impact development techniques which may include narrower street widths, wetland buffers, tree protection, conservation easements or specific storm water best management practices (BMPs) like infiltration basins. Projects providing additional BMP’s or innovative practices include Cherrywood Pointe, Tonka on the Creek, Carlson Island Apartments, and Legacy Oaks. Staff has also been working with the Nine Mile Creek Watershed District and the Metropolitan Council to implement strategies to minimize surface water impacts along the Southwest Light Rail Transit corridor. The city analyzes and implements strategies to reduce the amount of chloride used during its winter snow removal operation, including:

• Utilizing brine and incorporating electronic monitoring to gather information about when chemicals are applied, how much is applied and when the application started and stopped.
• Using anti-icing techniques to prevent ice from sticking to and building up on the pavement during a snowfall which equates to using less chloride as compared to the amount that would be needed to remove compacted snow from the roads later.
• Pre-treating salt to allow it to stay where it is put and prevent “bouncing and scattering.” This results in using 30 to 60 percent less salt.
• This winter, the city will test a new precision applicator on its trucks. This system uses long-lasting, heavy-duty equipment to improve the speed and accuracy of salt application. The applicator can apply more liquid to the salt than the current spreaders, which should increase the salt’s effectiveness on snow and ice.

Past Partnerships

In previous years, the city has partnered with agencies and developed projects to continuously strive for water quality improvements.

• 2005 - Engineering partnered with the Nine Mile Creek Watershed District to undertake water quality improvement projects. Woodgate pond and the ponds at Kinsel Park were all created to protect the quality of Shady Oak Lake, Lake Minnetoga and Glen Lake.
• 2005 - The city retrofitted the Civic Center Campus and incorporated native vegetation, rain gardens and parking lot permeable pavers (as a demonstration area) to create an example of how to better manage and treat storm water.
• 2007 - The council carefully considered including a shoreland buffer requirement as a component of the updated shoreland ordinance. Given public feedback, the council decided to not include the buffer requirement at that time.
• 2008 - Staff undertook an impervious surface study to determine if reduced impervious surface could have an impact on the quality of our waters and to what degree.
• 2007 to present – During pavement/utility reconstruction projects, staff offers neighborhood groups’ assistance to incorporate BMP’s such as rain gardens into the project on private property as supported by property owners.
• 2010 – Holiday, Wing, Rose Chain of Lake study partnership with Nine Mile Creek Watershed District
• 2010 - Conservation easements partnership with Minnehaha Creek Watershed District
• 2012 - City partnered with the University of Minnesota to implement the Resilient Communities project where students studied key surface water issues identified by city staff. Surface water topics included; green roofs, city’s conservation development methods, stricter regulation relating to illicit discharges, methods to improve communication and outreach to local businesses regarding surface water protection, identifying sources of nutrient and pollutant loads, suggesting best management practices and identifying high priority geographic areas.
• 2014 – Creek restoration project partnership with Riley Purgatory Bluff Creek Watershed District
2014 - Staff partnered with General Growth Properties (Ridgedale Center) to apply for grant funding for the installation of innovative stormwater management techniques including tree trenches. Although staff was unsuccessful in obtaining funding, staff continues to explore funding options in order to implement techniques to reduce the mall's storm water discharge.
<table>
<thead>
<tr>
<th>Problem</th>
<th>Cause</th>
<th>Assessment Tool</th>
<th>Management Technique</th>
<th>Regulations/Rules</th>
<th>Benefits</th>
<th>Planning Level Cost Estimate</th>
<th>Comments/Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquatic plants – Too dense and/or invasive species</td>
<td>Shallow water and nutrient rich sediment; invasive species introduced</td>
<td>Point intercept plant survey</td>
<td>Water level drawdown</td>
<td>Permits required from Corps of Engineers, MDNR, possibly County and/or Water Management Organizations (WMOs)</td>
<td>Reduces plants and curly-leaf pondweed turions (like seeds)</td>
<td>$100,000-$500,000</td>
<td>Assumes drawdown volume ranging from 100 acre-feet to 500 acre-feet.</td>
</tr>
<tr>
<td>Chemical (herbicide) treatment of large areas (&gt;15% of littoral area)</td>
<td>Limited to invasive plants; MDNR approved Lake Vegetation Plan (LVPMP) and permit are required; LVPMP approval and permits issued at discretion of MDNR</td>
<td>Seasonal nuisance relief, long-term reduction possible if lethal herbicide dose attained</td>
<td>$15,000-$45,000 per year</td>
<td>Long-term reduction of invasives requires a multi-year program of treatments, either whole lake or treatment of a large enough area to attain a lethal herbicide dose. Cost estimate assumes a range of 15% littoral area of a 30-acre lake to whole lake treatment of 30-acre lake, based upon Rose Lake Use Attainability Analysis (UAA) cost estimate.</td>
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<tr>
<td>Chemical (herbicide) treatment of small areas (&lt; 15% of littoral area)</td>
<td>MDNR permit required</td>
<td>Seasonal nuisance relief</td>
<td>$1,000-$7,000</td>
<td>Cost estimate assumes a range of 0.5 to 4.5 acres.</td>
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<tr>
<td>Mechanical harvesting - small scale - hand/scuba</td>
<td>MDNR permit required for emergent vegetation (e.g., cattail) or floating-leaf vegetation from area larger than 15-ft wide channel to open water; no permit required for submerged vegetation</td>
<td>Seasonal nuisance relief</td>
<td>$500-$1,500 per resident per harvesting event</td>
<td>Assumes ≥ 15 acres, harvesting by cutting may cause increased density or spread of plants if cattail, Eurasian watermilfoil or other plants that reproduce from fragments are present.</td>
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<tr>
<td>Mechanical harvesting - Large-scale - harvester cuts plants and removes from water by belt conveyor system</td>
<td>MDNR permit required; harvested area may not exceed 50% of littoral area. In addition, the sum of herbicide treated area and mechanical harvested area may not exceed 50% of littoral area.</td>
<td>Seasonal nuisance relief</td>
<td>$5,000-$25,000 for harvesting plus disposal costs which are estimated at $50/load of plants.</td>
<td>Assumes ≥ 15 acres;</td>
<td></td>
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<tr>
<td>Mechanical harvesting - Large-scale - harvester pulls plants up by roots and removes plants from water by belt conveyor system; works best in water up to 6-foot depth; scuba removal may be used in deep areas</td>
<td>MDNR permit required; harvested area may not exceed 50% of littoral area. In addition, the sum of herbicide treated area and mechanical harvested area may not exceed 50% of littoral area.</td>
<td>Seasonal nuisance relief</td>
<td>$24,000-$180,000 (includes disposal cost)</td>
<td>Assumes ≥ 15 acres;</td>
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</tr>
<tr>
<td>Water Quality – Poor clarity/too much algae</td>
<td>Internal phosphorus loading</td>
<td>Hypolimnetic withdrawal (withdraw water from bottom, aerate, and return)</td>
<td>MDNR permit required</td>
<td>While operating, reduces internal phosphorus loading</td>
<td>$100,000-$400,000 plus annual operating cost of $8,000-$10,000</td>
<td>Only used in stratified lakes (i.e., lakes deep enough to stratify and have a hypolimnion)</td>
<td></td>
</tr>
<tr>
<td>Dredging</td>
<td>Permits required from Corps of Engineers Section 404, MDNR, possibly MPCA, County and/or WMOs</td>
<td>Increases depth, typically reduces internal phosphorus loading and plants</td>
<td>$500,000-$750,000 for a 30-acre lake</td>
<td>If pollutants present in sediment, specialized removal methods would be required and removal costs would be considerably higher.</td>
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</tr>
<tr>
<td>Aeration</td>
<td>MDNR permit required</td>
<td>Internal load reduction while oxygenated conditions present; Distributes algae in water column preventing scum formation</td>
<td>$15,000-$45,000 per year for a 30-acre lake</td>
<td>Costs assume a range of $500 to $1,500 per year over a 10-year period. Only effective when hypolimnion oxygen conditions &gt; 2mg/L, are sustained.</td>
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</tr>
<tr>
<td>Copper sulfate</td>
<td>MDNR permit required; only permitted when excessive algae bloom present</td>
<td>Short-term reduction of algae</td>
<td>$2,000-$2,500</td>
<td>Assumes treatment of 30 acres.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Invasive plant management (curly-leaf pondweed) - herbicide treatment</td>
<td>MDNR approved LVPMP and permit required; provided at discretion of MDNR</td>
<td>Internal phosphorus load reduction</td>
<td>$185,000-$225,000</td>
<td>Costs per Holiday, Wing, Rose UAA which assumes whole lake herbicide treatments for 5 years.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sediment Inactivation - Alum Treatment</td>
<td>Letter to MPCA required</td>
<td>Long-term reduction of internal phosphorus load</td>
<td>$25,000-$105,000</td>
<td>Costs per Holiday, Wing, Rose UAA; treatment would be expected to last 10-15 years, assuming watershed sediment sources have been controlled.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sediment inactivation – Iron salt application with aeration</td>
<td>Letter to MPCA required</td>
<td>Internal load reduction while oxygenated conditions present; Similar to alum treatment but requires annual aeration at an additional cost of $15,000-$45,000 per year</td>
<td>Requires annual aeration to be effective. The need for annual aeration makes this option more expensive than alum. For aeration cost estimate, assumed a 30-acre lake and a cost range of $500 to $1,500 per acre per year over a 10-year period.</td>
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</tr>
</tbody>
</table>
## Water Quality – Poor clarity/too much algae

<table>
<thead>
<tr>
<th>Cause 2—Watershed phosphorus loading</th>
<th>Water quality study and modeling</th>
<th>Wet ponds</th>
<th>Permits required from MPCA and WMOs</th>
<th>Phosphorus source reduction</th>
<th>$50,000-$150,000 plus annual O &amp; M of $1,000-$15,000</th>
<th>Assumes ponds range from 0.25 acres, 3-feet deep designed to treat 2 acres of impervious area to 5 acres, 3-feet deep, designed to treat 60 acres of impervious surface</th>
</tr>
</thead>
</table>

### Inflow alum treatment

- **Inflow alum treatment** injects alum into the water and then holds the treated water in a pond to settle out the phosphorus. The bond is permanent, so it cannot reenter the water column and become a food source for algae. Hence, phosphorus in lake sediment is inactivated.

- **Iron enhanced sand filter** bonds phosphorus in lake sediment so that it cannot reenter the water column and become a food source for algae. Hence, phosphorus in lake sediment is inactivated.

- **Pervious pavement** is a low-pressure infiltration vault designed to treat from 4 to 11 acres of impervious area.

- **Runwater gardens** are often $10,000-$50,000 and electric barriers are often $100,000-400,000 plus annual O & M.

- **Inflow alum treatment** is often $4,000-$8,000 per barrier.

### Comments/Concerns

- **Water level drawdown** is often used in combination with other techniques to provide a range of 15 to 30 gardens at an average cost of $3,000-$4,000 per garden and O & M of $800,000-$1,200,000 and annual O & M of $700,000-$1,300,000 and annual O & M of $4,000-$8,000.

- **Mechanical barriers** are often $10,000-$50,000 and electric barriers are often $100,000-400,000 plus annual O & M.

- **Pervious pavement** is often used in combination with other techniques to provide a range of 15 to 30 gardens at an average cost of $3,000-$4,000 per garden and O & M of $800,000-$1,200,000 and annual O & M of $700,000-$1,300,000 and annual O & M of $4,000-$8,000.

- **Mechanical barriers** are often $10,000-$50,000 and electric barriers are often $100,000-400,000 plus annual O & M.

### Planning Level Cost Estimate

<table>
<thead>
<tr>
<th>Management Technique</th>
<th>Regulations/Rules</th>
<th>Benefits</th>
<th>Cost Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wet ponds</td>
<td>Permits required from MPCA and WMOs</td>
<td>Phosphorus source reduction</td>
<td>$50,000-$150,000 plus annual O &amp; M of $1,000-$15,000</td>
</tr>
<tr>
<td>Infiltration ponds</td>
<td>Permits required from MPCA and WMOs</td>
<td>Phosphorus source reduction</td>
<td>$200,000-$300,000 plus annual O &amp; M of $4,000-$7,000</td>
</tr>
<tr>
<td>Stormwater planters</td>
<td>Permits required from MPCA and WMOs</td>
<td>Phosphorus source reduction</td>
<td>$700,000-$1,200,000 plus annual O &amp; M of $14,000-$24,000</td>
</tr>
<tr>
<td>Iron enhanced sand filter</td>
<td>Permits required from MPCA and WMOs</td>
<td>Phosphorus source reduction; targets dissolved phosphorus</td>
<td>$700,000-$1,100,000 and annual O &amp; M of $15,000-$25,000</td>
</tr>
<tr>
<td>Pervious pavement</td>
<td>Permits required from MPCA and WMOs</td>
<td>Phosphorus source reduction</td>
<td>$220,000-$380,000 plus annual O &amp; M of $4,000-$8,000</td>
</tr>
<tr>
<td>Runwater gardens</td>
<td>Permits required from MPCA and WMOs</td>
<td>Source Reduction</td>
<td>$60,000-$110,000 plus annual O &amp; M of $4,500-$21,000</td>
</tr>
<tr>
<td>Inflow alum treatment</td>
<td>NPDES permit required</td>
<td>Phosphorus source reduction while operating</td>
<td>$800,000-$1,200,000 plus O &amp; M of $85,000-$90,000</td>
</tr>
<tr>
<td>Water level drawdown</td>
<td>Permits needed from Corps of Engineers, MDNR, possibly County and/or WMOs</td>
<td>Carp reduction, water quality improvement, and improved plant community</td>
<td>$100,000-$500,000</td>
</tr>
<tr>
<td>Carp management plan and removal by weir species</td>
<td>MDNR permit required</td>
<td>Carp reduction, water quality improvement, and improved plant community</td>
<td>$2,000-$30,000 per lake per year</td>
</tr>
<tr>
<td>Carp management plan and removal by altered traps</td>
<td>MDNR permit required</td>
<td>Carp reduction, water quality improvement, and improved plant community</td>
<td>$10,000-$35,000 per lake per year</td>
</tr>
<tr>
<td>Chemical treatment (rotenone)</td>
<td>MPCA and MDNR Permits needed</td>
<td>Carp reduction, water quality improvement, and improved plant community</td>
<td>$50,000-$100,000 per lake</td>
</tr>
<tr>
<td>Barriers</td>
<td>Permits needed from MDNR and WMOs</td>
<td>Carp reduction, water quality improvement, improved plant community, and prevention of future carp infestation</td>
<td>$10,000-$800,000 per barrier</td>
</tr>
</tbody>
</table>

### Costs

1 Costs are rough estimates based on experiences with other metro lakes.
2 Internal phosphorus loading describes the addition of phosphorus to a lake from sources within the lake such as lake sediment or decay of aquatic plants. Phosphorus is the food source for algae.
3 Alum applied to the lake permanently bonds phosphorus in lake sediment so that it cannot reenter the water column and become a food source for algae. Hence, phosphorus in lake sediment is inactivated.
4 Iron salt application creates a bond between iron and phosphorus in lake sediment. However, the bond is not permanent. As long as the water above the sediment is oxygenated (i.e. > 2 mg/L), the bond remains bonded to lake sediment and the lake sediment is inactivated. If oxygen levels drop below 2 mg/L, the lake sediment again becomes active and phosphorus from sediment can reenter the water column, becoming food for algae. Hence, sediment inactivation by iron salt application requires aeration to sustain oxygen concentrations >2 mg/L in the hypolimnion.
5 O & M is Operation and Maintenance cost required for the management practice to operate at designed performance. The cost is estimated on an annual basis.
6 Inflow alum treatment—inflow to a lake is treated with alum to remove phosphorus, thereby reducing phosphorus loading to the lake. Typically, all or part of the inflow stream is diverted to an alum treatment facility that injects alum to the water and then holds the treated water in a pond to settle out sediment, alum floc, and the phosphorus associated with both. After settling, the treated water is routed back to the inflow stream.
WHY ARE WE HERE?

3 Questions:

1. Should the City consider stricter stormwater regulations on projects, specifically redevelopment that does not increase hardcover?

2. Are there specific lake treatment options and/or resources the council would like to consider?

3. Are there projects or future partnerships staff should consider?
AGENDA & GOALS

• Background

• Water Quality
  - Regulations
  - Aquatic Vegetation/Species Management
  - Partnership Opportunities
**Waters**

- Lake
- Wetland
- Creek
- Stormwater Pond

- Shoreland
- Floodplain
Chart 1. Level 1 MLCCS Land Cover Types for the City of Minnetonka, Minnesota

- Artificial Surfaces: 12,067 Acres / 67.4%
- Open Water: 841 Acres / 4.7%
- Herbaceous Vegetation: 1,865 Acres / 10.4%
- Shrublands: 181 Acres / 1.0%
- Woodlands: 1,701 Acres / 9.5%
- Planted and Maintained Vegetation: 502 Acres / 3.0%
- Forests: 740 Acres / 4.1%
SURFACE WATERS

- 13 Lakes
- 800 Wetlands
- 3 Creeks
- 160 Storm Ponds (public)
• **Deep Lake** - generally an area of open, relatively deep water that is large enough to produce a wave-swept shore.

• **Shallow Lake** – characterized by aquatic plants and generally less than 15 feet deep and at least 10 acres in size.
Wetland Cross Section
(with typical plant species for each zone)

- **Open Water** (Aquatic Bed)
  - Water Depth: 3' - 7'
  - White Water Lily
  - Yellow Water Lily
  - Pond Weeds
  - Wild Celery

- **Deep Marsh** (Emergent)
  - Water Depth: 18" - 3'
  - Soft-stem Bulrush
  - Northern Arrowhead
  - Pickerelweed
  - Common Three-Square
  - Soft-stem Bulrush

- **Shallow Marsh** (Emergent)
  - Water Depth: 6" - 18"
  - Burreeed
  - Northern Arrowhead
  - Pickerelweed
  - Common Three-Square
  - Soft-stem Bulrush

- **Wet Meadow**
  - Water Depth: 0" - 6"
  - Hydric soil characteristics
  - Silky Dogwood
  - Red-osier Dogwood
  - Swamp White Oak
  - Eastern Hemlock
  - Swamp White Oak
  - Red Maple
  - Green Ash
  - Black Ash
  - Black Gum

- **Scrub/Shrub Wetland**
  - Hydric soil characteristics
  - White Pine
  - Eastern Hemlock
  - Shadbush
  - Serviceberry
  - Sweet Fern
  - Gray Birch
  - Gray Dogwood

- **Upland Buffer**
  - Non-hydric soils
  - White Pine
  - Eastern Hemlock
  - Shadbush
  - Serviceberry
  - Sweet Fern
  - Gray Birch
  - Gray Dogwood
WATER RESOURCE REGULATORS

- DNR (public waters)
- MDH (source water)
- WCA Wetlands (BWSR)
- MPCA (water of the state)
- Waters of the US (USACE)
- Watershed Districts
- County
- City
Land use changes influence water resources.
STORMWATER

Stormwater Management
Mitigates:
- Hard Cover
- Drainage Slope
- Direct Runoff
STORMWATER

Stormwater Management

Flow Rate

Pre-Development

Post-Development

Time
• Natural Evolution; 300 – 30,000 years
• Human impacts can speed up the process
WATER QUALITY IN MINNETONKA
• Stormwater Rules - 1959
• Wetland Regulations - 1974
• Floodplain - 1974
• Shoreland Ordinance – 1986
• Water Quality Data - 1993
• Protect our existing resources from further degradation
PURPOSE OF REGULATIONS

- Stormwater
- Floodplain
- Shoreland
- Wetlands
- Lakes
- Creeks
RAINWATER HARVESTING USING PICP

Source: ICPI
Considerations

- Stricter redevelopment standards
- Impervious surface limitations
- Rule revisions

Current regulations provide strong water quality protection while balancing development, redevelopment, and infrastructure projects.
Discussion:

Should the city consider stricter stormwater regulations on projects, specifically redevelopment that does not increase hardcover?
WATER QUALITY VS. AESTHETICS
MONITORING SURFACE WATERS

**Good**
- Gray's Bay
- Libb's Lake
- Shady Oak Lake
- Glen Lake
- Lone Lake
- Lake Minnetoga

**Moderate**
- Shavers Lake
- Crane Lake

**Poor**
- Gleason Lake
- Lake Holiday
- Wing Lake
- Lake Rose
- Windsor Lake

**Shallow Lakes**
RESIDENT CONCERNS

• Aquatic vegetation
  • Lily Pads
  • Algae/Duckweed/Milfoil
• Recreation use
• Access
• Historic Perspective
• Drainage
LIMITATIONS

- DNR Permitting for Aquatic Vegetation Removal
- Expectations
- Land-Use Change
- Funding / Resources
- Public / Private Responsibility
### ALTERNATIVES

<table>
<thead>
<tr>
<th>Problem</th>
<th>Cause</th>
<th>Assessment Tool</th>
<th>Management Technique</th>
<th>Regulations/Rules</th>
<th>Benefits</th>
<th>Planning Level Cost Estimate*</th>
<th>Comments/Concesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquatic plants - Too dense and/or invasive species</td>
<td>Shallower water and nutrient rich subemergent invasive species introduction</td>
<td>Root interference plant survey</td>
<td>Water level drawdown</td>
<td>Permits required from Corps of Engineers, MnDNR, possibly County and/or Water Management Organizations (WMOs)</td>
<td>Reduces plants and clogs levee and ponded furrows (fish debris)</td>
<td>$100,000-$300,000</td>
<td>Assumed drawdown volume ranging from 100 acre-feet to 500 acre-feet.</td>
</tr>
<tr>
<td>Chemical (herbicide) treatment of large areas (&gt;15% of littoral area)</td>
<td>Limited to invasive plants; MnDNR approved Lake Vegetation Plan (LVP) and permit site required; LVP approval and permits issued at discretion of MnDNR</td>
<td>Sectional nuisance relief, long-term reduction possible if legal</td>
<td>$15,000-$43,000 per year</td>
<td>Long-term reduction of invasive species requires a multi-year program of treatments, either by lake or treatment of a large enough area to attain a lethal herbicide dose. Cost estimate assumes a range of 25% littoral area of a 50-acre lake to whole lake treatment of 50-acre lake, based upon Lake Use Alternatives Analyst (LUAA) cost estimate.</td>
<td></td>
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</tr>
<tr>
<td>Chemical (herbicide) treatment of small areas (&lt;15% of littoral area)</td>
<td>MnDNR permit required</td>
<td>Sectional nuisance relief</td>
<td>$1,000-$1,000</td>
<td>Cost estimate assumes a range of 0.5 to 4.5 acres.</td>
<td></td>
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</tr>
<tr>
<td>Mechanical harvesting - small scale - hand labor (≤2,000 square feet and less than 60 feet along shoreline)</td>
<td>MnDNR permit required for emergent vegetation (Rup, Cat tails) or floating-turf from area larger than 1.5 ft wide channel to open water no permit required for submerged vegetation</td>
<td>Seasonal nuisance relief</td>
<td>$54.8-$1,646 per resident per harvesting event</td>
<td></td>
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</tr>
<tr>
<td>Mechanical harvesting - large scale - harvester cuts plants and removes from water by belt conveyor system</td>
<td>MnDNR permit required; harvested area may exceed 50% of littoral area</td>
<td>Sectional nuisance relief</td>
<td>$5,000-$25,000 for non-native plus disposal costs which are included at $590/ton of plants.</td>
<td>Assumes 5 to 15 acres; harvesting by cutting may cause increased density or removal of plants if emergent, Eurasian watermilfoil or other plants that reproduce from fragments are present.</td>
<td></td>
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</tr>
<tr>
<td>Mechanical harvesting - large scale - harvester cuts plants up by roots and removes plants from water by belt conveyor system; units, bed of water up to 6 feet deep; debris removal may be used in deep areas</td>
<td>MnDNR permit required; harvested area may exceed 50% of littoral area</td>
<td>Seasonal nuisance relief</td>
<td>$24,000-$120,000 (includes disposal cost)</td>
<td>Assumes 5 to 15 acres;</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Water Quality - Poor clarity/low reach/algae

<table>
<thead>
<tr>
<th>Cause</th>
<th>Water quality/sediment study and modeling</th>
<th>Water quality/sediment study and modeling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Algae removal (within or within)</td>
<td>MnDNR permit required</td>
<td>While operating, reduces internal phosphorus loading</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$100,000-$400,000 plus annual operating cost of $8,000-$18,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Only used in stratified lakes (i.e., lakes deep enough to stratify and have a hydrologic exchange).</td>
</tr>
</tbody>
</table>

- **Dredging**: Permits required from Corps of Engineers; Section 404, MnDNR, possibly MPCA, County and/or WMOS.
- **Aeration**: MnDNR permit required. Internal load reduction while oxygenated conditions present.
- **Copper sulfates**: MnDNR permit required; only permitted when excessive algae bloom present.
- **Invasive plant management (cut-and-pluck), herbicide treatment**: MnDNR approved LVP and permit site required. Internal phosphorus load reduction.
- **Sediment Induction - Algae Treatment**: Letter to MPCA required. Long-term reduction of internal phosphorus load.
- **Sediment Stabilization - Iron salt application with aeration**: Letter to MPCA required. Internal load reduction while oxygenated conditions present.

- **Docking**: Assumed 30 acres; actual cost is $300,000 for a 30-acre lake.
- **Ammonia**: Assumed 30 acres; total cost is $300,000 for a 30-acre lake.
- **Copper sulfate**: Assumed 30 acres; total cost is $300,000 for a 30-acre lake.
- **Chemical (herbicide) treatment**: Assumed 30 acres; total cost is $300,000 for a 30-acre lake.
- **Mechanical harvesting**: Assumed 30 acres; total cost is $300,000 for a 30-acre lake.
# Alternatives

## City of Minnetonka Lake Management Options and Associated Costs (continued)

<table>
<thead>
<tr>
<th>Problem</th>
<th>Case</th>
<th>Assessment Tool</th>
<th>Management Technique</th>
<th>Regulations/Basics</th>
<th>Benefits</th>
<th>Planning Level Cost Estimate</th>
<th>Comments/Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water quality - Poor clarity/low dissolved oxygen</td>
<td>Cause 2—Wide-band phosphorus loading</td>
<td>Water quality study and modeling</td>
<td>Wet ponds</td>
<td>Permits required from MPCA and MNDNR</td>
<td>Phosphorus source reduction</td>
<td>$10,000-$150,000 plus annual O &amp; M of $1,000-$15,000</td>
<td>Assumes pond area ranges from 0.25 acres, 5 feet deep designed to treat 2 acres of impervious area to 5 acres, 3 feet deep designed to treat 60 acres of impervious area.</td>
</tr>
<tr>
<td>Infiltration basins</td>
<td></td>
<td></td>
<td>Permits required from MPCA and MNDNR</td>
<td>Phosphorus source reduction</td>
<td>$20,000-$40,000 plus annual O &amp; M of $2,000-$8,000</td>
<td>Assumes basin area ranges from 0.4 acre, 1-foot deep designed to treat 3 acres of impervious area to 1.5 acres, 1.5 feet deep designed to treat 3 acres of impervious area.</td>
<td></td>
</tr>
<tr>
<td>Underground infiltration</td>
<td></td>
<td></td>
<td>Permits required from MPCA and MNDNR</td>
<td>Phosphorus source reduction</td>
<td>$10,000-$100,000 plus annual O &amp; M of $4,000-$4,000</td>
<td>Assumes infiltration system designed to treat from 4 to 11 acres of impervious area.</td>
<td></td>
</tr>
<tr>
<td>Stormwater planters/low-branches</td>
<td></td>
<td></td>
<td>Permits required from MPCA and MNDNR</td>
<td>Phosphorus source reduction</td>
<td>$70,000-$1,000,000 plus annual O &amp; M of $14,000-$14,000</td>
<td>Assumes a total of about 0.4 acres installed in planting lots.</td>
<td></td>
</tr>
<tr>
<td>Iron-enhanced sand filter</td>
<td></td>
<td></td>
<td>Permits required from MPCA and MNDNR</td>
<td>Phosphorus source reduction; Iron (dissolved) phosphorus</td>
<td>$70,000-$1,000,000 and annual O &amp; M of $15,000-$25,000</td>
<td>Assumes a 0.2 to 0.4 acre iron enhanced sand filter designed to treat 5 to 15 acres of impervious area.</td>
<td></td>
</tr>
<tr>
<td>Ponds/ponds</td>
<td></td>
<td></td>
<td>Permits required from MPCA and MNDNR</td>
<td>Phosphorus source reduction</td>
<td>$70,000-$1,000,000 and annual O &amp; M of $15,000-$25,000</td>
<td>Assumes a 0.2 to 0.4 acre iron enhanced sand filter designed to treat 5 to 15 acres of impervious area.</td>
<td></td>
</tr>
<tr>
<td>River water garden</td>
<td></td>
<td></td>
<td>Permits required from MPCA and MNDNR</td>
<td>Source Reduction</td>
<td>$50,000-$150,000 plus annual O &amp; M of $1,000-$5,000</td>
<td>Cost per Hoyle, Lining, bloom 6.5 Month Analysis. Assumes a range of 15 to 20 gardens at an average cost of $5,000-$6,500 per garden and O &amp; M of $500-$750 per garden.</td>
<td></td>
</tr>
<tr>
<td>Inflow/Sewer treatment</td>
<td></td>
<td></td>
<td>MPCA and MNDNR permits required</td>
<td>Phosphorus source reduction while operating</td>
<td>$900,000-$1,200,000 plus O &amp; M of $15,000-$30,000</td>
<td>Based on costs of Minnetonka’s inflow sewer treatment facility in Maplewood, Minnesota.</td>
<td></td>
</tr>
</tbody>
</table>

## Cost Estimates

- **Costs** are rough estimates based on experience with similar projects.
- **MNDNR** or **MPCA** permits may be required for some of these techniques.
- **Implementation** costs depend on the specific site conditions and may vary significantly.
- **Operation and Maintenance** costs include ongoing expenses for the facility or equipment.
- **Environmental** concerns may arise from the use of these techniques, such as potential impacts on aquatic life or land use restrictions.

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8. Costs are rough estimates based on experience with similar projects.
9. External phosphorus loading describes the addition of phosphorus to a lake from sources within the lake, such as lake sediment or decay of aquatic plants. Phosphorus is the food source for algae.
10. Algae can harm the lake by decreasing dissolved oxygen levels and increasing nutrient levels, which can lead to algal blooms.
11. Wetlands are key to water quality, providing habitat for wildlife and filtering pollutants. The costs associated with wetland creation are significant due to specialized expertise and regulatory requirements.
12. **Iron application** reduces the amount of phosphorus in the water by reacting with phosphorus in the lake sediment. This method can be expensive due to the cost of iron and the need for ongoing maintenance.

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**Page 2 of 2**
Considerations

- Aquatic Vegetation Management Program
- Organized Lake Associations
- Alternative Initiatives

Staff recommends Organized Lake Associations Assessed for Requests- Staff will provide technical expertise and assist with implementation
Are there specific lake treatment options and/or resources the council would like to consider?
• Determine priority areas.
• Engage other agencies to further assess opportunities.
• Align long-term projects with water quality goals.
- Watershed Districts
- Met Council
- BWSR
- DNR
- Green Step Cities
- Cities
- County
- Master Water Stewards
- Developers
• Nine Mile Creek Watershed District
• Minnehaha Creek Watershed District
• Riley Purgatory Bluff Creek Watershed District
• University of Minnesota
• Multiple Agencies and Cities

Continue to look for partnership opportunities
• Nine-Mile Creek Watershed District – SWLRT
• Ridgedale Mall Grant Application
• Impervious Surface Study
• Windsor Lake Facilitation
• Opus Headquarter Expansion
• Smaller Scale Developments
ANALYZING CITY PRACTICES

- 2005 Civic Center Campus retrofit
- Neighborhood Groups
- Chloride Reduction
- Resilient Communities
• Minnetonka Memo
• Website
• Workshops
• Billboards
• Volunteer Opportunities
• Water Quality Improvements
Partnerships - Are there projects or future partnerships staff should consider?
 SOURCES

5. http://www.sswm.info/content/sedimentation
10. https://content.govdelivery.com/accounts/MNORGMETC/bulletins/ae1f42
12. MNHAPO, 2015
City Council Study Session Agenda Item #
Meeting of March 20, 2017

**Brief Description:** Water Quality Management

**Introduction**

At the October 17, 2016 study session, the city council discussed the history and practices regarding water quality regulation and management, water quality and aquatic vegetation management options, and reviewed partnerships with various governmental agencies. Staff presented this information to seek council direction and input on what changes to current practices, if any, are desired. This study session is to provide follow up to council's direction in October and discuss next steps.

**Background**

The city of Minnetonka has a strong history of protecting surface waters. The city's first iteration of a water resources management plan was developed in 1959, 13 years prior to the inception of the Clean Water Act by the federal government in 1972. Since that time, the city's water resources management plan, which includes stormwater, wetland, floodplain and shoreland protections, has continued to evolve to make certain water quality in the city is a primary focus for protection, while balancing the infrastructure and development goals of the city.

**Regulation**

Water quality is heavily regulated by multiple, overlapping levels of government starting at the local level with the city of Minnetonka. Many of the city rules and regulations currently in place are based upon state, federal and watershed district requirements, which provide a higher standard of water quality protection in areas where appropriate. These regulations provide a strong protection of water quality, while allowing a balance of necessary improvements such as reconstruction and infrastructure projects, as well as development and redevelopment within the city. Current regulations require no negative impacts to the existing conditions. In most cases, however, significant improvements to water quality from the existing conditions are achieved.

**Follow Up**

Council and staff discussed that current regulations enforced within the city of Minnetonka provide strong protection to water quality while still balancing the goals of development, redevelopment, and infrastructure projects. However, council requested staff recommend updates regarding city storm water rules in the upcoming year to provide consistency with newly revised watershed district rules. These recommendations will be presented to council as part of the draft Water Resources Management Plan later this year.
Water Quality/Aquatic Vegetation Management

The city has historically defined water quality based on overall health, function and value (pollutant load, clarity, aquatic communities and wildlife benefit). The city has not typically defined water quality based on aesthetic appeal or recreational opportunities. Nearly all lakes within the city do not provide for public access, with the exception of Lake Minnetonka. The city has continually monitored select water bodies throughout the city since 1993 with the primary focus being approximately 24 lakes and wetlands.

While the city has historically defined water quality based on overall health, function and value, the city does receive concerns from residents of water quality directly related to aesthetic appeal and recreational capability. These residents have requested the city increase its standards for protecting surface waters and provide a role in undertaking lake management strategies, which include vegetation removal.

In addition to considering increased regulation to limit runoff and treatment of vegetated areas to private properties adjacent to lakes, there are options that could be considered when discussing the city’s role relating to lake management techniques. These options include aquatic plant management, aquatic invasive species management, and algae removal. These options have not historically been considered or funded by the city of Minnetonka. As a reference, watershed districts typically finance programs for aquatic invasive species management; however, do not currently financially support programs for aquatic vegetation removal with no water quality benefit or for the purposes of recreation. Therefore, funding for vegetation removal, aesthetics and recreation are not currently available from the watershed districts, although grant opportunities can be pursued through the Minnesota DNR. Permits for these types of options are primarily regulated by the Department of Natural Resources (DNR), U.S. Army Corps of Engineers (USACE), and Minnesota Pollution Control Agency (PCA).

Council and staff discussed that it is important to protect the lakes currently identified with moderate to good water quality as a high priority, and then to address those with poorer water quality. Lakes which are designated having poor water quality will likely require significant investment in trying to improve their health. Improvements to water quality are not instantaneous, and sometimes may not be achieved. Realistic expectations of concerned residents should be clearly reviewed and discussed prior to implementation of improvement projects.

Follow Up
Council identified a need to consider potential funding for organized groups that promote water quality through a fair and systematic process. The attached draft Lake and Pond Management policy provides organized groups the means to petition the city for improvements funded through the city’s Capital Improvements Program (CIP) or through special assessments after demonstrating all other grant funding sources have been explored, are not feasible or do not cover full cost of the improvements.
Prior to a petition being brought before city council, the petitioner will need to meet the following criteria:

- Meet with city staff to discuss available city technical resources and data to determine if additional feasibility report is necessary.
- Set realistic expectations and determine if desired improvements are achievable based on technical resources and/or feasibility report.
- Establish a lake association.
- Develop a lake management plan in conjunction with city staff. Plan should include but not be limited to efforts for education, enforcement, communication, signage, improvement projects and planned funding related to grants, assessments and city funding.

Further, this draft policy provides a distinction between water quality improvements and those improvements specifically related to aesthetics. Those projects scientifically proven to provide water quality benefit would be eligible for city grant funding and those projects with primary goals involving aesthetic only benefit would be eligible for assessment funding.

Reference Costs

As discussed last October, a reference to costs associated with lake management is again attached titled *City of Minnetonka Lake Management Options and Associated Costs*. The chart illustrates estimated costs, benefits, assessment tools, and relevant regulations for lake treatments that may be considered. These types of options are expensive and would in many cases require annual applications to maintain consistency between treatments to be effective. Each lake would be different, and the assessment would determine treatments that should be applied. Aesthetic treatments are not permanent solutions, but a continuous management cycle. Also, the city does not currently have staff experienced in these types of treatments, or the available staff capacity to take on a new program of this type. Funding consideration of any additional programs must also consider these factors.

As reference, the Nine Mile Creek Watershed District completed a *Use Attainability Analysis for Lake Rose, Wing Lake, and Lake Holiday* in 2010 in response to residents’ concerns with water quality. As one example, the study identified recommendations to improve water quality on Wing Lake, which included removal of vegetation over a 5-year cycle. The estimated costs were approximately $230,000 and would not likely have an immediate or significant impact to improve water quality or fully remove aquatic plants; however, this would begin to work towards a water quality benefit and remove aquatic vegetation.

Discussion Questions

- *Does the council agree with process and funding strategies recommended in the draft Lake and Pond Management Policy?*
Subject: Surface Water Discussion

• Are there other specific options and/or resources the council would like to consider?

Street Sweeping Pilot Program

As per council’s direction, staff reviewed a pilot program to determine the potential benefits to water quality for street sweeping in the fall, in addition to the city’s annual sweeping each spring. Attached is the technical memorandum, *City of Minnetonka Enhanced Street Sweeping Pilot Program*, which recommends two areas for sweeping. Based on that analysis, the city’s consultant and staff concluded that incorporating two lakes with water quality ranging from moderate to poor would be most beneficial in determining the effectiveness of the program. Water bodies currently with high water quality would be difficult to see immediate results.

The two subwatershed areas recommended are Lake Minnetoga and Lake Windsor. Lake Minnetoga was chosen due to its current water quality rating. For the past several years, the lake has wavered in between good and average water quality. Because of this, it is thought that any benefits that would be accomplished through the street sweeping pilot program would be most readily identifiable in a waterbody that is close to attaining good water quality.

Currently, Lake Windsor has an organized lake association that has been working with the DNR on treatment of the lake. Staff has fully supported organization of these groups and worked to provide any technical assistance possible, and therefore felt the selection of Lake Windsor to be reasonable due to their organized efforts. Additionally, the inclusion of a shallow lake within the pilot program will better inform staff on the effectiveness of street sweeping on different waterbody types. The results of the analysis, which is scheduled for three years, will be brought back to council with updates on results on the costs and benefits of continuing or expanding such a program.

The total cost of this pilot program for the three-year cycle is estimated to be approximately $50,000 and is proposed to be funded through the city’s storm water fund.

Discussion Question

• Does the council support the fall street sweeping pilot program around Lake Minnetoga and Lake Windsor?

Capital Improvement Program (CIP) Water Quality Project Considerations

Per council direction in October, staff reviewed potential water quality improvement projects for each priority waterbody within the city. The attached technical memorandum
titled *Water Quality Improvement Project Opportunities for Minnetonka Priority Waterbodies* identifies potential projects in these areas and estimated costs for consideration of CIP funding in Table 1. Many of the projects involve disturbance of areas that are generally consistent with larger-scale water quality infrastructure projects of this type. At this time, staff is not recommending individual projects due to the higher costs associated with completing as stand-alone. However, it is recommended these identified projects be considered at the time of road reconstruction projects, development projects, or lake association petitions for potential cost savings or on an accelerated individual need basis.

**Discussion Questions**

- *Does the council agree with the strategy to further explore these projects with road reconstruction, development, and petitioned lake association projects?*

**Projects/Partnerships – Past, Present, Future**

To achieve the goal of protecting and improving our waters, the city has, and continues to take an active role in developing partnerships with state and local agencies, as well as developers, to incorporate low impact development techniques, analyze internal practices to identify areas for improvement, monitor surface waters to evaluate the quality of these waterbodies, and take an active role in educating the public.

Notably, as discussed with council, staff continues to track the Minnehaha Creek Watershed District, Nine Mile Creek Watershed District, and Riley Purgatory Bluff Creek Watershed District cost share programs, which provide up to $25,000 in matching funds. Also, each has opportunities for larger, specialized projects to be included in their Capital Improvement Programs. The Met Council provides stormwater grant funding of 75%, with 25% city contribution; however, these funds are only available to watershed districts or management organizations, which would sponsor a city application. The Board of Water and Soil Resources (BWSR) Clean Water Fund provides funding on a project by project basis. As city projects and private developments are planned, staff will continue to pursue these and all other opportunities as appropriate.

Submitted through:
  - Geralyn Barone, City Manager
  - Will Manchester, City Engineer
  - Brian Wagstrom, Public Works Director

Originated by:
  - Jo Colleran, Natural Resources Manager
  - Tom Dietrich, Water Resources Engineering Coordinator
Policy Number X.XX
Lake and Pond Management

Purpose of Policy: This policy establishes guidelines and criteria for lake and pond management for aquatic vegetation and water quality to which the city council will consider petitions for improvements.

Introduction
This policy is applicable to property owners, by formation of a lake association, seeking improvements to lakes or ponds where a future, attainable improvement can be systematically and technically shown obtainable through prior review.

Improvement Requests
Lake associations in the city of Minnetonka may request improvements to lakes and ponds, in writing, for city council consideration prior to February 1 for the 5-year Capital Improvements Program (CIP). Prioritization of projects will be weighed against other city projects and petitions received, and planned as budget and schedule allow. In the event multiple petitions are received in a year, projects will be prioritized based upon the quantifiable water quality benefit and as determined by the city engineer. Petitions received after February 1 may be brought before the city council for consideration if, in the opinion of the city engineer, it is feasible to include such projects in the construction schedule for the following year. Petitions must be signed by the lake association president or authorized representative. All petitioners must waive any rights to a public hearing and any appeal of the special assessments associated with the petition as adopted by the city council. Petitions will be reviewed annually as received for the next review cycle.

Lake Association
For purposes of this policy, a lake association is defined as an organization of residents owning property on or in the vicinity of a lake or pond shoreline which has:
- Established official non-profit status
- Adopted bylaws and a mission statement
- Membership of at least 60% of the residents owning shoreline property
- Appointed officers
- Elected a board of directors to act in an official capacity
- Published articles of incorporation

Lake associations are communal organizations of private property owners surrounding a priority waterbody which uphold a unified interest in improving the function and value of water resources, or aesthetics. Associations meeting the above criteria are eligible to petition the city for improvements.

Consideration of Petitions
Prior to a petition being brought before city council, the petitioner must:
- Meet with city staff to discuss available city technical resources and data to determine if additional feasibility report is necessary.
• Set realistic expectations and determine if desired improvements are achievable based on technical resources and/or feasibility report.
• Establish a lake association.
• Develop a lake management plan in conjunction with city staff. Plan should include but not be limited to efforts for education, enforcement, communication, signage, improvement projects and planned funding related to grants, assessments and city funding.

A feasibility review may be necessary to determine if the proposed improvements will obtain the desired outcome of the petitioner, and provide realistic expectations for all parties involved. The feasibility report must be coordinated by engineering staff at the direction of the city engineer, or by a licensed professional obtained by the petitioners as approved by the city engineer. In order for a petitioner to request city council reimbursement of a feasibility report, a lake association must be established prior to the request. An escrow or cash deposit may be required based on the city engineer’s estimate for this work.

The city of Minnetonka will consider improvements for lake associations adhering to the above criteria only in those circumstances in which the proposed project addresses one or more of the following scientifically proven goals:

- To promote water quality improvements and revitalization of natural conditions through the installation or implementation of best management practices with a demonstrated benefit.
- To address sources of pollution or contamination for the betterment of the natural environment.
- To maintain or restore ecological stability.
- To prevent harm to the intended use of the lake.
- To establish association wide initiatives aimed at reducing the impact land-use has on water quality.

Projects with primary goals involving aesthetic only benefit will not undergo consideration for city participation funding, however, may be considered for assessment funding.

**Funding, Grants, Assessments, and Assistance**

The city will assist all interested parties in identifying available federal, state, and watershed grant opportunities and programs available for their particular project during technical resource sharing and support. Additional technical assistance is also available as outlined further in the city’s Water Resource Management Plan.

If a petitioner demonstrates all other funding sources have been explored and are not feasible, or do not cover the entirety of the costs associated with a particular project, the city council may consider improvements to be 100% financed through special assessments to the lake association members, or all properties receiving a public benefit as determined by the city council. The maximum financing term will be for 20 years and at an interest rate determined by the city’s finance director, unless an alternate term or rate is otherwise approved by the council. The petitioner(s) must enter into an agreement with the city, outlining the expectations and responsibilities for each party.
City Participation
Upon demonstration that all non-city grant opportunities have been exhausted, the city council may consider city participation grant funding awards in amounts not to exceed 50% of the project cost or as designated by the 5-year CIP funding per association, for those projects that fulfill a proven, scientific water quality management benefit of a particular priority waterbody. This city funding shall only be considered by city council for those lake associations that have independently pursued and implemented two lake management plan action items deemed to be beneficial by the city engineer. The improvements completed by the lake association must be in line with the goals identified in the city’s water resource management plan and other applicable state standards. All projects funded by the city council must be coordinated through the city engineer.
## City of Minnetonka Lake Management Options and Associated Costs

<table>
<thead>
<tr>
<th>Problem</th>
<th>Cause</th>
<th>Assessment Tool</th>
<th>Management Technique</th>
<th>Regulations/Rules</th>
<th>Benefits</th>
<th>Planning Level Cost Estimate</th>
<th>Comments/Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquatic plants — Too dense and/or invasive species</td>
<td>Shallow water and nutrient rich sediment; invasive species introduced</td>
<td>Point intercept plant survey</td>
<td>Water level drawdown</td>
<td>Permits required from Corps of Engineers, MDNR, possibly County and/or Water Management Organizations (WMOs)</td>
<td>Reduces plants and curly-leaf pondweed turions (like seeds)</td>
<td>$100,000-$500,000</td>
<td>Assumes drawdown volume ranging from 100 acre-feet to 500 acre-feet.</td>
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<td></td>
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<td>Chemical (herbicide) treatment of large areas (&gt;15% of littoral area)</td>
<td>Limited to invasive plants; MDNR approved Lake Vegetation Plan (LVP) and permit are required; LVP approval and permits issued at discretion of MDNR</td>
<td>Seasonal nuisance relief, long-term reduction possible if lethal herbicide dose attained</td>
<td>$15,000-$45,000 per year</td>
<td>Long-term reduction of invasives requires a multi-year program of treatments, either whole lake or treatment of a large enough area to attain a lethal herbicide dose. Cost estimate assumes a range of 25% littoral area of a 30 acre lake to whole lake treatment of 30 acre lake, based upon Rose Lake Use Attainability Analysis (UAA) cost estimate.</td>
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<tr>
<td></td>
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<td></td>
<td>Chemical (herbicide) treatment of small areas (&lt; 15% of littoral area)</td>
<td>MDNR permit required</td>
<td>Seasonal nuisance relief</td>
<td>$1,000-$7,000</td>
<td>Cost estimate assumes a range of 0.5 to 4.5 acres.</td>
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<td></td>
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<td>Mechanical harvesting - small scale - hand/scuba (≤ 2,500 square feet and less than 50 feet along shoreline)</td>
<td>MDNR permit required for emergent vegetation (e.g., cattail) or floating leaf from area larger than 15 ft wide channel to open water; no permit required for submerged vegetation</td>
<td>Seasonal nuisance relief</td>
<td>$500-$1,500 per resident per harvesting event</td>
<td>Assumes 5 to 15 acres; harvesting by cutting may cause increased density or spread of plants if coontail, Eurasian watermilfoil or other plants that reproduce from fragments are present.</td>
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<td></td>
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<td>Mechanical harvesting - Large-scale - harvester cuts plants and removes from water by belt conveyor system</td>
<td>MDNR permit required; harvested area may not exceed 50% of littoral area. In addition, the sum of herbicide treated area and mechanical harvested area may not exceed 50% of littoral area.</td>
<td>Seasonal nuisance relief</td>
<td>$5,000-$25,000 for harvesting plus disposal costs which are estimated at $50/load of plants.</td>
<td>Assumes 5 to 15 acres;</td>
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<tr>
<td></td>
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<td></td>
<td>Mechanical harvesting - Large-scale - harvester pulls plants up by roots and removes plants from water by belt conveyor system; works best in water up to 6 foot depth; scuba removal may be used in deep areas</td>
<td>MDNR permit required; harvested area may not exceed 50% of littoral area. In addition, the sum of herbicide treated area and mechanical harvested area may not exceed 50% of littoral area.</td>
<td>Seasonal nuisance relief</td>
<td>$24,000-$180,000 (includes disposal cost)</td>
<td>Assumes 5 to 15 acres;</td>
</tr>
<tr>
<td>Water Quality — Poor clarity/too much algae</td>
<td>Cause 1 — Internal phosphorus loading</td>
<td>Water quality/sediment study and modeling</td>
<td>Hypolimnetic withdrawal (withdraw water from bottom, aerate, and return)</td>
<td>MDNR permit required</td>
<td>While operating, reduces internal phosphorus loading</td>
<td>$100,000-$400,000 plus annual operating cost of $8,000-$10,000</td>
<td>Only used in stratified lakes (i.e., lakes deep enough to stratify and have a hypolimnion)</td>
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<tr>
<td></td>
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<td></td>
<td>Dredging</td>
<td>Permits required from Corps of Engineers Section 404, MDNR, possibly MPCA, County and/or WMOs</td>
<td>Increases depth, typically reduces internal phosphorus loading and plants</td>
<td>$500,000-$750,000 for a 30-acre lake</td>
<td>If pollutants present in sediment, specialized removal methods would be required and removal costs would be considerably higher.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Aeration</td>
<td>MDNR permit required</td>
<td>Internal load reduction while oxygenated conditions present; distributes algae in water column preventing scum formation</td>
<td>$15,000-$45,000 per year for a 30-acre lake</td>
<td>Costs assumes a range of $300 to $1,500 per acre year over a 10 year period. Only effective when hypolimnion oxygen conditions &gt; 2mg/L are sustained.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Copper sulfate</td>
<td>MDNR permit required; only permitted when excessive algae bloom present</td>
<td>Short-term reduction of algae</td>
<td>$2,000-$2,500</td>
<td>Assumes treatment of 30 acres</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Invasive plant management (curly-leaf pondweed) — herbicide treatment</td>
<td>MDNR approved LVP and permit required; provided at discretion of MDNR</td>
<td>Internal phosphorus load reduction</td>
<td>$185,000-$225,000</td>
<td>Costs per Holiday, Wing, Rose UAA which assumes whole lake herbicde treatments for 5 years.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sediment Inactivation - Alum Treatment</td>
<td>Letter to MPCA required</td>
<td>Long-term reduction of internal phosphorus load</td>
<td>$25,000-$105,000</td>
<td>Costs per Holiday, Wing, Rose UAA; treatment would be expected to last 10-15 years, assuming watershed sediment sources have been controlled.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Sediment inactivation — Iron salt application with aeration</td>
<td>Letter to MPCA required</td>
<td>Internal load reduction while oxygenated conditions present; similar to alum treatment but requires annual treatment at an additional cost of $15,000-$45,000 per year</td>
<td>Requires annual aeration to be effective. The need for annual aeration makes this option more expensive than alum. For aeration cost estimate, assumed a 30 acre lake and a cost range of $530 to $1,560 per acre year over a 10 year period.</td>
<td></td>
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</tbody>
</table>
## City of Minnetonka Lake Management Options and Associated Costs (continued)

<table>
<thead>
<tr>
<th>Problem</th>
<th>Cause</th>
<th>Assessment Tool</th>
<th>Management Technique</th>
<th>Regulations/Rules</th>
<th>Benefits</th>
<th>Planning Level Cost Estimate</th>
<th>Comments/Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Quality – Poor clarity/too much algae</td>
<td>Cause 2—Watershed phosphorus loading</td>
<td>Water quality study and modeling</td>
<td>Wet ponds</td>
<td>Permits required from MPCA and WMOs</td>
<td>Phosphorus source reduction</td>
<td>$50,000-$910,000 plus annual O &amp; M of $1,000-$19,000</td>
<td>Assumes ponds range from 0.25 acres, 3-feet deep designed to treat 2 acres of impervious area to 5 acres, 3-feet deep, designed to treat 60 acres of impervious surface</td>
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<tr>
<td>Inflow alum treatment</td>
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</tr>
<tr>
<td>Underground infiltration</td>
<td>Permits required from MPCA and WMOs</td>
<td>Phosphorus source reduction</td>
<td></td>
<td>$100,000-$400,000 plus annual O &amp; M of $2,000-$8,000</td>
<td>Assumes basins range from 0.4 ac, 1-foot deep designed to treat 3 acres of impervious area to 1.6 ac, 1.5-foot deep designed to treat 5 acres of impervious area.</td>
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</tr>
<tr>
<td>Stormwater plants/tree trenches</td>
<td>Permits required from MPCA and WMOs</td>
<td>Phosphorus source reduction</td>
<td></td>
<td>$700,000-$2,100,000 plus annual O &amp; M of $14,000-$24,000</td>
<td>Assumes a total of about 0.4 acres installed in parking lots</td>
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<tr>
<td>Iron enhanced sand filter</td>
<td>Permits required from MPCA and WMOs</td>
<td>Phosphorus source reduction; targets dissolved phosphorus</td>
<td></td>
<td>$700,000-$1,100,000 and annual O &amp; M of $15,000-$25,000</td>
<td>Assumes a 0.3 to 0.8 acre iron enhanced sand filter designed to treat 5 to 15 acres of impervious area</td>
<td></td>
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</tr>
<tr>
<td>Pervious pavement</td>
<td>Permits required from MPCA and WMOs</td>
<td>Phosphorus source reduction</td>
<td></td>
<td>$220,000-$380,000 plus annual O &amp; M of $4,000-$8,000</td>
<td>Assumes a 0.3 acre area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Runwater gardens</td>
<td>Permits required from MPCA and WMOs</td>
<td>Source Reduction</td>
<td></td>
<td>$610,000-$1110,000 plus annual O &amp; M cost of $4,500-$21,000</td>
<td>Costs per Holiday, Wing, Rose Use Attainability Analysis (UAA); Assumes a range of 15 to 30 gardens at an average cost of $3,500-$4,000 per garden and O &amp; M of $100-$700 per garden</td>
<td></td>
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</tr>
<tr>
<td>Inflow alum treatment</td>
<td>NPDES permit required</td>
<td>Phosphorus source reduction while operating</td>
<td></td>
<td>$800,000-$1,200,000 plus O &amp; M of $50,000-$100,000</td>
<td>Based on costs of Tanner’s inflow alum treatment facility in Maplewood, Minnesota</td>
<td></td>
<td></td>
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<tr>
<td>Carp – Water quality/plant removal</td>
<td>Introduced</td>
<td>Monitor using boat electrofishing; determine movement paths using telemetry or PIT transmitters; population model to guide management.</td>
<td>Water level drawdown</td>
<td>Permits needed from Corps of Engineers, MDNR, possibly County and/or WMOs</td>
<td>Carp reduction, water quality improvement, and improved plant community</td>
<td>$100,000-$500,000</td>
<td>Assumes drawdown volume ranging from 100 to 500 acre feet.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Carp management plan and removal by winter seining</td>
<td>MDNR permit required</td>
<td>Carp reduction, water quality improvement, and improved plant community</td>
<td>$2,000-$30,000 per lake per year</td>
<td>Multiple years often required</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Carp management plan and removal by baited traps</td>
<td>MDNR permit required</td>
<td>Carp reduction, water quality improvement, and improved plant community</td>
<td>$10,000-$35,000 per lake per year</td>
<td>Multiple years often required</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Chemical treatment (rotenone)</td>
<td>MPCA and MDNR Permits needed</td>
<td>Carp reduction, water quality improvement, and improved plant community</td>
<td>$50,000-$100,000 per lake</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Barriers</td>
<td>Permits needed from MDNR and WMOs</td>
<td>Carp reduction, water quality improvement, improved plant community, and prevention of future carp infestation</td>
<td>$10,000-$800,000 per barrier</td>
<td>Mechanical barriers are often $10,000-$30,000 and electric barriers often range from $100,000-$800,000.</td>
</tr>
</tbody>
</table>

1 Costs are rough estimates based on experiences with other metro lakes.
2 Internal phosphorus loading describes the addition of phosphorus to a lake from sources within the lake such as lake sediment or decay of aquatic plants. Phosphorus is the food source for algae.
3 Alum applied to the lake permanently bonds phosphorus in lake sediment so that it cannot reenter the water column and become a food source for algae. Hence, phosphorus in lake sediment is inactivated.
4 Iron salt application creates a bond between iron and phosphorus in lake sediment. However, the bond is not permanent. As long as the water above the sediment is oxygenated (i.e. >2 mg/L), the iron remains bonded to lake sediment and the lake sediment is inactivated. If oxygen levels drop below 2 mg/L, the lake sediment again becomes active and phosphorus from sediment can reenter the water column, becoming food for algae. Hence, sediment inactivation by iron salt application requires aeration to sustain oxygen concentrations >2 mg/L in the hypolimnion.
5 O & M is Operation and Maintenance cost required for the management practice to operate at designed performance. The cost is estimated on an annual basis.
6 Inflow alum treatment – inflow to a lake is treated with alum to remove phosphorus, thereby reducing phosphorus loading to the lake. Typically, all or part of the inflow stream is diverted to an alum treatment facility that injects alum to the water and then holds the treated water in a pond to settle out sediment, alum floc, and the phosphorus associated with both. After settling, the treated water is routed back to the inflow stream.
Technical Memorandum

To: Tom Dietrich and Jeremy Koenen
From: Jen Koehler and Janna Kieffer
Subject: City of Minnetonka Enhanced Street Sweeping Pilot Program
Date: 03/06/2017
Project: 23/27-0181

Project Understanding

The current street sweeping program for the city of Minnetonka includes mechanical broom sweeping of all city streets once per year, in the spring after snowmelt. The city is considering implementation of a pilot program for enhanced street sweeping, which will increase street sweeping frequency to twice per year in targeted watersheds, in the spring after snowmelt and again in the autumn after leaf fall. The pilot program will focus on enhanced street sweeping within the watersheds of two priority waterbodies in the city that have moderate or good water quality.

Potential Targeted Watersheds

The city of Minnetonka has identified 14 lakes and wetlands as priority waterbodies for periodic monitoring based on community significance, use as recreational resources, and status as impaired waters, among other factors. Some of the 14 lakes have good water quality and regularly meet the city’s and state’s water quality goals; others have poor water quality and are included on the state’s list of impaired waters. Several lakes have moderate water quality, in that on average they tend to meet the state’s nutrient standards for deep or shallow lakes and/or the city’s lake water quality goals, but do not consistently meet the goals or have water quality conditions near the threshold of the standard(s).

The city has indicated preference for the pilot enhanced street sweeping program to target lakes with moderate water quality, to provide a higher level of protection (to prevent further degradation) or an impaired waterbody (to protect or improve water quality and quantify benefits). Table 1 describes four potential waterbodies for consideration as part of the pilot street sweeping program, including water quality, watershed characteristics, and potential curb miles. One of the key watershed characteristics for consideration is the amount and/or proportion of untreated area within the watershed, as the impacts from enhanced street sweeping will be most direct in areas that are otherwise untreated prior to stormwater being conveyed to the downstream waterbody. Note that the street length and curb miles listed in Table 1 do not include state or county roadways.
Table 1: Potential priority waterbodies for the city’s pilot enhanced street sweeping program.

<table>
<thead>
<tr>
<th>Lake</th>
<th>Water Quality</th>
<th>Watershed Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Minnetoga</td>
<td>Deep lake that generally meets MPCA deep lake standards; City-designated Level 1 lake that historically does not meet the city water quality goals; Stable water quality (no trend).</td>
<td>Total watershed area = 659 acres&lt;br&gt;Untreated watershed area = 197 acres (30%)&lt;br&gt;Street length within watershed = 8.6 miles&lt;br&gt;Curb length within watershed = 17.3 curb miles&lt;br&gt;Primarily residential landuse</td>
</tr>
<tr>
<td>Shavers Lake</td>
<td>Shallow Lake that generally meets MPCA shallow lake standards; No city water quality goal established; Stable water quality (no trend).</td>
<td>Total watershed area = 224 acres&lt;br&gt;Untreated watershed area = 151 acres (67%)&lt;br&gt;Street length within watershed = 4.2 miles&lt;br&gt;Curb length within watershed = 8.4 curb miles&lt;br&gt;Portion of watershed outside city of Minnetonka – City does not street sweep watershed outside of city</td>
</tr>
<tr>
<td>Crane Lake</td>
<td>Shallow Lake that generally meets MPCA shallow lake standards (in most recent years); City Level 3 lake that historically meets the city water quality goals; Stable water quality (no trend).</td>
<td>Total watershed area = 551 acres&lt;br&gt;Untreated watershed area = 213 acres (39%)&lt;br&gt;Street length within watershed = 8.6 miles&lt;br&gt;Curb length within watershed = 17.3 curb miles&lt;br&gt;Significant portion of watershed associated with Ridgedale Mall and I394 – City does not street sweep these areas</td>
</tr>
<tr>
<td>Lake Windsor</td>
<td>Shallow Lake that does not meet MPCA shallow lake standards (impaired for excess nutrients); City Level 3 lake that historically meets the city water quality goals; Stable water quality (no trend).</td>
<td>Total watershed area = 198 acres&lt;br&gt;Untreated watershed area = 101 acres (51%)&lt;br&gt;Street length within watershed = 3.5 miles&lt;br&gt;Curb length within watershed = 7.0 curb miles&lt;br&gt;Primarily residential landuse</td>
</tr>
</tbody>
</table>

Upon review of the watershed characteristics for the four priority waterbodies summarized in Table 1, city of Minnetonka staff selected the Lake Minnetoga and Lake Windsor watersheds for the pilot program. The landuse in both watersheds is primarily residential with most streets under the city’s jurisdiction for street sweeping. Additionally, Lake Minnetoga does not consistently meet city water quality goals and
Lake Windsor is impaired, so both have the potential for additional protection and/or improvement by an increased street sweeping program.

**Quantifying Impacts of Enhanced Street Sweeping Pilot Program**

Quantifying the benefit(s) of the street sweeping program is an important part of evaluating the effectiveness of an enhanced program. We recommend that the City use the spreadsheet tool recently developed by the University of Minnesota, through the laboratory led by Dr. Lawrence Baker. This tool utilizes regression equations developed during a street sweeping study conducted in Prior Lake, Minnesota and information related to tree canopy, frequency of sweeping, and time of year sweeping is performed to estimate expected pollutant removal (nitrogen (N), Phosphorus (P), and solids) and determine cost effectiveness of various street sweeping options by a regenerative air vacuum street sweeper.

The city anticipates continuing this program for a minimum of three (3) years to quantify the impacts of the program. Our recommendations for quantifying street sweeping benefits and impacts of the pilot program are summarized below.

1) **Document Street Sweeping**

We recommend that the city document the estimated canopy cover for the streets included in the pilot watersheds and total road and curb miles swept as part of the second (fall) street sweeping event.

The city intends to use mechanical broom sweepers for the pilot street sweeping program, which includes a lead broom followed by two additional brooms along each side of the road. Since this differs from the University of Minnesota study in Prior Lake which relied on vacuum sweepers, we recommend that the city collect data during the first year of the program, at a minimum, to document program extent and identify potential differences in effectiveness due to use of different equipment. Recommended data collection includes the length of road swept, total material volume and fresh (wet) weight collected by the three sweepers for a defined distance of road (e.g. 0.5 miles) for a minimum of three (3) total loads. This information will be used to develop an estimate average material volume and wet weight removed per curb mile swept. From each of these three sweeper loads, we recommend collecting samples for further pollutant testing, as discussed in item #3 below.

Depending on how these values compare to the results of the University of Minnesota study, the City may wish to collect similar data in subsequent years of the pilot program.

2) **Estimate Phosphorus Load Recovery**

We recommend that the city utilize the implementation-level street sweeping tool developed by the University of Minnesota to estimate phosphorus removal from the enhanced sweeping program. This tool utilizes information on canopy cover, curb miles swept, and fresh (wet) weight to estimate the
amount of phosphorus captured by regenerative air vacuum street sweeping. Because the city is proposing to use the existing mechanical broom sweepers instead of vacuum sweepers, which have a different removal efficiency, it may be necessary to revise the solids and phosphorus removal estimates from the street sweeping implementation tool to reflect the values of data collected in Minnetonka. Information obtained as part of item #1 above and item #3 below will help the city determine if revisions to the implementation tool are needed.

It is important to note that the estimated phosphorus load recovery from sweeping estimated through the University of Minnesota’s implementation-level tool or other similar tools is not necessarily equivalent to the actual reduction in phosphorus loading to the downstream resource of concern (i.e., the priority waterbody). A portion of the swept sediment and phosphorus would otherwise be deposited elsewhere throughout the stormwater system (e.g., sump manholes, ditches, ponds) and may not become fully-available to the priority resources.

3) Develop Localized Regression Relationships

The University of Minnesota’s implementation-level street sweeping tool relies on regression equations developed for street sweeping data collected in Prior Lake to estimate phosphorus removal based on simple, inexpensive measurements such as fresh weight and curb miles. However, the regression equations were developed in a study area where the highest percentage of canopy cover was 30%, likely lower than much of Minnetonka, and were based on the performance of regenerative air vacuum sweepers (not mechanical broom sweepers as the city currently has).

In the first year of the pilot program, we recommend that the city collect and analyze up to two (2) samples of swept material from each of three measured loads (for a total of six (6) samples of material). Analysis of the samples should include the following (similar to the testing performed as part of the Prior Lake study):

- Total Solids (wet weight and dry weight)
- Sieve analysis (grain size analysis) to understand the breakdown between coarse and fine particle size fractions:
  - Coarse Organic Matter (COM) – floatable material larger than the 2 mm sieve
  - Fine Matter – particles passing through the 2 mm sieve
  - Coarse Matter – non-floatable material larger than the 2 mm sieve is not tested
- Total phosphorus (only tested for fine matter and coarse organic matter)

Due to the potential difference in canopy cover and sweeping method, this testing would allow the city to understand how their street sweeping compares to the data collected in Prior Lake and if it is appropriate to utilize the phosphorus and solids removal estimates from the University of Minnesota street sweeping implementation tool. If the amount and characteristics of the material fall outside the
ranges observed in the Prior Lake study, the city may consider collecting further data in subsequent years of the pilot street sweeping program to develop its own regression relationships as it relates to phosphorus load recovery by street sweeping and better estimate phosphorus reductions from its sweeping program.

4) Continued Periodic Lake Monitoring

We recommend that the city continue periodic monitoring of the downstream lakes benefitting from the enhanced sweeping program. Street sweeping is a nonstructural stormwater BMP that is generally considered a “good housekeeping” practice that reduces phosphorus in watershed runoff. The impact may not be directly apparent in lake water quality monitoring data as there can be significant variability in lake water quality from year to year. However, long-term trends in lake water quality may become apparent as enhanced street sweeping and other management efforts and practices are implemented over time.

Another option for quantifying the benefits of enhanced street sweeping includes utilizing the city’s P8 water quality and pollutant loading model. The P8 model has a street sweeping routine programmed into the model that allows the user to evaluate the impact of various street sweeping frequencies and periods at the subwatershed scale. Since the city has existing P8 water quality models developed for the priority waterbody watersheds, P8 could be utilized to quantify the impact of the existing street sweeping program as well as the proposed enhanced street sweeping pilot program. The current models assume that all impervious surfaces in each subwatershed are not swept, so modifications to the model would be needed to estimate the fraction of the subwatershed impervious surfaces that would be swept. The efficiencies programmed into the P8 model are based on street sweeper efficiency data (vacuum sweeping) as it relates to the NURP particle size distribution as reported by Roger Bannerman (Wisconsin Department of Natural Resources) based on studies completed by the United States Geological Survey (USGS) and does not reflect local data. This method could be completed fairly efficiently using the existing P8 models after estimating the amount of swept impervious area within each of the watershed. However, there is considerable uncertainty in this approach associated with the estimated watershed pollutant build-up and estimated removals by the P8 model, as compared to actual monitoring data from the city of Minnetonka.

*Estimated Cost of the Enhanced Street Sweeping Pilot Program*

Table 2 summarizes the estimated cost of the proposed city of Minnetonka pilot street sweeping program. These costs assume a three (3) year pilot program utilizing the city’s mechanical broom sweepers and sampling and laboratory analysis during either one (the first year) or all three (3) years.
### Table 2: Summary of Estimated Enhanced Street Sweeping Program Costs

<table>
<thead>
<tr>
<th>Task</th>
<th>Estimated Cost Range¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimation of Canopy Cover</td>
<td>$1,200</td>
</tr>
<tr>
<td>Utilize U of MN/Baker spreadsheet tool to evaluate total phosphorus removal</td>
<td>$1,000</td>
</tr>
<tr>
<td>Fall Sweeping Cost²</td>
<td>$26,300</td>
</tr>
<tr>
<td>Wet Weight Load Analysis (Commercial Scale)</td>
<td>$900 - $2,700</td>
</tr>
<tr>
<td>Sampling Costs</td>
<td>$1,000 - $3,000</td>
</tr>
<tr>
<td>Laboratory Costs</td>
<td>$1,200 - $3,600</td>
</tr>
<tr>
<td>Data Analysis and Summary Costs</td>
<td>$3,800 - $11,400</td>
</tr>
<tr>
<td><strong>Total Street Sweeping Pilot Program Cost</strong></td>
<td><strong>$35,400 - $49,200</strong></td>
</tr>
</tbody>
</table>

¹ Cost range reflects a three (3) year street sweeping pilot program for two targeted waterbodies utilizing the city's existing mechanical broom sweepers. The low cost range assumes that wet weight, sampling, laboratory, and summary costs will only occur during the first year while the high range assumes testing for all three (3) years for the pilot program.

² Estimated cost for fall sweeping of two watersheds ranges from $7,500 to $10,000 per year. An average of $8,750 was used for developing the estimated cost range.
Technical Memorandum

To: Tom Dietrich and Jeremy Koenen
From: Jen Koehler, PE and Janna Kieffer, PE
Subject: Water Quality Improvement Project Opportunities for Minnetonka Priority Waterbodies
Date: March 6, 2017
Project: 23/27-0181

Background

There are numerous lakes and wetlands within the city of Minnetonka, including 14 waterbodies that have been identified as “priority” waterbodies by the city (see Figure 1). The city conducts a lake monitoring program to track and evaluate changes in the water quality of these water bodies on a three-year rotating cycle. In 2014, the city began conducting subwatershed assessments for each of the priority water bodies to evaluate and identify opportunities within the watersheds to implement projects that protect and improve the water quality of these resources.

In the fall of 2016, the Minnetonka city council conducted a study session to discuss lake management options, in response to considerable interest and concern shared by Minnetonka residents. As an outcome of the council’s discussion, it was requested that city staff develop a list of potential capital improvement projects for consideration to protect and improve the quality of the city’s priority waterbodies. The list of potential capital improvement projects will help identify, target and prioritize future capital expenditures for water quality protection.

Water Quality Improvement Project Opportunities for Priority Waterbodies

Table 1 summarizes the water quality improvement project opportunities identified within the watersheds of the city’s priority waterbodies. The table includes a brief description of the project, the estimated project performance (pollutant removal), the planning-level opinion of probable cost range, the estimated annual maintenance cost, and total annualized cost, as well as the estimated cost-benefit. The table also summarizes the estimated access and use parameters for each water body and includes comments about the project and if property easement or purchase are expected for the project construction.

The list of potential capital improvement projects includes three to four stormwater projects for each priority waterbody, where feasible. In some cases, constraints within the subwatershed resulted in identification of fewer than three water quality improvement projects. The locations of the potential capital improvement projects are shown by lake in Figures 2 through 12. Barr evaluated the watershed tributary to Gray’s Bay (which is not an “official” priority waterbody); however, no water quality improvement projects were identified due to the developed nature of the watershed. The development of the list of potential water quality capital improvement projects builds on ongoing efforts by the city of
Minnetonka staff, as many of the projects included in Table 1 were identified and evaluated as part of the city’s 2014-2016 subwatershed assessment project.

While the water quality improvement projects identified in the 2014-2016 subwatershed assessments primarily focused on those projects that could be implemented on public property, within existing easements, or within right-of-way, this effort expanded the scope and considered projects that may require the purchase of private property or easements to fully implement. In addition, in-lake management practices, such as alum treatments, were also considered.

To develop the list of projects (organized by priority waterbody), the following tasks were completed for each waterbody:

- Review of the tributary drainage areas for each priority waterbody to identify locations for potential stormwater Best Management Practices (BMPs)
- Development of high-level concept designs at identified BMP locations
- Estimation of total phosphorus removal from identified BMPs
- Development of planning-level opinions of probable cost for identified BMPs
- Computation of an annualized cost/benefit for each BMP
- Summary of access to/use of each priority water body

While some BMPs previously identified as part of the 2014-2016 subwatershed assessments already had total phosphorus removal estimates, planning-level opinions of probable cost, and cost/benefit information computed, others required additional effort to quantify the costs and benefits as part of this scope of work.

High-level feasibility of the conceptual designs was evaluated based on a desktop assessment of topography, available space, soils, utility, and easement information, monitoring data (if available), and modeling. Limited information was available for some potential BMP sites, in which Barr staff used best professional judgement to evaluate the conceptual designs. Additional feasibility-level studies should be conducted prior to design and construction and could include review of as-built utility drawings, survey (as needed), soil borings to confirm local soil conditions and infiltration capacity, collection of sediment cores (for in-lake management efforts), and outreach to property owners.

Average annual total phosphorus removals for the conceptual designs were estimated using existing P8 watershed runoff and pollutant loading models and/or the Minnesota Pollution Control Agency (MPCA) Minimal Impact Design Standards (MIDS) calculator tool.

Planning-level opinions of probable cost were developed for many of the identified potential management practices based on concept-level designs. While the estimates provide a general magnitude...
of cost for planning purposes, there is uncertainty associated with this concept-level of design as it relates to probable cost. And although a point opinion of probable cost was developed based on the conceptual design, the costs reported for the BMPs include a range to reflect this uncertainty. We have utilized industry resources for cost estimating (AACE International Recommended Practice No. 18R-97 and ASTM E 2516-06 Standard Classification for Cost Estimate Classification System) to provide guidance on cost uncertainty based on the current level of design, which ranges from -20 percent to +40 percent from the point opinion of probable cost. The costs include engineering, permitting, and design (30 percent), contingencies (25 percent), and estimated land acquisition/easement costs (as applicable). The estimates do not include costs for potential wetland mitigation or costs associated with the potential management and disposal of contaminated soils.

The cost-benefit that can be used to help rank and prioritize projects is quantified as an annualized cost per pound of total phosphorus removed per year (cost-benefit). This provides a method of comparing the various projects and the overall cost effectiveness of the proposed management practices. The annualized costs are based on the point estimate of probable cost (including construction, contingencies, engineering and design, and land acquisition or easement costs) combined with the annual estimated operation and maintenance costs over the life span of the various projects. For this analysis, we have assumed an interest rate of 4 percent to annualize the capital cost and have assumed a life span of 20 years for the various projects. The lifespan of stormwater practices varies and can be longer than 20 years if routine inspection and maintenance is performed (can range from 20 to 50+ years, depending on the type of BMP).

To quantify access to and use of the priority waterbodies, the number of parcels adjacent to the priority waterbody were summarized along with the total number of parcels within the contributing watershed. Public access to waterbodies was also a consideration.
### Table 1: City of Minnetonka Water Quality Improvement Project Summary by Priority Water Body

<table>
<thead>
<tr>
<th>ID</th>
<th>Description</th>
<th>Average Annual TP Removal (lbs/yr)</th>
<th>Planning-level Cost Estimate (range)</th>
<th>Estimated Annual Maintenance Cost</th>
<th>Estimated Annualized Cost</th>
<th>Cost per Pound TP Removed, Year</th>
<th># of Shoreline Parcels/ # of Watershed Parcels</th>
<th>Public Access (Beach or Boat Launch)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Average Annual TP Removal (lbs/yr)</td>
<td>Planning-level Cost Estimate (Range)</td>
<td>Estimated Annual Maintenance Cost</td>
<td>Estimated Annualized Cost</td>
<td>Cost per Pound TP Removed, Year</td>
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<td>Planning-level Cost Estimate (Range)</td>
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<td>Estimated Annualized Cost</td>
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<td>Public Access (Beach or Boat Launch)</td>
<td>Comments</td>
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<tr>
<td></td>
<td></td>
<td>Planning-level Cost Estimate (Range)</td>
<td>Estimated Annual Maintenance Cost</td>
<td>Estimated Annualized Cost</td>
<td>Cost per Pound TP Removed, Year</td>
<td># of Shoreline Parcels/ # of Watershed Parcels</td>
<td>Public Access (Beach or Boat Launch)</td>
<td>Comments</td>
<td></td>
</tr>
</tbody>
</table>

#### Lake Windsor (see Figure 2)

- **W1** Construct enhanced stormwater filtration system in open space north of parking lot at Adath Jeshurun Synagogue to treat runoff from Subwatersheds 272-b and 272-a2 and divert flows bypassing the enhanced filtration system to the existing sedimentation basin.
  - Average Annual TP Removal: 5
  - Planning-level Cost Estimate: $440,000
  - Estimated Annual Maintenance Cost: $7,500
  - Estimated Annualized Cost: $40,000
  - Cost per Pound TP Removed, Year: $8,000
  - # of Shoreline Parcels/ # of Watershed Parcels: 29 / 284
  - Public Access (Beach or Boat Launch): No Public Access
  - Comments: Project would require purchase of easements for project construction.

#### Shaver’s Lake (see Figure 3)

- **S1** Expand infiltration capacity of the existing dry detention basin in Subwatershed 319B_2, west of Therese Street.
  - Average Annual TP Removal: 22.0
  - Planning-level Cost Estimate: $269,000
  - Estimated Annual Maintenance Cost: $14,300
  - Estimated Annualized Cost: $34,000
  - Cost per Pound TP Removed, Year: $1,500
  - # of Shoreline Parcels/ # of Watershed Parcels: 42 / 370
  - Public Access (Beach or Boat Launch): No Public Access
  - Comments: No easement required as project can be constructed on public property.

- **S2** Construct infiltration/bioretention basin in Breconwood (Subwatershed 319C) to improve drainage issues north of townhomes and treat runoff from the central portion of the development.
  - Average Annual TP Removal: 9.0
  - Planning-level Cost Estimate: $298,000
  - Estimated Annual Maintenance Cost: $9,300
  - Estimated Annualized Cost: $31,000
  - Cost per Pound TP Removed, Year: $3,400
  - # of Shoreline Parcels/ # of Watershed Parcels: 42 / 370
  - Public Access (Beach or Boat Launch): No Public Access
  - Comments: Project would require purchase of easements for project construction.
<table>
<thead>
<tr>
<th>ID</th>
<th>Description</th>
<th>Average Annual TP Removal (lbs/yr)</th>
<th>Planning-level Cost Estimate</th>
<th>Planning-level Cost Estimate Range</th>
<th>Estimated Annual Maintenance Cost</th>
<th>Estimated Annualized Cost</th>
<th>Cost per Pound TP Removed/Year</th>
<th># of Shoreline Parcels/ # of Watershed Parcels</th>
<th>Public Access (Beach or Boat Launch)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>S3</td>
<td>Incorporate additional stormwater management as part of redevelopment of the area northwest of the intersection of Highway 5 and Highway 101 to include treatment of off-site area to west (Subwatershed 319C).</td>
<td>6.3</td>
<td>$570,000</td>
<td>$456,000 – 798,000</td>
<td>$9,300</td>
<td>$51,000</td>
<td>$8,100</td>
<td></td>
<td></td>
<td>Implementation of the city’s current rules during redevelopment of the commercial area northwest of the intersection of Highway 5 and Highway 101 would result in the removal of 6.1 lbs TP per year with the cost being incurred by the developer. However, treatment could be expanded in the redevelopment area to capture runoff from the eastern portion of the Breconwood development (an additional 6.3 lbs TP per year) and would require the purchase of an easement. The costs summarized for this project reflect the project providing treatment beyond what is required by implementation of the city’s rules.</td>
</tr>
<tr>
<td>S4</td>
<td>Construct bioretention system on private parcel west of County Road 101 (Located in Subwatershed 319C, treating runoff from Subwatershed 319A).</td>
<td>3.5</td>
<td>$329,000</td>
<td>$263,000 – $460,000</td>
<td>$2,400</td>
<td>$27,000</td>
<td>$7,700</td>
<td></td>
<td></td>
<td>Project requires purchase of one property (3136 County Road 101).</td>
</tr>
<tr>
<td>S5</td>
<td>Retrofit existing storm sewer system to incorporate infiltration of runoff from west portion of Breconwood (Subwatershed 319C).</td>
<td>9.9</td>
<td>$520,000</td>
<td>$416,000 – $728,000</td>
<td>$14,000</td>
<td>$52,000</td>
<td>$5,300</td>
<td></td>
<td></td>
<td>Project requires purchase of easement along existing storm sewer.</td>
</tr>
</tbody>
</table>

### Wetland 256A (see Figure 4)

<p>| WA1 | Improve existing dry detention basin in Subwatershed 258-a by maximizing the dead storage in the pond. | 8 | $66,000 | $60,000 – $100,000 | $700 | $6,000 | $800 | | | |
| WA2 | Develop a sedimentation basin/forebay to treat flows from Subwatershed 256B-ab, in the northwest corner of the intersection of Cedar Lake Road and Hopkins Crossroad. | 5 | $106,000 | $90,000 – $150,000 | $1,800 | $10,000 | $2,000 | 34 / 312 | No Public Access | Project requires purchase of easement. |
| WA3 | Investigate sediment accumulation in ponds in the southwest portion of the watershed (Subwatersheds 256B-b, 256B-d, and 256B-c) to determine maintenance needs. | - | - | - | - | - | - | - | Routine maintenance required by city’s MS4 permit. |
| WA4 | Construct enhanced filtration system in Subwatershed 256A east of Ridgeway Drive to treat wetland discharges from the wetland to the west. | 3.7 | $1,436,000 | $1,115,000 – $2,000,000 | $14,360 | $120,000 | $32,400 | | | Project requires purchase of easement. |</p>
<table>
<thead>
<tr>
<th>ID</th>
<th>Description</th>
<th>Average Annual TP Removal (lbs/yr)</th>
<th>Planning-level Cost Estimate</th>
<th>Planning-level Cost Estimate Range</th>
<th>Estimated Annual Maintenance Cost</th>
<th>Estimated Annualized Cost</th>
<th>Cost per Pound TP Removed/Year</th>
<th># of Shoreline Parcels / # of Watershed Parcels</th>
<th>Public Access (Beach or Boat Launch)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>Expand infiltration capacity of the existing dry low area in Subwatershed 21A-1a at the intersection of Wood Hill Road and Oakwood Extension Road.</td>
<td>3</td>
<td>$28,000</td>
<td>$100,000 - $120,000</td>
<td>$12,000</td>
<td>$29,000</td>
<td>$9,700</td>
<td></td>
<td>No Public Access</td>
<td>No easement required as project can be constructed on public property.</td>
</tr>
<tr>
<td>C2</td>
<td>Expand storage and water quality treatment in existing dry detention area in Subwatershed 22-a, east of Williston Road.</td>
<td>6.0</td>
<td>$233,000</td>
<td>$190,000 - $330,000</td>
<td>$5,800</td>
<td>$23,000</td>
<td>$3,800</td>
<td></td>
<td>No Public Access</td>
<td>No easement required as project can be constructed on public property.</td>
</tr>
<tr>
<td>C3</td>
<td>Modify or enhance ditches along east side of Williston Road to promote infiltration, including check dams and/or vegetation management (through Subwatersheds 25, 26, 40-a, and 40-b).</td>
<td>3.2</td>
<td>$37,000</td>
<td>$29,600 - $51,800</td>
<td>$250</td>
<td>$3,000</td>
<td>$900</td>
<td>3 / 294</td>
<td>No Public Access</td>
<td>No easement required as project can be constructed in public ROW.</td>
</tr>
<tr>
<td>C4</td>
<td>Incorporate additional stormwater management as part of future redevelopment of the industrial area in the southwest quadrant of Williston Road and Minnetonka Boulevard, including regional treatment of runoff from the watershed west of Williston Road (in Subwatersheds 42-b and 40-b).</td>
<td>1.6</td>
<td>$154,000</td>
<td>$123,000 - $216,000</td>
<td>$7,000</td>
<td>$15,000</td>
<td>$9,400</td>
<td></td>
<td></td>
<td>Implementation of the city’s current rules during redevelopment of the industrial area southwest of the intersection of Williston Road and Minnetonka Blvd would result in the removal of 12.8 lbs TP per year with the cost being incurred by the developer. However, treatment could be expanded in the redevelopment area to capture runoff from the remainder of the watershed west of Williston Road (an additional 1.6 lbs TP per year) and would require the purchase of an easement. The costs summarized for this project reflect the project providing treatment beyond what is required by implementation of the city’s rules.</td>
</tr>
<tr>
<td>SO1-6</td>
<td>Install rainwater gardens or other linear BMPs along various roadways within Subwatersheds S16, S17, S21W, S23, S29, S24, &amp; S25.</td>
<td>3.7</td>
<td>$225,000</td>
<td>$180,000 - $315,000</td>
<td>$8,000</td>
<td>$22,000</td>
<td>$5,900</td>
<td>55 / 686</td>
<td>Public Access (Swimming Beach)</td>
<td>Includes cost for easement acquisition which may be required for project construction.</td>
</tr>
<tr>
<td>SO7</td>
<td>Implement stormwater management rules/standards for redevelopment along SWLRT Corridor and look for regional treatment opportunities.</td>
<td>-</td>
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<tr>
<td>ID</td>
<td>Description</td>
<td>Average Annual TP Removal (lbs/yr)</td>
<td>Planning-level Cost Estimate</td>
<td>Planning-level Cost Estimate Range</td>
<td>Estimated Annual Maintenance Cost</td>
<td>Estimated Annualized Cost</td>
<td>Cost per Pound TP Removed/Year</td>
<td># of Shoreline Parcels / # of Watershed Parcels</td>
<td>Public Access (Beach or Boat Launch)</td>
<td>Comments</td>
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</tr>
<tr>
<td>S08</td>
<td>Construct stormwater BMP retrofit at Shady Oak Beach Park.</td>
<td>2.1</td>
<td>$100,000</td>
<td>$80,000 - $140,000</td>
<td>$1,700</td>
<td>$9,000</td>
<td>$4,300</td>
<td>No easement required as project can be constructed on public property.</td>
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<tr>
<td></td>
<td><strong>Lake Minnetoaga (see Figure 7)</strong></td>
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</tr>
<tr>
<td>M1</td>
<td>Construct infiltration system adjacent to Wetland 572.</td>
<td>15</td>
<td>$1,161,000</td>
<td>$930,000 - $1,625,000</td>
<td>$10,900</td>
<td>$96,000</td>
<td>$6,400</td>
<td>19 / 819</td>
<td>No Public Access</td>
<td>Project would require purchase of two properties to the north and significant excavation; May require coordination with MnDOT (5220 and 5222 Baker Road).</td>
</tr>
<tr>
<td>M2-6</td>
<td>Incorporate rainwater gardens or other linear BMPs along various roadways within Subwatersheds 544, 569A, 612, 614, &amp; 566.</td>
<td>8.8</td>
<td>$361,000</td>
<td>$289,000 - $505,000</td>
<td>$9,400</td>
<td>$36,000</td>
<td>$4,100</td>
<td></td>
<td>No Public Access</td>
<td>Includes cost for easement acquisition as project may require for project construction.</td>
</tr>
<tr>
<td></td>
<td><strong>Lone Lake (see Figure 8)</strong></td>
<td></td>
<td></td>
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<tr>
<td>L1</td>
<td>Conduct routine maintenance of BMPs in Lone Lake Park lower parking area to preserve function.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>13 / 56</td>
<td>No Public Access</td>
<td>Routine maintenance required by city’s MS4 permit.</td>
</tr>
<tr>
<td>L2</td>
<td>Construct stormwater BMP to treat runoff from upper parking lot for the soccer field at Lone Lake Park (in Subwatershed 582A).</td>
<td>2.1</td>
<td>$137,000</td>
<td>$110,000 - $192,000</td>
<td>$4,200</td>
<td>$14,000</td>
<td>$6,700</td>
<td></td>
<td>No easement required as project can be constructed on city of Minnetonka property.</td>
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<tr>
<td></td>
<td><strong>Glen Lake (see Figure 9)</strong></td>
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<tr>
<td>G2</td>
<td>Conduct enhanced filtration of discharges from Pond RP-1 in Subwatershed RP-1.</td>
<td>11.2</td>
<td>$1,416,000</td>
<td>$1,113,000 - $2,000,000</td>
<td>$10,900</td>
<td>$115,000</td>
<td>$10,300</td>
<td>48 / 1147</td>
<td>No Public Access</td>
<td>No easement required as project can be constructed on public property</td>
</tr>
<tr>
<td>G3-S/G7-9</td>
<td>Incorporate rainwater gardens or other linear BMPs along various roadways within Subwatersheds 598, 587, 588, &amp; 589.</td>
<td>9.4</td>
<td>$532,000</td>
<td>$425,000 - $745,000</td>
<td>$12,500</td>
<td>$52,000</td>
<td>$5,500</td>
<td></td>
<td>No Public Access</td>
<td>Includes cost for easement acquisition which may be required for project construction.</td>
</tr>
<tr>
<td>ID</td>
<td>Description</td>
<td>Average Annual TP Removal (lbs/yr)</td>
<td>Planning-level Cost Estimate¹</td>
<td>Planning-level Cost Estimate Range¹</td>
<td>Estimated Annual Maintenance Cost²</td>
<td>Estimated Annualized Cost³</td>
<td>Cost per Pound TP Removed/Year⁴</td>
<td># of Shoreline Parcels/ # of Watershed Parcels</td>
<td>Public Access (Beach or Boat Launch)</td>
<td>Comments</td>
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</tr>
<tr>
<td>G6</td>
<td>Retrofit stormwater management BMPs and/or application of city/NMCWD rules as redevelopment occurs in &quot;Downtown Glen Lake&quot; (Subwatersheds 676-1, 629-3, 608, 608A, 611, 611, and 673F-1).</td>
<td>22.3</td>
<td>$2,024,000</td>
<td>$1,619,000 - $2,283,000</td>
<td>$48,800</td>
<td>$198,000</td>
<td>$8,900</td>
<td>-</td>
<td>No Public Access</td>
<td>Implementation of the city’s current stormwater rules in the “downtown” Glen Lake area would result in the removal of an estimated 44.6 lbs TP per year. This capital improvement item assumes the city would pursue stormwater treatment for half of the “downtown” Glen Lake area as a retrofit. The remaining half would be completed as part of redevelopment, with the cost being incurred by the developer. There is limited regional treatment opportunity to treat water from beyond “downtown” area during redevelopment or retrofits due to depth of existing storm sewer.</td>
</tr>
<tr>
<td>Pond 313</td>
<td>Pond 313 watershed is fairly small and undeveloped with several land-locked areas. No specific water quality improvement projects are recommended; however, the city should continue to implement their stormwater management rules as appropriate and preserve the existing stormwater flow, volume and discharge patterns in the watershed.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>4 / 18</td>
<td>No Public Access</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crane Lake (see Figure 10)</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>CL1</td>
<td>Retrofit the Ridgedale Mall parking lot area to provide additional stormwater treatment in Subwatersheds 424, 409, 410, and 425-3.</td>
<td>13.3 - 132.9</td>
<td>$1,750,000 - $17,450,000</td>
<td>$1,400,000 - $27,920,000</td>
<td>$17,500 - $174,500</td>
<td>$146,000 - $1,459,000</td>
<td>$11,000</td>
<td>-</td>
<td>No Public Access</td>
<td>Range presented assumes retrofitting from 10% to 100% of the Ridgedale Mall site with stormwater management BMPs such as rainwater gardens and tree trenches. The ability to retrofit portions of the Ridgedale Mall site will be based on future opportunities for partnerships with private property owners.</td>
</tr>
<tr>
<td>CL2</td>
<td>Install infiltration/filtration practices along Ridgedale Boulevard (tree trenches, rain gardens, subtrail infiltration) in Subwatersheds 410, 425-3, and 425.</td>
<td>15.2</td>
<td>$1,512,000</td>
<td>$1,210,000 - $2,117,000</td>
<td>$11,700</td>
<td>$123,000</td>
<td>$8,100</td>
<td>16 / 423</td>
<td>No Public Access</td>
<td>This improvement project assumes that during the reconstruction of Ridgedale Boulevard, the city will go beyond the required treatment (0.55 inches of runoff from the impervious surfaces) and will capture 1.1 inches of runoff from the impervious surfaces. This entire project will result in a total TP reduction of 15.2 lbs TP per year. Because this is a city project and BMPs would be implemented in the right of way, no easements would be required for this project.</td>
</tr>
<tr>
<td>CL3</td>
<td>Treat runoff from the Sheraton West parking lot in Subwatershed 425-3, in the form of a wet retention basin or an infiltration/filtration basin.</td>
<td>4.8</td>
<td>$479,000</td>
<td>$383,000 - $670,000</td>
<td>$2,200</td>
<td>$37,000</td>
<td>$7,700</td>
<td>-</td>
<td>-</td>
<td>Project requires the purchase of an easement for project construction.</td>
</tr>
<tr>
<td>ID</td>
<td>Description</td>
<td>Average Annual TP Removal (lbs/yr)</td>
<td>Planning-level Cost Estimate¹</td>
<td>Planning-level Cost Estimate Range¹</td>
<td>Estimated Annual Maintenance Cost²</td>
<td>Estimated Annualized Cost³</td>
<td>Cost per Pound TP Removed/Year²</td>
<td># of Shoreline Parcels/ # of Watershed Parcels</td>
<td>Public Access (Beach or Boat Launch)</td>
<td>Comments</td>
</tr>
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</tr>
<tr>
<td>CL4</td>
<td>Install stormwater reuse system from South Pond for irrigation at Ridgedale Mall in Subwatersheds 424, 409, 410, and 425-3.</td>
<td>4.6</td>
<td>$287,000</td>
<td>$230,000 - $402,000</td>
<td>$2,200</td>
<td>$23,000</td>
<td>$5,000</td>
<td>4.6 $287,000 $230,000 - $402,000 $2,200 $23,000 $5,000</td>
<td>Project assumes that Ridgedale Mall has an existing irrigation system for all green space onsite and no easement would be required.</td>
<td></td>
</tr>
<tr>
<td>CL5</td>
<td>Construct detention pond at the southeast corner of Joy Lane and Hopkins Crossroad.</td>
<td>9.4</td>
<td>$1,093,000</td>
<td>$880,000 - $1,540,000</td>
<td>$4,600</td>
<td>$85,000</td>
<td>$9,000</td>
<td>9.4 $1,093,000 $880,000 - $1,540,000 $4,600 $85,000 $9,000</td>
<td>Project requires the purchase of one property (11151 Joy Lane).</td>
<td></td>
</tr>
<tr>
<td>LH1</td>
<td>Install recirculating enhanced filtration system at Holiday Lake Park in Subwatershed 657.</td>
<td>15.7</td>
<td>$873,000</td>
<td>$698,000 - $1,222,000</td>
<td>$6,800</td>
<td>$71,000</td>
<td>$4,500</td>
<td>15.7 $873,000 $698,000 - $1,222,000 $6,800 $71,000 $4,500</td>
<td>No easement required as project can be constructed on city of Minnetonka property.</td>
<td></td>
</tr>
<tr>
<td>LH2</td>
<td>Incorporate rainwater gardens or other linear BMPs along various roadways.</td>
<td>0.8</td>
<td>$142,000</td>
<td>$114,000 - $199,000</td>
<td>$1,500</td>
<td>$12,000</td>
<td>$15,000</td>
<td>0.8 $142,000 $114,000 - $199,000 $1,500 $12,000 $15,000</td>
<td>Includes cost for easement acquisition which may be required for project construction.</td>
<td></td>
</tr>
<tr>
<td>LH3</td>
<td>Conduct in-lake alum treatment.</td>
<td>13.0</td>
<td>$48,000</td>
<td>$38,000 - $67,000</td>
<td>$0</td>
<td>$4,000</td>
<td>$300</td>
<td>13.0 $48,000 $38,000 - $67,000 $0 $4,000 $300</td>
<td>No Public Access</td>
<td></td>
</tr>
<tr>
<td>WL1</td>
<td>Construct retention pond/wetland restoration on private parcels along west storm sewer inlet to Wing Lake in Subwatersheds 660/665.</td>
<td>10.1</td>
<td>$600,000</td>
<td>$480,000 - $840,000</td>
<td>$3,300</td>
<td>$47,000</td>
<td>$4,700</td>
<td>10.1 $600,000 $480,000 - $840,000 $3,300 $47,000 $4,700</td>
<td>No Public Access</td>
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<tr>
<td>WL2</td>
<td>Construct infiltration system for low flow discharge from Lake Holiday on private parcel east of Woodland Road in Subwatershed 657.</td>
<td>10.7</td>
<td>$740,000</td>
<td>$592,000 - $1,036,000</td>
<td>$13,600</td>
<td>$68,000</td>
<td>$6,400</td>
<td>10.7 $740,000 $592,000 - $1,036,000 $13,600 $68,000 $6,400</td>
<td>Project requires purchase of one property (unassigned address Woodland Road, PID 2811722330030).</td>
<td></td>
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<tr>
<td>ID</td>
<td>Description</td>
<td>Average Annual TP Removal (lbs/yr)</td>
<td>Planning-level Cost Estimate</td>
<td>Planning-level Cost Estimate Range</td>
<td>Estimated Annual Maintenance Cost</td>
<td>Estimated Annualized Cost</td>
<td>Cost per Pound TP Removed/Year</td>
<td># of Shoreline Parcels/ # of Watershed Parcels</td>
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<td>Comments</td>
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</tr>
<tr>
<td>WL3</td>
<td>Incorporate rainwater gardens or other linear BMPs along various roadways</td>
<td>1.2</td>
<td>$142,000</td>
<td>$114,000 - $199,000</td>
<td>$1,500</td>
<td>$12,000</td>
<td>$10,000</td>
<td>Includes cost for easement acquisition which may be required for project construction.</td>
<td></td>
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<tr>
<td>WL4</td>
<td>Conduct in-lake alum treatment.</td>
<td>23.0</td>
<td>$51,000</td>
<td>$41,000 - $71,000</td>
<td>$0</td>
<td>$4,000</td>
<td>$200</td>
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</tbody>
</table>

**Lake Rose (see Figure 11)**

<p>| LR1 | Construct infiltration/enhanced filtration basin on northeast corner of Lake Rose in Subwatershed 708. | 10.6                                | $610,000                     | $488,000 - $854,000            | $10,500                        | $55,000                   | $5,200                       | No easement required as project can be constructed on public property, within existing utility easement. |
| LR2 | Conduct Wetland 700 protection/improvement project (in Subwatersheds 700/708). | 5.5                                 | $729,000                     | $583,000 - $1,020,000          | $7,300                         | $61,000                   | $11,100                      | High nutrient levels observed in 2016; Project to protect high quality wetland and improve discharge water quality; May require purchase of one property (5729 Whited Avenue). |
| LR3 | Incorporate rainwater gardens or other linear BMPs along various roadways. | 0.6                                 | $72,000                      | $57,000 - $101,000            | $1,000                         | $6,000                     | $10,000                      | Includes cost for easement acquisition which may be required for project construction. |
| LR4 | Conduct in-lake alum treatment.                                             | 27.0                                | $212,000                     | $170,000 - $297,000           | $0                             | $16,000                   | $600                         |                                                                                   |</p>
<table>
<thead>
<tr>
<th>Libbs Lake (see Figure 12)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>L1</strong></td>
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<tr>
<td><strong>L2</strong></td>
</tr>
<tr>
<td><strong>L3</strong></td>
</tr>
<tr>
<td><strong>L4</strong></td>
</tr>
</tbody>
</table>

**Completed**

Property acquired by the city (3138 Lakeshore Boulevard); Project to be implemented as part of the Libbs Lake street reconstruction project.

Project was implemented as part of the 2016 Libbs Lake street reconstruction project.

Project was implemented as part of the 2016 Libbs Lake street reconstruction project. Ribbon curb was installed along Cottage Grove Ave at Groveland Park preserving existing hydrology and water quality benefits.

Project was implemented as part of the 2016 Libbs Lake street reconstruction project. Ribbon curb was installed along Prospect Place preserving existing hydrology and water quality benefits.

1 – Planning level point cost estimate includes estimated construction costs, construction contingency, engineering and design, construction administration and oversight, and land or easement acquisition (if applicable). Estimates rounded to the nearest ten thousand dollars.
2 – Planning level cost estimate ranges reflect -20 to +40% of the point cost estimate based on uncertainty in conceptual level of design. Estimates rounded to the nearest ten thousand dollars.
3 – Estimated annual maintenance costs rounded to the nearest hundred dollars.
4 – Annualized cost based on economic factors applied to the planning level point estimate at 4% interest rate with an estimated life span of 20 years plus the estimated annual maintenance cost. Estimates rounded to the nearest thousand dollars.
5 – Estimates of Cost per Pound TP Removed per Year rounded to the nearest hundred dollars.
Figure 1

CITY OF MINNETONKA
Priority Lakes and Wetlands for Potential Water Quality Improvement Projects

Figure 1
**BMP W1**
Construct enhanced filtration system in open space north of parking lot at Adath Jeshurun Synagogue to treat runoff from subwatersheds 272-b and 272-a2 and divert flows bypassing the enhanced filtration system to the existing sedimentation basin.

**BMP W2**
Look for opportunities within subwatersheds 270-a, 270-c, 272-2, and 272-1 to target stormwater runoff education efforts and rainwater garden retrofits.

**BMP W3**
Look for opportunity to work with Adath Jeshurun Synagogue to incorporate additional stormwater BMPs on their site.

**BMP W4**
Conduct in-lake alum treatment.

---

LAKE WINDSOR
Potential Water Quality Improvement Projects

Figure 2
Figure 3

SHAVER’S LAKE
Potential Water Quality Improvement Projects

BMP S1
Expand infiltration capacity of the existing dry detention basin in subwatershed 319B_2, west of Therese Street.

BMP S2
Construct infiltration/bioretention basin in Breconwood, east of tennis courts, to reduce runoff from a portion of the development and to improve drainage issues north of the townhomes.

BMP S3
Look for opportunities to reduce runoff and incorporate stormwater treatment as redevelopment occurs in area northwest of Highway 5 and County Road 101.

BMP S4
Construct bioretention system on private parcel west of County Road 101.

BMP S5
Retrofit existing storm sewer system to incorporate infiltration of runoff from west portion of Breconwood.

Potential BMP Sites
Storm Sewer
Subwatersheds
Open Water
City Boundary
Parcels

Shaver’s Lake
Potential Water Quality Improvement Projects

0 250 500 1,000
Feet

SHAVES LAKE
Potential Water Quality Improvement Projects

Figure 3
Wetland 256B

BMP WA1
Improve existing dry detention basin in subwatershed 258-a by maximizing the dead storage in the pond.

BMP WA2
Construct a sedimentation basin/forebay to treat flows from subwatershed 256B-ab northwest of the intersection of Cedar Lake Road and Hopkins Crossroad.

BMP WA3
Investigate sediment accumulation in ponds in the southwest portion of the watershed (subwatersheds 256B-b, 256B-d, and 256B-c) and determine if maintenance is needed.

BMP WA4
Construct enhanced filtration system east of Ridgewater Drive to treat wetland discharges from the wetland to the west.
BMP C4: Incorporate additional stormwater management as part of future redevelopment of the industrial area in the southwest quadrant of Williston Road and Minnetonka Boulevard, including regional treatment of runoff from the watershed west of Williston Road.

BMP C2: Expand storage and water quality treatment in existing dry detention area in subwatershed 22-a, east of Williston Road.

BMP C3: Modify or enhance ditches along east side of Williston Road to promote sedimentation and infiltration, using techniques such as check dams, vegetation, and/or enhanced soils.

BMP C1: Expand infiltration capacity of the existing dry low area in subwatershed 21A-1a at the intersection of Wood Hill Road and Oakwood Extension Road.
SHADY OAK LAKE
Potential Water Quality Improvement Projects

Figure 6
Figure 7

Proposed BMP Locations

Storm Sewer
Subwatersheds
Open Water
Parcels

MINNETOGA LAKE
Potential Water Quality Improvement Projects

BMP M1
Construct infiltration system adjacent to Wetland 572

BMP M2
Raingarden along Crestwood Drive

BMP M3
Raingarden along Mayview Court

BMP M4
Raingarden along Briarwood Court

BMP M5
Raingarden along Deerwood Drive

BMP M6
Raingarden along Minnetoga Terrace/Rodgers Drive
**LONE LAKE**

Potential Water Quality Improvement Projects

- **BMP L1**: Maintenance and inspection of existing BMP
- **BMP L2**: Construct stormwater BMP to treat runoff

---

**Figure 8**

- Potential BMP Location
- Subwatersheds
- Storm Sewer
- Open Water
- Parcels
Figure 9

GLEN LAKE Potential Water Quality Improvement Projects

- **BMP G2**: Provide enhanced treatment of discharges from Pond RP-1.
- **BMP G3-5**: Raingardens along roadways
- **BMP G6**: Retrofit stormwater treatment as part of redevelopment around Downtown Glen Lake.
- **BMP G7-9**: Raingardens along roadways
Figure 10

**Potential Water Quality Improvement Projects**

**BMP CL1**
Stormwater retrofits at Ridgedale Mall.

**BMP CL2**
Install infiltration/filtration practices along Ridgedale Boulevard (tree trenches, rain gardens, subtrail infiltration).

**BMP CL3**
Treat runoff from the Sheraton West parking lot in Subwatershed 425-3, in the form of a wet retention basin or an infiltration/filtration basin.

**BMP CL4**
Install stormwater reuse system from South Pond for irrigation at Ridgedale Mall.

**BMP CL5**
Construct detention pond at the southeast corner of Joy Lane and Hopkins Crossroad.
LAKE ROSE, LAKE HOLIDAY, and WING LAKE
Potential Water Quality Improvement Projects

Figure 11

- **BMP WL1**: Construct retention pond/wetland restoration on private parcels along west storm sewer inlet to Wing Lake.
- **BMP LH1**: Install recirculating enhanced filtration system at Holiday Lake Park.
- **BMP WL2**: Construct infiltration system for low flow discharge from Lake Holiday on private parcel east of Woodland Road.
- **BMP LR1**: Construct infiltration/enhanced filtration basin.
- **BMP LR4**: Conduct in-lake alum treatment.
- **BMP LR3**: Elements for 700 protection/improvement project.
- **BMP LH3**: Conduct in-lake alum treatment.
- **BMP WL4**: Conduct in-lake alum treatment.

Potential BMP Locations

- Potential Rain Garden
- Locations (LH2, WL3, & LR3)
- Storm Sewer

**Subwatersheds**

- Lake Rose
- Wing Lake
- Lake Holiday

**Open Water**
Figure 12

LIBB’S LAKE
Potential Water Quality Improvement Projects

**BMP L1**
Construct a flood storage and water-quality treatment pond at the low point along the roadway.

**BMP L2**
Construct an infiltration basin on the City-owned parcel adjacent to Park Lane and Libb’s Park for treatment of local street runoff.

**BMP L3**
Promote infiltration and mimic existing hydrology in subwatershed 324 around Groveland Park.

**BMP L4**
With the reconstruction of Prospect Place and potential installation of storm sewer, try to mimic existing hydrology in subwatersheds 325 and 326.
Pond and Lake Management Focus Group
Meeting Minutes
June 15, 2017

The meeting began at 6:00 pm. Will Manchester introduced the draft Pond and Lake Management policy detailing that the document had appeared before city council at study sessions on October 17, 2016 and March 20, 2017. Mr. Manchester described the discussions occurring at the council meetings including the history and practices regarding water quality regulation and management; water quality and vegetation management options; and partnerships in conjunction with other government agencies. Additionally, Mr. Manchester described how the definition of water quality, which bases the metric on the overall health, function and value of a waterbody, has influenced the foundation of the policy. Mr. Manchester went on to explain that this definition does not incorporate aesthetic appeal or recreational opportunities.

Describing the motivation behind the creation of the policy, Mr. Manchester explained that the council had identified a need to consider potential funding for organized groups that promote water quality through a fair and systematic process. Mr. Manchester went on to state that the purpose of the meeting was to gather feedback from the leaders of organized lake groups on the draft policy. Further, Mr. Manchester stated the council had already reviewed the document and were supportive of the approach that staff had taken. Staff would include all feedback to council when presenting for formal consideration. Prior to moving into the presentation portion of the meeting, Mr. Manchester outlined four key items that influenced the policy:

1. All lakes with the exception of Minnetonka (Grays Bay) have no public access and are private.
2. Vegetation is a natural component of a lake environment (referring to aesthetics)
3. Funding towards vegetation management programs are a continuous effort and extremely expensive. The city does recognize residents are interested in aesthetic improvements; however, the city cannot support funding due to cost. The draft policy does however provide an option for groups to fund these types of improvements.
4. The city council recently adopted funding for this program at $100,000/year throughout the 2018-2022 capital improvement project cycle.

Mr. Manchester then introduced Tom Dietrich who presented information regarding the policy. The presentation highlighted the main points of discussion that had occurred in previous council meetings, which included: water quality improvements are not instantaneous; staff should focus on lakes to preserve good water quality; and realistic and achievable expectations need to be set with property owners. Mr. Dietrich then went into detail on background information that described the differences between shallow and deep lakes; water resource regulators, their roles, and their purviews; and, how stormwater runoff influences water quality in downstream waterbodies.
Mr. Waterous, representing Lake Windsor asked if it would be worthwhile for the city to license only certain approved lawn care providers and landscapers to prevent further water quality degradation. Ms. Colleran responded saying that the suggestion is rooted in a good idea, but would be very burdensome to regulate and would be unlikely to produce the desired result.

Mr. Dietrich reiterated that the city’s definition of water quality has historically been reliant on overall health, function and value of waterbodies as shown by the city’s monitoring data, collected since 1993. This definition has not incorporated elements of aesthetics or recreational opportunity. Mr. Dietrich went on to explain the policy will function as a means for lake associations to petition the city, after public funding opportunities are deemed infeasible or inadequate, for a capital improvement project (CIP) or for a project funded through special assessment. Each petition, prior to appearing before city council would require staff review, where feasibility of the project, availability of technical resources and lake association status would all collectively be considered.

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expensive to maintain, require dump sites, and transport undesirable weeds across lakes presenting problems with aquatic invasive species. Mr. Dietrich clarified that utilizing a harvester does not address the root cause of the larger water quality issue, it provides aesthetic improvement. Ms. Colleran added that only portions of a lake may be treated or subject to removal in a given year, based on MnDNR rules. Mr. Bryce went on to add that it is tens of thousands of dollars to treat for aquatic invasive species through harvesters or herbicide applications. Further, if applications aren’t able to be applied due to flooding or other conditions, the vegetation population is fully rebounded the next season. Mr. Bryce also mentioned an herbicide applicator company, PLM, that has been effective at controlling invasive vegetation in Grays Bay. Herbicide application was discussed amongst the group.

Mr. Bryce also brought up lake improvement districts that exist as a special taxation group specifically designed to maintain waterbodies.

Mr. Manchester concluded the meeting reminding lake association leaders to return comments to the city no later than July 7, and that staff would be following up if another meeting was requested.

Staff in Attendance:
- Will Manchester, City Engineer
- Phil Olson, Assistant City Engineer
- Tom Dietrich, Water Resources Engineering Coordinator
- Jo Colleran, Natural Resources Manager

Lake Association Representatives:
- Andy Waterous – Lake Windsor
- Sig Birkeland – Lake Minnetona
- Terry Bryce – Grays Bay
- Mike Ruesewald – Wing Lake
- Mary Perkins – Wing Lake
- Alan Wallner – Lake Rose

Handouts
- Draft Pond and Lake Management Policy
- Pond & Lake Management Powerpoint
- Council Report for the October 17, 2016 Meeting
- Council Report for the March 20, 2017 Meeting
- Grant Funding and Useful Resources
12A. Items concerning Shady Oak Road Redevelopment:

1) Comprehensive guide plan amendment;
2) Rezoning;
3) Subdivision; and
4) Site and Building Plan review

Attached is a change memo from the community development director with comments she received about the project.
Memorandum

To: City Council

From: Julie Wischnack, AICP, Community Development Director

Date: August 14, 2017

Subject: Change Memo for August 14, 2017

12A Items concerning Shady Oak Road Redevelopment

Typically, an introduction of ordinance report does not include neighborhood feedback/comments in the report since there is no action at the meeting. However, several comments have been received that are listed in the attached addendum.
July 28, 2017

From: andy braun
Sent: Friday, July 28, 2017 12:01 PM
To: Julie Wischnack <jwischnack@eminnetonka.com>;
Subject: Re: 4312 Shady Oak Road - Development

Hi Julie, I see Ron Clark continues to try to finesse their way into approval.

Unfortunately I expect the council will approve the concept in regards to size/scope/fit as Ron Clark has played the chess game well.

I want to remind you that Ron Clark (and if approved by the council, then the council too) are blatantly ignoring the overwhelming position of the community. This alone should be grounds enough to deny the project.

If approved, the council will have gone rogue, and operating with total and complete disregard for the constituents of which it represents. and this sort of practice would be considered entirely unacceptable.

Square peg, round hole, its that simple.

I think a few of our focuses could be:

   a. Apply to rezone to PUD High Density
      i. This application has been submitted

2. Current Comp Plan guides the property for commercial use.
   a. Apply to Amend the comp plan.
      i. This application has been submitted.
3. Page 2 of the Project narrative states “represents significant first step in the redevelopment of the Shady Oak Road corridor between Highway 7 and Excelsior Boulevard.”
   a. The first significant step was rebuilding the road, which has had ‘mixed’ results of positive and negative improvements. These details could be further defined.
   b. I think our neighborhood as a whole (both Hopkins and Minnetonka) doesn’t want to see ‘high impact’ development. As we prefer to keep the corridor ‘low impact/low scale’
      1. I know the city of Hopkins plans to keep it ‘low impact,’ they’re very happy where its at and their Comp Plan actively and purposefully guides for this, as they instead guide to focus new developments near downtown and the light rail station.
   c. The only commercial property within Minnetonka along the corridor is the very SW most portion (the Freedom station and Dominos) everything else is low density residential.
      i. For these reasons, I don't see what more 'redevelopment' they could be referring to…?
         1. Their comp plan clearly does not guide for new development, hence the ammendment…
4. They said they “needed” 56 units (from the previous concept) to make it “viable.” Now that its 49 units how can it still be viable?
   a. Perhaps a more modest design? perhaps its all part of their chess game strategy?

   New 2017 Qualifying Incomes: at or below $37,980 (family of 1) at or below $43,440 (family of 2) at or below $48,840 (family of 3) at or below $54,240 (family of 4) at or below $58,620 (family of 5) at or below $62,940 (family of 6) Projected rents — Including utilities:
   1 bedroom = $848/month 2 bedroom = $1,017/month 3 bedroom = $1,175/month

5. “These changes have reduced the building height to two stories as viewed from Shady Oak Road from the north, Main Street from the south and from the existing neighbors to the west.”
   a. I don’t understand this, if its 3 stories, its 3 stories. Especially in the face of the Hopkins residence across the street, and the neighborhood to the west.

6. Mandates for publicly funded projects to meet LEED or other certifications for sustainability.
   a. Green materials, Solar/Geothermal, green roof, storm water abatement, green waste management.

7. I’d argue that ‘single band allocation is institutionalized segregation’ and is therefore unconstitutional and un-American.
   a. There should be mandates or incentives for ‘mixed affordability allocations/bands along with market rate’ tenants. I expect this is a more inclusive, integrated and transparent strategy for effective housing development.

8. All of the arguments made for the ‘merit/value’ of its location in the area, all reference resources provided by Hopkins, and no resources provided by Minnetonka. Where’s the burden/commitment from Minnetonka to provide resources/amenities/infrastructure for this development?

9. This only creates 49 units of the 144 units needed in the 51-80% AMI allocation. I’d argue the focus should be where the demand is greatest, in the lower AMI allocations. Why doesn’t this concept include those other allocations?

Page 172

https://metrocouncil.org/Housing/Planning/2040-Housing-Policy-Plan.aspx
<table>
<thead>
<tr>
<th>Sewered Community</th>
<th>(A) Overall Allocation</th>
<th>Shares of existing affordable housing in each band</th>
<th>Shares of allocation in each band</th>
<th>Alloc (H) 31 At or below 30% of AMI (A x E)</th>
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<td></td>
<td></td>
<td>(B) At or below 30% of AMI (Avg = 9.8%)</td>
<td>(C) 31% to 50% of AMI (Avg = 27.4%)</td>
<td>(D) 51% to 80% of AMI (Avg = 62.8%)</td>
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<tr>
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</tr>
<tr>
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<td>14.7%</td>
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<tr>
<td>Osseo</td>
<td>26</td>
<td>8.0%</td>
<td>56.1%</td>
<td>37.9%</td>
</tr>
</tbody>
</table>
This is much better, and not what the project represents.

<table>
<thead>
<tr>
<th>Household Size</th>
<th>Extremely Low Income (at or below 30% AMI)</th>
<th>Very Low Income (at or below 50% AMI)</th>
<th>Low Income (at or below 80% AMI)</th>
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</thead>
<tbody>
<tr>
<td>One-person</td>
<td>$18,200</td>
<td>$30,350</td>
<td>$46,100</td>
</tr>
<tr>
<td>Two-person</td>
<td>$20,800</td>
<td>$34,650</td>
<td>$52,650</td>
</tr>
<tr>
<td>Three-person</td>
<td>$23,400</td>
<td>$39,000</td>
<td>$59,250</td>
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<tr>
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<td>$26,000</td>
<td>$43,300</td>
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<td>Five-person</td>
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<td>Six-person</td>
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<td>Seven-person</td>
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<td>Eight-person</td>
<td>$40,890</td>
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</table>

Source: U.S. Department of Housing and Urban Development, FY 2015 Income Limits

Even with the existing supply of affordable housing, more than 282,000 low- and moderate-income households in the region are paying more than 30% of their household income on housing costs, and nearly 144,000 of those are paying more than half their income on housing.

With kind regard.

Andy Braun
From: Julie Wischnack  
Sent: Friday, July 28, 2017 12:26 PM  
To: 'andy braun'  
Subject: RE: 4312 Shady Oak Road - Development

Thank you for your email Andy. I will share your thoughts with the commissions and council reviewing the proposal over the next few months.

Julie

From: andy braun  
Sent: Friday, July 28, 2017 4:26 PM  
To: Julie Wischnack <jwischnack@eminnetonka.com>;  
Subject: Re: RE: 4312 Shady Oak Road - Development

Thanks Julie, much appreciated.

The intentions of affordable housing are neutral and non segregative. The disparate impact however of this particular implementation will be negative in that it isolates and then illuminates the tenants socioeconomic status. Ron Clark is literally proposing to segregate a group of people based solely on socioeconomic status. I personally can't support that, and I don't think the council should either. I'm sure everyone is in favor of supporting everyone, especially those in need. But I don't think anybody wants to draw attention to themselves (or others) because they are in need. This is why a development that is entirely comprised of affordable housing is poor execution. I'd argue that it should be a mix of all AMI ranges as well as market rate. This will ensure that its integrated and transparent. Its what fair to the tenants, neighborhood and community as a whole.

I'm hearing comments like "oh yeah, who ever would have thought the city would want to put up Projects" and "of course they put up the Projects right on top of Hopkins" and "those poor people are going to stick out like a sore thumb, good thing they're on the very outskirts of Minnetonka, and not on the Wayzata side." implying it fits better on the Hopkins side.

I HATE hearing this rhetoric, its a terrible thing to have to face. But unfortunately I don't know if I can disagree with them, I mean this is their inner truth...Its not wrong...

I really think an 'integrated model' would alleviate/do away with this rhetoric, as opposed to the 'segregated' model presented by Ron Clark.

I'd also like express that if this was a private sale that I could understand a lesser regard for the input/virtue/position of the community, however because this is city owned property, that there should be especially careful attention payed to the input/virtue/position of the community. We know you guys and Ron Clark are hearing us and we appreciate that, but we're seeing only small incremental down-scaling of the
project. And we get that the city wants to make its money back, and that Ron Clark is a business. But there's just still too much of a disconnect between the proposal and community. There's simply not enough common ground nor enough of a compromise.

I mean, its our land, why can't we do what we want with it?

I'd say lets split the difference. Two stories, bottom is light commercial, top is residential. We split the costs of the development right down the middle, the cities share is to be paid back interest free. Includes a modest public pavilion.

thanks for your attention.

Andy Braun

August 1, 2017

From: andy braun
Sent: Tuesday, August 01, 2017 3:48 PM
To: Julie Wischnack <jwischnack@eminnetonka.com>
Subject: Re: RE: 4312 Shady Oak Road - Development

Hi Julie, If we're being forced to move ahead with this concept, I think need to pay Ron Clark for their design, and put it out to bid. We need to see multiple bids especially since the property, improvements and development subsidy is heavily supported by public tax dollars. Special consideration and favor should go towards minority owned and non-profit developers.

thanks.

Andy Braun

On Tuesday, August 1, 2017, 4:00:02 PM CDT, Julie Wischnack <jwischnack@eminnetonka.com> wrote:

I will share your thoughts with the city council.

Julie

From: andy braun
Sent: Tuesday, August 01, 2017 4:13 PM
To: Julie Wischnack <jwischnack@eminnetonka.com>
Subject: Re: RE: RE: 4312 Shady Oak Road - Development

Thats great and much appreciated.
Did you ever hear why Ron Clark is not designing/promoting it as a mix of Market Rate nor above 60 AMI? Is the design or amenities simply not appropriate/up to par for market rate or above 60 AMI tenants?

Do you, the council and the developer agree that a mix of Market Rate and all AMI ranges would promote transparent integration, as opposed apparent segregation? Shouldn't we all be promoting this especially because of the public subsidy?

thanks again.

Andy Braun

---------------------------------------------
August 2, 2017

From: Elizabeth A
Sent: Wednesday, August 2, 2017 9:45 AM
To: Julie Wischnack <jwischnack@eminnetonka.com>; Loren Gordon <lgordon@eminnetonka.com>; Alisha Gray <agray@eminnetonka.com>; Bob Ellingson <bellingson@eminnetonka.com>
Subject: traffic safety issue on bradford

Good Morning,

I hate to be having to complain to you guys-I know you're working hard to meet all kinds of demands and I'm sure it can be really hard. Ahead of these continued meetings with Ron Clark (which your residents overwhelmingly are against progressing with and hiring them), we still haven't seen any solutions to the traffic issue.

Getting out on to Shady Oak Road from Bradford (or Excelsior from the other exit) is dangerous. It forces our neighborhood to be extremely aggressive when trying to get out of the neighborhood. The street was not designed well enough to add 50 apartments to with out exacerbating an already frustratingly dangerous driving situation.

So that's our everyday. What about emergencies? How are they supposed to be able to get in and out when you and Ron Clark have double or tripled the traffic?

Exiting/entering on to Excelsior is even worse. It's down right terrifying when there's ice on the road.

I am really tired of going to these meetings, we don't want high density and we don't want 3 levels. I will keep calling in, emailing in and showing up to represent mine and my neighbor's concerns as long as I own my home.

Thank you,
Elizabeth Miller
As an aside, how is it fair to give most of the other high density residential sites in Minnetonka acres and acres of swamp and open land surrounding them but when building 'affordable/low housing' (whatever the kids call it these days) you literally build it on an acre with no buffer for the private residences surrounding it and no buffer to the busy street and the next city?

August 3, 2017

From: andy braun
Sent: Thursday, August 03, 2017 5:04 PM
To: Brian Kirk <bkirk@eminnetonka.com>; John Powers <jpowers@eminnetonka.com>; Deborah Calvert <dcalvert@eminnetonka.com>; David Knight <dknight@eminnetonka.com>; Sean O'Connell <soconnell@eminnetonka.com>; Rebecca Schack <rschack@eminnetonka.com>; Joshua Sewall <jsewall@eminnetonka.com>; Julie Wischnack <jwischnack@eminnetonka.com>
Subject: 4312 Shady Oak Road - Redevelopment - RC Application.

Hi Brian, it was nice speaking with you last night at the open house.

I'm curious if anyone has assembled a pros/cons, cost/benefit, benefits/detriment analysis that we can use to more tangibly weigh the value of this application.

If not, I have, please see below. Id encourage you to refine and/or elaborate as you see fit.

Benefits/Detriment.

City:

Benefit:
1) Gets to fulfil 49 units of the 144 units needed in the 51-80% AMI category as defined by the Met Council
2) Slight uptick in tax revenue.
3) Gets out of landlord business.
4) Cleans up brownfield contamination.
5) Gets to recoup a 750k of its 900k investment from purchase of the land.
6) Majority of amenities are provided by city of Hopkins, alleviating Minnetonka's responsibility for providing these amenities.
7) Keep the affordable housing tenants on the very outmost edge of the city's border, and away from the core of Minnetonka's more affluent neighborhoods.

Detriment:
1) Promotes amending the Comp Plan and Zoning regulations.
2) Promotes the needs of developer over the affordable tenants, local community and neighborhood.
3) Promotes segregation and isolation.
4) Promotes housing development in favor of, and while simultaneously driving out small business development.
5) Public tax dollars used to subsidize and pad the profit margins of private developers, in favor of alternatively supporting minority owned or non-profit developers.

6) Does not promote sustainability nor green building practices such as LEED certification, renewable energy, sustainable materials, comprehensive waste management, composting and zero landfill impact programs.

7) Provides only 49 affordable units of the overall 1,064 allocation set by the Met Council.

Developer:

Benefit:
1) Gets to develop ‘shortcut’ housing that does not comply with Minnetonkas common apartment conventions such as ample buffering, green space, road, park and emergency vehicle access.
2) Make their profit, while being unable or unwilling to develop truly affordable housing, relying on the taxpayer to provide a subsidy to make up the difference.
3) Gets to claim and promote their business as providing virtuous, positive, well integrated affordable housing development.
4) Does not have to compensate for the neighborhoods loss of property value.
5) Does not have to compensate for the neighborhoods loss of privacy.
6) Does not have to compensate for the neighborhoods increased road congestion and safety risk.

Detriment:
1) Identified as putting profits before affordability and integration.
2) Identified as not applying Minnetonkas’ common apartment conventions such as ample buffering, green space, road, park and emergency vehicle access.
3) Identified to not support sustainable nor green building practices.
4) Identified as providing false or misleading narratives about each subsequent concept proposals ‘minimal viability’.
5) At significant risk of hindsight concluding the project to be unsuccessful or otherwise missed opportunities to maximize potential.

Affordable Tenants (at 60 AMI or less):

Benefit:
1) Gain access to housing.

Detriment:
1) Provides only 49 units of the 1,064 allocation set by the Met Council
2) Minimal amenities, not consistent with what a market rate type design practices nor Minnetonkas’ common convention.
3) Systemic segregation and isolation based on socioeconomic status.
4) Knowing that their housing is causing a negative impact, and is unacceptable by the neighborhood and local community.
5) Pedestrians forced into immediate proximity to high traffic and unsafe areas.

Neighborhood and local community
Benefit:
1) Potential local economic uptick.

Detriment:
1) Invasive, aggressive, imposing presence that does not fit with the neighborhood.
2) High density not appropriate for the neighborhood.
3) Undermines the overall well-being of the neighborhood.
4) Loss in property value in the surrounding neighborhood.
5) Infringement on privacy, security and increased vulnerability.
6) Does not comply with the comp plan defined by Minnetonka nor Hopkins for this section of Shady Oak Road.
7) Does not comply with zoning regulations.
8) Promotes increased development of the corridor which it was not designed to accommodate, is not appropriate for nor welcomed into the neighborhood.
9) Promotes segregation and isolation based on socioeconomic status.
10) Does not support sustainable nor green building practices.
11) Promotes limited access to outdoor spaces and amenities.
12) Promotes unsafe outdoor environments, roadways and common spaces.
13) Promotes using roads designed for low traffic residential neighborhoods to be used for high density housing.
14) Promotes the disregard for community engagement and interest
15) Puts the need of the developer and city before the needs of the neighborhood and affordable tenants.
16) Does not promote local business development especially minority owned and non-profit.

Thanks.

Andy Braun

August 10, 2017

From: Elizabeth A
Sent: Thursday, August 10, 2017 4:38 PM
To: Terry Schneider <tschneider@eminnetonka.com>; Bob Ellingson <bellingson@eminnetonka.com>; Brad Wiersum <bwiersum@eminnetonka.com>; Tony Wagner <twagner@eminnetonka.com>; Patty Acomb <pacomb@eminnetonka.com>; Dick Allendorf <dallendorf@eminnetonka.com>; Tim Bergstedt <tbergstedt@eminnetonka.com>; Julie Wischnack <jwischnack@eminnetonka.com>
Subject: Fwd: Shady Oak Road Redevelopment Project Update

City Council Members,
The high density apartment building is too close to the busy road and too close to residents' back yards. Other high density in Minnetonka is surrounded by nice city owned land that is the way all apartments should be built here. Please remember that your constituents have been asking that we be heard all along and the fact is this is still a high density, multi-story. Ron Clark is not the builder we want. Ron Clark said they couldn't make it any smaller and then they did 3 times. Tell them to go back to the drawing board please because this 1 acre lot cannot reasonably support that many more humans. Thank you for hearing us, your neighbors as we weigh in to find a future that is fair.

Respectfully,
Elizabeth Miller
To Whom It May Concern;

My name is Blake Huffman and I lead a non profit that builds / renovates homes for 2 populations - domestic violence survivors and military veterans.

The non profit's name is Journey Home MN and information can be found at www.journeyhomemn.org.

We would like to discuss building medium density housing that would be focused on veterans at the above address.

We are working on similar projects around the cities and would love to discuss the potential of developing this site.

Regards,

Blake Huffman
651-249-1732
All,

Ahead of the meeting tonight, I wanted to engage you on the fact that your constituents are still strongly opposed to using our city’s money and resources for the project proposed by Ron Clark on the stance that it will not serve to build community, there are significant safety hazards in regard to traffic, there is not enough buffers for a high density building on this site, 4312 Shady Oak. No one from our community has budged, we do not want high density, multi-story to be installed with our own city funds. We do not like that Ron Clark lied or was deceiving when they told us multiple renditions ago that they couldn't make it any smaller, contradicting themselves months or weeks later with a scaled back image. We do not want our tax payer dollars going towards this company and believe that the city should have been looking for alternatives long ago.

To further the argument that this project is out of touch with the neighborhood, it thoroughly disagrees with Hopkins’ plans for this corridor (between 7 and Excelsior).

This building should look toward the future and unfortunately, it is emblematic of the criticism that surrounds the city of Minnetonka in regards to the poor job we have done to take care of affordable housing needs. This is not a good place for affordable housing- the bus service is not great or good (much unlike all of the buildings going up near Ridgedale), access to jobs and recreation are limited, and there is scientific evidence that being that close to a busy road will eventually cause the inhabitants lung and throat damage.

Thank you so much for hearing your constituents and neighbors alike- we want to be heard and we want to work together to come up with solutions to the various problems surrounding this very important location, and the very important issue of affordable housing.

Regards,
Elizabeth Miller