Agenda

City of Minnetonka

Study Session

Monday, Oct. 21, 2019

6:30 p.m.

New Minnehaha Room (Formally known as the Purgatory Creek Room)

Community Center

1. Report from the City Manager
2. Information related to the Tree Protection Ordinance
3. Storm Water Updates
4. Adjournment

Attachment: Study session staff summary Aug. 19, 2019

The purpose of a study session is to allow the city council to discuss matters informally and in greater detail than permitted at formal council meetings. While all meetings of the council are open to the public, study session discussions are generally limited to the council, staff and consultants.
Brief Description: Information related to the Tree Protection Ordinance

Background

Minnetonka values its natural resources, as evidenced by:

- The actions of policymakers who adopt and promote natural resources protection ordinances and conscientiously make decisions related to budget, programs, and development that may impact resources.

- The actions of city staff who lead resource restoration efforts on public property, field verify all wetland delineations and tree inventories submitted with development proposals and monitor and prepare for disease and invasive pests.

- The actions of private property owners who purchase trees through the city's tree sale, plant native vegetation on their properties, and attend city-led seminars on pollinators, buckthorn removal, and many other important topics.

In many ways, the historical and on-going actions of policymakers, city staff, and private property owners have created the "look and feel" of Minnetonka.

Over the last year, the planning commission and city council have reviewed several subdivision proposals that met the standards of the existing tree protection ordinance. During these reviews, members of both bodies expressed concern about tree loss and suggested that the tree ordinance be reviewed.

Minnetonka Ordinance

Ordinance History. In March 2004, the city council held a study session on Minnetonka’s “development policies.” One component of that discussion was tree protection. At that time, city ordinances included specific development standards intended to protect water resources – wetlands, floodplain, and shoreland areas. No similar protections were in place to protect tree resources. Instead, the city had a “tree removal” ordinance that focused on mitigation for (i.e., replacement of) trees removed rather than on the preservation of existing trees. At the meeting, the council generally directed staff to begin looking at tree preservation standards. Over the next four years:

- A one-year development moratorium was enacted.

- Two open houses were conducted; one was specific to proposed ordinance revisions, and one was part of the annual City-Wide Open House.

- Five newspaper articles were published related to proposed ordinance revisions: two in the Minnetonka Memo, one in the Lakeshore Weekly News, and two in the Star Tribune.

- Questions about proposed ordinance revisions were included in the annual community survey.
• Over 2,400 postcards were sent to owners of wooded lots.

• The planning commission and council discussed tree preservation policies and standards at 15 meetings.

• Staff provided six draft ordinances to respond to the questions and concerns raised during the commission and council meetings.

• The draft ordinances were posted on eminnetonka.com, with an invitation to comment on the survey drafts via an online survey.

The existing ordinance is the culmination of that four-year process, during which there was clear consensus on two points: (1) tree preservation was important; and (2) the rights of owners to use their private property was equally important. For more information about the meetings and draft ordinances, see the attached Tree Preservation Ordinance Memo.

Ordinance Principles

The existing ordinances are based on three key principles:

• Focus on tree protection. A focus on tree protection is different than a focus on tree removal. A protection ordinance identifies the natural environmental qualities of a site and applies protections accordingly. Generally, a removal ordinance simply regulates the replacement of trees, regardless of a site’s existing ecosystem or natural qualities.

• Focus on woodlands. Greatest protections should be given to remnant woodland ecosystems, rather than individual trees.

• Focus on new development. Regulations should apply to new development and redevelopment, rather than to existing properties.

Ordinance Summary

Within the framework of the three key principles, the existing tree ordinance is quite detailed. However, all of the detail is grounded in five basic definitions:

• **Woodland Preservation Area (WPA).** A remnant woodland ecosystem that is at least two acres in size regardless of property boundaries is generally mapped in the city’s Minnesota Land Cover Classification System and, although it may be degraded, generally meets the criteria for one of seven types of ecosystems. These systems are the following: floodplain forest, lowland hardwood forest, maple basswood forest, mesic oak forest, oak woodland bushland, tamarack swamp, and willow swamp. (See attached maps.)

• **High-Priority Tree.** A tree that is not in a WPA, but is still important to the site and neighborhood character, that is structurally sound and healthy, and meets at least one of the following standards:

  ✓ a deciduous tree that is at least 15 inches in diameter, except ash, box elders, elm species, poplar species, willow, silver maple, black locust, Amur maple, fruit tree species, mulberry, and Norway maple.
a coniferous tree that is at least 20 feet in height, except a Colorado spruce that is not in a buffer as described in below; or

a tree that is in a group of deciduous trees that are at least eight inches diameter or coniferous trees that are at least 15 feet in height, that provide a buffer or screening along an adjacent public street, and that are within 50 feet of an arterial road and 35 feet of a minor collector, local, or private street and a trail.

- **Significant Tree.** A tree that is structurally sound and healthy, and that is either a deciduous tree at least eight inches diameter or a coniferous tree at least 15 feet in height.

- **Protected Tree.** A tree that is in a woodland preservation area, or is a high priority tree or significant tree.

- **Basic Tree Removal Area.** The area consists of: (1) the area improved for reasonably-sized driveways, parking areas and structures without frost footings and within ten feet around those improvements; (2) the area within the footprints of, and 20 feet around, buildings with frost footings; (3) areas within the footprints of, and 10 feet around, structures with post footings such as decks or porches; and (4) the area where trees are being removed for ecological restoration in accordance with a city-approved restoration plan.

Essentially, the ordinance allows the following removal without mitigation.

It is important to note that mitigation is required for removal of WPA, high priority, and significant trees removed outside of the basic tree removal areas during subdivision, development of existing vacant lots, redevelopment and site improvements.

<table>
<thead>
<tr>
<th></th>
<th>WPA</th>
<th>High Priority</th>
<th>Significant</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lots with Existing Structures</strong></td>
<td>R-1 properties</td>
<td>removal allowed</td>
<td>removal allowed</td>
</tr>
<tr>
<td></td>
<td>All other properties</td>
<td>removal allowed if consistent with previously approved plans</td>
<td>removal allowed if consistent with previously approved plans</td>
</tr>
<tr>
<td><strong>Existing Vacant Lots, Redevelopment, Site Improvements</strong></td>
<td>R-1 properties</td>
<td>removal allowed in a basic tree removal area</td>
<td>removal allowed in a basic tree removal area</td>
</tr>
<tr>
<td></td>
<td>All other properties</td>
<td>removal allowed in a basic tree removal area and within the width of required infrastructure improvements</td>
<td>removal allowed in a basic tree removal area and within the width of required infrastructure improvements</td>
</tr>
<tr>
<td><strong>Subdivision</strong></td>
<td>Max. 25 percent of area; Mitigation required if any removal outside of: (1) basic tree removal area; or (2) the width of required infrastructure improvements</td>
<td>Max. 35 percent of trees; Mitigation required if any removal outside of: (1) basic tree removal area; or (2) the width of required infrastructure improvements</td>
<td>Mitigation required if any removal outside of: (1) basic tree removal area; or (2) the width of required infrastructure improvements</td>
</tr>
</tbody>
</table>
Also important to note:

- **Existing Lots:** The removal allowance for existing lots applies two years after issuance of a certificate of occupancy. At that point, “new” lots and Minnetonka residents are equitably given the same allowances as “older” lots and Minnetonka residents.

- **Existing vacant lots, redevelopment, and site improvement on non-single-family lots:** Landscaping is required through a different section of city code.

- **Subdivision:** If more than 25 percent of WPA or 35 percent of high priority trees are removed:
  1. There can be no more than one lot per developable acre of land; or
  2. The city may allow for the use of PUD to allow development up to the full density normally allowed under the applicable zoning district. In reviewing the PUD, the city will consider the extent to which steps are taken to preserve trees.

**Ordinance Comparisons**

**National.** Staff recently reviewed literature produced by the American Planning Association and International Society of Arboriculture to understand current national trends in tree protection ordinances. Generally, tree protection ordinances around the country can be put into one of three categories:

- **Woodland or Tree Canopy Protection.** These types of ordinances focus protection on stands of woodlands rather than on individual trees, similar to the WPA protections in the Minnetonka ordinance.

- **Special Tree Protection.** These ordinances require the protection of trees that meet or exceed certain physical specifications. This would be similar to the high priority tree protection in the Minnetonka ordinance.

- **Buffer Protection.** All vegetation within a defined buffer zone between roadways and buildings on adjacent private property must be protected under these types of ordinances. This would be similar to the provision of the Minnetonka ordinances that defines, as high priority, groups of trees along roadways.

Some ordinances noted in the national literature apply tree protection standards to not only new residential and non-residential development, but also to existing, single-family lots. Such ordinances generally require a property owner to: (1) obtain a city-issued permit for removal of a tree; and (2) to mitigate for the removal.

In summarizing legal issues associated with the tree protection ordinances, the American Planning Association notes: “Like all reasonable regulations, tree protection regulations must satisfy the due process requirements of the U.S. and state constitutions. To do so, the standards should be clear and understandable so that an average person does not have to guess what is required of them. Fairness and regulatory efficiency dictate that local ordinances contain clear standards that result in predictable decisions by staff and review commissions and limit administrative discretion.”

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1 Zoning Practice, Issue Number 7, July 2006
Local. Staff also reviewed the tree protection ordinances of ten communities in the Twin Cities Metro area. These communities are regularly used during the drafting or review of ordinances. An “apples-to-apples” comparison is difficult, particularly since each community has slightly different definitions for protected trees. The chart below generally outlines these community ordinances, with staff’s interpretation relative the Minnetonka ordinance.

<table>
<thead>
<tr>
<th>Brooklyn Park</th>
<th>Burnsville</th>
<th>Eagan</th>
<th>Eden Prairie</th>
<th>Edina</th>
<th>Lakeville</th>
<th>Maple Grove</th>
<th>Minnetonka</th>
<th>Plymouth</th>
<th>St. Louis Park</th>
<th>Woodbury</th>
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</thead>
<tbody>
<tr>
<td>Lots Applied to WPA</td>
<td>Existing</td>
<td>X, over 2-acres</td>
<td>X, if construction</td>
<td>X, if construction</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X, for specimen</td>
</tr>
<tr>
<td>Developing</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X, in WPA</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Tree Definitions</td>
<td>WPA</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Specimen</td>
<td>X</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Priority</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Significant</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Maximum Removal</td>
<td>“Hard” Maximum</td>
<td>X</td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Maximum, with mitigation for excess</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</tbody>
</table>

Only the Minnetonka ordinance establishes a maximum threshold for tree removal, though this maximum is applied only during the subdivision process. Four other communities establish a maximum threshold, but allow additional removal with mitigation or compensation.

In addition to the review of tree ordinance language, staff reviewed the findings of a tree canopy coverage study conducted by the City of Burnsville in June 2019. That study suggests that Minnetonka has the highest percentage of tree canopy coverage of the comparison cities.

<table>
<thead>
<tr>
<th>City</th>
<th>Population</th>
<th>Square Miles</th>
<th>Estimated % Tree Canopy Coverage*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brooklyn Park</td>
<td>81,697</td>
<td>26.6</td>
<td>29.6%</td>
</tr>
<tr>
<td>Burnsville</td>
<td>62,657</td>
<td>26.9</td>
<td>31.5%</td>
</tr>
<tr>
<td>Eagan</td>
<td>68,347</td>
<td>33.5</td>
<td>35.3%</td>
</tr>
<tr>
<td>Eden Prairie</td>
<td>63,456</td>
<td>35.3</td>
<td>45.0%</td>
</tr>
<tr>
<td>Edina</td>
<td>52,535</td>
<td>16.0</td>
<td>43.4%</td>
</tr>
<tr>
<td>Lakeville</td>
<td>64,334</td>
<td>37.9</td>
<td>28.8%</td>
</tr>
<tr>
<td>Maple Grove</td>
<td>66,903</td>
<td>35.3</td>
<td>30.9%</td>
</tr>
<tr>
<td>Minnetonka</td>
<td>53,713</td>
<td>29.1</td>
<td>58.4%</td>
</tr>
<tr>
<td>Plymouth</td>
<td>78,351</td>
<td>35.5</td>
<td>40.3%</td>
</tr>
<tr>
<td>St. Louis Park</td>
<td>48,910</td>
<td>10.8</td>
<td>38.1%</td>
</tr>
<tr>
<td>Woodbury</td>
<td>70,840</td>
<td>35.7</td>
<td>22.1%</td>
</tr>
<tr>
<td>AVERAGE</td>
<td>64,090</td>
<td>28.7</td>
<td>38.1%</td>
</tr>
</tbody>
</table>

* Estimate using USDA Forestry Service’s iTree Canopy software tool.

Forestry Program

While a majority of this report is addressing ordinances that regulate private property, it is important to recognize the larger picture of forest management in the community. In 2019, Minnetonka received its 25th straight “Tree City USA” designation from the Arbor Day
Foundation for meeting specific benchmarks and its commitment to its community forest. Each year, the city hosts an online tree sale to allow residents to purchase a variety of trees at a reduced cost. More than 16,000 young trees have been sold since 2007, which increases the diversity and resilience of our community forest, not to mention the positive impact on the environment.

Through the city’s natural resources division/forestry staff of the public works department, educational offerings to residents include a variety of programs, workshops, and volunteer opportunities, plus website information, Minnetonka Memo articles, monthly emails, and multifaceted promotional campaigns.

The city’s forestry staff have long been involved with addressing health threats to the city’s urban forest, such as Dutch elm disease, oak wilt, and, most recently, Emerald ash borer (EAB) infestation. As noted in Council Policy 8.3 Plant Pest Program (discussed on March 26, 2018 and adopted on June 18, 2018), responsibility for managing diseased trees and incurring the cost of required sanitation (and optional prevention and control measures) is as follows:

- **Public lands** – the city is responsible for performing and paying the costs of plant pest control, prevention, and management on lands that are owned by the city.
- **Private property** – the property owner is responsible for performing and paying the costs of plant pest control, prevention, and management on the property owner’s land. If a public nuisance exists and the property owner fails to abate the nuisance, the city may perform the work and assess the costs against the owner’s property in the manner provided by section 845 of the Minnetonka City Code.
- **Right-of-way** – Property ownership generally extends to the centerline of the abutting street, which means the property owner owns the land and the trees on the land, and the city has an easement for street and utility uses. The property owner is responsible for performing and paying the costs of plant pest prevention and control; however, if a tree in the right-of-way is marked for removal, the city will pay for half the cost of diseased tree removal (up to half the city contractor’s rate, not including tax), in recognition of the city’s interest in protecting the traveling public.

**Discussion Points:**

- *Does the city council have any questions about the tree ordinance or forestry program?*
- *Does the city council still agree with the three basic principles of the tree protection ordinance?*
- *Does the city council have any additional feedback regarding the tree ordinance, tree loss, or forestry program?*

**Summary**

Reviewing the historical context of the city’s tree ordinance provides insight into past deliberative and intentional policy decisions made to expand tree protection from not only mitigation, but also preservation. Minnetonka leads its peer communities in tree canopy coverage, and programs like the tree sale and educational offerings encourage property owners
to adopt sustainable practices. At the Oct. 21 study session, staff will review the current tree ordinance and forestry program, followed by addressing any council questions and concerns about tree loss.

Through:  Geralyn Barone, City Manager
          Julie Wischnack, AICP, Community Development Director
          Loren Gordon, AICP, City Planner
          Will Manchester, PE, Director of Public Works
          Leslie Yetka, Natural Resources Manager

Originator:  Susan Thomas, AICP, Assistant City Planner
The following outlines meetings/discussion occurring prior to adoption of the existing Tree Protection Ordinance. All items in quotation marks are taken directly from meeting minutes.

**March 2, 2004  City Council Study Session**

**Topic**
General development policies.

**Staff Request**
Staff specifically asked the council whether: (1) standards should be established to protect tree resources; (2) the standards should apply to both new development and current property owners; and (3) the standards should apply to all developments including those requiring no special consideration such as rezoning, variances, etc.

**Discussion Highlights**
Councilmembers opinions and comments varied.

- “The council should look at how the community would benefit from [ordinance] change and define what the risks are.”

- “[A councilmember] said unless there is a compelling reason to change the rules, [the councilmember] does not believe any changes need to be made. The current look of Minnetonka was created under the ordinance the city now has in place.”

- “[A councilmember said] criteria could be established to define unique sensitive features. [The councilmember] would consider an overlay district that would include certain requirements. [The councilmember] thought there could be a protection standard established for topography and trees similar to the wetland protection standards.”

**April 14, 2004  City Council Study Session**

**Topic**
General tree protection standards.

**Draft Standards**
Staff presented draft standards for council discussion, including:
• No removal of significant trees would be allowed, unless the property owner or developer could demonstrate there is no alternative open area. (Note: the term “significant” had yet to be specifically defined.)

• If alternative area was available, the loss of significant trees must be minimized and mitigated on an inch-for-inch (diameter) basis, or cash payment provided in lieu of mitigation.

Discussion Highlights Councilmembers opinions and comments varied.

• “[A councilmember] suggested a certain percentage of trees [should] be saved instead of a specific number of trees per acre … the goal is to provide a definition of what is worth saving.”

• “[A councilmember] suggested adding a penalty if the applicant does not respect the terrain and trees.”

• “[Councilmembers] were concerned about applying tree preservation requirements to home additions.”

June 7, 2004 City Council Study Session

Topic Revised tree protection standards.

Draft Standards Staff presented revised draft standards for council discussion, including:

• No removal of Woodland Preservation Area (WPA) would be allowed.

• High-priority trees must be preserved. Notwithstanding this standard, the city would not reduce the number potential lots or the potential density by more the 1/3 to achieve greater tree preservation.

Discussion Highlights Councilmembers opinions and comments varied.

• “This language would swing the pendulum to avoid doing anything that had impact.”

• “[The councilmember] read the language differently, and thought that it would provide specific standards in specific areas.”

• “[A councilmember] said there is a fundamental philosophical decision when looking at developable land in Minnetonka. There are scattered resources we’d like to protect, and some of those are easy to protect. [The councilmember] felt there was a difference between avoiding those resources versus minimizing impacts to the greatest extent possible.”
The city planner noted, “Staff was aiming at establishing fairly restrictive standards. Planning would like objective standards. He noted that variances could be allowed with proper legal basis.”

March 20, 2006  City Council Study Session

Topic  Revised tree protection standards, based on three categories of site activity.

Draft Standards  Staff presented revised draft standards for council discussion, including:

- No construction. Tree removal would be allowed and no mitigation is required.
- New construction. Tree removal would be allowed during construction of a new building on an existing lot. Removal could occur within the footprints of the improvements and within a 20 ft perimeter.
- New Subdivision. Removal of WPA or high priority trees would be allowed only if the council determined there would be a greater public good.

Discussion Highlights  Councilmembers opinions and comments varied.

- “[A councilmember] expressed concern about the overall direction of the proposed ordinance.”
- “[A councilmember] liked the staff approach of a basic set of standards, with a PUD option.”
- “[A councilmember] thought the tools were too heavy-handed and would increase the cost of development, even if the cost were reasonable. [The councilmember] was concerned about exclusionary zoning that would allow only more expensive homes.
- “[A councilmember] wanted the rules to be easily understood. [The councilmember] wanted to balance property rights and also protect trees. The ordinance needs to be fair.”

The city attorney cautioned that a PUD is essentially a negotiation with no effective standard. PUD can be legally problematic, because a developer has the right to know what they need to do develop a property.

June 4, 2007  City Council Meeting

Topic  Development moratorium.
Discussion Highlights

Following the review and approval of several developments that removed or negatively impacted significant natural resources, the council discussed a development moratorium. The moratorium was to allow time for the drafting and adoption of natural resources ordinances, including the Tree Protection Ordinance.

Feb. 4, 2008  City Council Study Session

Topic General principles for draft ordinance.

Draft Principles Staff requested council comment on three general principles for crafting the ordinance:

• Development Standards would be consistently applied, while allowing exceptions as tradeoffs for public benefit.

• Natural resource protection standards would require strict performance, but be flexible to encourage best practices by responsible developers.

• Standards would focus on mitigating potential environmental impacts of new development and redevelopment, rather than on existing residential properties.

Discussion Highlights Councilmembers opinions and comments varied.

• “[A councilmember] said the proposed tree ordinance goes too far.”

• “[A councilmember] did not understand the goal of what was trying to be accomplished. Is it the city having control over larger problems like clear cutting trees or is a matter of define the natural resources characteristics that should be preserved? [The councilmember] said both are good goals that would require different tactics to achieve.”

• “[A councilmember] said the city learned from the shoreland ordinance process that there was a difficult line between having some standards that preserve the things that are valued versus getting heavy-handed and infringing on people’s property rights.”

April 21, 2008  City Council Meeting

Topic Tree Protection Ordinance Introduction.

Draft Ordinance Staff presented the tree protection ordinance for introduction. Highlights included:

• WPA could be removed only if the site was developed at no more than one lot per acre, unless the property was rezoned to PUD. At any density, only 25 percent of the WPA could be removed.
• High priority and significant trees could be removed within the basic tree removal area and the width of required easements for streets and utilities.

Discussion Highlights Councilmembers opinions and comments varied.

• “[A councilmember] said after the numerous study sessions and discussion on the tree protection issue there are no simple answers.”

• “[A councilmember] cautioned against language that overly regulates somebody’s yard.”

• “[A councilmember] wasn’t sure if the ordinance goes far enough for large subdivisions of property.”

• “It is easy to say a neighbor shouldn’t be able to do something.”

Action The city council introduced the ordinance and referred it to the planning commission.

May 1, 2008 Planning Commission Meeting

Topic Tree Protection Ordinance.

Draft Ordinance Staff presented the tree protection ordinance. Highlights included:

• WPA could be removed only if the site was developed at no more than one lot per acre, unless the property was rezoned to PUD. At any density, only 25 percent of the WPA could be removed.

• High priority and significant trees could be removed, without mitigation, within the basic tree removal area and the width of required easements for streets and utilities.

Discussion Highlights Planning Commissioners asked questions and accepted varying comment from public hearing participants.

• “[A resident] has two acres and a residence. He considered an acre of this land his financial backup. He was troubled that that option might not be available.”

• “[A resident] has many oak trees. It bothers him that the ordinance would tell him what to do with his trees when he has been taking care of them for 50 years.”

• “[A resident] has gained a sense of confidence that staff is trying to reasonably preserve natural resources.”
Action The planning commission continued the public hearing to the next meeting.

May 15, 2008 Planning Commission Meeting

Topic Tree Protection Ordinance.

Draft Ordinance Staff presented a 2nd draft of the ordinance based on the comments of commissioners and property owners. Highlights of the 2nd draft included:

- Within a WPA, property must be divided at one lot acre and only 25 percent of the WPA may be removed; OR
- Within a WPA, property could be divided under the standards of the traditional zoning of the property, so long as no more the 25 percent of the WPA was removed; OR
- The property could be rezoned to PUD.

- High priority and significant trees could be removed, without mitigation, within the basic tree removal area and the width of required easements for streets and utilities.

Discussion Highlights Planning Commission and public hearing participant opinions and comments varied.

- “[A resident stated] it would be a severe hardship for retired property owners counting on subdividing property to fund retirement. It would be a huge loss in the value of the property. It does not impact the developer. It impacts the property owner.”

- “[A resident] supports the tree ordinance.”

- “[A commissioner] felt that classification makes sense. Some trees are more valuable than others.”

- “[A commissioner] felt the different species of trees should be kept. Property owners want the right to use his or her land in a meaningful way that is fair to the owner.”

- “[A commissioner] it is inherently unfair that a property without a woodland preservation area adjacent to a property with a woodland preservation area would not be subject to the same requirements.”

Action The planning commission tabled consideration of the ordinance.

June 19, 2008 Planning Commission Meeting

Topic Tree Protection Ordinance.
Draft Ordinance

Staff presented the 3rd draft of the ordinance based on the comments of commissioners and property owners. Highlights of the 3rd draft included:

- No more than 25 percent of WPA and 25 percent of high priority trees could be removed except if there is no more the one unit per acre.

- At any density, no more than 25 percent of WPA and 25 percent of high priority trees could be removed from the width of easements for public streets and utilities.

- Significant trees could be removed, without mitigation, within the basic tree removal area and the width of required easements for streets and utilities.

“In Meeting” Changes

Staff made additional revisions during a meeting recess to address commissioner comments. Specifically, the commissioners requested removal of the one-unit per acre requirement and the PUD incentive from the ordinance. Under the 4th draft of the ordinance created and presented “in meeting”:

- No more than 25 percent of WPA and 25 percent of high priority trees could be removed from the basic tree removal area for home construction; AND

- No more than 25 percent of WPA and 25 percent of high priority trees could be removed from the width of easements for public streets and utilities.

- The city council could, at its sole discretion, allow greater tree removal if it deems appropriate mitigation is provided on-site.

- Significant trees could be removed, without mitigation, within the basic tree removal area and the width of required easements for streets and utilities.

Discussion Highlights

Planning Commission comments on both drafts varied.

- “[A commission] saw a significant improvement. He did not support the one-acre minimum requirement.”

- “[A commissioner] felt the proposal should have jurisdiction over additional trees and properties. It would be a baby step”

Action

The planning commission tabled consideration of the ordinance.
July 3, 2008  Planning Commission Meeting

Topic  Tree Protection Ordinance.

Draft Ordinance  Staff presented the 5th draft of the ordinance to reflect the commissioner comments on the “in meeting” draft. Highlights of the 5 draft included:

- No more than 25 percent of WPA and 25 percent of high priority trees could be removed from the basic tree removal area for home construction; AND

- No more than 25 percent of WPA and 25 percent of high priority trees could be removed from the width of easements for public streets and utilities.

- The city council could approved greater tree removal if it deems appropriate mitigation is provided on-site.

- Significant trees could be removed, without mitigation, within the basic tree removal area and the width of required easements for streets and utilities.

Action  The planning commission recommended approval of the ordinance.

July 14, 2008  City Council Meeting

Topic  Tree Protection Ordinance.

Draft Ordinance  Staff presented two ordinance drafts for council consideration: (1) the staff recommendation, which generally reflected the ordinance as originally introduced to the council; and (2) the planning commission recommendation.

Staff recommendation:

- WPA and high priority trees could be removed only if the site was developed at no more than one lot per acre, unless the property was rezoned to PUD. At any density, only 25 percent of the WPA and 25 percent of high priority trees could be removed.

- Significant trees may be removed, without mitigation, within the basic tree removal area and the width of required easements for streets and utilities.

Planning Commission recommendation:

- No more than 25 percent of WPA and 25 percent of high priority trees could be removed from the basic tree removal area for home construction; AND
• No more than 25 percent of WPA and 25 percent of high priority trees could be removed from the width of easements for public streets and utilities.

• The city council could approved greater tree removal if it deems appropriate mitigation is provided on-site.

• Significant trees could be removed, without mitigation, within the basic tree removal area and the width of required easements for streets and utilities.

Discussion Highlights Council opinions and comments varied.

• “[A councilmember] said [they] were torn because having someone come in and cut down all the trees is within the realm of possibility, while being outside the realm of likelihood.

• “[A resident] said there was comment made at the planning commission hearing that the ordinance would primarily affect developers rather than ordinary citizens. He said developers do not buy land assuming they will get a subdivision. Rather, they offer an amount of money contingent on getting approval for a certain number of lots.”

• “[A council member] said the focus of much of the conversation was on reducing the number of lots and that was not the council’s intent. The council was looking for ways to be more sensitive to the land, and to do a better job in placing properties.”

• “[A councilmember] agreed the staff recommendation was too draconian. [The council member] said the planning commission recommendation is too close to the existing ordinance and doesn’t forward the objective of saving trees and balancing the property owner’s right to develop.”

• “[A councilmember] said the best compromise would be to approve the planning commission recommendation that would provide enough tree protection and consistency for people to understand.”

Action The city council tabled consideration of the ordinance.

Aug. 11, 2008 City Council Meeting

Topic Tree Protection Ordinance.

“Key Points” Staff requested council comment on several “key points” for a 6th ordinance draft. The two primary points were:

• If either 25 percent of a WPA or 35 percent of high priority trees would be impacted by a subdivision, one lot per acre would be
allowed, but the property could be developed up to R-1 densities under PUD if steps are taken to preserve trees, such as: creative site design, developing at WPA edges rather than core, or evidence of good faith stewardship.

- The rights of existing homes owner would be respected; no tree restrictions would apply to homes after two years of occupancy.

Discussion Highlights The council was generally comfortable with these key points.

- “[A councilmember] said if the ordinance can be kept reasonably simple it would be a major move forward for the city.”

Aug. 28, 2008 City Council Meeting

Topic Tree Protection Ordinance. Draft Ordinance Staff presented the 6th draft, and now existing, ordinance. Discussion Highlights The council generally supported the ordinance.

- “[A councilmember said the ordinance strikes a good balance between maintaining the WPA and the neighborhood character while allowing people to do reasonable development.”

- “[A councilmember] said the ordinance is reasonably clean, clear, and simpler than [they] thought was possible.”

Action The Tree Protection ordinance was adopted.
Woodland Preservation Areas
Definition

A woodland preservation areas is a remnant woodland ecosystem that:

• Is at least two acres in size regardless of property boundaries;

• Is generally mapped in the city's Minnesota Land Cover Classification System; and

• Although it may be degraded, generally meets the criteria for one of the following types of ecosystems as reasonably determined by natural resources staff.
Floodplain Forest
Lowland Hardwood Forest
Maple Basswood Forest
Lowland Hardwood Forest
Oak Woodland Brushland
Tamarack Swamp
Willow Swamp
Woodland Preservation Areas
Woodland Preservation Areas
Woodland Preservation Areas
Woodland Preservation Areas
Woodland Preservation Areas
Woodland Preservation Areas
High Priority Trees
A high priority tree is a tree that is not in a woodland preservation area but is still important to the site and the neighborhood character, that is structurally sound and healthy, and that meets at least one of the following standards:

- a deciduous tree that is at least 15 inches diameter, except ash, box elders, elm species, poplar species, willow, silver maple, black locust, amur maple, fruit tree species, mulberry, and Norway maple;

- a coniferous tree that is at least 20 feet in height, except a Colorado spruce that is not in a buffer as described in (c) below; or

- a tree that is in a group of deciduous trees that are at least eight inches diameter or coniferous trees that are at least 15 feet in height, that provide a buffer or screening along an adjacent public street, and that are within 50 feet of an arterial road and 35 feet of a minor collector, local, or private street and a trail.
High Priority Trees
High Priority Trees
Significant Trees
A significant tree is a tree that is structurally sound and healthy and that is either a deciduous tree at least eight inches diameter or a coniferous tree at least 15 feet in height.
Tree canopy in Minnetonka
Tree canopy covers 58.4 percent of the city
How Minnetonka compares to other suburban cities

- Comparison cities avg. - 36.7%
  - Twin cities metro - 27%
  - National city avg. - 27.1%
Example of Minnetonka’s landscape transformation

Woodland Hills/Temple Village neighborhoods
The landscape was characterized by:

- woodlands
- agricultural fields
- wetlands
The landscape has converted to urban development.

- Homes now exist in former field and woodland areas.
- Existing tree canopy is created mostly by residential property owners.
Progression of landscape change
Woodland Hills/Temple Village neighborhoods

1937 (pre-development)
- mostly field, little canopy

1962 (development)
- residents plant trees

2018 (est. neighborhoods)
- Mature tree canopy
Example of Minnetonka’s landscape transformation

Tonka Wood-Croft and surrounding neighborhoods
The landscape is characterized by:

- woodlands
- agricultural fields
- wetlands
The landscape has converted to urban development.

- Homes now exist in former field and woodland areas.
- Existing tree canopy is created mostly by residential property owners.
Progression of landscape change
Tonka Wood-Croft and surrounding neighborhoods

1937 (pre-development)
- Woods and fields

1962 (development)
- Trees planted and removed

2018 (today)
- Mature tree canopy
Lone Lake Park
More trees exist in the park today than pre-development
Policy Number 8.3
Plant Pest Program

Purpose of Policy: This policy establishes a plant pest program as authorized by Minn. Stat. § 18G.13 and Minnetonka City Code § 840.015

Authority for establishing program
This plant pest program is established pursuant to Minnesota Statutes, section 18G.13, subdivision 7, Minnetonka City Code section 840.015.

Determination of plant pests to be prevented, controlled, managed or eliminated
The Minnetonka city council finds that the following plant pests may cause significant damage or harm to the city’s economy, environment or human health:

- **Dutch elm disease fungus**, *Ophiostoma novo-ulmi*
  - **Elm bark beetles**, *Scolytus multistriatus*, *Scolytus schevyrewi* or *Hylurgopinus rufipes*

- **Emerald ash borer beetle**, *Agrilus planipennis Fairmaire*

- **Oak wilt disease fungus**, *Ceratocystis fagacearum*

Responsible parties
City staff survey the entire city—including public lands, private property, and the right-of-way (road edge)—for the above-listed plant pests. Responsibility for managing diseased trees and incurring the cost of required sanitation (and optional prevention and control measures) is as follows:

- Public lands – the city is responsible for performing and paying the costs of plant pest control, prevention, and management on lands that are owned by the city.

- Private property – the property owner is responsible for performing and paying the costs of plant pest control, prevention, and management on the property owner’s land. If a public nuisance exists and the property owner fails to abate the nuisance, the city may perform the work and assess the costs against the owner’s property in the manner provided by section 845 of the Minnetonka City Code.

- Right-of-way – Property ownership generally extends to the centerline of the abutting street, which means the property owner owns the land and the trees on the land, and the city has an easement for street and utility uses. The
property owner is responsible for performing and paying the costs of plant pest prevention and control; however, if a tree in the right-of-way is marked for removal, the city will pay for half the cost of diseased tree removal (up to half the city contractor’s rate, not including tax), in recognition of the city’s interest in protecting the traveling public.

Dutch elm disease fungus and elm bark beetles
Since the 1930s, hundreds of thousands of elms have died from Dutch elm disease (DED). Despite its common name, this fungus probably originated in Asia, then spread to Europe and the United States. Although disease-resistant varieties are being developed, all native elm species are susceptible to DED, which is carried from infected to healthy elms by native or European elm bark beetles. After the fungus is introduced into an elm’s water conducting system, leaves (typically at the branch tips) wilt, turn yellow, and often drop from the branches. An infected elm dies because, in its attempt to stop the spread of the fungus, it blocks its own ability to transport water. Because the root systems of adjacent elms often graft (fuse together), DED can spread directly between trees generally growing 50-100 feet apart.

Signs and Symptoms:
- Are most obvious between late spring and late summer, though trees infected the previous year may become symptomatic as soon as they leaf out in early spring.
- Visible wilting
- Discoloration of the leaves (yellow or brown)
- Branch death
  - If beginning in the crown, wilting begins first at branch tips (“flagging”) and progresses through the crown
  - When infection occurs through root grafting (less common), branch death may begin in the lower crown on the side nearest the graft; it then spreads to the entire crown, sometimes quite rapidly
- Brown staining of the year’s new wood, just under the bark

Prevention and Control Measures:
- Before removing diseased trees, property owners are advised to:
  - Have a qualified tree care professional inject healthy adjacent elm trees with a fungicide and reevaluate every two or three years (depending on the chemical used) for continued protection. This systemic chemical spreads to all parts of the plant, reducing the risk of above - and below-ground spread of the DED fungus.
  - Where terrain permits, a root-graft barrier should be installed between diseased elms and any healthy trees of the same species within a 100-foot
radius, in order to prevent the spread of DED between the shared root systems of adjacent elm trees.

- Replace removed trees with species outside the elm family. A diverse community forest is more resistant to the spread of epidemic-level diseases and pests.

**Required Sanitation Measures:**

- City staff will identify and mark infected elm trees throughout Minnetonka.
- Tree removal and all associated work must be completed by the indicated deadline (typically 30 days after marking):
  - Dispose of marked tree(s) and all branches and logs by chipping or removal to an approved brush drop site.
  - Debark stump(s), or cut to within one inch of ground level, or have the stump(s) removed.

**Emerald ash borer beetle**
Emerald ash borer, often called EAB, is a non-native (invasive) insect from Asia that kills ash trees and related species in the Oleaceae family (such as white fringetree). According to the Minnesota Department of Agriculture, no North American ash population is resistant to EAB. In areas where emerald ash borer is established, ash tree mortality rates approach 100 percent. Once EAB infests an area, it cannot be eradicated. Minnesota is home to approximately 900 million ash trees, the highest population of any state. The life cycle of emerald ash borer begins when an adult lays eggs in the bark crevices of ash trees. Hatched larvae burrow into the wood and begin to feed, creating S-shaped galleries under the bark as they move. Over a period of three to five years, subsequent generations of larvae damage the wood and disrupt the tree’s ability to draw water and nutrients from the soil, eventually killing the tree. In Minnesota, larvae typically overwinter for one or two years before hatching out in early summer. The new adults chew characteristic D-shaped exit holes in the bark and feed minimally on ash leaves before flying short distances (up to two miles) to mate and lay eggs on ash trees in new locations. People accelerate the movement of this pest by carrying EAB-infested firewood to new locations.

**Signs and Symptoms:**

- Increased woodpecker activity (as the birds feed on larvae in the living branches)
- “Blonding,” pale coloration of bark due to woodpecker activity
- Thinning foliage in the top third of the crown (less diagnostic)
- Small D-shaped exit holes
- S-shaped galleries under the bark
- Vertical splits in the bark
Prevention and Control Measures:

- Educate property owners to avoid pruning and removal of ash trees between May and September, when emerald ash borers are most active.
- Have a qualified tree care professional inject healthy ash trees 10” in diameter or larger with emamectin benzoate, an insecticide that kills EAB larvae. Reevaluate every two or three years (depending on the dosage used) for continued protection.
- Develop a plan to gradually remove smaller ash trees, and those in poor health or structure, from the landscape.
- Replace removed trees with species outside the Oleaceae family. A diverse community forest is more resistant to the spread of epidemic-level diseases and pests.
- Never transport ash wood or brush outside the state’s designated quarantined area (which includes the Twin Cities metro). Quarantine information is regularly updated on the Minnesota Department of Agriculture website (search “emerald ash borer quarantine”).

Required Sanitation Measures*:

- City staff will scout for EAB-infested trees in summer, and mark them for removal in the fall/winter.
- Tree removal and all associated work must be completed by the indicated deadline (between October 15 and March 1):
  - Dispose of marked tree(s) and all associated debris by chipping or removal to an approved brush drop site.
  - Debark the stump(s), or cut to within one inch of ground level, or have the stump(s) removed.

*City staff will request that the city council amend these requirements when EAB has spread throughout the city and the city has determined that the population can no longer be managed. At that time, city staff will recommend that the city council require removal of ash trees infested with EAB only if they pose a risk to public safety or public property.

Oak wilt disease fungus

Oak wilt is caused by a fungal pathogen that most commonly spreads between the interconnected (grafted) root systems of trees growing within 50-100 feet of each other. When the fungus is introduced into the water-conducting system of a red oak tree, the leaves wilt, brown, and drop from the branches. The disease can kill a red oak within a few weeks. The tree dies because, in its attempt to stop the spread of the fungus, it blocks its own ability to transport water. To prevent new infections throughout the community, diseased red oaks should be removed before they can produce a fungal spore mat the following spring. Without good sanitation, the spore mat attracts sap beetles that carry the disease to oaks with fresh pruning or storm damage wounds, starting new oak wilt pockets across the wider landscape.
Signs and Symptoms:
- Foliage wilts from the top down, spreading throughout the crown
- Individual leaves wilt from the leaf tip and margins inward, turning bronze or brown
- Rapid and complete wilting within 2-6 weeks
- When the bark is pulled back from a branch with wilting leaves, the wood below is typically discolored

Prevention and Control Measures:
- Educate property owners to avoid pruning oak trees between mid-March and October, when the oak wilt fungus and its insect vectors are most active.
- Before removing diseased trees, property owners are advised to:
  - Have a qualified tree care professional inject healthy adjacent red oak trees with the fungicide propiconazole and reevaluate every other year for continued protection. This systemic chemical spreads to all parts of the plant, reducing the risk of above- and below-ground spread of the oak wilt fungus.
  - Where terrain permits, a root-graft barrier should be installed between diseased red oaks and any healthy red oak trees within a 100-foot radius, in order to prevent the spread of oak wilt fungus between the shared root systems of adjacent red oak trees.
- The city does not require the removal of white and bur oak trees infected with oak wilt disease. Both species of tree are more tolerant of the oak wilt disease than red oak trees, and through removal of infected branches and chemical injection, can be preserved. In addition, neither a white nor a bur oak tree will produce a spore mat in the spring after its death.
- Replace removed trees with species other than oak (and preferably outside the beech family, to which oaks belong). A diverse community forest is more resistant to the spread of epidemic-level diseases and pests.

Required Sanitation Measures:
- City staff will identify and mark infected red oak trees throughout Minnetonka.
- Tree removal and all associated work must be completed by the indicated deadline (February 1) to prevent the formation of a spore mat:
  - Dispose of the tree(s) and all associated debris by chipping or removal to an approved brush drop site. (With prior approval and oversight by Natural Resources staff, oak wood may be retained as firewood, see below)
  - Debark the stump(s), or cut to within one inch of ground level, or have the stump(s) removed.
- With prior approval, firewood may be kept using one of the following methods:
o Cut, split and then stack wood loose for air flow (enough space for a chipmunk to crawl between pieces). Then, call forestry staff for an inspection by October 15.
  - If firewood is not dry when inspected, then the wood must be covered with plastic that is 5 millimeters thick or more. Edges of plastic must be buried in the ground to create a tight seal. The wood must then be re-inspected by November 15.
    - If the wood has not been properly covered, it will be deemed a nuisance and the property owner will need to remove all of the wood by February 1.

o Cut wood into three foot sections, creating space between ends of each log to allow for air flow. Perform this work as soon as possible to allow each section to dry. Then, call forestry staff for an inspection by October 15.
  - If the wood is not sufficiently dry, all wood must be covered with plastic that is 5 millimeters thick or more. Edges of plastic must be buried in the ground to create a tight seal. The wood must then be re-inspected by November 15.
    - If wood has not been properly covered, it will be deemed a nuisance and the property owner will need to remove all of the wood by February 1.

- Firewood must remain covered until July 4 of the following year, to prevent sap-feeding beetles from spreading the oak wilt fungus. City staff will perform random firewood inspections to check that control measures remain in place during this time frame.

Amendments to Policy
This policy may be amended only after a public hearing as required by City Code section 840.015.

Adopted by Resolution No. 2018-
Council Meeting of ______________
City Council Study Session Item #3  
Meeting of Oct. 21, 2019

Brief Description: Storm Water Updates

Background

With the near record-setting year for precipitation in Minnesota, an increase in the number of resident contacts regarding water on their properties, and more questions and concerns raised during recent development applications by residents and city council members regarding storm water management, it is timely to provide a review and context on storm water management in the city.

The city of Minnetonka has a strong history of protecting and preserving natural surface waters and ground water systems. The city developed the first iteration of a Water Resources Management Plan (WRMP) 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 WRMP has continued to evolve and improve to ensure water quality and quantity is a primary focus for protection and management while balancing the infrastructure and development goals of the city.

The current WRMP includes a high level of protection for the city’s lakes, storm water, wetlands, floodplains and shoreland, plus accounts for the impacts of changing weather patterns. Contrast that with earlier plans, when most development in the city occurred when storm water regulations were much less strict. Developments were built with minimal storm water infrastructure and many homes were constructed in locations that would not be allowed today.

In the past twenty years, the city has been systematically expanding the storm water system and continues to build it out where none existed previously. Despite this effort, the combination of past development practices and current weather cycle conditions is leading to an increase in high water level concerns throughout the city. The following framework reflects the complexity of addressing storm water management and provides details about the city’s WMRP.

Minnetonka contains a wide variety of water basins and resources including 13 lakes, 800 wetlands, 3 creeks and 160 public storm water ponds. The topography varies from flat to hilly, creating a large number of drainage areas.

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, and 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 needed infrastructure projects as well as development and redevelopment projects within the city. In addition to the city regulations, the below agencies contribute to regulations in Minnetonka:

- Nine Mile Creek Watershed District (NMCWD)
- Riley-Purgatory Bluff Creek Watershed District (RPBCWD)
- Minnehaha Creek Watershed District (MCWD)
- Bassett Creek Watershed Management Commission (BCWMC)
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- Minnesota Pollution Control Agency (MPCA)
- Hennepin County Environmental Services
- Minnesota Department of Natural Resources (DNR)
- Army Corps of Engineers (USACE)
- Minnesota Board of Water & Soil Resources (BWSR)
- Minnesota Department of Health (MDH)

Water Resources Management Plan (WRMP)

In 2016 and 2017, the city council discussed water quality management at multiple study sessions in regards to and in preparation for the 2018 WRMP, water quality/aquatic vegetation management, and projects and partnerships. Through this process, the city also adopted a new pond and lake management policy.

At this time, the city has completed the most recent update of the 2018 WRMP, which is the foundation for the water resources portion of the comprehensive plan. The previous WRMP was last updated in 2010; however, updates to the plan did occur as appropriate in coordination with the watershed districts between 2010 and 2018.

The development of the 2018 WRMP, which is 970 pages, solicits a number of key stakeholders and agencies to provide input to develop and update the plan. This included feedback received from council at the previous study sessions as well as feedback received during the comprehensive plan process. This plan is used to guide and balance development, city infrastructure projects and other water resources activities with regulations that protect the city’s natural resources.

Specifically, the WRMP reflects new city priorities as well as regulatory mandates from the Minnesota Pollution Control Agency, the four watershed management organizations within the city listed above and the Metropolitan Council. There are four primary types of water regulations included in the plan:

**Storm water**
Storm water regulations are managed in coordination with each of the four watershed districts in the city noted above. 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.

**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 approved an ordinance update in October 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 Local Government Unit (LGU) that regulates wetlands in conjunction with the Hennepin County Environmental Services, State Board of Water and Soil Resources (BWSR), Minnesota Department of Natural Resources (DNR), watershed districts and United States Army Corps of Engineers (USACE).

The WRMP includes updated city goals, policies, implementation tools and strategies. Future city goals, new rules and standards were also established in consideration with the most current climate and precipitation levels. The major city goals and planning efforts identified in the plan include:

- Manage the water resources within the city, with input from the public, so that the beneficial uses of wetlands, lakes and creeks remain available to the community.
- Maintain or enhance the natural beauty, public access and ecological function of creeks running through the city.
- Work with watershed partners to manage flooding risk and prepare further for changes in climate.
- Protect and restore wetlands to improve and maintain their functions and values in accordance with the Minnesota Wetland Conservation Act and the city’s Wetland Protection Ordinance.
- Involve and educate residents of the city in water resource related issues.
- Manage the rate and volume of runoff entering rivers, creeks, lakes and wetlands within the city.
- Protect groundwater quality and quantity to preserve if for sustainable and beneficial purposes.
- Prevent sediment from entering the city’s surface water resources.

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 continue to recommend updates to council regarding city storm water rules in the upcoming years to provide consistency with not only newly revised watershed district rules, but necessary changes based on city priorities.

Discussion Point

- Does council have questions on the WRMP?

Applying Storm Water Rules

Staff utilizes the city’s WRMP to manage and protect the city’s water resources. One of the main opportunities to improve storm water protection is with development, redevelopment and new home construction projects. During the review process for these projects, staff ensures grading plans and storm water models meet or exceed all of the city’s regulations for water protection, outlined in the WRMP. The primary requirements for development and redevelopment projects include:

- No increase of runoff rates compared to existing site conditions
Retain 1.1 inches of runoff on-site from regulated impervious surfaces
- Provide pretreatment of runoff for infiltration and filtration systems
- Manage phosphorus loading for water quality purposes

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.

Additionally, during the review process, staff seeks opportunities to address flooding or water quality concerns in areas surrounding the development. While appearing at times simple, many existing storm water issues are complex due to the location of existing infrastructure, drainage patterns and potential costs associated. Therefore, while staff continuously works to resolve issues, the actual solution may not be included with a development review.

At the study session, staff will present an example project on how storm water review is completed with a project, how public and private considerations are balanced and how opportunities for improvements are explored and communicated.

Discussion Point:

- Does council have questions regarding how staff reviews a development proposal related to storm water?

Responding to Resident Concerns

The 2019 precipitation received is currently the second wettest year to date (based on DNR records), having already received 37.69 inches of precipitation. The wettest year on record is 37.92 inches of precipitation in 2002. As a result, an increase in wet weather conditions and an intense focus on climate activity this past spring and summer have highlighted the topic of storm water. The city has heard from a number of private property owners about high water levels on their properties and also from property owners adjacent to proposed developments who express concern about water runoff. As mentioned above, storm water is heavily regulated by many agencies at overlapping levels of government.

Although storm water management rules have evolved and improved, most development in the city occurred when storm water regulations were much less strict and the storm water sewer system was either nonexistent or just evolving. Developments were built with minimal storm water infrastructure, and many homes were constructed in locations (e.g., floodplain areas) that would not be allowed today. The combination of past development practices and current weather cycle conditions is leading to an increase in high water level concerns throughout the city.

To assist with understanding some of the most common issues related to drainage and high water and the city’s response to these them, an attachment of frequently asked questions is attached.
At the study session, staff will be prepared to discuss some common concerns received, where issues are located and how we work with residents to address and mitigate these issues. Also, staff will discuss upcoming planning efforts and projects.

**Discussion Point**

- *Does council have questions related to recent concerns received?*

**Summary**

Minnetonka is an aesthetically beautiful and unique community, due especially to the wide range and number of water bodies within it. The city has developed over a long period of time, and water management practices have evolved to become much more sophisticated and comprehensive. Minimizing negative impacts of storm water is a high priority for future development and redevelopment. Staff will continue to work with existing residents to educate and mitigate issues. Expansion of storm management infrastructure will be reflected in the city’s Capital Improvement Program. Finally, staff will stay abreast of tools and mechanisms that can help with changing weather patterns.

Submitted through:
- Geralyn Barone, City Manager
- Will Manchester, Public Works Director
- Phil Olson, City Engineer
- Leslie Yetka, Natural Resources Manager
- Sarah Schweiger, Water Resources Engineering Coordinator

Originated by:
- Chris Long, Assistant City Engineer
Frequently Asked Storm Water Questions:

1. **Question:** The water on my pond is high, my yard is wet and my home is going to flood. When is the city going to lower the water level?

**Answer:** In some cases, ponds are designed to flood into yards with specific controlling overflow elevations. These areas have been designed to hold and control the amount of water going downstream and are typically within easement areas.

In other cases, a pond may be landlocked, meaning no overflow. In these situations, the water level will rise and lower based on weather patterns. Since 2019 has been very wet, the water level is very high in most ponds throughout the city. The city has not historically pumped to reduce the water level unless the following conditions are met:
- The pond is higher than the flood level planned in the WRMP
- There is an immediate risk of homes flooding

The DNR regulates pumping activities on this scale and an application for pumping requires a 30-day comment period unless there is an immediate danger of homes flooding. Downstream water bodies must be reviewed prior to pumping. Requirements for a pumping permit include a storm water modeling evaluation to ensure downstream properties will not flood and receiving a petition from all properties adjacent to the pond.

2. **Question:** I have water in my backyard and this has never happened before. Can the city remove this water?

**Answer:** Floodplain areas are typically dry most of the time. Some floodplain areas may not even be near a pond or wetland. Floodplains are flood storage areas that are regulated by the WRMP. Filling these would reduce flood storage capacity and cause flooding issues for downstream properties; therefore, regulation protects them. In some situations, a floodplain may be relocated within a property; however, a detailed survey and engineering review is necessary for this work.

3. **Question:** The city’s road is draining into my yard and causing damage to my property. Can the city fix my yard since the roadway water was part of the problem?

**Answer:** During the original development of the city, storm water regulations often allowed roadways to drain to low areas of adjacent properties. Since these drainage patterns are now well established, it is very difficult to change without very large infrastructure projects. The city typically evaluates situations like these when the roadway is fully reconstructed due to the costs associated with this work.

4. **Question:** Years ago, the city approved a development uphill from my house and I receive all of their water. Can the city fix this since they approved the development?

**Answer:** The city approves developments with the most current storm water regulations. Since most of the city was developed with previous storm water standards, lower lying properties may receive more water from adjacent developments than they would with current standards. The
city evaluates adding storm water improvements to older neighborhoods with roadway reconstruction projects due to the costs associated with this work.

5. **Question:** The water on my pond is higher than ever before and the trees around the pond are starting to die. Can the city help remove the extra water?

**Answer:** Most trees along ponds are privately owned and maintained and many trees throughout the city are being impacted by the higher-than-normal water levels. If a tree dies due to high water levels, it is the responsibility of the property owner to remove the tree.

The city has been asked to pump to help protect the trees; however, this has not been done since pumping from one pond to the next during flooding conditions means that trees on a different pond will be impacted.

6. **Question:** I landscaped my yard to reduce stormwater runoff, but I still have to pay a stormwater utility fee. Why?

**Answer:** Public infrastructure that is in place to manage stormwater runoff requires periodic maintenance and/or replacement, which stormwater utility fees help to pay. While landscaping on private property to reduce runoff provides many benefits and is encouraged, it will not prevent all runoff, especially during large rainfall events. The city still requires funds to maintain the public infrastructure to manage and prevent downstream high water levels that, in recent years, is becoming more frequent.

7. **Question:** Does the runoff that goes down a storm drain go to a water treatment plant?

**Answer:** No. Most runoff that enters a storm drain goes directly to a downstream pond or wetland with no treatment. However, in many cases, the ‘pond’ is actually a constructed stormwater pond designed to hold runoff and retain sediment and other pollutants before eventually heading downstream to a lake or river.
1. **Report from the City Manager**

City Manager Geralyn Barone presented the council with information on legislation that was passed earlier in the year to allow the city to set 25 mile per hour speed limits on particular streets. Barone said the city has already received some resident requests to have the lower speed limit and there will potentially be a study session in early 2020 discussing the options and implications. Wiersum inquired if the presumed speed limit, with the absence of signs, would be continued at 30 mph. Public Works Director Will Manchester and Barone confirmed.

Barone also provided development updates with corresponding dates for various projects. An upcoming council meeting schedule was outlined by Barone discussing the upcoming study session in September involving rank choice voting and an addition to the agenda discussing the public safety facility. A reminder was given for the joint EDAC and planning commission tour to take place August 22, as well as Finance Director Merrill King’s retirement farewell occurring on the same day and her council recognition at the next regular council meeting on August 26.

2. **2020 preliminary budget review**

Ms. Barone began the budget review by providing a timeline and background of the 2020 budget adoption process. Barone emphasized that the purpose of the study session is to get feedback from the council, discuss the big picture items, and answer any questions or concerns from the council on how the staff is proceeding.

Background information was provided on the different budget funds, the largest being the general fund which is generally funded by the tax levy. Barone noted that investment interest is improving in the current year while the public safety fine revenue is declining, which is attributed to the court level as the trend of the court is to either decrease the penalty of tickets or dismiss the charges in entirety. Recreation receipts and community center rental revenue is expected to meet what was projected, permits and licensing is projected lower than the anticipated 2019 number, but it is possible that projects may come up before the end of the year which would raise the revenue for permits and licensing.

In spending, Barone stated that compared to last year, our spending and expenses should be slightly lower. The net change that the staff is anticipating in the general fund is projected to dip down by about 1.5 million dollars by the next year, largely attributed to the swings in capital projects. If there are excess revenues by year they can be transferred to the general fund for a one-time expense. A chart was presented to the council and staff to show a history of levy increases in past years. Barone reminded the council that the city also needs to levy for the Ridgedale tax abatement each year.

Community Development Director Julie Wischnack described the Ridgedale tax abatement...
similar to tax increment as the new value of the mall and only the new taxes. The increment that the value creates offsets some of the investments that the mall has made, which is where the money had been agreed to be spent by the city and developer. Wischnack noted that tax abatement does not mean the forgiveness of taxes but rather reassignment of the new taxes.

Barone explained that the Ridgedale tax abatement, under state law, needs to be shown as part of the tax levy. She continued the explanation of the projected levy increase for 2021 and 2022 by noting that the percentages look high due to capital improvements that have already been adopted in the five-year Capital Improvement Plan. Later the rates decrease in 2023 when the Boulevard Gardens TIF district comes back on-line.

Rebecca Schack inquired about certain logistics of the TIF district and the classification of certain affordable housing. Wischnack responded to Schack by explaining that it depends on various council decisions and the original contract. Schack inquired how far in advance the city will begin negotiations to keep affordability on line, and Wischnack responded that sometimes the city begins years in advance. Brad Wiersum suggested that the graph shown by staff with historical levies is not to suggest that the city operates at a high level with tax levies but rather that the levy is reflected in the services and projects that the city would like to do.

Barone discussed the compensation structure of Minnetonka and noted that remaining competitive in the market will affect the budget. She explained that Minnetonka falls behind in the employment market because the data point used for job position market comparison reflects the actual pay of the job position, and if there is a lot of turnover, as there is in many comparable cities, it will push the wage down. The other piece is that in the city’s own recruitment and retention efforts the city has applicants turning them down due to the wages and the city is losing employees to other comparable cities relating to wages. Another challenge the city was facing in past years was what the city contributed to health insurance and the rising cost of health insurance. The city has been working hard to adjust the gap between family and individual insurance coverage. Barone explained that in 2020 the budget will be affected by the adjustment of the data point which will take the median of the top of the pay range within the comparable cities instead of the median of actual pay. The re-structuring of the compensation will be 6.5% associated to the levy in regard to the pay structure.

Deb Calvert commented on how rising health insurance costs is an evident challenge for cities. Barone noted that the City of Minnetonka is part of a joint purchasing power that helps provide health care insurance at a lower health care cost.

Wiersum noted that the city may have gotten by more cheaply than they should have but the increase for staff recruitment and retention is a large decision that will affect the budget greatly. Tim Bergstedt said that there seems to be no choice as the city needs to attract and retain the best people regardless of how large the increase is. Schack described that as a small business owner she has seen the issue at hand and attests to the issue of competitiveness. Schack also noted how proud she is of the quality of current city staff, and how critical it is to back competitiveness or the city will miss the boat and have to compromise on candidates.

Calvert stated that in addition to being a city council member she is also a city employee in human resources and hiring and can identify the fierce competition within many positions. Calvert also said she thinks that you get what you pay for and that the people in Minnetonka demand high service. Mike Happe said that attracting the best and brightest is likely to get even harder and knowing that the city is already behind is hard to swallow and the one time levy
needs to be accepted in order to get the city to the level where they need to be. Susan Carter offered her support for the levy increase and emphasized that she would like to attract the best by being competitive and thoughtful so people are thrilled to work for the city.

Wiersum added that the city has been very fortunate with staff but now there are more retirements occurring and many jobs that are opening. Wiersum said maybe the city wasn’t as competitive in the past because it was a great workplace and individuals weren’t looking to leave. He mentioned that if the levy is not approved, then some things the city prides itself on, including taking care of residents with high quality service and having a great work culture, gets put at risk. Wiersum noted that he is proud of the city but would like the city to own up and do what needs to be done. Bob Ellingson shared that when he goes to the doors of residents and people comment on the good job he is doing, he shares that he isn’t the one doing the work, rather it is the staff doing the work that makes the council look good. Bob stated the importance of supporting the city employees.

Barone added that the employees at Minnetonka are great which the competitors know, and are presenting the Minnetonka employees with offers they can’t turn down.

Barone outlined the franchise fee that can be charged for cable services (a contract with Comcast/Xfinity). She described the recent trend of people choosing to not have cable anymore, but rather they are using streaming services which inevitably leads to the city losing franchise fees and revenue. Barone also referred to the federal government having discussions threatening the city’s availability to collect revenue of franchise fees, so the city has left a surplus of money in this fund in case the federal government makes a change to the current rules on franchise fees. Because of the risk associated with the cable fund, it would now be a good time to transition some expenses from the cable fund over to a more secure fund – the general fund. Largely, two communications positions are paid by the cable fund, a portion of an administrative position and an IT position, and an employee communication system which are recommended to be moved to the general fund. Barone asked if the council would support this transition.

Carter asked if there is concern that the cable fund’s long term viability is at risk and if the movement is to find a more sustainable fund to host the identified costs. Barone and Finance Director Merrill King responded yes. Happe asked what the balance of the cable fund is. Barone identified the balance at approximately 1.5 million dollars. King noted that the city has maintained close to one million dollars in the fund. Happe asked why it is important to transfer the expenses now if there is an extra balance in the cable fund versus spending the surplus down. Barone noted that it is a question of timing and that the recommendation is to move the expenses over incrementally and not all at once which will help lessen the impact in future years. Wiersum said the revenue is declining and will most likely continue to decline at a pace that has been recorded this far. Calvert noted that the Federal Communications Commission and lobbyists have both been advocating for the cable fund.

Barone said the FCC has a new rule in place regarding how certain in-kind costs associated with the broadcast are distributed and the new rule would outline these costs to be deducted from the franchise fee.

Wiersum stated that cable technology is sort of old technology and that the city needs to be realistic on the prospects of the cable fund. Calvert noted that there is a balancing act between
providing the essential services that sometimes only cable can provide, such as streaming the public access programs and providing experiences to young people, and the question of funding and accessing this technology. Calvert offered her support to transfer the expenses to the more reliable fund. Bergstedt noted that this seems like the prudent move and that if the revenue in the cable funds will only decrease more quickly, then the move is responsible by transferring the expenses incrementally and not all at once.

Barone noted that another expense that will need to be looked at is the Minnetonka Memo, which is currently funded with the cable fund revenues.

Carter said that as the city welcomes younger families, the way that these young families take in information will look very different overtime. Wiersum noted that there is another part of the population that is not on twitter and does prefer the older news transferal, which ends up with the city providing every means of communication in dozens of methods.

Carter supported that the sooner the city can plan for this move of expenses the less surprises down the road.

Barone continued the discussion with the fire service and outlined the history and the numbers of the staff. There has been a higher demand in callbacks in recent years and in the past three or four years, it has been hard to fully staff these demands. However, in the last year there has been success in getting four or five members to respond. The budget proposal has an additional one hundred seventy thousand dollars added to the part time compensation so that the city can maintain the current service levels. Barone commended Chief Vance for pursuing grant money which will help with the promotion of recruitment and marketing. Barone reminded the council that when the fire relief association came to the council to request an adjustment to their pension, the council talked about increasing the savings for the benefits of the fire firefighters.

Happe and Carter stated they supported the increase. Wiersum noted that the paid on-call model has been a savings to the city and that the city needs to invest to keep the model vital as long as possible and offered his support as well.

Barone continued the discussion relating to police services regarding the crisis response training which has seen some success. The police department is partnering with Hennepin County and the City of Plymouth in a two year agreement which embeds a social worker within each agency for about thirty-one thousand dollars. Barone noted there may be grant awards that the city would know more about this fall, which would buy down the amount of thirty-one thousand dollars.

Calvert thinks the program and partnership are fantastic and it needs to be done. She said that it is worth every penny and expressed her gratitude for partnerships and grant money. Wiersum concurred that both the program and the collaboration are excellent.

Barone outlined how the Wayzata health inspection contract has stretched our staff in managing the city’s own calls. There has been conversation with the City of Wayzata and there is a possibility that the relationship is continued while Wayzata looks at other contract options, but there is a possibility that Wayzata stays with our contract and pays a higher fee. Barone noted that conversations are ongoing but there is a preference to have a holding spot in the budget to allow the conversations to continue. This would be included in the levy as a revenue
Happe asks if the goal is to make a profit in contracts or services similar to what was discussed. Barone and King said the goal is typically cost neutral and the city just prefers to cover their own expenses. Happe noted that if the city does engage in an arrangement like the one described, he would like to see the city aim to make a profit. Barone noted that the city does rely on other communities and there is a partially respectful arrangement with other communities that the city covers its costs but also help one another appropriately. Carter noted that Wayzata also has a clear need for these services. Bergstedt said that the city needs to absolutely make sure costs are covered in these arrangements, but he feels the city doesn’t need to hold other communities hostage or try and make a profit off them for services as discussed.

Barone outlined the expanded gas and electric franchise fees as dedicated funds to expand the trail system with the goal to make areas more pedestrian friendly. Carter asked if trail maintenance includes the potential mountain bike trail or the light rail. Barone noted that it was more pedestrian access, in areas such as Minnetonka Boulevard, Ridgedale Drive, Plymouth Road and the Opus area. Darin Ellingson noted that the city maintains 81 miles of trails and sidewalks in the winter, which is broken into three priority areas and each area takes a day to clear. With the growth of the light rail and the Opus area, certain places cannot wait three days after a snowstorm to walk on the sidewalks to get to the bus stop, etc. Wiersum asked if trail maintenance is really snow plowing. Ellingson stated yes in the winter time, but in the summer it includes mowing, general maintenance, cutting back brush, fixing spots in asphalt areas, etc.

Schack commented that some trails that are coming online are key for alternative transportation and since the city is taking off a major bus line, she feels there is an obligation to stand behind what the city is asking people to do – giving them other options to commute. Happe added that the council passed the franchise fee that targeted sidewalks and trails and that the franchise fee pays for new trail development, but as that grows, the cost of maintenance is also going to grow in the general fund, and wonders if there may be a way to include the cost of maintenance of trails and streets within the franchise fee.

Barone responded that she reviewed the franchise agreements and those do not prohibit the council from moving the costs of maintenance within the franchise fees. However, she noted the council did “sell” the franchise fee as a funding for new development. Wiersum said that when the franchise fees were discussed it was debated as a capital funding. He prefers to not keep capital and operating expenses in the same fund.

Happe stated that as we grow in trails the city will also grow in maintenance that will eventually become significant.

Barone noted that sustainability interests have been long reflected in the city ordinances, in the values around the city and in the efforts of the city. Since 2007 the city has saved 3.5 million dollars on different city buildings and projects completed through several initiatives being energy efficient. Barone suggested that the next step in the progression of the city’s sustainability is to partner with the Xcel Energy’s Partners in Energy Program that allows the city to set up attainable and energy related goals. Barone said that one of the current staff is planning to work on the program, and there will need to be another person hired to backfill some of the other planning work that will become open.

Carter inquired what stage the city is in with the Partners in Energy program. Wischnack responded that the city did apply to the PiE program, and now the program will set up the meetings and the timeline. By summer 2020 there should be a specific outline of what conversations have occurred and the goals in energy efficiency. Carter suggested that she
believes the issue is very large within the community and she would like to see more in the 2020 budget for sustainability. Barone noted there should be some results and discussions on funding for the 2021 budget by this time next year. Carter said that she would like to see more funds set for 2020 in the sustainability efforts that can be integrated during the program efforts and not just at the end point of the program.

Schack added that she shares a similar concern with timing due to waiting for the right steps appropriate to the budget. Schack asked that by July 2020 if the council wants to get a commission or proceed to the next step, does the conversation need to wait until the budget discussions begin. Barone noted that the council would not need to wait, but they would need to figure out how to fund the next step – which may mean that the council decreases the service in other areas or dips into the fund balance. Wischnack suggested that if there are things in the Partners in Energy program that can be done within the city’s services, they would not need to be separately funded. Wischnack noted that the result of the program will give the city a better idea of expenses needed.

Calvert asked if the program will start this October, but in the next eight months there would be a clearer picture. Wischnack said that May of next year will be when the big budget items and the strategic planning discussion begins which aligns appropriately with the program results emerging next spring. Wiersum said that climate conversation will most likely not go away and the city has done a lot in the past, but maybe not enough. He hopes the PiE program will inform the city’s plan for the future and outline what is appropriate for cities to do.

Calvert inquired if Drew Ingvalson on the city’s planning staff will be the point person on this effort and if there will be an internal collaboration. Barone stated that most of the departments are involved in sustainability, and they will all need to weigh in on the sustainability efforts. Ingvalson will be the staff liaison to the program and the task force. The efforts will need to work with the communications staff to get the conversation to the public on what the city is working on.

Wiersum commented that if the city would have been an early adapter on wind or solar energy, it would have cost the city a lot more money than being a fast follower. He noted that the city can do more for the environment if things are done cost effectively.

Calvert said she was at a committee meeting where she asked the question to the state level regarding the costs of some suggested efforts. Carter disagreed and noted that she recognizes other cities are ahead of Minnetonka in sustainability plans and commission development, and that while Minnetonka is doing many good things, there are other cities with successful commissions and sustainability plans. Carter said for this reason she believes it is a priority to keep the conversation moving and keep the plans in the budget. Wiersum responded that he believes this is what the council is doing. Barone suggested that her interpretation is that Carter is wanting more in the budget. Carter did clarify she would like to see more in the budget and she believes that everyone at the table does want what is best for the city and cares about sustainability, but the vehicles in which the city gets there are varied, and the costs associated with them.

Bergstedt acknowledged that in the past when housing was proposed to the city rarely was there talk about affordable units, and now every time there is a discussion on housing, affordability is part of the discussion. Similarly to sustainability, there may be an analogy while sustainability will become part of the picture but it cannot all be done at once. Bergstedt offered his support for the PiE program as a first step and knows that sustainability will touch more of the city efforts.
Barone added that the city will have more information after the program gets running that will allow different avenues to occur for sustainability efforts with responsible financial information. Wiersum suggested that some of the questions posed at the meeting are questions to be expected out of the PiE program. Calvert added that the PiE program is very one specific aspect of sustainability: energy. Wischnack clarified that the path the city will move on is going forward with PiE. Wiersum responded that there will be continued pressure from the public, but feels the council is also very committed to environmental sustainability and wants to proceed appropriately.

Calvert clarified that the reason that she could not back the climate action plan was because of the staffing, as the city is losing many different key individuals involved in the effort. She emphasized that she felt the timing was not ideal from a staff reflection to move forward with the climate action plan or commission. Calvert noted that the PiE program gives her confidence that the city is moving in the right direction as it gives a framework for the energy sustainability efforts.

Schack said she supports the PiE program and indicates that she does not want to recreate the wheel and believes the program will help put things into motion that the city should take advantage of. Schack noted that she does not want the efforts to lose momentum and that her comfort level with PiE is great but she would be more comfortable knowing there is an easy transition to the next step.

Barone informed the council that the salary information will get put into each department budget and the computer costs and fuel costs get inserted into the budget so the remaining for each department is largely supplies. There is an inflationary amount included in the budget which is a 1.75% inflation for supplies and services beyond the main expenses.

Barone introduced a conversation on the public safety facility and the plans for which the facility will go under. Krause Anderson noted that the facility cost is up 20% related to labor and materials, which is a significant number. Barone suggests a study session where the council can discuss where the project can shave costs. Barone stated that she feels confident the project can still be done, but there does need to be adjustments made. Barone informed the council that with the bond the levy increase would be 0.6%. Wiersum noted there is a lot of pressure in the market. Barone did emphasize that the public safety facility is a 30 to 50 year facility and she does not want to cheap out on certain things to cost the city later down the road. Wiersum commented that there is only one chance to do the project right.

Barone provided information on the HRA levy that has been reduced to 225 thousand dollars and the different funds it outlines to various projects and areas. Happe supports the decision the council has made. Wiersum commented that he would prefer to leave the West Hennepin Affordable Housing Land Trust program contribution at 100 thousand instead of cutting it to 75 thousand. Wiersum clarified if the funding is to be maintained at 100 thousand dollars every year, it would have to be a separate conversation for future years starting in 2021.

Carter commented on her concerns with the program funding and when it has been enough time for the program to diversify their revenue and not count on city support funded at 100 thousand. Wiersum added that the funding level was at 250 thousand dollars, and a sustainable number needs to be determined. Bergstedt added that the same issues do seem to appear repeatedly, and that there will be two new members on the council in January and they need to be part of the future conversation. Calvert suggested that the composition of the EDAC and the council has changed drastically since the conversation began, and there needs to be a
conversation that adapts to the appetite of each council and each EDAC.

Barone summarized the conversation that the 7.5% levy increase is broken down in the report for various areas of city service. In 2020 there is less spending for capital programs but the public safety facility adds 3.5%. Barone compared the levy to other comparable cities and noted that the city is in the higher range for levy.

Barone inquired if the tax levy was okay with the council. The council showed general support. Bergstedt commented that he was overwhelmed with the staff and different employees involved in the budget process, which is incredibly complex and would like to thank Finance Director Merrill King for years of fabulous work on the budget. Applause was offered for Merrill’s service. Calvert offered her gratitude to the city staff.

Barone commented her thanks to the employees and the council, for their guidance to help the staff do their jobs and for the support of the council. Wiersum noted that maintaining services the residents value is an important function of the investment and thanked the staff.

3. Adjournment

Council ended the discussion at 8:34 p.m.

Respectfully submitted,

McKaia Ryberg
Assistant to the City Manager