Addenda
Minnetonka City Council
Meeting of Sept. 16, 2019

10A  Resolution approving a conditional use permit for an accessory apartment at 13052 Stanton Drive

A correction was found on page 2 of the resolution

10C  Conditional use permit for an accessory apartment at 5304 Westmill Road

Attached is correspondence received after the packet was distributed

11A  Temporary on-sale liquor license for The Rotary Club of Minnetonka Foundation, 14350 County Road 62

This item is an addition to the agenda to reaffirm the approval of a one-day temporary liquor license and amend the date for the temporary license to Sept. 19, 2019

12B  Items concerning the Hennepin County Medical Examiner’s Office Project at 14300 Co. Rd. 62

1)  Major amendment to an existing master development plan;

2)  Conditional use permit; and

3)  Site and building plan review

Attached is an ordinance from the finalized planning commission packet that includes ordinance details and approval conditions

13A  Resolutions for special assessment of 2018-2019 projects

Attached is updated information about two proposed special assessments and the corresponding resolutions

14B  Minor amendment to the existing Solbekken master development plan at 5734, 5742, and 5754 Shady Oak Road

Attached is correspondence received after the packet was distributed
ADDENDUM

City Council Agenda Item #13A
Meeting of September 16, 2019

Brief Description: Resolutions for special assessment of 2018-2019 projects

Since publication of the council agenda packet, additional information has developed regarding two of the proposed special assessments, as indicated below:

The owners of 3858 Susan Lane have paid the assessment (1-year nuisance) in full. The attached resolution for this assessment has been revised to reflect this payment, and should be adopted in place of the resolution contained within the packet.

The owners of 3520 Meadow Lane have paid the assessment (1-year tree) in full. The attached resolution for this assessment has been revised to reflect this payment, and should be adopted in place of the resolution contained within the packet.

Submitted through:
Geralyn Barone, City Manager
Joel Merry, Acting Finance Director
Colin Schmidt, City Assessor
John Weinand, Environmental Health Supervisor
Hannibal Hayes, City Forester

Originated by:
Denise Oslund, Assessment Specialist
Resolution No. 2019-

Resolution adopting special assessments for 2019 Nuisance Abatement Project No. 4894, one-year assessment term

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

Section 1. Background.

1.01. Pursuant to proper notice duly given as required by Minnesota statute, the Council has met on September 16, 2019 to hear and to pass upon all objections to the proposed special assessments for 2019 Nuisance Abatement Projects at the following properties lying within the City of Minnetonka:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-556</td>
<td>15879</td>
<td>Tonkawood Dr</td>
<td>16-117-22-33-0037</td>
<td>$84.00</td>
</tr>
<tr>
<td>N-560</td>
<td>2419</td>
<td>Emerald Tr</td>
<td>11-117-22-23-0039</td>
<td>$84.68</td>
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<tr>
<td>N-561</td>
<td>3515</td>
<td>Co Rd No 101</td>
<td>17-117-22-32-0034</td>
<td>$84.68</td>
</tr>
<tr>
<td>N-562</td>
<td>4708</td>
<td>Shady Oak Rd</td>
<td>26-117-22-12-0035</td>
<td>$84.68</td>
</tr>
<tr>
<td>N-564</td>
<td>5729</td>
<td>Whited Ave</td>
<td>33-117-22-24-0027</td>
<td>$89.93</td>
</tr>
<tr>
<td>N-567</td>
<td>4717</td>
<td>Hamilton Rd</td>
<td>28-117-22-22-0034</td>
<td>$89.93</td>
</tr>
<tr>
<td>N-568</td>
<td>2333</td>
<td>Hopkins Crossroads</td>
<td>12-117-22-23-0014</td>
<td>$89.93</td>
</tr>
<tr>
<td>N-569</td>
<td>3150</td>
<td>Lake Shore Blvd</td>
<td>17-117-22-13-0026</td>
<td>$89.93</td>
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<tr>
<td>N-571</td>
<td>5501</td>
<td>Mahoney Ave</td>
<td>31-117-22-11-0003</td>
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<td>N-572</td>
<td>14952</td>
<td>Williston La</td>
<td>28-117-22-12-0033</td>
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<tr>
<td>N-558</td>
<td>4719</td>
<td>Caribou Dr</td>
<td>27-117-22-12-0076</td>
<td>$274.62</td>
</tr>
<tr>
<td>N-565</td>
<td>2626</td>
<td>Cedar Crest Rd E</td>
<td>12-117-22-41-0048</td>
<td>$274.62</td>
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<td>N-557</td>
<td>16108</td>
<td>Minnetonka Blvd</td>
<td>17-117-22-41-0036</td>
<td>$884.68</td>
</tr>
</tbody>
</table>

Subtotal $2,311.54

Section 2. Council Action.

2.01. The proposed special assessments listed above are hereby adopted, and each tract of land is found to be benefited by the improvement in the amount of the assessment levied against it.
2.02. The special assessment may be paid within 30 days from the date of this resolution, or may be paid in a single installment in the same time and manner as the payment of real estate taxes with interest at the rate of 3.16 percent per annum. To the first installment of each assessment will be added interest on the entire assessment from the date of this resolution to December 31 of the year in which the first payment is payable. Subsequently, one year's interest on the remaining balance will be added to each subsequent installment. Any property owner may pay the entire unpaid balance of the assessment against his/her property at any time with interest accrued to December 31 of the year in which the payment is made, provided the payment is made before November 30 in the first year and before November 15 in subsequent years.

2.03. The owner of any property assessed may, at any time within 30 days following the adoption of this resolution, pay all or part of the assessment to the city, provided that partial payments are made in increments of not less than $100 and provided that any balance remaining unpaid is not less than $100 no interest will be charged on the amount paid.

2.04. The city clerk is directed to transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists and to be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 16, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

**Action on this resolution:**

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on September 16, 2019.

______________________________
Becky Koosman, City Clerk
Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1.   Background.

1.01. Pursuant to proper notice duly given as required by Minnesota statute, the Council has met on September 16, 2019 to hear and to pass upon all objections to the proposed special assessments for 2019 Diseased Tree Projects at the following properties lying within the City of Minnetonka:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-1</td>
<td>14101</td>
<td>Council Cir</td>
<td>10-117-22-22-0008</td>
<td>$81.29</td>
</tr>
<tr>
<td>T-3</td>
<td>16018</td>
<td>Gleason Lake Rd</td>
<td>05-117-22-11-0031</td>
<td>$202.09</td>
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<tr>
<td>T-27</td>
<td>12809</td>
<td>Ridgemount Ave W</td>
<td>03-117-22-11-0058</td>
<td>$395.16</td>
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<tr>
<td>T-10</td>
<td>14616</td>
<td>Woodhaven Rd</td>
<td>21-117-22-11-0066</td>
<td>$566.09</td>
</tr>
<tr>
<td>T-29</td>
<td>14901</td>
<td>Belvoir Dr</td>
<td>21-117-22-13-0008</td>
<td>$733.86</td>
</tr>
</tbody>
</table>

Subtotal | $1,978.49

Section 2.   Council Action.

2.01. The proposed special assessments listed above are hereby adopted, and each tract of land is found to be benefited by the improvement in the amount of the assessment levied against it.

2.02. The special assessment may be paid within 30 days from the date of this resolution, or may be paid in a single installment in the same time and manner as the payment of real estate taxes with interest at the rate of 3.16 percent per annum. To the first installment of each assessment will be added interest on the entire assessment from the date of this resolution to December 31 of the year in which the first payment is payable. Subsequently, one year's interest on the remaining balance will be added to each subsequent installment. Any property owner may pay the entire unpaid balance of the assessment against his/her property at any time with interest accrued to December 31 of the year in which the payment is made, provided the payment is made before November 30 in the first year and before November 15 in subsequent years.

2.03. The owner of any property assessed may, at any time within 30 days following the adoption of this resolution, pay all or part of the assessment to the city, provided that partial payments are made in increments of not less than $100 and provided that any balance remaining unpaid is not less than $100 no interest will be charged on the amount paid.
2.04. The city clerk is directed to transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists and to be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 16, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

**Action on this resolution:**

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on September 16, 2019.

Becky Koosman, City Clerk
ITEM 10A – Bosch Accessory Apartment CUP

Please make the following change to Page 2 of the Resolution:

3.02 The proposal meets all but one of the specific conditional use permit standards outlined in City Code 300.16 Subd.3(d).

ITEM 10C – Dykhoff Accessory Apartment CUP

Staff received a comment against the conditional use permit request for an accessory apartment after the completion of the staff report. This comment can be found attached.

ITEM 11A - Temporary on-sale liquor license for The Rotary Club of Minnetonka Foundation, 14350 County Road 62

The council held a public hearing and approved a one-day temporary liquor license at the Aug. 5, 2019 meeting, for The Rotary Club of Minnetonka Foundation for an event on Sept. 12, 2019. The outdoor event had to be canceled due to the weather. The Rotary Club of Minnetonka has requested that the event is rescheduled to Sept. 19, 2019.

Reaffirm the approval and amend the date for the temporary license to Sept. 19, 2019.

ITEM 12B – Hennepin County Medical Examiner’s Office items

Since the preparation of the city council packet, the planning commission packet was also finalized to include ordinance details and approval conditions. That ordinance is attached.

ITEM 14B – Solbekken

The following comment was received after the packet was distributed:

Bob and Susan,

This is a poorly designed project too big for the site. No revisions should be allowed. No place to dump snow. They should be fined $15,000 for bad design.

John Hesch
5512 Sanibel Drive, Minnetonka, MN  55343
Mr Bergstedt,

We are neighbors of 5304 Westmill Road. We reside at 5300 Westmill Road and share a driveway with the owner of 5304 Westmill Rd who is applying for a conditional use permit for an accessory apartment. I talked to Drew Ingvalson before the Planning Commission meeting. Our concerns are well documented. We have lived here for over 30 years. During this time we have had numerous issues with renters. Its been necessary to contact the police and the city due to issues with renters. This contact was prior to the current owner although we did have to put up a 200 foot privacy fence to block the renter's trash from blowing into our yard and to block the unsightly view of garbage and debris strewn on his patio. We have voiced concern about the 4 cars parked daily outside the garage. That does not include the old pickup parked on the lawn next to the garage and now a boat parked on another side of the garage. We were told this is all legal.

My wife attended the Planning Commission meeting as I was unable to be there due to a MRI going much longer than planned. Our current greatest concern is this permit being attached to the property permanently. This is ensuring the single family home will always be marketed as a rental property albeit owner occupied. This property was a single family home and then turned into an accessory apartment for a daughter. Our intent was never to share a driveway with a duplex.

Thank you for your time.

Jim Hayden & Bev Ryther
Ordinance No. 2019-

An ordinance amending existing master development for the Hennepin County Home School property located at 14300 Co. Rd. 62

The City Of Minnetonka Ordains:

Section 1.

1.01 Hennepin County is proposing a new medical examiner’s office on the county home school property.

1.02 The site is located at 14300 Co. Rd. 62 and is legally described in Exhibit A.

1.03 The proposed medical examiner’s office includes a two-story, 56,000-square-feet building and associated parking are located south of the existing CHS complex, on the site of four existing CHS cottages. The project will utilize the existing access road from County Road 62 and the existing north/south access road to enter visitor parking, secured staff parking, and the secured CHS facility. The building would include office, autopsy, and conference spaces. The county anticipates the facility would also serve as a teaching and training facility for students, university faculty, and practitioners. There would not be a crematorium in the building.

1.04 The property is zoned planned unit development.

1.05 Section 300.22 Subd. 9 requires a major amendment to the master development plan.

Section 2.

2.01 Section 300.22 Subd. 4 provides general standards for approval of a planned unit development. A planned unit development may be approved when the following general standards are met:

1. The PUD results in at least one of the public benefits as outlined in section 2 of this ordinance;

2. The PUD is consistent with and advances the community-wide goals of the comprehensive plan; and
3. The PUD is appropriately integrated into existing and proposed surrounding development. This does not mean the PUD reflects the specific standards of the surrounding area such as lot size, density, setbacks, or design. While integration may be achieved through such standards, it may also be achieved through the continuation of existing land use types, architectural transitions, landscape buffering, or other means.

2.02 This ordinance is based on the following findings:

1. The development continues the institutional nature, which serves the public interest.

2. The property has long been guided for institutional use in the comprehensive plan. Continued public use of the property advances community-wide goals.

3. The redevelopment of this area is appropriately integrated into the site through the use of existing roadways and utilities. The location provides a transition of use from Co. Rd. 62 through the site to other uses. Redevelopment at this location also prevents the disturbance of other undeveloped areas of the site.

Section 3.

3.01 This ordinance hereby amends a master development plan for the Hennepin County Home School.

3.02 Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Site plan, dated Aug. 15, 2019
   - Grading plan, dated Aug. 15, 2019
   - Sediment and Erosion Control Plan, dated Aug. 15, 2019
   - Utility plan, dated Aug. 15, 2019
   - Exterior Elevations, dated July 26, 2019

2. Construction must further comply with all conditions outlined in City Council Resolution No. 2019-xx.

Section 4. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on Oct. 7, 2019.
Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

**Action on this ordinance:**

Date of introduction: Sept. 16, 2019
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on Oct. 7, 2019.

Becky Koosman, City Clerk
EXHIBIT A

PARCEL A:
Lot one (1) Block three (3) Beautiful Avondale, according to the plat thereof on file and of record in the office of the Register of Deeds within and for the County of Hennepin in the State of Minnesota.

PARCEL B:
Lots two (2) and three (3) in Block three (3) Beautiful Avondale according to the plat thereof on file and of record in the office of the Register of Deeds within and for the County of Hennepin in the State of Minnesota.

PARCEL C:
Lots Four (4), Five (5), Six (6), Seven (7), Eight (8), and Nine (9), Block Three (3), "Beautiful Avondale", Hennepin County, Minnesota, according to the duly recorded plat thereof on file and of record in the office of the Register of Deeds in and for said County.

PARCEL D:
Commencing on the East line of SW 1/4 of NW 1/4 at a point 76.8 ft. South from the S.E. corner of Glen Lake Heights, thence South to the SE corner of SW 1/4 of NW 1/4, thence West 330 ft., thence North 200 ft., thence West 581 ft., thence Easterly to the point of beginning, Section 34, Township 117, Range 22, Village of Minnetonka.

PARCEL E:
A tract of Land in the South West Quarter - SW 1/4 - of the North West Quarter NW 1/4 of Section Thirty-four (34) - Township One hundred Seventeen (117) N. Range Twenty-two (22) - W - described as follows beginning at a point 409 feet East of the West Quarter post of said section 34. Thence East 581 feet more or less to the East line of the W 3/4 - Three Quarters of the South West Quarter of the North West Quarter - SW 1/4 of NW 1/4 - Thence north along the last described line the distance of 200 feet. thence West parallel with the South line 81 feet Thence South 200 feet to point of beginning containing 2 2/10 Two and 1/10 Acres more or less.

PARCEL F:
All that part of the East one-half (E. 1/2) of the Southwest quarter, (S.W. 1/4) of Section Thirty-four (34), Township One Hundred Seventeen (117), North of Range Twenty-two (22) West, of the 5th Principal Meridian, lying North of the Northerly right of way line of the old Chicago, Milwaukee and St. Paul Railroad and the new Chicago, Milwaukee and St. Paul Railroad, as located and established through the said East Half (E. 1/2) of the Southwest Quarter (SW 1/4) of Section Thirty-four (34), Township One Hundred Seventeen (117), North of Range Twenty-two (22) West of the 5th Principal Meridian, containing 60.66 acres more or less according to the Government survey, thereof.
PARCEL G:
The West Half of the South West Quarter - W. ½ of the S.W. 1/4 of Section 34 - Thirty-four - Township 117 - One hundred Seventeen Range 22 - Twenty-two. Also a right of way one Rod wide across and along the North line of the N.E. 1/4 of the S. E. 1 /4 - North East Quarter of the South East Quarter of Section 33 Thirty-three Township 117 One hundred Seventeen Range 22 - Twenty-two Hennepin County Minnesota, to the Eden Prairie Road. Containing 80 acres more or less according to the United States Government Survey thereof.

PARCEL H:
A tract of land in Section 33 Township 117 Range 22 W. described as follows:
Beginning at the East line of said Section One Rod South of the East Quarter post. Thence West parallel with the East and West center line of said Section 33 a distance of approximately 631 feet to the center line of Eden Prairie Road. Thence Southwesterly along the Center of said Road making an angle to the left of 69 Degrees 38 minutes from the last described line a distance of 194 3/10 feet. Thence continuing Southwesterly along the center line of said Road making an angle of 3 degrees and 7 minutes to the right from the last described line a distance of 433 2/10 feet. Thence East parallel with the said East and West center line of said Section 33 a distance of 871 1/10 feet more or less to the East line of said Section 33. Thence North along the East line of said Section 33 a distance of 579 55/100 feet to the point of beginning. Also all that part of the North One Rod in width of the North East Quarter of the South East Quarter of said Section 33, Township 117 - Range 22 - W. lying East of the said Eden Prairie Road above mentioned and described containing Ten Acres more or less according to the United States Government Survey thereof.

PARCEL I:
That part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-three (33), Township One Hundred Seventeen (117) North, Range Twenty-two (22) West of the Fifth Principal Meridian, described as follows, to wit: Commencing on the East line of said Section Thirty-three (33) 596.5 feet South of the Northeast corner of the Northeast Quarter (NE 1 /4) of the Southeast Quarter (SE 1 /4), which point is the Southeast corner of a ten acre tract of land deeded to the County of Hennepin by that certain deed recorded in Book 647 of Deeds on page 435; thence South on the East line of said Section Thirty-three (33) distance of 218.4 feet; thence West parallel with the South line of said a deeded to Hennepin County hereinbefore referred to a distance of 1083.76 land feet to the center line of the Eden Prairie Road; thence Northeasterly along the center line of said Eden Prairie Road 265.46 feet to the Southeast corner of said tract to deeded to Hennepin County; thence East 915.4 feet more or less to the place of beginning containing five acres more or less.

PARCEL J:
That part of the northeast quarter - 1 /4 of the Southeast quarter - 1 /4 - of Section 33, Township 117, North Range 22, West of the fifth principal meridian described as follows: Beginning at a point on the East line of said section 33, eight hundred fourteen and forty-five one-hundredths feet - 814.45 - South of the East quarter - 1 /4 - post of said section; thence West Ten Hundred eighty-three
and severity-six one-hundredths feet - 1083.76 - to the center line of Eden Prairie road; thence Southwesterly along center line of said road a distance of four hundred and eighteen one-hundredths feet - 445.18 -, to its intersection with the West forty-five line of the Northeast quarter - 1/4 - of the Southeast quarter - 1/4 - of said section, thence South on the West line of the Northeast quarter - 1/4 - of the Southeast quarter - 1/4 - a distance of seventy-four and seventy-five one hundredths feet - 74.75 more or less to the Southwest corner thereof; thence East thirteen hundred eight and five tenths feet - 1308.5 - to the Southeast corner of said Northeast quarter - 1/4 - of the Southeast quarter - 1/4 - of said Section; thence North four hundred thirty three and fifty-four one-hundreds feet – 433.54 – to beginning.

PARCEL K:

The East five-eighths (5/8) of the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) of Section thirty-three (33), Township one hundred and Southeast seventeen (117), Range twenty-two (22), subject to an easement for the purpose of a public roadway now laid out and established along the South line of said tract; said tract containing twenty-five (25) acres of land be the same more or less according to tract the government survey thereof. Also conveying herein and hereby an easement for the free use for roadway purposes of a certain cart-way now laid out and established along the roadway North line of the West three-eighths of said Southeast quarter (SE 1/4) of Southeast quarter (SE 1/4) of the said Section, which cart-way is reserved and defined in a certain deed bearing date August 5, 1912, conveying said last above described land executed by Louise B. Sheehan and husband to Nels Weberg, and recorded in the office of the Register of Deeds for said Hennepin County August 7, 1912, in Book 738 of Deeds on page 140.

PARCEL L:

The Westerly three-eights (3/8) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-three (33), Township One Hundred Seventeen (117), Range Twenty-two (22): Excepting and reserving there from a roadway which at present exists entering said tract on the west line about Twenty (20) rods, more or less, north of the Southwest corner of said tract and running thence in a southeasterly direction across said tract; and Also excepting from said tract and reserving a cartway running along the north line of said tract; Said tract containing fifteen (15) acres, more or less, according to the Government Survey thereof.

PARCEL M:

All that part of the South West Quarter (SW 1/4) of the South East Quarter (SE 1/4) of Section Thirty-three (33) Township One Hundred Seventeen (117) Range Twenty Two (22) lying Southeasterly (SE) of the Eden Prairie Road and Northerly of the Public Road running Southeasterly from said Eden Prairie Road, toward and along the South line of said Section, being one and seven eights (1 7/8) of
an acre more or less.

PARCEL S:

Lots 13 to 20 inclusive, Block 2, Beautiful Avondale, Hennepin County, Minnesota, VILLAGE OF MINNETONKA.

PARCEL T:

Outlet A, Glen-Moor, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said County.