Agenda

Minnetonka City Council

Regular Meeting, Monday, October 12, 2015

6:30 P.M.
Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Wagner-Ellingson-Allendorf-Acomb-Wiersum-Bergstedt-Schneider
4. Approval of Agenda
5. Approval of Minutes: September 14 and 28, 2015 council meetings
6. Special Matters:
   A. Proclamation declaring October 20, 2015 as Inclusive Playground Day
   B. Metropolitan Airport Commission Presentation
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases: None
10. Consent Agenda - Items Requiring a Majority Vote:
    A. Resolution adopting the 2016 meeting schedule for the Minnetonka City Council
11. Consent Agenda - Items Requiring Five Votes: None
12. Introduction of Ordinances:
    A. Ordinance regarding appeals from fire marshal decisions
    Recommendation: Introduce the ordinance (4 votes)
13. Public Hearings:
   A. Resolution vacating drainage and utility easements at 307 and 303 Bellwether Path
      Recommendation: Hold the public hearing and adopt the resolution approving the vacation (5 votes)
   B. Temporary on-sale liquor license for Episcopal Parish of St. David, 13000 St. David Road
      Recommendation: Hold the public hearing and grant the license (5 votes)

14. Other Business:
   A. Resolution approving a conditional use permit for an educational institution at 5605 Green Circle Drive
      Recommendation: Recommend city council adopt the resolution approving the permit (4 votes)
   B. Resolution amending the conditional use permit for Redstone American Grill at 12401 Wayzata Boulevard
      Recommendation: Adopt the resolution approving the amendment (4 votes)
   C. Resolution for the 2016 street rehabilitation project for the Libb's Lake Area
      Recommendation: Adopt the resolution (4 votes)
   D. Resolution amending the Glen Lake contract allowing for a time extension
      Recommendation: Adopt the resolution approving the time extension (4 votes)

15. Appointments and Reappointment:
   A. Appointment to planning commission
      Recommendation: Approve the recommended appointment (5 votes)

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

Schneider called the meeting to order at 6:30 p.m.

2. **Pledge of Allegiance**

All joined in the Pledge of Allegiance.

3. **Roll Call**

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

4. **Approval of Agenda**

Wiersum moved, Acomb seconded a motion to accept the agenda with addenda to items 13D and 14B. All voted “yes.” **Motion carried.**

5. **Approval of Minutes: August 31, 2015 meeting**

Bergstedt moved, Allendorf seconded a motion to approve the August 31, 2015 minutes. All voted “yes.” **Motion carried.**

6. **Special Matters:** None

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

City Manager Geralyn Barone reported on the schedule for upcoming council meetings.

Schneider noted he and Allendorf attended the Legacy Oaks ribbon cutting ceremony.

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

9. **Bids and Purchases:** None

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

A. Resolution approving the preliminary and final plat of MEETING RIDGE, a two-lot subdivision at 2360 Meeting Street
Allendorf moved, Acomb seconded a motion to adopt resolution 2015-076 approving the preliminary and final plat of MEETING RIDGE, a two-lot subdivision at 2360 Meeting Street. All voted “yes.” Motion carried.

B. Resolution approving the final plat of BUCKMAN ADDITION at 15700 Highwood Drive

Allendorf moved, Acomb seconded a motion to adopt resolution 2015-077 approving the final plat of BUCKMAN ADDITION at 15700 Highwood Drive. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances:

A. Items concerning Williston Woods West, at 5431 and 5439 Williston Road:
   1) Ordinance rezoning properties from R-1 to PUD;
   2) Master development plan;
   3) Site and building plan review;
   4) Preliminary plat

Acting City Planner Susan Thomas gave the staff report.

Jon Fletcher, Lake West Development, 14730 Highway 7, said the request was for a planned unit development (PUD) to create six detached homes served by a private drive off Williston Road. The site was an important transitional link to the neighborhood, community shopping center, grocery store and restaurant. The proposal was for a higher density use that still was appropriate with a single family feel. A number of concepts were considered for the site. He said the project met five of the public benefits listed in the PUD ordinance. In particular there was a greater preservation of natural resources, specifically tree preservation. The site lays out well from a topographical standpoint. The proposal would bring a mix of housing types desirable to the city. The PUD requirement for a mix of land use types was also being met and the development was compatible with existing and surrounding development types. Several other benefits recognized in the comprehensive plan were also being met including adding stability in existing areas; increasing vitality; adding connectivity to improve mobility; and the incorporation of sidewalk and trail improvements. He noted parking was brought up as a concern for the site. The current design allows for 33 parking spaces or 5.5 stalls per house.

Allendorf asked how the topographical differences on the site were being handled. Fletcher said there would be grading improvements done to the
site. Improved home pads would be developed to support the homes. Schneider said his major concern had been the topography and he took a detailed look at the grading plan. He was impressed by the plan.

Bergstedt said the plan for detached villa homes was very appropriate as a transition between the commercial and single family homes. He had concerns with the proposed density. Until the final plan was submitted the impacts would not be known. He said a PUD simply for tree preservation seemed to be a bit of a stretch. He thought the best way to preserve trees was to have lower density. The berm on the east side was protecting the view of the parking lot and the post office. If there was not adequate parking once the development was built, there weren’t many good options to resolve issues. He said he would take a close look at the proposed parking when the final plans are submitted. The access points on to Williston Road were also very important.

Wiersum said Bergstedt had identified the key issues for the planning commission to look at. The primary issues were density and parking. If the public good for a PUD was tree preservation he thought a critical look at a less dense plan was something the planning commission should look at.

Acomb asked the planning commission to evaluate if a PUD was the appropriate zoning.

Wagner noted the site was challenging and the council had looked at a number of proposals. He said the reality was this proposal was one of the better ones he had seen. He asked staff and the planning commission to look at the proposed public benefit.

Acomb asked if an area could be zoned R1-A with a private street. Thomas said the ordinance requires a public street.

Schneider said many people are looking for a detached townhome. The question was if the overall look, feel, and impact work right. If it did he didn’t think the council should get too hung up on if the zoning was R1-A, PUD or R-2. Solving the problem of the transitional use was a pretty good public benefit. The bottom line was determining if the proposal fit the site and if the density was reasonable.

Wiersum agreed but said the issue was making sure there was adequate parking. Density and parking went hand in hand.

Allendorf asked the planning commission and staff to look at an objective engineering criteria for the number of parking spaces per unit.
Wagner moved, Wiersum seconded a motion to introduce the ordinance and refer it to the planning commission. All voted “yes.” Motion carried.

13. Public Hearings:

A. Resolution approving a vacation of right-of-way easements and final plat for SAVILLE WEST, a 12-lot subdivision at 5290 and 5300 Spring Lane, 5325 County Road 101, 53101 and 5311 Tracy Lynn Terrace, and an unassigned address

Thomas gave the staff report.

Schneider opened the public hearing at 7:00 p.m. No one spoke. He closed the public hearing at 7:00 p.m.

Bergstedt moved, Allendorf seconded a motion to adopt resolution 2015-078 approving the vacations of right-of-way and easements and resolution 2015-079 approving the final plat of SAVILLE WEST. All voted “yes.” Motion carried.

B. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Cheers Pablo Twenty Three Holdings LLC (Cheers Pablo), 13207 Ridgedale Drive

Barone gave the staff report.

Rich Bedard from Cheers Pablo said this would be the sixth store, four in the metro area. The business hosts a lot of bachelorette and corporate parties. There was good music and food. There are a lot of kids’ parties during the day.

Schneider closed the public hearing at 7:02 p.m.

Wiersum moved, Wagner seconded a motion to grant the license. All voted “yes.” Motion carried.

C. On-sale liquor licenses for Three Amigos Minnetonka, LLC (Salsa A La Salsa)

Barone gave the staff report.

Wiersum asked the when the restaurant would open.

Keyven Talebi, one of the owners, said the plan was to open the early part of December.
Schneider closed the public hearing at 7:04 p.m.

Wagner moved, Acomb seconded a motion to grant the license. All voted “yes.” Motion carried.

D. Southwest Light Rail Transit (Green Line Extension) Revised Preliminary Design Plans

Community Development Director Julie Wischnack gave the staff report.

Jim Alexander from the Southwest Project Office gave a presentation about the changes.

Schneider noted the plans did not show the locally requested alternative of extending 17th Street. He asked if the alternative was still in the mix but was not shown because it was outside the scope of the municipal consent. Alexander indicated that was correct.

Wagner said some of the cost cutting related to the landscaping around the stations. There were ideas presented to the project office at the community works meeting about not sacrificing too much and looking for potential partnerships with the University of Minnesota and the Arboretum to leverage opportunities for landscaping. Alexander said there was potential for those opportunities. The project office would continue to work with the cities. The other aspect is public art. The office is working with the county to identify potential outside funding for public art.

Schneider asked what the ongoing process was for the detailed engineering for the noise and vibration mitigation that might be required by the environmental impact statement for the Claremont Apartments area. Alexander said in the environmental process what follows the environmental impact statement is the final environmental impact statement. The final environmental impact statement would identify the impacts and potential mitigation features. He said when 90 percent of the plans were out, likely by next January, there would be a pretty good idea for what mitigation would be needed for the area. Schneider asked what the process was to keep city staff and residents informed. Alexander said the project office would continue to work with city staff as things are understood better. Discussions with property owners would also continue as impacts and mitigations are identified.

Allendorf said when he hears there were funding cuts for landscaping and arts, what that meant was the Met Council was cutting funding in those areas. If the landscaping and art were really wanted for the two stations he
was concerned the costs would become the responsibility of city residents. Wischnack said staff had been considering that the landscaping and art might become a city cost. She said there would be details about the Shady Oak station looked at during the upcoming joint meeting with Hopkins. For the Opus station there would be more of a struggle because of the size of the open area by the station. The underpass issue was also being worked on.

Wagner noted before the community works discussion it was clear the issue had never really come up before. If the city or concerned residents wanted landscaping around the station the question was who would be responsible for maintaining it since it would be in the Met Council right of way. The Met Council was working on this. Schneider said the decision was made to cut the nice things and do just the needed things in order for the line to go to the Southwest station. The connectivity with the bus system was a critical priority. He thought the most likely scenario for landscaping for the Shady Oak station was it would be part of the redevelopment of the area. It would be in the best interest of the developers to make sure the station was inviting, attractive and well maintained. Allendorf said his concern was by cutting the Met Council’s price, the costs would be the responsibility of Minnetonka residents.

Schneider opened the public hearing at 7:34 p.m.

Lori Harman, a new resident of the Claremont Apartments, said she was enjoying her view of the trees in the area where the train was supposed to go. She was sad about losing the trees and wildlife in the area. She said she drove a school bus for 27 years and anytime she was near the Hiawatha light rail line the radio would become full of static and noise. She questioned if this would happen to the radios and TVs in the homes in the area.

Bob Carney Jr., 4232 Colfax Ave S, Minneapolis, said he was a registered lobbyist who lobbied for We the People. He was active at legislative hearings where he promoted the idea of taking back the $30 million appropriation for the Southwest Light Rail capital costs. The appropriation was canceled and repurposed for operating costs for the Met Council and Metro Transit. He said the legislature had appropriated $15 million and the budget called for 10 percent or $165 million funding coming from the state. House Speaker Kurt Daudt told him there was no more funding coming next year. Carney said he doubted the votes exist to approve the funding. He said the difference between Wily Coyote and the Met Council was that Wily Coyote knew when he went over the cliff and the Met Council and a lot of the supporters of the Southwest Light Rail were still in denial. He attended the May 6 Met Council committee of the whole meeting. He said
the Met Council was really concerned about getting kicked out of the federal New Starts program if the route was changed in any way. The real issue was scoping. The heart of the Lakes and Parks Alliance lawsuit was the project was being steamrolled through and reasonable alternatives were being eliminated. Carney said he had a modified version that would go to Uptown and would go down I35W. A transit hub would be built linking up the Nicollet Avenue and Lake Street buses with the light rail. The line would go to the Minneapolis Convention Center. He questioned what service would benefit Minnetonka residents more, going through the wilderness or having access to all the venues. He said there was incredible danger with the co-location and the plan that involves mile long chemical trains going over a half a mile tunnel with light rail trains.

Stuart Nolan, from StuartCo, said the potential station at Smetana Road was incredibly important for the 6,000 residents of that area. He said new information had recently come to his attention. Two years ago the cost of the route from the Shady Oak station to the Smetana area was estimated at $74 million because of all the difficult conditions of the area. The engineers he hired found that a route going down 11th Street would save $50 million using current costs. He said this was too much money to be neglected. He asked for reconsideration of the route. There would be less environmental impact, would save time on the route because it would be almost a mile shorter than the 17th Street route, and with the Smetana station would better serve the 6,000 residents.

Rob Stefonowicz, from Larkin Hoffman, said he was representing the SFI Partnership 54, the owner of the Claremont Apartments. His client had been before the council with a proposed alternative route that would avoid the wooded Opus hill area and substantially reduce the impacts to the apartments. They continue to advocate for that alignment. There is a pending lawsuit involving the failure to include the Opus hill area in the Section 4(f) analysis. It was not included in either the draft EIS or supplemental draft EIS. There were a couple of other issues primarily related to noise and vibration. The details were provided to the council through correspondence. He requested the city council withhold its municipal consent until all the information and the environmental analysis was available.

Joseph Weier, 4703 Karen Circle, said he supported the SWLRT. He said the area of Shady Oak Road and Excelsior Boulevard needed something to drive development. There needed to be more businesses and housing to draw people to the area. He hoped the light rail would spur growth.

Schneider closed the public hearing at 7:57 p.m.
Schneider asked Alexander to respond to the question about the trains interfering with TV and radios in the area. Alexander said there was an electromagnetic interference issue with the Central Corridor line particularly around the University of Minnesota’s East Bank campus where there is very sensitive nuclear magnetic resonating equipment. The machines divide things by the molecule and are very touchy. As the train passes by it emits electromagnetic forces that affect the workings of the machine. The Met Council took a look at the Minnesota Public Radio concerns about noise and vibration and found no evidence of EMF disturbance.

Wagner asked Alexander to address issues raised in correspondence from Lisa Moe from StuartCo. Alexander said he met with Nolan’s group earlier in the day. Alexander received the information about a potential alignment going down 11th Street. The alignment had previously been looked at back in 2004. At this juncture it still is a proposed alignment while the process proceeds. To consider the alignment again would take some time. Any time more time is required there are added project costs. Delaying the project for a year could mean an additional $50 million cost. Wagner asked for more information about the Claremont Apartment issue. Alexander said because there is a lawsuit in process, he couldn’t talk much about it. Alternative alignments were looked at a year ago. There are around two acres of wetland going along the east side. This was presented to the city council and the council decided to approve the current alignment.

Wiersum said he realized that at this stage in the process, changing the alignment was problematic. He wanted to be sensitive to the Claremont concerns but having ridden the Hiawatha line that goes very close to apartment and condo buildings, he thought there might be some learning that has been done to address the nature of the Claremont concerns. There clearly would be change but he thought there was now a body of knowledge based on the experience of the Hiawatha line. Schneider added the Central Corridor line also passes by apartment buildings. Alexander said there was a learning curve as the Hiawatha and Central Corridor lines were developed. He was in Portland recently and noted that parts of their light rail system have required sound walls. He said FTA guidelines are followed that include criteria to assess the sound and vibration levels. This defines what type of mitigation is needed.

Wagner moved, Acomb seconded a motion to adopt resolution 2015-080 approving the revised preliminary design plans.

Wagner said the project office and the corridor management committee had done a lot of work on the alignment. It was not an easy task with no
easy choices. As the council had previously discussed, this was a 100 year project. The alternatives that were talked about had previously been looked at and considered. He thought the light rail would make this area of the city a better place.

Schneider said the biggest benefit would be the health and vitality of the entire region. People want to live in the city and part of this was having a decent transit system. He said Carney’s ideas were unique but they were not out of line. Every project this complex, with the amount of federal dollars and amount of issues, had multiple points that could stop the project entirely. Neither of the other two lines had a smooth process. The question was after weighing all the issues, was the region supportive enough with the long term health and vitality vision, to figure out a way to make the line happen. This would be a test. He was still optimistic.

All voted “yes.” **Motion carried.**

E. **Items concerning Marshes of Meadowwoods:**

1) Preliminary and final plat for Marshes of Meadowwoods 2\textsuperscript{nd} Addition
2) Vacation of Easements
3) Amendment of stewardship fund contribution

Thomas gave the staff report.

Schneider opened the public hearing at 8:04 p.m. No one spoke.

Schneider closed the public hearing at 8:04 p.m.

Wagner moved, Wiersum seconded a motion to

1) **Adopt resolution 2015-081 approving the preliminary and final plat of Marshes of Meadowwoods 2\textsuperscript{nd} Addition, as recommended by the planning commission.**
2) **Adopt resolution 2015-086 vacating existing drainage and utility easements for Marshes of Meadowwoods**
3) **Approve a funding change to the stewardship fund for the Meadowwoods development in a form acceptable to the city attorney. This would reduce the annual contributions to the stewardship fund from 15 lots to 14 lots.**

All voted “yes.” **Motion carried.**
14. Other Business:

A. Items concerning a licensed daycare facility at 14730 Excelsior Boulevard:
   1) A conditional use permit; and
   2) Final site and building plans

Thomas gave the staff report.

Jon Fletcher from Lake West Development said they were currently in discussions with Prestige Child Care Centers, an upscale child care provider based in California. The proposed plan was for a complete redevelopment of the building. There were some constraints to what could be done with the exterior of the building based on the economics. The licensing would allow for up to 240 students. There would be 40 parking stalls. The child care provider was estimating in the range of 180 to 200 students. There would be up to 16 to 18 employees spread out throughout the day. He said this proposal would work well with the proposal for the site to the north discussed earlier in the meeting.

Allendorf asked for more information about the outdoor play area. Fletcher said there would be a tetherball area along with two playgrounds, one for tots and the other for older kids. On the south side of the building there would be an infinity loop for kids to ride their tricycles. The idea was to allow one of the twelve classrooms out at any one time. Allendorf asked what type of fencing there would be. Fletcher said the fence would be a see through metal fence with some screening to meet city requirements. Allendorf said he had heard concerns from residents about having the play area next to Williston Road. He asked how tall the fence would be. Fletcher said it would be five feet high. Schneider noted there was a similar playground next to the industrial park on Baker Road.

Bergstedt said the council had seen a number of proposals for the site. Residents have had many ideas with what to do for site but the council only could deal with what comes before them. He said the proposal was an improved use that addresses a number of things. The whole area was fairly complicated as far as traffic patterns and parking. He was glad to see the stipulation that if parking issues arise, the city would have the ability to limit the number of students. He asked if there were any staff safety concerns with cars turning off Excelsior Boulevard on to Williston Road with the new access location further to the south. Thomas said there were not concerns but staff still had questions. As a condition for approval there was a requirement that a drawing be submitted showing the larger area along with some turning templates to help understand how much area was needed to make the turn safely into and out of the site.
Wiersum said the building was a big building and he agreed the proposed use was appropriate although it might not be the use the council would choose if it was picking uses. He said the design held true to the hardware store roots and it would be more desirable to make the building look more like a school. He thought there could be greater creativity with the design.

Schneider said when he first heard about the proposal he questioned if the site was appropriate for a daycare center. The more he thought about it he realized the city needed something to attract younger families with younger kids. The use was adequate although it may not be the ideal solution. He agreed that the applicant could be more creative with the design. Another thing to consider was although there would be a new roof and a new facelift for the building, the investment was not so major that 10 to 20 years from now the area could not still be redeveloped as the city would like to see done. It may postpone redevelopment but it was not a deal breaker for a major future redevelopment of the area. He said having young families with kids coming in may help the grocery store.

Allendorf said of all the recent developments in the Glen Lake area, this proposal generated the most phone calls to him and they all were positive.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2015-082 approving the conditional use permit and plans.

Bergstedt said all the businesses in the area, in addition to the grocery store, may benefit with young families coming in. The Glen Lake area needed a shot in the arm and the proposal would go a long ways to provide that. The council had heard comments about all the senior housing in the area. He thought the senior housing was appropriate and good but it also felt good to have something for the opposite demographic.

Barone asked Wischnack if she thought the language in the resolution was adequate to address the council’s comments on the building exterior. Wischnack said she thought it was as long as the council was comfortable having staff making the decision. Schneider said the council’s comments were to encourage the developer to look at a slightly revised concept to make the building look more charming. Staff would work with the developer to find a better look. Wischnack suggested strengthening the language in the resolution to provide more power for staff to help find a better look for the building. Schneider said he wanted to give staff some discretion to encourage the developer to find a better building look.

Fletcher said he agreed with staff on the condition to work on the color palette. He noted within the ordinance architectural detail design was not a
condition of use. He wanted to be careful not to put an unenforceable or unnecessary condition on the project. He cited the parking as an example. Either the parking was sufficient under the existing code or it was not. Schneider said he was encouraging a cooperative arrangement where Fletcher would work with staff to look at design alternatives to make the building look more charming and residential but not have staff dictate the final design. Fletcher said that was something he could commit to.

Bergstedt asked if approved, when the child care center might open. Fletcher said ideally child care centers like to line up with school years so the center would open mid to late summer in 2016 or possibly in December 2016 depending on the construction and redevelopment timeline.

Wiersum asked if the roof shape design was part of Prestige’s look and was the way it looked at other locations. Fletcher said it was. Wiersum questioned why Prestige wanted to look like a home improvement store rather than more like a school but said if it was the corporate approach it was what it was. Fletcher said typically Prestige does ground up developments where there is a scraped site with a pitched roof. The economics for this site don’t allow for a demolition. Schneider said to get something a little more attractive within a reasonable budget would benefit Prestige as well. Fletcher said there was every desire to make it something the market wanted from an economic standpoint.

Allendorf encouraged Fletcher to talk to whoever was currently managing the site to see if the current site could be improved immediately. He didn’t want to wait until next year before something was done to the existing property to make it look palatable to the neighbors. Fletcher said he would pass that on to the owner.

Schneider said as he was looking at the grade issue of item 12A he noticed a small split between the two lots that likely was owned by the dance studio. He asked staff to make sure that was looked at. Fletcher said there was a lot gap between parcel A and B on the Williston Woods application. There was a legal process to close the gap.

All voted “yes.” Motion carried.

B. Preliminary plat of RIDGEMOUNT GROVE, with lot width at setback variances, at 12601 Ridgemount Avenue

Thomas gave the staff report.
Samantha Grose, JP & Co., said the proposal was for two modest sized homes, with each lot being over a half acre maintaining the large lot character of the neighborhood. The proposed homes were consistent with the city’s 2030 Comprehensive Plan and the 2030 Land Use Plan. Four out of the five requirements for a subdivision would be met. A width at setback variance was being requested. If a large home were built on the site it would continue the trend of redevelopment that devalues the neighboring homes. At the July meeting the council asked the applicant to look at four adjustments to the plan: to max FAR at 3,200 square feet; committing to a building pad; eliminating the turnaround shared driveway; and juxtaposing the front setbacks. The revised plan includes all these adjustments. She said the recommendations from the last meeting improved the project. Staff requested nine adjustments to the proposal. All the requirements have been added.

Ashish Aggarwal, 16135 55th Avenue North, Plymouth, noted the city received an email from a resident about a house on a property about a mile from this site. The house going on the acre lot is around 6,000 square feet. He pointed out this was an example of what is happening on big lots in the city.

Wagner said at the last meeting he asked staff about the idea of instead of basing the approval on the FAR, conditioning the actual splitting of the lot to building plans meeting the city’s specifications. He asked if staff discussed the idea. Thomas said because a variance was being requested, the condition could be added as part of the council’s approval. Wagner said there was discussion at the last meeting about projects where the council approved the idea of smaller homes and then the applicant coming back indicating they could not sell the building plan so a bigger house was needed.

Thomas indicated that the 3,200 square feet includes everything above ground. It was presumed there would be a full basement.

Schneider asked hypothetically if it would work if the council approved the split conditioned on an approved submission of a formal plan, and then staff determined if the intent was met. Thomas said the condition would be associated not with the plat, but with the building permit. The plat could be filed and staff would review the building permit. Wischnack said in the past the split and subdivision were still allowed to happen. Wagner said he did not want that done in this situation. Schneider said the struggle was trying to do the right thing for the right reason, getting a modest sized home that would actually improve the lot maintaining more of the character of the neighborhood, while trying to tie down the specifics so the council got what it was expecting. If the council was going to provide more flexibility
with how it granted variances after determining there was a public benefit, trying a different approach where the plat could be approved but not released until the floor plans were submitted. City Attorney Corrine Heine said the issue that could come up was one lot being sold to a buyer who wants to build so that there were only building plans for one lot. Schneider clarified that there would be a building plan for each lot that would be sold with each lot.

Allendorf said it was his understanding that the developer was going to pre-build both homes and not wait for buyers. This would mean the developer would submit building plans for both homes at the same time. Aggarwal indicated that was correct. The construction of the homes would be staggered. He said he was comfortable with the council putting a permit restriction that set a limit on the square footage. This would provide some flexibility of the buyer wanted to have three bedrooms or bathrooms on the top floor versus four.

Schneider said the council was not looking to prescribe the number of bedrooms or bathrooms, but it was important that the final plat could not be released until a final plan was approved. Aggarwal said both plans could be submitted at the same time committing to the square footage. Grose said both homes would be custom built. She asked what would happen if the first lot was sold and somebody wanted to purchase the second lot but wanted a different look and feel to the house. Schneider said the council was not determining exterior design or the number of bedrooms, but instead was specifying the basic concept. If the second buyer wanted to make changes from the first home, the staff would review to determine if the second home was consistent with the concept.

Wischnack said she wanted to be clear about the process. The city would get a final plat drawing and would not release it until both building drawings were submitted. The plat would then be released. If the building permits did not match what was originally submitted, meaning the proposed home was larger or was a walk out instead of a full basement, it would be grounds for denying the permit.

Wagner said the intent was once there was the building permit that the applicant wanted to request, then the final plat would be issued. Wischnack said the issue would be there would have to be two permits at one time before the final plat could be issued. Schneider said the permit could not be issued until there was a formal legal lot. Instead, once the applicant requested the final plat, there would be two plans that would be recorded. The homes could be built at any time. How it would impact the look of the neighborhood was something to be considered.
Wiersum said what was being discussed felt a bit Pandora’s box-ish. He said the side yard setback variance was not insignificant. It was 20.45 percent below standard. He preferred two small houses as opposed to one big house but didn’t want to be held hostage to that notion. A house could be built on the conforming lot that would not be out of character with the neighborhood. If he felt 100 percent confident that the council was getting what it was seeking he would be convinced to vote for approval. He said the staff may have to work legally to nail down what was being sought. He was inclined to support the staff recommendation for denial unless he was convinced that the smaller homes being sought would actually get built.

Schneider clarified that the side yard setback being required was the full 30 foot setback. This meant the home had to be 20 feet narrower. He viewed this as a test case to see if this type of technique and legal approach to tie down the end result, worked.

Wagner noted the neighborhood was in absolute transition. There were homes built in the 1940’s and lots behind lots. He said two homes on the property would look just as normal as it does today because the area was so wooded. He thought the neighborhood could use some vibrancy.

Schneider said sometimes one had to be careful about what it wished for because if it decided not to try to be creative and a McMansion was built it might be more impactful than expected. Wiersum agreed but he said he wanted to feel certain the council got what it was asking for.

Acomb said she shared Wiersum’s concern but with the location of the property near two schools, it was the perfect place for two young families to live. She liked the idea of two smaller homes but wanted the assurance that was what would be built. She was willing to take the chance given some of the restrictions that were discussed.

Schneider said another option would be to continue the item to allow staff to work out the details. Heine said she already had drafted some proposed language that she shared with the rest of the staff.

Allendorf said he didn’t think the council was taking a chance because he was confident staff could work things out.

Ellingson said he agreed with Schneider’s comments about the side lot setback requirements that would limit how big the house could get.

Heine provided the language she had drafted.
Aggarwal said he would not be back before the council asking for another variance. He asked if it mattered to the council if the homes had a full basement or a lookout. Schneider said it did matter. The way the 3,200 square foot was calculated was on all exposed levels. Wischnack said that would be included in the resolution.

Allendorf moved, Wiersum seconded a motion to adopt Res. 2015-083 approving the preliminary plat including the condition that:

- Plat won’t be released until the building plans are submitted that meet the specified criteria – Square foot above ground of 3200 or less; FAR of 0.14
- Building permits won’t be approved unless the plans submitted with the building permit application substantially conform to the plans approved prior to release of the final plat

All voted “yes.” Motion carried.

Schneider said if the provision worked there may be other opportunities to do the right thing without making things so complicated.

C. Concept plan review for Villa West

Thomas gave the staff report.

Bob Schmidt, president of RTS Development, said the villa concept was designed for Minnetonka residents looking to downsize or not wanting to do yardwork.

Scott Dahlke, civil engineer of site design, said the biggest challenge was the access. He met with MnDOT staff who provided a recommendation about how to maintain access to the properties. The recommendation was to continue down to the east to the most easterly boundary, come off of Highway 7 and circle back through the site with an exit at the west end. This would provide two exit maneuvers that were in close proximity on to Highway 7. He said all of the properties except the most westerly property were on well and septic. The project would extend sewer and water to all the lots. A survey has been completed and wetland delineation has been done. There is a creek that runs through the center of the site. The development plan would take that into consideration.

Rob Eldrich, of Ridge Creek Custom Homes, said one issue that came up during the neighborhood meeting and the planning commission meeting was the tree canopy and the privacy of the neighboring properties. He said he, Schmidt, and Dahlke went out to the property and were confident that the major woods along the south property line would maintain the privacy.
The goal was to maintain a buffer from between the proposed houses and the existing houses so the woodsy feel remains. He said it was likely that none of the homes would be priced above $750,000. Looking at new construction in the city built during the last two years, there were six homes available under $750,000, five were two stories, one was split level. The median age in the city was 60 years old. He was excited to bring this product to the market.

Schneider asked if the homes would be detached or attached. Eldrich said they would be detached with a rambler style. There were some alternative two story styles for young families looking for new construction.

Schneider asked if there was any effort to cooperatively work with the property to the west of the western exit to have the entrance be combined between the two. The tradeoff would be more setback behind the home. Dahlke said that had been discussed with MnDot and the recommendation was for the exit to be independent.

Allendorf asked for more information about how the circuitous route exiting on the east side would work. Dahlke said traffic coming from the west would go along the entire frontage of the project with a turn lane on Highway 7 coming into the easterly point. Traffic would come back through to the west on the one way private drive that would exit on to Highway 7 continuing to the east. Allendorf asked if there had been any consideration of an internal two way circulation system that would allow entering and exiting on the east to avoid the proximity of the two exits to the west. Dahlke said the limited property boundaries led to the narrower one way configuration. There just wasn’t enough space to have a full two way road. Allendorf said that meant no street parking on the property. Dahlke confirmed that was correct. He said more work would be done to look at how to handle the parking.

Schneider said this was less of a concept review and more a reaffirmation of the density of housing. There wasn’t enough information to evaluate the pros and cons of the concept.

Wiersum agreed. His natural inclination was to wonder what the houses would look like and that information was not yet available. He recommended that the applicant not come back with an application before doing a more detailed concept review.

Schmidt said the plan began with a single parcel and then the neighbors expressed interest in selling. He said there was a lot of demand and interest for this type of housing. The density would be about half of the density of the neighboring townhouses.
Bergstedt said he attended a neighborhood meeting at the beginning of the process. There were a lot of questions about the concept review process. He noted staff had not seen any type of detailed plans. The area had been planned for medium density since the 1970’s so he didn't think anyone should be concerned with a medium density proposal. He said some of the neighbors inquired about the city purchasing the property for park land or open space. This would not happen and he thought the property should be developed but developed sensibly. Along with the existing Carlylsle Place townhouses there were six single family parcels, four were under control. Whatever plan that comes forward involving the four parcels should be looked at more broadly to determine how the final two parcels would be integrated in an orderly way. He thought the detached villa townhomes would be very popular but looking at the plan it seemed to be very dense.

Pam Scherling, 4925 West End Lane, said the townhomes were not double the density of the proposed new development. The proposal was for six per acre and the townhomes were nine per acre. She said the proposal had one street while the townhomes had four. The four streets were curved so the townhomes looked like a neighborhood. Because of the amount of open space between the buildings there were mature trees that were able to thrive. This was also where guests parked. One of the association’s challenges was the guest parking because many of the residents own boats and sometimes the boat takes up the entire garage space. She said the trees would have to be clear cut in order to get to the proposed density. She questioned who would move into the proposed houses given the pricing.

David Devins, 17100 Sandy Lane, said when he exits his driveway and enters Highway 7, traffic does not yield and he was concerned about an exit on the neighboring property with traffic going out at the same time. He said the density was way out of line. He noted there were serious water and drainage issues when Carlylsle Place was built.

D. Concept plan review for redevelopment of the property located at 10101 Bren Road E

Thomas gave the staff report.

Wagner said as the council had discussed the area, the discussion was that it was going to change to a higher density. He thought there was agreement it would be a combination of businesses and residential. It was more logical that the Merchandise Mart area might have more residential, and he had argued for residential on the Datacard site as well but the
council decided otherwise. He said he was fine with the concept but it lacked pizzazz at this point. As the council discussed other recent developments it was clear that one big, long, five story, and unattractive apartment building was not something the council would look favorably upon. Some character was important. He noted that for the second phase with the hotel site, the area starved for more higher end hotels. With the area being a jobs center and only the Marriott in the area, he guaranteed every business would starve for the competition.

Acomb said the plan didn’t have much of a neighborhood feel. She felt residential was appropriate but wanted it to feel at least a little welcoming. Earlier in the day she asked for information about where the parks and trails were within Opus. The map she was sent was helpful because it showed trails going right through this property.

Wagner said he thought about the multiple proposals that were looked for what now is Tonka on the Creek/Overlook. He said you can tell that development will have a good feel and vibe with the rooftop patio and green features. He encouraged the developers to be as creative with this development.

Schneider said a residential use within walking distance of the proposed light rail station made good sense. The challenge was the look was more what one would expect with a traditional sprawled out rental apartment building. If there was any place in the city that would allow a taller building this was the space. He would be a lot more excited with a plan for two six to eight story buildings with a lot of surrounding green space. He said it was a good use but wasn’t very imaginative.

Wiersum said the term “vibe” sounded right. There were two very interesting apartment buildings being built in the city right now – the Overlook and the island property being done by Carlson. He wanted to approve something in Opus that would bring some excitement and drive further development of the sort that would take advantage of the existing amenities as well as light rail. An apartment building that looks like it belongs along I494 was not it. He thought there was an opportunity for mixed use residential with other components. Schneider said the caveat to getting that type of development was it usually required greater density.

Allendorf noted he worked in the Opus area for three years and he was having a difficult time envisioning what type of apartment building this would be in terms of who it might attract. On one side of Opus was the Marriott and on the other side was the budget hotel. He didn’t know what type of hotel might fit on this property. It might be something in between a
budget hotel and an upper scale hotel, similar to a Hampton Inn. He was not adverse to residential but he wasn’t sure how it would fit in the area.

Schneider said a portion of the 6,000-8,000 United Health employees might be a built in audience for the apartments.

Wagner said there were a lot of non-full service types of hotels with a bar and limited food service all in the lobby area, which have a good vibe. This might fit in the area. Allendorf said the Garden Inn in Eden Prairie was that type of hotel and it had a good feel to it. He said perhaps that was the type of hotel that could go on the site.

Wiersum said the challenge was the desire to build a building that is not for what’s there now but what will be there in the future. This required envisioning what the future of the Opus area was and what would be appropriate on this site. There was the potential for millennials who wanted to live in the suburbs and could take the light rail to downtown for a ballgame without having to use a car.

Schneider said although he didn’t think Minnetonka would ever do it, Bloomington had many areas that have a minimum density requirement. He said the council could encourage this for developments in certain areas.

E. Items related to the 2016 preliminary tax levy:
   1) Resolution setting a preliminary tax levy, collectible in 2016, and preliminary 2016 budget
   2) Resolution setting a preliminary tax levy, collectible in 2016, for the Bassett Creek Watershed Management Tax District

Barone gave the presentation.

Wagner moved, Wiersum seconded a motion to:
1) adopt resolution 2015-084 setting a preliminary tax levy, collectible in 2016, and preliminary 2016 budget
2) adopt resolution 2015-085 setting a preliminary tax levy, collectible in 2016, for the Bassett Creek Watershed Management Tax District.

All voted “yes.” Motion carried.

15. Appointments and Reappointments: None

16. Adjournment
Bergstedt moved, Wiersum seconded a motion to adjourn the meeting at 9:53 p.m. All voted "yes." Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk
Minutes
Minnetonka City Council
Monday, September 28, 2015

1. **Call to Order**

   Schneider called the meeting to order at 6:33 p.m.

2. **Pledge of Allegiance**

   All joined in the Pledge of Allegiance.

3. **Roll Call**

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

4. **Approval of Agenda**

   Wiersum moved, Bergstedt seconded a motion to accept the agenda, with addenda to items 12A and 13A. All voted “yes.” Motion carried.

5. **Approval of Minutes: None**

6. **Special Matters:**

   A. **Retirement recognition of Mark Stock**

      Schneider read the recognition.

      Stock thanked the city for the opportunity to serve its residents. He noted it was a difficult time to serve as a police officer so the amount of support the police department receives was greatly appreciated. He requested this level of support for the officers continue.

      Allendorf noted Stock had numerous assignments during his time with the city and asked Stock what assignment was the most satisfying. Stock said he enjoyed his eleven years as an investigator most. The reason was investigators get to see cases pretty much from beginning to end. In particular, during the mortgage fraud era it was extremely gratifying to hold folks responsible for what they had done.

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

   Barone reported on upcoming meetings and events.
8. Citizens Wishing to Discuss Matters not on the Agenda

Kathryn Stada, owner of Rock and Bella Massage and Spa, Highway 7, said she wanted to bring to the council’s attention an issue she was struggling with. She said the city had in the neighborhood of 50 to 100 illegal massage therapists operating without a license. It was frustrating for someone who has her entire life invested in a building and a business and who was following the law. She said she couldn’t compete with the prices because these therapists were operating under the radar with spaces not up to code. There was no background check and there were sexual allegations made against some of them. Because they were uninsured, there would be issues if somebody was injured. She said she would provide her investigation files to the city. The issue was a serious problem for many reasons and she hoped it would be a priority to address.

Schneider said that because the issue was under the radar, he was not previously aware of it. It was assumed there was some illicit activity going on, particularly with licensing, but if the issue was that broad he said Stada should work with staff to follow up.

Stada said currently the city’s regulations create a gray area. If the massage therapist is an employee of a chiropractor’s office, they do not have to be licensed. If the massage therapist was merely renting room from a chiropractor, they are required to be licensed. She suggested that similar to other cities and states, Minnetonka require the massage therapist to include their license number on all literature.

Community Development Director Julie Wischnack said she would be happy to speak with Stada about her concerns. The city does investigations on a regular basis but does depend on help from residents and businesses in regulating massage businesses in the city.

9. Bids and Purchases:

   A. Bids for water treatment plant #11 electrical rehabilitation

   Barone gave the staff report.
   
   Wagner moved, Bergstedt seconded a motion to award the contract to Electrical Installation & Maintenance Co. All voted “yes.” Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:

   A. Resolution appointing election judges and the absentee ballot board for the November Municipal General Election
Allendorf moved, Wiersum seconded a motion to adopt resolution 2015-087 appointing the election judges for the November 5, 2015 Municipal General Election. All voted “yes.” Motion carried.

B. Resolution approving a conditional use permit for a pet boarding and daycare facility at 14901 Minnetonka Industrial Boulevard

Wiersum said he had received emails about the item and asked if there was anyone present at the meeting who wished to speak about the item. No one came forward.

Allendorf moved, Wiersum seconded a motion to adopt resolution 2015-088 approving the conditional use permit for a pet boarding and daycare facility at 14901 Minnetonka Industrial Boulevard. All voted “yes.” Motion carried.

C. Resolution approving a floodplain alteration permit for a Purgatory Creek water management project, generally located east of County Road 101 and north of Creek View Trail

Allendorf moved, Wiersum seconded a motion to adopt resolution 2015-089 approving a floodplain alteration permit for a Purgatory Creek water management project. All voted “yes.” Motion carried.

D. Resolution amending the Water Resources Management Plan

Allendorf moved, Wiersum seconded a motion to adopt resolution 2015-090 approving the amendment to the Water Resources Management Plan. All voted “yes.” Motion carried.

E. Resolution approving a concurrent detachment from Minnetonka and annexation to Eden Prairie of a property located at the southeast intersection of Highway 62 and Shady Oak Road

Allendorf moved, Wiersum seconded a motion to adopt resolution 2015-091 requesting concurrent detachment from Minnetonka and annexation to Eden Prairie. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes:

A. Resolution approving a conditional use permit, with variance, for a dental clinic at 13059 Ridgedale Drive
Allendorf moved, Wiersum seconded a motion to adopt resolution 2015-092 approving a conditional use permit, with variance, for a dental clinic at 13059 Ridgedale Drive. All voted “yes.” Motion carried.

12. Introduction of Ordinances:

A. Items concerning Cherrywood Pointe at 2004 Plymouth Road:

1) Ordinance rezoning properties from R-1 to PUD;
2) Master development plan; and
3) Site and building plan review.

Acting City Planner Susan Thomas gave the staff report. She noted staff received an email from Council Member Acomb asking that the notification area be extended further down Plymouth Road.

Wagner said he spoke with quite a few of the neighbors, those west on Essex Road, and residents on Larkin Drive and Tudor Lane, who agreed about expanding the notification area. The residents suggested notifying residents on Cherrywood Road and as far down as Sheffield Curve. There were also suggestions about notifying those further east into Sherwood Forest and Austrian Pines Trail. He said he thought the impact was more through the wetlands and up through that area.

Schneider said he didn’t object to expanding the notification area for this proposal, but there had to be logical limits set at some point. One of the reasons the city puts a big sign in front of the property was to direct them to the website for information and to sign up for notifications. He questioned the idea of notifying the entire Ridgedale shopping center. He thought the notifications were meant to engage residents, and not necessarily businesses, who might be impacted.

Wagner said the expanded notification area was most important for residents on Cherrywood Road and Stone Road because of the walkshed and viewshed and the great trail amenities. The property could be connected through more access to trails. Wischnack suggested using the original notification area that was used for Ridgedale. This included around 1,200 households and would pick up areas that were mentioned. Not all had a direct connection or feelings about the proposal but it would be an easier process. Wagner said he was fine with Wischnack’s suggestion.

Allendorf agreed that the city shouldn’t deprive anyone of notice, but a logical boundary had to be established. He said he didn’t quite understand
the Sherwood Forest request. Wagner said he was passing along the request and he didn’t necessarily think it was necessary.

Wiersum agreed with Schneider that noticing the commercial areas was not as essential. He supported sufficient noticing and a public process. At the same time there were other ways to communicate information. He encouraged residents to use social media and the city’s website.

Wagner said he appreciated the fact that the developer incorporated a lot of the council’s feedback during the concept plan review. It appeared that this was a concept plan that worked well.

Bergstedt there were some pretty pointed comments during the concept plan review and he applauded the developer for starting to scale back.

Wiersum agreed the concept plan review process worked well and this was the best plan the council had seen for this site. He said one of the questions the council will receive from residents was what the public purpose was for the PUD. He indicated he would also like to know the number of variances would be required if the proposed building came forward as is under R5 zoning. A person’s perspective might be different if there was one variance versus twelve.

Schneider commended the developer not only for scaling back the proposal, but also for the shape and concept that really fit the topography. There still would be an impact on the site but that was unavoidable with a high density development on this site. He thought the developer truly figured out the best way to do it right with as minimal tree impact as possible and fitting in with the grades and steep slope. The one area he wanted more information about was for the south edge of the property and understanding how the transition would work. Even with a lower level parking area below, there still would be a 16 foot drop that would require something like a retaining wall. Although it may not be visible he wanted to understand what it was and how it fit with the rest of the site.

Wagner noted that the area was guided high density and had been for quite a long time.

Wiersum moved, Wagner seconded a motion to introduce the ordinance and refer it to the planning commission with a modified notification area. All voted “yes.” Motion carried.

13. Public Hearings:

A. Resolutions for special assessment of 2014-2015 projects
Barone gave the staff report.

Schneider opened the public hearing at 7:05 p.m.

Myroslav Billy, 15309 Skyview Circle, asked the $100 abatement fee for the second mowing of his lawn be reconsidered. He said there was a misunderstanding when he spoke with staff. He did not know there was a specific cutoff date and he was told the fee would be included with his property taxes. He assumed that meant it was included on property taxes paid in 2014 not 2015. This was the reason for the abatement fee. He said he was single, living by himself, and responsible for the mortgage on his own. He is currently employed, works a lot of hours, and has lived in the city for 36 years. It was difficult for him to pay $168 for mowing his lawn given the size of his yard. He previously worked for a lawn care company and estimated his yard could be mowed in 20 minutes with a big mower. He felt the cost was a little steep given the misunderstanding. He was willing to pay everything immediately except the $100 abatement fee because it made his financial situation difficult.

Schneider said typically the council did not waive the fees because the preference was not to have to assess them at all given the extra staff time needed for the process. Wischnack said Billy was notified multiple times. Schneider said while it would be nice to waive the fee, there had to be a solid and compelling reason to do so.

Allendorf asked Billy how he normally took care of his lawn. Billy said he mows it himself. Allendorf noted the lawn was mowed after the second assessment. Billy indicated that was correct. Allendorf asked why Billy didn’t mow the lawn after the first assessment. Billy said he was out of town. When he came back to town, the lawn was already mowed. His mail included the city’s notices but no information about the abatement fees. He understood there were rules and but hoped the council would consider waiving the $100 given his financial situation. Allendorf said anyone who gets a charge from the city could say they didn’t have the money to pay the charge. This was unfortunate but the city had to follow the ordinance.

Schneider closed the public hearing at 7:15 p.m.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2015-093 adopting special assessments for 2015 Nuisance Abatement Project No. 4894, one-year assessment term with the addendum. All voted “yes.” Motion carried.
Allendorf moved, Bergstedt seconded a motion to adopt resolution 2015-094 adopting special assessments for 2015 Nuisance Abatement Project No. 4894, three-year assessment term. All voted “yes.” Motion carried.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2015-095 adopting special assessments for 2015 Nuisance Abatement Project No. 4894, five-year assessment term. All voted “yes.” Motion carried.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2015-096 adopting special assessments for 2015 Nuisance Abatement Project No. 4894, ten-year assessment term. All voted “yes.” Motion carried.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2015-097 adopting special assessments for 2015 Diseased Trees Project No. 4902, one-year assessment term. All voted “yes.” Motion carried.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2015-098 adopting special assessments for 2015 Diseased Trees Project No. 4902, three-year assessment term. All voted “yes.” Motion carried.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2015-099 adopting special assessments for 2015 Diseased Trees Project No. 4902, five-year assessment term. All voted “yes.” Motion carried.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2015-100 adopting special assessments for 2015 Diseased Trees Project No. 4902, ten-year assessment term. All voted “yes.” Motion carried.

B. Secondhand Dealer License for Best Buy Stores, LP at 12411 Wayzata Boulevard

Barone gave the staff report.

Schneider opened the public hearing at 7:17 p.m. No one spoke.

Wagner moved, Allendorf seconded a motion to continue to October 26, 2015. He noted he would have to abstain from voting on the item because his wife is employed by Best Buy.

All voted “yes.” Motion carried.

14. Other Business:

A. Resolution approving an interim use permit for a home occupation at 25 Milbert Road
Thomas gave the staff report.

Wiersum moved, Wagner seconded a motion to adopt resolution 2015-101 approving the interim use permit for a home occupation at 25 Milbert Road. All voted “yes.” Motion carried.

15. **Appointments and Reappointments:** None

16. **Adjournment**

   Wiersum moved, Wagner seconded a motion to adjourn the meeting at 7:21 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk
WHEREAS, Children are smarter, more cooperative, happier and healthier when they have frequent and varied opportunities for free and unstructured play in the out-of-doors; and

WHEREAS, Activities associated with play are important for all children, at all levels of development and physical ability; and

WHEREAS, Inclusive play can have positive impacts on bullying as playing together on the playground increases social skills, sharing and cooperation; and

WHEREAS, St. David’s Center’s new playground, opening October 20, 2015, serves children who are typically developing, as well as those with physical, cognitive, emotional and sensory disabilities; and

WHEREAS, St. David’s Center’s playground is the region’s first inclusive preschool play space for children of all abilities with access to a state-certified school forest; and

WHEREAS, 750 preschoolers in St. David’s Center programs will use the inclusive playground every year; and

WHEREAS, the playground is a community resource, open to the community after school and on weekends;

NOW THEREFORE LET IT BE RESOLVED that the Minnetonka City Council hereby proclaims Tuesday, October 20, as “Inclusive Playground Day” in the city of Minnetonka.

Terry Schneider, Mayor

October 12, 2015
Brief Description       Metropolitan Airports Commission Presentation

Recommendation         Hear the presentation

Background
In the past, the city has received periodic communication from residents about traffic and noise associated with airplanes. The agency which addresses those issues is the Metropolitan Airports Commission (MAC), which is made up of a chairman and 14 commissioners.

In September, City Council Member Tony Wagner and staff met with Rick King, District B Commissioner and Chad Leqve, MAC Director of Environment to review and discuss recent resident concerns. Mr. King and Mr. Leqve will be present to provide an overview of operations and general information about flight patterns in and around Minnetonka and respond to city council questions.

Staff Recommendation
Attached is the MAC presentation (See pages A1-A21). Staff recommendation is to hear the presentation.

Submitted through:
   Geralyn Barone, City Manager

Originated by:
   Julie Wischnack, AICP, Community Development Director
The Metropolitan Airports Commission and MSP International Airport Operations

Mr. Rick King, MAC Commissioner – District B
Mr. Chad Leqve, MAC Director – Environment
Outline

• Background: MAC and MSP
• Historical and Recent Aircraft Operation Trends over Minnetonka
• Federal Policy Considerations
• Opportunities for Engagement
MAC: A Different Approach to Government

• Public corporation created by Minnesota Legislature
• Owns and operates airports within 35 miles of downtown St. Paul and Minneapolis
  – MSP International Airport
  – Six general aviation airports
• User-fee based funding
• Limited property taxing authority unused since 1960s

We provide and promote safe, convenient, environmentally sound, cost-competitive aviation services for our customers.
Board Makeup

- Gov. appoints chairman and 12 commissioners (8 metro, 4 outstate)
- Minneapolis and St. Paul mayors each appoint one
The MAC Airport System
Minneapolis-St. Paul International

- 17th busiest airport in North America (passengers)
- 14th busiest in operations
- Delta Air Lines’ 2nd largest hub
MSP Passengers


29,000,000 30,000,000 31,000,000 32,000,000 33,000,000 34,000,000 35,000,000 36,000,000 37,000,000 38,000,000
MSP Economic Impacts

In 2012, MSP supported...

- $10.1 billion in total economic output
- 76,340 jobs equaling $3 billion in earnings
- $1.9 billion in visitor spending
- $611 million in government tax revenues

The airport's $10.1 billion in total economic output included:

- $2.3 billion in induced impact
- $2.2 billion in indirect impact
- $5.7 billion in direct impact
Total 12L and 12R Arrival Operations
January 2004-August 2015
MSP Arrival Density with Analysis Gates
Minnetonka
Average Altitudes of 12L and 12R Operations that flew through Gate 1
January 2004-August 2015

Average Altitudes of 12L and 12R Operations that flew through Gate 2
January 2004-August 2015
Recent Airport Activity

- Often the wind directions vary; however, MSP had Southeast flow operations for 20 out of the last 30 days due to winds
  - 12 straight southeast flow days beginning on August 26th
  - The past 5 straight days we had southeast flow operations beginning on September 13th
August 16-Sept 16, 2015

[MSP] MINNEAPOLIS
Windrose Plot [All Year]
Period of Record: 16 Aug 2015 - 16 Sep 2015
Obs Count: 942 Calm: 7.1% Avg Speed: 9.6 mph

[Wind Speed [mph]]
- 2-5
- 5-7
- 7-10
- 10-15
- 15-20
- 20+

Generated: 17 Sep 2015

August 16-Sept 16, 2014

[MSP] MINNEAPOLIS
Windrose Plot [All Year]
Period of Record: 16 Aug 2014 - 17 Sep 2014
Obs Count: 994 Calm: 8.7% Avg Speed: 8.4 mph

[Wind Speed [mph]]
- 2-5
- 5-7
- 7-10
- 10-15
- 15-20
- 20+

Generated: 17 Sep 2015
Federal Noise Policy

- 1968 Aircraft Noise Abatement Act
- 1972 Noise Control Act
- 1979 Airport Safety and Noise Abatement Act
- 1990 Airport Noise and Capacity Act
Opportunities for Engagement

- NOC Collaboration
- Public Website (macnoise.com)
- Website news subscriptions
- Quarterly Public Input Meetings
- Noise Complaint and Information Hotline
- Briefings to City Councils and City Airport Relations Commissions
- Development and publication of extensive Monthly Operations Reports
More Information

MAC Noise Program Website:
www.macnoise.com

Noise Complaint Hotline:
612-726-9411
Brief Description: Resolution adopting the 2016 meeting schedule for the Minnetonka City Council.

Recommended Action: Adopt the resolution

Background

Section 3.01 of the Minnetonka City Charter provides that the city council will meet at the times each month established by ordinance or resolution. To comply with this requirement the city council is being asked to adopt a resolution to establish their 2016 meeting schedule.

The resolution establishes two regular council meetings and one study session for most months. The schedule has been adjusted to accommodate holidays. In addition to the scheduled meetings, the city council may call special and emergency meetings.

Staff proposes that the city council establish only its meeting dates by resolution. A city calendar is provided to show other significant dates and meetings of boards and commissions. The calendar would not be adopted by the city council.

State law requires that the city give notice of meeting changes to individuals who have submitted a written request for this information. Changes are posted on the city's web site.

Recommendation

Based on the foregoing information, staff recommends that the city council adopt a resolution establishing its 2016 meeting schedule.

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

Originated by:
   David Maeda, City Clerk
Resolution No. 2015-vvv

Resolution Adopting the 2016 Minnetonka City Council Meeting Schedule

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

Section 1. Background.

1.01. Section 3.01 of the City Charter states that the city council will meet at the times each month established by ordinance or resolution.

Section 2. Council Action.

2.01. The Minnetonka City Council establishes the following meeting schedule for 2016:

A. Regular city council meetings will be held twice each month in January, February, March, April, May, June, July, August, September, October, and December. One study session will also be held in January, February, March, April, May, June, August, September, October, and November.

B. One regular council meeting will be held in the month of November.

C. A list of regular council meetings and study sessions for the year 2016 is attached.

2.02. If the city council is unable to meet on the dates indicated, or additional meetings are needed, a special notice will be given as provided by law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 12, 2015

___________________________________________
Terry Schneider, Mayor

ATTEST:

___________________________________________
David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on October 12, 2015.

__________________________________________
David E. Maeda, City Clerk
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**Notes:**

- Council Meeting – Regular 6:30 p.m.
- Park Board 7 p.m.
- Planning Commission 6:30 p.m.
- Senior Advisory Board 10 a.m.
- Martin Luther King Jr. Day
- City offices closed
- Council – Study Session 6:30 p.m.
- Citizen Academy – 6:30 p.m.
- EDAC 6 p.m.
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Notes:
- Wayzata School District Spring Break: 4/1 – 4/8
4  No council meeting
12 Senior Advisory Board
10 a.m.
14 Planning Commission
6:30 p.m.
18 Council – Study Session 6:30 p.m.
27 Joint Council/Boards and
Commissions 6:30 p.m.
25 Council – Regular 6:30 p.m.
26 Joint Council/Boards and
Commissions 6:30 p.m.
28 Ice Revue
30 Ice Revue
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| 5   |     |     |     | Planning Commission 6:30 p.m. |     |     |
| 6   |     |     |     |     |     |     |
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| 8   |     |     |     |     |     |     |
| 9   |     |     |     |     |     |     | Council – Regular 6:30 p.m.
| 10  |     |     |     |     |     |     | Senior Advisory Board 10 a.m.
| 11  |     |     |     |     |     |     | Park Board (tour) 5 p.m.
| 12  |     |     |     |     |     |     |
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| 16  |     |     |     |     |     |     | Council – Study Session 6:30 p.m.
| 17  |     |     |     |     |     |     |
| 18  |     |     |     |     |     |     |
| 19  |     |     |     | Planning Commission 6:30 p.m. |     |     |
| 20  |     |     |     |     |     |     |
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| 22  |     |     |     |     |     |     |
| 23  |     |     |     |     |     |     | Council – Regular 6:30 p.m.
| 24  |     |     |     |     |     |     |
| 25  |     |     |     |     |     |     |
| 26  |     |     |     | EDAC 6 p.m. |     |     |
| 27  |     |     |     |     |     |     |
| 28  |     |     |     |     |     |     |
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| 30  |     |     |     |     |     |     | Memorial Day
<p>| 31  |     |     |     | Notes: |     |     | City offices closed |</p>
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|     | Labor Day  
City offices closed | Police Academy 6 p.m. | Park Board 7 p.m. | Planning Commission 6:30 p.m. (Joint meeting with EDAC) |     |     |
| 11  | 12  | 13  | 14  | 15  | 16  | 17  |
|     | Council – Regular 6:30 p.m. | Senior Advisory Board 10 a.m.  
Police Academy 6 p.m. |     |     |     |     |
<p>| 18  | 19  | 20  | 21  | 22  | 23  | 24  |
|     | Council – Study Session 6:30 p.m. | Police Academy 6 p.m. |     | Planning Commission 6:30 p.m. |     |     |
| 25  | 26  | 27  | 28  | 29  | 30  |     |
|     | Council – Regular 6:30 p.m. | Police Academy 6 p.m. |     | EDAC 6 p.m. |     | Notes: |</p>
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Notes:
2016 City of Minnetonka Council Meeting Schedule

Regular council meetings
January 4
January 25
February 8
February 29
March 14
March 28
April 11 (LBAE)
April 25 (LBAE)
May 9
May 23
June 6
June 27
July 11
July 25
August 8
August 22
September 12
September 26
October 10
October 24
November 14
December 5
December 19

Study sessions
January 11
February 22
March 21
April 18
May 16
June 20
August 15
September 19
October 17
November 21
City Council Agenda Item #12A  
Meeting of October 12, 2015

**Brief Description:** Ordinance regarding appeals from fire marshal decisions

**Recommended Action:** Introduce the ordinance

**Background**

This is a technical amendment to the city code. In the course of reviewing the city’s use of administrative hearing officers, the city attorney brought sections 910.031 and 910.032 to the fire marshal’s attention. Under the state fire code, any appeal from a local fire marshal must be brought to a local board of appeals before it can proceed to the state fire marshal. If no local board of appeals is appointed, the city council serves as the board of appeals.

Sections 910.031 and 910.032 currently require that an appeal from a fire marshal decision be heard by a hearing officer. The hearing officer’s decision is not final but is only a recommendation to the city council. That process adds an unnecessary additional layer to the review process. Under the proposed amendment, appeals from the fire marshal will be heard either by the city council or by an ad hoc board of appeals appointed for the purpose of hearing the appeal. In either case, the decision of the council or the board is a final city decision. The board of appeals is proposed to be ad hoc because appeals from a fire marshal decision are infrequent; an ad hoc board eliminates the need to annually appoint a board that is unlikely to take action. The council will have the option of appointing an ad hoc board in appeals that involve complicated interpretations of the fire code or that may involve a lengthy hearing.

**Recommendation**

Introduce the ordinance.

Submitted through:
- Geralyn Barone, City Manager
- John Vance, Fire Chief

Originated by:
- Corrine Heine, City Attorney
- Luke Bersheit, Fire Marshal
Ordinance No. 2015-___

An Ordinance amending sections 910.031, 910.032 and 910.033 of the Minnetonka City Code; relating to appeals from decisions of the fire marshal and variances from the fire code

The City of Minnetonka Ordains:

Section 1. Section 910.031 of the Minnetonka City Code is amended to read as follows:

910.031. Hearing.

A hearing must be held within 30 days after receipt by the city clerk of a timely appeal or variance application. The hearing must be held before a city-appointed hearing officer who may not be a member of the city staff council, unless the council appoints an ad hoc board of appeals to hear the matter. An ad hoc board of appeals must consist of at least three members, each of whom is familiar with construction methods and the uniform fire code. The Minnesota rules of evidence need not be strictly followed, and the records of the fire marshal must be considered without further foundation. The hearing examiner must prepare a report containing written findings, conclusions, and a recommendation to the city council on the appropriate disposition of the appeal or variance application. The hearing officer’s report must be made within 15 days after the hearing and must be served upon the person who filed the appeal or variance application, the fire marshal, and the city clerk.

Section 2. Section 910.032 of the Minnetonka City Code is amended to read as follows:

910.032. Decision

The city council or ad hoc board of appeals must issue a written decision report of the hearing examiner must be referred to the city council within 30 days after the hearing, affirming or overturning the fire marshal’s decision and approving or denying the variance application, after issuance of the report. The decision must be mailed or delivered to the person who filed the appeal or variance application, the fire marshal, and the city clerk. The decision of the council or ad hoc board of appeals is the final decision of the city. The person filing the appeal or variance application must be notified of the hearing at least seven days before the date when the city council will consider the hearing examiner’s report. The person filing the appeal or variance application and the fire marshal must be given the

The stricken language is deleted; the underlined language is inserted.
opportunity to summarize their positions before the city council. The city council may either affirm, modify, or overturn the hearing examiner’s recommendation.

Section 3. Section 910.033 of the Minnetonka City Code is amended to read as follows:

910.033. Standards of Review.
In reviewing a variance application submitted under section 910.030, the hearing officer and the city council or ad hoc board of appeals must take into consideration the benefit to be obtained by complying with the fire marshal’s order and the effect on affordable housing, provided that the spirit of the code is complied with and public safety is secure. In addition, a variance from the minimum requirements in the state fire code may be granted only if there is substantial compliance with the provisions of the state fire code, the safety of the public and occupants of buildings will not be jeopardized, and undue hardship will result to the applicant unless the requested variance is granted.

Section 4. This ordinance is effective 30 days after publication.

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

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk
Action on this Ordinance:

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

Date of publication:

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

David E. Maeda, City Clerk

The stricken language is deleted; the underlined language is inserted.
Brief Description: Resolution vacating drainage and utility easements at 307 and 303 Bellwether Path

Recommendation: Hold the public hearing and adopt the resolution approving the vacation

Request

In 2014, the city council approved the LEGACY OAKS residential development. Lot sales and construction are well underway. Ron Clark Construction recently requested, and staff administratively approved, a lot line adjustment between two twin home lots. The 3-foot lot line shift increased lot width from 43 feet to 46 feet, which is consistent with the twin home lot widths approved in the final plat. Though the lot line has been moved, the drainage and utility easement associated with the original lot line location remain in place. Ron Clark Construction is now requesting vacation of those previously approved easements. (See pages A1–A4.)

Staff Comment

Approval of the vacation is reasonable, as: (1) no utilities are located in the easements; and (2) new easements will be established corresponding to the shifted lot line.

Staff Recommendation

Staff recommends the city council hold the public hearing and adopt the resolution approving the vacation of easement. (See pages A5–A7.)

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

Originated by:
- Susan Thomas, AICP, Principal Planner
LOT DIVISION

Existing Property Description
Lots 4, 5, 6 and 7, Block 5, LEGACY OAKS, Hennepin County, Minnesota.

Proposed Property Description
Parcel A: Lot 5, Block 5, except the northeasterly 3 feet thereof, LEGACY OAKS, Hennepin County, Minnesota.
Parcel B: The northeasterly 3 feet of Lot 5, and Lot 6, except the northeasterly 3 feet thereof, LEGACY OAKS, Hennepin County, Minnesota.
Parcel C: The northeasterly 3 feet of Lot 6, and Lot 7, LEGACY OAKS, Hennepin County, Minnesota.

NEW DRAINAGE AND UTILITY EASEMENTS

Lot 4, Block 5
The northeasterly 25 feet of Lot 4, Block 5, LEGACY OAKS, Hennepin County, Minnesota lying northwesterly of a line drawn southwesterly, at a right angle to the northeasterly line of said Lot 4, from a point on said northeasterly line distant 40 feet southeasterly from the most westerly corner of said Lot 5, said Block 5.

Parcel A
That part of Lot 5, Block 5, LEGACY OAKS, Hennepin County, Minnesota, lying southwesterly of a line drawn parallel with and distant 44 feet southwesterly of the northeasterly line of said Lot 5 and lying northwesterly of a line drawn northeasterly, at a right angle to the southwesterly line of said Lot 5, from a point on said southwesterly line distant 40 feet southeasterly from the most westerly corner of said Lot 5.

Parcel B
The southwesterly 5 feet of the northeasterly 8 feet of Lot 6, Block 5, LEGACY OAKS, except the northwesterly 10 feet and southeasterly 5 feet of said Lot 6.

Parcel C
The northeasterly 3 feet of Lot 6, and the southwesterly 2 feet of Lot 7, Block 5, LEGACY OAKS, except the northwesterly 10 feet and southeasterly 5 feet of said Lot 6.
Existing Property Description
Lots 6 and 7, Block 5, LEGACY OAKS, Hennepin County, Minnesota.

Drainage and Utility Easement to be Vacated
(as dedicated in the plat of LEGACY OAKS)

The northeasterly 5 feet of Lot 6, except the northwesterly 10 feet and the southeasterly 5 feet of said Lot 6, Block 5, LEGACY OAKS, Hennepin County, Minnesota.

The southwesterly 5 feet of Lot 7, except the northwesterly 10 feet and the southeasterly 5 feet of said Lot 7, Block 5, LEGACY OAKS, Hennepin County, Minnesota.
Resolution No. 2015-

Resolution vacating drainage and utility easements at
307 and 303 Bellwether Path

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

Section 1. Background.

1.01 Ron Clark Construction has petitioned the Minnetonka City Council to vacate existing drainage and utility easements at 307 and 303 Bellwether Path.

1.02 The easements are legally described as follows, to wit:

The northeasterly 5 feet of Lot 6, except the northwesterly 10 feet and the southeasterly 5 feet of said Lot 6, Block 5, LEGACY OAKS, Hennepin County, Minnesota.

The southwesterly 5 feet of Lot 7, except the northwesterly 10 feet and the southeasterly 5 feet of said Lot 7, Block 5, LEGACY OAKS, Hennepin County, Minnesota.

1.03 As required by law, a hearing notice on said petition was published in the City of Minnetonka’s official newspaper.

1.04 On October 12, 2015, the City Council held a hearing on such petition, at which time all persons for and against the granting of said petition were heard.

Section 2. Standards.

2.01 Section 12.06 of the City Charter states that “No vacation shall be made unless it appears in the interest of the public to do so..."
Section 3. Findings.

3.01 The Minnetonka City Council makes the following findings:

1. There are no utilities located within the easements.

2. The easements no longer correspond to a property line, which was their platted intent.

3. New easements appropriately corresponding to property lines will be established.

4. The vacation is not counter to the public interest.


4.01 The city council vacates the above-described easements.

4.02 This vacation is effective only upon proper filing of replacement easements.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 12, 2015.

______________________________
Terry Schneider, Mayor

Attest:

______________________________
David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by
the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on October 12, 2015.

______________________________
David E. Maeda, City Clerk
City Council Agenda Item #13B  
Meeting of October 12, 2015

**Brief Description**  
Temporary on-sale liquor license for Episcopal Parish of St. David, 13000 St. David Road

**Recommendation**  
Hold the public hearing and grant the license

**Background**  
The city has received an application for a temporary on-sale liquor license from Episcopal Parish of St. David (St. David’s) for an indoor fundraiser event at 13000 St. David Road.

**The Event**  
St. David’s is requesting approval for a temporary liquor license in connection with its annual gala on Saturday, November 14, 2015. This is an annual fundraising event, which supports their Outreach Ministries. The ICA Foodshelf ministry will be featured at this year’s event.

The event will be a single-day event with all activities in the evening from 5:00 - 10:00 p.m. inside the church building. The event will sponsor a silent auction, dinner, live auction, and entertainment. Champagne will be available during the silent auction and wine will be served only at dinner. Tickets to this event will be sold to adults over age 21. Identifications will be checked at the entrance. All of the event activity takes place in one room with adult parish members ensuring that there are no liquor consumption issues (see page A2-A4). The city did not encounter any issues with the event in 2014.

City liquor ordinances allow temporary on-sale liquor licenses to be issued to clubs and other charitable, religious, or not-for-profit organizations, subject to application, public hearing, and approval by the city council. St. David’s has completed the license application, paid the fee, and provided proof of insurance. They are a non-profit charitable organization, and are therefore eligible for a temporary liquor license.

**Recommendation**  
Staff recommends the council hold the public hearing and grant the temporary liquor license for the annual gala at St. David’s.
Submitted through:
   Geralyn Barone, City Manager
   Julie Wischnack, AICP, Community Development Director

Originated by:
   Kathy Leervig, Community Development Coordinator
September 16, 2015

On Saturday November 14th, St. David’s Episcopal Church will hold its annual Gala. This is our major annual fundraising event to support our Outreach Ministries. Again this year we will coordinate this event with the ICA Foodshelf, who will share in the benefits. In past years we have raised $10,000 to $15,000 through this effort.

This will be a single-day event with all activities to be held on Saturday evening, November 14th, inside the St. David’s church building at 13000 St. David’s road. From 5:00 PM to 10:00 PM we will sponsor a silent auction, dinner, live auction, and entertainment. We anticipate selling up to 112 tickets for the evening’s activities. Tickets will be sold to adults only, and ID’s will be checked at the entrance. The main entrance to St. David’s church will be the only entrance to the event. We will lock and control all other outside doors during the event, and we will have specific adult parish members in attendance and assigned the task of being alert to insure that no abuses of liquor occur.

Champagne or mulled cider will be available during the silent auction, and wine will be served at dinner. Soft drinks, water and coffee will also be served throughout the entire event. St. David’s members will procure and pick up all liquor products, and our caterer’s staff will be the only ones pouring wine. Our caterer has an ongoing contract to regularly use our church kitchen, and is familiar with our church members.

We are looking forward to another successful fundraiser, and appreciate the support of the City of Minnetonka and the City Council in securing our temporary liquor license.

Sincerely,

St. David’s Episcopal Church
William R. Jacobs
Applicant
City Council Agenda Item #14A  
Meeting of October 12, 2015

**Brief Description**  
Resolution approving a conditional use permit for an educational institution at 5605 Green Circle Drive

**Recommendation**  
Recommend the city council adopt the resolution approving the permit

**Proposal**

Lionsgate Academy is a charter school currently located in the city of Crystal. The school has a student population of 115 secondary grade students, many of whom have a primary diagnosis of Autism Spectrum Disorder. To allow for increased enrollment, within a larger and more efficient space, the school is proposing to relocate to the existing office building at 5605 Green Circle Drive. Lionsgate would lease the building, which is located within the general business (B-3) zoning district. Lionsgate Academy could accommodate roughly 150 students within the building. Student transportation to and from the site would be divided between individual parent/guardian vehicles, larger group passenger vans, and small busses; a small number of students may also drive to school. The school day would be 8:00 a.m. to 2:45 p.m. with extracurricular clubs and activities running until 3:45.

**Planning Commission Hearing**

The planning commission considered the request on October 1, 2015. The staff report from that meeting is attached and various plans and documents describing the proposed project may be found on pages A1–A11. Staff recommended approval of the request, noting:

- Historically, the city has viewed schools as “similar” to public buildings and allowed them as conditional uses in industrial and commercial areas. The proposed school would meet the general conditional use permit standards as outlined in the city code.

- The school would not negatively impact the surrounding area. In fact, the school occupancy would generate fewer vehicle trips per day than an office or commercial use of the site and significantly less than the property is allocated within the Opus Trip Generation Ordinance.

At the meeting, a public hearing was opened to take comment. One individual – who is both a grandparent of a Lionsgate student and an employee of the school – spoke in favor of the proposal.
Planning Commission Recommendation

On a 5-0 vote, the commission recommended that the city council approve the permit. Meeting minutes may be found on page A18-A19.

Since Planning Commission Hearing

There have been no changes to the proposal or additional information received since the planning commission’s meeting on this item.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit for an educational facility at 5605 Green Circle Drive. (See pages A13–A17.)

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

Originator: Susan Thomas, AICP, Principal Planner
MINNETONKA PLANNING COMMISSION
October 1, 2015

Brief Description
A conditional use permit for an educational institution at 5605 Green Circle Drive.

Recommendation
Recommend the city council adopt the resolution approving the permit

Proposal

Lionsgate Academy is a charter school currently located in the city of Crystal. The school has a student population of 115 secondary grade students, many of whom have a primary diagnosis of Autism Spectrum Disorder. To allow for increased enrollment, within a larger and more efficient space, the school is proposing to relocate to the existing building at 5605 Green Circle Drive. The property is located within the general business (B-3) zoning district.

Lionsgate Academy could accommodate roughly 150 students within the building. Student transportation to and from the site would be divided between individual parent/guardian vehicles and larger group passenger vans; a small number of students may also drive to school. The school day would be 8:00 a.m. to 2:45 p.m. with extracurricular clubs and activities running until 3:45. (See pages A1–A11.)

Staff analysis

A land use proposal is comprised of many details. In evaluating the proposal, staff first reviews these details and then aggregates them into a few primary questions or issues. The following outlines the primary questions associated with the applicant’s request and staff’s findings.

1. **Is the proposed use reasonable for the site?**

   Yes. Educational institutions are not specifically permitted in the B-3 zoning district. However, public buildings are conditionally-permitted, as are “other uses similar to those permitted”. Historically, the city has viewed schools as “similar” to public buildings and allowed them as conditional uses.

   As proposed, Lionsgate Academy would meet the conditional use permit standards associated with public buildings. These standards are outlined in the “Supporting Information” section of this report.

2. **Would the proposed use negatively impact the surrounding area?**

   No. Staff does not anticipate the school would negatively impact the surrounding area. In fact, the school occupancy would:
• Result in no immediate changes to the exterior of the building or the grounds.

• Generate fewer vehicle trips per day than an office or commercial use of the site and significantly less than the property is allocated within the Opus Overlay ordinance.

**Staff Recommendation**

Recommend that the city council adopt the resolution approving a conditional use permit for educational facility at 5605 Green Circle Drive. (See pages A13–A17.)

Originator: Susan Thomas, AICP, Principal Planner
Supporting Information

Surrounding Land Uses

Northerly: Multifamily housing, zoned R-5
Easterly: Commercial properties, zoned B-2 and I-1
Southerly: Green Circle Park, city-owned property
Westerly: Green Circle Park, city-owned property

Planning

Guide Plan designation: Mixed Use
Zoning: B-3, Commercial

Traffic and Parking

The city commissioned a traffic study to evaluate the proposed school’s trip generation and the potential impact on traffic operations in the area. The study concluded:

1. The existing roadway system currently operates at very high levels of service (LOS). The school would not negatively impact LOS in the area.

2. The proposed school would generate roughly 69 p.m. peak hour trips. This is well under the 109 p.m. peak hour trips allocated to the property within the Opus Overlay ordinance.

By city code, 88 parking stalls would be required to accommodate the school. There are currently 202 parking stalls on site, many of which are covered.

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<td>1 stall per instructor</td>
<td>2 instructors per 8 to 15 students</td>
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TOTAL REQUIRED 87.5 stalls

CUP Standards

The proposal would meet the general conditional use permit standards as outlined in City Code §300.21 Subd.2:

1. The use is consistent with the intent of this ordinance;

2. The use is consistent with the goals, policies and objectives of the comprehensive plan;

3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
4. The use is consistent with the city’s water resources management plan;

5. The use is in compliance with the performance standards specified in section 300.28 of this ordinance; and

6. The use does not have an undue adverse impact on the public health, safety or welfare.

The proposal would meet the specific conditional use permit standards as outlined in City Codes §300.21 Subd.5(h) and §300.21 Subd.3(m):

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

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

2. Consistency with this ordinance;

   **Finding:** The proposal would meet all minimum ordinance standards.

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

   **Finding:** The proposed school would occupy an existing building on a fully developed site. At this time, no changes would be made to the exterior of the building or to the property.

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

   **Finding:** The proposed school would occupy an existing building on a fully developed site. At this time, no changes would be made to the exterior of the building or to the property.
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

   a. an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;

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

   c. materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and

   d. vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

**Finding:** The proposed school would occupy an existing building on a fully developed site. At this time, no changes would be made to the exterior of the building or to the property.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

**Finding:** Interior renovations would meet current building code requirements, including those pertaining to energy efficiency.

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

**Finding:** The proposed school would not negatively impact the surrounding area. In fact, the school occupancy would:

- Result in no immediate changes to the exterior of the building or the grounds.
• Generate fewer vehicle trips per day than an office use of the site and significantly less that the property is allocated in the Opus Overlay ordinance.

Future School Uses

In recent years, the city has reviewed and approved several school proposals with the Opus area. During each review, some concern has been raised about: (1) removal of these school properties from the tax roll; and (2) the impact school occupancy may have on future redevelopment, particularly in the area surrounding the future light rail transit station.

In staff’s opinion, schools are “similar” to public buildings which are allowed as conditional uses within commercial and industrial districts. However, if in the opinion of the council no additional schools should be allowed in the Opus area, an amendment could be made to the Southwest Light Rail Transit Overlay Zoning District.

Neighborhood Comments

The city sent notices to 565 area property owners and received one comment to date. (See page A12.)

Deadline for Decision

December 7, 2015
Location Map

Project: Lionsgate Academy
Address: 5605 Green Circle Dr
(89011.15a)

City of minnetonka

This map is for illustrative purposes only.
Wellington Management, Inc. - Conditional Use Permit

Property is located at 5605 Green Circle Drive

Description of Applicant
Wellington Management, Inc. (WMI) was established in 1984 by its President and CEO, Steve Wellington. This St. Paul-based commercial real estate firm currently owns and manages a four million sf. $350 million portfolio of more than 90 properties located in 18 different Twin Cities communities. More than 600 tenants including 5 charter schools have chosen to locate in Wellington buildings.

In addition to the commercial portfolio, WMI has recently developed four residential condominium properties comprising more than 350 housing units. WMI is ranked as one of the top ten real estate developers in the Twin Cities area.

Wellington Management takes a long-term view of our development and property management work. We actively engage with leaders in the communities where our projects are located, working collaboratively to accomplish sound urban design and solid financial performance. We retain significant ownership in almost all our properties, preferring long term appreciation to short term gain. We are careful stewards, balancing cash flow demands and ongoing reinvestment needs for our 600+ commercial tenants, 325 condominium owners and 33 local investors. We strive to be the best property management company and the leading urban redevelopment firm in the Twin Cities. It is a challenge we enjoy!

Property Use
Wellington Management, Inc. would enter into a long term lease with Lionsgate Academy

The mission of Lionsgate Academy is to foster self-determination by providing a transition-focused, personalized learning program for all students, specializing in educating students with autism spectrum disorders.

Seventy three percent of students at Lionsgate Academy have a primary diagnosis of Autism Spectrum Disorder. The other 27% have primary disorders that might include Speech Language Impairment, Learning Disabled, ADHD, Fetal Alcohol Syndrome, or no disability at all.

Lionsgate Academy is currently located in the City of Crystal and shares inefficient space with Cornerstone Church. By moving into 5605 Green Circle Drive Lionsgate Academy will be able to create a more efficient space along with opening up space to allow for more students to attend. Lionsgate Academy has a current student population of approximately 115 for grades 7 through 12 with a waiting list of 160. By opening this new facility they will be able to increase the student enrollment to approximately 150 students. A typical class has 8 to 15 students with a teacher and an educational assistant.
Lionsgate Academy has a staff of approximately 90.

The School day starts at 8:00 am and ends at 2:50 pm. They offer numerous clubs for students to participate in which start at 2:55 and end at 3:45. These clubs are offered to the students Monday through Thursday during the school year. Depending on the club being offered for that day they typically have between 40 and 70 students that participate in after school clubs. Lionsgate Academy offers a summer school program which runs four weeks, four days a week for four hours a day. The 2015/2016 school year starts on August 31, 2015 and ends on June 3, 2016.

About 50 percent of all students arrive via 15 passenger vans with the others arriving via parents. There are 3 students who will drive to school during the 2015/2016 school year.
Frequently Asked Questions

1. What is the mission of Lionsgate Academy?

The mission of Lionsgate Academy is to foster self-determination by providing a transition-focused, personalized learning program for all students, specializing in educating students with autism spectrum disorders.

2. Is Lionsgate Academy a private school?

No, Lionsgate Academy is a public, tuition-free charter school.

3. Can any student attend Lionsgate Academy?

Yes, any student may attend Lionsgate Academy? Students of all abilities are welcome at Lionsgate Academy?

4. How many students at Lionsgate Academy are on the autism spectrum?

Seventy three percent of students at Lionsgate Academy this year have a primary diagnosis of Autism Spectrum Disorder. The other 27% have primary disorders that might include Speech Language Impairment, Learning Disabled, ADHD, Fetal Alcohol Syndrome, or no disability at all.

5. Does Lionsgate Academy have more than one campus?

Yes, Lionsgate Academy has 2 campuses, one in North St. Paul and one in Crystal. The North Saint Paul Campus houses Lionsgate’s transition program and their setting iv, Lynx program. There are 50 students attending the North St. Paul Campus programs. The Crystal campus has 115 students in grades 7 through 12.

6. Is there a waiting list to get into Lionsgate Academy?

Yes, currently there are over 160 families on the Lionsgate waiting list.
7. Why do so many families want their student to attend Lionsgate?

Lionsgate has many features that help students succeed in school. Class sizes range from 8 to 14 students and support services such as speech therapy, occupational therapy, and social work are provided on site. All staff have extensive training for serving the needs of students on the spectrum. Many of these techniques include structure, clarity, and predictability, and these features of instruction are beneficial to all.

8. How do you determine who gets in?

Lionsgate uses a blind lottery every year to determine the incoming 7th grade class. If openings become available in other grades, Lionsgate will fill those openings.

9. Is Lionsgate Academy a special education school?

No Lionsgate Academy is a public general education school. We use a general education model, and students are taught by licensed, general education teachers. Like all public schools, we provide special education services.

10. Where do Lionsgate Academy students come from?

Lionsgate Academy draws from 58 different communities school districts across the metro area.

11. What subjects are offered?

Core academics: math, science, language arts, & social studies
Electives: computer technology, drama, art, pe, health/mindfulness, Spanish

12. What types of transportation does the school provide?

Van transportation, in-district bus transportation, family car pools

13. What does Lionsgate bring to the community?

Lionsgate is a unique school. There are only a handful of specialized schools like Lionsgate in the United States. Last year Lionsgate drew international attention and hosted contingents from Russia and Japan. Lionsgate draws families from many cities and towns who stop and shop nearby. Lionsgate is a draw for residents. Families have moved from other countries and states to have their student attend Lionsgate.

14. Does Lionsgate have any videos that describe their school?

These video links demonstrate how parents have described their student’s experience at Lionsgate Academy.

https://www.youtube.com/watch?v=b0_FHRiZmUE
https://www.youtube.com/watch?v=NEY53o1qJbQ
Core Values

Journey of Discovery: Balancing risk with conformity.
- **Transformation** - A commitment to view each student, family member and staff as a work in progress. LGA recognizes that individuals are always growing and moving toward a goal to improve themselves. Therefore, we recognize struggles as a learning opportunity to make better choices in the future. In short, everyone will get better.
- **Eliminate Hurdles** - To give students and staff the supports, structure, and as many opportunities as possible for them to achieve success.
- **Realizing Highest Potential** - To challenge students and staff to gain the skills and knowledge to the best of their ability.
- **Overcome obstacles** - Being resilient. Gaining perseverance with the challenges we face.
- **Leadership** - To provide opportunities for students and staff to gain confidence, experience, and skills while showcasing their talents and abilities in a leadership role.

Communication: Communication systems provide timely, unified, and accurate information.
- **Responsive** - The ability to listen attentively and provide, through dialogue, a timely, efficient and purposeful response to attain a thoughtful and positive outcome.
- **Passion** - The energy to push boundaries, to maintain vision, to not succumb to despair and complacency in the face of setbacks. To always believe that the organization serves a vital purpose to our community and work tirelessly to achieve our goals.

Trust: To engender a common purpose so that individuals assume the best of intentions in our motives and actions. To be predictable in our integrity and commitment to our students and families.
- **Transparency** - We believe that open and honest dialogue and communication is the best way to serve the needs of our students as they grow, develop, and change. This is important in gaining and maintaining trust with our families, staff, students, and community members as we all want the best for our students and to be clear about how our own behavior and self-reflection is an essential component in maintaining trust and working as a partnership.
- **Servant Leadership** - This is a shared responsibility. The school values individuals' expertise and experience that is grounded in serving our school community. Self-reflection, self-regulation, living and reflecting the values of the organization, leadership at all levels. Fosters an atmosphere of teamwork and increases the potential for success. First serve, then to lead.
- **Forgiveness** - We believe that all stakeholders must have the ability to forgive each other. Mistakes will happen and unpopular decisions will be made, and we have to have the ability to move forward quickly and collegially.

Relationships: Are the foundation of our success.
- **Respect** - The ability, self-reflection and self-control to recognize the value, skills, and uniqueness of every individual and treat them with dignity.
- **Collaboration** - To work with students, families and staff toward resolutions and outcomes that serve a common purpose and to consider the views of stakeholders in developing processes and policies and in making decisions.
- **Belonging** - Foster a safe, comfortable, inclusive learning environment that celebrates differences.
- **Balance** - The understanding that the needs of the students, the needs of the organization, the needs of one’s self may not always be equal. To acknowledge that each component is important in creating and maintaining a positive learning environment for our students and a healthy work environment for our staff.
Top 10 Reasons Why I Like Lionsgate Academy

By A Lionsgate Student

1. I don't feel depressed anymore. I used to feel really sad because people were treating me poorly, including teachers, but mostly other students. I got bullied a lot, which felt horrible.

2. I'm not bullied anymore. I feel comfortable here because everyone is respectful and like me.

3. My teachers and the other students understand me. Teachers at Lionsgate know about autism. My old teachers didn't know as much about autism. They didn't listen to me. They thought I was just trying to get out of my homework.

4. I've been able to be in an art class without getting taken out for a whole class. In my old school I got taken out of art, one of my favorite classes, because they wanted me to finish my other schoolwork first.

5. I've created my first comic book in art class, which I'm really proud about!

6. I've never been in a play before coming to Lionsgate. Earlier this year I was in a Middle School play called Kancil the Mouse Deer and I was one of the storytellers. This spring I'm the Gardener and the Number 7 Card in our all school play called Alice in Wonderland. I'm so excited to be in the play!

7. I now have my own email account and I have a blog, which I learned how to do in Tech class. I blog about Pokémon and YU-GI-OH tips. My blog has had over 60 views, which I'm really proud of!

8. I've made friends with many people, which I hang out with outside of school. We play card games, go to Dreams Games, a game store, hang out at each other's houses and do many things.

9. I'm able to get my homework in on time. I get help from the teachers and my parents so I'm able to get it done on time.

10. Last year I got Straight A's and I was really proud about.
I am writing in regard to the proposed placement of Lionsgate Academy at 5605 Green Circle Drive in Minnetonka. 

I have had a chance to check out their website, and I feel that they have a great mission. However, I think this location would place a great burden on the immediate community.

The volume of traffic in the 169/Bren area is currently overwhelming. Adding further vehicles at the heavy traffic flow time of after work and school would further clog these already congested streets and highways. They indicate 150 students, all of whom would need to be transported. In addition, the teachers and support staff, which their website currently list at 73, would all be departing at the same time.

The academy's website shows that they have a mission of expanding up to 200 students. While they currently indicate 150 students, they hold a lottery and turn away students at this time.

I am also concerned with how this will effect the nearby pars, as there is not green space for students to gather other than to cross green circle drive.

I hope you will carefully consider before placing 200 children into the middle of a quiet neighborhood.

Sincerely,
Joseph Herman
Resolution No. 2015-

Resolution approving a conditional use permit for an educational institution at 5605 Green Circle Drive

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

Section 1. Background.

1.01 Wellington Management, Inc., on behalf of Lionsgate Academy, has requested a conditional use permit to operate an educational institution within the general business (B-3) district.

1.02 The property is located at 5605 Green Circle Drive. It is legally described as:

Lot 1, Block 5 Opus 2 Forth Addition, Hennepin County, Minnesota

1.03 City Code §300.19 Subd. 4(n) allows public buildings as conditional uses within the B-3 zoning district.

1.04 City Code §300.19 Subd. 4(t) allows “other uses similar to those permitted within this section, as determined by the city” as conditional uses within the B-3 zoning district.

1.05 The proposed school would be similar to a public building, as it is a place where a group of people would gather at a specified time for a specific purpose.

1.06 On October 1, 2015, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.
Section 2. General Standards.

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

1. The use is consistent with the intent of the ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
4. The use is consistent with the city's water resources management plan;
5. The use is in compliance with the performance standards specified in §300.28 of the ordinance; and
6. The use does not have an undue adverse impact on the public health, safety or welfare.

Section 3. Specific Standards.

3.01 City Codes §300.21 Subd.5(h) and §300.21 Subd.3(m) lists the following specific standards that must be met for granting a conditional use permit for a public building within the B-3 zoning district.

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
2. Consistency with this ordinance;
3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;

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

c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and

d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Section 4. Findings.

4.01 The proposal would meet the general conditional use permit standards as outlined in City Code §300.21 Subd. 2.

4.02 The proposal would meet the specific conditional use permit standards as outlined in City Code§300.21 Subd.5(h) and §300.21 Subd.3(m).

1. The proposed school has been reviewed by the city’s building, engineering, planning, natural resources, and fire staff. Staff finds the proposal to be generally consistent with the city’s development guides.

2. The proposed school would meet all minimum ordinance standards.
3. The proposed school would occupy an existing building on a fully developed site. At this time, no changes would be made to the exterior of the building or to the property.

4. Interior building renovations would meet current building code requirements, including those pertaining to energy efficiency.

5. The proposed school would not negatively impact the surrounding area. In fact, the school occupancy would:
   a) Result in no immediate changes to the exterior of the building or the grounds.
   b) Generate fewer vehicle trips per day than an office use of the site and significantly less than the property is allowed under the Opus Trip Generation Ordinance.

Section 5. City Council Action

5.01 The above-described conditional use permit is approved, subject to the following conditions:

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans:
   - Narrative date-stamped August 21, 2015

2. This resolution must be recorded with Hennepin County prior to issuance of a building permit.

3. The applicant must inform city staff in writing if any significant changes are made to the school’s programming that would increase the p.m. peak trip generation. This includes, but is not limited to, general school programming, after-school and summer programming as this may require an updated traffic study. If an updated study indicates a negative impact on the surrounding roadway system or parking demand, staff may require the conditional use permit be brought back to the city council for further review.

4. This approval does not approve any future site improvements.

5. If food is provided by the school for the students, the kitchen must meet all food code requirements, including construction and equipment.
6. The building must be fire sprinkled or meet all minimum building and fire code requirements for schools.

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

8. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 12, 2015.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

**Action on this resolution:**

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on October 12, 2015.

David E. Maeda, City Clerk
C. Conditional use permit for an educational institution at 5605 Green Circle Drive.

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

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

In response to Odland’s question, Thomas stated that she believed that the gym would be located in the warehouse.

Todd Kaufman stated that he works for Wellington Management, the proposed buyer. Wellington Management would make significant improvements to the site and lease it to Lionsgate. The white roof is the result of the type of materials used at that time.

Chair Kirk asked about the traffic pattern and busing. Diane Halpin, executive director of Lionsgate Academy, introduced herself and Ron Berger, director of finance and operations, for Lionsgate Academy. Mr. Berger said that half of the students would be transported by a 7-person or 10-person van. There would be a combination of short buses and maybe one regular size school bus. The rest of the traffic would be regular vehicles with students in carpools being dropped off by parents. The school would be moved from Crystal to Minnetonka.

Chair Kirk asked about event parking. Mr. Berger said that there would be parent-teacher nights and a one-act play in the spring. He is weighing the possibility of renting a theater or having the play on site. The proposed site has more parking than the current site and it would be adequate. Opportunity Partners is a next door neighbor that he will be contacting to work together to provide opportunities for individuals with special needs.

Chair Kirk asked if the lease would be to buy. Mr. Berger said that the applicant would be a good, long-term tenant.

O'Connell asked what made them choose the site and the reason for the move. Ms. Halpin explained that the school began in 2008 with 60 students. There are 160 students enrolled in 2 campuses. There are 160 students on the waiting list. There are 5 current students who live in the Hopkins School District. The school ran out of space to serve the needs of the current students. It is a very therapeutic environment. The old elementary school classrooms are too large for the class sizes. The diagnosis of Autism is now up to 1 in 70. There is a great
demand. She has been looking for space for a year and a half. There is not enough of a bank roll to buy a building, but the school is able to pay rent. The site is very attractive.

Odland asked if the space would be large enough for the long term. Ms. Halpin said that other locations would be added to serve the students traveling long distances and prevent the appearance of an institution. They did not want a school with over 200 students. Mr. Berger said that everyone from Lionsgate is passionate about what they do. The facility has had visitors from Japan and Russia to see how it operates.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Mike Ramsden, 13627 Inverness Road, stated that he has a grandson who attends Lionsgate and he works there. The current building is dated. Lionsgate is a life saver. It makes a difference for the kids. He encouraged approval of the proposal.

**Odland moved, second by Calvert, to recommend that the city council adopt the resolution approving a conditional use permit for an educational facility at 5605 Green Circle Drive (see pages A13-A17).**

**O’Connell, Odland, Calvert, Magney, and Kirk voted yes. Knight was absent. Motion carried.**

Wischnack announced that the city’s open house is October 6, 2015 from 5 p.m. to 8 p.m. and there will be a meeting regarding improvements to Cartway Lane on Monday at 6 p.m. in the community center.
City Council Agenda Item #14B  
Meeting of October 12, 2015  

**Brief Description**  
Resolution amending the conditional use permit for Redstone American Grill at 12401 Wayzata Boulevard  

**Recommendation**  
Adopt the resolution approving the amendment  

**Background Information**  
In July 2015, the city council approved a conditional use permit for Redstone American Grill at Ridgedale Center. Redstone will be relocating from their current location on the south side of Ridgedale Drive to the north side of the newly expanded mall. As part of the CUP approval, the city council also approved the building design for the restaurant exterior. (See page A3 and resolution on pages A8-A12.)  

**Proposed Amendment**  
Redstone is in the process of finalizing the design of the restaurant and is proposing a change to exterior materials of the trash enclosure. The building elevation that the city council approved as part of the conditional use permit includes black stone tile as the finish material for the trash enclosure. The black stone tile would be the same material that is used on areas of the mall façade. The applicant is proposing to change the finish materials on the trash enclosure to match the materials used in the Redstone restaurant façade. The proposed materials would include natural stone veneer with a corrugated metal panel band along the top. The design and materials would be the same as the main part of the restaurant exterior on the right side of the entrance tower. The door for the trash enclosure would be a corrugated metal panel, similar to the band on the top of the enclosure, but would be a neutral color to match the stone. (See pages A1-A5.)  

**Staff Analysis**  
The design of the trash enclosure is sensitive since it is located on the front of the building and would be highly visible from the parking lot and surrounding roadways. This is why the finish materials consisting of dark colored brick or stone was specifically included as a condition of the CUP approval. However, staff supports the proposed changes to the trash enclosure for the following reasons:  

(1) The mall façade consists of the glass entry tower, gray composite panels, and wood-patterned panels. The north elevation of the mall does not include any of the black tile material that was approved for the trash enclosure. Though black tile was to be included on the mall entrance tower, that tower has since been removed from the north side of the mall. Therefore, the black tile for the trash enclosure would not be consistent with the existing north elevation. (See pages A6-A7.)
The revised design would do a better job of blending the trash enclosure into the design of the Redstone restaurant. The design includes the same high quality materials used on the restaurant elevation, and the design would minimize the appearance of the enclosure as a trash and service area.

Staff Recommendation

Adopt the resolution on pages A13-A17 repealing and replacing Resolution No. 2015-057 approving a conditional use permit for a restaurant at Ridgedale Center at 12401 Wayzata Boulevard.

Through: Geralyn Barone, City Manager
         Julie Wischnack, AICP, Community Development Director
         Susan Thomas, AICP, Principal Planner

Originator: Jeff Thomson, Planner
Location Map

Project: Redstone
Applicant: Duane Perry
Address: 12401 Wayzata Blvd
(03046.15c)

This map is for illustrative purposes only.
<table>
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<tr>
<td>To:</td>
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<tr>
<td>From:</td>
<td>GGP</td>
</tr>
<tr>
<td>Project:</td>
<td>Ridgedale Center</td>
</tr>
<tr>
<td>Subject:</td>
<td>Redstone American Grill – Service Area Enclosure</td>
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GGP fully supports the proposed Redstone Grill finishes on the new north service area enclosure. GGP feels installation of tenant finishes offers a cohesive and comprehensive design aesthetic while blending the transition between the mall building and the Nordstrom building.

Redstone Grill’s significant commitment to center in both design and materiality represents a first-hand example of the continued transformation of Ridgedale Center to ensure its long-term viability as an important part of the Minnetonka community.

As such, GGP supports Redstone Grill’s application to allow its finishes to be installed on the immediately adjacent service area enclosure.
TRASH ENCLOSURE WITH BASALT TILE AS SPECIFIED BY GGP
TRASH ENCLOSURE - PROPOSED CHANGES TO FINISHES AND HEIGHT

EXISTING MALL FINISHES
NORDSTROM'S FACADE
NATURAL STONE VENEER
CORRUGATED METAL
COLOR TO BLEND WITH STONE
PRE-FINISHED CORRUGATED METAL PANEL
BLACK METAL PANEL

PROPOSED CHANGE
10'-6"
EXISTING MALL FINISHES
EXISTING MALL ENTRANCE
CORRUGATED METAL
COLOR TO BLEND WITH STONE
PRE-FINISHED CORRUGATED METAL PANEL
BLACK METAL PANEL

3/16" = 1'-0"

1 NORTH ELEVATION
A7.0

2 EAST ELEVATION
A7.0
MATERIALS

WOOD PATTERNED COMPOSITE PANEL

GRAY COMPOSITE PANEL

WHITE METAL ACCENT PANEL

BASALT STONE TILE
(VARYED SAMPLES SHOWN TO REPRESENT COLOR VARIATION OF MATERIAL)

MESABI BLACK GRANITE
Resolution No. 2015-057
Resolution approving a conditional use permit for a restaurant at Ridgedale Center at 12401 Wayzata Boulevard

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

Section 1. Background.

1.01 Redstone American Grill and Wilkus Architects have requested a conditional use permit for a restaurant. (Project 03046.15b)

1.02 The property is located at 12401 Wayzata Boulevard. It is legally described as: TRACT E, REGISTERED LAND SURVEY NO. 1826

1.03 On July 20, 2015, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. General Standards.

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

1. The use is consistent with the intent of the ordinance;

2. The use is consistent with the goals, policies and objectives of the comprehensive plan;

3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;

4. The use is consistent with the city's water resources management plan;
5. The use is in compliance with the performance standards specified in §300.28 of the ordinance; and

6. The use does not have an undue adverse impact on the public health, safety or welfare.

Section 3. Specific Standards.

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

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

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

3. Outdoor seating areas will be approved only subject to the following:
   a) must be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access must be only through the principal building;
   b) must be set back at least 200 feet and screened from any adjacent property designated in the comprehensive plan for residential use;
   c) must be located and designed so as not to interfere with pedestrian and vehicular circulation;
   d) must be located next to an entrance to the main use;
   e) must be equipped with refuse containers and periodically patrolled for litter pick-up;
   f) must not have speakers or audio equipment that is audible from adjacent residential parcels; and
   g) must meet building setback requirements.
4. Drive-up windows and related stacking spaces will be approved only subject to the following:

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

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

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

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

Section 4. Findings.

4.01 The proposal meets the general conditional use permit standards as outlined in City Code §300.21 Subd. 2.

4.02 The proposal meets the specific conditional use permit standards as outlined in City Code §300.31 Subd. 4(b)2(o).

Section 5. Council Action.

5.01 The above-described conditional use permit is approved, subject to the following conditions:

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans, except as modified below.

   • Floor plan dated June 12, 2015
   • Building elevations dated June 12, 2015

2. Prior to issuance of a building permit:

   a) This resolution must be recorded with Hennepin County.
b) The site plan must be revised. The sidewalk along the north side of the restaurant must be increased in width to at least 8 feet, except in the location of the new entrance, where it may remain as shown on the plans. The revised plan should include additional pedestrian amenities near the north entrance to the mall.

c) The exterior building material of the trash enclosure must be dark colored brick or stone.

3. The outdoor patio must be equipped with refuse containers and periodically patrolled for litter pick-up.

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

5. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on July 27, 2015.

Terry Schneider, Mayor

Attest:  
David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption: Allendorf
Seconded by: Bergstedt
Voted in favor of: Ellingson, Allendorf, Acomb, Wiersum, Bergstedt, Schneider
Voted against:
Abstained:
Absent: Wagner
Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on July 27, 2015.

David E. Maeda, City Clerk
Resolution No. 2015-

Resolution repealing and replacing Resolution No. 2015-057 approving a conditional use permit for a restaurant at Ridgedale Center at 12401 Wayzata Boulevard

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

Section 1. Background.

1.01 Redstone American Grill and Wilkus Architects have requested a conditional use permit for a restaurant. (Project 03046.15b)

1.02 The property is located at 12401 Wayzata Boulevard. It is legally described as:

TRACT E, REGISTERED LAND SURVEY NO. 1826

1.03 On July 20, 2015, the planning commission held a hearing on the conditional use permit request. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

1.04 On July 27, 2015, the city council adopted Resolution 2015-057 approving a conditional use permit for Redstone American Grill. The approval included several conditions, including a specific requirement for the exterior materials of the restaurant’s trash enclosure.

Section 2. General Standards.

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

1. The use is consistent with the intent of the ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;

3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;

4. The use is consistent with the city's water resources management plan;

5. The use is in compliance with the performance standards specified in §300.28 of the ordinance; and

6. The use does not have an undue adverse impact on the public health, safety or welfare.

Section 3. Specific Standards.

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

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

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

3. Outdoor seating areas will be approved only subject to the following:
   a) must be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access must be only through the principal building;
   b) must be set back at least 200 feet and screened from any adjacent property designated in the comprehensive plan for residential use;
   c) must be located and designed so as not to interfere with pedestrian and vehicular circulation;
   d) must be located next to an entrance to the main use;
e) must be equipped with refuse containers and periodically patrolled for litter pick-up;

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

g) must meet building setback requirements.

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

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

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

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

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

Section 4. Findings.

4.01 The proposed amendment meets the general conditional use permit standards as outlined in City Code §300.21 Subd. 2.

4.02 The proposed amendment meets the specific conditional use permit standards as outlined in City Code §300.31 Subd. 4(b)2(o).

Section 5. Council Action.

5.01 Resolution No. 2015-057 is hereby repealed.

5.02 The above-described conditional use permit is approved, subject to the following conditions:
1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans, except as modified below.

• Floor plan dated June 12, 2015
• Building elevations dated September 23, 2015

2. Prior to issuance of a building permit:

a) This resolution must be recorded with Hennepin County.

b) The site plan must be revised. The sidewalk along the north side of the restaurant must be increased in width to at least 8 feet, except in the location of the new entrance, where it may remain as shown on the plans. The revised plan should include additional pedestrian amenities near the north entrance to the mall.

c) The finish materials of the trash enclosure must be the same as the materials used in the exterior elevation of the restaurant, as shown on the approved plans.

3. The outdoor patio must be equipped with refuse containers and periodically patrolled for litter pick-up.

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

5. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 12, 2015.

_______________________________________
Terry Schneider, Mayor

Attest:

_________________________________
David E. Maeda, City Clerk
Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on October 12, 2015.

__________________________________
David E. Maeda, City Clerk
City Council Agenda Item #14C
Meeting of October 12, 2015

Brief Description: Resolution for the 2016 Street Rehabilitation project for the Libb’s Lake Area

Recommended Action: Adopt the resolution

Introduction

In September 1994, the city council adopted a street reconstruction policy that set forth standards the city would follow in constructing and reconstructing city streets. The policy also establishes the framework for a pavement management system that maximizes the useful lives of local streets. A certain number of streets are designated each year to be rehabilitated based on this policy.

The 2016 street rehabilitation program proposes to reconstruct and resurface various neighborhood streets. There are two separate areas identified in the 2016 street rehabilitation program, the Libb’s Lake Area and Oakland Road. The 2016 Libb’s Lake Area program includes:

Full Reconstruction (Libb’s Lake South)
- Woodlawn Avenue
- Prospect Place
- Shores Boulevard
- Larchmore Avenue
- Highland Avenue
- Lake Shore Boulevard
- Gray’s Bay Boulevard (South of Gray’s Bay/Libb’s Lake Bridge)
- Cottage Grove Avenue
- Edgewood Avenue
- Park Lane

Mill and Overlay (Libb’s Lake North)
- Fairchild Avenue
- Tonka Trail
- Tonkaha Drive
- Meadowbrook Lane
- Gray’s Bay Boulevard (North of Gray’s Bay/Libb’s Lake Bridge)

Oakland Road will be presented to council at a future date.
Background

The 2016 street rehabilitation project in the Libb’s Lake Area was selected based on street condition and by known deficiencies of the underlying utilities - poor water main conditions. There are 29 documented water main breaks south of Libb’s Lake within the 2016 project area and the street conditions have deteriorated as a result of both age and patching related to water main breaks and limited storm sewer facilities.

Proposed Improvements

Staff reviewed the streets and underlying utility conditions to determine the extent of improvements.

Sanitary sewer inspections have revealed the overall condition of the system is good; however, isolated repairs are necessary to correct specific deficiencies. Two sanitary sewer forcemains exist within the proposed project area. The Lake Shore Boulevard forcemain, located south of the intersection with Cottage Grove Avenue and running west along Cottage Grove Avenue to Edgewood Avenue, is proposed to be replaced. The Fairchild Avenue forcemain, located between Grays Bay/Libb’s Lake Bridge and the intersection of Meadowbrook Lane, is proposed to be lined internally requiring a few excavations.

No documented water main breaks currently exists on Fairchild Avenue and the area north of Libb’s Lake and the Gray’s Bay/Libb’s Lake Bridge. Therefore, no water main replacements are proposed for the Libb’s Lake North area. The area south of Libb’s Lake has 29 documented water main breaks with deteriorating pipe, and therefore, full replacement of the water main system is proposed in the Libb’s Lake South area.

The existing streets within the 2016 project area range in width from 18 to 28 feet. The city’s standard street section is 26 feet wide with concrete curb and gutter. Due to narrow street corridors and impacts to natural features and in-place landscaping, staff is proposing to match all existing street widths. Due to limited right of way in some areas, permanent and temporary easements will be needed for the street and utility construction, including boulevard restoration.

Since the watermain, sanitary sewer, and street subbase in the Libb’s Lake North area are in good condition, this area is proposed to receive a 2-inch mill and overlay and be reconstructed in the future when utility replacements warrant a full reconstruction. Public Works crews will complete the milling portion of this work in order to profile detailed minor street corrections. The Libb’s Lake South area is proposed to be fully reconstructed with concrete curb and gutter and storm sewer improvements. Proposed storm sewer improvements will provide additional surface drains where needed, and new pipe to improve conveyance of storm water. New storm water quality structures are proposed to filter storm water before entering adjacent wetlands and lakes.
The eastern portion of Lake Shore Boulevard adjacent to Libb’s Lake has experienced localized flooding for many years. Staff have analyzed several potential options to alleviate large rain event localized flooding, ranging from the installation of a lift station to the total take of two lots to create a drainage pond. Staff could not justify these potential improvement options due to substantial costs for this sub-watershed. Staff is however proposing a ribbon curb in this area, which is a no back curb allowing stormwater to flow directly off the street surface and better maintain existing drainage patterns. Additional storm sewer features are also being proposed upstream at the outer edges of the sub-watershed to reduce the amount of storm water runoff to this area. While the drainage issue will not be a perfect solution, the proposed will improve the existing conditions. This area will again be further reviewed during final design for any additional options to improve the area.

The Gray’s Bay/Libb’s Lake Bridge was reviewed to determine if any improvements were needed as a part of this project. While minor deficiencies exist, the bridge was found to be structurally adequate and repairs or replacement are not justified at this time. Staff recommends that the bridge be replaced in the future at the time state bridge bonds are available or the condition necessitates its replacement. The bridge will continue to be reviewed on a 2-year cycle as a part of the city’s bridge inspection program.

Four speed humps exist on Gray’s Bay Boulevard between County Road 101 and the Gray’s Bay Dam; three of the speed humps are within the Libb’s Lake project area. The speed humps were installed in the late 1990’s as an experiment to slow traffic heading to the Lake Minnetonka public boat launch located at the Gray’s Bay Dam at that time. Subsequently, Gray’s Bay Marina, at the intersection of County Road 101 and Gray’s Bay Boulevard, was opened for public boat access and the launch was closed at the dam site. Being the original reason for installation of the speed humps no longer exists, and improvements are expected to be made to public safety and maintenance, staff recommends the removal of these speed humps with no replacement for the following reasons:

- Emergency response staff and public works personnel have expressed their desire to not replace the humps, as they slow emergency response time and increase maintenance time (e.g., snow plowing).
- Non-local traffic was significantly reduced using Gray’s Bay Boulevard east of the marina with the closing of the boat launch and the experimental use is no longer needed.
- Speed humps are typically not bicycle, motorist, or ADA friendly and present safety concerns to these users.
- Installation will set a precedence city wide for use on other Minnetonka streets.

Following discussions with the city’s recreation department director, it is staff’s recommendation to close Libb’s Lake Beach for the 2016 summer season, based on the impact of the area streets from the project. The park would remain operational, including
the restroom facility; however, the swim area would be closed and posted as such. Concerns with operating the beach include the ability for customers, staff, maintenance and most importantly public safety to get to the park at all times. This would also allow for the park’s parking lot to be available for residents to park in during times when their street is not accessible. Not operating the beach for the summer will save an estimated $10,000. This is a significant expense, and one that is not justified if the beach is not open to the entire community.

Public Input

Informational meetings were held with the affected neighborhood on October 1, 2015. Separate meetings were held for the Libb’s Lake North area and the Libb’s Lake South area. Approximately 50 residents attended the meetings where staff presented the concept layouts that incorporated the proposed street, storm sewer, and utility work. Residents were generally supportive of the project; many were well aware of the issues with the water main and were appreciative that the city will be replacing the water main in areas to improve service reliability.

Staff presented its recommendation to remove the speed humps from the neighborhood. After noting the recommendation, those in attendance did not make initial comment to the proposed removal. Following the presentation, comment cards were received with three responses noting their support of removal and two responses noting support for keeping the speed humps. One additional resident response requested a new speed hump be installed in a separate area of the neighborhood on Cottage Grove Avenue.

At the meeting, staff also presented information on the different ways to stay informed during construction. Various strategies staff has been using to provide updates for current city projects were discussed, including: email updates, citizen alerts, newsletters, and social media. Staff demonstrated that Twitter updates, which are provided on a real-time basis, can be viewed on the city website without a Twitter account. Staff also asked residents for suggestions regarding how they best would like to be communicated but received no feedback.

During the 2015 construction season, staff completed its first full watermain reconstruction project of this size since 2002. Street and utility projects of this type are very intensive and disruptive to access in and out of the neighborhood due to the amount and extent of the excavations required. Garbage truck, delivery truck and school bus service is also impacted at times. Although staff feels communication efforts have been improved, further efforts will be taken as a part of the 2016 street rehabilitation project. Staff will be meeting with the city’s new Communications Manager to establish additional communication procedures and explore alternative ways to reach out to residents, such as group texting, automated calling, increased personal interaction and finding new ways to provide city contact information such as magnets and enhanced door hangers.
Estimated Project Costs and Funding

The total estimated construction cost, including engineering, administration, and contingency is $10,250,000. The budget amount for the project is shown below and is included in the 2016 – 2020 Capital Improvements Program (CIP). Based on the current estimate, the CIP will likely need to be amended at the time of bid award to reflect the additional funds needed for the street portion of the work. Dependent on actual bids received, additional funding in 2016 is available in the Street Improvement Fund currently allocated to Local Street Preservation, which could potentially be used for the mill and overlay portion of this project.

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Schedule

If the recommended actions are approved by council, staff would anticipate developing the final plans October through December. The plans would then be brought to council for final approval in January with intentions of having council award the bids for this project in March or April. Construction would likely begin in early May.

Recommendation

Adopt the attached resolution receiving the feasibility report, ordering the improvements, authorizing preparation of plans and specifications, and authorizing easement acquisition for the 2016 Street Reconstruction – Libb’s Lake Area Project No.16401.

Submitted through:
  Geralyn Barone, City Manager
  Will Manchester, PE, Director of Engineering

Originated by:
  Jeremy Koenen, PE, Assistant City Engineer
Be It Resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. A feasibility report was prepared by and/or under the direction of the engineering department of the City of Minnetonka with reference to the proposed 2016 Street Rehabilitation Project – Libb’s Lake Area No. 16401.

1.02. This report was received by the City Council on October 12, 2015 with the project to be known as:

2016 Street Rehabilitation – Libb’s Lake Area, Project No. 16401.

Section 2. Council Action.

2.01. The feasibility report is hereby accepted and the preparation of plans and specifications are hereby authorized.

2.02. The proposed improvements are hereby ordered as proposed.

2.03. The city engineer is hereby designated as the engineer for this improvement. He may retain any professional help he deems necessary.

2.04. The city attorney and the city engineer are hereby authorized to acquire necessary easements by negotiation or condemnation.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 12, 2015.

__________________________
Terry Schneider, Mayor

Attest:

__________________________
David E. Maeda, City Clerk
Action on This Resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on October 12, 2015.

__________________________
David E. Maeda, City Clerk
2016 Rehabilitation Program

- Full Reconstruction Area
- Mill and Overlay Area

This map is for illustrative purposes only.
FEASIBILITY Report
October 5, 2015
2016 Street Rehabilitation Project
Libbs Lake Area

City of Minnetonka
Hennepin County, Minnesota

City Project No. 16401
WSB Project No. 1502-580
October 5, 2015

Honorable Mayor and City Council
City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345

Re: Feasibility Report
2016 Street Rehabilitation Project – Libbs Lake Area
City Project No. 16401
City of Minnetonka, MN
WSB Project No. 1502-580

Dear Honorable Mayor and City Council Members:

Transmitted herewith for your review is a feasibility report which addresses street and utility improvements associated with the 2016 Street Rehabilitation Project.

The proposed project involves the reconstruction or mill and overlay of existing streets, utility repairs, and area storm sewer and drainage improvements.

The report also presents costs for the proposed project.

We are available at your convenience to discuss this report. Please do not hesitate to contact me at 763-762-2821 if you have any questions regarding the report.

Sincerely,

WSB & Associates, Inc.

Lee Gustafson, PE
Senior Project Manager

Jim Stremel, PE
Project Manager

Enclosure

srb
CERTIFICATION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

James L. Stremel, PE
Date: October 5, 2015 Lic. No. 45782

Prepared By:

Eric M. Eckman, PE
Date: October 5, 2015 Lic. No. 49954

Quality Control Review Completed By:

Lee G. Gustafson, PE
Date: October 5, 2015 Lic. No. 18443
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Feasibility Report
2016 Street Rehabilitation Project – Libbs Lake Area
City Project No. 16401
City of Minnetonka, MN
WSB Project No. 1592-580
Appendix A

Figure 1 – Project Location Map
Figure 2A – Typical Section (Full Reconstruction)
Figure 2B – Typical Section (Mill & Overlay)
Figure 3 – Stormwater Subwatershed Connectivity
Figure 4 – Stormwater Optimal BMP’s
Figure 5 – Stormwater Proposed BMP’s
Figure 6A – Proposed Utility Improvements (Northwest Quadrant)
Figure 6B – Proposed Utility Improvements (Northeast Quadrant)
Figure 6C – Proposed Utility Improvements (Southwest Quadrant)
Figure 6D – Proposed Utility Improvements (Southeast Quadrant)

Appendix B
Opinion of Probable Cost

Appendix C
Drainage and Stormwater Improvements

Appendix D
Geotechnical Report – Log of Test Borings

Appendix E
Public Comment Summary

Appendix F
Bridge Condition Assessment and Alternatives Analysis
1. EXECUTIVE SUMMARY

The 2016 Street Rehabilitation Project was initiated by the city’s 2016-2020 Capital Improvement Program. The project includes 22,785 feet (4.32 miles) of complete roadway reconstruction, mill and overlay areas, watermain replacement, sanitary sewer spot pipe repairs, forcemain improvements, and the addition, replacement or repair of the existing storm sewer system. The project has been split into three separate areas (A, B, and C), which are shown on Figure 1, and will be referenced as such throughout.

Purpose and Goals

- Provide a long-term and sustainable street system by implementing city design standards.
- Improve area drainage and correct existing drainage problems.
- Repair and improve the existing city sanitary sewer and watermain systems.
- Minimize construction impacts to adjacent properties.

Streets

Streets proposed for improvements in 2016 are based on the current roadway conditions and the overall Street Reconstruction Program budget. Roadway reconstruction is proposed, consisting of removal of the existing bituminous pavement, subgrade correction, concrete curb and gutter construction, and new pavement installation throughout project areas A and B. Area C is proposed to consist of mill and overlay with spot subgrade corrections where needed.

In 1997, speed humps were installed on Gray’s Bay Boulevard to help calm boat trailer traffic traveling to and from the old Gray’s Bay boat launch. Shortly thereafter, boat launch activities were moved to the Gray’s Bay Marina site, and the former boat launch area was reconstructed into a headwaters park with a canoe launch. These changes significantly reduced outside traffic using Gray’s Bay Boulevard.

Since the traffic issue that caused the speed hump installation no longer exists, it is recommended that the speed humps not be replaced after the 2016 street rehabilitation project is completed.

Sanitary Sewer and Watermain Repairs

Replacing portions of the city’s deteriorating utility infrastructure in conjunction with the proposed street improvements provides an opportunity to minimize replacement costs and traffic disruptions associated with the work. Proposed utility improvements include the following:

- Repair of damaged sewer lateral at 16906 Minnetonka Boulevard.
- Replacement of water main within project Areas A and B.
- Replacement of deficient sanitary sewer force main within project Area B.
- CIPP lining of forcemain in Area C.
- Repair or replacement of structurally deficient storm sewer manholes.
- Installation of additional storm sewer drainage structures and storm sewer piping.
- Replacement of all existing storm sewer and sanitary sewer manhole castings.
**Drainage Improvements**

Storm water discharge from the project area flows primarily overland into the adjacent lakes and wetlands with little or no treatment. Barr Engineering has prepared a storm water management report of the proposed project area. Proposed improvements include recommendations from the detailed storm water management report completed by Barr Engineering and Best Management Practices (BMP’s) detailed through further analysis and staff discussions. Emphasis will be placed on improving the water quality of the discharge to adjacent lakes and wetlands through a non-degradation approach.

**Wetlands**

Wetlands are located within the project area. A field delineation and report was completed to determine the location of the existing wetland boundaries. Once final design has commenced, further review of wetland impacts will be made to determine whether mitigation will be necessary.

**Bridge Improvements**

A condition assessment was completed for the bridge (Bridge #27559) located on Gray’s Bay Boulevard. The assessment also included an alternatives analysis and recommendations for future maintenance and improvements. Based on current structural ratings and the high projected preservation costs with a relatively short beneficial time frame, total bridge replacement at a future date is the recommended alternative.

**Easements and Right-of-Way**

Right-of-way widths vary throughout the project area between 35 feet and 66 feet and some existing permanent easements are present for existing utility and storm sewer infrastructure. Due to areas of narrow right-of-way, temporary and prescriptive easements are anticipated to facilitate utility construction, slope grading, and drainage improvements. In addition, in order to accommodate utilities outside of the current right-of-way, permanent easement acquisition is also anticipated.

**Private Utilities**

Private utilities that have facilities in or near the project area will be notified during the final design phase of the project and will be requested to coordinate any necessary repairs, replacements, and relocations as needed at their cost. Private utility companies that have facilities within the project area include the following:

- Xcel Energy
- CenterPoint Energy
- Arvig
- Comcast
- Zayo Group
**Project Costs and Finances**

The total estimated project cost for the 2016 Street Rehabilitation Project is $10,244,000. This includes a 10% contingency and 25% indirect costs for legal, engineering, administrative, and financing costs. The project is proposed to be financed through City funds.

**Schedule**

The project is proposed to be substantially completed in 2016, including restoration items. The final wear course of bituminous pavement will be placed in 2017.

**Recommendation**

Due to the existing condition of the roadways, drainage deficiencies, inadequate storm sewer system, sanitary sewer forcemain deterioration, and watermain repairs needed, the 2016 Street Rehabilitation Project is necessary, feasible, and cost-effective from an engineering standpoint. The proposed improvements also constitute a project large enough to ensure a competitive bidding environment and economy of scale. Based on the information contained in this document, it is recommended to proceed with the improvements as described.
2. PROJECT BACKGROUND

2.1 Project Area and Scope

On June 9, 2015, the Minnetonka Engineering Department authorized the preparation of an Engineering Feasibility Report for the 2016 Street Rehabilitation Project. The city of Minnetonka initiated the 2016 Street Rehabilitation Project as part of the city’s 2016-2020 Capital Improvement Program. Projects in the Street Rehabilitation Program are identified through the city’s Pavement Management Program. This report investigates the feasibility of proposed street and utility improvements identified by the city’s Street Rehabilitation Program for 2016. Improvements outlined within this report include bituminous pavement reconstruction, watermain and sanitary sewer replacement, and storm sewer repairs north of Minnetonka Boulevard and south of Lake Minnetonka, between Woodlawn and Fairchild Avenues.

2.2 Background Information

Information and materials used in the preparation of this report include the following:

- City of Minnetonka Comprehensive Plan
- City of Minnetonka Record Plans
- City of Minnetonka Topography Maps
- Public Works Maintenance Records
- Private Utility Maps
- Utility Record Drawings
- Field Observations of the Area and Topographic Survey
- CIP Utility Condition Assessment, Stantec, dated February 2015
- Storm Sewer Modeling, BARR
3. ROADWAY

3.1 Existing Surface Conditions

The existing streets were constructed during the 1970s and all streets have bituminous surfacing, with primarily bituminous curb and minimal concrete curb and gutter. Streets within the proposed improvement area are aging and experiencing differing severities of alligator cracking, edge cracking, longitudinal cracking, and transverse cracking. All project areas contain landscaping, trees, and numerous other private improvements beyond the edge of the roadway and within city right-of-way, and many areas are adjacent to low lying areas and wetlands. Table 1 provides a summary of existing street conditions within the 2016 Street Rehabilitation Project.

3.2 Existing Pavement, Base and Subgrade Soils

The existing pavement within the project area ranges from poor to moderate condition, with numerous patches and some potholes, pavement cracking, transverse and longitudinal cracking, and unevenness in the pavement. The bituminous pavement thickness varies between 4.25 inches and 9.25 inches. The variations appear to be due to some areas having multiple bituminous patches in the past. The roadway aggregate base varied from 6 inches to 20 inches in thickness. At the boring locations, the bituminous pavement, aggregate base, and subgrades soils varied in both depth and definition.

The subgrade soils consisted primarily of sand with gravel and clayey, silty sand to a lesser degree. The soils within the borings were primarily fills varying between 4 feet and 16 feet in depth. In addition, the ground water varied in depth from 4.5 feet to 6.5 feet below the pavement surface. This corresponded to higher moisture contents within the soils.

A copy of the geotechnical soil boring logs prepared for this project by American Engineering Testing, Inc. may be found in Appendix D of this report.

Speed Humps

On October 13, 1997, the city council approved an experimental installation of four speed humps on Gray’s Bay Boulevard. The speed humps were primarily installed to help calm boat trailer traffic traveling to and from the old Gray’s Bay boat launch.

Shortly thereafter, boat launch activities were moved to the Gray’s Bay Marina site, and the former boat launch area was reconstructed into a headwaters park with a canoe launch. These changes significantly reduced outside traffic using Gray’s Bay Boulevard.

Since the traffic issue that caused the speed hump installation no longer exists and the city has received negative feedback from the city’s emergency personnel, it is recommended that the speed humps not be replaced after the 2016 street rehabilitation project is completed.
## Table 1 – 2016 Street Rehabilitation Project

### Summary of Existing Street Conditions

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Location</th>
<th>ROW (feet)</th>
<th>Length (feet)</th>
<th>Width (feet)</th>
<th>Approx. Year of Original Construction*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Woodlawn Avenue</td>
<td>Minnetonka Blvd to cul-de-sac</td>
<td>60’</td>
<td>1460’</td>
<td>22’-28’</td>
<td>1974</td>
</tr>
<tr>
<td>Prospect Place</td>
<td>Woodlawn Ave to Beverly Pl</td>
<td>60’</td>
<td>2305’</td>
<td>18’-22’</td>
<td>1975</td>
</tr>
<tr>
<td>Shores Boulevard</td>
<td>Minnetonka Blvd to Prospect Pl</td>
<td>60’</td>
<td>1290’</td>
<td>24’</td>
<td>1974</td>
</tr>
<tr>
<td>Larchmore Avenue</td>
<td>Minnetonka Blvd to Prospect Pl</td>
<td>60’</td>
<td>955’</td>
<td>24’</td>
<td>1974</td>
</tr>
<tr>
<td>Highland Avenue</td>
<td>Minnetonka Blvd to cul-de-sac</td>
<td>60’</td>
<td>970’</td>
<td>22’</td>
<td>1974</td>
</tr>
<tr>
<td>Lake Shore Boulevard</td>
<td>Minnetonka Blvd to Gray’s Bay Blvd</td>
<td>60’</td>
<td>3070’</td>
<td>20’-24’</td>
<td>1974</td>
</tr>
<tr>
<td>Gray’s Bay Boulevard</td>
<td>Cottage Grove Ave to cul-de-sac</td>
<td>35’-66’</td>
<td>3150’</td>
<td>20’-24’</td>
<td>1972, 1975, 1975</td>
</tr>
<tr>
<td>Meadowbrook Lane</td>
<td>Fairchild Ave to Gray’s Bay Blvd</td>
<td>40’</td>
<td>1590’</td>
<td>22’-26’</td>
<td>1975</td>
</tr>
<tr>
<td>Tonkaha Drive/Trail</td>
<td>Fairchild Ave to cul-de-sac</td>
<td>50’</td>
<td>1285’</td>
<td>24’-27’</td>
<td>1975</td>
</tr>
<tr>
<td>Fairchild Avenue</td>
<td>Prospect Pl to Gray’s Bay Blvd</td>
<td>55’-66’</td>
<td>3575’</td>
<td>20’-28’</td>
<td>1975</td>
</tr>
<tr>
<td>Cottage Grove Avenue</td>
<td>Lake Shore Blvd to Gray’s Bay Blvd</td>
<td>60’</td>
<td>1660’</td>
<td>22’-26’</td>
<td>1974</td>
</tr>
<tr>
<td>Park Lane</td>
<td>Lake Shore Blvd to cul-de-sac</td>
<td>40’</td>
<td>370’</td>
<td>20’</td>
<td>1974</td>
</tr>
<tr>
<td>Edgewood Avenue</td>
<td>Cottage Grove to Lake Shore</td>
<td>60’</td>
<td>705’</td>
<td>22’-26’</td>
<td>1974</td>
</tr>
<tr>
<td>Beverly Place</td>
<td>Prospect Pl to Cottage Grove Ave</td>
<td>60’</td>
<td>400’</td>
<td>22’-26’</td>
<td>1974</td>
</tr>
<tr>
<td><strong>RANGE</strong></td>
<td></td>
<td>35’-66’</td>
<td>370’-3575’</td>
<td>18’-28’</td>
<td>1972-1975</td>
</tr>
</tbody>
</table>

* Estimated date of wear course pavement
3.3 Street Improvements

The proposed project includes the mill and overlay or reconstruction of the existing bituminous streets, installation of new B612 concrete curb and gutter in reconstruction areas, along with storm sewer and drainage improvements. The project has been split up into three Areas: A, B, and C. In each of the areas, the condition of the pavement and proposed utility installations were evaluated from a cost/benefit standpoint to determine the best use of city funds.

A full street reconstruction is proposed for Areas A and B, while only a mill and overlay for Area C as the underlying utility conditions do not warrant a full street replacement. In all areas of the project, reconstructed roadway grades are proposed to match, or nearly match, existing grades and will be designed to minimize impacts to existing neighborhood features such as trees, landscaping, driveways and wetlands. The proposed typical section shown in Appendix A, Figure 2 illustrates the typical standard pavement section and width for the roadways. Table 2 provides a summary of proposed street conditions and improvements within the 2016 Street Rehabilitation Project.

3.3.1 Proposed Pavement Section

As described in the Preliminary Report of Geotechnical Exploration and Review prepared by American Engineering Testing, Inc. (AET), the soils found on the project were an R-value estimated between 12 and 15. AET recommends the following pavement section to meet the city of Minnetonka’s typical residential street section, which provides a Granular Equivalency (G.E.) of 17.25. Because the soils are poor and susceptible to frost heave, it is the geotechnical engineer’s recommendation to include a 12-inch compacted subcut in cut sections. Below is the granular equivalent summary of the proposed street section.

<table>
<thead>
<tr>
<th>Material</th>
<th>Thickness – inches</th>
<th>Granular Equivalent – inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bituminous Wearing Course</td>
<td>2</td>
<td>4.50</td>
</tr>
<tr>
<td>Bituminous Binder Course</td>
<td>3</td>
<td>6.75</td>
</tr>
<tr>
<td>Reclaimed Aggregate Base Course or MnDOT Class 5 100% Crushed Rock</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Sand Subbase</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>TOTAL</td>
<td>23</td>
<td>29.2</td>
</tr>
</tbody>
</table>

Table 2 – 2016 Street Rehabilitation Project
City Section Granular Equivalent
### 3.3.2 Proposed Street Width

The city’s standard width for new streets is 26 feet wide measured from face of curb to face of curb and is consistent with minimum State standards. Due to tight site constraints and existing topography, existing street widths will be maintained to the greatest extent possible to preserve existing site features.

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Location</th>
<th>ROW (feet)</th>
<th>Length (feet)</th>
<th>Width* (feet)</th>
<th>Street</th>
<th>Sanitary Sewer</th>
<th>Water Main</th>
<th>Storm Sewer/Drainage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Woodlawn Avenue</td>
<td>Minnetonka Blvd to cul-de-sac</td>
<td>60’</td>
<td>1460’</td>
<td>22’-28’</td>
<td>Full Recon W/ Curb</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Prospect Place</td>
<td>Woodlawn Ave to Beverly Pl</td>
<td>60’</td>
<td>560’</td>
<td>18’-22’</td>
<td>Full Recon W/ Curb</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Shores Boulevard</td>
<td>Minnetonka Blvd to Prospect Pl</td>
<td>60’</td>
<td>1370’</td>
<td>24’</td>
<td>Full Recon W/ Curb</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Larchmore Avenue</td>
<td>Minnetonka Blvd to Prospect Pl</td>
<td>60’</td>
<td>970’</td>
<td>24’</td>
<td>Full Recon W/ Curb</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Highland Avenue</td>
<td>Minnetonka Blvd to cul-de-sac</td>
<td>60’</td>
<td>1090’</td>
<td>22’</td>
<td>Full Recon W/ Curb</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Lake Shore Boulevard</td>
<td>Minnetonka Blvd to Gray’s Bay Blvd</td>
<td>60’</td>
<td>3180’</td>
<td>20’-24’</td>
<td>Full Recon W/ Curb</td>
<td>Force main</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Gray’s Bay Boulevard</td>
<td>Cottage Grove Ave to cul-de-sac</td>
<td>35’-66’</td>
<td>3200’</td>
<td>20’-24’</td>
<td>Full Recon W/ Curb</td>
<td>Force main</td>
<td>Yes(S)</td>
<td>Yes(S) No(N)</td>
</tr>
<tr>
<td>Meadowbrook Lane</td>
<td>Fairchild Ave to Gray’s Bay Blvd</td>
<td>40’</td>
<td>1350’</td>
<td>22’-26’</td>
<td>Mill &amp; Overlay</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Tonkaha Drive/Trail</td>
<td>Fairchild Ave to cul-de-sac</td>
<td>50’</td>
<td>1270’</td>
<td>24’-27’</td>
<td>Mill &amp; Overlay</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Fairchild Avenue</td>
<td>Prospect Pl to Gray’s Bay Blvd</td>
<td>55’-66’</td>
<td>3590’</td>
<td>20’-28’</td>
<td>Mill &amp; Overlay</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Cottage Grove Avenue</td>
<td>Lake Shore Blvd to Gray’s Bay Blvd</td>
<td>60’</td>
<td>1720’</td>
<td>22’-26’</td>
<td>Full Recon W/ Curb</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Park Lane</td>
<td>Lake Shore Blvd to cul-de-sac</td>
<td>40’</td>
<td>360’</td>
<td>20’</td>
<td>Full Recon W/ Curb</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Edgewood Avenue</td>
<td>Cottage Grove to Lake Shore</td>
<td>60’</td>
<td>720’</td>
<td>22’-26’</td>
<td>Full Recon W/ Curb</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Beverly Place</td>
<td>Prospect Pl to Cottage Grove Ave</td>
<td>60’</td>
<td>410’</td>
<td>22’-26’</td>
<td>Full Recon W/ Curb</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

* Match existing widths
3.4 Bridge Improvements

A condition assessment was completed for Bridge #27559 located on Gray’s Bay Boulevard. Based on the assessment, the existing bridge is currently deemed as safe and sufficient. There are however repairs that could be completed that would extend the life of the bridge. The assessment therefore also included an analysis of four different repair and replacement alternatives for future maintenance and improvements. The alternatives are as follows:

**Alternative #1: Do Nothing**
This alternative leaves the bridge condition as-is. The life of the bridge is estimated to be 4 to 8 years until the bridge is posted for loads, and then another 10 to 20 years of service life beyond. For this alternative, the bridge will become eligible for State Bridge Bond Funds sooner, once it is considered to be structurally deficient or functionally obsolete.

**Alternative #2: Short-term Preservation**
This alternative replaces the existing bituminous surface with a new low slump concrete overlay. Also, the deteriorated concrete (to rebar depth only) underneath the bridge will be hand removed and replaced. This option is relatively low cost and is seen as a bandage to slow the corrosion and deterioration. When the debris/deterioration is removed and the deterioration can be more closely examined, Alternative #2 may be deemed insufficient and Alternative #3 may be required. Alternative #2 does not improve the load carrying capacity of the bridge, and is expected to prolong the bridge life 5 to 10 years beyond Alternative #1 (do nothing).

**Alternative #3: Medium-term Preservation**
This alternative replaces the existing bituminous surface, adding a new waterproof membrane prior to a new concrete overlay. Also, the replacement of the deteriorated concrete underneath the bridge will be more extensive with possible shoring required depending on removal extents. This alternative is a more long term preservation technique. However, the cost may vary greatly depending upon the removal findings. This work would also not improve the load carrying capacity of the bridge. This alternative is expected to prolong the bridge life 10 to 15 years beyond Alternative #1 (do nothing).

**Alternative #4: Total Bridge Replacement**
This alternative replaces the entire bridge with a new concrete slab span or prestressed girder bridge. Replacing the bridge would increase the vertical clearance and improve other features of the bridge. Though this option is the most costly, the new bridge would be more robust and last an anticipated 75 years.

### Bridge Alternatives Cost Comparison: (2015 Dollars, Bridge Work Only)

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Project Design and Construction Cost</th>
<th>% of Full Replacement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>2</td>
<td>$286,500</td>
<td>32%</td>
</tr>
<tr>
<td>3</td>
<td>$629,800</td>
<td>70%</td>
</tr>
<tr>
<td>4</td>
<td>$903,000</td>
<td>--</td>
</tr>
</tbody>
</table>
It should be noted that the bridge costs have not been included in the Roadway costs of this report. Likewise, the roadway approach costs have not been included in the Bridge costs.

Total bridge replacement is the recommended option for Bridge #27599. The structural deterioration is extensive. Preservation costs are projected to be quite high with a relatively short beneficial time frame, making preservation a less desirable option. The existing bridge type does not lend itself to be easily strengthened or repaired due to the original design features and the “efficiency” of materials.

It is recommended to move the bridge inspection to a 12-month cycle to more accurately quantify the structural deterioration. Upon the bridge eventually reaching an NBI Superstructure rating of 4 (perhaps one, maybe two more bridge inspection cycles), the bridge will then require a new load rating; after which the city should also prepare for the bridge to be posted for load restrictions.

The full report including the condition assessment and alternative analysis can be found in Appendix F.
4. DRAINAGE AND STORMWATER TREATMENT

4.1 Existing Drainage Conditions

The project area includes terrain that varies from rolling to low lying and flat. There are numerous land locked low areas that are poorly drained and prone to ponding and flooding. In recent years, the city has retrofitted several of these areas with infrastructure to help alleviate the poor drainage. Much of the project area ultimately or directly drains to Libbs Lake or Gray’s Bay.

4.2 Wetlands

A wetland delineation was completed within the project area in June 2015. Six wetlands are located within the project area generally within depressions and along the shoreline of Lake Minnetonka. Once final design has commenced, further review of wetland impacts will be made to determine whether mitigation will be necessary. If wetland impacts occur, they will be replaced at a minimum 2:1 ratio. Mitigation will likely be provided through either the Board of Water and Soil Resources Road Replacement Program or purchase of wetland credits from a private wetland bank. If feasible, the replacement will occur within the same watershed. If no banks are available within the watershed, replacement will occur within the same county (Hennepin) or Bank Service Area.

4.3 Stormwater Improvements

The following presents a summary of stormwater considerations for the project. A complete report of both storm sewer improvements, water quality Best Management Practices (BMPs), and tables/figures is presented in Appendix C, where supporting figures and results tables are presented.

The project area consists of twenty-five drainage basins or subwatersheds (Figure 3). Optimal locations and types of stormwater BMPs for the entire project area are illustrated in Figure 4. Several opportunities present themselves across the various subwatersheds of the project area with varying levels of practicality. In many cases though, topographical, structural, soils and groundwater factors limit the number, size, extent and likely performance of BMPs. Figure 5 illustrates the recommended BMP locations and types described below. Table C1 presents the results of water quality modeling for pre and post construction conditions, while Table C2 presents cost and value comparisons for the each subwatershed in regards to potential BMPs.

4.3.1 Storm Sewer Improvements

See Appendix C for proposed storm sewer improvements for each subwatershed.
4.3.2 Stormwater Quality Improvements

The following recommendations for water quality BMPs for this project are as follows. For the complete analysis and optimal BMP locations, refer to Appendix C.

Subwatershed 11
Recommendation: A subsurface infiltration gallery under the newly constructed Highland Ave, within subwatershed 11S, will serve to address water volume and quality issues related to this subwatershed. As an added benefit, it possibly will reduce the frequency and extent of flooding along Lake Shore Boulevard, though not eliminate it entirely.

Subwatersheds 16-18
Recommendation: New curb with curb cuts and level spreaders are recommended that would discharge to a fully vegetated prairie buffer (with foot traffic access points to the public open spaces).

Subwatershed 20
Recommendation: A shallow, stormwater wetland with two curb cut inlets of substantial opening width installed within new curb to sediment basins. The roadway should be reconstructed to shed water to the west, and the curb cuts, to the extent practicable to alleviate flooding at 16609 Park Lane.

Subwatersheds 3N, 3E, 4, 5, 7, 21 and 22
Recommendation: Sump manhole installations and outfall improvements in the Libbs Lake area.
5. SANITARY SEWER AND WATERMAIN

5.1 Existing Sanitary Sewer and Watermain Conditions

The existing sanitary sewer system in the project area consists of 8-inch-diameter pipe, including both poly vinyl chloride pipes (PVC) and reinforced plastic TRUSS PIPE (RPPT). In addition, the project area includes two lift stations, 4-inch and 6-inch diameter forcemains, and a trunk MCES gravity interceptor. This pipe network was installed primarily during the 1970s.

The existing sanitary sewer was televised as part of the Utility Condition Assessment Report by Stantec. The mainline sewer was found to be in fair condition, with only one significant point repair identified. Sewer services were not televised during this evaluation.

The existing watermain is a combination of 6-inch-diameter and 8-inch diameter pipe, with a varying mixture of ductile iron pipe (DIP) and cast iron pipe (CIP). The system was installed during 1974 and 1975, and is showing signs of aging and deficiencies in the areas south and west of Libbs Lake (Areas A and B), as indicated by the Utility Condition Assessment Report. A total of 29 breaks have been documented. In Area C, city maintenance records do not indicate any breaks in the area north of Libbs Lake.

5.2 Sanitary Sewer Improvements

Given the fair condition and depth of the sanitary sewer, limited improvements are proposed in the project area. CIPP lining is recommended for four pipe segments on Park Lane, Shores Boulevard and Highland Avenue to address joint separation and infiltration. This will be done under a separate contract. In addition, a point repair will be made to fix the damages located at the service line connection of 16906 Minnetonka Boulevard. No gravity sanitary sewer pipe improvements have been proposed at this time. It is proposed to replace the existing forcemain along Lake Shore Boulevard. It is proposed to install a CIPP liner for the section on Gray’s Bay Boulevard north of the bridge to minimize surface impacts although minor excavations will be required to complete the lining. All existing manhole rings and castings throughout the project area will be replaced.

5.3 Watermain Improvements

It is recommended that all watermain pipes be replaced in the areas south and west of Libbs Lake (Areas A and B). During this replacement, the upsizing of deficient pipes from 6 to 8 inches is also recommended. City maintenance records do not indicate any breaks in the area north of Libbs Lake (Area C). As such, the watermain in this area is not recommended for replacement.
6. EASEMENTS AND RIGHT-OF-WAY

6.1 Existing and Proposed Right-of-Way

The existing right-of-way within the project area is between 35 feet and 66 feet. To accommodate the existing utilities and roadway, which extend outside of the current right-of-way, the acquisition of permanent easement is recommended at multiple locations throughout the project. These easements will be acquired to accommodate existing as well as proposed street, drainage and utility locations. The extent of these easements, and the type of easement required, will be determined in the final design phase of the project, see Table 4 for potential easement parcels.

6.2 Temporary Easements

It is anticipated that additional easements or right-of-entry will be required to facilitate the construction of the street, utilities, and final grading. Due to areas of narrow right-of-way, temporary and prescriptive easements are anticipated to facilitate utility construction, slope grading, and drainage improvements. In addition, to reconstruct utilities outside of the current right-of-way, permanent easement acquisition is also anticipated. The need for all types of easements will be further defined during final design, see Table 4 for potential easement parcels.
<table>
<thead>
<tr>
<th>Summary of Proposed Street Improvements</th>
<th>PID</th>
<th>Torrens or Abstract</th>
<th>Type of Easement (Roadway)</th>
<th>Type of Easement (Utility)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>16551 Gray’s Bay Blvd</td>
<td>08-117-22-43-0004</td>
<td>Abstract</td>
<td>Prescriptive for road</td>
<td></td>
<td>Road encroaches onto property</td>
</tr>
<tr>
<td>16563 Gray’s Bays Blvd</td>
<td>08-117-22-43-0005</td>
<td>Abstract</td>
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<td>PE/TE for watermain</td>
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<td>Hydrant encroaches on property</td>
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* Confirm area of required easements during final design
7. PERMITS

Permits will be necessary from the following agencies:

- Minnesota Department of Health
- Minnesota Pollution Control Agency (NPDES)
- Minnehaha Creek Watershed District through City LGU Process
- Hennepin County Right-of-Way Permit
- US Corps of Engineers (Section 404)
- Lake Minnetonka Conservation District
- Wetland Conservation Act
- DNR Work in Public Waters Permit
- Metropolitan Council (Adjustments to Sewer Manholes)
- City Flood Plain Ordinance
8. PUBLIC INVOLVEMENT

Two public informational meetings for the proposed improvements were conducted. The informational meetings were held back-to-back on October 1, 2015, for properties owners within the proposed project area. Preliminary information was presented to approximately 40 attendees regarding the proposed improvements, costs, funding, schedule, and impacts associated with the project. Summaries of the correspondence received and questions and answers provided at the informational meeting are included in Appendix E.

Overall, the residents were generally supportive of the project and proposed improvements. Follow-up meetings will be held with individual property owners during the design process, as necessary, to discuss significant impacts and easements.
9. **FINANCING**

9.1 **Opinion of Cost**

Detailed opinions of probable cost for the project can be found in Appendix B of this report. The opinions of cost incorporate estimated 2016 construction costs and include a 10% construction contingency factor. Indirect costs are projected at 25% of the construction cost and include engineering, legal, financing, and administrative costs. **Table 5** below provides a summary of the opinions of probable cost for the 2016 Street Rehabilitation Project.

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<th>Schedule</th>
<th>Amount</th>
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<tr>
<td>Schedule A – Surface Improvements</td>
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<tr>
<td>Schedule B – Sanitary Sewer Improvements</td>
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<tr>
<td>Schedule C – Watermain Improvements</td>
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<td>Schedule D – Storm Sewer Improvements</td>
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<td>Schedule E – Storm Water Management</td>
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<td><strong>TOTAL</strong></td>
<td><strong>$10,244,000</strong></td>
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Note: Bridge costs have not been included.

9.2 **Funding**

The proposed financing for the project will be 100% City funds, no assessments are proposed with this project.
10. PROJECT SCHEDULE

The proposed project schedule for the 2016 Street Rehabilitation Project is as follows:

First Neighborhood Meeting ................................................................. October 1, 2015
City Council Receive Feasibility Report .............................................. October 12, 2015
City Council Authorize Plans/Specs, Authorize Easement Acquisition .... October 12, 2015
Begin Final Design ................................................................................ October 2015
ROW Early Notification Letters Mailed Out (Day After CC Approval) .......... October 2015
ROW Staking of Easements ................................................................... October 2015
ROW Field Title Investigations & Appraisal Inspections with Owners .......... October 2015
Smaller Neighborhood Meetings if Necessary ........................................ November 2015
Meeting with Private Utility Companies .............................................. November 2015
WSB 90% Plan Review with City Staff ................................................ December 2015
ROW Appraisals & Reviews Complete ................................................. December 2015
ROW Offers Made to Property Owners ............................................... December 2015 – January 2016
City Council Approve Plans / Authorize Ad for Bid .............................. January 2016
Bid Opening ........................................................................................ February 2016
ROW Begin Condemnation .................................................................. February 2016
City Council Awards Bid ...................................................................... March/April 2016
ROW Title & Possession ........................................................................ May 2016
Begin Construction ................................................................................ May/June 2016
Substantial Completion ........................................................................ October/November 2016
Final Completion .................................................................................... June 2017
11. CONCLUSION AND RECOMMENDATIONS

The 2016 Street Rehabilitation Project includes mill and overlay and roadway reconstruction improvements with concrete curb and gutter replacement, sanitary sewer and watermain rehabilitation, and storm sewer improvements north of Minnetonka Boulevard and south of Lake Minnetonka, between Woodlawn Avenue and Fairchild Avenue. The total estimated cost for the 2016 Street Rehabilitation Project is **$10,244,000**. Proposed funding for the project will be provided through city Funds.

The improvements proposed in this study are necessary for a number of reasons. The reconstruction of the streets provides the city with a cost-effective means of continuing the city’s street improvement efforts and ensuring an adequate means of transportation for local residents. In addition to rehabilitating roadway pavements, the project will allow for the correction of existing drainage problems by increasing the cross-sectional crown and improving the conveyance of runoff with a concrete curb and gutter system. These improvements will provide a longer lasting street section needing less maintenance over time.

The watermain improvements are necessary due to deteriorating materials and history of breaks in Areas A and B (south of Libbs Lake). In Area C (north of Libbs Lake) the condition of the underground utilities does not warrant replacement resulting in a recommendation of a mill and overlay in this area.

The sanitary sewer system repairs will benefit the city by reducing the amount of inflow and infiltration into the system and subsequent costs related to flow surcharging during heavy rainstorms. The proposed improvements include spot pipe repairs, casting replacements, forcemain replacement on Lake Shore Boulevard (south of Libbs Lake), and forcemain CIPP lining on Gray’s Bay Boulevard (north of Libbs Lake) within the mill and overlay area.

In 1997, speed humps were installed on Gray’s Bay Boulevard to help calm boat trailer traffic traveling to and from the old Gray’s Bay boat launch. Since the traffic issue that caused the speed hump installation no longer exists, it is recommended that the speed humps not be replaced after the 2016 street rehabilitation project is completed.

The proposed improvements constitute a project large enough to ensure a competitive bidding environment and economy of scale. Based on the information contained within this report, the proposed improvements as described can be considered to be necessary, cost-effective, and feasible from an engineering standpoint, but are subject to a financial review by the city. Based on the information contained in this document, it is recommended to proceed with the improvements as described.
APPENDIX A

Figure 1  –  Project Location Map
Figure 2A  –  Typical Section (Full Reconstruction)
Figure 2B  –  Typical Section (Mill & Overlay)
Figure 3  –  Stormwater Subwatershed Connectivity
Figure 4  –  Stormwater Optimal BMP’s
Figure 5  –  Stormwater Proposed BMP’s
Figure 6A  –  Proposed Utility Improvements (Northwest Quadrant)
Figure 6B  –  Proposed Utility Improvements (Northeast Quadrant)
Figure 6C  –  Proposed Utility Improvements (Southwest Quadrant)
Figure 6D  –  Proposed Utility Improvements (Southeast Quadrant)
2016 Rehabilitation Project

1 inch = 600 feet
PROPOSED TYPICAL STREET SECTION

- R/W
- 35' - 66'
- MATCH EXISTING
- 13' LANE
- 2.0" MILL AND OVERLAY 9.5 BITUMINOUS WEARING COURSE (2,C)
- 2.357 BITUMINOUS TACK COAT
- EXISTING NON-WEARING COURSE
- EXISTING AGGREGATE BASE

Prepared by:

WSB Project No. 01522-580
Date: October 5, 2015

Figure 2B
Typical Section
Figure 3: Subwatershed Connectivity
2016 Road Rehabilitation Project
City of Minnetonka, MN
Figure 4: Optimal Water Quality BMP Options
2016 Road Rehabilitation Project
City of Minnetonka, MN
Figure 5: Proposed BMP Options
2016 Road Rehabilitation Project
City of Minnetonka, MN
Figure 6B

2016 Street Rehabilitation Project
Minnetonka, MN
LEGEND

- MILL & OVERLAY AREA
- FULL STREET REHABILITATION AREA
- STORM SEWER
- EXISTING STORM SEWER
- CONCRETE CURB
- RIBBON CURB
- PROPOSED WATER MAIN
- SANITARY FORCE MAIN

0 200 400 Feet

Minnetonka, MN

Figure 6C
APPENDIX B

Opinion of Probable Cost
## Opinion of Probable Cost

**WSB Project:** 2016 Rehabilitation Project  
**Design By:** BFB  
**Project Location:** City of Minnetonka  
**Checked By:** JLS  
**City Project No.:**  
**WSB Project No:** 01502-580  
**Date:** 10/2/2015  

### SCHEDULE A. SURFACE IMPROVEMENTS

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TOTAL - SURFACE IMPROVEMENTS $4,281,915.23
CONTINGENCY TOTAL (10%) $428,191.52
SUBTOTAL TOTAL $4,710,106.75
INDIRECT COST TOTAL (25%) $1,177,526.69
TOTAL $5,888,000.00
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**TOTAL - SANITARY SEWER IMPROVEMENTS**: $286,293.00  
**CONTINGENCY TOTAL (10%)**: $28,629.30  
**SUBTOTAL TOTAL**: $314,922.30  
**INDIRECT COST TOTAL (25%)**: $78,730.58  
**TOTAL**: $394,000.00

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**CONTINGENCY TOTAL (10%)**: $186,497.75  
**SUBTOTAL TOTAL**: $2,051,475.20  
**INDIRECT COST TOTAL (25%)**: $512,868.80  
**TOTAL**: $2,564,000.00
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Grand Total $10,244,000.00
APPENDIX C

Drainage and Stormwater Improvements
Stormwater Treatment Opportunities for Libb’s Lake, Minnetonka

1. Introduction
As part of the City of Minnetonka’s 2016 street reconstruction project around Libb’s Lake, an extensive stormwater treatment strategy was developed. Though it was believed, and later determined, that very little change in water quality of stormwater effluent would be expected by the proposed street project, the City expressed interest in potential opportunities to offset overall, greater watershed, stormwater impacts to water quality to Gray’s Bay, Lake Minnetonka. In effect, the City expressed interest in moving forward with an approach more in-line with non-degradation than less stringent regulatory requirements set forth in the City of Minnetonka Water Resources Plan, Appendix A: Design Guidelines and Standards, 2009.

The result of this effort is a stormwater treatment feasibility study that estimates load reductions for specific best management practices (BMPs) at specific locations within the Libb’s Lake Watershed. The street reconstruction project will select those practices that assist the City in meeting its expressed goal of non-degradation to the extent practical in the very challenging landscape surrounding Libb’s Lake. The remaining BMPs called out in this feasibility study identify opportunities for future retrofit efforts that go above and beyond regulatory rules. Therefore, this study can be used to plan implementation strategies in the future, preferably in partnership with the Minnehaha Watershed District and the Soil and Water Conservation District. For such projects, Clean Water Funds, or other, may be requested through the Board of Water and Soil Resources grant application process using this study as support.

2. Overview
The Libb’s Lake project area was divided into twenty-five drainage basins for analysis. Figure 3 depicts the boundaries of each subwatershed. The topographic features, existing trees, cultural resources, current infrastructure, existing roads, soils and drainage patterns were considered in providing recommendations for drainage improvements. The improvements fall into two categories: BMPs and Storm Sewer Improvements.

Possible locations and types of stormwater BMPs are presented in Figure 4. Parenthetic BMP ID’s (“ID-XX”), herein, refer to locations within subwatersheds in this figure. Several opportunities presented themselves across the various subwatersheds of the project area with varying levels of practicality. In many cases, topographical, structural, soils and groundwater factors limiting the number, size, extent and likely performance of BMPs.

P8 models were developed to inform stormwater treatment strategy selection. Results are presented in Section 4 of this appendix. Figure 5 illustrates the recommended BMP locations and types described below.

Local stormwater regulation is performed by the city as described within the City of Minnetonka Water Resources Plan, Appendix A: Design Guidelines and Standards, 2009. This guidance takes into consideration and adopts the most stringent Rules from the various Watershed Districts that are found within the City limits. For linear projects with “more than 1 acre of new or additional impervious surface, Rule A criteria will apply to the net new or additional impervious surface.”
For this project, no new or additional impervious surface will be created as a 1:1 replacement in areas A and B are Mill and overlay in Area C is planned. However, in Sections A and B new curbline will be added that is expected to have some effect on stormwater runoff rate, volume and water quality. Given this consideration, and the City’s expressed interest in protecting its water resources, Rule B has been adopted for stormwater treatment strategy and goal formation. In addition, local flooding issues have driven the siting, selection of strategy and sizing of stormwater BMP’s to the extent practical and feasible.

Rule B: Non-degradation must be achieved. Best Management Practices must be implemented to prevent an increase in phosphorus load from the site.

### 3. Storm Sewer Improvements

#### SUBWATERSHED 0

This subwatershed consists of 7.7 acres. Subwatershed 0 does not have a suitable outfall location for a storm sewer. Additionally, this section of Grays Bay Boulevard has already been improved with curb and gutter. Storm sewer improvements are not recommended for this subwatershed.

#### SUBWATERSHED 1

Subwatershed 1 consists of 5.4 acres and drains to a low area located on, and surrounded by, private property. There is not a suitable outfall location to discharge a storm sewer in this subwatershed. Therefore, no storm sewer improvements are recommended.
SUBWATERSHED 2
Subwatershed 2 consists of 5.1 acres and drains to Libb’s Lake. There is not a suitable outfall location to discharge a storm sewer.

SUBWATERSHED 3
Subwatershed 3 has 15.5 acres of drainage area. The entire subwatershed drains to the shoreline of Libb’s Lake after flowing over Fairchild Avenue. There is no a suitable outfall location to discharge a storm sewer.

SUBWATERSHED 4
Subwatershed 4 consists of 1.8 acres and drains south to north down Fairchild Avenue to an existing structure which then carries the flow to Libb’s Lake. The existing storm infrastructure should be checked for potential repair or replacement. Mill and overlay are proposed for this area. Therefore no storm sewer improvements are proposed.

SUBWATERSHED 5
Subwatershed 5 includes 2.7 acres that drain to a low spot located on private property. This includes approximately 350 linear feet of Fairchild Avenue, beginning at Minnetonka Boulevard and moving north. There is an existing storm sewer inlet located approximately 160 feet north of Minnetonka Boulevard on the west side of Fairchild Avenue. No new storm sewer is proposed for this area.

SUBWATERSHED 6
Subwatershed 6 has 1.8 acres of tributary area draining to the same low spot as subwatershed 5. The City has installed stormwater infrastructure that runs through this subwatershed. Improvements and enhancements can be made to this existing system.

SUBWATERSHED 7
Subwatershed 7 includes 1.5 acres most of which lies within the Lake Shore Boulevard right-of-way. There is an existing inlet along the east side of Lake Shore Boulevard, located approximately 360 linear feet north of Prospect Place. With the addition of three new catch basins and the replacement of the existing inlet with a new catch basin, the drainage can be conveyed through a storm sewer system and released at a controlled rate at the existing outfall location. The catch basins can be designed to provide a stormwater treatment system to absorb and retain stormwater runoff pollutants such as suspended solids, hydrocarbons, nutrients, metals and other common pollutants prior to discharge.

SUBWATERSHED 8
Subwatershed 8 includes 4.1 acres. There is existing stormwater infrastructure that conveys water from the low lying areas through Subwatershed 6 and a portion of Subwatershed 7 where it outfalls to land adjacent to Libb’s Lake. This entire system can be improved/enhanced to slowly release the discharge and to include water quality treatment at the catch basins prior to discharge.
**SUBWATERSHED 9**

Subwatershed 9 includes 15.1 acres of drainage area. There are low areas along Larchmore Avenue and Highland Avenue. An inlet is located on the west side of Larchmore Avenue approximately 150 feet south of Prospect Place. This inlet conveys the drainage to the east side of the Larchmore Avenue right-of-way where it ponds along the south side of a private property.

A storm sewer system beginning on Larchmore Avenue, and continuing along Prospect Place and Highland Avenue, will minimize runoff from the road draining into adjacent residential areas. This system will continue to Highland Road, and along Lake Shore Boulevard to the north where it will eventually discharge into Libb’s Lake. Beehive inlets will tie into the system and will alleviate ponding water in the yards of the residences located at the southeast intersection of Prospect Place and Larchmore Avenue and at the southeast intersection of Prospect Place and Highland Avenue.

Alternatively, a beehive inlet located at a low spot adjacent to the trail will collect water and convey it through a storm sewer system running north along Lake Shore Boulevard to the north where it will eventually discharge into Libb’s Lake.

**SUBWATERSHED 10**

3.9 acres drain to a land locked low area located on private property. A culvert conveys stormwater from the south to the north to a low area located at 3138 Lake Shore Boulevard. That low area fills to a depth of several feet before it overflows to a low spot to the west in subwatershed 11.

**SUBWATERSHED 11**

Subwatershed 11 includes 7.9 acres. This is a challenging area due to a land locked low area. There is not a suitable outfall location in this subwatershed. Highland Avenue does not extend to Lake Shore Boulevard but the right-of-way has been platted. A detention area would provide an increase in flood storage and would help to alleviate flooding along Lake Shore Boulevard.

**SUBWATERSHED 12**

Subwatershed 12 includes 9.1 acres. No storm sewer is proposed for this subwatershed.

**SUBWATERSHED 13**

Subwatershed 13 includes 2.9 acres and combines with sub-watershed 16 to drain into Gro Tonka Park. A storm sewer system is proposed to collect and convey stormwater runoff from a portion of Shores Boulevard, Prospect Place, and Beverly Place into the existing basin located at the southern portion of Gro Tonka Park.
SUBWATERSHED 14
Subwatershed 14 includes 1.9 acres and drains a portion of Larchmore Avenue from the north to the south to Minnetonka Boulevard right-of-way. Storm sewer improvements along Minnetonka Boulevard would provide an opportunity to tie into the storm sewer system. Alternatively, a swale system installed within the Minnetonka Boulevard right-of-way would provide storage as well as water quality treatment to the stormwater runoff from Larchmore Avenue.

SUBWATERSHED 15
Subwatershed 15 includes 5.2 acres which drains northeast to southwest and much of Shores Boulevard. No storm sewer improvements are proposed for this subwatershed. Storm sewer improvements along Minnetonka Boulevard would provide an opportunity to tie into the storm sewer system. Alternatively, a swale system installed within the Minnetonka Boulevard right-of-way would provide storage as well as water quality treatment to the stormwater runoff from Shores Boulevard.

Alternatively, the stormwater runoff from Shore Boulevard can be collected and conveyed through a system that would run along an existing easement into Gro Tonka Park.

SUBWATERSHED 16
Subwatershed 16 includes 4.1 acres and combines with subwatershed 13 to drain into Gro Tonka Park. A storm sewer system is proposed to collect and convey stormwater runoff from a portion of Shores Boulevard, Prospect Place and Beverly Place into the existing basin located at the southern portion of Gro Tonka Park.

SUBWATERSHED 17
Subwatershed 17 consists of 5.2 acres which drain to Woodlawn Avenue. A storm sewer system is proposed to collect and convey stormwater runoff from Woodlawn Avenue into the existing system which outfalls into the existing basin at the southern end of Gro Tonka Park. The existing system can be improved/enhanced to collect and convey additional runoff resulting from the road widening.

SUBWATERSHED 18
Subwatershed 18 contains 2.3 acres and drains southwest to northeast into the existing system. The existing system can be improved/enhanced to collect and convey additional runoff resulting from the road widening.

SUBWATERSHED 19
This subwatershed drains to a pond located along the south side of Cottage Grove Avenue on private property. This pond appears to be land-locked and non-contributing to Libb’s Lake for the majority of storm events, if not all events. No stormwater BMPs are recommended for consideration at this time.

SUBWATERSHED 20
Subwatersheds 20 and 22 include 2.2 acres and 1.8 acres respectively. A storm sewer system is proposed for this area to collect and convey stormwater runoff from Edgewood Avenue, Lake
Shore Boulevard and Park Lane collectively. The system will discharge a portion of the stormwater runoff to a City owner parcel located across from Libb’s Lake Beach Park.

**SUBWATERSHED 21**
Subwatershed 21 includes 4.3 acres and drains directly to Grays Bay Boulevard and then to Grays Bay. There is an existing culvert picking up the stormwater runoff from Grays Bay Boulevard. A storm sewer system would be unable to tie into the existing culvert. No system is proposed for this subwatershed.

**SUBWATERSHED 22**
Subwatersheds 20 and 22 include 2.2 acres and 1.8 acres respectively. A storm sewer system is proposed for this area to collect and convey stormwater runoff from Edgewood Avenue, Lake Shore Boulevard and Park Lane collectively. The system will discharge a portion of the stormwater runoff to a City owned parcel located across from Libb’s Lake Beach Park.

**SUBWATERSHED 23**
Subwatershed 23 includes 1.4 acres of drainage area. No storm sewer is proposed for this subwatershed.

**SUBWATERSHED 24**
Subwatershed 24 includes 3.9 acres of drainage area which drains to a low area on private property before overtopping to Grays Bay.

**SUBWATERSHED 25**
Subwatershed 25 includes 0.6 acres. No storm sewer has been proposed for this area. No stormwater BMPs are recommended for consideration at this time.

**4. Potential Stormwater Quality Improvements**
Each subwatershed in the study area is discussed with the greatest potential feasibility of retrofit opportunities. A summary of subwatershed loading and treatment is provided in Section s.

**SUBWATERSHED 0**
Three right-of-way locations midway down Grays Bay Boulevard should be considered for curb-cut bioretention (raingardens) with sediment forebays (ID-15). Curb-cut bioretention cells should service no less than 5 properties worth of runoff and should be located uphill of catch basins (if any exist). Therefore, it is recommended that only 2 such systems be installed in this subwatershed. Note that Figure 4 pinpoints 3 locations; two on the west side of Grays Bay Boulevard and one on the east. The 2 locations on the west suggest optimal locations but only 1 will be required and recommended. Underdrains with valve closures can be core drilled into manholes to act as insurance by providing a means of drawing down or regulating filtration rates when subsoils prove to be less than desirable (i.e., do not completely draw down through bioretention soils/media within 48 hours).
**SUBWATERSHED 1**

This subwatershed is effectively non-contributing to surface water runoff. In as such, no BMPs are recommended. Currently, the subwatershed’s low spot (ID-10) presumably currently ponds and infiltrates runoff. One possible exception to this characteristic of the subwatershed is at location ID-16 on its north side. Depending on final street grading, runoff from the road may be directed, as it likely is currently, down a gully through the bluff line to the lake. Access to the gully was not achieved for this investigation and it is recommended that this site be investigated for potential erosion. If water is to be routed down this gulley, a modification into a step-pool vegetated swale may be feasible, however, the dense tree canopy, north facing aspect and dry slope soils may limit vegetation establishment success.

**SUBWATERSHED 2**

Five BMP locations for 3 possible strategies were noted in this subwatershed. An open space triangle of land defined by Meadowbrook Trail and Fairchild Avenue may provide an opportunity for a shallow stormwater wetland (ID-7). Although the soils appear to be conducive to infiltration, the expected depth to groundwater likely will inhibit this option. It is likely, however, that late summer dry periods may cause partial to complete drawdown of a stormwater wetland so careful selection of planting scheme will be required. There is not a significant elevation gradient between the location and the lake surface which leads to challenges related to overflow control from the wetland to the lake, post treatment. There are at least two possibilities to address this problem. The curb-cut inlet(s) to the project could work with site grading to allow for overcapacity flows to bypass and continue on to the lake. Alternatively, overflow could be carried via pipe to subwatershed 1’s low spot (ID-10) allowing for nearly complete subwatershed disconnect. The obvious drawback to this alternative is risk of flooding properties and homes and, in as such, this option is not recommended unless more detailed assessment of feasibility is performed.

In addition to the stormwater wetland, three right-of-way locations midway should be considered for curb-cut bioretention (raingardens) with sediment forebays (ID-15). Curb-cut bioretention cells should service no less than 5 properties worth of runoff and should be located uphill of catch basins (if any exist). If storm sewer is added to this subwatershed, underdrains with valve closures can be core drilled into manholes to act as insurance by providing a means of drawing down or regulating filtration rates when subsoils prove to be less than desirable (i.e., do not completely draw down through bioretention soils/media within 48 hours).

Lastly, runoff and overflows from the previous BMPs may be directed to a curb cut and forebay along Fairchild Avenue that enters a boulevard planter box/swale system (ID-18). There is very limited space to work with between the road and lakeshore, but a narrow, planter-box styled bioswale could be designed along the south side of the road with walkouts to provide access to docks and the lake. It is recommended that these be designed with formal plantings and aesthetic box materials to accommodate the landscaping styles seen in the area. Groundwater is likely very close to the surface at this location and it is expected that the treatment value of these systems will come in the form of sedimentation and lateral filtering through dense vegetation of no more than three species.
**SUBWATERSHED 3**
As with the third possibility outlined in subwatershed 2, runoff may be directed to curb cuts and forebays along Fairchild Avenue that enters boulevard planter box/swale systems (ID-18). To the extent practical, these bioswale cells should be hydraulically connected under the walkouts that lead to the docks.

Along the north side of the subwatershed, two existing outfalls deliver untreated stormwater runoff from the landscape to Minnehaha Creek. Addition of sump basins and 3 curb cut bioretention cells (on the westernmost outfall), should be considered for treatment of this runoff.

**SUBWATERSHED 4**
Given the topography and poor soils of the low-lying areas of this thin subwatershed, addition of a manhole sump catch basin at the existing outfall is the recommended BMP. Consideration of any one of many proprietary sub-surface treatment options including hydrodynamic separators, media filtration and detention and retention vaults is advised only if other options within the entire project are not able to meet regulatory requirements, given their greater costs.

**SUBWATERSHED 5**
Addition of a manhole sump catch basin at the existing outfall is the recommended BMP. Consideration of any one of many proprietary sub-surface treatment options including hydrodynamic separators, media filtration and detention and retention vaults is advised only if other options within the entire project are not able to meet regulatory requirements, given their greater costs.

**SUBWATERSHED 6**
No additional treatment beyond the existing depression and outlet configuration, from sub-watersheds 6 and 8 located at the north end of this catchment (ID-5), is recommended at this time.

**SUBWATERSHED 7**
Addition of a manhole sump catch basin at the existing outfall is the recommended BMP. Consideration of any one of many proprietary sub-surface treatment options including hydrodynamic separators, media filtration and detention and retention vaults is advised only if other options within the entire project are not able to meet regulatory requirements, given their greater costs.

**SUBWATERSHED 8**
An existing outlet from subwatersheds 6 and 8 is located at the north end of subwatershed 6 (ID-5). Stormwater infrastructure from subwatershed 8 is directed to that point. Simple modification of the outlet to hold back stormwater runoff can be implemented via a wooden weir/weep. This would provide sedimentation processes to occur, providing a basin level of water quality treatment above what currently exists for the site while eliminating the need for a more structural system on private property. Care will need to be taken to assess the probability/extent of temporary flooding to property during design.

In addition, existing catch basins (ID-0) can be fitted to provide a subsurface stormwater treatment via any one of many proprietary options including hydrodynamic separators, media filtration and detention and retention vaults.

However, no BMPs are recommended for this subwatershed at this time.
**SUBWATERSHED 9**

The Barr Report recommends promoting infiltration and mimicking existing hydrology given the existing pockets of woodland storage that exist along Prospect Place. Ribbon curbing would allow for this sub-watershed’s flows to be conveyed to these pockets in the same fashion they currently are. When these pockets reach capacity flow is then conveyed by a culvert system to the north into non-contributing sub-watershed 10. A deep depression with presumably highly infiltrating soils currently handles this runoff volume.

As noted in the Barr report, there is limited curb and gutter in the watershed. WSB validated this observation, suggesting most stormwater currently runs into both lawns and low areas along the north side of the road. Barr’s P8 modeling estimates that nearly 70 percent of stormwater is infiltrated under existing conditions (i.e., no curb and gutter). It should be noted that if typical curb and gutter is implemented in this sub-watershed, this treatment will decrease significantly and the potential discharge through the culvert to sub-watershed 10, could become more frequent and possibly at a higher rate. The potential for property flooding should be considered in areas where road improvements are proposed.

To mitigate for this potential, 7 optimal locations for curb-cut bioretention were identified (ID-15) should curb and gutter be required. Curb-cut bioretention cells should service no less than 5 properties worth of runoff and should be located uphill of catch basins (if any exist). If storm sewer is added to this sub-watershed, underdrains with valve closures can be core drilled into manholes to act as insurance by providing a means of drawing down or regulating filtration rates when subsoils prove to be less than desirable (i.e., do not completely draw down through bioretention soils/media within 48 hours).

**SUBWATERSHED 10**

This sub-watershed is effectively non-contributing to surface water runoff. In as such, no BMPs are recommended. The sub-watershed’s low spot (ID-10) presumably currently ponds and infiltrates runoff.

**SUBWATERSHED 11**

The Barr report suggests acquisition of 3138 and 3150 Lake Shore Boulevard along the south side of the road to gain surface area for construction of a water quality retention pond. However, since that publication the City has suggested land acquisition is no longer a viable alternative. Considering this, there is no public land outside of the road easement for stormwater treatment on the surface.

For the portion of the subwatershed along Lake Shore Blvd, the subsurface conditions are expected to be strongly influenced by high ground water considering the NRCS soils survey, topographic location and elevation relative to the lake where ground water mounding upland from the shoreline is likely. For the upper portion of the watershed, including parcels surrounding Highland Avenue as it terminates on top of the bluff, the soil survey suggest highly permeable soils.

Several options for BMP strategies were identified in this subwatershed. A sub-surface storage and sedimentation system can be constructed below Lake Shore Blvd and pumped either to the east to proposed new storm sewer under Lake Shore Blvd’s eastern terminus with the lake. The other option is to lift water to the top of the bluff under a sub-surface infiltration gallery that also captures and treats runoff from above the bluff. For the sake of the feasibility report, the more expensive option, pumping to the south under Highland Ave., was analyzed.
Four options exist for the City’s consideration:

1. Do nothing
2. Install lift station under Lake Shore Blvd that connects to new storm sewer under the east.
3. Install a subsurface storage and sedimentation system and lift pump under Lake Shore Blvd that connects to new storm sewer under the east.
4. Install a subsurface infiltration gallery under the newly constructed Highland Ave as well as a subsurface storage and sedimentation system and lift pump under Lake Shore Blvd.

Given the substantial costs the following recommendation is made in conjunction with improved street drainage to alleviate flooding. A subsurface infiltration gallery under the newly constructed Highland Ave, within subwatershed 11S, will serve to address water volume and quality issues related to this subwatershed. As an added benefit, it possibly will reduce the frequency and extent of flooding along Lakeshore Boulevard, though not eliminate it entirely. At this point, it is infeasible to implement a subsurface storage and pump system to lift water from the flooding area along Lake Shore Boulevard. However, if it is determined priority at a later time, it is possible to lift water to the recommended infiltration gallery below the newly constructed Highland Avenue.

SUBWATERSHED 12
Pervious areas within the southern portion of this catchment are currently captured in two low spots (ID-3). Similarly, the northern boundary drains to a Park where full infiltration is expected. Barr’s report correctly identifies maintaining drainage from Cottage Grove Avenue into Groveland Park. Based on their P8 modeling, “nearly 98 percent of the runoff that contributes to this area is infiltrated.” Incorporation of curb and gutter (with the exception of ribbon curbing) will cause bypass of free treatment of runoff at Groveland Park and would be discharged directly to Libb’s Lake. If traditional curbing is required, then sufficient curb cuts and erosion control must be strategically incorporated to direct runoff to the Park and eliminate the potential of making this non-contributing area connected to Libb’s Lake.

No BMPs are recommended for this subwatershed at this time.

SUBWATERSHED 13
Watershed soils suggest good infiltration, but topography limits placement of BMPs. Four locations for curb-cut bioretention were identified (ID-15). Curb-cut bioretention cells should service no less than 5 properties worth of runoff and should be located uphill of catch basins (if any exist). If storm sewer is added to this sub-watershed, underdrains with valve closures can be core drilled into manholes to act as insurance by providing a means of drawing down or regulating filtration rates when subsoils prove to be less than desirable (i.e., do not completely draw down through bioretention soils/media within 48 hours).

SUBWATERSHED 14
Watershed soils suggest good infiltration, but topography limits placement of BMPs. Two locations for curb-cut bioretention were identified (ID-15).

SUBWATERSHED 15
Watershed soils suggest good infiltration, but topography limits placement of BMPs. Six locations for curb-cut bioretention were identified (ID-15).
SUBWATERSHED 16
Watershed soils suggest good infiltration, but topography limits placement of BMPs. New curb with curb cuts and level spreaders are recommended that would discharge to fully vegetated prairie buffer (with foot traffic access points to the public open spaces). This would provide filtering of stormwater runoff to these ponds as well as aesthetic enhancement of the property.

SUBWATERSHED 17
New curb with curb cuts and level spreaders are recommended that would discharge to fully vegetated prairie buffer (with foot traffic access points to the public open spaces).

SUBWATERSHED 18
New curb with curb cuts and level spreaders are recommended that would discharge to fully vegetated prairie buffer (with foot traffic access points to the public open spaces).

SUBWATERSHED 19
No stormwater BMPs are recommended for consideration at this time.

SUBWATERSHED 20
Runoff to the site drains along Park Lane predominantly along the eastern edge where extensive sediment and sand has accumulated suggesting localized flooding at 16609 Park Lane (as indicated in the Barr report). Similarly, extensive sediment was observed at the curb cut inlet to an apparent failed raingarden, adjacent to a public building, before runoff reaches the lake. It is expected that high ground water tables, frequent sedimentation and extensive shade likely combined to cause the raingarden to fail.

The subsurface conditions are expected to be strongly influenced by high ground water considering the NRCS soils survey, topographic location and elevation relative to the lake where ground water mounding upland from the shoreline is likely.

Given the field indicators described above, the soils survey record and observed failed raingarden nearby, it is recommended that a treatment train of shallow surface BMPs is employed. It is recommended that a shallow, ephemeral stormwater wetland be considered over an infiltration/filtration basin for this site. Without early season soils examination and infiltration testing, it is difficult to ascertain the level of risk of failure of an infiltration/filtration system. In addition, though vastly successful in other settings, most such systems located in similar topographic settings close in elevation to normal lake levels have failed in Minnesota. Infiltration and unlined filtration systems require greater separation from ground water than is likely available at this location. Lined filtration systems are at risk from liner lifting from subsurface hydraulic pressure and are similarly not recommended at this site.

In place of media-driven filtration and infiltration bioretention system, the ephemeral stormwater wetland will allow for collection of sediment and associated pollutants as well as pollutant uptake into plant tissues and stem-particle bonding (filtering). It is recommended that two curb cut inlets of substantial breadth (opening width) be installed within the new curb line to effectively convey the expected volume and rate of stormwater runoff to sediment forebays before entering the ephemeral wetland. This control point allows for easy access to sediment and trash removal and increases the lifecycle and performance of the system. The roadway should be reconstructed to shed water to the west, and the curb cuts, to the extent practicable to alleviate flooding at 16609 Park Lane. The wetland should be planted predominantly
with showy shrubs with accents of shade-tolerant flowers and sedges to dramatically increase maintenance ease (desirable plant versus weed identification) and to blend into the woodland setting.

The overflow of the wetland should connect to proposed storm sewer for outletting to the lake.

SUBWATERSHED 21
Addition of a manhole sump catch basin at the existing outfall is the recommended BMP. Consideration of any one of many proprietary sub-surface treatment options including hydrodynamic separators, media filtration and detention and retention vaults is advised only if other options within the entire project are not able to meet regulatory requirements, given their greater costs.

SUBWATERSHED 22
Addition of a manhole sump catch basin at the existing outfall is the recommended BMP. Consideration of any one of many proprietary sub-surface treatment options including hydrodynamic separators, media filtration and detention and retention vaults is advised only if other options within the entire project are not able to meet regulatory requirements, given their greater costs.

SUBWATERSHED 23
Given the small size of the drainage area and limited space, no BMPs are recommended in subwatershed 23.

SUBWATERSHED 24
Approximately four acres of land and roadway drains to a low area on private property before overtopping to Grays Bay. It is currently unknown if, how much or how often this water is actually conveyed to the Lake. It is also unknown if the property owner is concerned with the temporary flooding of a portion of the property. To alleviate this flooding and to perhaps provide additional treatment beyond what is currently being provided by the current situation, 4 locations for curb-cut bioretention were identified (ID-15).

SUBWATERSHED 25
No stormwater BMPs are recommended for consideration at this time.
1. Summary of Loading and Treatment

The following tables describe the existing subwatershed runoff and pollutant loading as well as costs and values associated with the BMPs identified in Section 2, above.

### Table C1. Watershed loading to waterbodies pre- and post-street reconstruction.

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<th>Option (subwatershed)</th>
<th>Existing Discharge</th>
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1. Isolated, non-contributing basin
2. Although an existing XPSWMM model and P8 model was reviewed that suggest runoff from subwatershed 9 is discharged to subwatershed 10 and then the lake, no such evidence was found on two field visits to the site, one with City Staff. In addition, no apparent outlet to the significant depression located within subwatershed 10 was identified. Soils within both subwatersheds are...
expected to highly impervious. In as such, Modeling of runoff and associated pollutants in this subwatershed are expected to be overly conservative, at least. It is very possible that subwatershed 9 is non-contributing in runoff and pollutants to Libb’s Lake.

3 No apparent outlet to subwatershed 19 was identified. It is very likely that subwatershed 19 is non-contributing in runoff and pollutants to Libb’s Lake.

4 It is currently unknown what portion, if any, of stormwater runoff makes it past the private property, at the bottom of this subwatershed, to the Lake. In as such, implementation in this subwatershed should be considered after consulting with the property owner’s firsthand knowledge of localized hydrology.
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<th>Subwatershed</th>
<th>BMP</th>
<th>Annual Treatment</th>
<th>Cost</th>
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<th>Value ($/lb-TP/yr)</th>
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</table>

¹Assumes City takes on all associated costs with operation and maintenance. Note that significant savings can be achieved through private maintenance agreements as well as plant and mulch installation.

²Assumes two cleanouts per year and one inspection

³It is currently unknown what portion, if any, of stormwater runoff makes it past the private property, at the bottom of this subwatershed, to the Lake. In as such, implementation in this subwatershed should be considered after consulting with the property owner’s firsthand knowledge of localized hydrology.
APPENDIX E

Public Comment Summary
Memorandum

To: Jeremy Koenen, Assistant City Engineer
   Will Manchester, City Engineer

From: Lee Gustafson, PE, Senior Project Manager
       Jim Stremel, PE, Project Manager

Date: October 2, 2015

Re: 2016 City Street Rehabilitation Project
    Neighborhood Information Meeting
    City Project No. 16401
    WSB Project No. 1502-580

A Neighborhood Meeting was held on Thursday, October 1, 2015 for the 2016 City Street Reconstruction Project to discuss proposed improvements. Several residents and the following City Staff and staff from WSB & Associates, Inc. were in attendance:

- Will Manchester, City Engineer, City of Minnetonka
- Jeremy Koenen, Assistant City Engineer, City of Minnetonka
- Lee Gustafson, WSB & Associates, Inc.
- Jim Stremel, WSB & Associates, Inc.
- Shawn Tracey, WSB & Associates, Inc.
- Sonya Henning, Henning Professional Service, Inc.
- Gregg Larson, Henning Professional Services, Inc.

Major items discussed and project maps can be found on the City's website for the presentation from the October 1st Neighborhood Meeting.

The format of the meeting covered the following items:

- Introduction of the project area and location map
- Project background
- Pavement Management Plan was discussed and levels of pavement rehabilitation were presented.
- City design standards were discussed: 26-foot wide roads, concrete curb and gutter.
- Utility condition evaluation was discussed about the condition of the project area sanitary sewer, water main and storm sewer.
- The City plans to review drainage concerns in the area and address potential improvements as outlined in the City’s Water Resource Management Plan.
- Proposed improvements:
- Existing width of the area roads are 18-26 feet wide. Full reconstruction in Areas A and B, mill/overlay in Area C.
- The proposed improvements would match existing widths and geometrics as close as possible to reduce property impacts.
- Storm water run-off improvements would follow Best Management Practices (BMPs), installation of various water quality treatment structures and ribbon curb.
- Sanitary sewer improvements would consist of spot repairs, forcemain lining or replacement.
- Watermain repairs include with full watermain replacement in full reconstruction area, no watermain repairs in mill/overlay area.
- No burying of the overhead power lines is proposed.
- Speed humps will be removed.
- Issues and concerns were discussed such as tree removal, driveways, wetland impacts, landscaping, fencing, pet containment, sprinkler systems.
- Driveway reimbursements from the City for property owners planning to replace their entire driveway were discussed.

- City encouraged all property owners to fill out comment cards at this meeting and contact the City about any questions or concerns throughout the project process.
- Information was presented about how residents can stay informed during construction. The City demonstrated how Twitter has been used to provide daily updates for the 2013 Sparrow Road project.

The following is a summary from the Question and Answer portion of the 5pm presentation:

**Question #1 (Q1):** The south side has a spot along Grays Bay Boulevard on the northwest side that will be a bottleneck.

**Answer #1 (A1):** Communications will be used to mitigate this.

**Q2:** When will milling occur?
**A2:** Milling will take place a week or two in advance of the paving work.

**Q3:** What is the process for the mill and overlay?
**A3:** Milling will occur on one side, then the other; then paving one side at a time.

**Q4:** Concerns on Fairchild with pedestrian traffic, gradual curb or raised?
**A4:** The existing bituminous curb will either remain or be improved in Area C. Twenty five foot clearance on trees is preferred, the City will trim trees prior to the start of the project. Fairchild Oak Trees will be trimmed in the winter only to avoid Oak Wilt.

**Q5:** Will the oak trees be trimmed after the frost?
**A5:** Yes, oak trees will be trimmed only during the winter after the frost.

**Q6:** Traffic is a concern with the 101 detour, heavy traffic levels on Minnetonka Boulevard, and impacts to the alternate route on Grays Bay Boulevard.
**A6:** The intention is to re-establish the Minnetonka Boulevard to McGinty Road W to Wayzata this year. Grays Bay Boulevard to Bay Street Groveland School Road is the currently recommended route, the construction closures will most likely not last the full length of the summer.
Q7: Will mailboxes and landscaping need to be moved during the mill and overlay?
A7: Mailboxes will need to be moved only if they extend over the road and in the way of the milling machine. Landscaping will be reviewed.

Q8: Why is the roadway not being fully replaced?
A8: There is no justification for the cost of a full replacement at this time.

Q9: What type of curb will be installed?
A9: The north side of Libbs Lake (Area C) will be bituminous curb, south of Libbs Lake (Areas A and B) will be concrete.

Q10: There is concern for the boat launch traffic during construction, warning signs should be considered to alert drivers to take alternate routes.
A10: The City did not have comment.

Q11: There is a wedding on Tonka Trail over Memorial Day Weekend which will cause extra traffic, what are the chances construction will be done over the holiday?
A11: It will try to be avoided, however it is hard to say what the schedule will be right now.

Q12: What will the roadway width be?
A12: The roadway will match the footprint of the existing roadway.

Q13: Will mailboxes need to be moved anywhere on the project?
A13: There may be some moving some mailboxes and landscaping if in the way of the milling machine. In the full reconstruction areas, temporary mailboxes will be provided.

Q14: What is the construction timeline for the forcemain repair in the Fairchild and Grays Bay area?
A14: The pipe will be removed and replaced, with an estimated construction period of 1-2 weeks.

Q15: There is a home that floods with heavy rain, it gathers there and infiltrates over time.
A15: There is no proposal for improvements at this point.

Q16: The Fairchild Avenue water system goes through the road is there any problem with this?
A16: There are no problems associated with this.

Q17: Will the mill and overlay be tied into driveways.
A17: Yes, they will be tied into the existing driveways.

Q18: How is curb replacement chosen?
A18: Depends on what type of reconstruction is occurring. In the full reconstruction areas full concrete curb replacement, in the mill/overlay areas bituminous curb.

Q19: The manholes are at a significantly lower elevation than the pavement on Fairchild Avenue.
A19: Casting manholes and gate valves so they are flush.

Q20: Will the removed speed humps be replaced?
A20: No, the speed humps will not be replaced.
Q21: How will speed be enforced without the speed humps?  
A21: Police will be available for extra speed enforcement if needed.

Q22: What is the general layout for the time of construction?  
A22: The contractor will be selected in April; the specific schedule for construction will be determined by the contractor. It is anticipated construction will begin April/May and continue until October/November.

The following is a summary from the Question and Answer portion of the 6:30pm presentation:

Q1: Will the existing overhead lines be buried?  
A1: Existing overhead lines will not be buried during the process.

Q2: How will gravel driveways be restored?  
A2: Gravel driveways may have a small bituminous patch at the entry.

Q3: Some properties on Lakeshore Boulevard are within 15’ of the road with an easement, where is the easement?  
A3: Easement locations are specific to properties, these can be pulled up on a map individually.

Q4: If landscaping goes to the edge of the roadway, how will it be affected and who will pay for the removal or replacement?  
A4: If items are moveable, please move them in advance; if there are immovable features we will work with you through the construction coordinator to find a solution.

Q5: Will all roads be 24’-26’ in width?  
A5: No, the roadways will be replaced in the existing width with the addition of 6” curb lines.

Q6: At Cottage Grove Park, the winter plows push snow and mud into the park and eliminates the parking. Can parking be added to allow for the snow pile and parking?  
A6: Currently there are no proposed parking additions.

Q7: Will driveway and lawn elevations be matched?  
A7: The top of curb will be matched/tied into the existing property elevations.

Q8: Where will new mailboxes be placed?  
A8: Current mailbox placement will be the biggest factor in the new locations. In most cases the location of the mailboxes will not change.

Q9: Who will be the on-site contact?  
A9: Chris Smith from the City of Minnetonka.

Q10: What will the construction hours be?  
A10: Construction hours are 7am-7pm.

Q11: When will contractors be bidding the project?  
A11: The bids will open in February or March, and the contract will be awarded in April.
Q12: How will mail be delivered during construction?
A12: Temporary mailboxes will be developed via the post service.

Q13: What is the typical impact timing?
A13: The section impacted is dependent on the roadway. Typically, construction lasts 2-4 weeks depending on the amount of utilities and complexity, and two or more months for completion.

Q14: Lakeshore Boulevard has a low point; will storm sewer be installed here?
A14: Grades here do not allow for the installation of storm sewer; however, ribbon curbing will allowing for sheet flow and higher points like Cottage Grove will capture and convey some of the storm water that is not infiltrated.

Q15: What is proposed for the culverts at Grays Bay Boulevard?
A15: The existing pipe will be utilized with new inlets.

Q16: You could consider changing grades on streets to accommodate flow on Grays Bay Boulevard.
A16: The area where mill and overlay are taking place, minimal changes in grades will occur.

Q17: During large rains, there is significant standing water on Lakeshore Boulevard.
A17: The cost for a lift station is not feasible at this time.

Q18: How will stop boxes / curb boxes be replaced?
A18: The standard replacement includes copper pipe with the replacement of the box. The contractor can be contracted as to what options are available for extra replacement up to the house.

Q19: Will speed humps be replaced?
A19: The speed humps will be removed and will not be replaced.

Q20: Will additional stormwater drainage be added?
A20: No, the current stormwater drainage will be maintained.

Q21: Traffic is a concern with the 101 detour, heavy traffic levels on Minnetonka Boulevard, and impacts to the alternate route on Grays Bay Boulevard.
A21: The intention is to re-establish the Minnetonka Boulevard to McGinty Road W to Wayzata this year. Grays Bay Boulevard to Bay Street Groveland School Road is the currently recommended route, the construction closures will most likely not last the full length of the summer.

Q22: The culvert under the driveway northeast of the flood point on Lakeshore Boulevard backs up water, it may be plugged, undersized or the grade past the outlet needs reshaping. Water even overtops the driveway.
A22: Improvements will be made to the inlet condition, but most of the pipe will stay as is.

Q23: Parking on the street is sometimes needed, and parking issues should be addressed, at least one side of parking should be considered.
A23: No comment from the City.
NOTE: The above constitutes WSB’s understanding of the items discussed at this meeting. If there are any questions, comments or changes, please notify me immediately at 763-287-7175.
2016 Street Rehabilitation Project
Informational Meeting
October 1, 2015
5:00 p.m., Minnetonka Community Center

Name: 
Address: 
Phone: 
Email: 

Comments:

Significant drainage at end of our driveway will need bituminous buffer at road to prevent water draining on our driveway.

Please circle if your property has:

Irrigation System and/or Pet Containment System

Are you aware of any drainage issues in the neighborhood? If so, please describe where.

City Contact: Jeremy Koenen, Assistant City Engineer
Phone: 952-939-8238
Email: jkoenen@minnetonka.com
2016 Street Rehabilitation Project
Informational Meeting
October 1, 2015
5:00 p.m., Minnetonka Community Center

Name: ____________________________
Address: __________________________
Phone: ____________________________
Email: ____________________________

Comments:

1. Would like curb improved on the lake side in front of my house, currently causing erosion on lake side of street.
2. Water puddles on street near my mailbox, could slope the street slightly there.
3. General - need to raise/align manhole covers
4. Speed bumps - Glad you are removing them!

Please circle if your property has: [ ] Irrigation System [ ] Pet Containment System

Are you aware of any drainage issues in the neighborhood? If so, please describe where.

______________________________

City Contact: Jeremy Koenen, Assistant City Engineer
Phone: 952-939-8238
Email: jkoenen@eminnetonka.com
2016 Street Rehabilitation Project
Informational Meeting
October 1, 2015
5:00 p.m., Minnetonka Community Center

Name: __________
Address: __________
Phone: __________
Email: __________

Comments: 

I'm talking with city staff and I was dismayed to learn that it was their recommendation to take out speed humps because of the high volume. We have many people who come into our neighborhood who don't live here and I believe most of them love speed humps. I heard the words 'degraded the neighborhood.' I would like to speak with staff to explain this. Thank you.

Please circle if your property has:

- Irrigation System
- Pet Containment System

Are you aware of any drainage issues in the neighborhood? If so, please describe where.

City Contact: Jeremy Koenen, Assistant City Engineer
Phone: 952-939-8238
Email: jkoenen@minnetonka.com

Ps. I believe Wayzata has put in speed humps - have you consulted with them?
2016 Street Rehabilitation Project
Informational Meeting
October 1, 2015
5:00 p.m., Minnetonka Community Center

Comments:
P.I.Z. keep the speed bumps
P.I.Z. trim trees at Fauschild + Minnetonka Bld so sig

Please circle if your property has:
- Irrigation System
- Pet Containment System
- Fence

Are you aware of any drainage issues in the neighborhood? If so, please describe where.
1660 24 Group Bay Rd.

City Contact: Jeremy Koenen, Assistant City Engineer
Phone: 952-939-8238
Email: jkoenen@eminnetonka.com
2016 Street Rehabilitation Project
Informational Meeting
October 1, 2015
5:00 p.m., Minnetonka Community Center

Name: 
Address: 
Phone: 
Email: 

Comments: 

Please circle if your property has: 

Irrigation System and/or Pet Containment System

Are you aware of any drainage issues in the neighborhood? If so, please describe where.

Yes - All along Fairchild on East Side the Runoff creates the yards going into Lake

City Contact: Jeremy Koenen, Assistant City Engineer
Phone: 952-939-8238
Email: jkoenen@eminnetonka.com
2016 Street Rehabilitation Project
Informational Meeting
October 1, 2015
5:00 p.m., Minnetonka Community Center

Name: __
Address: __
Phone: __
Email: ____________________________

Comments: 

- HAPPY NO CURBS BEING ADD/INCREASED
- WHICH WILL NOT WORSEN FLOODING LIKE IN 2015
- INCREASING SLOPE OF STREET SLIGHTLY WOULD HELP DRAINING OF A FEW SMALL PONDING SPOTS.
- GOOD PRESENTATION

Please circle if your property has:

- Irrigation System
- Pet Containment System

Are you aware of any drainage issues in the neighborhood? If so, please describe where.

- YES. CORNOR OF FAIRVIEW & GARRY'S BAY BL, WHICH DRAINS INTO WOODS. ALSO SEE ABOVE

City Contact: Jeremy Koenen, Assistant City Engineer
Phone: 952-939-8238
Email: jkoenen@eminentonka.com
2016 Street Rehabilitation Project
Informational Meeting
October 1, 2015
5:00 p.m., Minnetonka Community Center

Name: __
Address: __
Phone: __
Email: __

Comments:

- Please circle if your property has:
  - Irrigation System
  - Pet Containment System

- Are you aware of any drainage issues in the neighborhood? If so, please describe where.

City Contact: Jeremy Koenen, Assistant City Engineer
Phone: 952-939-8238
Email: jkoenen@minnetonka.com
2016 Street Rehabilitation Project
Informational Meeting
October 1, 2015
5:00 p.m., Minnetonka Community Center

Name: 
Address: 
Phone: 
Email: 

Comments: 
We have a Wedding May 28. It's possible we will have occasions with guests - more parking needs on street & higher traffic the week leading up to May 28. Guests will be gone by June and I would imagine?

Please circle if your property has: 

- Irrigation System
- Pet Containment System

Are you aware of any drainage issues in the neighborhood? If so, please describe where.

Water runs down the hill of Tonkaha to Fairchild. The drains need a grate & maybe higher curbs would help guide water to drain.
2016 Street Rehabilitation Project
Informational Meeting
October 1, 2015
5:00 p.m., Minnetonka Community Center

Name:
Address:
Phone:
Email:

Comments: Concerned that no trees be removed or trimming that removes the beautiful blue effect of the oaks. Would like to meet with Emily during the tree walk thru.

Please circle if your property has:

Irrigation System and/or Pet Containment System

Are you aware of any drainage issues in the neighborhood? If so, please describe where.

City Contact: Jeremy Koenen, Assistant City Engineer
Phone: 952-939-8238
Email: jkoenen@eminnetonka.com
2016 Street Rehabilitation Project
Informational Meeting
October 1, 2015
6:30 p.m., Minnetonka Community Center

Name: ____________
Address: ____________
Phone: ____________
Email: ____________

Comments: Please trim back bushes to east of Minnetonka Blvd. & Woodlawn Ave. intersection - poor visibility there. Can we add some parking to Cottage Grove by Groveland Park? There is none at present and road edge gets very torn up, especially in wet weather.

Please circle if your property has:

[Irrigation System] and/or [Pet Containment System]

Are you aware of any drainage issues in the neighborhood? If so, please describe where.

Lake Shore Blvd. in 3200-3300 area

City Contact: Jeremy Koenen, Assistant City Engineer
Phone: 952-939-8238
Email: jkoenen@eminnetonka.com
City of Minnetonka
Where quality is our nature

2016 Street Rehabilitation Project
Informational Meeting
October 1, 2015
6:30 p.m., Minnetonka Community Center

Name:
Address:
Phone:
Email:

Comments:
- widen Rd by Grove and Park off of Cottage Grove
- add a few parking spots for the park
- when our mail box is removed I would like to talk
to the person before mail box is put back-
we would like the mail box put back on property line
needs to be more just a few feet.

Please circle if your property has:

Irrigation System and/or Pet Containment System

Are you aware of any drainage issues in the neighborhood? If so, please describe where.

City Contact: Jeremy Koenen, Assistant City Engineer
Phone: 952-939-8238
Email: jkoenen@eminnetonka.com
2016 Street Rehabilitation Project
Informational Meeting
October 1, 2015
6:30 p.m., Minnetonka Community Center

Name: __
Address: __
Phone: __
Email: __

Comments: ____________________________________________________________

WE HAVE A WATER SERVICE LINEStub onto the property.
WE ARE CONSIDERING several options:
1. REMOVE THE STUB
2. MOVE THE STUB TO A MORE CENTRAL LOCATION
3. NO CHANGE

Currently, we have a private well on the property which handles our needs, so in any case we do not plan on using municipal water in the short term.

Please circle if your property has:

Irrigation System and/or Pet Containment System

Are you aware of any drainage issues in the neighborhood? If so, please describe where.

A) No

City Contact: Jeremy Koenen, Assistant City Engineer
Phone: 952-939-8238
Email: jkoenen@eminnetonka.com
2016 Street Rehabilitation Project
Informational Meeting
October 1, 2015
6:30 p.m., Minnetonka Community Center

Name: 
Address: 
Phone: 
Email: 

Comments: 

Please circle if your property has:

Irrigation System and/or Pet Containment System

Are you aware of any drainage issues in the neighborhood? If so, please describe where.

City Contact: Jeremy Koenen, Assistant City Engineer
Phone: 952-939-8238
Email: jkoenen@eminnetonka.com
2016 Street Rehabilitation Project
Informational Meeting
October 1, 2015
6:30 p.m., Minnetonka Community Center

Name: 
Address: 
Phone: 
Email: 

Comments: 1. Currently I cannot pave my driveway due to street elevation as compared to my garage slab. I would like to pave my driveway with the road construction, so I would like the elevation of the road to consider my garage slab. 
2. I would highly recommend a speed bump in front of my house on cottage grove Ave. Speeds down the hill are out of line!

Please circle if your property has:

Irrigation System and/or Pet Containment System

Are you aware of any drainage issues in the neighborhood? If so, please describe where.

My driveway - stormwater collects from hill on cottage grove Ave.

City Contact: Jeremy Koenen, Assistant City Engineer
Phone: 952-939-8238
Email: jkoenen@minnetonka.com
2016 Street Rehabilitation Project
Informational Meeting
October 1, 2015
6:30 p.m., Minnetonka Community Center

Name:
Address:
Phone:
Email:

Comments: ____________________________________________________________________________________________
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__________________________________________________________________________________________
__________________________________________________________________________________________

Please circle if your property has:

Irrigation System and/or Pet Containment System

Are you aware of any drainage issues in the neighborhood? If so, please describe where.

NO

City Contact: Jeremy Koenen, Assistant City Engineer
Phone: 952-939-8238
Email: jkoenen@eminnetonka.com
Brief Description  
Resolution amending the Glen Lake contract allowing for a time extension

Recommendation  
Adopt the resolution approving the time extension

Background

The city of Minnetonka originally approved the Glen Lake Redevelopment contract in 2006. The original development had three parts: the Exchange Building (now the Oaks Apartment building with commercial space on the ground floor); the northern portion of the grocery store property (now St. Therese/The Glenn) and Kinsel Point on Stewart Lane (currently vacant). The city has processed various changes to the development contract over the years including: number of affordable housing units, types of units (condominiums to rental) and various time extensions.

The owner of the Kinsel parcel and the builder/developer of the site, One Two One, a joint cooperative housing company (Ecumen and Lifestyle Communities) have submitted a letter indicating a request to extend the time frame to begin construction (see page A1).

The time frame extension is requested to amend the start date to March 31, 2016, with a completion date of June 30, 2017. The city’s legal counsel reviewed the request and prepared a resolution and contract for the extension.

Staff Recommendation

Adopt the resolution amending the contract to extend the time period for one year. (See pages A2-A4).

Approve the contract on pages A5-A14.

Both the EDA and city council are required to take action on this item.

Submitted through:  
Geralyn Barone, City Manager

Originated by:  
Julie Wischnack, AICP, Community Development Director
September 22, 2015

Ms. Julie Wishnack  
Community Development Director  
City of Minnetonka  
14600 Minnetonka Blvd  
Minnetonka, MN 55345

Re: Glen Lake Redevelopment Phase III (FKA: Kinsel) Request for Extension

Dear Ms. Wishnack:

On behalf of both the property owner (Mr. Wartman) and the purchaser of the property and cooperative developer (OneTwoOne Development/Ecumen Services Inc.), we respectfully request a six-month extension to both the construction start and completion dates of the above referenced property currently expected to be September 30, 2015 and December 31, 2016 respectively. Specifically, this request relates to paragraph 5, section 4.3(a) of the original document.

The request is being made to allow for the final presale requirements to be met as a condition to the HUD-insured financing prior to construction start. To date, we have opened our showroom in the Glen Lake’s Mall and have buyers committed for 32 units and a wait list of additional interested parties.

As marketing progresses, people continue to join the wait list and the sales staff is working with the interested individuals to select a home and convert them to buyers. The sales efforts should result in meeting the HUD presale requirements of 36 units prior to Christmas (2015) so that construction can begin at that time. There is a 12-month construction contract which will have residents moving into their new homes in the cooperative by spring of 2017.

Overall, enthusiasm is high for this ownership housing option in Glen Lake. With this request, efforts are on track for a successful completion of the newest addition to the Glen Lake neighborhood.

Please contact either Tom Wartman or Julie Murray if additional information is required to approve this request.

Sincerely,

Julie Murray  
Chief Manager  
OneTwoOne Development

Thomas B. Wartman  
President  
Kinsel Point Development LLC
Resolution No. 2015-xx

Resolution approving a fourth amendment to second amended and restated contract for private redevelopment between the Economic Development Authority in and for the City of Minnetonka, the City of Minnetonka, and Glen Lake Redevelopment LLC

Be it resolved by the City Council (the “Council”) of the City of Minnetonka, Minnesota (the “City”) as follows:

Section 1. Background.

1.01. The City and the Economic Development Authority in and for the City of Minnetonka, Minnesota (the “Authority”) have approved the creation of the Glenhaven Tax Increment Financing District (the “TIF District”) within the housing development and redevelopment project known as the Glen Lake Housing Development and Redevelopment Project (the “Project”), and have adopted a tax increment financing plan for the purpose of financing certain improvements within the Project.

1.02. The Authority and City entered into an Amended and Restated Contract for Private Redevelopment, dated May 15, 2007 (the “Original Contract”), with Glen Lake Redevelopment LLC, a Minnesota limited liability company (the “Redeveloper”), which set forth the terms and conditions of the housing and commercial redevelopment project to be constructed by the Redeveloper within the TIF District in three separate phases designated as “Phase I,” “Phase II,” and “Phase III.”

1.03. To address changes in the housing market, timing of construction, and other development details, the Authority, the City, and the Redeveloper modified the Original Contract and entered into a Second Amended and Restated Contract for Private Redevelopment, dated January 4, 2010 (the “Second Amended Contract”). The Second Amended Contract has been subsequently amended by the First Amendment to Second Amended and Restated Contract for Private Redevelopment, the Second Amendment to Second Amended and Restated Contract for Private Redevelopment, and the Third Amendment to Second Amended and Restated Contract for Private Development.

1.04. The Redeveloper has requested that the Second Amended Contract related to Phase III of the redevelopment project be further amended to extend the construction commencement date and completion date for the Phase III portion of the Minimum Improvements, which are currently September 30, 2015 and December 31, 2016, respectively, as set forth in the Third Amendment to the Second Amended and Restated Contract for Private Development.
1.05. There has been presented to this Council a Fourth Amendment to Second Amended and Restated Contract for Private Redevelopment (the “Fourth Amendment to Second Amended Contract”), which extends the construction commencement date of Phase III to March 31, 2016 and the construction completion date of Phase III to June 30, 2017.

1.06. The Council has reviewed the Fourth Amendment to Second Amended Contract, and finds that the execution thereof by the City and performance of the City’s obligations thereunder are in the best interest of the City and its residents.

Section 2. Council Action.

2.01. The Fourth Amendment to Second Amended Contract is approved in substantially the form on file in City Hall, subject to modifications that do not alter the substance of the transaction and are approved by the Mayor and City Manager; provided that execution of the document will be conclusive evidence of their approval.

2.02. The Mayor and City Manager are authorized and directed to execute the Fourth Amendment to Second Amended Contract and any other documents or certificates necessary to carry out the transactions described therein.
Adopted by the City Council of the City of Minnetonka, Minnesota this 12th day of October, 2015.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held October 12, 2015.

City Clerk
FOURTH AMENDMENT TO
SECOND AMENDED AND RESTATED
CONTRACT FOR PRIVATE REDEVELOPMENT

THIS FOURTH AMENDMENT TO SECOND AMENDED AND RESTATED CONTRACT FOR PRIVATE REDEVELOPMENT, made on or as of the ____ day of __________, 2015 (the “Fourth Amendment to Agreement”), is by and between the ECONOMIC DEVELOPMENT AUTHORITY IN AND FOR THE CITY OF MINNETONKA, a public body corporate and politic (the “Authority”), established pursuant to Minnesota Statutes, Sections 469.090 to 469.1081 (hereinafter referred to as the “Act”), the CITY OF MINNETONKA, a Minnesota municipal corporation (the “City”) and GLEN LAKE REDEVELOPMENT LLC, a Minnesota limited liability company (the “Redeveloper”), and consented to by The Exchange Development LLC, a Minnesota limited liability company (“The Exchange Development”), Kinsel Point Development LLC, a Minnesota limited liability company (“Kinsel Point Development”), and Glen Lake Senior Housing, LLC, a Minnesota limited liability company, as permitted assignees hereunder.

WITNESSETH:

WHEREAS, the Authority, the City, and the Redeveloper previously entered into that certain Second Amended and Restated Contract for Private Development, dated January 4, 2010 (the “Original Agreement”), which amended and restated a Contract for Private Redevelopment, dated January 31, 2006, between the Authority, the City, and the Redeveloper, as amended and restated by the Amended and Restated Contract for Private Redevelopment, dated May 15, 2007, which was partially assigned to The Exchange Development and Kinsel Point Development; and

WHEREAS, pursuant to the Original Agreement, the Redeveloper agreed to develop the real property in the City legally described in SCHEDULE A attached hereto (the “Redevelopment Property”) in three separate phases designated as “Phase I,” “Phase II,” and “Phase III”; and

WHEREAS, the Original Agreement was previously amended by the First Amendment to Second Amended and Restated Contract for Private Development (the “First Amendment”) to extend the time period in which Phase III of the redevelopment could occur; and

WHEREAS, the Original Agreement was previously amended by the Second Amendment to Second Amended and Restated Contract for Private Development (the “Second Amendment”) to further extend the time period in which Phase III of redevelopment could occur; and

WHEREAS, the Original Agreement was previously amended by the Third Amendment to Second Amended and Restated Contract for Private Development (the “Third Amendment”) to modify the terms of the Phase III portion of the Minimum Improvements to replace the construction of with the construction of a residential senior cooperative building with approximately 54 dwelling units and to further extend the time period in which Phase III of redevelopment could occur; and
WHEREAS, pursuant to Section 4.3(a) of the Original Agreement, as subsequently amended, the Redeveloper was required to commence construction of Phase III by September 30, 2015 and to complete construction of Phase III by December 31, 2016; and

WHEREAS, the Redeveloper, on behalf of Kinsel Point Development, has requested an extension for the commencement and completion dates of Phase III and has proposed that the Original Agreement be further amended in order to avoid default under Section 9.6 of the Original Agreement, as subsequently amended; and

WHEREAS, the Authority and the City have agreed to extend the commencement and completion dates of Phase III; and

NOW, THEREFORE, in consideration of the premises and the mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

Section 1. Amendment to Section 4.3(a) of the Original Agreement. The final paragraph of Section 4.3(a) of the Original Agreement is amended as follows (amended language is underlined):

Phase III (Kinsel): A four-story, residential senior cooperative building with approximately 54 dwelling units including community space and outdoor amenities on the Phase III Property commenced not later than March 31, 2016 and completed by no later than June 30, 2017.

Section 2. Amendment to Section 9.6 of the Original Agreement. Section 4.8 of the Original Agreement is amended as follows (amended language is underlined).

Section 9.6. Phase III (Kinsel) Default. If the Redeveloper fails to commence the Minimum Improvements on the Phase III Property (which shall mean pouring cement for the building foundation, or placing footings in the ground, for the first building in Phase III) on or prior to March 31, 2016, in addition to any remedies available to the Authority pursuant to this Article IX, the Authority may, within 60 days after such required commencement date, deliver written notice to Redeveloper declaring the Authority’s intent to negotiate an agreement for purchase of the Phase III Property. For a period of 60 days after receipt of such notice, Redeveloper shall negotiate in good faith, exclusively with the Authority, regarding such purchase. The Authority may exercise its right of negotiation under this paragraph, or may assign such right to another entity.

Section 3. Effective Date. The amendments and supplements made to the Original Agreement, as amended and supplemented by this Fourth Amendment to Agreement, shall be effective as of October 12, 2015.

Section 4. Certain Defined Terms. Terms used in this Fourth Amendment to Agreement and not defined herein shall have the meanings given in the Original Agreement, as amended by the First Amendment, the Second Amendment, and the Third Amendment.
Section 5. Confirmation of Original Agreement. Except as specifically amended by this Fourth Amendment to Agreement, the Original Agreement, as amended by the First Amendment, the Second Amendment, and the Third Amendment, is hereby ratified and confirmed and remains in full force and effect.

(The remainder of this page is intentionally left blank.)
IN WITNESS WHEREOF, the Authority, the City, and the Redeveloper have caused this Fourth Amendment to Second Amended and Restated Contract for Private Redevelopment to be duly executed in their respective names and behalf as of the date and year first written above.

ECONOMIC DEVELOPMENT AUTHORITY
IN AND FOR THE CITY OF MINNETONKA,
MINNESOTA

By ________________________________
Its President

By ________________________________
Its Executive Director

STATE OF MINNESOTA  )
COUNTY OF HENNEPIN  )

The foregoing instrument was acknowledged before me this ___ day of ____________, 2015, by Terry Schneider, the President of the Economic Development Authority in and for the City of Minnetonka, Minnesota, a public body politic and corporate, on behalf of the Authority.

_______________________________
Notary Public

STATE OF MINNESOTA  )
COUNTY OF HENNEPIN  )

The foregoing instrument was acknowledged before me this ___ day of ____________, 2015, by Geralyn Barone, the Executive Director of the Economic Development Authority in and for the City of Minnetonka, Minnesota, a public body politic and corporate, on behalf of the Authority.

_______________________________
Notary Public

This document was drafted by:
KENNEDY & GRAVEN, Chartered
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, Minnesota 55402
Telephone: (612) 337-9300
Execution page of the City to the Fourth Amendment to Second Amended and Restated Contract for Private Redevelopment, dated as of the date and year first written above.

CITY OF MINNETONKA, MINNESOTA

By ________________________________
Its Mayor

By ________________________________
Its City Manager

STATE OF MINNESOTA  )
COUNTY OF HENNEPIN  ) SS.

The foregoing instrument was acknowledged before me this _____ day of January, 2015, by Terry Schneider, the Mayor of the City of Minnetonka, a Minnesota municipal corporation, on behalf of the City.

________________________________________
Notary Public

STATE OF MINNESOTA  )
COUNTY OF HENNEPIN  ) SS.

The foregoing instrument was acknowledged before me this _____ day of January, 2015, by Geralyn Barone, the City Manager of the City of Minnetonka, a Minnesota municipal corporation, on behalf of the City.

________________________________________
Notary Public
Execution page of the Redeveloper to the Fourth Amendment to Second Amended and Restated Contract for Private Redevelopment, dated as of the date and year first written above.

GLEN LAKE REDEVELOPMENT LLC

By ________________________________
Its Chief Manager

STATE OF MINNESOTA  )
COUNTY OF HENNEPIN  ) SS.

The foregoing instrument was acknowledged before me this ___ day of ____________, 2015, by Thomas Wartman, the Chief Manager of Glen Lake Redevelopment LLC, a Minnesota limited liability company, on behalf of the Redeveloper.

____________________________________
Notary Public
This Fourth Amendment to Second Amended and Restated Contract for Private Redevelopment, dated as of the date and year first written above, is acknowledged and consented to by the undersigned as a permitted assignee under the Original Agreement.

THE EXCHANGE DEVELOPMENT LLC

By ________________________________
Its Chief Manager

STATE OF MINNESOTA  )
COUNTY OF HENNEPIN   ) SS.

The foregoing instrument was acknowledged before me this ____ day of January, 2015, by Thomas Wartman, the Chief Manager of The Exchange Development LLC, a Minnesota limited liability company, on behalf of the company.

__________________________________
Notary Public
This Fourth Amendment to Second Amended and Restated Contract for Private Redevelopment, dated as of the date and year first written above, is acknowledged and consented to by the undersigned as a permitted assignee under the Original Agreement.

KINSEL POINT DEVELOPMENT LLC

By ________________________________
Its Chief Manager

STATE OF MINNESOTA )
COUNTY OF HENNEPIN ) SS.

The foregoing instrument was acknowledged before me this ____ day of January, 2015, by Thomas Wartman, the Chief Manager of Kinsel Point Development LLC, a Minnesota limited liability company, on behalf of the company.

______________________________
Notary Public
This Fourth Amendment to Second Amended and Restated Contract for Private Redevelopment, dated as of the date and year first written above, is acknowledged and consented to by the undersigned as a permitted assignee under the Original Agreement and owner of the Phase II Property.

GLEN LAKE SENIOR HOUSING, LLC

By ________________________________
Its Chief Manager

STATE OF MINNESOTA    )
COUNTY OF HENNEPIN    ) SS.

The foregoing instrument was acknowledged before me this ___ day of ____________, 2015, by Michael Pagh, the Chief Manager of Glen Lake Senior Housing, LLC, a Minnesota limited liability company, on behalf of the company.

____________________________________
Notary Public
SCHEDULE A

DESCRIPTION OF REDEVELOPMENT PROPERTY

Phase I (Exchange) Property
Lot 1, Block 1, The Exchange, according to the recorded plat thereof, Hennepin County, Minnesota.

Phase II Property
Lot 2, Block 1, Glen Haven Shopping Center, according to the recorded plat thereof, Hennepin County, Minnesota.

Phase III (Kinsel) Property
Lot 1, “Glen Lake Park”, except the East 570 feet of Lot 1, according to the recorded plat thereof, Hennepin County, Minnesota.
City Council Agenda Item #15A  
Meeting of October 12, 2015

**Brief Description:** Appointment to the planning commission

**Recommended Action:** Approve the recommended appointment

**Background**

The planning commission currently has one open position. John Powers has expressed his willingness to dedicate the time and energy necessary to be a contributing member. Based on the material he submitted and a previous interview, I recommend that he be appointed. The updated membership roster showing the composition of the planning commission is attached.

**Recommendation**

To approve the following appointment:

- John Powers, to the planning commission, to serve a two-year term, effective October 12, 2015 and expiring on October 31, 2017.

Respectfully submitted,
Terry Schneider
Mayor
Planning Commission

Current Members

The planning commission assists and advises the city council in administration of the City Zoning Ordinance; conducts public hearings on matters as required by provisions of the zoning ordinance, subdivision ordinance, and any other matters referred by the council or by ordinance. Following the required public hearings, the planning commission makes its reports and recommendations to the city council and city manager. This commission is comprised of seven members who serve two-year terms. The meetings are generally held Thursday nights, twice a month at 6:30 p.m.

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Other Commission Members:

Loren Gordon - City of Minnetonka Staff Liaison Ph# 939-8296
Addendum
Minnetonka City Council
October 12, 2015 Regular Meeting

14C. Resolution for the 2016 street rehabilitation project for the Libb’s Lake Area

Attached are comments the engineering department and Council Member Wiersum received after the council packet was distributed.
TO: Mayor and City Council
THROUGH: City Manager
FROM: Will Manchester, Director of Engineering
DATE: October 12, 2015
SUBJECT: Change Memo for October 12, 2015 City Council Agenda

Item 14C – Resolution for the 2016 Street Rehabilitation, Libb’s Lake area

The attached comments were received following distribution of the agenda packet.
From: Jeremy Koenen  
Sent: Saturday, October 10, 2015 2:08 PM  
To: Rob White  
Cc: Brad Wiersum; Susan White  
Subject: RE: Speed bumps on Grays Bay Blvd.

Mr. and Mrs. White,
Thank you for your email; I will pass this information along. Thank you and have a good day.
Jeremy

Jeremy A. Koenen, PE  
Assistant City Engineer  
City of Minnetonka  
14600 Minnetonka Blvd  
Minnetonka, MN 55345  
Phone: 952-939-8238  
jkoenen@minnetonka.com

From: Rob White  
Sent: Saturday, October 10, 2015 11:38 AM  
To: Jeremy Koenen  
Cc: Brad Wiersum; Susan White  
Subject: Speed bumps on Grays Bay Blvd.

Hi Jeremy and Brad –

I am writing about the proposal to remove the speed bumps on Grays Bay Blvd. We have lived on Grays Bay Blvd. since 1989 and I have vivid recollections of the speed of the traffic between the Libbs Lake bridge and Fairchild Avenue before the speed bumps went in. I think this speed is a result of:

1. Drivers are forced to drive slow on Fairchild Avenue and before they get to the Libbs Lake bridge (coming from the West) because the road is windy, fairly narrow, and overhung with mature trees, all of which serves to obscure sight lines. There is a lot of pedestrian and bike traffic on this windy road (and more expected, when they get the bike trails connected to Wayzata), and I have witnessed numerous instances of swerving and aggressive braking as drivers come around a corner and find a walker or biker on the road.

2. Between the Libbs Lake bridge and Fairchild Avenue (where the speed bumps are) is a straight section of road that is about 150 yards long. As soon as drivers see this straight stretch of road, they accelerate aggressively – almost racing to make up for lost time, only to hit an immediate and severe curve with limited sight lines. This is a dangerous situation – it makes me nervous, and I have lived here for 26 years and know the roads.
I think the speed bumps have been a significant help in reducing the speed through our neighborhood. We still have the occasional fast and dangerous driver, but it is nothing like it was before the speed bumps went in. I would encourage Minnetonka to leave the speed bumps in place.

Thanks for your consideration!

Rob (and Susan) White
From: Jeremy Koenen
Sent: Saturday, October 10, 2015 2:03 PM
To: [redacted]; Brad Wiersum; [redacted]
Subject: RE: speed bumps

Mr. and Mrs. Johnson,
I have received your email and will pass this information along. Thank you and have a good day.
Jeremy

Jeremy A. Koenen, PE
Assistant City Engineer
City of Minnetonka
14600 Minnetonka Blvd
Minnetonka, MN 55345
Phone: 952-939-8238
jkoenen@eminnetonka.com

From: [redacted]
Sent: Saturday, October 10, 2015 10:03 AM
To: Jeremy Koenen; Brad Wiersum; [redacted]
Subject: speed bumps

Jeremy,
I am emailing in reference to hearing the City of Minnetonka wants to remove speed bumps on Grays Bay Blvd. We live at 16940 Grays Bay Blvd. We are completely opposed to removing the speed bumps. In fact, we live on the corner where Cottage Grove intersects and we called the city when we moved in to put another speed bump in near our house because we felt our children were at risk of getting hit by a car. Cars fly around our dangerous corner.
Please DO NOT REMOVE any speed bumps! It helps to keep our children safe!
Thank you,
Tom & Leslie Johnson
16940 Grays Bay Blvd
Mr. and Ms. Rafowitz,

My apologies on the delayed response. Engineering has taken a hard look at the background regarding the original installation, and discussed internally with other departments. To provide further reasoning on how we came to the recommendation to remove the speed humps, please see the following:

1) The speed humps were installed in the late 1990’s as an experiment to slow traffic heading to the Lake Minnetonka public boat launch located at the Gray’s Bay Dam. Following that time, Gray’s Bay Marina, at the intersection of County Road 101 and Gray’s Bay Boulevard, was opened for public boat access and the launch was closed at the dam site. This significantly reduced non-local traffic using Gray’s Bay Boulevard east of the marina with the closing of the boat launch, and therefore, the experimental use is no longer necessary.
2) Emergency response staff and public works personnel have expressed their desire to not replace the humps, as they slow emergency response time and increase maintenance time (e.g., snow plowing).
3) Speed humps are typically not bicycle, motorist, or ADA friendly and present safety concerns to these users.
4) Installation will set a precedence city wide for use on other Minnetonka streets.

Gray’s Bay Boulevard is a very curvilinear alignment which helps reduce speeds. We have discussed additional enforcement, signage, and lane striping (to create a narrower feel to the roadway) to help control potential speeders in the future.

The city has received comments from both positions equally following the neighborhood meeting last week; to remove the speed humps (4), and to reinstall them (4) following the project. When presenting the staff recommendation to remove the speed humps at the neighborhood meetings last week (approximately 50 attendees), staff received no initial comment for support of either position.

Please let me know if there is anything you’d like to discuss further at any time. Thank you.

Will

William D. Manchester, P.E.
Director of Engineering
City of Minnetonka
14600 Minnetonka Blvd
Minnetonka MN 55345
Phone: 952-939-8232
wmanchester@eminnetonka.com
From: Jeremy Koenen
Sent: Wednesday, October 07, 2015 11:41 AM
To: Will Manchester
Subject: FW: Road resurfacing plan concerns

From: Ricard, Corrine D - Plymouth
Sent: Wednesday, October 07, 2015 10:25 AM
To: Jeremy Koenen
Cc: Brad Wiersum; Louis-Paul Ricard
Subject: Road resurfacing plan concerns

Dear Mr. Koenen,

I recently learned about the city of Minnetonka plans for resurfacing roads in my neighborhood, and I am writing to express my concerns over the current version of the plans. As a reference point, we live at 16822 Grays Bay Blvd.

There are a series of speed humps located along this stretch of Grays Bay Blvd, and as I understand it, the resurfacing plan calls for these speed humps to be removed. Historically there were significant concerns with speeding along this stretch of road, and the speed humps have made a significant improvement, reducing the average speed on Grays Bay Blvd.

While being a scenic stretch of road, it is also a dangerous stretch. There are numerous turns, over grown vegetation, blind corners, and steep hills – all of which significantly reduce visibility. In the winter with snow piles the road is even more concerning because it becomes very narrow and visibility suffers further with snow drifts. If higher rates of speed start occurring on this road as a result of the speed humps being removed I would be very concerned for the safety of the great number of walkers and bikers we regularly see on this road.

I hope you will entertain a process of gathering feedback from community members on this issue before the plans become final. We would be glad to participate in the discussions and express our views.

Sincerely,

Corrine Ricard
Mr. Fulco,
Thank you for your comments. I will pass this information along. Thank you and have a good day.
Jeremy

From: Jose Fulco
Sent: Saturday, October 10, 2015 8:14 PM
To: Jeremy Koenen; Brad Wiersum
Cc: Will Manchester
Subject: Grays Bay Blvd Speed Humps

Hello Jeremy (Hi Brad)

I have lived at 16821 Grays Bay Blvd since 1992. At the time my children were little, and the traffic was a serious problem. I was the one who began the door-by-door signed petition that ended up getting our neighborhood the “speed humps”. I went door to door with my baby it tow in her stroller. There was one neighbor who did not sign the petition. There were 85 neighbors who did sign.

Many friends and neighbors accompanied me to the City Council meetings where I recall the concerns about emergency vehicles, snow removal, etc, and how the City Council, and particularly Mayor Karen Anderson showed real concern about us, the residents who walk with our children, who ride our bicycles, who walk the dogs on our streets. I would guess the minutes to those meetings are archived somewhere.

We may, or may not want sidewalks, or bike paths, or even curbs; those are separate discussions. But we all want safety, and the speed humps with little doubt slowed down the speed of the traffic. Some of the worst offenders were in fact our own neighbors, and the speed humps were a reminder to them to Slow Down! The speed limit is posted at 20 mph, a speed never seen before the humps were in place.

Slowing down through our neighborhood applies to the snowplow drivers too, so if they complain about the humps, their complaints are specious at best. It is very clear that the snow plow drivers have become quite expert in clearing the snow despite the speed humps.

Finally we have all heard from friends in other neighborhoods about how they might get speed humps to try to do something about the volume and speed of traffic in their neighborhoods. The main argument seems to be about “setting a precedent”. I again argue that the precedent really should be about safety. I am disheartened to hear that the plan is to do away with the speed humps. Please give this some additional thought with this history in mind.

Sincerely

Jose M Fulco
16821 Grays Bay Blvd
Hi Brad,

The following feedback from Will was forwarded to me which I would like to comment on.

A. As I said earlier.....when I look at the response it doesn't appear to be a "proposal" to me. It appears as if a decision was made.

B. Re: comment #2.....The City of Wayzata has installed speed humps.......what do they know that the City of Minnetonka doesn't.

c. Re: comment #3.....The City of Wayzata has worked around it......also if it is not bicycle friendly and creates ADA issues......The City of Minnetonka/Marsh offers multiple fun runs/races throughout the year on this street and please come to observe the bicycle packs that go through the neighborhood......I have never heard of an issue and would think if it isn't ADA friendly, the City would not allow these long standing events to continue happening. Please come by and look at the humps.......my opinion----Will is trying to pad the reasons to take the humps out.

D. re: setting precedent-----precedent has already been set for the past 20 years humps has been in place.....also, in the first paragraph he referenced this being an "experiment" and that it is no longer needed. At the meeting I asked one of the engineers for speed studies that have been conducted, neighborhood surveys conducted, etc. None could be shared with me. Thus I would like to know how he knows.

E. Will speaks to the curvilinear alignment on Grays Bay Blvd. which helps to reduce speed. Please come to 16722 Grays Bay Blvd. and see how straight the road is there for a city block.

Finally, he speaks that the staff received "no initial comment for support for either position" I spoke at great length after the meeting was over with one of the engineers that I was opposed and further wrote a lengthy comment on the feedback forms to my opposition as well as questions I had. I also asked to be called. No call has been forthcoming Please look to read for my
comments on the feedback forms. How did he come up with that opinion? Not sure.

Thank you for your time.

Les

ps. On Monday, I called Jeremy K. wanting to speak with him about this issue. I left him a message to call. I called him because our block captain told me that he was the person to direct questions to re: this project. To date, I have no record he called back.....fyi

Fwd: Speed Humps on Grays Bay Blvd

Tina Rafowitz

Add to contacts

4:43 PM

To: ivan rafowitz, Les Bork

fyi

--------- Forwarded message ---------
From: Will Manchester <wmanchester@eminnetonka.com>
Date: Fri, Oct 9, 2015 at 4:32 PM
Subject: RE: Speed Humps on Grays Bay Blvd

To: [redacted] Brad Wiersum
Cc: Geralyn Barone <gbarone@eminnetonka.com>, Will Manchester <wmanchester@eminnetonka.com>

Mr. and Ms. Rafowitz,

My apologies on the delayed response. Engineering has taken a hard look at the background regarding the original installation, and discussed internally with other departments. To provide further reasoning on how we came to the recommendation to remove the speed humps, please see the following:

1) The speed humps were installed in the late 1990's as an experiment to slow traffic heading to the Lake Minnetonka public boat launch located at the Gray's Bay Dam. Following that time, Gray's Bay Marina, at the intersection of County Road 101 and Gray's Bay Boulevard, was opened for public boat access and the launch was closed at the dam site. This significantly reduced non-local traffic using Gray's Bay Boulevard east of the marina with the closing of the boat launch, and therefore, the experimental use is no longer necessary.

2) Emergency response staff and public works personnel have expressed their desire to not replace the humps, as they slow emergency response time and increase maintenance time (e.g., snow plowing).

3) Speed humps are typically not bicycle, motorist, or ADA friendly and present safety concerns
to these users.  
4) Installation will set a precedence city wide for use on other Minnetonka streets.

Gray's Bay Boulevard is a very curvilinear alignment which helps reduce speeds. We have discussed additional enforcement, signage, and lane striping (to create a narrower feel to the roadway) to help control potential speeders in the future.

The city has received comments from both positions equally following the neighborhood meeting last week; to remove the speed humps (4), and to reinstall them (4) following the project. When presenting the staff recommendation to remove the speed humps at the neighborhood meetings last week (approximately 50 attendees), staff received no initial comment for support of either position.

Please let me know if there is anything you'd like to discuss further at any time. Thank you.
Dear Mr. and Ms. Rafowitz:

Thank you for your note. Like you, I was unable to attend the neighborhood meeting. I was out of town. I plan to attend a future meeting on the proposed construction.

I will forward your request to the city staff and ask them to share the information with you and with me. My understanding is that the speed humps are an issue for public safety vehicles...police, fire, snow removal, etc. My question to the staff was, "what traffic calming tools could be installed in place of the speed humps?" I am well aware of the traffic that the Grays Bay Dam Park and the Grays Bay boat landing generate.

Thank you again. I will let you know what I learn.
Sincerely,

Brad J. Wiersum
Minnetonka Ward 3

From: Tina Rafowitz
Sent: Wednesday, October 07, 2015 8:57 AM
To: Brad Wiersum
Subject: Fwd: Speed Humps on Grays Bay Blvd

Sorry, Brad, that I had your email incorrect.
---------- Forwarded message ----------
From: Tina Rafowitz
Date: Wed, Oct 7, 2015 at 8:56 AM
Subject: Speed Humps on Grays Bay Blvd

Good morning-

We were unable to make the meeting about the road renewal project; however, we received a recap from several neighbors.

Our concern is the removal of speed humps as we are a major cut through for boaters and we have a speed hump directly in front of our home that slows them down as they are racing to get to or from the lake.

Please email me back as to the studies/reasoning behind their planned removal.

Thank you and I look forward to your response.

Tina and Ivan Rafowitz
16811 Grays Bay Blvd

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Tina
Addendum
Minnetonka City Council
October 12, 2015 Regular Meeting

14C. Resolution for the 2016 street rehabilitation project for the Libb’s Lake Area

Attached are comments the engineering department and Council Member Wiersum received after the council packet was distributed.
Item 14C – Resolution for the 2016 Street Rehabilitation, Libb’s Lake area

The attached comments were received following distribution of the agenda packet.
From: Jeremy Koenen  
Sent: Saturday, October 10, 2015 2:08 PM  
To: Rob White  
Cc: Brad Wiersum; Susan White  
Subject: RE: Speed bumps on Grays Bay Blvd.

Mr. and Mrs. White,  
Thank you for your email; I will pass this information along. Thank you and have a good day.  
Jeremy

Jeremy A. Koenen, PE  
Assistant City Engineer  
City of Minnetonka  
14600 Minnetonka Blvd  
Minnetonka, MN 55345  
Phone: 952-939-8238  
jkoenen@emnnetonka.com

From: Rob White  
Sent: Saturday, October 10, 2015 11:38 AM  
To: Jeremy Koenen  
Cc: Brad Wiersum; Susan White  
Subject: Speed bumps on Grays Bay Blvd.

Hi Jeremy and Brad –

I am writing about the proposal to remove the speed bumps on Grays Bay Blvd. We have lived on Grays Bay Blvd. since 1989 and I have vivid recollections of the speed of the traffic between the Libbs Lake bridge and Fairchild Avenue before the speed bumps went in. I think this speed is a result of:

1. Drivers are forced to drive slow on Fairchild Avenue and before they get to the Libbs Lake bridge (coming from the West) because the road is windy, fairly narrow, and overhung with mature trees, all of which serves to obscure sight lines. There is a lot of pedestrian and bike traffic on this windy road (and more expected, when they get the bike trails connected to Wayzata), and I have witnessed numerous instances of swerving and aggressive braking as drivers come around a corner and find a walker or biker on the road.

2. Between the Libbs Lake bridge and Fairchild Avenue (where the speed bumps are) is a straight section of road that is about 150 yards long. As soon as drivers see this straight stretch of road, they accelerate aggressively – almost racing to make up for lost time, only to hit an immediate and severe curve with limited sight lines. This is a dangerous situation – it makes me nervous, and I have lived here for 26 years and know the roads.
I think the speed bumps have been a significant help in reducing the speed through our neighborhood. We still have the occasional fast and dangerous driver, but it is nothing like it was before the speed bumps went in. I would encourage Minnetonka to leave the speed bumps in place.

Thanks for your consideration!

Rob (and Susan) White
Mr. and Mrs. Johnson,
I have received your email and will pass this information along. Thank you and have a good day.
Jeremy

Jeremy A. Koenen, PE
Assistant City Engineer
City of Minnetonka
14600 Minnetonka Blvd
Minnetonka, MN 55345
Phone: 952-939-8238
jkoenen@eminnetonka.com

Jeremy,
I am emailing in reference to hearing the City of Minnetonka wants to remove speed bumps on Grays Bay Blvd. We live at 16940 Grays Bay Blvd. We are completely opposed to removing the speed bumps. In fact, we live on the corner where Cottage Grove intersects and we called the city when we moved in to put another speed bump in near our house because we felt our children were at risk of getting hit by a car. Cars fly around our dangerous corner. Please DO NOT REMOVE any speed bumps! It helps to keep our children safe!
Thank you,
Tom & Leslie Johnson
16940 Grays Bay Blvd
From: Will Manchester  
Sent: Friday, October 09, 2015 4:33 PM  
To: Brad Wiersum  
Cc: Geralyn Barone; Will Manchester  
Subject: RE: Speed Humps on Grays Bay Blvd  

Mr. and Ms. Rafowitz,

My apologies on the delayed response. Engineering has taken a hard look at the background regarding the original installation, and discussed internally with other departments. To provide further reasoning on how we came to the recommendation to remove the speed humps, please see the following:

1) The speed humps were installed in the late 1990’s as an experiment to slow traffic heading to the Lake Minnetonka public boat launch located at the Gray’s Bay Dam. Following that time, Gray’s Bay Marina, at the intersection of County Road 101 and Gray’s Bay Boulevard, was opened for public boat access and the launch was closed at the dam site. This significantly reduced non-local traffic using Gray’s Bay Boulevard east of the marina with the closing of the boat launch, and therefore, the experimental use is no longer necessary.

2) Emergency response staff and public works personnel have expressed their desire to not replace the humps, as they slow emergency response time and increase maintenance time (e.g., snow plowing).

3) Speed humps are typically not bicycle, motorist, or ADA friendly and present safety concerns to these users.

4) Installation will set a precedence city wide for use on other Minnetonka streets.

Gray's Bay Boulevard is a very curvilinear alignment which helps reduce speeds. We have discussed additional enforcement, signage, and lane striping (to create a narrower feel to the roadway) to help control potential speeders in the future.

The city has received comments from both positions equally following the neighborhood meeting last week; to remove the speed humps (4), and to reinstall them (4) following the project. When presenting the staff recommendation to remove the speed humps at the neighborhood meetings last week (approximately 50 attendees), staff received no initial comment for support of either position.

Please let me know if there is anything you'd like to discuss further at any time. Thank you.

Will

William D. Manchester, P.E.
Director of Engineering
City of Minnetonka
14600 Minnetonka Blvd
Minnetonka MN 55345
Phone: 952-939-8232
wmanchester@eminnetonka.com

From: Brad Wiersum  
Sent: Wednesday, October 07, 2015 11:25 AM  
To: Tina Rafowitz  
Subject: RE: Speed Humps on Grays Bay Blvd
Dear Mr. Koenen,

I recently learned about the city of Minnetonka plans for resurfacing roads in my neighborhood, and I am writing to express my concerns over the current version of the plans. As a reference point, we live at 16822 Grays Bay Blvd.

There are a series of speed humps located along this stretch of Grays Bay Blvd, and as I understand it, the resurfacing plan calls for these speed humps to be removed. Historically there were significant concerns with speeding along this stretch of road, and the speed humps have made a significant improvement, reducing the average speed on Grays Bay Blvd.

While being a scenic stretch of road, it is also a dangerous stretch. There are numerous turns, over grown vegetation, blind corners, and steep hills – all of which significantly reduce visibility. In the winter with snow piles the road is even more concerning because it becomes very narrow and visibility suffers further with snow drifts. If higher rates of speed start occurring on this road as a result of the speed humps being removed I would be very concerned for the safety of the great number of walkers and bikers we regularly see on this road.

I hope you will entertain a process of gathering feedback from community members on this issue before the plans become final. We would be glad to participate in the discussions and express our views.

Sincerely,

Corrine Ricard
Mr. Fulco,
Thank you for your comments. I will pass this information along. Thank you and have a good day.
Jeremy

---

Hello Jeremy (Hi Brad)

I have lived at 16821 Grays Bay Blvd since 1992. At the time my children were little, and the traffic was a serious problem. I was the one who began the door-by-door signed petition that ended up getting our neighborhood the “speed humps”. I went door to door with my baby it tow in her stroller. There was one neighbor who did not sign the petition. There were 85 neighbors who did sign.

Many friends and neighbors accompanied me to the City Council meetings where I recall the concerns about emergency vehicles, snow removal, etc, and how the City Council, and particularly Mayor Karen Anderson showed real concern about us, the residents who walk with our children, who ride our bicycles, who walk the dogs on our streets. I would guess the minutes to those meetings are archived somewhere.

We may, or may not want sidewalks, or bike paths, or even curbs; those are separate discussions. But we all want safety, and the speed humps with little doubt slowed down the speed of the traffic. Some of the worst offenders were in fact our own neighbors, and the speed humps were a reminder to them to Slow Down! The speed limit is posted at 20 mph, a speed never seen before the humps were in place.

Slowing down through our neighborhood applies to the snowplow drivers too, so if they complain about the humps, their complaints are specious at best. It is very clear that the snow plow drivers have become quite expert in clearing the snow despite the speed humps.

Finally we have all heard from friends in other neighborhoods about how they might get speed humps to try to do something about the volume and speed of traffic in their neighborhoods. The main argument seems to be about “setting a precedent”. I again argue that the precedent really should be about safety. I am disheartened to hear that the plan is to do away with the speed humps. Please give this some additional thought with this history in mind.

Sincerely

Jose M Fulco
16821 Grays Bay Blvd
Hi Brad,

The following feedback from Will was forwarded to me which I would like to comment on.

A. As I said earlier.....when I look at the response it doesn't appear to be a "proposal" to me. It appears as if a decision was made.

B. Re: comment #2.....The City of Wayzata has installed speed humps.......what do they know that the City of Minnetonka doesn't.

c. Re: comment #3.....The City of Wayzata has worked around it......also if it is not bicycle friendly and creates ADA issues.....The City of Minnetonka.Marsh offers multiple fun runs/races throughout the year on this street and please come to observe the bicycle packs that go through the neighborhood.....I have never heard of an issue and would think if it isn't ADA friendly, the City would not allow these long standing events to continue happening. Please come by and look at the humps.......my opinion----Will is trying to pad the reasons to take the humps out.

D. re: setting precedent-----precedent has already been set for the past 20 years humps has been in place.....also, in the first paragraph he referenced this being an "experiment" and that it is no longer needed. At the meeting I asked one of the engineers for speed studies that have been conducted, neighborhood surveys conducted, etc. None could be shared with me. Thus I would like to know how he knows.

E. Will speaks to the curvilinear alignment on Grays Bay Blvd. which helps to reduce speed. Please come to 16722 Grays Bay Blvd. and see how straight the road is there for a city block.

Finally, he speaks that the staff received "no initial comment for support for either position" I spoke at great length after the meeting was over with one of the engineers that I was opposed and further wrote a lengthy comment on the feedback forms to my opposition as well as questions I had. I also asked to be called. No call has been forthcoming Please look to read for my
comments on the feedback forms. How did he come up with that opinion? Not sure.

Thank you for your time.

Les

ps. On Monday, I called Jeremy K. wanting to speak with him about this issue. I left him a message to call. I called him because our block captain told me that he was the person to direct questions to re: this project. To date, I have no record he called back.....fyi

Fwd: Speed Humps on Grays Bay Blvd

Tina Rafowitz
Add to contacts
4:43 PM

To: ivan rafowitz, Les Bork

---------- Forwarded message ----------
From: Will Manchester <wmanchester@eminnetonka.com>
Date: Fri, Oct 9, 2015 at 4:32 PM
Subject: RE: Speed Humps on Grays Bay Blvd

To: <bwiersum@eminnetonka.com>
Cc: Geralyn Barone <gbarone@eminnetonka.com>, Will Manchester <wmanchester@eminnetonka.com>

Mr. and Ms. Rafowitz,

My apologies on the delayed response. Engineering has taken a hard look at the background regarding the original installation, and discussed internally with other departments. To provide further reasoning on how we came to the recommendation to remove the speed humps, please see the following:

1) The speed humps were installed in the late 1990's as an experiment to slow traffic heading to the Lake Minnetonka public boat launch located at the Gray's Bay Dam. Following that time, Gray's Bay Marina, at the intersection of County Road 101 and Gray's Bay Boulevard, was opened for public boat access and the launch was closed at the dam site. This significantly reduced non-local traffic using Gray's Bay Boulevard east of the marina with the closing of the boat launch, and therefore, the experimental use is no longer necessary.

2) Emergency response staff and public works personnel have expressed their desire to not replace the humps, as they slow emergency response time and increase maintenance time (e.g., snow plowing).

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to these users.
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Gray's Bay Boulevard is a very curvilinear alignment which helps reduce speeds. We have discussed additional enforcement, signage, and lane striping (to create a narrower feel to the roadway) to help control potential speeders in the future.

The city has received comments from both positions equally following the neighborhood meeting last week; to remove the speed humps (4), and to reinstall them (4) following the project. When presenting the staff recommendation to remove the speed humps at the neighborhood meetings last week (approximately 50 attendees), staff received no initial comment for support of either position.

Please let me know if there is anything you'd like to discuss further at any time. Thank you.

Will
Dear Mr. and Ms. Rafowitz:

Thank you for your note. Like you, I was unable to attend the neighborhood meeting. I was out of town. I plan to attend a future meeting on the proposed construction.

I will forward your request to the city staff and ask them to share the information with you and with me. My understanding is that the speed humps are an issue for public safety vehicles...police, fire, snow removal, etc. My question to the staff was, "what traffic calming tools could be installed in place of the speed humps?" I am well aware of the traffic that the Grays Bay Dam Park and the Grays Bay boat landing generate.

Thank you again. I will let you know what I learn.
Sincerely,

Brad J. Wiersum
Minnetonka Ward 3

From: Tina Rafowitz
Sent: Wednesday, October 07, 2015 8:57 AM
To: Brad Wiersum
Subject: Fwd: Speed Humps on Grays Bay Blvd

Sorry, Brad, that I had your email incorrect.
----------- Forwarded message -----------
From: Tina Rafowitz
Date: Wed, Oct 7, 2015 at 8:56 AM
Subject: Speed Humps on Grays Bay Blvd
To: 

Good morning-

We were unable to make the meeting about the road renewal project; however, we received a recap from several neighbors.

Our concern is the removal of speed humps as we are a major cut through for boaters and we have a speed hump directly in front of our home that slows them down as they are racing to get to or from the lake.

Please email me back as to the studies/reasoning behind their planned removal.

Thank you and I look forward to your response.

Tina and Ivan Rafowitz
16811 Grays Bay Blvd

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Tina