Agenda
Minnetonka City Council
Regular Meeting, Monday, August 17, 2015
6:30 P.M.
Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Allendorf-Acomb-Wiersum-Bergstedt-Wagner-Ellingson-Schneider
4. Approval of Agenda
5. Approval of Minutes: July 13 and 27, 2015 regular meetings
6. Special Matters:
   A. Recognition of planning commissioner Jim Rettew
      Recommendation: Recognize his service on the Planning Commission
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 amending Hennepin County residential recycling grant agreement
       Recommendation: Adopt the resolution
    B. Resolution approving a conditional use permit for an educational institution at St. Paul’s Lutheran Church, 13207 Lake Street Extension
       Recommendation: Adopt the resolution
    C. Resolution approving a conditional use permit and minor amendment to the West Ridge Market master development plan for an outdoor patio for a new restaurant, Salsa a la Salsa at 11390 Wayzata Boulevard
       Recommendation: Adopt the resolution

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11. Consent Agenda - Items Requiring Five Votes: None

12. Introduction of Ordinances:
   A. Ordinance regarding private fire hydrants
      Recommendation: Introduce the ordinance (4 votes)

13. Public Hearings:
   A. On-sale liquor licenses for Kona Sushi, Inc. (Kona Grill), 12401 Wayzata Boulevard
      Recommendation: Continue the public hearing to August 31, 2015 (5 votes)
   B. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Cheers Pablo Twenty Three Holdings LLC (Cheers Pablo), 13027 Ridgedale Drive
      Recommendation: Open the public hearing and continue to September 14, 2015 (4 votes)
   C. Off-sale liquor license for Target Corporation, 4848 Co Rd 101
      Recommendation: Continue the public hearing and grant the license (5 votes)

14. Other Business:
   A. Resolution for the Cartway Lane / Ridgedale Drive project
      Recommendation: Adopt the resolution (4 votes)

15. Appointments and Reappointment: None

16. Adjournment
Minutes
Minnetonka City Council
Regular Meeting, Monday, July 13, 2015

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

4. Approval of Agenda

Allendorf moved, Wagner seconded a motion to accept the agenda with addenda to items 14D, 14E, and 14F. All voted “yes.” Motion carried.

5. Approval of Minutes: June 22, 2015 regular meeting

Bergstedt moved, Wagner seconded a motion to approve the June 22, 2015 regular meeting minutes. Wagner, Ellingson, Allendorf, Bergstedt, and Schneider voted “yes.” Acomb abstained. Motion carried.

6. Special Matters:

A. Recognition of former Park Board member Nate Pasko

Schneider read the recognition and presented a plaque to Pasko. Schneider noted Pasko had been one of the better student representatives on the park board.

Pasko said he was glad he grew up in the city and had been afforded many opportunities. He will be attending George Washington University in Washington DC and plans to come back to the city and get involved with city government.

B. Review of the 2014 financial report with the city’s audit firm of CliftonLarsonAllen LLP

Doug Host from CliftonLarsonAllen presented the audit.
7. **Reports from City Manager & Council Members**

Barone reported on the schedule for upcoming council meetings.

Bergstedt said he had received many unsolicited comments from residents over the past month commenting on the beauty of the landscaping and flowers both in the Minnetonka Mills Park area and the entrance to city hall. He thanked city staff.

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

No one appeared.

9. **Bids and Purchases:**

   A. **Bids for parking lot improvements for Shady Oak Road project**

   Barone gave the staff report.

   Acomb moved, Wagner seconded a motion to reject all bids. All voted “yes.” Motion carried.

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

   A. **Resolution approving a conditional use permit and side yard setback variance for an addition to the property at 3211 Chase Drive**

   Acomb asked for the item to be pulled from the consent agenda. She said the proposal was for a home renovation and addition in her neighborhood to accommodate a family’s needs to allow their daughter to have a more independent life style while also allowing the parents to remain on the property. Acomb recognized the Masons for making the creative choice to stay in the neighborhood. She said it was a win for all involved.

   Acomb moved, Allendorf seconded a motion to adopt Res. 2015-049 approving an aggregate side yard setback variance for an addition and a conditional use permit for an accessory apartment at 3211 Chase Drive. All voted “yes.” Motion carried.

   B. **Conditional use permit for Kona Grill at 12401 Wayzata Boulevard**

   Allendorf moved, Bergstedt seconded a motion to adopt Res. 2015-050 approving a conditional use permit for a restaurant at Ridgedale Center at 12401 Wayzata Boulevard. All voted “yes.” Motion carried.
C. Resolution Recognizing League of Minnesota Cities Executive Director Jim Miller

Allendorf moved, Bergstedt seconded a motion to adopt Res. 2015-051 recognizing League of Minnesota Cities Executive Director Jim Miller. All voted “yes.” Motion carried.

11. Consent Agenda - Items requiring Five Votes: None

12. Introduction of Ordinances:

A. Ordinance amending liquor regulations

City Attorney Corrine Heine gave the staff report.

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

Barone reported on additional addenda items to the agenda that had been inadvertently left out of the earlier changes.

13. Public Hearings:

A. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Tiger Sushi 1, LLC (Tiger Sushi), 12401 Wayzata Boulevard

Barone gave the staff report.

Acomb asked why the license was for wine and on sale 3.2 percent malt beverages and yet the applicant would still be allowed to serve strong beer as well. Barone said it was allowed because it was not just a 3.2 percent malt beverage license but a combination wine and 3.2 license. Acomb asked if the name of the license should be changed for clarification purposes. Heine said it was a provision in state law making it an automatic right to sell strong beer without a further license. Acomb said she was not concerned about Tiger Sushi being allowed to sell strong beer, she supported that, but before staff clarified the issue she was concerned the restaurant would be restricted from selling strong beer.

Schneider said he had a similar question. He said if a wine and beer license was issued the applicant could still sell 3.2 beer. He questioned why the city was not issuing a wine and beer license to avoid any confusion. Heine said state law authorizes the issuance of particular type of licenses. One of the licenses is a wine license another is for on sale 3.2 malt liquor. If an establishment has both of those licenses, it is authorized
to sell strong beer without getting another license. Schneider said he understood that but was asking if there was a reason a wine and beer license was not being granted instead. Community Development Director Julie Wischnack said issuing a wine and on sale 3.2 malt beverage license was the customary way of allowing sale of strong beer under the state law. Heine said without looking at the fees she thought getting an intoxicating liquor license in addition to a wine license would be more expensive than getting a wine license and a 3.2 percent license.

Wagner asked for information on when the restaurant might open up given the renovation going on in the mall. Wischnack said she had read the goal was for the restaurant to be open by November.

Schneider closed the continued public hearing at 7:09 p.m.

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

B. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Magnus Group LLC dba Oliver’s, 12401 Wayzata Boulevard

Barone gave the staff report.

Schneider closed the continued public hearing at 7:10 p.m.

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

C. Items related to the granting of a cable communications franchise

Barone gave the staff report.

Stephen Lyon, 15237 Lynn Terrace, said the decision was obvious that competition should be allowed into the area. Comcast is a monopoly that is commissioned by the city. This was basically government extending itself by not allowing competition. This was likely why the company had horrible ratings and high prices. He urged the council to allow competition.

Barone clarified it was not a monopoly because Comcast does not have exclusive franchise. This was why CenturyLink was being considered. Comcast was the only corporation that has come forward to operate a cable franchise in the city. Others have the same opportunity. Schneider said the city was also bound by many federal laws and rules and FCC regulations on what can and cannot be approved.
Schneider closed the public hearing at 7:15 p.m.

14. Other Business:

A. C Preliminary plat, with lot width at setback variances, for OAKHAVEN 2nd ADDITION, at 13929 Spring Lake Road

Principal Planner Susan Thomas gave the staff report.

Ben Wikstrom, Lake West Development, said he believed the proposal was not detrimental to the neighborhood and fit right in line with the lot widths. He said a couple of suggested changes were made during the planning commission review, relocating the driveway and utility connections. He said the applicant was happy to make the changes and those would be covered during the time of the building permit. As far as the variance and the proposal itself, he felt with the change in elevation and the location of the two pads, the intent of the lot width minimum was met because the visual impact would be minimal.

Wagner moved, Acomb seconded a motion to adopt Res. 2015-052 approving the preliminary plat, with lot width variances, of OAKHAVEN ACRES 2nd ADDITION at 13929 Spring Lake Road. All voted “yes.” Motion carried.

B. C Preliminary plat of SAVILLE WEST, a twelve lot subdivision generally located at the southeast quadrant of the County Road 101/Excelsior Boulevard intersection

Thomas gave the staff report.

Reid Schulz, Landform Professional Services, 105 South 5th Street, Minneapolis, said he believed the development would be a great addition to the neighborhood and met and fit the intent of the new R1-A zoning.

Acomb noted staff indicated the stormwater would be diverted into wetland and there would be some rain gardens. She asked who would be responsible for maintaining the stormwater structures. Schulz said an application had been submitted to the Riley Purgatory Creek Watershed District and options were being looked at. The site was mainly clay soil with a pocket of sandy soil near the bulb of the cul-de-sac. One alternative being looked at was to go underground to get to the sandy soil. The applicant was open to whatever the watershed district and the council were comfortable with. Acomb clarified that her question was about the rain gardens that sometimes require maintenance. She asked if this would be made clear to the homeowners at the time of purchase. Schulz said it
would. An alternative being looked at to surface rain gardens, which would only take filtration and not infiltration, was to go underground instead. Schneider noted the drainage would first go into a storm water pond and before it went into the wetland.

Ellingson asked what was being done to minimize the tree loss. Schulz said work was done with staff with the belief the development could get down to the 35 percent threshold. This was done by shrinking the cul-de-sac bulb. This allows lots seven and eight to be more conventionally placed around the bulb and pushes the pond behind lot seven further south preserving a lot of the significant trees.

Bergstedt said over the last year and a half the council had seen many versions of this plan. He thought the current plan showed much more creativity, a lot less density, and better traffic flow than some of the original plans. He said the developer came up with a nice plan to address the challenging site.

Bergstedt moved, Allendorf seconded a motion to adopt Res. 2015-053 approving the preliminary plat of SAVILLE WEST, generally located at the southeast corner of the County Road 101/Excelsior Boulevard intersection. All voted “yes.” Motion carried.

C. Preliminary plat, with lot width variances, for BUCKMAN ADDITION at 15700 Highwood Drive

Thomas gave the staff report.

Linda Buckman, 15700 Highwood Drive, thanked the council for considering the proposal.

Acomb moved, Bergstedt seconded a motion to adopt Res. 2015-054 approving the preliminary plat, with lot width variances, of BUCKMAN ADDITION at 15700 Highwood Drive. All voted “yes.” Motion carried.

D. Preliminary plat, with lot width at setback variances, at 12601 Ridgemount Avenue

Thomas gave the staff report.

Wagner asked if the information in the council packet was showing lot width setback or lot width at right of way. Thomas said they were lot widths at right of way.
Ashish Aggarwal, 16135 55th Avenue North, Plymouth, said he lived in Minnetonka for 11 years. When his family decided to move to a different house, they could not find a modest sized home in Minnetonka. He said he was present because of his past experience and also because he believed in doing the right thing. The two small homes would greatly enhance the value to the neighborhood. The full criteria of subdivision were being met. The only variance required was width at setback. The question before the council was if the deficiency in width was big enough and so crucial to pass up two affordable homes that fit the scale and character of the neighborhood. He said the project was supported by pretty much all of the neighborhood and was consistent with the city’s vision for 2030. He presented a letter of support from 15 of the 18 neighbors. He said that after the subdivision both lots would be half acre. The project would revitalize the neighborhood while fitting in with the scale and character of the neighborhood. The lot was unique within the neighborhood. There was no other lot in the neighborhood as large and as wide. Twenty percent of the adjoining properties do not meet the setback requirements. A large McMansion on the lot would decrease the value of the adjoining lots. He said the lots were in the same spirit as the R1-A zoning the council recently approved. The lot splits support the city’s land use and comprehensive guide plan for 2030. The advantages of the project far outweigh the one shortcoming.

Samantha Grose, JP & Co., 10800 Normandale Boulevard, Bloomington, said she was a degreed architect that does all the design work for her company. She said if a large home were built on the lot it would continue the trend of large home redevelopments that devalues the neighboring homes. Builders would look at them as land value only. The vision for the property was to create two homes with character that fit nicely on the lot and remain in scale with the neighborhood. Preventing McMansions and keeping affordable housing was a common theme with all the neighbors that were met with. She said she had a discussion with Schneider earlier in the day who suggested bringing forward some other options for laying out the subdivision.

Max Norton, 3649 73rd Court East, Inver Grove Heights, said he had been a professional designer for over 50 years. He had designed and built over 60 homes and countless remodels across the metro area and Greater Minnesota including six in Minnetonka. He said he felt the staff and planning commission had made some possible oversights in the analysis. The three burdens of proof for a variance that staff determined were not met, need to be reevaluated. The difference between the zoning standard width and the proposed width was less than 20 percent. Compared to the other substandard lot widths in the neighborhood there was less than 10 percent difference. He said these were metrics but in truth the average
passerby would not be able to tell the difference between an 87½ foot lot and a 110 foot lot. Looking at the map the obvious unique circumstance was the present lot was nearly twice as wide as the other lots in the immediate area. The two proposed lots and homes would be more consistent with the neighborhood than one large home that would not require any variances. This was an opportunity to expand and provide affordable housing in the area. He said he could not concur with the staff finding about character of the neighborhood that if something was slightly different from its surroundings, it was unacceptable. Controlled diversity of character helps maintain desirable property value, not erode them. He pointed to Summit Avenue in St. Paul as an example.

Schneider noted that he had discussed with the applicant that if this proposal was not acceptable to the council, there may be an alternative to do a reconfiguration with more of a lot behind a lot. That alternative might be more attractive than this proposal.

Wagner noted that if approved it would set a precedent lot at setback. He said this was an area of the city that had unique homes at different age stages.

Grose showed two different alternative options. Aggarwal said when he initially met with staff he brought up a couple of different options that put the houses one behind the other. Staff feedback indicated the council did not like lot behind lot so this was not an option. He said building the two homes in a neighborhood that was in need of revitalization was absolutely the right thing to do. Schneider said it was not always a good idea to assume what the council might accept. The council had to look at the situation, and every application and lot was different. There was a general tone and preference but it could never be said the council would never do this or always do this. He said in this case he looked at the drawing first before reading the staff recommendation. Without having all the details it did look like a natural lot behind lot because of the hill on the backside. Aggarwal said the back of the lot was heavily wooded. If the house was located there, trees would have to be removed. If the houses were put side by side, there would be no tree impact. Schneider said he had concern over the type of variance being requested. If approved it would set a precedent for other areas.

Allendorf asked how many votes were required to overturn the planning commission’s denial. Heine said the planning commission was not the final decision maker. On some issues the planning commission makes a decision that unless it is appealed, is final. That was not the case in this situation. She said in this case the planning commission made a recommendation to the council. The council could make any decision it
wanted and was not bound to follow the recommendation. Because a variance was required, the ordinance required five votes for approval.

Allendorf said as he went up the neighborhood from the east it really was a changing neighborhood with Ridgemount on the south side. As he looked at the homes on the east he could easily delineate approximately where the lot line was based on where the house was. After a couple of blocks however the trees became denser and the houses were placed differently, not just front to back, and he couldn't tell where the lot line was or even where the house was from Ridgemount. He didn’t think it was the lot size that made the difference but it was the size of house on the lot. The petition that was passed around showed two houses that were approximately 3,200 square feet each. He asked if this was controllable through side yard setbacks or through a floor area ratio. Thomas said the house size could be controlled through setbacks if the council wanted to have side yard setbacks and front yard setbacks that were greater than standard through a floor area ratio. If applied under the McMansion policy the floor area ratio would provide for 7,800 square feet. The council could choose to do a lower floor area ratio. Because a variance was involved the council had broad discretion. Allendorf said when he looked at the information in the council packet he thought the two homes would fit into the neighborhood and he couldn’t tell what the setback was. He was not adverse to two homes on the lots as they were split but controlling the size of the houses to be consistent with the look of the neighborhood.

Barone said in the past the city had tried to control house size when an application was reviewed but when it came time for the person to actually build the house, they ended up coming back and asking for a larger size. Wischnack said the two most recent examples were Braeburn Woods and Locust Hills. This led to using floor area ratio more for the calculation. In this case the floor area ratio was not terribly helpful for the house size issue. She noted some of the drawings shown by the applicant had two car garages while the renderings in the council packet had three car garages. Allendorf said if there was a way to keep the houses on the lots around 3,200 square feet he thought it would be within the character of the neighborhood and he would not be averse to approving that.

Wagner said he drove the road quite a bit and when he met with the applicant he, like Allendorf, could envision reasonably sized homes fitting in well. He would never favor creating a precedent for lot behind lots. Given all the work that had been done looking at mid-priced housing and housing variety, this neighborhood screamed out for that. He would be willing to look at that for this area. He worried a little bit about precedent
for a couple of the lots but looking at the map there were very few lots it could be done. He would be open to the suggestion made by Allendorf.

Acomb said looking at the map there appeared to be several lot behind lots. She asked if this didn’t already set the stage for doing a lot behind lot that would not establish a precedent. Doing a lot behind lot was not her preference. She preferred side by side lots. She said it seemed there was room for coming up with something that would work.

Ellingson said he was not a big fan of doing lot behind lot because in the past there were examples ending up not working well including the Hennepin County medical clinic. He said he had sympathy for the applicant’s proposal because it was more straightforward but he realized the difficulty of limiting the size of the house.

Schneider commended the applicant for the idea of doing relatively modestly sized homes. He saw a benefit of having a modest priced home with appropriate size. The council usually looks pretty closely at house size and lot setbacks in the general area. If the Plymouth Road property was included it probably made more sense. It would be hard to say the council was following what it did in the past. Combine this with the recommendations from staff and the planning commission for denial, it gave him pause. However he thought this lot deserved two homes. It would be more out of character to have one big home on the lot. The question was if there was an alternative configuration. He said he was somewhat on the fence but was leaning toward being worried about setting a precedent.

Wagner said he didn’t want the council to try to design something at the meeting and would prefer tabling the item directing staff to present an alternative with a floor area ratio limit that would accommodate Allendorf’s comments. He would not support lot behind lot in any way. The council still might not approve the proposal but it would provide an alternative to look at.

Wagner moved, Allendorf seconded a motion to table item.

Allendorf asked if there was a way to somehow memorialize in what staff brought back to the council what was being discussed in terms of size. Wagner asked if the lot split could be conditioned to building plans that were aligned to Allendorf’s comments. If the applicant returned asking for a 5,000 square foot house the lot split approval would be nullified. Heine said a condition could be put on the variance and Wagner’s suggested condition was reasonable. Wischnack noted there was a timing issue on the application so the applicant would have to come back with a solution
by the August 17 meeting or would have to waive their right for review within 180 days. Wagner noted he would be absent from the August 17 meeting.

Aggarwal said they would be open to waiving the review deadline. He said he would be out of the country for the August 17 meeting. He said the smaller homes were absolutely the right thing to do and the homes would not be built for somebody specific but would go on the market once built. This provided more flexibility as opposed to building something for a specific buyer. Wischnack clarified that Aggarwal was agreeing to extend the review period for another 60 days. Aggarwal indicated that was correct.

Bergstedt said on one hand there was a staff and planning commission recommendation for denial based on long standing variance standards. On the other hand the council was all in agreement about looking for smaller, more affordable housing and avoiding McMansions. Like others he was not excited about discussing lots behind lots without staff looking at it first. He said it would be beneficial to have staff look at alternatives and also to have all seven council members present especially since this proposal was in Wiersum’s ward and he was excused from tonight’s meeting.

Schneider said his suggestion for a lot behind lot alternative was made to keep moving toward a resolution rather than just having a denial. While this property probably wasn’t ideal for a lot behind a lot, what he was looking for was a little bit of separation from the frontages. He said the current plan had a shared driveway with a turnaround. This was a lot of asphalt that he wasn’t sure was wise. Moving one of the homes back 10 to 15 feet would provide relief from the frontage and would blur the lot line issue.

All voted “yes.” Motion carried.

E. Resolution amending Council Policy 6.1 regarding standards and criteria for the issuance of liquor licenses

Wischnack and Heine gave the staff report.

Schneider said for some reason the topic had been in the news recently and he received calls from reporters asking what the city was doing. He said it really wasn’t newsworthy because what was being proposed was a tweak to the policy.
Wagner said he thought the discussion at the special study session a couple weeks back had been a good one. He thought staff had done a good job fine tuning the policy language that was discussed at that meeting. The discussion was not having a formal cap to ensure a vibrant community that served the village centers but was responsible at looking at each application on its own merits. He thought the proposed changes by staff reflected that conversation.

Stephen Lyon, 15237 Lynn Terrace, said he was disturbed by what he read in the newspaper article. He spent ten years in the licensed beverage business and worked for the world’s largest winery. He was very familiar with the three tier system. He represented the winery to distributors who then worked with the stores. He said one thing the city had to be careful about was the system bred protectionism. Local laws could be influenced by people who were not necessarily residents. It frustrated him to see so much time spent on this issue and to see laws applied only to the licensed beverage industry like not allowing stores to be open on Sunday and not allowing sales in grocery stores. A lot of the laws were carried over from when Prohibition was repealed. When it was decided to allow alcohol in the 1930’s, the decision was made to do so with some restrictions. The people in the business had nothing in common with the temperance and religious movements.

Lyon said there likely was a lot of concern when Trader Joe’s wanted to come to town and now the average resident was elated that they did. The average Eden Prairie resident was probably happy that Costco came into the city. The residents living in cities with Total Wine stores seem to be very happy and the stores seem to be very busy. He said some of the news articles mentioned tying the number of licenses with the number of residents. He cautioned against that. Edina, Wayzata, and Eden Prairie all have municipal stores so it was logical that Minnetonka would have more stores. He liked progressiveness in any industry. Minnetonka was a retail magnet with Ridgedale and the big players wanted to be there. This should be accommodated because it made the area more successful. If the city had a policy limiting the number of licenses it would be difficult to get the new stores into the city. At the end of the day the city wanted to have the best retailers in the community regardless of what they sell.

Schneider said at the work session there was discussion regarding accessory use with Target being a smaller, more convenience use. He said the term complementary in the policy captured the accessory use by tying it to a restaurant or food establishment or something similar rather than something like a furniture store which would not be what he would consider complementary. One thing that was discussed at the work session that he wasn’t sure was emphasized in the policy was to include
language about whatever is approved adding to a positive experience to living and working in the city. He said this was one of the fundamental things that would provide discretion to the council and he thought there was discussion about making that a separate provision.

Allendorf said he thought the two things went together: complementary part of a business and adding to a positive experience to living and working in the city. He thought putting the two together added clarity not only for the council but to any potential applicant. He said including the number 12 licenses in the policy could be quibbled with. Between 2001 and now there were between nine and 12 licenses varying up and down. This indicated to him that the marketplace thought nine to 12 wasn’t a bad number. The council had the flexibility to go above 12 if “a,” “b,” or “c” provisions in the policy were being met. Anyone could submit an application but if “a,” “b,” or “c,” were not being met the applicant shouldn’t be disappointed if the application was not looked at as positively as someone else’s application. He thought the main paragraph indicating the number 12 was borne out by the marketplace over the past 13 years and “a,” “b,” or “c,” provides the council and an applicant some rules by which the expectation level is set. He thought it was a good change and a policy that should be approved.

Acomb said she was in favor of the policy as it provided both a limit and flexibility.

Ellingson asked how many village centers in the city did not have a liquor store that potentially could fit in under the exception in the policy. Wischnack clarified it wasn’t an exception because it was a policy to guide decision making. She said none of the “or” statements were exceptions to the rules but rather were more about how the council would evaluate a license application. She displayed a map showing the city having 13 village centers. There were five village centers that currently do not have a liquor store. Ellingson said five was more than he expected. One of the village centers being shown was at the intersection of Excelsior Boulevard and Baker Road. The intersection had a couple of gas stations, a pool store, an auto repair shop, and a U-Haul store. He said the village center concept was so broad it ranged from this intersection to the Ridgedale area. He doubted anyone would propose to put a liquor store at the intersection but under the changes to the policy it would signal to people that the council would be receptive to reviewing an application, not that it would necessarily be approved. Barone clarified the current policy would allow the council to consider a license in that area already. Ellingson said the current policy included language about redevelopment which was more restrictive.
Ellingson asked for information about the five village centers without a liquor store. Wischnack said they were at: Williston Road and Highway 7; east on Baker Road; Shady Oak Road and Excelsior Boulevard; Highway 169 and Minnetonka Boulevard; and Minnetonka Mills. Ellingson said these were the commercial intersections of the city that would have the appropriate zoning to accommodate a liquor store although they might not have the density of commercial use to support a liquor store. He noted during a previous discussion Schneider had raised a concern about fairness of approving the 12th license for Target and then potentially not approving a license for the Cub across the street. Ellingson asked for clarification about what “complementary” meant. Was it grocery stores like Byerly’s? Was it discount stores like Target, Costco, or Sam’s Club? He noted Wisconsin had gas stations that sold liquor. Wischnack said during the 2010 council discussion the city was experiencing things like Spasso and Pairings. She said “complementary” included a wide range and if the council was uncomfortable with that range they should add clarifying language. Ellingson said he thought it was a good thing that “complementary” included things like restaurants, discount stores, and grocery stores, since the city already had those examples.

Wagner said what he had taken away from the discussions in 2010 and since was the council did not want to box itself in. The intent was every application would be guided by whatever was in front of the council. The council would try to use the criteria as a guideline.

Schneider said the council had diverse opinions and didn’t know if a new store was the right thing until seeing what it was. In regard to the fairness issue and his comments about Target and Cub, he said by leaving the term “complementary” vague but looking at the language about adding positively to the experience of living and working in the city gave better direction. Putting a liquor store next to the Baker Road gas station probably would not add positively to the character of the city. A liquor store in Minnetonka Mills might add positively to the experience, and it was more likely a liquor store at Shady Oak as the area redevelops, would add positively. The idea that the industry was evolving and not knowing what is coming in the future, he was comfortable with the proposed wording in the policy. It would always take five council members to agree that issuing the license made sense.

Lyon said he was looking for the best possible liquor retailers to be available to come to the city. He said the criteria in the policy would exclude Total Wine because it was not a distinctive specialty service and was not a complementary part of a business. He said the complementary provision was problematic because liquor stores were supposed to be separate from other stores. If Cub were to do a liquor store it would
require a separate entrance and be located next to the grocery store. He said Minnesota laws do not accommodate the term complementary. He noted Total Wine would not want to locate in a village center currently not served but rather they would want to be in the Ridgedale area.

Bergstedt said it would be easy to argue for any side of what was being discussed. Many communities were wrestling with the same issues. He said the last time the policy was looked at was five years ago and he didn’t foresee the council ever again going five years without having to relook at the policy. The market for the liquor industry was changing rapidly. A few years ago microbreweries were brand new. Now microdistilleries are being looked at as well as the sale of growlers on Sunday. Things were happening fast. Many other states allow liquor sales in grocery stores seven days a week. He was comfortable with the number 12 but in reality the city could have 18-20 licenses under the policy. He was a little concerned with keeping the number 12 in the policy because it didn’t really limit the number of licenses but instead was an arbitrary number. He agreed that the amended policy would likely exclude Total Wine or something similar from being approved.

Ellingson suggested adding the word “is” in front of the word complementary to be consistent with the other provisions. Schneider suggested the wording be “is a complementary…”

Allendorf moved, Acomb seconded a motion to adopt Res. 2015-055 amending Council Policy 6.1 establishing Standards and Criteria for the Issuance of Liquor Licenses.

Wagner clarified that the comments that the policy would exclude Total Wine in the city were not accurate. There currently were only 11 liquor licenses in the city and the Total Wine application had not been reviewed by the council.

All voted “yes.” Motion carried.

F. Green Line Extension funding commitment

Barome gave the staff report.

Schneider said the end result was the right thing regardless of how things got to this point. The Southwest transit station which wasn’t originally included now was included and the Shady Oak station was preserved with a larger park and ride. There were other minor changes that would have implications for Eden Prairie. The stage was set for a significant ridership increase with all the connectivity in the new outcome. To chop away three
quarters of a billion dollars for such a robust project was not easy to do. The commitment being made allowed Hennepin County to come to the table to fill the gap. It allowed CTEP and the Hennepin County Railroad Authority to justify contributing significant cash back into the project with the cities putting in funds. The other thing it did was to allow an increase in the Shady Oak station. The parking increased from 250 space up to 800 spaces, some temporary until redevelopment occurs. He said none of the cities would pay for the increase out of their general tax fund. There was the full expectation that through the redevelopment and other aspects the cities would get the money back in a relatively short period of time. The funding mechanism was a short term way to finance the actual construction costs when they occur. The expectation particularly for Minnetonka and Hopkins was the contributions would be focused on building the infrastructure for the Shady Oak station. There had been discussions with Hopkins to do a more coordinated joint development agreement. He said there were also other grant funds and funding sources that everyone was convinced would likely become available later in the process.

Wagner said he had only received one email and the resident indicated that other alternatives should be looked at again. Wagner said as the city had looked at things like redevelopment around the Shady Oak station and the Opus/169/Bren Road interchange, light rail was part of what was included in the long term plan. General fund money would not be used as the city would look at how to recapture revenue from the redevelopment that needs to occur in the areas. This was where the comp plan said the city would put density. He said $2 million was a lot of money but it was no different from when the city did TIF for affordable housing to achieve those comp plan goals. He supported committing to the additional funding and looked forward to staff’s recommendation about how to bridge the gap. This was a 100 year plan and not a two year plan. He said this was important for the west metro and the entire region.

Bergstedt said when the average resident reads about the size of the shortfall and the additional funding from the cities, it almost sounds like Monopoly money was being discussed. He wanted to assure people that staff and the council had looked at the funding thoroughly. It was a lot of money but the city spends a lot of money on roads and other infrastructure projects. The council and other city councils along the line continue to believe the benefits light rail will bring far outweigh the money being spent with the redevelopment, making the cities more vibrant, and helping with employment. It was a little bit of a leap of faith that had been proven in other places.
Allendorf said there had been creep throughout to the overall project not only dollar-wise, but when it was first proposed the line was supposed to be delivered in 2014. He had been supportive along the way however he had seen how much staff time has been put into the project and now the city was being asked to put in more money. Over the last year and a half the station ready Smetana location had come up that wasn’t studied. The discussion was this was a 50 to 100 year project so the city decided to pay the costs. Then Hopkins had to give up some land for a maintenance facility and the council decided to work with Hopkins to do some type of swap, not knowing exactly what that meant or where the money would come from. He questioned why the Met Council was not making that happen and why Minnetonka was paying for it instead. The commitment of $2 million, where it wasn’t known where the funds would come from, with the thought there would be development dollars down the line, gave him concern. To put it into perspective, $2 million, was a six percent increase in taxes in relation to the current budget. This may be spread over three years, but this meant a two percent tax increase before the city went through what city services would be. He said what concerned him was it wasn’t known how this would be paid for and also it wasn’t known what the alternatives were. There had been mention of using the HRA levy but this would be tax dollars. Even though someone said it wouldn’t come out of the general fund, it would, either through taxes or deferring things for residents that were already in the budget. He said he may look at the commitment differently if the council could see all the alternatives and see some creative ways to come up with the funds. The resolution from the Met Council stated the city would commit to the additional funding. He could not support committing $2 million without knowing how it would be spent and how it would affect the taxes of the city’s residents.

Schneider said the additional funds would specifically be spent on building the road and enhancing the park and ride for the Shady Oak station. He agreed this should have been paid for by the Met Council, but the Met Council did not have the money as they were trying to get the 10 percent state match put together. He said the funding issue was complicated because the decision to commit to the additional money had to be made shortly. What was being discussed was a mechanism to leverage resources to be able to provide $2 million. It was not a permanent funding source. He said for him, the permanent funding source was either a special assessment district and/or a TIF district on the Shady Oak Road area. This would include Hopkins as well. The $2 million would be recouped in a relatively short period. This would require the area to redevelop. If the light rail went in and redevelopment did not happen in 20 years, then Allendorf was correct that taxpayers would pick up the cost.
Allendorf said the same was true if redevelopment did not happen within five years. Schneider did not agree. Wagner said he looked at this as the same leap of faith as occurred when the council looked at the Bren Road interchange. The city did not have $19 million to pay for the interchange but staff came up with a creative way to come up with the funding. All the buildings in Opus that someday would redevelop would pay a trip generation fee and someday in the future they would pay back the city for what it had cash flowed. State grants were used as well as money from the city’s fund balances. If no Opus redevelopment happened and not a single new trip was generated, the city hypothetically was on the hook for whatever the balance was on the bridge. He said the council was making a similar decision with the additional $2 million here. He had confidence staff could come up with something the council would debate as a backstop if nothing ever happened in the Shady Oak area. The city would have purchased a $2 ½ million road to connect Ktel Drive to Excelsior Boulevard. He would probably be OK with that because he thought there would be a mechanism to recover the $2 ½ million because it was done before. Based on countless meetings he has been at with consultants from all over, he was confident there would be enough redevelopment in the area.

Allendorf said he heard two council members say general fund money would not be used. This was not true. There would be a six percent increase, perhaps over three or four years. To say otherwise was not being honest with residents. He did not see a plan to get the money back. He could not commit to something he could not actually see. He did not like to spend taxpayer dollars when he did not know how the city would get the dollars back.

Barone said the funds would be one time funds. It would not be a six percent perpetuity tax increase. The amount was equal to what would be raised if the city increased taxes by six percent in one year. She said staff would come back to the council with options. There would be a range of things looked at including bonding, delaying projects, and bonds that will be paid off soon. She said she understood Allendorf’s concerns about not having the information and it was unfortunate it wasn’t available at this meeting.

Schneider said it was not an easy decision and was something the council was concerned and had reservations about, but it was absolutely essential if the council wanted the community to grow and prosper as it had envisioned.

Wagner moved, Acomb seconded a motion to adopt Res. 2015-056 with the addendum supporting $2 Million in local funds to the Green Line.
Extension, Wagner, Ellingson, Acomb, Bergstedt and Schneider voted “yes.” Allendorf voted “no.” Motion carried.

15. **Appointments and Reappointments**: None.

16. **Adjournment**

   Acomb moved, Wagner seconded a motion to adjourn the meeting at 9:26 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk
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 Bob Ellingson, Dick Allendorf, Patty Acomb, Brad Wiersum, Tim Bergstedt, and Mayor Terry Schneider were present. Tony Wagner was excused.

4. **Approval of Agenda**

   Wiersum moved, Acomb seconded a motion to accept the agenda with addenda to items 10A and 13G. All voted “yes.” Motion carried.

5. **Approval of Minutes:** None

6. **Special Matters:** None

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

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

   Schneider reported he was granted a scholarship to attend a national housing conference in Minneapolis. He said it was a very informative two day program.

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

   Tim Litfin from Minnetonka Community Education gave a presentation on the upcoming Tour De Tonka event.

9. **Bids and Purchases:** None

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

    A. Resolution approving a conditional use permit for Redstone American Grill at 12401 Wayzata Boulevard
Allendorf moved, Bergstedt seconded a motion to adopt Res. 2015-057. All voted “yes.” **Motion carried.**

B. **Items concerning 500 Milbert Road:**
1) Amendment for a maximum floor area ratio condition; and
2) Conditional use permit for an accessory apartment

Wiersum asked for the item to be pulled from the consent agenda. He said as he looked at the issue, the McMansion policy comes into effect because of the variance. He understood staff’s perspective regarding the creep in the floor area ratio (FAR) in the area. Staff termed the application of the McMansion policy as somewhat problematic. As he looked at the issue he was not concerned about the size of the lots. There were a lot of lots of varying size in the area. He was concerned about the character of the neighborhood issue. The staff recommendation was to not apply the McMansion policy and to go beyond what the McMansion policy would allow. Rather than a .24 FAR, the applicant was seeking a .26 FAR. He said while there had been upward creep due to people adding to their houses, the question he had was what the FAR would be for comparably sized lots. He suspected the FAR had gone up because people on smaller lots had improved their homes adding to the square footage. The .26 FAR caused him some concern and sticking with the McMansion policy and in this case, a .24 FAR would have been a better recommendation if the character of neighborhood was to be maintained.

Allendorf said he agreed with Wiersum. The neighborhood was eclectic but he didn’t see any houses that were as big as he thought this one might be. He noted at the last council meeting staff had stated some concerns about the council not sticking with size restrictions that had been reviewed and codified into policy. He agreed there was not a big difference between an FAR of .24 and .26. He said there was a big difference between having a policy and waiving the policy when an applicant comes in who doesn’t happen to meet the policy. He would support going with the .24 FAR rather than waiving the ratio.

Schneider said he agreed with the principle standpoint when a number is established, the council should try to abide by that as much as possible. He said he looked at the McMansion policy as giving the council a tool for something way out of line that stood out like a sore thumb. The idea of changing the character of the neighborhood was in the eye of the beholder. All neighborhoods evolve over time. He thought the McMansion policy was adopted to give the council regulatory tools when it thought a house did not fit in the neighborhood. He said in this case he could not say the house did not fit in the neighborhood other than fact that there was a
four car garage rather than a two or three car garage. The house was fairly standard sized and he didn't consider it a McMansion. He didn't think it was an unreasonable request and he didn't think the policy was established to set a hard line. Looking at the drawings he thought it was a very nice home that would probably improve the quality of the neighborhood.

Acomb said she looked at the policy as she looked at the city’s liquor license policy. It didn’t set a hard and fast rule but rather was a guideline that would give her a better understanding and give boundaries to evaluating a proposal. She didn’t have a strong feeling one way or the other about this proposal but she would lean more toward following the policy.

Wiersum said good arguments were made both ways. He agreed with Allendorf that the guidelines were established in an effort to manage the evolution of neighborhoods. When the McMansion policy was established the average FAR in this area was .17. No one was arguing that over time the average FAR in a neighborhood was not going to creep up because very few houses get smaller. He did think the opportunity to keep character of neighborhood and to keep change manageable was important to maintain consistency. The challenge he had with making exceptions to a legitimate policy was it made it harder to take a firm stand on a rule that made sense and existed for a good reason. He said following the policy and going with a .24 FAR was a reasonable and legitimate solution that would not dramatically affect the house.

Bergstedt agreed there were good arguments on both sides but he looked at guidelines as guidelines. He said he was more aligned with Schneider’s comments and when he looked at the neighborhood he saw the slow change taking place. He thought the house was well designed and would not stand out in the neighborhood. He said staff and the planning commission looked at the proposal seriously and he could support the recommendation.

Ellingson said the reason the applicant was building such a large house was they had several children and the grandparents were going to be living in the house as well. He didn’t think the council should be telling people that they couldn’t build a large house to accommodate their family but rather should be encouraging people to include their parents. He noted the lot was about 22,000 square feet and the proposal was short by about 32 square feet. He said when a large apartment building is looked at the city wasn’t too concerned about setbacks but when it comes to homeowners he thought the city was real fussy and didn’t need to be.
Dan Maki, 500 Milbert Road, said the reason the house wasn’t fitting under the guidelines was most of the square footage that would have been in the basement was above the garage. He said some of his kids have allergies and other health issues and that was the reason he wanted more above ground square footage. The proposal was a quarter inch on the property line from complying.

Acomb said as she indicated earlier she was on the fence about how she was going to vote. She said when it was a quarter inch within complying with the guideline it felt a little strict to stick with the guideline.

Allendorf said the reason for his comments was there were guidelines and the council seemed to always go over them and he didn’t think that was right. His comments had nothing to do with the size of the Maki’s family or that the grandparents were living in the house. His comments were about the city having the policy.

Wiersum said as he read the staff report and he looked at the issue of the size of the lot, he wasn’t concerned about the size of the lot because the neighborhood had a lot of different sized lots. He said he did overlook what the applicant pointed out about being 30 feet short, which triggered the variance. Without the variance the McMansion policy would not have come into play. He thought that point had merit.

Bergstedt moved, Acomb seconded a motion to adopt Res. 2015-058 reestablishing maximum floor area ratio of .26 on the property at 500 Milbert Road.

Wiersum asked for a separate vote on the two items.

Ellingson, Acomb, Bergstedt, and Schneider voted “yes.” Allendorf and Wiersum voted “no.” Motion carried.

Bergstedt moved, Acomb seconded a motion to adopt Res. 2015-059 approving a conditional use permit for an accessory apartment at 500 Milbert Road. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances: None

13. Public Hearings:

A. Resolution authorizing use of the Community Investment Fund to finance renovation of Ice Arena A
Barone gave the staff report.

Schneider closed the public hearing at 7:08 p.m.

**Bergstedt moved, Wiersum seconded a** adopt the resolution authorizing use of Community Investment Fund to finance renovation of Ice Arena A. All voted “yes.” Motion carried.

**B. On-sale liquor license for Kona Sushi, Inc. (Kona Grill), 12401 Wayzata Boulevard**

Barone gave the staff report.

Wiersum moved, Allendorf seconded a motion to continue the public hearing to August 17, 2015. All voted “yes.” Motion carried.

**C. On-sale wine and on-sale 3.2 percent malt beverage liquor license for Yum! Kitchen and Bakery, two LLC, 6001 Shady Oak Road**

Barone gave the staff report.

Patti Soskin, owner of Yum! Kitchen and Bakery, said after 10 years of business in St. Louis Park she was ready and excited to expand. The outpouring from the community had been fantastic.

Schneider said he was glad to see the building put back in use.

Bergstedt asked when the restaurant would open. Soskin said the hope is to open right after Labor Day.

Schneider closed the public hearing at 7:12 p.m.

**Wiersum moved, Allendorf seconded a motion to grant the licenses. All voted “yes.” Motion carried.**

**D. Temporary on-sale liquor license for The Rotary Club of Minnetonka Foundation, 14350 County Road 62**

Barone gave the staff report.

Chris Rosenlund, president of the Minnetonka Rotary Foundation, said this year’s event was called “Links and Libation.” The money raised would be used to fund the foundation with the proceeds used to support the mission of building responsible youth.
Schneider closed the public hearing at 7:14 p.m.

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

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

Barone gave the staff report.

Wiersum asked the anticipated opening of the restaurant. Wischnack said she thought it would be open in around three months.

Schneider opened the public hearing at 7:17 p.m.

Dave Sincebaugh, Kaskaid Hospitality, said it would be a fun exciting atmosphere with great Mexican food.

Bergstedt moved, Acomb seconded a motion to continue the public hearing to August 31, 2015. All voted “yes.” Motion carried.

F. On-sale liquor license for Nordstrom, Inc. (Nordstrom Ruscello)

Barone gave the staff report.

Schneider opened the public hearing at 7:19 p.m. No one spoke.

Wiersum moved, Acomb seconded a motion to continue the public hearing to August 31, 2015. All voted “yes.” Motion carried.

G. Off-sale liquor license for Target Corporation, 4848 County Road 101

Item continued to August 17, 2015 at the request of the applicant.

14. Other Business:

A. Ordinance amending liquor license regulations

Barone gave the staff report.

Acomb moved, Allendorf seconded a motion to adopt Ordinance 2015-13. All voted “yes.” Motion carried.
B. Concept plan review for Williston Woods West at 5431 and 5439 Williston Road

Thomas provided the staff presentation.

Allendorf asked for more information about how the site plan would work topographically. Thomas said there was a significant drop along Williston Road going to the south. She said staff had not seen any topography or grading plans at this point. Allendorf said he wondered conceptually how the driveway would work because of the topography change.

Wiersum agreed with Allendorf’s comments about the topography. Generally he liked the plan given the Kraemer’s building would remain commercial, and the buffer would not be too dense. The most challenging issue would be the topography change and the design of the access road to the units. It may be better to have just one access point.

Bergstedt said that not only was there a steep decline on Williston Road, but also there was a severe slope on the site where the units were being proposed. If the Kraemer’s building was going to be redeveloped, he liked the detached villa idea. He thought that would function as a nice transition from commercial to mostly single family homes up and down Williston. As he walked the site he was amazed the developer thought they could get six homes on the property. He wasn’t sure six was the right number. With any private drive the city was always concerned about off street parking, snow storage, etc. He said as far as being developed under a planned unit development, the city would have to look at what the public benefit was. One argument being made as a public benefit was tree preservation and preserving the berm in the back. He viewed it more that if the berm wasn’t there the view would be of the back of the post office parking lot. No matter what, the berm was going to stay or even be enhanced. He didn’t necessarily see this as a public benefit but more a benefit to the developer and homeowners. He acknowledged because of the size of the lots, it would likely need to be a planned unit development.

Acomb asked since this was a private drive, if it could be developed as an R1-A property. Thomas said the planning commission asked the same question. The lots, as proposed, are under 15,000 square feet and therefore would be under the R1-A minimum. Acomb asked if it could be developed as an R1-A if there were fewer lots. Thomas said staff would have to look at the surrounding neighborhood but potentially R1-A could be considered if there were fewer lots. Acomb said even though it was acting as a transition from commercial to residential she would be more in favor of it being R1-A zoning rather than a planned unit development. She said there were at least one too many villas on the property given the
small setbacks. She was concerned about parking with some of the homes looking like they might not have enough room for two cars. She would prefer to see fewer units.

Wiersum said the detached townhome concept was one Lake West brought before the council on Minnetonka Boulevard and it was approved. Subsequently the plan did not move forward, but another plan came forward with the number of detached townhomes reduced by one. This development was under construction. He said a comparison between what was approved for that development and this plan was relevant to give a sense of scale.

Ellingson said Allendorf raised a good point about the grade changes. He thought this layout was very impractical given the grade changes. He agreed with Acomb that there were too many units.

Schneider said given the fairly heavy commercial and multi-family housing adjacent to the south and the east he thought the density and type of homes would be a great transition if it were on a relatively flat site. The challenge how to accommodate the number of units and type of design and make the transition. He didn’t think there were too many units but it would be difficult to get that many units on a site with that much grade change.

Wiersum said this plan was reminiscent of the Sanctuary, a development that was ultimately built. He has heard from constituents that parking has been and remains a big problem. The city had to be mindful that parking and access were big issues particularly in transition areas.

Allendorf said he wasn’t sure there were too many units but it depended on the size of the units and the topography. If the units were more modest and the topography taken into account, it might work. He agreed with Wiersum’s comments about parking at the Sanctuary. He thought the concept would be a great transition.

Reid Schulz, Landform Professional Services, 105 S 5th Avenue, Minneapolis, said a lot of things had developed during the time with what was happening with Kraemer’s and this site. He said some of the council’s feedback was the same as the comments from the neighborhood meeting. The topography has been looked at to determine the layout. Generally the site was going off on three different drainage directions. Lots one and two provide a nice walkout layout and the drainage heads northeast. Walking around to lots three and four is where the high point of the topography is on the site. Units four, five, and six drain off to the southwest. He said the road was placed based on the topography of the site. Williston Road going
to the north goes up hill. The northern entrance actually sits at the high point on the site. The exit point is where the current driveway is located. The access points are mimicking the two driveway points on the site. The neighbors had concerns about traffic and congestion and that was why there were two access points to give people a variety of ways to enter and exit on to the site. The idea for a planned unit development was based on preservation of trees and natural resources. A recent tree study showed a lot of the trees on the southeast part of the lot were high priority or large significant trees as well as some of the trees along Williston Road. The plan tries to preserve as many of those trees as possible.

Schulz said other uses have been looked at including three twin homes. This would require another access point on to Williston and potentially other tree impacts. R1 and R1-A zoning also were looked at. What drove them to this plan was a couple of potential builders indicating they liked the high quality villas that sell well and would be a great transition. A single builder could come in build all the units at all at once and minimize construction time. He said not only would the development be a transitional use from the residential to the north to the commercial to the south, it would also be a transitional type of use with the single family detached. Off street parking was a concern the neighbors, staff and the planning commission raised. The plan included six off street parking spots. Each unit would have at least a double garage with at least two spaces on the driveways.

Allendorf asked for information about the redevelopment of the Kraemer’s building. Jon Fletcher, Lake West Development, 14525 Highway 7, said a conditional use permit application had been submitted the previous Friday for a licensed child care facility, Prestige Preschools, for the site. A complete renovation of the hardware store would be done. He said Lake West was excited about the potential for the Williston Woods West development. It would provide a great transition on a lot of levels including from a density standpoint as well as a lifestyle standpoint. The topography would bring some variety to the site. He said the same concerns the council had were the concerns of Lake West primarily from a market driven standpoint.

C. Sign plan amendment for Ridgedale Center

Thomas gave the staff report.

Acomb said she supported increasing the height to 42 inches and agreed with the staff that the second sign was not appropriate. She thought expectations were important so having the sign on the tenant space was important. It might look nicer in the drawings to have the signs be in a
different place but this was because the tenants wanted something different. Drawings could have been submitted showing the signs looking good within the tenant space as well.

Wiersum said when Macys requested a larger sign it was approved by the council in large part because it was aesthetically appropriate given the size of the building. He thought changing the size for Kona Grill and Redstone was very appropriate. He was hesitant to change the sign ordinance without an extremely strong reason to do so. He supported the staff recommendation requiring the sign to be on the tenant’s space for the reasons given. One of the reasons signs were allowed was for wayfinding. Being attached to the tenant’s space was appropriate. He said the bigger issue was to deviate from this, the unintended consequences elsewhere start to eviscerate the sign ordinance that was developed with considerable care.

Allendorf said the staff report included a provision stating, “The sign must be located within the tenant’s leased space, unless an alternative location is approved by the planning commission or city council, based on the unique characteristics of the tenant space or building design.” He said this was similar to the liquor license policy where there was a distinct policy unless the council did not think it needed the policy and wanted to do something else. The provision provided flexibility for individual signage outside of the policy if the council decided it was unique. Thomas said the provision was the planning commission’s recommendation. Allendorf said when he read the provision he thought it followed other policies that provide flexibility and tried not to limit the council’s decisions. He said this created a problem for the applicant and at times, the council. The provision did provide the council the flexibility that would allow them to consider that Kona Grill or Redstone had an alternative exterior to their space. This may make a lot of sense for wayfinding as well as advertising. He thought the provision was something he could support.

Schneider said he thought back to when Macys came forward with their new logo and sign. At that time it was quite a bit different from what had historically been done in the city in terms of height, size, and location. When Macys presented the images from an architectural perspective the council agreed it looked much better. He said he looked at this item similarly, more for Redstone than for Kona Grill. Looking at the renderings in the council packet he thought Redstone had gone above and beyond for a nice looking entry. To try to stick a sign within the design would be a disservice. It wasn’t just for wayfinding but it was for advertising and helping them stay in business. He agreed with the planning commission that the sign was not overwhelming anything but fit well. He said it was a
matter of how dictatorial the council wanted to be on location versus architectural design.

Acomb said she didn’t disagree that there needed to be an increase in the size. That was a valid concern with the Macys sign. The Macys signage however was always going to be on the Macys tenant space. She thought this made the two applications different. She said there were examples shown at the planning commission hearing of signs at other malls that were located way up high and no longer attached to the tenant’s space. They appeared pretty disjointed and she didn’t want that to happen at Ridgedale, with businesses trying to get their signs higher and higher to get the best viewpoint.

Allendorf said he read the planning commission’s recommended provision as allowing the council to look at the individual signs and if they got higher and higher, and the council didn’t think fit in, they would not have to approve it. Thomas said the provision stated that if the sign was within the tenant’s space, staff could administratively approve it. If someone chose to request something outside the tenant space, it would require council approval.

Wiersum said the planning commission’s recommended provision would in reality operate things in the way things currently operate. Using Macys as an example, they applied for a sign. If it complied with the sign ordinance it would have been approved. They wanted a bigger sign and came before the council for approval.

Wiersum moved, Allendorf seconded a motion to adopt Resolution 2015-061 incorporating provisions “3a” “3b” and “3c” in the staff report. Ellingson, Allendorf, Wiersum, Bergstedt, and Schneider voted “yes.” Acomb voted “no.” Motion carried.

15. **Appointments and Reappointments:** None

16. **Adjournment**

    Wiersum moved, Acomb seconded a motion to adjourn the meeting at 8:06 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk
City Council Agenda Item #6A
Meeting of August 17, 2015

**Brief Description**
Recognition of planning commissioner Jim Rettew

**Recommendation**
Recognize his service on the planning commission

**Background**

Jim Rettew has served on the planning commission since January 2014. During Commissioner Rettew’s term, the planning commission considered 143 applications, including:

- Nordstrom / Ridgedale Mall expansion
- At Home Apartments
- Carlson Island Apartments
- Applewood Point Senior Cooperative
- New PUD Ordinance
- R-1A Ordinance

Throughout his term, Commissioner Rettew showed a keen interest in the comprehensive guide plan. He asked important questions about whether and how proposed projects supported the city’s long-term vision. In doing so, he encouraged thorough discussions amongst planning commission members. The city extends its gratitude and appreciation for Jim’s dedicated service and we wish his continued success in the future.

Jim, on behalf of the city council, those who served with you on the planning commission, city staff, and residents, we thank you for your service to the city of Minnetonka and wish you success in all your future endeavors.

**Recommendation**

Recognize Jim Rettew for his service on the planning commission.

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

Originated by:
  Susan Thomas, AICP, Principal Planner
# 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
City Council Agenda Item #10A
Meeting of August 17, 2015

**Brief Description:** Resolution amending Hennepin County residential recycling grant agreement

**Recommended Action:** Adopt the resolution

**Background**

The city of Minnetonka has had a history of receiving grants from Hennepin County for its recycling program. The revenue received is from the distribution of SCORE (Select Committee on Recycling and the Environment) funds that Hennepin County receives from the State. Hennepin County distributes the SCORE funds according to the terms and conditions of the Residential Recycling Funding Policy. Minnetonka receives approximately $130,000 to $135,000 annually, which is used as a revenue source for the Environmental Fund.

The current agreement with Hennepin County was due to expire at the end of 2015. However, additional State funding received in 2015 and 2016 prompted the county board to extend the current agreement and incorporate the State’s requirements to expend one-half of the additional funding for organics recycling into this amendment.

Residential participation in organics recycling is generally low and a significant increase in participation is necessary in order for cities and the county to meet future State recycling goals. Currently, approximately 200 of 15,480 customers have organics recycling in Minnetonka. City staff is collaborating with the county to explore and institute methods to increase participation as required.

In order to continue to receive grant funding, the city must approve the new agreement with Hennepin County. This amendment to the original agreement will expire on December 31, 2016.

**Recommendation**

Approve the Residential Recycling Grant Agreement between the city of Minnetonka and Hennepin County.

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

Originated by:
  - Brian Wagstrom, Public Works Director
Resolution No. 2015-

Resolution amending Hennepin County residential recycling grant agreement

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

Section 1. Background.

1.01. Pursuant to Minnesota Statutes, Chapter 115A.552, Counties shall ensure that residents have an opportunity to recycle.

1.02. Hennepin County Ordinance 13 requires that each city implement and maintain a recycling program.

1.03. Hennepin County Board adopted a resolution to amend the Hennepin County Residential Recycling Funding Policy to incorporate requirements to expend additional SCORE funds on organics recycling, and extend the contract period to the Residential Recycling Funding Policy from December 31, 2015 to December 31, 2016.

1.04. In order to receive grant funds, the City must sign the agreement.

1.05. The City wishes to receive these grant funds each year.

Section 2. Council Action.

2.01. The city council hereby adopts Resolution 2015-____ amending Hennepin County Residential Recycling Grant Agreement; Contract No. A120122.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 17, 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 August 17, 2015.

________________________________________
David E. Maeda, City Clerk
AMENDMENT NO. 1 TO AGREEMENT A120122

This Agreement is between the COUNTY OF HENNEPIN, STATE OF MINNESOTA, A-2300 Government Center, Minneapolis, Minnesota 55487 ("COUNTY"), on behalf of the Hennepin County Environment and Energy Department, 701 Fourth Avenue South, Minneapolis, Minnesota 55415-1600 ("DEPARTMENT") and the CITY OF MINNETONKA, 14600 Minnetonka Boulevard, Minnetonka, Minnesota 55345 ("CITY").

WHEREAS, the COUNTY and the CITY entered into a four-year Residential Recycling Grant Agreement, Contract No. A120122 ("Agreement"), for a residential recycling grant commencing on January 1, 2012; and

WHEREAS, the County Board, by Resolution No. 15-0216 adopted on June 16, 2015, amended the Hennepin County Residential Recycling Funding Policy to incorporate requirements to expend additional SCORE funds on organics recycling, extended the period from December 31, 2015 to December 31, 2016, and authorized grant funding for municipal recycling programs consistent with said policy; and

WHEREAS, the parties desire to amend the Agreement to extend the term and incorporate other changes;

NOW, THEREFORE, the parties agree that Agreement A120122 is amended as follows:

1. Paragraph a. of Section 1, TERM AND COST OF THE AGREEMENT, shall be amended to read as follows:

This Agreement shall commence upon execution and terminate on December 31, 2016.

2. Section 2, SERVICES TO BE PROVIDED, shall be amended to read as follows:

The CITY shall operate its recycling program in accordance with the requirements described in the County’s Residential Recycling Funding Policy ("Policy"), attached as Attachment A and incorporated by this reference, and fulfill the responsibilities of the Policy.

3. Section 3, METHOD OF PAYMENT, shall be amended to read as follows:

The COUNTY will distribute SCORE funds as described in the Policy. The CITY shall follow the requirements for use of funds described in the Policy.

Except as amended, the terms, conditions and provisions of this Agreement shall remain in full force and effect.
COUNTY BOARD AUTHORIZATION

Reviewed by the County Attorney’s Office

Assistant County Attorney

Date: ____________________________

COUNTY OF HENNEPIN
STATE OF MINNESOTA

By: ____________________________
Chair of Its County Board

ATTEST:
Deputy/Clerk of County Board

Date: ____________________________

By: ____________________________
David Hough, County Administrator

Date: ____________________________

By: ____________________________
Assistant County Administrator, Public Works

Date: ____________________________

Recommended for Approval

By: ____________________________
Director, Environment and Energy Department

Date: ____________________________

MUNICIPALITY
CITY warrants that the person who executed this Agreement is authorized to do so on behalf of CITY as required by applicable articles, bylaws, resolutions or ordinances.*

Printed Name: _______________________

Signed: ____________________________

Title: ______________________________

Date: ____________________________

*CONTRACTOR shall submit applicable documentation (articles, bylaws, resolutions or ordinances) that confirms the signatory’s delegation of authority. This documentation shall be submitted at the time CONTRACTOR returns the Agreement to the COUNTY. Documentation is not required for a sole proprietorship.
Attachment A

Hennepin County Residential Recycling Funding Policy


Public Works
Environment and Energy Department

Adopted November 29, 2011, Revised June 16, 2015
I. Policy Description

The Hennepin County Board of Commissioners determined that curbside collection of recyclables from Hennepin County residents is an effective strategy to reduce reliance on landfills, prevent pollution, reduce the toxicity of waste, conserve natural resources and energy, improve public health, support the economy, and reduce greenhouse gases. Therefore, the county adopted the goals established by the Minnesota Pollution Control Agency (MPCA) in its Metropolitan Solid Waste Management Policy Plan and developed a Residential Recycling Funding Policy to help reach a 75% recycling rate by 2030.

The county will distribute all Select Committee on Recycling and the Environment (SCORE) funds received from the state to cities for curbside collection of residential recyclables, including organics. If cities form a joint powers organization responsible for managing a comprehensive recycling and waste education system for the residents of those cities, the county will distribute a recycling grant to that organization. Cities are expected to fulfill the conditions of the policy.

Length of Residential Recycling Funding Policy

Hennepin County is committed to implement this policy and continue distributing all SCORE funds received from the state for the purpose of funding curbside residential recycling programs from January 1, 2012 through December 31, 2016. The county may revise this policy if it determines changes are needed to assure compliance with state law and MPCA goals established for metropolitan counties. In the event that SCORE funds are eliminated from the state budget or significantly reduced, the county will consult with cities to develop a subsequent recommendation for the county board that will continue this policy and fund curbside recycling programs.

Fund Distribution

The county will distribute to the cities one hundred percent (100%) of SCORE funds that the county receives from the state. SCORE funds are based on revenue collected by the State of Minnesota from the solid waste management (SWM) tax on garbage services. SCORE funds are subject to change based on actual SWM revenue and the funds allocated by the State Legislature. Funds distributed to cities for the current calendar year will be based on SCORE funds received by the county in the state’s corresponding fiscal year.

In 2014 the State Legislature allocated additional funds to SCORE in 2015 and 2016. Beginning in fiscal year 2015 and continuing thereafter, of any money distributed that exceeds the amount the county received in fiscal year 2014, 50 percent must be expended on organics recycling.
II. Recycling

Allocation of Funds

The following formula will be utilized to determine each city’s recycling SCORE grant each year.

\[
\frac{\text{# of households with curbside recycling in city}}{\text{Total # of households with curbside recycling in county}} \times \frac{\text{Total SCORE funds available for recycling}}{\text{Recycling grant amount available to the city}}
\]

Eligible households are defined as single family through eight-plex residential buildings or other residential buildings where each housing unit sets out refuse and recycling containers for curbside collection. The cities will determine the number of eligible households by counting the number of households with curbside recycling service on January 1 of each funding year. The number will be reported in the application for funding.

The total SCORE grant available for recycling will equal the 2014 base year amount plus 50 percent of additional SCORE funds. If the total SCORE funds are less than the 2014 base year, 100 percent of those funds will be available for recycling.

The grant can be used for recycling program expenses including capital and operating costs. Expenses associated with residential collection of organics are eligible recycling program expenses. However, yard waste expenses are ineligible. If organics and yard waste are commingled, the organics expenses must be tracked separately.

Responsibilities of Cities

A. Grant Agreement

Each city seeking funding under the terms of the Residential Recycling Funding Policy must enter into a Residential Recycling Grant Agreement with the county for a term concurrent with the expiration of this policy, December 31, 2016. The grant agreement must be accompanied by a resolution authorizing the city to enter into such an agreement.

B. Application for Funding

Each city must complete an annual application by February 15 to receive funding for that year. The application consists of the Re-TRAC web-based report and a planning document submitted to the county describing the programs or activities the applicant will implement to increase recycling and make progress toward recycling goals.

C. Minimum Program Performance Requirements
1. **Collection of Recyclables.** Cities that contract for curbside recycling services will require a breakout of the following expenses when renewing or soliciting bids for new recycling services:

   a) containers – if provided by the hauler  
   b) collection service  
   c) processing cost per ton  
   d) revenue sharing

2. **Materials to be Collected.** At a minimum, the following materials must be collected curbside:

   a) Newspaper and inserts;  
   b) Cardboard boxes;  
   c) Glass food and beverage containers;  
   d) Metal food and beverage cans;  
   e) All plastic containers and lids, #1 – Polyethylene Terephthalate (PET, PETE), #2 High Density Polyethylene (HDPE), #3 – Vinyl Polyvinyl Chloride (PVC), #4 – Low Density Polyethylene (LDPE) and #5 – Polypropylene (PP) plastic bottles, except those that previously contained hazardous materials or motor oil;  
   f) Magazines and catalogs;  
   g) Cereal, cracker, pasta, cake mix, shoe, gift, and electronics boxes;  
   h) Boxes from toothpaste, medications and other toiletries;  
   i) Aseptic and gable-topped containers; and  
   j) Mail, office and school papers.

   The county may add materials to this list and require cities to begin collection within one year of receiving notification from the county. Cities will notify the county if materials not found on this list will be collected.

3. **Collection Methods.** Cities must use one of the following systems to collect materials at the curb:

   a) single sort system - all materials combined in one container; or  
   b) dual sort system - glass, metal and plastic together with paper separate

   If one of these two systems is not in place, the city must submit a plan with its application for converting to a single or dual sort system by December 31, 2016. If the municipality is unable to meet this deadline, an alternative implementation schedule must be negotiated with the county.

4. **Education and Outreach.**

   a) County Responsibilities
1) Coordinate meetings of the communications committee, which will be composed of county, cities, and other stakeholders.

2) Produce education material templates and print the template materials for cities. Materials will also be available online to download.

3) Provide a minimum of eight promotional resources that will include a newsletter article, a web story, social media posts, and printed promotional materials for municipalities on a variety of waste reduction, reuse, recycling, and proper disposal messages.

4) Develop an annual priority message campaign. The campaign will be one main message to promote throughout the year; for example “recycle magazines.” The message and the materials will be developed with the communications committee. The county will provide templates and be responsible for primary distribution of the campaign through direct mail, advertising, or public relations. The cities will be required to support the campaign through their communication channels.

b) City Requirements

1) Use county terminology when describing recycling guidelines (i.e. description of materials accepted and not accepted, preparation guidelines, etc.).

2) Use images provided by the county or the Solid Waste Management Coordinating Board, if using images of recyclables.

3) Use the county’s terminology, preparation guidelines and images on the city’s website.

4) Mail a recycling guide once a year to residents using a template developed by the communications committee and produced and printed by the county at the county’s expense. If a municipality does not want to use the template produced by the county, the municipality may develop its own guide at the municipality’s expense, with prior approval by the county. If the city relies on its hauler to provide the recycling guide, this guide would also require approval by the county.

5) Complete two additional education activities from a menu of options developed by the communications committee to support the priority message campaign.

Any print material that communicates residential recycling guidelines that were not provided by the county template will require county approval. This does not apply to waste reduction and reuse, articles on recycling that do not include guidelines, and social media posts. The county will respond within five business days to any communication piece submitted.
5. Use of Funds.

a) The city must use all grant funds for waste reduction and recycling capital and operating expenses in the year granted. Cities will not be reimbursed any funds in excess of actual expenses.

b) The city may not charge its residents through property tax, utility fees or any other method for that portion of the costs of its recycling program funded by county grant funds.

c) The city must establish a separate accounting mechanism, such as a project number, activity number, or fund that will separate recycling revenues and expenditures from other municipal activities, including solid waste and yard waste activities.

d) Recycling and waste reduction activities, revenues, and expenditures are subject to audit.

e) Cities that do not contract for curbside recycling services will receive grant funds provided that at least ninety percent (90%) of the grant funds are credited back to residents and the city meets all minimum program requirements. The additional ten percent (10%) may be used for administrative and promotional expenses.

6. Reporting Requirements.

a) Each city must submit an annual recycling report to the county electronically using the Re-TRAC web-based reporting system by February 15 of each year. If a city is unable to access Re-TRAC, the county must be contacted by February 1 to make arrangements for alternative filing of the report.

b) Each city must calculate its participation rate in the curbside recycling program during the month of October. The participation rate will be reported in Re-TRAC. The methodology for measuring participation must be provided to the county upon request.

c) Each city must submit an annual planning document to the county describing the programs or activities the applicant will implement to increase recycling and make progress toward county goals.

7. Recycling Performance. On an annual basis, each city must demonstrate a reasonable effort to maintain and increase the average amount of recyclables collected from its residential recycling program to at least 725 pounds per household or a minimum recovery rate of 80%, by December 31, 2015. The goal remains the same for December 31, 2016. An alternative performance option for cities with organized waste collection is to validate at least a 35% recycling rate. To ensure the accuracy of data for these metrics, cities will be required, upon request, to provide documentation on the methodology used to calculate performance. To the extent practicable, the results should rely on actual data rather than estimates.

Failure by a city to demonstrate measurable progress toward goals will result in the city being required to submit a recycling improvement plan within 90 days of being notified by the county. The recycling improvement plan must be negotiated with the county and specify the efforts that will be undertaken to yield the results necessary to achieve the goals. The plan shall focus on the following areas: type of container, sort method, materials collected,
frequency of collection, education and outreach, performance measurement, and incentives. Funding will be withheld until the city’s recycling improvement plan is approved by the county.

In cooperation with the county, the city may be required to participate in waste and recycling sorts to identify recovery levels of various recyclables in their communities. Based on the results of the study, the county and city will collaborate to increase the recovery of select recyclable materials being discarded in significant quantities.

D. Partnership

The partnership between the county and cities has been highly effective in educating and motivating behavior of residents resulting in significant amounts of waste being reduced and recycled. In order to continue this partnership and increase these efforts, program activities of cities must be coordinated with county and regional efforts. Cities are responsible for cooperating with the county in an effort to reach the county’s goals for recycling and organics recovery. Quarterly recycling coordinator meetings are an opportunity to share resources and facilitate the coordination of efforts.

Responsibilities of Hennepin County

A. Application Form

The county will provide an application form by December that each city will use to report on its recycling program and request grant funding for the next year.

B. Payments

The county will make grant payments to each city in two equal payments. One payment will be made after the county receives the application, which will consist of the Re-TRAC report and the planning document. A second payment will be made after the report has been approved, measurable progress toward the goals has been confirmed, and, if necessary, a recycling improvement plan has been approved by the county. If the city meets the county requirements, both payments will be made during the same calendar year.
III. Organics Recycling

Allocation of Funds

The following formula will be used to determine a city’s organics grant each year.

\[
\frac{\text{Number of households with curbside organics in city}}{\text{Total number of households with curbside organics in county}} \times \text{Total SCORE funds available for organics} = \text{Organics grant amount available to the city}
\]

The total SCORE funds available for organics recycling will equal 50 percent of the additional SCORE revenue allocated by the State Legislature. If the total SCORE funding is less than the 2014 base year, no funds will be available for organics recycling.

Application for Funds

To apply for funds, a city must submit the number of eligible households that signed up for organics to the county by September 1 of each funding year.

Use of Funds

The grant funds may be used for organics program expenses, including the following:

- Contract cost of service (to the city or its residents)
- Discount to new customers
- Carts
- Compostable bags
- Kitchen containers
- Education and outreach

Program administration is an ineligible expense. Yard waste expenses are ineligible expenses. If organics and yard waste are collected together, the organics expenses must be tracked separately. If the city passes funds through to a hauler, 100% of those funds must be credited to households’ bills.

In addition, the following requirements apply:

- All grant funds must be used during the term of the agreement. Funds not spent must be returned to the county.
- Funds must be expended on eligible activities per Minnesota State Statute 115A.557.
- A city may not charge its residents through property tax, utility fees or any other method for that portion of the costs of its organics program funded by county grant funds.
- Cities must able to account for organics expenditures separately upon request by the county. Expenditures are subject to audit.
Education and Outreach

The partnership between the county and cities has been highly effective in educating and motivating the behavior of residents, resulting in significant amounts of waste being reduced and recycled. In order to continue this partnership with organics recycling, the county encourages cities to coordinate program activities with county and regional efforts.

The county will work with cities to provide assistance with the following:
- Standard terminology and images
- Organics recycling guide (yes-no list)
- Promotional resources to increase participation

Reporting

A report on the city’s organics program must be submitted electronically to the county by February 15 following each funding year. The report must include, but is not limited to, the following:

Basic Program Information:
- Hauler
- Collection method
- Where organics are delivered to and processed at
- Is service opt-in or opt-out
- Cost of service to residents and contract cost to the city
- How the service is billed
- Items included in service: curbside collection, cart, compostable bags, etc.

Results
- Tons
- Number of households signed up
- Average pounds per household per year
- Participation (set-out rate on pickup day)
- How funds were used
RESIDENTIAL RECYCLING GRANT AGREEMENT

This Agreement is between the COUNTY OF HENNEPIN, STATE OF MINNESOTA, A-2300 Government Center, Minneapolis, Minnesota 55487 (the "COUNTY"), on behalf of the Hennepin County Department of Environmental Services, 701 Fourth Avenue South, Minneapolis, Minnesota 55415-1600 ("DEPARTMENT") and the CITY OF MINNETONKA, 14600 Minnetonka Boulevard, Minnetonka, Minnesota 55345 ("CITY").

WITNESSETH:

WHEREAS, the County Board, by Resolution No. 11-0476S1, adopted on November 29, 2011, approved the Hennepin County Residential Recycling Funding Policy ("Funding Policy") for the period January 1, 2012, through December 31, 2015, and authorized grant funding for municipal recycling programs consistent with the Funding Policy; and

WHEREAS, the CITY operates a municipal curbside residential recycling program and other waste reduction and recycling activities (the "Recycling Program") as described in the grant application (the "Grant Application") referred to in Section 2 below; and

WHEREAS, the Recycling Program is consistent with Minnesota Statutes, Chapter 115A; the Minnesota Pollution Control Agency’s Metropolitan Solid Waste Management Policy Plan; Hennepin County’s Solid Waste Management Master Plan; and Hennepin County’s Residential Recycling Funding Policy.

NOW, THEREFORE, in consideration of the mutual undertakings and agreements hereinafter set forth, the COUNTY, on behalf of the DEPARTMENT, and the CITY agree as follows:

1. TERM AND COST OF THE AGREEMENT

   a. This Agreement shall commence upon execution and terminate on December 31, 2015.

   b. The total grant payment for the year 2012 shall be equal to one hundred thirty-three thousand nine hundred three dollars ($133,903). Grant payments for subsequent years shall be calculated as set forth in Section 3.

2. SERVICES TO BE PROVIDED

   a. The CITY shall operate the Recycling Program as more fully described in the Funding Policy and the Grant Application. The CITY agrees to submit an updated Grant Application by February 15 of each year of the term of this Agreement in order to be eligible for grant funds. The application consists of the Re-TRAC web-based report and a planning document submitted to the COUNTY describing the programs or activities the CITY will implement to increase recycling and make progress toward COUNTY goals. The terms of the Grant Application, as updated each year, are incorporated herein by reference.

   b. In addition to the services referred to above, the CITY agrees as follows:
1) **Requests for Proposals and Contracts.**

a.) If contracting for curbside recycling services, the CITY shall require a breakout of the following expenses when renewing or soliciting new proposals or bids for recycling services:

- Containers – if provided by the hauler;
- Collection service;
- Processing cost per ton;
- Revenue sharing.

b.) The COUNTY recommends the CITY request the following information in the Request for Proposal/Bid or contract:

- Destination of recyclable materials, including the facility name, location, and end market;
- Monthly prices for recyclable materials by material type;
- Residue rates at the Materials Recovery Facility (MRF);
- Composition of residue.

2) **Materials to be Collected.** At a minimum, the CITY shall collect the following materials curbside:

a.) Newspaper and inserts;
b.) Cardboard boxes;
c.) Glass food and beverage containers;
d.) Metal food and beverage cans;
e.) All plastic containers and lids, #1 – Polyethylene Terephthalate (PET, PETE), #2 High Density Polyethylene (HDPE), #3 – Vinyl Polyvinyl Chloride (PVC), #4 – Low Density Polyethylene (LDPE) and #5 – Polypropylene (PP) plastic bottles, except those that previously contained hazardous materials or motor oil;
f.) Magazines and catalogs;
g.) Cereal, cracker, pasta, cake mix, shoe, gift, and electronics boxes;
h.) Boxes from toothpaste, medications and other toiletries;
i.) Aseptic and gable-topped containers; and
j.) Mail, office and school papers.

3) **Collection Methods.** The CITY shall use one of the following systems to collect materials at the curb:

a.) Single sort system - all materials combined in one container; or
b.) Dual sort system - glass, metal and plastic together with paper separate.

If one of these two systems is not currently in place, the CITY must submit a plan with their 2012 Grant Application for converting to a single or dual sort system by December 31, 2012. If the CITY is unable to meet this deadline, an alternative implementation plan must be negotiated with and approved by the
COUNTY. The implementation plan will include the reasons why an extension is needed, the projected timeline, and details about each step of the process. The CITY will also provide the COUNTY with updates to the plan as implementation progresses.

4) **Education and Outreach.** The CITY shall:

   a.) Use COUNTY terminology when describing recycling guidelines (i.e. description of materials accepted and not accepted, preparation guidelines, etc.)
   b.) Use images provided by the COUNTY or the Solid Waste Management Coordinating Board (SWMCB) if using images of recyclables.
   c.) Use the COUNTY’s terminology, preparation guidelines and images on the CITY’s website.
   d.) Mail a recycling guide once a year to residents using a template developed jointly through a communications committee and produced and printed by the COUNTY at the COUNTY’s expense. If the CITY does not want to use the template produced by the COUNTY, the CITY may develop its own guide at the municipality’s expense, but it must be approved by the COUNTY. If the CITY relies on the hauler to provide the recycling guide, this guide would also require approval by the COUNTY.
   e.) Complete two additional education activities from a menu of options developed by the communications committee to support the priority message campaign. Templates will be provided by the COUNTY.

Any print material that communicates residential recycling guidelines that were not provided by the COUNTY template will require COUNTY approval. This does not apply to waste reduction and reuse, articles on recycling that do not include guidelines, and social media posts. The COUNTY will respond within five business days to any communication piece submitted.

5) **Use of Grant Funds.**

   a.) Grant funds can be used for all Recycling Program expenses including capital and operating costs. Expenses associated with residential collection of organics are considered eligible Recycling Program expenses. However, yard waste expenses are not eligible Recycling Program expenses. If organics and yard waste are commingled, the organics expenses must be tracked separately.
   b.) All grant funds accepted from the COUNTY must be used for Recycling Program capital and operating expenses in the year granted.
   c.) The CITY may not charge its residents through property tax, utility fees or any other method for that portion of the costs of its Recycling Program funded by COUNTY grant funds.
   d.) The CITY shall establish a separate accounting mechanism, such as a project number, activity number, or fund that will separate recycling and waste reduction revenues and expenditures from other municipal activities, including solid waste and yard waste activities.
e.) Recycling and waste reduction activities, revenues, and expenditures are subject to audit by the COUNTY.

f.) The CITY shall not retain any grant funds in excess of actual Recycling Program expenses.

g.) If the CITY does not contract for curbside recycling services, the CITY will receive grant funds provided that at least ninety percent (90%) of the grant funds are credited back to residents and the CITY meets all minimum program requirements. The additional ten percent (10%) may be used for CITY administrative and promotional expenses.

6) Reporting Requirements.

a.) The CITY shall submit an annual recycling report to the COUNTY utilizing the Re-TRAC web-based reporting system by February 15 of each year. If the CITY is unable to access the Re-TRAC system, the COUNTY must be contacted by February 1 to make arrangements for alternative filing of the required report.

b.) The CITY will not report residue as a part of recycling tonnages. The CITY will make arrangements with its hauler to report residue separately.

c.) The CITY shall annually measure the participation rate in the curbside Recycling Program during the month of October. The rate will be calculated by dividing the number of households setting out recycling by the total number of households (accounts) with recycling service. The participation rate will be reported in Re-TRAC.

d.) The CITY shall submit an annual planning document to the COUNTY describing the programs or activities the CITY will implement to increase recycling and make progress toward COUNTY goals.

e.) To help monitor progress, the CITY shall provide an update on recycling tonnages and program activities to the COUNTY upon request. The CITY shall then provide the quarterly tonnage report received from its haulers or make arrangements with the haulers to send the information directly to the COUNTY.

7) Recycling Performance. On an annual basis, the CITY shall demonstrate that a reasonable effort has been made to maintain and increase the average amount of recyclables collected from their residential Recycling Program to at least 725 pounds per household or achieve a minimum recovery rate of 80% by December 31, 2015. Alternatively, if the CITY has a method in place to accurately measure total waste generation (garbage and recycling), then the CITY may choose a 35% recycling rate as the performance standard. To ensure the accuracy of data for these metrics the CITY will be required, upon request, to provide documentation on the methodology used to calculate performance. To the extent practicable, the results should rely on actual data rather than estimates.

Failure by the CITY to demonstrate measureable progress towards one of these goals will result in the requirement that a Recycling Improvement Plan be submitted by the CITY within 90 days of being notified by the COUNTY. The Recycling Improvement Plan must be negotiated with and approved by
the COUNTY. The Recycling Improvement Plan will include actions the CITY will take to improve the performance of its Recycling Program to achieve the 2015 goals. The plan will focus on program changes and additional activities in the following areas: materials collected, sort method, type of container, frequency of collection, education and outreach, performance measurement, contract management, and incentives. Funding will be withheld until the CITY’s Recycling Improvement Plan is approved by the COUNTY.

In cooperation with the COUNTY, the CITY may be required to participate in waste and recycling sorts to identify recovery levels of various recyclables in their community. Based on the results of the study, the COUNTY and the CITY will collaborate to increase the recovery of select recyclable materials being discarded in significant quantities.

8) Public Entity Recycling. Pursuant to Minnesota Statutes, Section §115A.151, the CITY shall ensure that facilities under its control, from which mixed municipal solid waste is collected, have containers for at least three recyclable materials, such as, but not limited to, paper, glass, plastic, and metal, and transfer all recyclable materials collected to a recycler.

3. METHOD OF PAYMENT

a. The COUNTY will annually distribute to Hennepin County municipalities grant funds only to the extent the COUNTY receives SCORE funds from the State of Minnesota. SCORE funds are based on revenue received by the State of Minnesota from a sales tax on garbage collection and disposal fees. SCORE funds are subject to change based on actual revenue received by the State and funds allocated by the legislature. The following formula will be utilized to determine the CITY’s SCORE grant for each year:

\[
\text{Grant Funds Distributed to CITY} = \frac{\text{Total # of Households Served Curbside in COUNTY}}{\text{Total # of Households Served Curbside by CITY}} \times \frac{\text{Total SCORE Revenue Received by COUNTY from State of Minnesota}}{\text{Total SCORE Revenue Received by COUNTY from State of Minnesota}}
\]

b. Under no circumstances will the COUNTY’s distribution of grant funds exceed the CITY’s proportion of SCORE fund revenues received by the COUNTY.

c. The initial grant fund payment will be forwarded after the County Board receives and approves this Agreement signed by an authorized official of the CITY. Provided the CITY is otherwise in compliance with the terms of this Agreement, future grant fund payments will be made after submittal by the CITY and approval by the COUNTY of the updated Grant Application as described in Section 2 and receipt by the COUNTY of SCORE funds from the State of Minnesota.

d. Annual grant payments will be made to the CITY in two equal payments. One payment will be made after the COUNTY receives the Grant Application, which consists of the Re-TRAC report and a planning document. A second payment will
be made after the report has been approved, measurable progress toward the 2015 goal has been confirmed, and, if necessary, a Recycling Improvement Plan has been approved by the COUNTY. If the CITY meets the COUNTY requirements, both payments will be made during the same calendar year.

4. PROFESSIONAL CREDENTIALS

INTENTIONALLY OMITTED

5. INDEPENDENT CONTRACTOR

CITY shall select the means, method, and manner of performing the services. Nothing is intended or should be construed as creating or establishing the relationship of a partnership or a joint venture between the parties or as constituting CITY as the agent, representative, or employee of the COUNTY for any purpose. CITY is and shall remain an independent contractor for all services performed under this Agreement. CITY shall secure at its own expense all personnel required in performing services under this Agreement. Any personnel of CITY or other persons while engaged in the performance of any work or services required by CITY will have no contractual relationship with the COUNTY and will not be considered employees of the COUNTY. The COUNTY shall not be responsible for any claims that arise out of employment or alleged employment under the Minnesota Economic Security Law or the Workers’ Compensation Act of the State of Minnesota on behalf of any personnel, including, without limitation, claims of discrimination against CITY, its officers, agents, contractors, or employees. CITY shall defend, indemnify, and hold harmless the COUNTY, its officials, officers, agents, volunteers, and employees from all such claims irrespective of any determination of any pertinent tribunal, agency, board, commission, or court. Such personnel or other persons shall neither require nor be entitled to any compensation, rights, or benefits of any kind from the COUNTY, including, without limitation, tenure rights, medical and hospital care, sick and vacation leave, Workers’ Compensation, Re-employment Compensation, disability, severance pay, and retirement benefits.

6. INDEMNIFICATION

CITY agrees to defend, indemnify, and hold harmless the COUNTY, its officials, officers, agents, volunteers and employees from any liability, claims, causes of action, judgments, damages, losses, costs, or expenses, including reasonable attorney’s fees, resulting directly or indirectly from any act or omission of CITY, a subcontractor, anyone directly or indirectly employed by them, and/or anyone for whose acts and/or omissions they may be liable in the performance of the services required by this Agreement, and against all loss by reason of the failure of CITY to perform any obligation under this Agreement. Nothing in this Agreement constitutes a waiver by the CITY of any statutory or common law, defenses, immunities, or limits on liability.

7. INSURANCE

A. With respect to the services provided pursuant to this Agreement, CITY agrees at all times during the term of this Agreement, and beyond such term when so required, to have and keep in force the following insurance coverages, either under a self-insurance program or purchased insurance:
1. Commercial General Liability with contractual liability coverage:

- General Aggregate: $2,000,000
- Products—Completed Operations Aggregate: 2,000,000
- Personal and Advertising Injury: 1,500,000
- Each Occurrence—Combined Bodily Injury and Property Damage: 1,500,000

2. Workers’ Compensation and Employer’s Liability:

- Workers’ Compensation
- Employer’s Liability: Statutory
  - Bodily injury by:
    - Accident—Each Accident: 500,000
    - Disease—Policy Limit: 500,000
    - Disease—Each Employee: 500,000

3. Professional Liability—Per Claim Aggregate: 1,500,000

   The professional liability insurance must be maintained continuously for a period of two years after the termination of this Agreement.

B. An umbrella or excess policy over primary liability insurance coverages is an acceptable method to provide the required insurance limits.

The above establishes minimum insurance requirements. It is the sole responsibility of CITY to determine the need for and to procure additional insurance which may be needed in connection with this Agreement. Upon written request, CITY shall promptly submit copies of insurance policies to the COUNTY.

CITY shall not commence work until it has obtained required insurance and filed with the COUNTY, a properly executed Certificate of Insurance establishing compliance. The certificate(s) must name Hennepin County as the certificate holder and as an additional insured for the liability coverage(s) for all operations covered under the Agreement. If the certificate form contains a certificate holder notification provision, the certificate shall state that the insurer will endeavor to mail the COUNTY 30 day prior written notice in the event of cancellation of any described policies. If CITY receives notice of cancellation from an insurer, CITY shall fax or email a copy of the cancellation notice to the COUNTY within two business days.

CITY shall furnish to the COUNTY updated certificates during the term of this Agreement as insurance policies expire. If CITY fails to furnish proof of insurance coverages, the COUNTY may withhold payments and/or pursue any other right or remedy allowed under the contract, law, equity, and/or statute. The
COUNTY does not waive any rights or assume any obligations by not strictly enforcing the requirements set forth in this section.

C. Duty to Notify. CITY shall promptly notify the COUNTY of any claim, action, cause of action or litigation brought against CITY, its employees, officers, agents or subcontractors, which arises out of the services contained in this Agreement. CITY shall also notify the COUNTY whenever CITY has a reasonable basis for believing that CITY and/or its employees, officers, agents or subcontractors, and/or the COUNTY, might become the subject of a claim, action, cause of action, criminal arrest, criminal charge or litigation arising out of and/or related to the services contained in this Agreement. Failure to provide the notices required by this section is a material violation of the terms and conditions of this Agreement.

8. DATA PRACTICES

CITY, its officers, agents, owners, partners, employees, volunteers and subcontractors shall abide by the provisions of the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13 (MGDPA), the Health Insurance Portability and Accountability Act (HIPAA) and implementing regulations, if applicable, and all other applicable state and federal laws, rules, regulations and orders relating to data privacy or confidentiality. CITY agrees to defend, indemnify and hold harmless the COUNTY, its officials, officers, agents, employees, and volunteers from any claims resulting from CITY’s officers’, agents’, owners’, partners’, employees’, volunteers’, assignees’ or subcontractors’ unlawful disclosure and/or use of such protected data, or other noncompliance with the requirements of this section. CITY agrees to promptly notify the COUNTY if it becomes aware of any potential claims, or facts giving rise to such claims, under the MGDPA. The terms of this section shall survive the cancellation or termination of this Agreement.

9. RECORDS – AVAILABILITY/ACCESS

Subject to the requirements of Minnesota Statutes Section 16C.05, Subd. 5, CITY agrees that the COUNTY, the State Auditor, or any of their authorized representatives, at any time during normal business hours, and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of CITY and involve transactions relating to this Agreement. CITY shall maintain these materials and allow access during the period of this Agreement and for six (6) years after its termination or cancellation.

10. SUCCESSORS, SUBCONTRACTING AND ASSIGNMENTS

A. CITY binds itself, its partners, successors, assigns and legal representatives to the COUNTY for all covenants, agreements and obligations contained in the contract documents.

B. CITY shall not assign, transfer or pledge this Agreement and/or the services to be performed, whether in whole or in part, nor assign any monies due or to become due to it without the prior written consent of the COUNTY. A consent to assign shall be subject to such conditions and provisions as the COUNTY may deem
necessary, accomplished by execution of a form prepared by the COUNTY and signed by CITY, the assignee and the COUNTY. Permission to assign, however, shall under no circumstances relieve CITY of its liabilities and obligations under the Agreement.

C. CITY shall not subcontract this Agreement and/or the services to be performed, whether in whole or in part, without the prior written consent of the COUNTY. Permission to subcontract, however, shall under no circumstances relieve CITY of its liabilities and obligations under the Agreement. Further, CITY shall be fully responsible for the acts, omissions, and failure of its subcontractors in the performance of the specified contractual services, and of person(s) directly or indirectly employed by subcontractors. Contracts between CITY and each subcontractor shall require that the subcontractor’s services be performed in accordance with the terms and conditions specified. CITY shall make contracts between CITY and subcontractors available upon request.

11. MERGER AND MODIFICATION

A. It is understood and agreed that the entire Agreement between the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter. All items that are referenced or that are attached are incorporated and made a part of this Agreement. If there is any conflict between the terms of this Agreement and referenced or attached items, the terms of this Agreement shall prevail.

B. Any alterations, variations, modifications, or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement signed by the parties.

12. DEFAULT AND CANCELLATION

A. If CITY fails to perform any of the provisions of this Agreement or so fails to administer the work as to endanger the performance of the Agreement, it shall be in default. Unless CITY’s default is excused by the COUNTY, the COUNTY may upon written notice immediately cancel this Agreement in its entirety. Additionally, failure to comply with the terms of this Agreement shall be just cause for the COUNTY to delay payment until CITY’s compliance. In the event of a decision to withhold payment, the COUNTY shall furnish prior written notice to CITY.

B. Notwithstanding any provision of this Agreement to the contrary, CITY shall remain liable to the COUNTY for damages sustained by the COUNTY by virtue of any breach of this Agreement by CITY.

C. The above remedies shall be in addition to any other right or remedy available to the COUNTY under this Agreement, law, statute, rule, and/or equity.

D. The COUNTY’s failure to insist upon strict performance of any provision or to exercise any right under this Agreement shall not be deemed a relinquishment or waiver of the same, unless consented to in writing. Such consent shall not
constitute a general waiver or relinquishment throughout the entire term of the Agreement.

E. This Agreement may be canceled with or without cause by either party upon thirty (30) day written notice.

F. Upon early termination or cancellation of this Agreement, the CITY shall itemize any and all grant funds expenditures up to the date of termination or cancellation and return such grant funds not yet expended.

G. Upon written notice, COUNTY may immediately suspend or cancel this Agreement in the event any of the following occur: (i) COUNTY does not obtain anticipated funding from an outside source for this project; (ii) funding for this project from an outside source is withdrawn, frozen, shut-down, is otherwise made unavailable or COUNTY loses the outside funding for any other reason; or (iii) COUNTY determines, in its sole discretion, that funding is, or has become, insufficient. COUNTY is not obligated to pay for any services that are provided after notice and effective date of termination. In the event COUNTY cancels this Agreement pursuant to the terms in this paragraph 13(G), COUNTY shall pay any amount due and payable prior to the notice of suspension or cancellation pursuant to the terms herein except that COUNTY shall not be obligated to pay any amount as or for penalties, early termination fees, charges, time and materials for services not then performed, costs, expenses or profits on work done.

13. SURVIVAL OF PROVISIONS

Provisions that by their nature are intended to survive the term, cancellation or termination of this Agreement include but are not limited to: INDEPENDENT CONTRACTOR; INDEMNIFICATION; INSURANCE; DATA PRACTICES; RECORDS-AVAILABILITY/ACCESS; DEFAULT AND CANCELLATION; PROMOTIONAL LITERATURE; and MINNESOTA LAW GOVERNS.

14. CONTRACT ADMINISTRATION

In order to coordinate the services of the CITY with the activities of the Department of Environmental Services so as to accomplish the purposes of this contract, Dave McNary, Solid Waste Division Manager, or his or her successor, shall manage this contract on behalf of the COUNTY and serve as liaison between the COUNTY and the CITY.

15. COMPLIANCE AND NON-DEBARMENT CERTIFICATION

A. CITY shall comply with all applicable federal, state and local statutes, regulations, rules and ordinances currently in force or later enacted.

B. CITY shall comply with all applicable conditions of the specific referenced grant.

16. SUBCONTRACTOR PAYMENT

As required by Minnesota Statutes Section 471.425, Subd. 4a, CITY shall pay any subcontractor within ten (10) days of CITY’s receipt of payment from the COUNTY for undisputed services provided by the subcontractor. CITY shall pay interest of 1½ percent
per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid balance of $100.00 or more is $10.00. For an unpaid balance of less than $100.00, CITY shall pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect interest penalties from a prime contractor must be awarded its costs and disbursements, including any attorney’s fees, incurred in bringing the action.

17. PAPER RECYCLING

The COUNTY encourages CITY to develop and implement an office paper and newsprint recycling program.

18. NOTICES

Any notice or demand which must be given or made by a party under this Agreement or any statute or ordinance shall be in writing, and shall be sent registered or certified mail. Notices to the COUNTY shall be sent to the County Administrator with a copy to the originating Department at the address given in the opening paragraph of the Agreement. Notice to CITY shall be sent to the address stated in the opening paragraph of the Agreement.

19. CONFLICT OF INTEREST

CITY affirms that to the best of CITY’s knowledge, CITY’s involvement in this Agreement does not result in a conflict of interest with any party or entity which may be affected by the terms of this Agreement. CITY agrees that, should any conflict or potential conflict of interest become known to CITY, CITY will immediately notify the COUNTY of the conflict or potential conflict, specifying the part of this Agreement giving rise to the conflict or potential conflict, and will advise the COUNTY whether CITY will or will not resign from the other engagement or representation.

20. PROMOTIONAL LITERATURE

CITY agrees, to the extent applicable, to abide by the current Hennepin County Communications Policy (available upon request). This obligation includes, but is not limited to, CITY not using the term “Hennepin County” or any derivative in any promotional literature, advertisements of any type or form or client lists without the express prior written consent of a COUNTY Department Director or equivalent.

21. MINNESOTA LAWS GOVERN

The Laws of the State of Minnesota shall govern all questions and interpretations concerning the validity and construction of this Agreement and the legal relations between the parties and their performance. The appropriate venue and jurisdiction for any litigation will be those courts located within the County of Hennepin, State of Minnesota. Litigation, however, in the federal courts involving the parties will be in the appropriate federal court within the State of Minnesota. If any provision of this Agreement is held invalid, illegal or unenforceable, the remaining provisions will not be affected.
COUNTY BOARD AUTHORIZATION

Reviewed by the County Attorney's Office

Assistant County Attorney

Date: 6/25/12

COUNTY OF HENNEPIN
STATE OF MINNESOTA

By: Mike Gat
Chair of Its County Board

ATTEST:
Deputy/Clerk of County Board

Date: 7.5.12

By: Richard P. Johnson, County Administrator

Date: 7.5.12

By: Dave McNay
Assistant County Administrator, Public Works

Date: 7/2/2012

Recommended for Approval

By: Dave McNay
Director, Department of Environmental Services

Date: 6/22/12

CITY OF MINNETONKA

CITY warrants that the person who executed this Agreement is authorized to do so on behalf of CITY as required by applicable articles, bylaws, resolutions or ordinances.*

Signature: Terry Schneider

Name (Printed): Terry Schneider

Title: Mayor

Date: 6-4-12

*CITY shall submit applicable documentation (articles, bylaws, resolutions or ordinances) that confirms the signatory's delegation of authority. This documentation shall be submitted at the time CITY returns the Agreement to the COUNTY. Documentation is not required for a sole proprietorship.
Hennepin County
Residential Recycling Funding Policy

January 1, 2012 – December 31, 2015

Hennepin County Environmental Services

Adopted November 29, 2011
I. Policy Description

The Hennepin County Board of Commissioners has determined that curbside collection of recyclables from Hennepin County residents is an effective strategy to reduce reliance on landfills, prevent pollution, reduce the toxicity of waste, conserve natural resources and energy, improve public health, support the economy, and reduce greenhouse gases. Therefore, the County adopted the goals established by the Minnesota Pollution Control Agency (MPCA) in its Metropolitan Solid Waste Management Policy Plan and developed a Residential Recycling Funding Policy to help reach a 45% recycling rate by 2015.

The County will distribute all SCORE funds received by the County to municipalities for curbside collection of residential recyclables. Municipalities are expected to fulfill the conditions of the funding policy and begin implementation as soon as possible. The County has designated the first year as a transition period. Municipalities will have until January 1, 2013, unless otherwise negotiated with the County, to implement components of the funding policy that are unable to be put into practice immediately.

A. Length of Residential Recycling Funding Policy

Hennepin County is committed to implement this policy and continue distributing all SCORE funds received from the State for the purpose of funding curbside residential recycling programs from January 1, 2012 through December 31, 2015. The County may revise this policy if it determines changes are needed to assure compliance with state law and MPCA goals established for metropolitan counties. In the event that SCORE funds are eliminated from the State budget or significantly reduced, the County will consult with municipalities at that time and develop a subsequent recommendation to the County Board on continuation of this policy and future funding of curbside recycling programs.

B. Fund Distribution

The County will distribute to Hennepin County municipalities one hundred percent (100%) of SCORE funds that the County receives from the State. SCORE funds are based on revenue received by the State of Minnesota from a sales tax on garbage collection and disposal fees. SCORE funds are subject to change based on actual revenue received by the State and funds allocated by the legislature. Funds distributed to municipalities for the current calendar year will be based on SCORE funds received by the County in the State’s corresponding fiscal year. The following formula will be utilized to determine a City’s SCORE grant for each year.

\[
\text{# of Households Served} \times \frac{\text{Total SCORE Revenue Received by COUNTY from State of Minnesota}}{\text{Grant Funds Distributed to a Municipality}}
\]
Eligible residential households are defined as single family through eight-plex residential buildings or other residential buildings where each housing unit sets out their own refuse and recycling container for curbside collection. The number of eligible households will be determined by counting the number of eligible households on January 1st of each funding year. The number will be reported in the application for funding.

The funds can be used for all recycling program expenses including capital and operating costs. Expenses associated with residential collection of organics are considered eligible recycling program expenses. However, yard waste expenses are not eligible. If organics and yard waste are commingled, the organics expenses must be tracked separately.

II. Responsibilities of Municipalities

A. Grant Agreement

Each municipality seeking funding under the terms of the Residential Recycling Funding Policy must enter into a Recycling Grant Agreement with the County for a term concurrent with the expiration of this policy, December 31, 2015. The grant agreement must be accompanied by a resolution authorizing the city to enter into such an agreement.

B. Application for Funding

Each municipality must complete an annual application by February 15th to receive funding for that year. The application consists of the Re-TRAC web-based report and a planning document submitted to the County describing the programs or activities the applicant will implement to increase recycling and make progress toward County goals.

C. Minimum Program Performance Requirements

1. Collection of Recyclables. Municipalities that contract for curbside recycling services will require a breakout of the following expenses when renewing or soliciting bids for new recycling services:

   a.) containers – if provided by the hauler
   b.) collection service
   c.) processing cost per ton
   d.) revenue sharing

2. Materials to be Collected. At a minimum, the following materials must be collected curbside:

   a.) Newspaper and inserts;
   b.) Cardboard boxes;
   c.) Glass food and beverage containers;
   d.) Metal food and beverage cans;
e.) All plastic containers and lids, #1 – Polyethylene Terephthalate (PET, PETE), #2 High Density Polyethylene (HDPE), #3 – Vinyl Polyvinyl Chloride (PVC), #4 – Low Density Polyethylene (LDPE) and #5 – Polypropylene (PP) plastic bottles, except those that previously contained hazardous materials or motor oil;

f.) Magazines and catalogs;

h.) Boxes from toothpaste, medications and other toiletries;

i.) Aseptic and gable-topped containers; and

j.) Mail, office and school papers.

The County may add materials to this list and require municipalities to begin collection within one year of receiving notification from the County. Municipalities will notify the County if materials not found on this list will be collected.

3. Collection Methods. Municipalities must use one of the following systems to collect materials at the curb:

   a.) single sort system - all materials combined in one container; or
   b.) dual sort system - glass, metal and plastic together with paper separate

If one of these two systems is not currently in place, the municipality must submit a plan with their 2012 application for converting to a single or dual sort system by December 31, 2012. If the municipality is unable to meet this deadline, an alternative implementation schedule must be negotiated with the County.

4. Education and Outreach.

   a.) County Responsibilities

   1) Coordinate meetings of the communications committee, which will be composed of County, municipal, and other stakeholders.
   2) Produce education material templates and print the template materials for municipalities. Materials will also be available online for partners to download.
   3) Provide a minimum of eight partner promotions resources that will include a newsletter article, a web story, social media posts, and printed promotional materials for municipalities on a variety of waste reduction, reuse, recycling and proper disposal messages.
   4) Develop an annual priority message campaign. The campaign will be one main message to promote throughout the year, for example “recycle magazines”. The message and the materials will be developed with the communications committee. The county will be responsible for primary distribution of the campaign through direct mail, advertising, and public relations. The municipalities will be
required to support the campaign through their own communication channels.

b.) Municipal Requirements

1) Use County terminology when describing recycling guidelines (i.e. description of materials accepted and not accepted, preparation guidelines, etc.)
2) Use images provided by the County or the SWMCB if using images of recyclables.
3) Use the County’s terminology, preparation guidelines and images on the city’s website.
4) Mail a recycling guide once a year to residents using a template developed jointly through a communications committee and produced and printed by the County at the County’s expense. If a municipality does not want to use the template produced by the County, the municipality may develop its own guide at the municipality’s expense, but it must be approved by the County. If the municipality relies on the hauler to provide the recycling guide, this guide would also require approval by the County.
5) Complete two additional education activities from a menu of options developed by the communications committee to support the priority message campaign. Templates will be provided by the County.

Any print material that communicates residential recycling guidelines that were not provided by the County template will require County approval. This does not apply to waste reduction and reuse, articles on recycling that do not include guidelines, and social media posts. The County will respond within five business days to any communication piece submitted.

5. Use of Funds.

a.) All grant funds accepted from the county must be used for waste reduction and recycling capital and operating expenses in the year granted. Recycling programs will not be reimbursed any funds in excess of actual expenses.
b.) A municipality or township may not charge its residents through property tax, utility fees or any other method for that portion of the costs of its recycling program funded by county grant funds.
c.) Municipalities must establish a separate accounting mechanism, such as a project number, activity number, or fund that will separate recycling revenues and expenditures from other municipal activities, including solid waste and yard waste activities.
d.) Recycling and waste reduction activities, revenues, and expenditures are subject to audit.
e.) Municipalities that do not contract for curbside recycling services will receive grant funds provided that at least ninety percent (90%) of the grant funds are
credited back to residents and the city meets all minimum program requirements. The additional ten percent (10%) may be used for municipal administrative and promotional expenses.

6. Reporting Requirements.

a.) An annual recycling report must be submitted electronically to the County utilizing the Re-TRAC web-based reporting system by February 15 of each year. If a municipality is unable to access the Re-TRAC system, the County must be contacted by February 1 to make arrangements for alternative filing of the required report.

b.) The municipality must calculate its participation rate in the curbside recycling program during the month of October. The participation rate will be reported in Re-TRAC. The methodology for measuring participation must be provided to the County upon request.

c.) An annual planning document must be submitted to the County describing the programs or activities the applicant will implement to increase recycling and make progress toward County goals.

7. Recycling Performance. On an annual basis, municipal recycling programs must demonstrate that a reasonable effort has been made to maintain and increase the average amount of recyclables collected from their residential recycling program to at least 725 pounds per household or a minimum recovery rate of 80%, by December 31, 2015. An alternative performance option for municipalities with organized waste collection is to validate that their municipality has at least a 35% recycling rate. To ensure the accuracy of data for these metrics municipalities will be required, upon request, to provide documentation on the methodology used to calculate performance. To the extent practicable, the results should rely on actual data rather than estimates.

Failure by a municipality to demonstrate measurable progress towards one of these goals will result in the requirement that a Recycling Improvement Plan be submitted by the municipality within 90 days of being notified by the County. The Recycling Improvement Plan must be negotiated with the County and specify the efforts that will be undertaken by the municipality to improve its recycling program to yield the results necessary to achieve the 2015 goals. The plan should focus on the following areas: type of container, sort method, materials collected, frequency of collection, education and outreach, performance measurement, and incentives. Funding will be withheld until the municipality’s Recycling Improvement Plan is approved by Hennepin County.

In cooperation with the County, the municipality may be required to participate in waste and recycling sorts to identify recovery levels of various recyclables in their community. Based on the results of the study, the County and municipality will collaborate to increase the recovery of select recyclable materials being discarded in significant quantities.
D. Partnership

The partnership between the County and municipalities has been highly effective in educating and motivating behavior of residents resulting in significant amounts of waste being reduced and recycled. In order to continue this partnership and increase these efforts, program activities of municipalities must be coordinated with County and regional efforts. Municipalities are responsible for cooperating with the County in an effort to reach the County's goals for recycling and organics recovery. Quarterly recycling coordinator meetings are an opportunity to share resources and facilitate the coordination of efforts.

III. Responsibilities of Hennepin County

A. Application Form

Hennepin County will provide an application form by December 15th that each municipality will use to report on their recycling program and request grant funding for that respective year.

B. Payments

Grant payments will be made to a municipality in two equal payments. One payment will be made after the County receives the application, which consists of the Re-TRAC report and the planning document. A second payment will be made after the report has been approved, measurable progress toward the 2015 goal has been confirmed, and, if necessary, a Recycling Improvement Plan has been approved by the County. If the municipality meets the County requirements, both payments will be made during the same calendar year.
City Council Agenda Item #10B
Meeting of August 17, 2015

Brief Description
Resolution approving a conditional use permit for an educational institution at St. Paul’s Lutheran Church, 13207 Lake Street Extension

Recommendation
Adopt the resolution

Proposal
Mes Amis is a French immersion school that provides instruction to students of all ages. For the last ten years the school has operated within the Church of the Cross in the city of Hopkins. The school is proposing to relocate to St. Paul’s Lutheran Church in Minnetonka. At St. Paul’s, the school would operate a weekday preschool program for roughly 10 students and afternoon and evening programs for 5 to 20 elementary, secondary, and adult students. The proposal requires a conditional use permit.

Planning Commission Hearing
The planning commission considered the request on July 20, 2015. The staff report from that meeting is attached and various plans and documents describing the proposed project may be found on pages A1–A8. At that meeting, a public hearing was opened to take comment. No comments were received:

Planning Commission Recommendation
On a 6-0 vote, the commission recommended that the city council approve the conditional use permit. Meeting minutes may be found on page A14.

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
Adopt the resolution approving an educational institution at 13207 Lake Street Extension. (See pages A9–A13.)

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

Originator: Susan Thomas, AICP, Principal Planner
A conditional use permit for an educational institution at St. Paul’s Lutheran Church, 13207 Lake Street Extension

Recommend the city council adopt the resolution approving the request.

Mes Amis, on behalf of Mes Amis, is requesting a conditional use permit to allow an educational institution to operate within the existing church building at 13207 Lake Street Extension. (See pages A1–A8.)

The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request. (City Code §300.06 Subd. 4)

Mes Amis is a French immersion school that provides instruction to students of all ages, from preschool to adults. For the last ten years the school has operated within the Church of the Cross in the city of Hopkins. Upon relocating to St. Paul’s Lutheran Church, the following school schedule and enrollment are anticipated:

<table>
<thead>
<tr>
<th></th>
<th>DAYS</th>
<th>TIMES</th>
<th>ENROLLMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preschool Kindergarten</td>
<td>5 days a week</td>
<td>8:30 a.m. – 4:00 p.m. Half or full day options</td>
<td>10 students</td>
</tr>
<tr>
<td>Elementary</td>
<td>3 days per week and Saturdays</td>
<td>4:00 p.m. – 6:00 p.m.</td>
<td>20 students</td>
</tr>
<tr>
<td>Secondary</td>
<td>1 day per week</td>
<td>4:20 p.m. – 6:00 p.m.</td>
<td>5 students</td>
</tr>
<tr>
<td>Adult</td>
<td>2 days per week</td>
<td>6:30 p.m. – 8:30 p.m.</td>
<td>10 students</td>
</tr>
</tbody>
</table>

As proposed, Mes Amis would occupy roughly 1,000 square feet of the lower level of the St. Paul’s building. Staff, students, and parents/guardians would access the area via a main door on the east side of the building. This door is adjacent to the parking area that would be used by the school. All students would be dropped-off/picked-up or drive to the school; no bus transportation would be provided.
In addition to building and parking space, the school would have access to an outside play area. This area would be generally located on the southwest of the church building. Specific details associated with the area – play equipment, fencing, landscaping – have not been determined, but would be based on state and county licensing requirements. (See pages A7–A8.)

**Staff Analysis**

Staff finds that the applicant’s proposal is reasonable.

- Educational uses are complimentary to church uses. Whereas schools generally operate during weekdays and daytime hours, church facilities are primarily used for religious and social gatherings on weekends and evenings.

- The proposed school would be consistent with the property’s “institutional” comprehensive guide plan designation.

- The proposed school would meet all conditional use permit standards, as outlined in the “Supporting Information” section of this report.

**Staff Recommendation**

Recommend that the city council adopt the resolution approving an educational institution at 13207 Lake Street Extension. (See pages A9–A13.)

Originator: Susan Thomas, AICP, Principal Planner
Supporting Information

**Surrounding Land Uses**
- Northerly: Lake Street Extension; single-family homes
- Easterly: Baker Road; single-family homes
- Southerly: Highway 7
- Westerly: two-family homes

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

**CUP Standards**
The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2:

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
4. The use does not have an undue adverse impact on the public health, safety or welfare.

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.3(a):

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets; the use is not permitted on property that has access only by way of a private road or driveway that is used by more than one lot;

   **Finding:** The existing church and proposed school would be directly accessed by Lake Street Extension and Baker Road. Baker Road is classified as an arterial roadway.

2. Buildings set back 50 feet from all property lines and parking setbacks subject to section 300.28 of this ordinance;

   **Finding:** The existing building meets required setbacks, while the existing parking lot received setback variances in 2004. No new building or parking areas are proposed.
3. School bus pick-up and drop-off areas located outside of the public right-of-way and designed to enhance vehicular and pedestrian safety;

**Finding:** School bus transportation is not anticipated. Rather, students will be dropped-off and picked-up by parents or guardians. Appropriate parking areas have been designated. (See page A7.)

4. Recreational areas designed for group outdoor activities set back 25 feet from residential property, suitable buffering provided to protect neighboring properties from noise and adverse visual impacts, and lighted playing fields permitted only upon demonstration that off-site impacts can be mitigated substantially;

**Finding:** A general play area has been designated on the site. The specifics of this area – play equipment, fencing, landscaping – have not been determined, but will be based on state child care licensing requirements. Given the relatively low number of students, staff does not believe any significant buffering would be needed. However, a condition has been included requiring that any play equipment be located at least 25 feet from the west property line.

5. No more than 60 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped;

**Finding:** Under existing conditions, just 40 percent of the site is impervious.

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

**Finding:** This finding is met.

7. Not connected to, or part of, any residential dwelling.

**Finding:** This finding is met.

**Traffic/Parking**

The Institute of Transportation Engineers suggests that a private school generates 2.8 daily vehicles trips per student. Based on projected enrollment, Mes Amis would generate roughly 28 daytime trips and 28 to 70 afternoon/evening trips. As Baker Road is an arterial roadway with an existing 6,250 and 15,700
vehicle trips per day, traffic generated by Mes Amis would have little if any impact on the adjacent roadway system.

Based on projected enrollment, Mes Amis requires 11 parking stalls. This number can easily be accommodated on the site.

<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 41 area property owners and received no comments to date.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deadline for Decision</td>
<td><strong>October 12, 2015</strong></td>
</tr>
</tbody>
</table>
Location Map

Project: St. Paul's Lutheran Church
Address: 13207 Lake St Ext
(99029.15a)

This map is for illustrative purposes only.
Conditional Use Permit Application  
St. Paul's Lutheran Church  
13207 Lake Street Extension  
Minnetonka MN  55305

Summary

St. Paul's Lutheran Church is seeking a conditional use permit from the City of Minnetonka that will enable the church's tenant, Mes Amis, LLC, to operate a French Immersion School in approximately 1,000 square feet of classroom space on the lower level of St. Paul's facility. The school has been operating since 2005 at the Church of the Cross in Hopkins.

St. Paul's is supportive of the Mes Amis program and this conditional use permit application as Mes Amis' programs will more fully utilize church facilities for a positive community benefit for children and families that complements the church's mission and ministries.

St. Paul's believes the proposed conditional use by Mes Amis satisfies the General and Specific Standards for Conditional Use Permits in the city code. Specifically, we believe the proposed use is consistent with the intent of city code and ordinance and with the goals, policies and objectives of the comprehensive plan; the proposed use does not have an adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and the proposed use does not have an adverse impact on public health, safety or welfare.

In addition, with regard to Specific Standards for religious institutions and facilities, we believe the proposed use at our facility provides direct access to a collector or arterial roadway as identified in the comprehensive plan so that access can be provided without conducting significant traffic on local residential streets and our facility meets building and parking setback requirements as well as impervious surface and landscaping requirements.

Site Plan Narrative (reference figure 1)

Mes Amis will utilize leased space on the lower level of St. Paul's as illustrated in the floor plan (figure 2). Access to the leased program space for families and children will be through the lower level door on the northeast side of the building identified as point A. Staff parking and short term parent parking for drop off and pick up will be on the southeast side of the building facing Baker Road identified as area B.

Mes Amis will also establish an outside play area of up to 1,500 square feet on the western side of the property within the approximately 4,500 square foot area identified...
on the site plan as area C. Details of the location, configuration, play equipment and fencing or other boundary treatment will be determined based on state child care licensing requirements and in consultation with Hennepin County licensing staff. Mes Amis is presently in the licensing process.

**Floor Plan Narrative (reference figure 2)**

Mes Amis is leasing three classrooms, hallway space and a portion of a fourth classroom for its programs and classes as depicted in figure 2. All leased area, exclusive of the outside recreation space, is on the lower level. Parents, children and staff will access program space from the parking lot through the northeast door identified as point A. Mes Amis will also have use and access to the lower level rest rooms.

**Operations Plan**

Mes Amis is in the licensure process as a child care facility with a maximum capacity of 24 children. Mes Amis offers small class, french immersion education for a broad range of children including pre-school, kindergarten, elementary and secondary school aged children as well as classes for families and adults.

Pre-school and kindergarten aged children may attend half-day or full day programs. The half-day classes will be offered on Monday thru Friday from 8:30 - 11:30 am and from 1:00 - 4:00 pm. The full day program is offered Monday thru Friday from 8:30 am - 4:00 pm. Fall classes in 2015 will begin on September 8, 2015 and it is expected that 5 students will participate in half-day sessions and 5 students will participate in the full day program.

Classes for elementary education students will be offered after school 3 days per week from 4:00 - 6:00 pm and on Saturdays from 10:30 - 12:30 pm. It is expected that 20 students will be participating in elementary level classes.

Classes for secondary education students (middle school and high school) will be offered 1 day per week from 4:20 - 6:00 pm. It is expected that up to 5 students will be participating in secondary level classes.

Adult classes, offered at different levels of French language proficiency, will be conducted on one or two evenings each week from 6:30 - 8:30 pm. It is expected that 10 adults, on average, will participate in these sessions.

Finally, Mes Amis also provides an Early Childhood Family Education (ECFE) program in French called “Mommy and Me.” This program has a capacity of 5 families with children aged 18 - 36 months. The program is offered in fall, winter and spring.
sessions, each lasting two months and scheduled for about an hour on one weekday morning each week.

Program Highlights

Mes Amis is a French immersion school that supports healthy growth, learning and development in an environment focused on French language and culture. Though serving many different age and proficiency levels, Mes Amis structures its curriculum and teaching to incorporate many diverse areas including:

**Conversation:** Phrases / expressions/short or long dialogue that will help students to communicate in French speaking countries.

**Phonetics:** Ages 4 and up will cover sounds of letters which will help and reinforce beginning reading.

**Reading & Grammar:** Ages 7 and up will cover reading oral / comprehension and sentence structure / verb conjugation in the French grammar.

**Writing / Spelling:** Ages 7 and up covers French rules grammar to reinforce writing and spelling.

**Geography:** Exploring different French speaking countries for culture awareness.

**Vocabulary:** Each month students will cover some fun vocabulary words and phrases related to the theme through games and hands-on activities.

**Worksheets:** "La critique" is a tool given to students to practice the language at home. A list of age appropriate learning sites will be handed out to encourage at home practice.

**Arts & Crafts:** Allows students to show their creativity and talent for better understanding of the daily lesson. This is a picture study on some famous French impressionists such as Monet, Renoir just to name a few.

**Theater / Plays/skits (not required):** From ages 4 and up students will be given the opportunity to show off their language skills through acting. The plays/skits are directed and written by experienced and well-spoken French students. There may be a small fee to cover costs and play expenses. Two plays/skits will be performed each year in December and in May.
Science & Math: Colors, time, and numbers will be taught at the student's level and capacity.

Etiquette & Food: Instructing basic etiquette and food vocabulary which are imperative in the French culture. A healthy French snack is offered. This doesn't apply at the high school and adult classes. For the preschool program, parents must provide a healthy lunch for students who are in all day.

Music & Culture: Dance, learn, and sing to various traditional French songs.

Field trip: Ages 4 and up if weather permitted, will be going to a nearby park/library. Selected students ages 12-17 will participate at A Vous La Parole French poetry recitation contest and will be going to Chez Daniel Bistro to practice ordering in French. Students will also go to the MIA (Minnesota Institute of Arts), students K-12 to study some French impressionists. Please check the permission section on registration form. Please refer to the curriculum or site calendar for dates and details.

French celebrations: To embrace culture and diversity, we will have celebrations such as: Noël, et le carnaval. This gives the children the opportunity to show their talents in French through singing and acting. Please refer to the site calendar for these dates. Dates are subject to change. Preschool graduation/distribution of certificates: This is an event to honor the students' hard work and dedication. Please refer to the site calendar for dates.

Mes Amis Professional Staff

Rose Mingo-Holtz

Rose Mingo-Holtz, owner and teacher, came from the islands of Haiti where French and Creole are the official languages. She speaks four different languages: French, Creole, English and Spanish. She has been teaching for many years in different school districts in the metro area and local preschools. Rose established Mes Amis in 2005 and has been operating the program since then at Church of the Cross in Hopkins (201 Ninth Avenue North).

In addition to Mes Amis French School, Rose teaches for different school districts and Montessori schools within the Richfield, Sunrise International and Montessori metro areas.
Elise Lindell

Elise Lindell graduated from North Park University (Chicago) in 2008 with a double major in Global Studies and French. Since graduation, she has worked as an English Language Assistant in a public French high school and traveled extensively in Europe. She has also worked for various non-profits in Minneapolis doing fundraising.

For the past year, Elise has been working in various youth development roles with the YMCA, most recently as a day camp counselor.

Cindy Schmickle

Cindy Schmickle grew up in Minneapolis but has lived 25 years overseas working for a nonprofit organization. Twenty years were spent in Lyon, France, where she worked, among other activities, with children in a variety of capacities.

Cindy also served as the organization’s “Language Coach” for 19 years. From 1972-1975 Cindy worked at the “Little Friends Day Care Center” in Minneapolis with 3-6 year olds. She is a graduate of Multnomah University in Portland, Oregon.
FIGURE 2
FLOOR PLAN

MES AMIS LEASE AREA

LOWER LEVEL PLAN
BASE PROJECT WITH ALTERNATES
Resolution No. 2015-

Resolution approving a conditional use permit for an educational institution at 13207 Lake Street Extension

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

Section 1. Background.

1.01 St. Paul’s Lutheran Church has requested a conditional use permit for an educational institution to occupy space within the existing church building.

1.02 The property is located at 13207 Lake Street Extension. It is legally described on EXHIBIT A of this resolution.

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 commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

2.01 City Code §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.

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

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets; the use is not permitted on property that has access only by way of a private road or driveway that is used by more than one lot;
2. Buildings set back 50 feet from all property lines and parking setbacks subject to section 300.28 of this ordinance;

3. School bus pick-up and drop-off areas located outside of the public right-of-way and designed to enhance vehicular and pedestrian safety;

4. Recreational areas designed for group outdoor activities set back 25 feet from residential property, suitable buffering provided to protect neighboring properties from noise and adverse visual impacts, and lighted playing fields permitted only upon demonstration that off-site impacts can be mitigated substantially;

5. No more than 60 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped;

6. Site and building plan subject to review pursuant to section 300.27 of the zoning ordinance; and

7. Not connected to, or part of, any residential dwelling.

Section 3. Findings.

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

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

1. The existing church and proposed school would be directly accessed by Lake Street Extension and Baker Road. Baker Road is classified as an arterial roadway.

2. The existing building meets required setbacks, while the existing parking lot received setback variances in 2004.

3. School bus transportation is not anticipated. Rather, students would be dropped-off and picked-up by parents or guardians. Appropriate parking areas have been designated.

4. As a condition of this resolution, any outdoor play equipment must be located at least 25 feet from the west property line.

5. Under existing conditions, just 40 percent of the site is impervious.
6. The proposed educational institution would meet site and building plan standards as outlined in section 300.27 of the zoning ordinance.

7. The proposed educational institution would not connect to, or be part of, any residential dwelling.

Section 4. City Council Action.

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

1. This resolution must be recorded with Hennepin County.

2. Outdoor play areas must comply with state and county licensure requirements and any play equipment must be located at least 25 feet from the west property line.

3. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.

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

5. Any change to the approved use – including an increase in total enrollment or total building area occupied – that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 17, 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 August 17, 2015.

__________________________________
David E. Maeda, City Clerk
EXHIBIT A

That part of the Northwest Quarter of the Southeast Quarter of Section 22, Township 117 North, Range 22 West of the 5th Principal Meridian lying east of a line which is perpendicular to the north line of said Northwest Quarter of the Southeast Quarter and which intersects said north line a distance of 356.23 feet west from the northeast corner thereof. Except the west 46.00 feet thereof. And except that part lying southerly of the northerly right-of-way line of State Highway No. 7 and that part lying easterly of the westerly right-of-way line of County Road No. 60.

Subject to a public road easement over the north 33.00 feet thereof.
E. A conditional use permit for an educational institution at St. Paul’s Lutheran Church at 13207 Lake Street Extension.

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

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

Chair Kirk asked if the hours of operation would be tied to the conditional use permit. Thomson said that the conditional use permit would be tied to a use with similar hours and enrollment. A change would require an amendment to the conditional use permit.

Sheri Brennan, president of the council of St. Paul’s Lutheran Church, applicant, stated that the school is compatible with the church and will use space not currently being used during the weekdays. There is ample parking space. Other groups meet in the evenings. It would be a complimentary service. The neighbors have been notified. She thanked Thomson for working with them.

Calvert asked if there would be a benefit to using an interim use permit in this case. Thomson said that interim uses are utilized for transient, temporary, or uses with a time limit put in place usually for a larger redevelopment goal. In this case, there is no redevelopment plan in the area that the use would inhibit.

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

Rettew moved, second by Odland, to recommend that the city council adopt the resolution approving an educational institution at 13207 Lake Street Extension (see pages A9-A13 of the staff report).

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

This item is tentatively scheduled to be heard by the city council at its meeting on August 17, 2015.

9. Adjournment

Odland moved, second by Rettew, to adjourn the meeting at 8:41 p.m. Motion carried unanimously.
City Council Agenda Item #10C
Meeting of August 17, 2015

Brief Description
Resolution approving a conditional use permit and minor amendment to West Ridge Market master development plan for an outdoor dining patio for a new restaurant, Salsa a la Salsa at 11390 Wayzata Boulevard

Recommendation
Adopt the resolution

Proposal
CSM West Ridge, Inc. is proposing to locate a new restaurant, Salsa a la Salsa, within the former Macaroni Grill space at West Ridge Market. The proposal includes interior and exterior remodeling and addition of an outdoor dining patio on the west side of the building. The proposed outdoor dining patio requires a conditional use permit and a minor amendment to the existing master development plan.

Planning Commission Hearing
The planning commission considered the request on July 20, 2015. The staff report from the meeting is attached and various plans and documents describing the proposed project may be found on pages A1–A14. At that meeting, a public hearing was opened to take comment; no comments were received.

Planning Commission Recommendation
On a 6-0 vote, the commission recommended that the city council approve the proposal. Meeting minutes may be found on page 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
Adopt the resolution approving a conditional use permit and minor amendment to the West Ridge Market master development plan for an outdoor dining patio at 11390 Wayzata Boulevard. (See pages A15–A18.)

Through: Geralyn Barone, City Manager
Julie Wischnack, AICP, Community Development Director
Originator: Susan Thomas, AICP, Principal Planner
MINNETONKA PLANNING COMMISSION
July 20, 2015

Brief Description
Items concerning Salsa a la Salsa at 11390 Wayzata Boulevard:

1) Conditional use permit for an outdoor dining patio; and

2) Minor amendment to West Ridge Market master development plan

Recommendation
Recommend the city council approve the request

Project No. 15022.15a
Property West Ridge Market, 11390 Wayzata Boulevard
Applicant Alliant Engineering
Property Owner CSM West Ridge, Inc.
Proposal
The applicant is proposing to locate a new restaurant, Salsa a la Salsa, within the former Macaroni Grill space at West Ridge Market. The proposal includes interior and exterior remodeling of the existing building. In addition, the applicant is proposing to add an outdoor dining patio on the west side of the building. (See narrative and plans on pages A1-A12.)

Proposal Requirements
The proposal requires:

- **Conditional use permit:** Restaurants with outdoor dining patios are conditional uses in the PID zoning district. Therefore, a conditional use permit is required.

- **Minor amendment to the master development plan:** The site improvements associated with the outdoor dining patio require an amendment to the existing master development plan. The proposed improvements meet the definition of a minor amendment.

Approving Body
The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request. (City Code §300.06 Subd. 4)
West Ridge Market is part of the Boulevard Gardens development, which was approved by the city in December 1995. The development consists of 63 acres and includes six major parts: retail, senior housing, apartments, condominiums, town houses and the relocated Oak Knoll Church.

In December 1995, the city council approved a conditional use permit and site and building plans for the construction of the freestanding restaurant at West Ridge Market. Macaroni Grill occupied the restaurant space until it closed last year. (See pages A13-A14.)

Salsa a la Salsa is proposing to locate a restaurant within the existing building. Salsa a la Salsa is a full-service, sit-down restaurant that currently has three other locations in the Twin Cities area. The menu consists of traditional Mexican dishes, and the restaurant would include a full bar. The applicant has applied for a liquor license that will be reviewed separately by the city council.

The existing building is 7,500 square feet in size, and the applicant is not proposing to expand the size of the building. Rather, the applicant is proposing minor updates to the building exterior, such as painting, but the existing materials – clay tile roof, stucco, and stone – would remain the same. (See page A12.)

The applicant is proposing to construct an outdoor patio on the west side of the building. The patio would be approximately 2,000 square feet in size. Access to the patio would be from inside the building. The proposed patio would be located within the existing parking lot; 10 parking stalls would be removed for the proposed patio. The existing drive aisle along the west side of the building would be retained. The proposed patio would not be covered, except for a trellis over the north side, and the patio would be fully enclosed with a four-foot tall fence, as required by the city ordinance when a liquor license is involved. (See pages A10-A12.)

Staff finds that the applicant’s proposal is reasonable.

- There would be no adverse noise or visual impacts associated with the outdoor patio. The proposed patio would be located internal to the commercial development,
and would be located over 600 feet from the nearest residential property.

- There is adequate parking to meet the parking requirements for the restaurant. The proposal does not include expansion of the existing building, and city code does not require additional parking for a seasonal outdoor dining patio. The removal of 10 parking stalls would not adversely impact the parking on the site, as the site currently exceeds the city’s minimum parking requirements.

- The proposal meets all of the conditional use permit standards.

**Staff Recommendation**

Recommend that the city council adopt the resolution on pages A15-A18. This resolution approves a conditional use permit and minor amendment to the West Ridge Market master development plan for an outdoor dining patio at 11390 Wayzata Boulevard.

Originator: Jeff Thomson, Planner
Through: Susan Thomas, AICP, Principal Planner
Supporting Information

Surrounding Land Uses

Northerly: Residential developments including Crown Ridge, Apartments, Boulevard Gardens Senior Housing, and Westridge Senior Housing, zoned PID/Planned I-394 District and guided for high density residential uses

Easterly: Hopkins Crossroad, and Crescent Ridge Corporate Center beyond

Southerly: I-394, and Crane Lake beyond

Westerly: Marsh Run office building, zoned PID/Planned I-394 District, and guided for service commercial use

Planning

Guide Plan designation: Commercial
Zoning: PID/Planned I-394 District

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 Code §300.31 Subd. 4(b)(2)(o):

1. Must be located in a controlled or cordoned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access must be only through the principal building;
Finding: The outdoor dining area would be fully enclosed by the building and four-foot tall fence. The only interruption to the enclosure would be a gate within the fence that is required by the building code for fire egress.

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

Finding: The proposed patio would be located internal to the commercial development, and would be over 600 feet from the nearest residential property. The proposed patio would not be visible from any residential properties.

3. Must be located and designed so as not to interfere with pedestrian and vehicular circulation;

Finding: The proposed patio would not interfere with pedestrian or vehicle circulation. The vehicle circulation within the site would be maintained as it exists today, and a sidewalk would be provided along the perimeter of the patio for pedestrian access to the building and parking lot.

4. Must be located next to an entrance to the main use;

Finding: The only access to the outdoor dining patio would be from the building.

5. Must be equipped with refuse containers and periodically patrolled for litter pick-up;

Finding: This is included as a condition of approval.

6. Must not have speakers or audio equipment that is audible from adjacent residential parcels; and

Finding: This is included as a condition of approval.

7. Must meet building setback requirements.

Finding: The proposed patio would be located more than 100 feet from the closest property line, and complies with the building setback requirements.
<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 99 area property owners and received no comments.</th>
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<tbody>
<tr>
<td>Deadline for Decision</td>
<td>August 22, 2015</td>
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Location Map

Project: Salsa a La Salsa
Applicant: Mark Kronbeck, Alliant Engineering
Address: 11390 Wayzata Blvd
(15022.15a)
MASTER DEVELOPMENT PLAN AMENDMENT
SUBMITTAL NARRATIVE

Westridge Market
Minnetonka, MINNESOTA
June 23, 2015

COMPREHENSIVE GUIDE PLAN DESIGNATION

The approximately 14.1 acre Westridge Market area currently has a 2030 Land Use designation of Commercial. No Land Use designation change is requested.

ZONING CLASSIFICATION

The property has a current Zoning of PID, Planned I-394 District. No Zoning designation change is requested.

LAND USE

EXISTING CONDITIONS

The Westridge Market was constructed by CSM Properties in 1997 and is still owned and managed by CSM Properties. The Westridge Market is located in the northwest quadrant of Interstate 394 and Hopkins Crossroad. There are five existing buildings included in the Master Development Plan area. The following is a list of the existing buildings and their areas:

<table>
<thead>
<tr>
<th>Building Information</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>11220 – 11260 (Dick’s and Trader Joe’s)</td>
<td>174,064 S.F.</td>
</tr>
<tr>
<td>11544 (BLVD) -</td>
<td>7,810 SF.</td>
</tr>
<tr>
<td>11450 – 11522 (Fidelity, Staples, Michael’s)</td>
<td>49,351 S.F.</td>
</tr>
<tr>
<td>11390 (Macaroni Grill Restaurant) -</td>
<td>7,487 S.F.</td>
</tr>
<tr>
<td>11300 (Shane Jewelry, Schmidt Music and Leann Chin) -</td>
<td>23,102 S.F.</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>261,814 S.F.</strong></td>
</tr>
</tbody>
</table>

The site is currently drains to storm water ponds in the northwest portion of the site.

PROPOSED PLAN

The proposed redevelopment includes remodeling the existing “Macaroni Grill Restaurant” building to accommodate a new Salsa a La Salsa Restaurant. A portion of the parking, sidewalk and landscaping will be removed to provide new patio on the west side of the building. The proposed building will remain the same size at 7,487 sf +/- with an outdoor patio approximately 1,894 sf. The drive aisles and pavement will remain the same.
Salsa a la Salsa proposes to remodel the existing “Macaroni Grill Restaurant” building. The existing structure of the building will remain and the exterior will be modified slightly with new signage, new shutters, and new paint(s) throughout the exterior facade. A fenced patio will be provided on the west side of the building.

Salsa a la Salsa is proud to be a family owned and operated restaurant. Their first location opened in the Loring Park neighborhood, and within walking distance of the Convention Center. When they first opened their doors in 2003, their goal was to bring traditional Mexican dishes to the Twin Cities, with a new twist. They had such great response from the community, that in 2006 they decided to open another restaurant at the Midtown Global Market, A La Salsa. In 2014 they opened their third location in the Uptown neighborhood of Minneapolis. They also have a strong catering background, and are able to provide catering needs, from corporate lunches to wedding receptions.

Deliveries to the restaurant will be scheduled for off-peak hours and trucks will enter and circulate through the retail center to the rear of the restaurant.

TIMING/PHASING

Construction is anticipated to begin immediately upon receiving necessary City approval (estimated to begin 9/1/15) starting with the remodeling of the building interior as well as the instillation of the new patio. The total construction time is planned to take approximately 3-4 months and allow for an opening date in January 2016.

SURROUNDING PROPERTY DESIGNATIONS

LAND USE

The property is currently surrounded with numerous Land Use designations, which are as follows:

North and Northwest – High Density Residential
West – Service Commercial
East – Office
South – I-394, Open Space and Crane Lake

ZONING

The property is currently surrounded with property that is zoned PID, Planned I-394 District
CONCLUSION

CSM Properties seeks to provide a highly desirable retailer, Salsa a La Salsa at their existing Westridge Market development. They have used thoughtful consideration and reuse of an existing structure to better utilize an existing successful mixed-use destination in Minnetonka.
SALSA A LA SALSA
MASTER DEVELOPMENT PLAN AMENDMENT
AND CONDITIONAL USE PERMIT SUBMITTAL
MINNETONKA, MINNESOTA

VICINITY MAP

DEVELOPER
JUSTIN KING
CSW CORPORATION
500 WASHINGTON AVENUE SOUTH, SUITE 2000
MINNEAPOLIS, MN 55401
PH: 612-305-7925
FX: 612-599-2744

LAND SURVEYOR
BEER, CLAYTON, FLS
ALLIANT SURVEYING
253 FANN AVENUE SOUTH
MINNEAPOLIS, MN 55415
PH: 612-778-3080
FX: 612-778-3089

ENGINEER
CLAIRE WHEELER, PE
ALLIANT ENGINEERING
253 FANN AVENUE SOUTH
MINNEAPOLIS, MN 55415
PH: 612-778-3080
FX: 612-778-3089

LANDSCAPE ARCHITECT
MARK EDELSON, PLA
ALLIANT ENGINEERING
253 FANN AVENUE SOUTH
MINNEAPOLIS, MN 55415
PH: 612-778-3080
FX: 612-778-3089

SHEET INDEX
C-0.0 COVER SHEET
C-1.0 EXISTING CONDITIONS
C-2.0 DEMOLITION PLAN
C-3.0 DEVELOPMENT SITE PLAN
C-4.0 SITE AND LANDSCAPE PLAN
C-5.0 GRADING, DRAINAGE, AND EROSION CONTROL PLAN
A150 FURNITURE/ENVIRONMENTAL PLAN
A201 EXTERIOR ELEVATIONS
RESOLUTION NO. 95-10006B

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A RESTAURANT IN AN AREA DESIGNATED FOR SERVICE COMMERCIAL WITHIN THE I-394 CORRIDOR

Section 1. Background

1.01 Chili’s of Minnesota is requesting a conditional use permit for a restaurant in an area designated for service commercial within the I-394 corridor. The property is legally described as follows:

    Boulevard Gardens, Second Addition, Block 1, Lots 1 and 4

1.02 City Code Section 300.31, subdivision 2(n) lists the standards that must be met for granting of the permit:

    1) shall have minimum seating capacity of 150;

    2) shall be part of an overall master development plan consisting of more than one structure;

    3) shall be architecturally consistent and compatible with other structures in the master development plan;

    4) shall have parking in compliance with the requirements of section 300.28 of this code;

    5) shall be permitted only when it can be demonstrated that operation will not lower significantly the existing level of service as defined by the Institute of Traffic Engineers on the roadway system;

    6) shall not include a drive-up window; and,

    7) shall not be located within 100 feet of any low density residential parcel or adjacent to medium or high density residential parcels. The City may reduce separation requirements if the following are provided:

        a. landscaping and berming to shield the restaurant use.

        b. parking lots not located in proximity to residential uses.

        c. lighting plans which are unobtrusive to surrounding uses.
Section 2. Findings

2.01 The proposed site plan meets the criteria for granting of the conditional use permit.

Section 3. City Council Action

Adopted by the Minnetonka City Council on December 11, 1995.

KAREN J. ANDERSON, MAYOR

ATTEST:
Elizabeth L. Norton, City Clerk

Action on this resolution

Motion for adoption: Tauer
Seconded by: Countryman
Voted in favor of.

Callison, Schneider, Hanus, Tauer, Countryman, Allendorf, Anderson
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 the 11th day of December, 1995.

Elizabeth L. Norton, City Clerk
Resolution No. 2015-

Resolution approving a conditional use permit and minor amendment to the West Ridge Market master development plan for an outdoor dining patio at 11390 Wayzata Boulevard

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

Section 1. Background.

1.01 Alliant Engineering and CSM West Ridge, Inc. have requested a conditional use permit and minor amendment to the master development plan for West Ridge Market for an outdoor dining patio. (Project 03046.15b)

1.02 The property is located at 11390 Wayzata Boulevard. It is legally described as: Lot 4, Block 1, Boulevard Gardens Second Addition

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 and amendment.

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 an outdoor dining patio:

1. 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;

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

3. must be located and designed so as not to interfere with pedestrian and vehicular circulation;

4. must be located next to an entrance to the main use;

5. must be equipped with refuse containers and periodically patrolled for litter pick-up;

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

7. must meet building setback requirements.

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 and minor amendment to the master development plan are approved, subject to the following conditions:

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans, except as modified below.
   - Demolition plan dated June 23, 2015
   - Site plan dated June 23, 2015
   - Grading, drainage, and erosion control plan dated June 23, 2015
   - Floor plan dated June 23, 2015
   - Building elevations dated June 23, 2015

2. Prior to issuance of a building permit:
   a) This resolution must be recorded with Hennepin County.
   b) The plans must be revised to include the following:
      1) The rim elevations of the catch basins within the patio must be adjusted to maintain existing storm water drainage.
      2) A landscaping plan which provides mitigation for removal of two trees, and meets minimum landscaping requirements of the ordinance.
      3) An underground grease separator on the sanitary sewer service line.

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

4. Outdoor speakers must not be audible from adjacent residential properties.

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

6. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
Adopted by the City Council of the City of Minnetonka, Minnesota, on August 17, 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 August 17, 2015.

__________________________________
David E. Maeda, City Clerk
C. Items concerning Salsa a la Salsa at 11390 Wayzata Boulevard.

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

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

Justin Wang, representing CSM and head of leasing for Westridge Market, the applicant, thanked Thomson and staff. He agrees with staff’s recommendation. He was available for questions.

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

Calvert thought the location would be nice for an outdoor patio. She saw no drawback to replacing a few parking stalls with a patio.

Knight asked if the parking lot restricts which patrons may park where. Thomson answered in the negative. The property has the same owner and all of the businesses have shared parking agreements.

*Odland moved, second by Knight, to recommend that the city council adopt the resolution on pages A15-A18 of the staff report. This resolution approves a conditional use permit and minor amendment to the West Ridge Market master development plan for an outdoor dining patio at 11390 Wayzata Boulevard.*

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

This item is tentatively scheduled to be heard by the city council at its meeting on August 17, 2015.
City Council Agenda Item #12A
Meeting of August 17, 2015

**Brief Description:** Ordinance regarding private fire hydrants

**Recommended Action:** Introduce the ordinance

**Background**

The 2010 public safety study raised the issue of hydrant maintenance for publicly and privately owned fire hydrants. Since the study, the city’s utility and fire staff have successfully implemented a program to inspect all publicly owned hydrants on an annual basis. As a result of the inspections, public hydrant operability now approaches 100 percent.

The city is ready to implement the next phase, which is to ensure similar operability of privately owned fire hydrants. City staff estimates that there are approximately 577 privately owned fire hydrants in the city, which represents approximately 16% of all hydrants. At the April 27, 2015 study session, the council provided favorable feedback to staff’s proposal that the city assume annual inspection and maintenance of private fire hydrants, while still allowing the option for property owners to do their own inspections.

The proposed program has two aspects: (1) an ordinance that requires the owners of private fire hydrants to inspect, maintain and repair the hydrants; and (2) a council policy that would authorize the city manager to (a) approve agreements accepting the transfer of ownership of private hydrants to the city and (b) if ownership of the hydrant is not transferred, approve agreements for the city to perform the required inspections for a fee.

The council policy will be brought to the council for consideration at the August 31 council meeting. It is attached to this report for information. The ordinance does not depend upon adoption of the policy.

The city attorney has prepared an ordinance for the purpose of ensuring that all private fire hydrants in the city are properly inspected, maintained, and ready for emergency use by city fire equipment. The ordinance requires that private hydrants (1) must have hose and pumper connections that can be used by the city’s fire safety equipment, (2) must be annually inspected and the inspection reported to the city fire marshal, and (3) must be repaired as needed within a time frame to be specified by the fire marshal.
Recommendation

Introduce the ordinance.

Submitted through:
   Geralyn Barone, City Manager
   Brian Wagstrom, Public Works Director
   John Vance, Fire Chief

Originated by:
   Corrine Heine, City Attorney
Ordinance No. 2015-

An Ordinance amending chapter 9 of the Minnetonka City Code; adding a new section 955; relating to fire protection water supplies

The City of Minnetonka Ordains:

Section 1. Chapter 9 of the Minnetonka City Code is amended by adding a new section to read as follows:

Section 955: FIRE PROTECTION WATER SUPPLIES.

955.005. Authority; purpose and intent.

Section 508 of the state fire code requires inspection, testing and maintenance of fire protection water supplies which include water lines and fire hydrant systems. The fire code requires fire hydrant systems to be subject to periodic tests, maintained in an operative condition at all times and repaired where defective. Additions, repairs, alterations and servicing must comply with approved standards. Section 101 of the state fire code authorizes the city to adopt rules to implement the fire code.

955.010. Hydrant Requirements.

City fire hydrants are equipped with national hose thread (NHT) according to the NFPA 1963 “Standard for Fire Hose Connections.” City fire hydrants have two 2½” NHT connections and either one 4½ -inch NHT pumper connection or one 5-inch Storz pumper connection. All private hydrants must have hose and pumper connections that match those of city fire hydrants. Private hydrants that do not comply with the 4½-inch NHT pumper connection must be equipped with an adapter to convert that connection to a 5-inch Storz connection.

955.015. Inspection; Reporting.

1. The owner of a private hydrant that is directly or indirectly connected to the municipal water system must have the hydrant inspected at least annually by a company licensed in the state of Minnesota to complete fire protection inspections. The inspection must include testing of the operation and flow of the hydrant. The inspection must disclose the type of thread on the hydrant’s hose and pumper connections and whether an adapter or Storz converter is present.

2. The hydrant owner is responsible for providing an inspection report to the
fire marshal by July 15 of each year, on a form provided by the city.

955.020. Private Water Line and Hydrant Repairs.

1. If an inspection indicates that repairs are required to a private hydrant or water line, the owner of the hydrant or water line must provide the fire marshal with a copy of the inspection report within 5 business days after receipt. Based on the nature of the repairs to be made, weather conditions, and the functionality, if any, of the fire hydrant and water line, the fire marshal will determine a reasonable time period for making the repairs and will order the owner to make the repairs at the owner’s cost within that time period.

2. The owner must have the water line or hydrant repaired by a licensed fire protection company, licensed plumbing contractor or licensed pipe laying contractor within the specified time period. Within five (5) business days after the repair is completed, the owner must provide the fire marshal with a copy of a post-repair inspection report, prepared by a company licensed in the state of Minnesota to complete fire protection inspections. If repairs are not made within the time period set forth by the fire marshal in the notification, the city will make the necessary repairs and bill the cost to the owner. Bills that remain unpaid may be certified for collection with taxes similar to other unpaid water utility charges.

3. The property owner may sign a waiver and petition the city for the repairs. The city will contract for the repairs and assess the property in accordance with the city’s assessment policy.

Section 2. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 3. This ordinance is effective January 1, 2016.

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
Policy Number 12.9
Maintenance of Fire Protection
Water Supplies

Purpose of Policy: This policy establishes a procedure and standards for the city to accept ownership of private fire hydrants and related facilities and to undertake maintenance on hydrants that remain in private ownership.

Introduction
The protection of private and public property from fire incidents is of vital importance to the city. Section 508 of the state fire code requires periodic inspection, testing and maintenance of fire protection water supplies, including fire hydrant systems. Although most fire hydrants in the city are publicly owned and maintained, some fire hydrant systems are privately owned and maintained. The public has an interest in ensuring that all fire hydrant systems in the city are properly maintained, for purposes of fire hazard insurance ratings and for purposes of protecting public and private property from fire. The city has adopted an ordinance that requires annual inspection of private fire hydrants.

This policy establishes standards for the city manager to accept ownership and maintenance of private fire hydrant systems and related facilities. The policy also authorizes the city manager to enter into fire hydrant maintenance agreements for systems that are not suitable for public ownership.

Accepting ownership of private facilities
The city council has determined that it is in the public’s interest that fire protection water supply systems in residential areas be in public ownership, to the extent that public maintenance, repair and replacement of the systems is physically feasible and economically practical. Private hydrants on commercial properties may be acceptable, provided that the hydrants are adequately maintained. An owner of a private fire hydrant and related facilities who wishes to transfer ownership of the facilities to the city may make a written request to the city manager. The city manager will refer the request to the public works director and fire chief for review and recommendation.

The public works director and fire chief or their designees will review the conditions of the facilities, including age, location, public access, connections to public and private water supply systems, and any other information they deem relevant. Upon completion of their review, the public works director and fire chief will report to the city manager their determination as to whether public maintenance, repair and replacement is physically feasible and economically practical, and their recommendations regarding necessary public easements. If the city manager deems the report to be favorable, the city manager is authorized to enter into an agreement on behalf of the city that includes the conveyance of the facilities and any necessary easements, subject to conditions as the city manager deems appropriate based on the
circumstances. The city manager must report to the city council on at least an annual basis regarding facilities transferred to the city.

**Agreements for public inspection of private facilities**
For all privately owned hydrants and related facilities that are not transferred to the city, the city manager is authorized to enter into an agreement with the owner(s) of the facilities to provide for public inspection of the facilities. The agreement must provide that the owner of the facilities will pay the city a fee for each inspection (as determined by the city manager). The agreement must also permit the city to assess any delinquent fees against the owner’s property in the same manner as delinquent utility bills. The owner of the facilities is responsible for completing all required repairs to the facilities, in compliance with city ordinance.

**Privately owned and inspected facilities**
Any owner of a private hydrant that does not enter into an agreement with the city for public inspection of that facility, or for transfer of that facility to city ownership, must provide annual proof of inspection and operability, in compliance with city ordinance.

**New developments**
In new developments or redevelopments, the council will approve private fire suppression water services only when it deems it appropriate, based on the specifics of the development. Council approval will include a requirement that an instrument be recorded in the property records that identifies the private facilities and provides for the ongoing inspection, maintenance, repair and replacement of the facilities.

Adopted by Resolution No. 2015-XXXX
Council Meeting of ____________, 2015
City Council Agenda Item #13A
Meeting of August 17, 2015

Brief Description
On-sale liquor licenses for Kona Sushi, Inc. (Kona Grill),
12401 Wayzata Boulevard

Recommendation
Continue the public hearing to August 31, 2015

Background
The city has received an application from Kona Sushi, Inc. (Kona Grill) for on-sale and
Sunday on-sale intoxicating liquor licenses for use at a restaurant located in Ridgedale
at 12401 Wayzata Blvd.

The application was introduced to the council on June 22 and the final action on this
request was scheduled for the July 27 council meeting, but there was a delay in
receiving information back from the FBI on the fingerprint cards of one of the owners.
The fingerprint cards were not legible and we have requested that the applicant submit
new fingerprints as part of the background check. The police department requested an
extension for more time to complete the background check.

Recommendation
Staff recommends that the city council continue the public hearing from August 17, 2015
to August 31, 2015.

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

Originated by:
Kathy Leervig, Community Development Coordinator
Brief Description

On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Cheers Pablo Twenty Three Holdings LLC (Cheers Pablo), 13027 Ridgedale Drive

Recommendation

Open the public hearing and continue to September 14, 2015

Background

The city has received applications from Cheers Pablo Twenty Three Holdings LLC (Cheers Pablo), for on-sale wine and on-sale 3.2 percent malt beverage liquor licenses. (See page A1). The anticipated opening date is in September.

Business Ownership

Cheers Pablo Twenty Three Holdings LLC is owned by John Bedard (60%), Richard Bedard (15%), David Greavu (15%), and various other owners make up the remaining 10%. Richard Bedard will also serve as the general manager. He resides in Woodbury and meets the metro-area residency requirements of the city’s liquor ordinance.

Business Operations

Cheers Pablo is an arts and entertainment business that creates a social environment where individuals of all artistic levels can participate in group painting classes. At the end of each class (2 to 3 hours, depending on selection) each participant has a professional-quality piece of art to take home. (See page A2-A6).

Cheers Pablo offers a food and beverage menu as part of the experience. The menu includes several wine and beer options, as well as non-alcoholic selections. Items are available for purchase during the class. In late 2014, Minnesota State Statute 340A.404 Subd. 5 was amended, which removed the requirement for establishments holding a wine license to have 60% of gross sales attributable to the sale of food. The city recently amended the city code to also remove the requirement, but stated that any establishment holding a wine license would have the same requirement of 50% food to alcohol ratios for all establishments holding an on-sale intoxicating liquor license. The facility will provide approximately 40 seats.

Hours of operation will noon to 9 p.m. Tuesday through Saturday and noon to 4:00 p.m. Sunday. The business is closed on Mondays. Projected sales from beer and wine is expected to be approximately 70% food and 30% liquor based on other locations.
Application Information

Application information and license fees have been submitted. The police department’s investigative report is pending and will be forwarded to the council prior to the continued public hearing on September 14, 2015.

Recommendation

Staff recommends that the city council open the public hearing and continue it to September 14, 2015.

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

Originated by:
   Kathy Leervig, Community Development Director
LOCATION MAP

Cheers Pablo
13027 Ridgedale Drive
Studio Footprint

Cheers Pablo Woodbury
8362 Tamarack Village

Cheers Pablo Burnsville
13915 Aldrich Avenue South

Cheers Pablo Coon Rapids
12759 Riverdale Boulevard

Cheers Pablo Hudson
2421 Hanley Road

Remote Venues:
Chicago, IL (7 locations)

Opening Next:
Eau Claire, WI
Minnetonka, MN
This Week at Cheers Pablo

Cheers!

Thanks to everyone who participated in our June 19 Twin Cities Live taping in Coon Rapids. If you missed Friday's broadcast you can watch the segment here. So much fun. We'll see the rest of you at one of our Cheers Pablo studios Tuesday, June 23, from 1 p.m. to 4 p.m. for a huge customer appreciation event. Stop in any studio and paint one of our popular mini canvases, for free, meet our amazing artist instructors, and allow us to say 'thank you'. All ages and skill levels are welcome. We look forward to seeing you here!

Woodbury Studio

So many canvases to bond over this week in Woodbury. Grab a friend, kick back, and have fun.

View Woodbury Calendar

Burnsville Studio

Something for runners, bikers, and nature enthusiasts. Take a look at what's brewing in Burnsville this week.

View Burnsville Calendar
We regularly take our popular Paint & Sip concept on the road to host events at venues throughout the Twin Cities metro area and Wisconsin. Here's what's next:

### Bubbles and Brushes

**Number 4 American Bar and Kitchen**  
Mankato, MN  
Painting: 'Just Beachey'  
Thursday, July 16  
6:30 p.m.  
$35 / person  
[Event Detail](#)

### Shiners Bar and Grill

**Lakeland, MN**  
Painting: 'Field of Poppies'  
Monday, July 20  
7 p.m.

### Coon Rapids Studio

From fields of poppies to starry nights, stunning canvases are on the calendar all week.

[View Coon Rapids Calendar](#)

### Hudson, Wis. Studio

Kids Paint is back. June 26 from 12:30-2:30. Let your kids uncork their creativity on our huge 16x29 canvases.

[View Hudson Calendar](#)
Indian Island Winery
Janesville, MN
Painting: 'Color Street'
Sunday, July 26
1 pm - 3:30
$35 / person
City Council Agenda Item #13C  
Meeting of August 17, 2015

**Brief Description**  
Off-sale liquor license for Target Corporation, 4848 Co Rd 101

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

**Background**

The city has received an application from Target Corporation for an off-sale intoxicating liquor license, for use at 4848 Co Rd 101. SuperTarget opened in 2001 and currently holds a 3.2% malt beverage liquor license. (See pages A1-A7.)

Target is undergoing a full store remodel which includes an improved grocery area and proposed liquor store. The location of the liquor store would be in the front of the store in the former café area. The liquor store would have a separate entrance with no direct access to the retail store. At about 2,800 square feet in size, the liquor store will be small compared to stand alone liquor stores. The average square footage of Minnetonka liquor stores is approximately 5,100 square feet.

**Business Ownership**

Target Corporation is a publicly held company. No police background check will be performed as the corporation has already been approved for a liquor license.

**Business Operations and History**

The proposed hours of operation for the liquor store will be Monday to Friday, 9 a.m. - 10 p.m., and Saturday, 8 a.m. – 10 p.m. The original 3.2 % liquor license was issued in 2002, and Target has not had any violations of selling to minors at this location. Further, Target has not had any violations statewide since 2008. Although Target does not participate in the Minnetonka Best Practices Program, they have their own in-house program focusing on preventing underage sales. In addition, their point of sale (POS) system has three verification processes in place to determine if the transaction is appropriate.

**Current Off-Sale Liquor Licenses in Minnetonka**

Currently, the city council has granted 14 off-sale liquor licenses in Minnetonka. Eleven of those licenses are for liquor stores selling a full range of liquor items; two are 3.2% malt beverage licenses which are secondary or accessory to another business; and one is for off-sale growler sales at Lucid Brewing whose primary use is production of beer sold elsewhere. One of the two 3.2% malt beverage licenses includes Target. Below is a list of the establishments.
### Establishment

<table>
<thead>
<tr>
<th>Establishment</th>
<th>Address</th>
<th>Type of License</th>
<th>Council Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Big Top Liquors</td>
<td>12937 Ridgedale Dr</td>
<td>Off-Sale Intoxicating</td>
<td>2009</td>
</tr>
<tr>
<td>Byerly's Wines &amp; Spirits</td>
<td>13081 Ridgedale Dr</td>
<td>Off-Sale Intoxicating</td>
<td>1997</td>
</tr>
<tr>
<td>Glen Lake Wine &amp; Spirits</td>
<td>14704 Excelsior Blvd</td>
<td>Off-Sale Intoxicating</td>
<td>2006</td>
</tr>
<tr>
<td>Haskell's</td>
<td>12900 Wayzata Blvd</td>
<td>Off-Sale Intoxicating</td>
<td>1996</td>
</tr>
<tr>
<td>MGM Wine &amp; Spirits</td>
<td>4795 Co Rd 101</td>
<td>Off-Sale Intoxicating</td>
<td>1994</td>
</tr>
<tr>
<td>Strong Liquor</td>
<td>11048 Cedar Lake Rd</td>
<td>Off-Sale Intoxicating</td>
<td>2007</td>
</tr>
<tr>
<td>Sundial Wine &amp; Spirits</td>
<td>5757 Sanibel Dr</td>
<td>Off-Sale Intoxicating</td>
<td>2005</td>
</tr>
<tr>
<td>The Wine Shop</td>
<td>17521 Minnetonka Blvd</td>
<td>Off-Sale Intoxicating</td>
<td>2006</td>
</tr>
<tr>
<td>Tonka Bottle Shop</td>
<td>17616 Minnetonka Blvd</td>
<td>Off-Sale Intoxicating</td>
<td>1997</td>
</tr>
<tr>
<td>Trader Joe's</td>
<td>11220 Wayzata Blvd</td>
<td>Off-Sale Intoxicating</td>
<td>2008</td>
</tr>
<tr>
<td>US Liquor &amp; Wine</td>
<td>11333 State Highway 7</td>
<td>Off-Sale Intoxicating</td>
<td>2010</td>
</tr>
<tr>
<td>Glenn's 1-Stop</td>
<td>12908 Minnetonka Blvd</td>
<td>3.2% Malt Beverage</td>
<td>2004</td>
</tr>
<tr>
<td>Target Store T-1356</td>
<td>4848 Co Rd 101</td>
<td>3.2% Malt Beverage</td>
<td>2001</td>
</tr>
<tr>
<td>Lucid Brewing</td>
<td>6020 Culligan Way</td>
<td>Off-sale growlers</td>
<td>2014</td>
</tr>
</tbody>
</table>

### City Council Policy 6.1

City Council Policy 6.1 establishes standards and criteria that the city council will apply in its consideration of on and off-sale liquor licenses. The council discussed amending the policy related to granting off-sale licenses during the July 1 study session and gave final approval at the July 13 council meeting. The policy was slightly modified to the following:

**Off-sale establishments provide intoxicating liquor that will be consumed in environments that are not monitored. An increase in the number of those outlets increases the access to liquor, contributes to public safety concerns, and detracts from the desired image of the city. Accordingly, the city council determines that the 12 off-sale intoxicating liquor licenses existing as of March 22, 2010 are generally adequate to serve the city. However, the council reserves the right not to issue any license even if the number falls below 12. Despite this maximum number, the council will consider, but not necessarily approve, additional off sale intoxicating liquor licenses only if the council finds in its sole discretion that the business:

- a. offers a distinctive specialty service,
- b. is a complementary part of a business that would add positively to the experience of living and working in the city; or
- c. is part of a village center that is not currently served.

In consideration of the proposed liquor license for Target, the city would not exceed the maximum number determined in 2010 by converting Target's 3.2% malt beverage license to a full liquor license. With this approval, the number of full off-sale liquor stores would increase to twelve, while keeping total off-sale liquor licenses at 14. The change in license would allow Target to expand its liquor sales as an approved use by the city.
Recommendation

The public hearing was opened on May 18 and continued to July 27. At the July meeting, the applicant requested continuation to the August 17 meeting. Staff recommends that the city council continue the public hearing from July 27 and grant the off-sale liquor license to Target Corporation, 4848 Co Rd 101.

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

Originated by:
   Kathy Leervig, Community Development Coordinator
LOCATION MAP

Target, 4848 Co Rd 101
March 18th, 2015

Members of the Minnetonka City Council
City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345

Dear Members of the City Council

Target is excited to be reinvesting in Minnetonka during our planned multi-million dollar remodel of the Target store located at 4848 County Road 101. This remodel will bring to life several of the exciting strategies our CEO has recently presented to the press, which includes a new focus on grocery that will deliver a more compelling and appealing shopping experience to our guests. As part of that remodel, Target is interested in making this Minnetonka store one of the first Target stores in Minnesota with a separate-entrance liquor store. Target respectfully requests the Council’s support and approval for the attached liquor license application. I would like to provide you with more information on alcohol sales at Target, and why we feel that our proposed liquor store meets the established criteria for approval of an off-sale liquor license.

Alcohol at Target

Target’s alcohol business is established and growing. We have sold alcohol in our stores since 1996, and we currently have over 1,300 stores that sell alcohol in 37 states. We have a history of responsible alcohol sales and have many processes in place to safely and securely sell beer, wine and spirits. We strive to surprise and delight our guests by carrying well-known national brands along with locally relevant items.

We began testing a separate-entrance liquor store at our Otsego location in 2014 due to requests from our Minnesota based guests. We have found that guests visiting our Target Wine & Spirits store in Otsego feel that it delivers what they expect from Target. Guests appreciate the store’s clean look and feel, and view how it is organized as a point of differentiation from other local liquor stores. Most appreciate the convenience to shop “while I am there” and saw it as an extension of their regular Target shopping trip. It’s clean, organized, and has a great modern design with high end touches, which adds to the appeal, and makes it kid friendly for busy moms.
Alcohol will be a Small, Complimentary part of Target that has Regional Reach

Target's proposed liquor store meets the criteria for issuing off-sale licenses in the City of Minnetonka's City Council Policy 6.1 as the new liquor store will be a small, complimentary part of a remodeled business that would add positively to the experience of living, working and shopping in Minnetonka. Policy 6.1 also allows the City Council to approve an off-sale license for stores that are part of a redevelopment project in a regional center that is not currently served. The store is, as a regional center, drawing regular guests from as far as Minnetrista and Medina.

Small, Complimentary part of a major remodel

Target prides itself on offering a convenient, one-stop shopping experience for our guests by providing an extensive mix of products that meet their needs. At about 2,000 square feet in size, the liquor store will be small compared to stand alone liquor stores and will have a heavily edited assortment that will be focused on key items. Our selection includes well-known national brands, local favorites and exclusive items like our award-winning and affordable Wine Cube. The addition of alcohol would complement our newly remodeled grocery and general merchandise assortment to further meet all the needs of our guests.

Regional Reach

Based on the data we have, we know that a majority of guests come from throughout the western suburbs to shop at our County Road 101 store. To better serve this broad guest base, we are investing in a multi-million dollar full store remodel aimed at meeting our guests' needs, which includes a better grocery experience and the proposed liquor store. Target guests appreciate the ability to make one stop to get everything on their list, so we expect the Target liquor store to have the same regional pull as our existing retail store.

Target is a Responsible Seller of Alcohol

Target takes the responsibility that comes with selling alcohol very seriously. We have had zero violations at our County Road 101 store since we began selling 3.2 beer in 2002. Statewide, Target has not had any liquor violations since 2008. While this store is not currently participating in the Minnetonka Best Practices Program, our processes outlined below align with many of those best practices.

Team Member Training

Team members are required to complete a comprehensive internal alcohol training program and must pass a training examination with a score of 90% or greater. This required in-house training program focuses on preventing underage sales, verifying valid identification, handling intoxicated guests, and cashier liability for illegal sales. Unique state and local restrictions are included in the training.
Point of Sale Security

Target’s POS (point of sale) system is programmed to assist cashiers when processing alcohol transactions. Only registers located in the separate liquor store will process alcohol sales. When an alcohol product is scanned, there are 3 verifications to ensure that selling requirements are followed: (1) if a cashier is below the legal selling age of 18, the system will not process the transaction; (2) the POS system will only allow the sale of alcohol if it is within local legal selling times; and (3) the system requires that the cashier either enter in a birthdate, or scan or swipe an appropriate identification (ID) to determine if the guest is old enough to purchase the alcohol product. Target policy is to request an ID from the purchaser regardless of age.

In summary, Target is very excited for our remodel plans for our Target store on County Road 101 in Minnetonka. We believe this reinvestment will support our ongoing efforts to deliver a convenient, one-stop shopping experience for our guests. The inclusion of a small, but complementary, assortment of beer, wine and spirits will create additional choice and convenience for our guests and your constituents. Target looks forward to your review and approval of our request. Upon review, please do not hesitate to contact me directly at 612-761-5959 or at jonathan.redberg@target.com if you have any questions or need additional information regarding our application.

Thank you for your consideration.

Jonathan Redberg
Business Analyst – Licensing
Capacity Summary:
- 2835 Total SF
- 240 Total LF
- 300 SF Beer Cave
- 9 beer doors
Minnetonka exterior is not finalized, but will be similar to other locations.
Policy Number 6.1
Standards and Criteria for the Issuance of Liquor Licenses

Purpose of Policy: This policy establishes standards and criteria that the city council will apply in its consideration of on and off-sale liquor licenses. Further, this policy describes city council expectations for establishments holding liquor licenses within the city.

Introduction
This policy applies to all establishments having on or off-sale liquor licenses in the city of Minnetonka.

Standards
It is expected that all establishments holding liquor licenses will be operated in accordance with the following standards:

- **Type of Establishment**
  The proposed liquor license should be considered in terms of the type of establishment being proposed and the propriety of having the establishment at the proposed location. On-sale liquor licenses will only be issued to establishments whose primary business is the sale of food. Consistent with this objective, city ordinance requires that at least 50% of the gross sales receipts of the establishment be from the sale of food.

- **Cooperation and Liaison with the City**
  Liquor license holders are encouraged to interact and work in cooperation with the city staff regarding any problems, concerns, or questions relating to the operation of their establishments. Liquor license holders are also encouraged to participate in any public health or safety programs that are offered by the city.

- **Material Alterations of Establishments**
  As required by ordinance, liquor license holders must report any internal changes to the establishment that materially enlarges, expands, reconfigures, or alters the site of the area connected with the consumption of liquor or the type of service offered by the establishment. Such changes must be reported to the community development director for review by the city council prior to beginning any alterations and before building permits can be issued.

  Material alterations include changes such as creation of a sit down bar or lounge area, expansion in size of the bar or lounge area, addition of a dance floor or entertainment area, or any other changes that alter the site or services offered in an establishment. This provision is not meant to include decorative or housekeeping improvements, or minor remodeling that does not affect the type of service offered by the establishment.

- **Conditioning Authority**
  The city council or staff may, upon the issuance or renewal of a liquor license,
impose reasonable conditions upon the license to promote the provisions of this policy.

Criteria
The city council will consider the following criteria prior to issuing liquor licenses:

- **Off-Sale Licenses**
  Off-sale establishments provide intoxicating liquor that will be consumed in environments that are not monitored. An increase in the number of those outlets increases the access to liquor, contributes to public safety concerns, and detracts from the desired image of the city. Accordingly, the city council determines that the 12 off-sale intoxicating liquor licenses existing as of March 22, 2010 are generally adequate to serve the city. However, the council reserves the right not to issue any license even if the number falls below 12. Despite this maximum number, the council will consider, but not necessarily approve, additional off sale intoxicating liquor licenses only if the council finds in its sole discretion that the business:
  a. offers a distinctive specialty service, or
  b. is a complementary part of a business that would add positively to the experience of living and working in the city; or
  c. is part of a village center that is not currently served.

- **Land-Use/Zoning**
  The proposed liquor license must be consistent with the Guide Plan and zoned appropriately. It is expected that liquor establishments will be located in existing and planned commercial areas of the city. The liquor license application will be considered in conjunction with the site plan review.

- **Traffic**
  The proposed liquor license will be considered in terms of traffic generated by the establishment and the effect of such traffic on the surrounding street system. It is expected that liquor establishments will be located in areas able to accommodate the additional traffic generated by the liquor operation. The cost of an additional traffic analysis that might be required because of unusual circumstances with the location of the establishment will be paid by the applicant. This cost is not considered a part of the investigation or license fee.

- **Parking**
  The proposed liquor license will be considered in terms of the amount of parking needed for the establishment. It is expected that adequate on-site parking will be provided to accommodate all customers and employees. To determine whether adequate parking exists, the council will use the zoning ordinance as a guideline, and may consider other factors such as: the nature of the establishment, the type of development in which it will occur, the amenities (dance floor, entertainment, etc.) which will be offered by the establishment, and any other matter which might affect the parking requirements.
• **Proximity to Schools, Churches, Youth Oriented Facilities, etc.**
  The proposed liquor license should be considered in terms of proximity of the establishment to schools, churches, and youth related and other public facilities. It is expected that liquor establishments will be located in areas that minimize the impact on such facilities.

City staff will submit a written report examining each of these criteria to accompany an on or off-sale liquor license application at the time of consideration by the city council.

Adopted by Resolution No. 84-7533  
Council Meeting of July 23, 1984

Amended by Resolution No. 2003-077  
Council Meeting of August 25, 2003

Amended by Resolution No. 2010-030  
Council Meeting of March 22, 2010

Amended by Resolution No. 2015-055  
Council Meeting of July 13, 2015
Brief Description: Resolution for the Cartway Lane and Ridgedale Drive project

Recommended Action: Adopt the resolution

Background

The 2016 street rehabilitation program includes the reconstruction of the Cartway Lane and Ridgedale Drive intersection area to reduce traffic congestion. The project extends east and west of Plymouth Road on Cartway Lane and on Ridgedale Drive north and south of the intersection with Cartway Lane. The addition of sidewalks and street lighting to improve pedestrian mobility in the area is also included in this project.

Traffic in the Ridgedale area has been studied for many years. Beginning in the late 1980s, the city and adjoining communities commenced the I-394 Corridor Study. Approximately a decade later, the area continued to grow, and traffic signal improvements were implemented along Plymouth Road, Cartway Lane and Ridgedale Drive. In 2007, the Ridgedale Center traffic study evaluated the area as part of the mall expansion.

In 2012, the Ridgedale Village Center Study further analyzed traffic associated with the long-term vision for the area, and an update began on the I-394 Corridor study. In 2014, the Highland Bank redevelopment project provided additional traffic analysis in the area, which included a further detailed review of the Cartway Lane and Ridgedale Drive intersection. Based on the extensive history, it was apparent traffic improvements to the area were necessary to ease current congestion.

The 2016-2020 Capital Improvement Program (CIP) was reviewed by the city council on April 27, 2015. As a part of that discussion, several Ridgedale area improvements were discussed including road, infrastructure, and pedestrian improvements. These improvements are part of the long-term transformation of this area as envisioned in the Ridgedale Village Center Study.

Consideration and subsequent approval of the Highland Bank redevelopment on Plymouth Road brought attention to congestion on Cartway Lane. The discussion highlighted the need to address congestion problems and associated transportation and pedestrian deficiencies in this area. As a result, the 2016-2020 CIP funds significant improvements to Cartway Lane and Ridgedale Drive. In order to ensure cohesion for the entire Ridgedale area, master plans for decorative lighting and pedestrian facilities are being developed.
Proposed Improvements

The primary source of congestion in this area is due to the heavy southbound left-turn movement on Ridgedale Drive to go eastbound on Cartway Lane, followed by a heavy left-turn movement for eastbound Cartway Lane to go northbound on Plymouth Road. This multiple dual left-turn situation handles approximately 500-600 vehicles in peak hour movements during non-holiday peak times, and substantially higher numbers during holiday peak hours. The design feature that has been developed to reduce this congestion eliminates the Cartway Lane and Ridgedale Drive signal system. Eliminating this signal will reduce delays by allowing just one signal to control the heavy left-turn movement, instead of two.

The recommended concept also takes some of the Ridgedale Drive traffic that currently adds to the congestion and redirects it to the Ridgedale Drive and Plymouth Road intersection.

The road reconfigurations are being designed to fit within the existing curb lines where possible to minimize impacts, and to reuse the existing asphalt where allowable. The project will also be phased to minimize traffic disruptions as much as possible.

The decorative lighting master planning study that is currently underway is intended to be completed in 2015 so the results from that study can be incorporated into the lighting needs for this project.

Public Input

Staff and the city’s consultants hosted informational meetings with local businesses and the affected neighborhoods on August 3, 2015 as a follow up to the initial informational meetings held on April 30, 2015. At the meetings, the recommended concept was presented and many questions relating to the roadway changes were answered. Several times at each meeting it was stressed that there is not one perfect solution for addressing the congestion. In fact, the traffic in the area will never be optimal.

Business owners generally understood the rationale behind the concept, but were split on their support of the project primarily due to the change in travel patterns. Ridge Square businesses were particularly concerned about taking away the through movement on Ridgedale Drive and the westbound Cartway Lane left turning movement. Staff also
spoke with Byerlys and the Ridgedale mall property manager before the informational meetings, and both parties affirmed their support for the recommended concept.

**Direct access to I-394 near Ridgehaven Lane**

Some business owners asked if a full intersection could be constructed at Ridgehaven Lane and Plymouth Road. This currently exists as a westbound-only access from Plymouth Road to Ridgedale Drive, located north of Cartway Lane. The city’s traffic consultant reviewed the option and determined that introducing a full intersection at this location would not provide enough space for stacking of cars for the Target entrance signal to the north.

Additionally, it would result in queues spilling back into the Target signal intersection, creating a similar situation to what currently exists at the Cartway Lane and Ridgedale Drive intersection. The queuing of these intersections was also shown to potentially delay traffic on Plymouth Road. Furthermore, it was discovered that in order to effectively reduce the potential of heavy queuing and delays to the intersections on Ridgedale Drive, significant impacts to the Target property west of Ridgedale Drive would be necessary due to extending Ridgehaven Lane to provide appropriate vehicle stacking, thus impacting parking. Finally, grade constraints would require raising Ridgedale Drive to meet MnDOT and Hennepin County design standards.

**Closing Cartway Lane**

Staff was also asked by some businesses if closing Cartway Lane and improving Ridgedale Drive at the intersection of Plymouth Road was considered. Closing Cartway Lane would push the traffic congestion to this intersection. The increased volume due to the elimination of Cartway Lane would require significant reconstruction for a wider intersection at Ridgedale Drive and Plymouth Road.

As the traffic signals are interconnected, signal timing and configuration changes along Plymouth Road would be necessary to not only the Ridgedale intersection, but to all intersections. This would create additional delays to the entire area along Plymouth Road and Ridgedale Drive. It would further cause vehicles to stack west from the intersection at Plymouth Road and to the north on Ridgedale Drive during the peak hours and holiday season, impeding driveway access to businesses in this area and creating even further delays than exist today.

Residents also had many questions relating to travel patterns, but were generally supportive of the project. Minutes of both meetings and a memo from the city’s traffic consultant further discussing details of the options considered are attached.

**Estimated Project Costs and Funding**

The total estimated construction cost, including engineering, administration, easement acquisition and contingency is $3,500,000. The budget amount for the project is shown below and is included in the 2016-2020 CIP. Estimated costs will be fine-tuned during
final design and as easement acquisition becomes more apparent. When final costs are known at the time bids are awarded, the city council will likely be requested to amend the CIP to reflect any funding changes.

<table>
<thead>
<tr>
<th></th>
<th>Budget Amount</th>
<th>Proposed Funding</th>
<th>Expense</th>
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<tbody>
<tr>
<td>Construction Costs</td>
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<td></td>
<td>$3,500,000</td>
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<tr>
<td>Municipal State Aid</td>
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<td>$2,000,000</td>
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<td>Street Improvement Fund</td>
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<td></td>
<td></td>
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<td>Storm Water Fund</td>
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<td>Tax Abatement</td>
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<td></td>
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<tr>
<td>Electric Franchise Fees</td>
<td>500,000</td>
<td>500,000</td>
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</tr>
<tr>
<td><strong>Total Budget</strong></td>
<td><strong>$4,100,000</strong></td>
<td><strong>$3,500,000</strong></td>
<td><strong>$3,500,000</strong></td>
</tr>
</tbody>
</table>

**Schedule**

If the recommended actions are approved by the city council, staff anticipates developing the final plans from September through January with final council approval in mid-February. Bids would be presented for acceptance around April 1, 2016, and construction would likely begin around May 1, 2016.

The following are tentative dates which would continue the public engagement for area.

- October 5 - Neighborhood meeting to discuss street lighting, landscaping, walkability, and design update
- October 19 - City council study session
- November 12 – Final neighborhood meeting

**Recommendation**

Adopt the attached resolution:

1) Approving layout #3
2) Ordering the improvements
3) Authorizing preparation of plans and specifications
4) Authorizing easement acquisition

for the Cartway Lane and Ridgedale Drive Project No.16501.

Submitted through:
  Geralyn Barone, City Manager

Originated by:
  Will Manchester, PE, Director of Engineering
Resolution No. 2015

Resolution approving Layout #3, ordering the improvements in, authorizing preparation of Plans and Specifications, and authorizing Easement Acquisition for the Cartway Lane and Ridgedale Drive Project No. 16501

Be It Resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. A concept layout was prepared by and/or under the direction of the engineering department of the City of Minnetonka with reference to the proposed Cartway Lane and Ridgedale Drive Project No. 16501.

1.02. This layout was received by the City Council on August 17, 2015 with the project to be known as:

Cartway Lane and Ridgedale Drive, Project No. 16501.

Section 2. Council Action.

2.01. The concept layout is hereby approved 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.

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 August 17, 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 August 17, 2015.

________________________________________
David E. Maeda, City Clerk
To: Will Manchester, PE, Director of Engineering  
City of Minnetonka

From: Matthew Pacyna, PE, Senior Associate  
SRF Consulting Group, Inc.

Date: August 12, 2015

Subject: Cartway Lane Improvement Evaluation

Introduction

During the development approval process for the Highland Bank site in 2014, the adjacent neighborhood expressed concerns with existing operations within the study area, specifically the southbound Ridgedale Drive to Plymouth Road movement via Cartway Lane. This movement has been a concern of area residents and City staff for many years and in particular, the holiday periods when area businesses experience a significant increase in activity. Although the Highland Bank Redevelopment Study and subsequent addendum did not specifically identify the need for improvements, City leaders requested an evaluation to determine if any improvements could be developed to address the issues expressed by area residents. Therefore, the following information summarizes the assumptions, methodology, and results of this evaluation.

Supplemental Data Collection

As part of the Highland Bank Redevelopment Study, peak hour intersection turning movement and pedestrian counts were completed in September 2014. The 2014 counts were also compared to historical year 2012 turning movement counts within the same area. However, since several residents expressed concerns during the holiday period (Thanksgiving through the New Year), supplemental turning movement counts were collect in early December 2014 at the following study intersections:

- Plymouth Road/Cartway Lane
- Plymouth Road/Ridgedale Drive
- Ridgedale Drive/Cartway Lane

These counts were collected for both the weekday and weekend (Saturday) peak periods. Based on the data collected, the Saturday peak hour (approximately 1:30 p.m. to 2:30 p.m.) represents the higher of the two conditions. However, it should be noted that the data collected does not represent the peak holiday condition, which typically occurs on Black Friday or the week before Christmas. In addition to the peak hour counts, 15-minute pulse counts were collected at business access points along Ridgedale Drive during the same Saturday period to better understand general area travel patterns. Other traffic volume was provided by MnDOT. Peak hour field observations were also conducted to verify operations and queuing within the study area.
**Existing Operations**

To quantify existing operations within the study area, a detailed traffic operations analysis was completed. Analysis completed as part of the Highland Bank Redevelopment Study and addendum was utilized, while the supplemental holiday period data was incorporated as part of this evaluation. The goal of the existing operations analysis is to provide a baseline condition in which the operations of alternatives can be compared.

Results of the existing operations analysis for the existing weekday (September), Saturday (September), and Saturday (December - holiday) periods summarized in Table 1 indicate that during the typical September weekday and Saturday conditions, all study intersections operate acceptably. However, during the Saturday (holiday) period, the Ridgedale Drive/Cartway Lane intersection operates poorly, which is consistent with observations and stakeholder feedback.

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Peak Hour Level of Service (Delay)</th>
<th>Weekday P.M.</th>
<th>Saturday Midday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plymouth Road/I-394 South Ramps</td>
<td>B (16 sec.)</td>
<td>B (18 sec.)</td>
<td>C (20 sec.)</td>
</tr>
<tr>
<td>Plymouth Road/Cartway Lane</td>
<td>C (23 sec.)</td>
<td>C (28 sec.)</td>
<td>D (38 sec.)</td>
</tr>
<tr>
<td>Plymouth Road/Ridgedale Drive</td>
<td>C (20 sec.)</td>
<td>C (22 sec.)</td>
<td>C (23 sec.)</td>
</tr>
<tr>
<td>Ridgedale Drive/Cartway Lane</td>
<td>C (29 sec.)</td>
<td>D (36 sec.)</td>
<td>E (65 sec.)</td>
</tr>
</tbody>
</table>

Note: The weekday p.m. represents 4:30 p.m. to 5:30 p.m., while the Saturday midday represents 1:30 p.m. to 2:30 p.m.

In addition to level of service, observations were conducted to verify operations and queueing within the area. The observations confirmed the results of the operations analysis. In particular, southbound queues from the Ridgedale Drive/Cartway Lane intersection extended approximately 750 feet during the December Saturday midday period. Furthermore, these queues extended beyond the Verizon Wireless access more than 50 percent of the peak hour. These queues are the result of the close intersection spacing along Cartway Lane between Plymouth Road and Ridgedale Drive (200 feet), which limits the efficiency of the signal operations.

**Concept Development**

SRF worked with City staff to develop, evaluate, and refine potential concepts to address existing issues. Although several concepts were initially considered, there were three preliminary concepts the City wanted to evaluate further (see Appendix). Each of the concepts would remove the existing traffic signal at the Ridgedale Drive/Cartway Lane intersection and create a new access point into Byerly’s opposite the existing Verizon Wireless access. Alternatives 1, 2, and 3 provide different roadway connections serving area businesses, as well as pedestrian facilities. To help evaluate these alternatives, an operations analysis was completed to determine how each concept addressed concerns raised.
Results of the preliminary concept operations analysis indicate that Alternative 3 provides the best traffic operations, while maintaining business access and connectivity. Under Alternative 3, the 95th percentile queues along southbound Ridgedale drive improve from approximately 750 feet to 400 feet during the peak period, which no longer would extend beyond the Verizon Wireless access. Therefore, City staff felt that Alternative 3 best met the goals of the project.

Table 2.  Peak Hour Operations Analysis - Alternative Comparison

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Level of Service (Delay)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plymouth Road/I-394 South Ramps</td>
<td>C (22 sec.)</td>
</tr>
<tr>
<td>Plymouth Road/Cartway Lane</td>
<td>D (46 sec.)</td>
</tr>
<tr>
<td>Plymouth Road/Ridgedale Drive</td>
<td>C (30 sec.)</td>
</tr>
<tr>
<td>Ridgedale Drive/Cartway Lane</td>
<td>D/F (90 sec.)</td>
</tr>
</tbody>
</table>

Note: Each alternative would remove the traffic signal at the Ridgedale Drive/Cartway Lane intersection.

Additional Alternatives Discussion

**Alternative 1**

This alternative would provide efficient operations along Ridgedale Drive to Cartway Lane, as well as pedestrian connection along Cartway Lane. A primary concern of Alternative 1 was the operations and safety of the right-in/right-out where Ridgedale Drive meets Cartway Lane. In particular, the majority of the northbound right-turning vehicles from Ridgedale Drive onto Cartway Lane would be destined to northbound Plymouth Road. This would require these vehicles to cross two or three lanes of traffic in a short distance, which technically would be considered an illegal maneuver. Another concern was the limited connectivity between businesses south of Cartway Lane and the Byerly’s/Target area.

**Alternative 2**

This alternative would provide efficient operations along Ridgedale Drive to Cartway Lane, as well as pedestrian connection with less conflict points than Alternative 1. However, similar to Alternative 1, this configuration would limit connectivity between businesses south of Cartway Lane and the Byerly’s/Target area, which was a concern raised by area stakeholders.

**Alternative 3**

This alternative would provide efficient operations along Ridgedale Drive to Cartway Lane, similar to Alternative 2. However, Alternative 3 also provides a connection between businesses south of Cartway Lane and the Byerly’s/Target area.

Other benefits of this type of conversion along Ridgedale Drive include:

1) Provides additional capacity at the Plymouth Road/Cartway Lane intersection.

2) Allows for the east-west split phasing signal timing to be eliminated, providing more flexibility in the traffic signal operations.
Other Concepts Considered

Ridgehaven Lane Connection

One of the first concepts considered was the creation of the west leg of the Plymouth Road/I-394 South Ramp intersection. From a traffic operations perspective, this would attract a significant amount of motorists that currently use Cartway Lane to access Plymouth Road (and eventually I-394) more directly to their destination. However, there were several key issues/concerns identified with this type of connection.

1) Requires additional improvements currently planned for year 2017 along Plymouth Road to be implemented with this type of connection to maintain similar operations.

2) The existing grade difference along Ridgehaven Lane between Plymouth Road and Ridgedale Drive is approximately four to five percent. A grade of this magnitude would be difficult for motorists to start/stop during icy winter conditions and is not desirable.
   a. A uniform approach grade between one-half percent (ideal) and two percent (adequate) would need to be considered.
   b. To achieve a two percent approach grade, Ridgedale Drive would need to be reconstructed approximately two to three feet higher than its current configuration. Ridgedale Drive would need to be raised even further to achieve a one-half percent approach grade.

3) There is limited vehicle storage along Ridgehaven Lane between Plymouth Road and Ridgedale Drive (approximately 100 feet).
   a. This allows for only four to five vehicles to store in each lane. From a preliminary operations analysis, this lack of vehicle storage results in queues extending back to the Target access during the holiday periods.
   b. Ideally, at least 200 feet of storage would be provided along Ridgehaven Lane between Plymouth Road and Ridgedale Drive to limit any queuing impacts to the Target access. To achieve this type of storage, significant right-of-way and parking impacts to the Byerly’s/Target area would be expected.

4) A new traffic signal would need to be installed at the Ridgedale Drive/Ridgehaven Lane intersection and operated/coordinated with the existing traffic signal at the Plymouth Road/I-394 South Ramp intersection.

5) Given the need for a new traffic signal at Ridgedale Drive/Ridgehaven Lane, MnDOT has indicated the desire to remove the existing Target access signal. Additional Target access modifications would also need to be considered if the signal were removed.

6) Introduces another approach that pedestrians/bicyclists would conflict with along the west side of Plymouth Road.

Two illustrations of the Ridgehaven Lane connection are shown in the Appendix for reference.
Cartway Lane Closure

Some area businesses expressed concerns with Alternative 3 and asked if the existing issue could be addressed by closing Cartway Lane, effectively shifting all traffic west of Plymouth Road to the Plymouth Road/Ridgedale Drive intersection. SRF reviewed this potential closure and determined that significant capacity improvements would be necessary to accommodate the change in travel patterns. Furthermore, this would increase the travel distance for motorists along Ridgedale Drive destined for Plymouth Road to the north or I-394.

Conclusions/Recommendations

Based on the operations analysis and overall roadway and pedestrian facility connectivity, Alternative 3 best addresses the goals of the evaluation. As Alternative 3 has moved forward and been shared with public and area stakeholders, additional refinements have been incorporated based on the feedback received. These refinements include extending pedestrian facilities east of Plymouth Road, as well as an additional westbound right-turn lane on the east approach of Cartway Lane at Plymouth Road.
APPENDIX
Verizon
- Will the Highland Bank project start this month? (yes)
- Will there be a stoplight south of Highland Bank? (no)
- Does not want trailer to start as will obstruct visibility to business.
- Will there be any assessments for the project? (none)
- How will this project be funded? (State Aid, Street, Storm)
- Wants no-build option.

Westwood Engineering (Sonya)
- Has concerns about intersection at Ridgedale Dr/Plymouth Rd.
- Wants further look at Ridgedale Dr/Plymouth Rd area as well as Ridgehaven Ln/Plymouth Rd.
- Why can’t Ridgehaven Ln at Plymouth Rd and Ridgedale Dr become full access by building up grades on Ridgedale Dr in this area?

Twins Pro Shop – Ridge Square
- Concerned with broken connection to the south from proposed layout. Breaks connection of Ridgedale Drive north of Cartway Ln and south of Cartway Ln.

Target – John Dietrich
- Funneling public traffic into private property at Byerly’s which is “shared” Target parking area. Doesn’t want forced trips into development and worried about too much traffic.
- Has additional capacity of Plymouth Rd improvements been looked at to help Cartway Ln.
- Feels shortening Ridgedale is a lack of frontage road.
- Concerned this layout is “messy” at Byerly’s, too much traffic.
- Has agreement with Cusman-Wakefield (Byerly’s) for control of access changes and parking.
- Why can’t Ridgehaven Ln at Plymouth Rd and Ridgedale Dr become full access by building up grades on Ridgedale Dr in this area?

Startline Running
- Says it looks “messy.”
- Wants to widen Ridgedale Dr to ease congestion.
- Does not want connection of Ridgedale Dr north and south of Cartway Ln to break.
LG
- Says eliminating Ridgedale Dr connection from north and south of Cartway Ln will push traffic problem to the south.
- Wants to eliminate Cartway Ln and move all traffic to Plymouth Rd/Ridgedale Dr.

Highland Bank
- Can city build a cul-de-sac at the end of Ridgedale Dr?

City
- Talked about pedestrians and how the city council has a desire to make the area walkable.
- Walkability study and connections

SRF
- Discussed queues on Plymouth Rd/Ridgedale Dr.
- Discussed green time on Plymouth Road.
1. Wants to keep light levels low as street light planning gets underway.
2. What does the city propose south of Cartway Ln?
3. Concern of noise/traffic south of Cartway Ln.
4. Are studies going to be done? Apply to standards of zoning. Studies will determine where lights go and sidewalk.
5. How do I get to my house from Larkin/Essex?
6. Does developer have a choice on sidewalk & lighting or is it city? (City will require).
7. Four lanes eastbound & one lane westbound on proposed Cartway Ln. Does not understand how this will work when existing westbound was greater before. Thinks city can do better than one lane.
8. Will the signal be moved from Cartway Ln to Verizon?
9. Wants to know how to get to Verizon from south.
10. How will I get to Target from south?
11. Will city consider stoplight on north exit from Target?
12. Will Target signal remain?
13. Does this signal make sense?
15. Why can’t city build an access straight from Plymouth Road at Ridgehaven Ln direct link to Target with full access?
16. Wants to make certain the Ridgedale Vision Study walkability comments from that process is incorporated into new studies.
17. Wants city to take input from residents during studies.
18. Road construction for Cartway Ln is proposed to begin next year.
19. When proposed Cartway Ln project is reconstructed, will there be any road closures.
20. What direction will folks go from Highland Bank?
21. Has Breadsmith & Caribou been notified?

- Interactive map to website
Please include the following in the packet for the August 17, 2015 City Council Meeting.

We attended the meeting regarding the proposed plans for resolving issues with traffic around Cartway Lane. Sadly, it appears that in an attempt to solve the issue with Cartway Lane traffic, the options presented all cause much more serious issues. The plan presented as the most viable gives an obvious impression of attempting to negatively impact the businesses in Ridge Square and Ridge Square South. We are aware that the City is eager to develop those properties differently, and one might read this plan as an all-out effort to force the businesses in these two shopping areas out of business, thereby forcing the owners to sell the properties to developers. The plan presented not only negatively impacts these shopping centers, but also the residents living west of the businesses. Certainly we could get to the shops, but getting home again requires either going on Plymouth Road and encountering four stop lights, or travelling through the Byerly's parking lot, which is certainly not ideal and is actually quite dangerous.

One might also question the city selecting WSB & Associates to develop the options, given Lee Gustafson's prior position with the City. He know the plans to develop this area differently, and it could be suggested that played a part in choosing to work with them. He could hardly be considered neutral.

Rather than choosing a bad plan now, we would suggest the city should save taxpayer money and revisit this issue after the unfortunate Highland Bank Project has been completed. At that time, choose an organization that will take into consideration existing businesses and residents.

Kamel & Patty Aossey
Thank you for the meeting on the construction of Cartway Lane and Ridgedale Drive.

I just wanted to again stress my concern of taking Ridgedale Drive which is the frontage road for our business’s by **#1 blocking the left turn entrance into Ridgesquare going north and dumping the frontage road into Byerly’s and Target parking lot (messy was a good choice of word for that). #2 diverting the south bound traffic away from our business’s and making them go around the parking lot or out to Plymouth road and back in.** In your diagram’s you have the extra parking area’s closed off why not used that area to widen the frontage road and open up the exit to 394. Please don’t kill our business’s by diverting traffic away and making it harder than it is to shop. Part of the attraction of strip malls are the easy in and out. Customers like to drive up and get out. Don’t make this another West End, Arbor Lakes with horrible parking and accessibility.

It is hard enough to keep our small business’s going. Don’t ruin what we’ve spent years building by making it harder to get here. Again Ridgedale Drive is a frontage road please keep it one as long as there are business’s needing the access and exposure.

Thank you,

Monica Holden and the Staff
StartLine Running Store
12979 Ridgedale Drive
Gentlemen,

We have serious concerns about the plan that the city is pushing forward. The plan has severe adverse effects on the retail businesses in the Ridgedale Square. At the meeting the effects of the plan on retail in the center was at best a 4th priority after, traffic onto Plymouth Road (understandable), walkways and bike trails, and the big block retailers Target and Bylerly’s.

At least 2 of the suggestions made to keep the smaller retailers in business were dismissed out of hand. Closing Cartway Lane and improving Ridgedale Drive and the intersection at Plymouth Road was said to just push the problem down the road and dropped.

The traffic light change at the intersection Ridgehaven Lane onto Plymouth Road was more bother than keeping the smaller retailers in business.

The plan to dump the traffic into the parking lot of Bylerly’s or create a turnaround is hard for us to see the logic.

The plan would cause confusion and frustration for our customers negotiating the maze to find us.

I have to question if there is a future plan for the property where Ridgedale Square is sitting once all the retailers are gone?

Thank you,

Jon Quale
Vice President / Partner
The Original Mattress Factory
Addendum
Minnetonka City Council
August 17, 2015 Regular Meeting

14A. Resolution for the Cartway Lane / Ridgedale Drive project

Attached are comments received after the council packet was distributed.
ITEM 14A – Cartway Lane / Ridgedale Drive

The attached comments were received regarding the Cartway Lane / Ridgedale Drive project following distribution of the packet.

Additional property owner comments are also attached.

1) Target – 8/13/15
2) Ridge Square North and South – 8/13/15
3) Ridge Square North and South (Westwood Engineering) - 8/13/15
4) Ridge Square North and South (Westwood Engineering) - 6/17/15
5) City Response to Ridge Square North and South (SRF) – 7/1/15
The proposed reconstruction of Cartway Lane is a terrible idea. The residents living west of Ridgehaven have no simple way to return from Ridge Square North and South shopping centers. I believe that the residents to the west are the primary users of these shopping centers. Take extra land from either Highland Bank or Ridge Square North so that the road can be enlarged to accommodate the traffic to allow for passage north and south.

Kay D. Johnson
2227 Platwood Road
Minnetonka, MN 55305
To: Minnetonka Mayor, Council, City Staff, and Planning Commission

From: Kay and Ray Johnson

Date: August 16, 2015

Subject: Reconstruction of Ridgedale Drive/Cartway Lane

I was unable to attend the meeting of August 3 which was supposed to be the first of three meetings regarding the reconstruction of Ridgedale Drive/Cartway Lane. Now I understand that it is going to be voted on prior to the planned two additional meetings.

We are opposed to the proposed reconstruction of Cartway Lane/Ridgedale Drive. If built, the residents west of Ridgehaven have no simple way to return from shopping at Ridge Square North and South. I believe these residents are the primary users of these shopping centers. Those centers were established as neighborhood shopping centers to appease the residents who were upset about Ridgedale being built. I was on the planning commission at that time.

Possibly land could be taken from Highland Bank or Ridge Square North to enlarge Ridgedale Drive to allow both north and south access.

Please vote “no” on the present proposal to reconstruct Ridgedale Drive/Cartway Lane.

[Signatures]

Kay and Ray Johnson
Good morning,

Enclosed is a comment about the Cartway road proposal that I’d like to have included in the addendum for today’s meeting packet. Thank you!

Robert Bertelsen
Robert Bertelsen  
13513 Larkin Drive  
Minnetonka, MN 55305

I've attended multiple traffic meetings held by the city regarding this area, and I appreciate that the city is looking at improving the Cartway traffic situation.

However, I can't understand why the staff report says that residents are supportive of the project.

Residents do NOT support this proposed solution. We told the city that at the April 30 meeting – and some of us followed up with written comments following that meeting. Why aren’t those meeting minutes and written comments included in the packet?

 Residents in Essex Hills and surrounding neighborhoods want to be able to access the businesses in the strip malls, and we feel this proposed solution is going to limit our access to the restaurants, stores, dry cleaners and other businesses in our area. Having access to those businesses is one of the reasons we paid a premium price to live in this neighborhood.

Not only does it hurt us as residents, it also hurts the businesses economically – ultimately leading to a loss of services and vitality surrounding our regional center.

The owners of the businesses up and down the street are convinced they will be hurt economically by the changes. They must know what they're talking about, and we need to listen to them.

I work for Barnes and Noble – and I know if Target has concerns that this proposal will impact their traffic and parking, then it will definitely impact the traffic and parking for all the businesses at Ridgehaven.

The proposal looks like it will hurt the Ridge Square North and South businesses most of all. For the past year, I have been frustrated by the negative comments I've heard the city make about Ridge Square North
and South during meetings regarding residential development in the southwest quadrant. It feels disrespectful, and I believe it’s now creating an unfair bias against them.

If the residents don’t support this proposal, and the businesses don’t support this proposal, who’s for it?

My request is that the city slow down and work out a better solution that is good for the businesses and the residents, and therefore good for the entire community.
Kurt Stenson  
Senior Property Manager  
Property Management

Cushman & Wakefield/NorthMarq  
3500 American Blvd. W., Suite 200, Minneapolis, MN 55431  
Please consider your environmental responsibility before printing this email.

Mayor Schneider,

As managing agent for the owners of the Ridgehaven Shopping Center, we are not on board with the recommended concept of the proposed Cartway Lane & Ridgedale Drive redevelopment for a number of reasons.

- The proposed development would devalue our property by having traffic cutting across into our property to either travel East or West along Ridgedale Drive.
- The Center already has a lack of parking and is already tight during the holidays, and with the proposed work we would lose an additional 74 parking spaces.
- If completed, it would be difficult to do any future development with the outlot parking area, which we currently use for storing snow in the winter.
- It would be very difficult for traffic to flow between our Center and the commercial properties to the south of us.
- There would be an additional expense in landscaping costs for the green space that would have to be completed.

Kurt Stenson  
Senior Property Manager  
Property Management
August 13, 2015

Julie Wischnack
Community Development Director
City of Minnetonka
14600 Minnetonka Blvd.
Minnetonka, MN 55345
jwischnack@eminnetonka.com

Re:  Ridgedale Drive Alignment Alternatives

Ms. Wischnack;

Target Corporation (Target) is a property owner at 13201 Ridgedale Drive within the Ridgehaven shopping center. We have operated at this location since 1981. Access to and from Ridgedale Drive, Cartway Lane and Plymouth Road is critical to our success and that of our fellow retailers. The current designs offered by City staff present many concerns to Target in both ease of access and impacts to the shopping center parking. Target does not agree with the recommendations of staff based on the following;

1. All of the designs truncate the Ridgedale frontage Road system, connectivity west of Plymouth Road between the retail properties should be maintained.

2. The northbound traffic flow between the commercial properties directed into Byerly’s parking lot is confusing and constitutes a property taking, this is a movement that should be facilitated within the public realm.

3. The proposed alternatives clearly are for the peak period demand, SRF’s traffic analysis for Highland Bank indicates the affected intersections will operate at a Level service “C”.

4. There has not been a sufficient level of investigation to demonstrate why the Plymouth Road/ I-394 three legged intersection may not be redesigned to add a fourth leg and accommodate traffic that is destined to I-394.

Target requests City Council reject the concept designs as presented and direct staff to engage property owners to arrive at an alternative which addresses connectivity, right of way boundaries and appropriate peak period traffic flow to balance the improvements in the area and not just west of Plymouth Road.

Target will commit to working with the City and the other stakeholders to arrive at an alternative to the plans presented to date.

Sincerely,

John E. Dietrich

CC: Kim Hayden and Marlys Brandell; Target Corporation
August 13, 2015

Julie Wischnack  
Community Development Director  
City of Minnetonka  
14600 Minnetonka Blvd.  
Minnetonka, MN 55345  
jwischnack@eminnetonka.com

Re:  Ridgedale Drive Redesign

Ms. Wischnack;

As you are aware, we represent the owners of Ridge Square North and Ridge Square South, who have operated these malls for approximately 20 years. When we learned of the City’s plans to break the connectivity of the Ridgedale Drive frontage road system, we became very concerned that this proposal would impair the retail experience in the area for shoppers and, most particularly, the customers of our tenants. Our tenants have confirmed that they believe the proposed splitting of Ridgedale Drive at Cartway Lane will cause confusion for their customers, make their stores less accessible and decrease their visibility. Our concerns were strong enough that we engaged a traffic engineering firm, Westwood Engineering, to determine if a solution to the traffic concerns could be addressed without severing the connectivity of Ridgedale Drive. Westwood met with the City’s engineer and consultants, reviewed the applicable traffic data, and issued a June 17, 2015 report detailing its analysis of the problem and how it could be best solved without severing Ridgedale Drive as currently proposed. A copy of that report was delivered to the City.

Since that time we have continued to meet with City officials, other property owners, and neighborhood residents. We understand many of them share the same concerns. Ridge Square does not agree with the recommended redesign of Ridgedale Drive and hopes additional alternatives will be studied, including those laid out by Westwood.

Ridge Square is committed to working with the City, other property owners and residents to arrive at an alternative to the City staff’s proposed plans. We therefore request the City Council reject the current concept designs and direct staff to engage property owners to arrive at an alternative which maintains the connectivity that all residents and property owners now enjoy.

Very Truly Yours,

GRAY, PLANT, MOOTY,  
MOOTY & BENNETT, P.A.

Norman M. Abramson
August 13, 2015

Julie Wischnack, AICP
Community Development Director
City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345

Re: Ridgedale Drive Alignment Alternatives

Dear Ms. Wischnack:

Westwood Professional Services has been contracted to provide unbiased traffic analysis consultation services on behalf of Ridge Square North and South Shopping Centers. Ridge Square North and South has reviewed the design options recommended by the City and does not support the current proposed revisions to Ridgedale Drive and Cartway Lane. We request the City Council to direct staff to engage with property owners to arrive at a mutually agreeable alternative which does not sever Ridgedale Drive.

After careful analysis of this project and its intended goals, our Client feels that the proposal will not accomplish the desired outcome and believes this project, as presented, will not offer an adequate solution. Furthermore, the intersection of Ridgehaven Lane and Plymouth Road has not been adequately studied to determine suitability for the addition of a fourth leg at the intersection. Our Client requests further study of this scenario.

The proposed project is not consistent with the City’s Comprehensive Plan. Ridgedale Drive is currently classified as a Major Collector which provides access from neighborhoods to other collector roadways, properties, and the arterial street system. Plymouth Road is classified as an A Minor Reliever and designed to interconnect major trip generators and provide for longer trips. The proposed layouts presented by City staff severs Ridgedale Drive at Cartway Lane. Customers coming to the stores from the neighborhoods to the north will be forced to exit onto Plymouth Road and travel south to the next intersection where they turn onto Ridgedale Drive to access our business. This proposal will also increase traffic and hinder mobility on Plymouth Road.

A balance of all roadway functions is important to any transportation network. Ridgedale Drive was established to provide direct access to the developments fronting the arterial roadway of
Plymouth Road thus substantially eliminating turning movements into and out of those properties from Plymouth Road. Ridgedale Drive provides access to adjacent development, while Plymouth Road provides mobility. The current continuous layout of Ridgedale Drive fosters the sharing of customers between uses and enhances the retail experience. This proposed new route would increase delay by adding an extra 5 minutes, which in the case of convenience or fast food type stops will cause customers to choose a different destination.

The layout provided by staff severs the connection between the businesses on the east and west sides of Plymouth Road, violating the intended purpose of Ridgedale Drive which is to provide access to and from businesses. The proposed alternative also divides the southern shopping areas such as Ridge Square North and South from the northern shopping areas of Target and Lunds/Byerly’s. Approving this project in its proposed alignment will not provide the connectivity to adjacent businesses which provides the accessibility necessary to serve our customers.

To truly address the problem requires understanding the origin and destination of the traffic that is queuing at the intersection. According to the City’s traffic engineering consultant, 65% of the drivers on Ridgedale Drive want to access I-394. The current proposal does not provide a direct connection to that intersection and is not solving any traffic congestion problems, merely shifting them to another location. With and without the City’s proposed project queuing at the Cartway Lane and Ridgedale Drive intersection can be problematic and can take two or three cycles of green time to dissipate. However, by providing a direct connection, the fourth leg at the intersection of Plymouth Road and I-394/Ridgehaven Lane, the solution the city is looking for with this project will be achieved. An illustration of this concept is attached to this letter.

In addition to analyzing the alternatives proposed by staff, Westwood has considered an additional alternative to mitigate traffic as analyzed by the city’s consultant. This alternative will provide better connectivity to I-394 by adding traffic lanes in the eastbound direction on Ridgehaven Lane. This will alleviate congestion for the residents of the neighborhood behind the shopping area, will reduce the demand at the Cartway Lane and Plymouth Road intersection by 65%, and reduce traffic using the Cartway Lane and Ridgedale Drive intersection by 60%. Traffic operational analysis of the study area intersections indicates this solution maintains connectivity along Ridgedale Drive, addresses traffic queuing along the corridor, and maintains mobility on Plymouth Road.

Table 1 shows a comparison of traffic operations from the current conditions, the staff proposed layout, and the concept adding a fourth leg to the Plymouth Road and I-394/Ridgehaven Lane intersection. As shown in the table, the levels of service (LOS) at the intersections are anticipated to be LOS C for the Westwood Concept Option with a queue length of 406 ft. The staff proposed layout expects the Plymouth Road and Cartway Lane intersection operations to be LOS D with queues of 382 ft. The two concepts share similar queue lengths.
Table 1 – Critical Intersection Operations and Queues

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Traffic Control</th>
<th>Intersection Control Delay (seconds)</th>
<th>Overall Intersection LOS</th>
<th>95th Percentile Queue Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plymouth Rd &amp; Ridgehaven Ln/ I-394</td>
<td>Signal</td>
<td>28.8</td>
<td>LOS-C</td>
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<tr>
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<td>LOS-D</td>
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<td>LOS-D</td>
<td>SB Left - 476ft</td>
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Total Queue = 725ft

Option 3A

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<th>Overall Intersection LOS</th>
<th>95th Percentile Queue Length</th>
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<tbody>
<tr>
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<td>Plymouth Rd &amp; Cartway Ln</td>
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<td>EB Left - 382ft</td>
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<td></td>
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Total Queue = 382ft

Westwood Concept Option

<table>
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<th>Traffic Control</th>
<th>Intersection Control Delay (seconds)</th>
<th>Overall Intersection LOS</th>
<th>95th Percentile Queue Length</th>
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<td>18.4</td>
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<td>SB Left - 290ft</td>
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Total Queue = 406ft

At the Public Information Meeting held on August 3, 2015, some concerns were expressed regarding providing the fourth leg to the Plymouth Road and I-394 intersection. One concern involved the slopes of the roadway. Currently, Ridgehaven Lane has a 5.6% slope, the MnDOT design guide recommends 0.5% as the desired slope for 25 ft from the intersection. However, this is a design guide and concessions can be made to accommodate appropriate intersection sight distances. The grades in the area should not be used as a primary excuse not to consider this option further. As can be seen in the attached figure, the slope of the I-394 approach is 2.6% and Plymouth Road has slopes of 2.8% and 3.8%. The existing slopes at the intersection are not held to the strict letter of the design guide.
Therefore, our Client requests that the City Council reject the concept designs as presented and direct staff to engage with property owners to arrive at an alternative which does not sever Ridgedale Drive. The owner of Ridge Square North and South is committed to working with the City and other stakeholders to develop an alternative that will improve the traffic flow and connectivity for the area.

Sincerely,

WESTWOOD PROFESSIONAL SERVICES

Sonja Piper, P.E.
Sr. Transportation Engineer
June 17, 2015

Will Manchester, PE
City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN  55345

Lee Gustafson, PE –WSB
City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN  55345

Matt Pacyna, PE
SRF Consulting
One Carlson Parkway North, Suite 150
Minneapolis, MN 55447-4443

Re: Cartway Lane

Mr. Manchester:

Westwood Professional Services has been engaged by the owners of the Ridge Square North and Ridge Square South Shopping Center to review and analyze the City of Minnetonka’s proposed Ridgedale Drive/Cartway Lane reconstruction project. We have completed our analysis of the options currently set forth by City staff and have the following comments.

The City has determined that the intersections of Ridgedale Drive with Cartway Lane and Cartway Lane with Plymouth Road are presenting minor operational issues with moderate vehicle queues during the highest hours of the Holiday season. To mitigate the queuing the City has developed several alternatives and has identified the attached Figures 1 and 2 as the preferred alternatives 1 and 3a, respectively.

From our review of the City’s concerns and the underlying data, we question why it is necessary to design for the highest annual hour rather than the age old industry standard of 30th highest hour volume in the year. Designing to the highest hour volume in the year is not sustainable unless it is being undertaken to address a safety issue, which is not the case here. Designing for the highest hour results in over-designing infrastructure to handle conditions present only one or two days a year. A better use of public funding would be designing for the 30th highest hour volume. 

Westwood

Multi-Disciplined Surveying & Engineering
westwoodps.com
volume of the year, which is the point at which traffic volumes are high but common day-to-day. No reason has been presented why Minnetonka should deviate from accepted traffic engineering practices.

If the City chooses to design to the highest hour of traffic usage, we do not agree that the chosen alternatives offer the best solution for Ridgedale Drive, and recommend that two additional options be considered, the No-Build option and the option depicted on Figure 3.

Both options presented by City staff sever Ridgedale Drive at Cartway Lane and also sever the connection between Ridge Square North and South and the stores and customers to the north. Alternative 1 (see Figure 1) does maintain a right turn movement from Cartway Lane onto Old Ridgedale Road, but eliminates the ability to travel north. This means that a resident in the neighborhood to the west can get to the stores south of Cartway Lane but cannot return home easily. In fact, on the return trip the driver would be forced to travel south to the Ridgedale Drive and Plymouth Road intersection, then turn left to travel north on Plymouth Road, putting an unnecessary trip on Plymouth Road and adversely impacting the mobility of the Plymouth Road traffic. This homeward bound driver would then need to turn left at the Cartway Lane intersection, again hindering the mobility of Plymouth Road. This new route home would take an extra 5 minutes, which in the case of convenience or fast food type stops will cause some customers to choose a different destination.

Alternative 3a (see Figure 2) does maintain a link between the stores to the north and the residents to the west, but in a very circuitous manner. This alternative eliminates the connectivity of Ridgedale Drive by breaking it into a new northern section as Cartway Lane extends to the north and a new southern section which stops short of the existing Cartway Lane intersection and turns into the Byerly’s parking area. From there it snakes to the north through a new access intersection which allows for ¾ access onto the northern Ridgedale Drive and continues in a circuitous manner to the primary entrance aisle for Target and Byerly’s. At this location, the neighborhood based trip would be forced to exit onto Ridgedale Drive at the Target traffic signal. Alternative 3a would require that a driver know to turn into the Byerly’s parking lot to access the Ridge Square North development, as there is insufficient visibility for the driver to understand where to access the site. Further, this circuitous path would appear to require cross walks and other paths for pedestrians to cross, making it a slow moving drive back to the south and therefore undesirable for motorists.

After a careful analysis of the goals of the project and all of the alternatives considered by City staff, our strong recommendation is that public dollars need not be spent on reconstructing the roadways in this area, and that the best alternative is the No-Build option. With this option, the character of Ridgedale Drive as a frontage road/collector road providing access to commercial and retail development associated with Ridgedale Mall to the east, Ridge Square North, Byerly’s, Target, and Best Buy to the west is maintained. Ridgedale Drive was established to provide direct access to the developments fronting on the arterial roadway of Plymouth Road while substantially eliminating turning movements into and out of those properties from Plymouth
Road. Ridgedale Drive provides access to adjacent development, while Plymouth Road provides mobility. The current continuous layout of Ridgedale Drive fosters the sharing of customers between uses and enhances the retail experience. The options proposed by staff violently sever the connection between the uses on the east and west sides of Plymouth Road, and violate the intended purpose of Ridgedale Drive to provide access to and from businesses. The proposed alternatives also subordinate the southern shopping areas such as Ridge Square North and South to Target and Byerlys. The No-Build option best serves the needs of all of the retail developments that strategically located along Ridgedale Drive, and costs the taxpayers nothing.

In addition to analyzing the alternatives proposed by staff, Westwood has considered additional alternatives to mitigate the Holiday season highest hour traffic queuing constraint mentioned above. During the Holidays, traffic can build at the intersection of Cartway Lane and Plymouth Road with the resulting vehicle queue extending into the Cartway Lane/Ridgedale Drive intersection and beyond to the northwest. This queue can take two or three cycles of green time to dissipate. Solving this problem requires understanding the origin and destination of the traffic that is queuing at this intersection. Westwood’s analysis indicates the traffic that is queuing is turning left onto Plymouth Road and is generally destined to I-394, which is accessed by turning right onto the eastbound and westbound ramps. Field observations verify that queuing vehicles waiting to access Plymouth Road stack more in the left turn lane furthest to the right, from which they can access I-394. Westwood recommends that the best solution to address this queuing is to enhance access to I-394, rather than destroy the connectivity of Ridgedale Drive. Figure 3 illustrates our proposed solution. We anticipate that the additional access to I-394 would also be well received by neighborhood residents who use the Ridgedale Drive/Cartway Lane route primarily to access I-394.

The Westwood alternative set forth in Figure 3 will provide better connectivity to I-394 by adding traffic lanes in the eastbound direction on Ridgehaven Lane. This will alleviate congestion for the residents of the neighborhood behind the shopping area and will also reduce the demand at the Cartway Lane and Plymouth Road intersection by 65%. It will reduce the traffic utilizing the Cartway Lane and Ridgedale Drive intersection by 60%, and may eliminate the need for a traffic signal at this location.

Westwood has analyzed the traffic operations of the existing condition, the City’s Alternative 3a, and the Westwood solution set forth in Figure 3 using traffic count information provided by the City. Table 1 below summarizes the findings.
Table 1 – Critical Intersection Operations and Queues

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Traffic Control</th>
<th>Intersection Control Delay (seconds)</th>
<th>Overall Intersection LOS</th>
<th>95th Percentile Queue Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plymouth Rd &amp; Ridgehaven Ln/ I-394</td>
<td>Signal</td>
<td>26.8</td>
<td>LOS-C</td>
<td></td>
</tr>
<tr>
<td>Plymouth Rd &amp; Cartway Ln</td>
<td>Signal</td>
<td>37.5</td>
<td>LOS-D</td>
<td>EB Left - 249ft</td>
</tr>
<tr>
<td>Ridgedale Dr &amp; Cartway Ln</td>
<td>Signal</td>
<td>41.7</td>
<td>LOS-D</td>
<td>SB Left - 476ft</td>
</tr>
<tr>
<td>Ridgedale Dr &amp; Ridgehaven Ln</td>
<td>Yield Controlled</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

Total Queue = 725ft

Option 3A

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Traffic Control</th>
<th>Intersection Control Delay (seconds)</th>
<th>Overall Intersection LOS</th>
<th>95th Percentile Queue Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plymouth Rd &amp; Ridgehaven Ln/ I-394</td>
<td>Signal</td>
<td>19.0</td>
<td>LOS-B</td>
<td></td>
</tr>
<tr>
<td>Plymouth Rd &amp; Cartway Ln</td>
<td>Signal</td>
<td>36.1</td>
<td>LOS-D</td>
<td>EB Left - 382ft</td>
</tr>
<tr>
<td>Ridgedale Dr &amp; Cartway Ln</td>
<td>No longer an intersection</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Ridgedale Dr &amp; Ridgehaven Ln</td>
<td>Yield Controlled</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

Total Queue = 382ft

Westwood Concept Option

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Traffic Control</th>
<th>Intersection Control Delay (seconds)</th>
<th>Overall Intersection LOS</th>
<th>95th Percentile Queue Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plymouth Rd &amp; Ridgehaven Ln/ I-394</td>
<td>Signal</td>
<td>33.7</td>
<td>LOS-C</td>
<td>EB Left - 116ft</td>
</tr>
<tr>
<td>Plymouth Rd &amp; Cartway Ln</td>
<td>Signal</td>
<td>34.8</td>
<td>LOS-C</td>
<td></td>
</tr>
<tr>
<td>Ridgedale Dr &amp; Cartway Ln</td>
<td>Signal</td>
<td>24.0</td>
<td>LOS-C</td>
<td></td>
</tr>
<tr>
<td>Ridgedale Dr &amp; Ridgehaven Ln</td>
<td>Signal</td>
<td>18.4</td>
<td>LOS-B</td>
<td>SB Left - 290ft</td>
</tr>
</tbody>
</table>

Total Queue = 406ft

If forced to choose one of the options proposed by staff, Westwood recommends Alternative 3a as it maintains a link to the stores to the north and residents to the west. However, Alternative 3a should be modified to define a through street connecting Ridgedale Drive with the proposed Byerly’s Street so that vehicles using this street can traverse in an uninterrupted manner to the Target/Byerly’s drive aisle intersection. This will require participation from Target to modify the entrance intersection.

However, we strongly recommend the No-Build Alternative as it maintains the connectivity of the stores and restaurants to the north and south of Ridgedale Drive. The no build alternate also
supports the hierarchy of the road system with Ridgedale Drive providing access opportunities to businesses in the area and Plymouth Road providing mobility to and from the area. We do not agree that any roadway should be designed to address traffic conditions that are present in the highest annual hour versus the 30th highest annual hour, as this is not sustainable.

The issue that needs to be resolved is not specifically the queuing at Cartway Lane and Ridgedale Drive, but rather the accessibility of the I-394 ramps for traffic from those roadway facilities. To address this issue, Westwood has proposed an alternative solution that builds on the existing infrastructure by allowing a straight through connection on Ridgehaven Lane that runs west to east. Traffic operations analysis of the study area intersections indicates this solution maintains connectivity along Ridgedale Drive, addresses traffic queuing along the corridor, and maintains mobility on Plymouth Road.

Please contact me if you have any questions.

Sincerely,

WESTWOOD PROFESSIONAL SERVICES

Vernon E. Swing, PE
National Transportation Engineering Service Leader

Attachments: Figures 1, 2, 3

Cc: Norman Abramson – Gary Plant Mooty
    Peter Beck – Beck Law Office
    Elliot Wolson, Ridge Square North
Memorandum

To: Will Manchester, PE, Director of Engineering
City of Minnetonka

Cc: Vern Swing, PE
Westwood Professional Services

From: Matthew Pacyna, PE, Senior Associate
SRF Consulting Group, Inc.

Date: July 1, 2015

Subject: Ridgedale Drive/Cartway Lane Concept/Design Review – Comment Responses

Background

The Ridgedale Drive/Cartway Lane Concept/Design traffic review was originally completed on December 30, 2014 with design concepts completed April 9, 2015. The City of Minnetonka directed SRF to provide Westwood Professional Services (at Westwood’s request) traffic data associated with the developed design concepts. These concepts were developed to address the close proximity of the Ridgedale Drive/Cartway Lane intersection to Plymouth Road and the resulting operational issues from this close spacing. In response to a review of the provided information, Westwood prepared comments and summarized in a memo on June 17, 2015. Based on a review of these comments, SRF has prepared the following responses.

Responses to Westwood Cartway Analysis

1) Westwood characterized the delays as “minor operational issues with moderate vehicle queues during the highest hours of the holiday season.” However, Westwood also stated that “During the Holidays, traffic can build at the intersection of Cartway Lane and Plymouth Road with the resulting vehicle queue extending into the Cartway Lane/Ridgedale Drive intersection and beyond to the northwest. This queue can take two or three cycles of green time to dissipate.”

   SRF Response - Staff regularly receives feedback from area residents regarding delays and queues in the area, particularly the southbound to eastbound movement at the Ridgedale Drive/Cartway Lane intersection. Cycle failures are frustrating to motorists and often result in motorists driving more aggressively than normal.

2) Why is it necessary to design for the highest annual hour rather than the age old industry standard of 30th highest hour volume in the year?

   SRF Response - Both the typical weekday (i.e. non holiday) and holiday conditions were reviewed when performing analysis of this area. The peak holiday periods typically occur from late November through early January, primarily during weekends between 11 a.m. and 3 p.m. The weekday noon hour and p.m. peak hours are also often considered to be busy periods, particularly during the “holiday” season. Therefore, it is reasonable to assume the 30th highest annual hour does fall within or relatively close to the holiday period. Furthermore, retailers make a significant portion of their sales during the holiday season and adequate access during this time is a significant issue for them.
3) Westwood recommends that two additional options be considered, the No-Build option and the option depicted on Figure 3.

SRF Responses:

a. “No-Build” - Staff does not feel the “No-Build” condition is an option due to the current operations and feedback from constituents. As noted, there are challenges within this area and the proposed concepts are expected to improve operations within the area. Staff also desires to improve pedestrian/bicyclist connectivity, mobility, and safety within the area.

b. “Figure 3 – Westwood Concept” - This type of improvement was considered during the concept development phase. The following challenges were identified with this type of concept and therefore was not further evaluated:

   a. The slope of the new approach would be approximately five (5) percent, which is generally considered too steep for winter conditions, particularly for an approach to a traffic signal where stops are likely to occur. This has the potential to create significant back-ups and safety concerns during icy conditions. Given the limited distance between Plymouth Road and Ridgedale Drive in this location, there is not sufficient space to construct a more level portion of roadway to alleviate this concern. Ideally, approaches for entering roadways should have a grade of 0.5 percent away from the roadway for 50 feet (25 feet minimum) per MnDOT Road Design Manual Section 5-1.04.02.

   b. The concept would introduce another traffic signal along Ridgedale Drive and in close proximity to existing traffic signals, which does not meet typical signal spacing guidelines and would create additional operational concerns.

   c. There is less vehicle storage along Ridgehaven Lane (115 feet) versus along Cartway Lane (185 feet).

   d. Future improvements along Plymouth Road at Ridgehaven Lane would likely reduce the vehicle storage in this location to less than 115 feet.

   e. Similar queuing issues are expected along Ridgehaven Lane and subsequently along Ridgedale Drive (approximately 300 feet in the southbound direction) that currently result from the Cartway Lane area. These queues have the potential to impact the signalized Target access along Ridgedale Drive.

   f. Truck maneuverability may be challenging and would possibly need to be restricted.

   g. FHWA/MnDOT/Hennepin County would need to approve this type of access modification, particularly since the Plymouth Road/Ridgehaven Lane/I-394 intersection operations would go from an overall LOS B/C operation (i.e. 20 seconds) to approximately an overall LOS C operation (i.e. 34 seconds), which is near the LOS C/D threshold.

4) The options proposed by staff violently sever the connection between the uses on the east and west sides of Plymouth Road, and violate the intended purpose of Ridgedale Drive to provide access to and from businesses.

SRF Response – All businesses will retain adequate access to the east and west sides of Plymouth Road via either Cartway Lane or Ridgedale Drive. The ability for motorists and pedestrians to maneuver between businesses north and south of Cartway Lane will also be adequate as Ridgedale Drive will continue to provide direct access or connections to area businesses, although minor increases in circulation are expected for some motorists depending on their ultimate origin/destination.
5) We anticipate that the additional access to I-394 would also be well received by neighborhood residents who use the Ridgedale Drive/Cartway Lane route primarily to access I-394.

SRF Response – See response to question #3

6) The Westwood concept will provide better connectivity to I-394 by adding traffic lanes in the eastbound direction on Ridgehaven Lane. This will alleviate congestion for the residents of the neighborhood behind the shopping area and will also reduce the demand at the Cartway Lane and Plymouth Road intersection by 65%. It will reduce the traffic utilizing the Cartway Lane and Ridgedale Drive intersection by 60%, and may eliminate the need for a traffic signal at this location.

SRF Response – See response to question #3

7) Alternative 3A should be modified to define a through street connecting Ridgedale Drive with the proposed Byerly’s Street so that vehicles using this street can traverse in an uninterrupted manner to the Target/Byerly’s drive aisle intersection. This will require participation from Target to modify the entrance intersection.

SRF Response – Staff has and continues to coordinate with Byerly’s and other local businesses to refine the concepts and internal circulation.