Agenda
Minnetonka City Council
Regular Meeting, Monday, April 30, 2018
6:30 p.m.
Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Calvert-Bergstedt-Wagner-Ellingson-Acomb-Happe-Wiersum
4. Approval of Agenda
5. Approval of Minutes: March 19, 2018 regular council meeting
6. Special Matters: None
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases:
   A. Bids for Bren and Tanglen water storage tank rehabilitation and amendment to the 2018-2022 Capital Improvement Program
      Recommendation: Award contract to Champion Tank Services and amend the CIP (5 votes)
   B. Bids for Plymouth Road trail (Phase 1) and agreement with Hennepin County
      Recommendation: Award the contract, amend the CIP and approve the agreement (5 votes)
10. Consent Agenda - Items Requiring a Majority Vote:
    A. Resolution concerning no parking sign on YMCA Lane
    B. Resolution requesting a time extension for the comprehensive plan “decennial” review obligations
    C. Twelve-month time extension of site and building plan and subdivision approvals for Shady Oak Crossings located at 4312 Shady Oak Road
    D. Resolution approving the final plat of LEGACY OAKS 3rd ADDITION
    E. Ordinance regarding massage license requirements
11. Consent Agenda - Items Requiring Five Votes:
   A. Conditional use permit, with variances, for a daycare facility at 14410 Brunsvold Road
   B. Items concerning the 2018-2022 Capital Improvements Program

12. Introduction of Ordinances:
   A. Ordinance rezoning the properties at 12501 Ridgedale Drive
      Recommendation: Introduce the ordinance and refer it to the planning commission (4 votes)
   B. Items concerning Bren Road Development, a multi-family residential development by Dominium, at 11001 Bren Road East

   Land Use
   1) Ordinance rezoning the property from I-1, industrial, to PUD, planned unit development;
   2) Master development plan;
   3) Final site and building plan review;
   4) Lot division; and
   5) Environmental Assessment Worksheet declaration.

   Finance
   1) Tax Increment Financing
   2) Contract for Private Development
      Recommendation: Introduce the ordinance and refer it to the planning commission (4 votes)

   C. Ordinance granting an electric franchise to Northern States Power Company
      Recommendation: Introduce the ordinance (4 votes)

13. Public Hearings: None

14. Other Business:
   A. Resolution for the 2019 Ridgedale Drive project
      Recommendation: Adopt the resolution (4 votes)

15. Appointments and Reappointments:
   A. Appointments to the senior citizens advisory board
      Recommendation: Approve the recommended appointments

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

   Mayor Brad Wiersum 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, Patty Acomb, Deb Calvert, Tim Bergstedt, and Mayor Wiersum were present.

4. **Approval of Agenda**

   Acomb moved, Wagner seconded a motion to accept the agenda with an addendum to item 14B. All voted “yes.” Motion carried.

5. **Approval of Minutes: None**

6. **Special Matters:**

   A. **Recognition of 2018 Citizen Academy graduates**

      The graduates were recognized and given certificates.

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

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

   Acomb said the previous week she attended the National League of Cities Conference in Washington DC. She serves on a policy committee on energy, environment, and natural resources. The theme for the National League of Cities this year is about infrastructure. The policy committee discussed water infrastructure and trying to partner with the Trump administration. She said she also attended several interesting workshops including one on affordable housing.

   Calvert said she attended the same conference. One thing she learned was that people from all over the country know Minnetonka. Former Mayor Karen Anderson served as the President of the National League of Cities. She also attended the affordable housing workshop and one on the effect of some of the higher court decisions on cities.
8. Citizens Wishing to Discuss Matters not on the Agenda

Kim Wilson, candidate for the vacant Ward 3 councilmember seat, said there was an issue involving campaign signs. Many of the candidates had placed signs around the city. She said when she was planning her campaign, she and her committee did extensive research on campaign rules so they were informed and prepared to run an effective and efficient campaign. Staff had given the candidates information on campaign rules and specifically the rules about campaign signs. She and her committee decided due to the restrictions of sign placement, that most campaign signs would be ineffective and not worth the investment to reach the voters. She said over the past two weeks she had seen many campaign signs that violated the city’s ordinance. Specifically signs had been placed in the right-of-way and not placed within the required 10 feet from the lot line. While campaigning, she had heard from several Ward 3 residents with concerns about campaign sign placement. She said she was not only representing her interests as a candidate, but also for the residents who were complaining. She said she was willing to campaign vigorously and wanted to represent the residents of Ward 3, but the campaign process needed to be fair. She asked the council to address the issue to ensure local elections were fair.

Wiersum said Wilson had made a fair point. City Clerk David Maeda said that earlier in the afternoon he had sent an email to all the candidates reminding them of the city’s ordinance requirement. He asked the candidates to move any of their signs that were not in compliance. Violations of the city’s sign ordinance were dealt with on a complaint basis. City staff would follow up in the next few days to look at the placement of signs.

9. Bids and Purchases:

A. Bids for the Ridgehaven Lane/Ridgedale Drive (Cartway Lane) and Plymouth Road Improvements

City Engineer Will Manchester gave the staff report.

Wagner said that with the redevelopment in the area, and with daily challenges, he was happy to see the bid come in below the engineer’s estimate. He said this project would provide multiple decades of payback for residents and for the region.

Bergstedt said this would be a very extensive project with a lot of disruption but the Ridgedale area was the key economic driver in the city. When the reconstruction was complete the improvements would serve residents of the city for decades.

Wiersum asked what the hours would be for the construction work. Manchester said the plan was for the work to be conducted from 7 a.m. to 10 p.m. Monday through Friday and from 8 a.m. to 6 p.m. on Saturdays. The contractor has indicated they would like to potentially work longer hours on work that didn’t
make a lot of noise. Staff would review this if the contractor formally made that request.

Wiersum said Minnetonka was exceedingly fortunate to have such a vital shopping mall area because a lot of shopping malls were no longer vital. He anticipated with some of the changes the area would become even more important. It was an expensive and intrusive project, but it was the right thing to do. He said the city would be seeing the fruits of this effort fifty years into the future.

Wagner moved, Acomb seconded a motion to award the contract for the Ridgedale Drive/Ridgehaven Lane Project No. 16501 to C.S. McCrossan Construction, Inc. in the amount of $7,899,724.61 and amend the CIP; and to adopt resolutions 2018-020 authorizing a Municipal Federal Project Advance and resolution 2018-021 authorizing execution of a Limited Use Permit. All voted “yes.” Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:

A. Resolution appointing election judges for the April 10, 2018 Ward 3 Special Election

Ellingson moved, Bergstedt seconded a motion to adopt resolution 2018-022 appointing the election judges for the April 10, 2018 Special Election. All voted “yes.” Motion carried.

B. Resolution approving a fire sprinkler retrofit at 5445 Eden Prairie Road for Copper Cow Restaurant

Ellingson moved, Bergstedt seconded a motion to adopt resolution 2018-025 and to approve the Petition and Waiver Agreement for Installation of Fire Protection Improvements. All voted “yes.” Motion carried.

C. Ordinance repealing and replacing City Code 300.34, Telecommunication Facilities

Ellingson moved, Bergstedt seconded a motion to adopt ordinance 2018-03 repealing and replacing City Code 300.34, Telecommunication Facilities. All voted “yes.” Motion carried.

D. Resolution approving an Interim Use Permit for Garden City, a seasonal flower market, at 11400 Highway 7

Ellingson moved, Bergstedt seconded a motion to adopt resolution 2018-026 approving an interim use permit for a seasonal flower market at 11400 Highway 7. All voted “yes.” Motion carried.

E. Resolutions requesting the sale of certain tax-forfeited land to the City of Minnetonka, pursuant to Minn. Stat. § 281.01, subd. 1a(c)
Ellingson moved, Bergstedt seconded a motion to adopt resolutions 2018-027 and 2018-028. All voted “yes.” Motion carried.

F. Order for liquor license stipulation

Ellingson moved, Bergstedt seconded a motion to issue the Findings of Fact, Conclusion, and Orders for Tonka Bottle Shop. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes:

A. Items concerning Eden Prairie Islamic Community Center at 5620 and 5640 Smetana Dr.:

1) Resolution amending and replacing Resolution No. 2016-064 for a conditional use permit, with a parking variance, at 5620 Smetana Dr.

2) Resolution approving a conditional use permit, with a parking variance, for a banquet facility at 5640 Smetana Dr.

Ellingson moved, Wagner seconded a motion to adopt resolutions 2018-029 amending and replacing Resolution No. 2016-064 for a conditional use permit, with a parking variance, for Eden Prairie Islamic Community Center at 5620 Smetana Dr. and 2018-030 approving a conditional use permit, with a parking variance, for a banquet facility at 5640 Smetana Dr. All voted “yes.” Motion carried.

B. Resolution approving a conditional use permit, with variances, for a fast food restaurant at 17603 Minnetonka Blvd.

Ellingson moved, Wagner seconded a motion to adopt resolution 2018-031 approving a conditional use permit, with variances, for a fast food restaurant at 17603 Minnetonka Blvd. All voted “yes.” Motion carried.

12. Introduction of Ordinances: None

13. Public Hearings:

A. Resolution vacating public right-of-way at 11706 Wayzata Blvd.

Barone gave the staff report.

Wagner asked if the easement was an unbuildable area due to the sanitary sewer on top. City Planner Loren Gordon said the area being vacated was an area that a structure could not be built on. Things like parking lots or a driveway could be built on it.

Wiersum opened the public hearing at 7:02 p.m. No one spoke. He closed the public hearing at 7:02 p.m.
Wagner moved, Bergstedt seconded a motion to adopt resolution 2018-032 vacating he right-of-way, but reserving a drainage and utility easement over the entire area of vacated right-of-way. All voted “yes.” Motion carried.

B. Resolution approving vacation of a drainage and utility easement at 3533 and 3535 Orchard Lane

Gordon gave the staff report.

Wiersum opened the public hearing at 7:04 p.m. No one spoke. He closed the public hearing at 7:04 p.m.

Acomb moved, Wagner seconded a motion to adopt resolution 2018-033 vacating the easements on the properties at 3533 and 3535 Orchard Lane. All voted “yes.” Motion carried.

C. Temporary on-sale liquor license for Bet Shalom Congregation, 13613 Orchard Road

Barone gave the staff report.

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

A representative from Bet Shalom gave information about the event.

Calvert said Bet Shalom was her congregation and she encouraged people to attend the event.

Wiersum closed the public hearing at 7:07 p.m.

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

14. Other Business:

A. Resolutions for the Plymouth Road trail project (Amy Lane to Hilloway Road)

Manchester gave the staff report.

Wagner noted there was a bus that goes down Plymouth Road. He asked staff to look at the possibility of benches along the trail given the length of the trail.

Acomb said she appreciated Wagner’s suggestion. If the city wanted to encourage more use of public transit, it had to make it easier to do so. She sees people standing in the snowbank on Plymouth Road waiting for the bus. When the city was doing the Imagine Minnetonka engagement process, residents indicated the desire for more trails. She appreciated staff’s work on this project.
Wagner said Three Rivers Park District was still exploring north/south connections. He asked staff for an update and if this project was being considered. Manchester said staff has had discussions with the Three Rivers Park District staff. This particular project was not on their list. They are looking at a north/south connection in other areas. Wagner encouraged staff to continue to discuss this project with the district. He said trails were a very valued amenity in the city. He thanked the Hilloway Road and Amy Lane residents for continuously pushing for the trail. He thanked the council for funding the first major trail that was not connected to a county road reconstruction.

Bergstedt thanked staff for all the work done partnering with Hennepin County. Working with the Three Rivers Park District would be great as well. Over the years, the council has been very supportive of north/south trails. He commended Wagner for fighting long and hard for this trail.

Calvert said she lives on a busy north/south corridor and she applauded this project. One of the wonderful things about city government was if people really wanted something, the council was responsive. She thought this project would help the city achieve other goals of a more livable community as well as adding vitality to the Ridgedale area.

Wiersum said this was an exciting project. Getting a north/south trail was no small achievement. He said the thing that excited him most was what this meant for walkability and bikeability from key areas in the city. Having north/south trails would create the opportunity of getting cars off the road.

Wagner moved, Acomb seconded a motion to adopt resolutions 2018-034 accepting plans and specifications and authorizing the advertisement for bids for the Plymouth Road trail project from Hilloway Road to Amy Lane, Project No. 19206 and resolution 2018-035 supporting the construction of a trail on Plymouth Road, from Amy Lane to Minnetonka Blvd. All voted “yes.” Motion carried.

B Appeal of peddler/solicitor license denial for Steven J Brown

The item was pulled from the agenda. Brown withdrew his appeal.

15. Appointments and Reappointments: None

16. Adjournment

Wagner moved, Calvert seconded a motion to adjourn the meeting at 7:27 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk
City Council Agenda Item #9A
Meeting of April 30, 2018

Brief Description: Bids for Bren and Tanglen water storage tank rehabilitation and amendment to the 2018-2022 Capital Improvement Program

Recommended Action: Award contract to Champion Tank Services and amend the CIP

Background

In 2017, a consultant performed an evaluation of the coating systems on a number of the city’s water storage facilities. As a result, the Bren and Tanglen towers were prioritized for refurbishment in 2018 as highlighted in the 2018-2022 Capital Improvement Program.

Tanglen tower’s interior coating system is in good condition and only requires spot repairs and touchup. The exterior coating system installed in 2005 requires pressure washing and a new overcoat. Structural repairs will be done to valves, piping, safety ladders, roof vents and interior wet manway.

Bren reservoir’s coating system is 24 years old and requires complete removal of the interior and exterior coating systems. Like Tanglen tower, this facility will require ladder upgrades and welding on the tank. The removal of the coating system will require full containment in order to prevent fugitive dust emissions during removal.

Project

The two water storage facilities were bid as one package in order to obtain the best possible price for the work. Renovation of the Tanglen tower will begin on June 11 with substantial completion by July 30. The Bren project will begin on July 23 and be substantially completed by Oct. 8. Neighborhood notices and meetings will be held to inform the adjacent residents of the project and the schedule.

On April 3, 2018, bids were received for the renovation of the Tanglen and Bren water storage facilities. Five bids were received, however, the bid submitted by Seven Brothers Painting, Inc. was returned unopened due to their failure to attend a mandatory pre-bid meeting for the project. The bids are tabulated as follows;

- Champion Tank Services $1,073,100.00
- Worldwide Industries Corp. $1,153,280.00
- TMI Coatings, Inc. $1,169,000.00
- Classic Protective Coatings, Inc. $1,367,450.00
- Seven Brothers Painting Inc. Bid returned unopened
- Engineer’s Estimate $1,136,600.00
- CIP Budget Amount $975,000.00
Recommendation

Based on the recommendation of the consultant engineer and the city’s review of the low-bidder, staff recommends that:

The contract for this utility project be awarded to Champion Tank Services in the amount of $1,073,100.00 and the CIP be amended to reflect the bid amount.

Source of funding for the project is the 2018 – 2022 Capital Improvements Program – Utility Fund.

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

Originated by:
  Brian Wagstrom, Public Works Director
City Council Agenda Item #9B
Meeting of April 30, 2018

Brief Description: Bids for Plymouth Road trail (Phase 1) and agreement with Hennepin County

Recommended Action: Award the contract, amend the CIP and approve the agreement

Background

On Aug. 14, 2017, council received the finalized feasibility report and authorized the preparation of plans and specifications for a new 8-foot wide off-road multi-use bituminous trail on the east side of Plymouth Road, from Minnetonka Boulevard north to Hillway Road. This corridor is approximately 1.5 miles long and will connect the Minnetonka Mills/Lake Minnetonka LRT Regional Trail to the Ridgedale Mall area.

Phase 1 improvements extend from Amy Lane to Hillway Road and include a new 8-foot wide off-road multi-use bituminous trail with a 4-foot wide grass boulevard matching into the existing bituminous curb. Grading, tree removal, and impacts to driveways and landscaping of adjacent properties are needed to construct the trail to meet Hennepin County standards; however, these impacts have been minimized.

Phase 2, Minnetonka Boulevard north to Amy Lane, will be brought back to council this winter for consideration to approve plans and specifications and authorize bids.

Bid Opening

Bids were opened for phase 1 of the project on April 20, 2018. Seven bids were received in response to the call for bids, and the results are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineer’s Estimate</td>
<td>$199,295.30</td>
</tr>
<tr>
<td>Bituminous Roadways, Inc.</td>
<td>$200,000.00</td>
</tr>
<tr>
<td>GMH Asphalt Corp.</td>
<td>$203,027.35</td>
</tr>
<tr>
<td>G.L. Contracting, Inc.</td>
<td>$215,629.95</td>
</tr>
<tr>
<td>Sunram Construction, Inc.</td>
<td>$219,299.00</td>
</tr>
<tr>
<td>C.S. McCrossan Construction, Inc.</td>
<td>$237,290.25</td>
</tr>
<tr>
<td>Urban Companies</td>
<td>$269,746.00</td>
</tr>
<tr>
<td>Barber Construction, Inc.</td>
<td>$305,348.50</td>
</tr>
</tbody>
</table>

The low bidder, Bituminous Roadways, Inc., has satisfactorily completed similar projects in Minnetonka.
Estimated Project Cost and Funding

The total estimated construction cost for phase 1, including contingency, is $220,000. The total estimated construction cost for both phases is also shown below as a combined cost since it more accurately represents the scope of the entire trail project. The budget amount for the project is shown below and is included in the 2018–2022 Capital Improvements Program (CIP).

On Aug. 1, 2017, the city received a 2017 Hennepin County Bikeway Participation program grant for the construction of the trail on the east side of Plymouth Road from Amy Lane to Hilloway Road (phase 1), to be constructed in 2018, in the amount of $100,000, the maximum amount possible for this grant. Staff anticipates hearing from the county later this year regarding a second grant application submitted for phase 2, which will be included below in the future, if received.

<table>
<thead>
<tr>
<th>Budget Amount</th>
<th>Proposed Funding</th>
<th>Phase 1 Expense</th>
<th>Total Expense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Costs</td>
<td>$200,000</td>
<td>$1,700,000</td>
<td></td>
</tr>
<tr>
<td>Contingencies – 10%</td>
<td>$20,000</td>
<td>$170,000</td>
<td></td>
</tr>
<tr>
<td>Engineering, Administration, and Indirect Costs</td>
<td>$425,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overhead Power Burial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park and Trail Improvement Fund</td>
<td>$1,900,000</td>
<td>$2,195,000</td>
<td></td>
</tr>
<tr>
<td>Hennepin County Grant</td>
<td>$100,000</td>
<td>$100,000</td>
<td></td>
</tr>
<tr>
<td>Electric Franchise Fund</td>
<td>$900,000</td>
<td>$900,000</td>
<td></td>
</tr>
<tr>
<td><strong>Total Budget</strong></td>
<td><strong>$2,900,000</strong></td>
<td><strong>$3,195,000</strong></td>
<td><strong>$220,000</strong></td>
</tr>
</tbody>
</table>

At this time, staff is requesting an amendment to the 2018-2022 CIP to cover contingencies related to phase 1. As a note, staff proposed updates to the 2019-2023 CIP at the April 23, 2018 study session reflecting current detailed design estimates for phase 2. Fund balances would support these adjustments.

Agreement

A Cooperative Agreement is needed with Hennepin County to allow for the construction of the trail along Plymouth Road and includes design and construction requirements along with language detailing the conditions of the Hennepin County grant money. The city attorney has reviewed the attached agreement.

Schedule

If the recommended action is approved by council, construction is expected to begin in early summer and will be complete by fall.
Recommendation

Award the contract for the Plymouth Road Trail Project No. 19206 to Bituminous Roadways, Inc. in the amount of $200,000.00, amend the CIP and approve the agreement with Hennepin County.

Submitted through:
   Geralyn Barone, City Manager
   Will Manchester, P.E., Director of Engineering

Originated by:
   Phil Olson, P.E., Assistant City Engineer
This map is for illustrative purposes only.
COOPERATIVE AGREEMENT

THIS AGREEMENT, made and entered into this _______________ day of _______________, 20__ by and between the County of Hennepin, a body politic and corporate under the laws of the State of Minnesota, hereinafter referred to as the "County", and the City of Minnetonka, a body politic and corporate under the laws of the State of Minnesota, hereinafter referred to as the “City”.

WITNESSETH:

WHEREAS, the City is preparing to construct a bicycle trail along County State Aid Highway No. (CSAH) 61 (Plymouth Road) between Amy Lane and Hilloway Road North in the City of Minnetonka, as shown on the plans for City Project No. __________ (County Project No. 1714), and which shall hereinafter be referred to as the “Project”; and

WHEREAS, the City or its agents shall be responsible to develop the plans and specifications for the Project; and

WHEREAS, the City has requested that the County approve said plans and specifications, and the County has indicated its willingness to approve said plans and specifications; and

WHEREAS, the City or its agents shall be responsible for administering construction of the Project and has adequate personnel available to perform the construction staking, testing, inspection and development of as-built plans required on the Project; and

WHEREAS, the Project is eligible for participation under Hennepin County’s bikeway cost participation policy; and

WHEREAS, the County will participate in its share of the costs to construct the Project as set forth herein; and

WHEREAS, it is contemplated that said work be carried out by the parties hereto under the applicable provisions of Minnesota Statutes.

NOW THEREFORE, IT IS HEREBY AGREED:
I

The City or its agents shall prepare the necessary plans, specifications, and proposal; obtain approval of said plans and specifications from the County; advertise for bids for the work and construction; receive and open bids pursuant to said advertisement; enter into a contract with the successful bidder at the unit prices specified in the bid of such bidder; administer the contract; and, perform the required engineering and inspection; all in accordance with said plans and specifications.

The contract shall include the plans and specifications prepared by the City or its agents and approved by the County. Said plans and specifications shall conform to Minnesota Department of Transportation (MnDOT) Design Standards applicable to County State Aid Highways and be consistent with applicable MnDOT Bicycle Transportation Planning and Design Guidelines. In addition said plans and specifications must comply with the requirements of the Americans with Disabilities Act (ADA). Attached is a copy of the MnDOT ADA Compliance Checklist (Curb Ramp) form. The City or its agents shall complete said form for each curb ramp constructed as part of the Project and return to the County. The City understands and agrees that payment will not be made by the County until all required ADA certification forms have been received and verified by the County.

II

Prior to seeking County approval of the plans for the Project, the City shall furnish the County a ninety percent (90%) or more completed set of plans and specifications a minimum of three weeks in advance for County review and comment. Prior to beginning construction, the City shall furnish the County with a complete set of County approved plans and specifications for the Project. Upon completion of the Project, the City or its agents shall furnish the County with a complete set of as-built plans certified as to their accuracy by the City Engineer. Said as-designed plans, specifications and as-built plans for the Project shall be furnished by the City at no cost to the County.

III

The City or its agents shall administer the construction contract and perform all necessary engineering, inspection and testing.

The City shall also obtain, and comply with, any and all permits and approvals required from other governmental or regulatory agencies to accomplish the Project. Said permits and approvals shall be obtained prior to the start of any construction and made available to the County upon request.

It is understood and agreed by the City that construction of the Project shall be completed to the satisfaction of the County within three years of the date this agreement has been signed by the parties hereto.
IV

The construction of this Project shall be under the supervision and direction of the City Engineer or designated representative. All work for the Project shall be completed in compliance with the County approved plans and specifications. The County’s Transportation Project Delivery Department Director and representative staff shall have the right, at all reasonable times as the work progresses, to enter upon the premises to make any inspections deemed necessary and shall cooperate with the City Engineer and staff at their request to the extent necessary.

The County agrees that the City may make changes in the above referenced approved plans or in the character of said contract construction which are reasonably necessary to cause said construction to be in all things performed and completed in a satisfactory manner. It is further agreed by the County that the City may enter into any change orders or supplemental agreements with the City’s contractor for the performance of any additional construction or construction occasioned by any necessary, advantageous or desirable changes in plans, within the original scope of the Project. The City will obtain the approval of the County’s Transportation Project Delivery Department Director or designated representative on change orders or supplemental agreements that in the judgement of the City significantly change the original scope of the Project. The County will respond to the City’s request for approvals within seven (7) calendar days. If the County fails to respond within seven (7) calendar days, the change order(s) or supplemental agreement(s) in question shall be deemed to have been approved by the County.

V

The City or its agents shall acquire all additional right of way, permits and/or easements required for the construction of the Project, at no cost to the County.

Upon completion of the Project, all permanent right of way acquired for CSAH 61 as provided herein shall be conveyed to the County by the City with no consideration required.

VI

The County will participate in the construction costs for the bicycle trail as provided herein. The County’s cost participation share in the construction costs shall be fifty (50) percent. The City understands and agrees that the County’s total cost participation for the Project shall not exceed One Hundred Thousand Dollars and No Cents ($100,000.00) without an amendment to this Agreement.

Upon completion of the Project the City shall notify the County and submit an invoice for one hundred percent (100%) of the County’s share of the costs for the Project. Said invoice shall include summary documentation of total project costs. Upon approval and acceptance of the completed Project by the County’s Transportation Project Delivery Department Director or designated representative and
within forty-five (45) days of said invoice, the County shall reimburse the City for its share of the costs for the Project.

Said invoice should include the date of the invoice, the invoice number, the name of the project manager (Mr. Robert Byers, P.E.), project name and county project number (C.P. 1714), contract number and purchase order number. Invoices and supporting documentation should be mailed to: Hennepin County Accounts Payable, P.O. Box 1388, Minneapolis, MN 55440-1388. An electronic copy of all invoices should also be submitted to Mr. Robert Byers, P.E. at robert.byers@hennepin.us.

The County will within forty five (45) days of said invoice, deposit with the City funds totaling the amount of said invoice.

It is understood by the City that the funds the County has set aside for the Project will be available for payment to the City for three years after execution of this agreement. It is further understood and agreed by the City that the County will not participate in the Project costs as set forth herein if the City has not invoiced the County within said three year period.

VIII

It is understood and agreed by the parties hereto that upon completion of the Project, all improvements included in the Project shall become the property of the City and all maintenance, restoration or repair required thereafter shall be performed by the City at no expense to the County.

IX

All records kept by the City and the County with respect to the Project shall be subject to examination by the representatives of each party hereto.

X

Each party agrees that it will be responsible for its own acts and the results thereof, to the extent authorized by the law, and shall not be responsible for the acts of the other party and the results thereof. The County's and the City's liability is governed by the provisions of Minnesota Statutes, Chapter 466.

The County and the City each warrant that they are able to comply with the aforementioned indemnity requirements through an insurance or self-insurance program.

XI

The City agrees to defend, indemnify and hold harmless the County, its officials, officers, agents, volunteers and employees, from any liabilities, claims, causes of action, judgments, damages, losses, costs or expenses, including, reasonable attorneys' fees, resulting directly or indirectly from any act or omission of the City, its contractors, anyone directly or indirectly employed by them, and/or anyone for
whose acts and/or omissions they may be liable for related to the ownership, maintenance, existence, restoration, repair or replacement of the improvements constructed as part of the Project. The City’s liability shall be governed by the provisions of Minnesota Statutes, Chapter 466 or other applicable law.

The County agrees to defend, indemnify, and hold harmless the City, its officials, officers, agents, volunteers, and employees from any liability, claims, causes of action, judgments, damages, losses, costs, or expenses, including reasonable attorneys’ fees, resulting directly or indirectly from any act or omission of the County, its contractors, anyone directly or indirectly employed by them, and/or anyone for whose acts and/or omissions they may be liable related to the ownership, maintenance, existence, restoration, repair or replacement of the improvements constructed as part of the Project. The County’s liability shall be governed by the provisions of Minnesota Statutes, Chapter 466 or other applicable law.

XII

The City also agrees that any contract let by the City or its agents for the performance of the work on the Project as provided herein shall include clauses that will: 1) Require the Contractor to defend, indemnify, and hold the County, its officials, officers, agents and employees harmless from any liability, causes of action, judgments, damages, losses, costs or expenses including, without limitation, reasonable attorneys’ fees, arising out of or by reason of the acts and/or omissions of the said Contractor, its officers, employees, agents or subcontractors in performing work on the Project; 2) Require the Contractor to be an independent contractor for the purposes of completing the work provided for in this Agreement; and 3) Require the Contractor to provide and maintain insurance in accordance with the following:

1. Commercial General Liability on an occurrence basis with
   Contractual Liability and Explosion, Collapse and Underground
   Property Damage (XCU) Liability coverages:

<table>
<thead>
<tr>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Aggregate</td>
</tr>
<tr>
<td>Products--Completed Operations Aggregate</td>
</tr>
<tr>
<td>Personal and Advertising Injury</td>
</tr>
<tr>
<td>Each Occurrence - Combined Bodily Injury and Property Damage</td>
</tr>
</tbody>
</table>

   **Hennepin County shall be named as an additional insured for the Commercial General Liability coverage with respect to operations covered under this Agreement.**

2. Automobile Liability:

   Combined Single limit each occurrence coverage or the equivalent covering owned, non-owned, and hired
3. Workers' Compensation and Employer's Liability:

A. Workers' Compensation

   If the Contractor is based outside the State of Minnesota, coverages must apply to Minnesota laws.

B. Employer’s Liability - Bodily injury by:

   Accident - Each Accident $500,000
   Disease - Policy Limit $500,000
   Disease - Each Employee $500,000

4. Professional Liability – Per Claim
   Aggregate $1,500,000 $2,000,000

It understood and agreed by the parties hereto that the above listed Professional Liability insurance will not be required in any construction contract let by City if the City’s Contractor is not required to perform design engineering as part of said construction contract.

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

The above subparagraphs establish minimum insurance requirements. It is the sole responsibility of the City's Contractor to determine the need for and to procure additional insurance which may be needed in connection with said Project.

All insurance policies shall be open to inspection by the County and copies of policies shall be submitted to the County upon written request.

XIII

It is further agreed that any and all employees of the City and all other persons engaged by the City in the performance of any work or services required or provided for herein to be performed by the City shall not be considered employees of the County, and that any and all claims that may or might arise under the Minnesota Economic Security Law or the Workers' Compensation Act of the State of Minnesota on behalf of said employees while so engaged and any and all claims made by any third parties as a consequence of any act or omission on the part of said employees while so engaged on any of the work or services provided to be rendered herein shall in no way be the obligation or responsibility of the County.
Also, any and all employees of the County and all other persons engaged by the County in the performance of any work or services required or provided for herein to be performed by the County shall not be considered employees of the City, and that any and all claims that may or might arise under the Minnesota Economic Security Law or the Workers' Compensation Act of the State of Minnesota on behalf of said employees while so engaged and any and all claims made by any third parties as a consequence of any act or omission on the part of said employees while so engaged on any of the work or services provided to be rendered herein shall in no way be the obligation or responsibility of the City.

XIV

In order to coordinate the services of the County with the activities of the City so as to accomplish the purposes of this Agreement, the County’s Transportation Project Delivery Department Director or designated representative shall manage this Agreement on behalf of the County and serve as liaison between the County and the City.

In order to coordinate the services of the City with the activities of the County so as to accomplish the purposes of this Agreement, the City Engineer or designated representative shall manage this Agreement on behalf of the City and serve as liaison between the City and the County.

XV

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 hereof. All items referred to in this Agreement are incorporated or attached and are deemed to be part of this Agreement.

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 hereto.

XVI

The whereas clauses are incorporated herein and are hereby made a part of this Agreement.

XVII

The provisions of Minnesota Statutes 181.59 and of any applicable local ordinance relating to civil rights and discrimination and the Affirmative Action Policy statement of Hennepin County shall be considered a part of this Agreement as though fully set forth herein.
IN TESTIMONY WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized officers as of the day and year first above written.

CITY OF MINNETONKA

(Seal)

By: ____________________________________________
    Mayor

Date:_____________________________________________

And: __________________________
    Manager

Date:_____________________________________________
COUNTY OF HENNEPIN

ATTEST:

By: ________________________________________________
   Deputy/Clerk of the County Board

Date:______________________________________________

By: ________________________________________________
   Chair of its County Board

Date:______________________________________________

APPROVED AS TO FORM:

By: ________________________________________________
   Assistant County Attorney

Date: 10/13/17

And: ________________________________________________
   County Administrator

Date:______________________________________________

And: ________________________________________________
   Assistant County Administrator, Public Works

Date:______________________________________________

APPROVED AS TO EXECUTION:

By: ________________________________________________
   Assistant County Attorney

Date:______________________________________________

RECOMMENDED FOR APPROVAL

By: ________________________________________________
   Director, Transportation Project Delivery Department

Date:______________________________________________

RECOMMENDED FOR APPROVAL

By: ________________________________________________
   Director, Transportation Operations Department

Date:______________________________________________
Brief Description: Resolution concerning no parking sign on YMCA Lane

Recommended Action: Adopt the resolution

Background

The YMCA Ridgedale, located at 12301 Ridgedale Drive, initiated a request for “No Parking” on the west side of YMCA Lane through the city’s police department. The source of the parking concerns are due to overflow traffic parking on both sides of YMCA Lane during busy periods at the YMCA, resulting in limited access and site lines. In an effort to address these parking concerns prior to this city request, the YMCA leased parking stalls from the Sheraton Minneapolis West to provide overflow parking for their patrons, however parking continued on YMCA Lane.

This past winter, following city review of the area concerns, the police department signed the west side of YMCA Lane temporary “No Parking by Police Order” to fully maintain emergency vehicle access on the roadway as well as monitor the area under the “No Parking” condition to make certain it would not create other parking concerns.

The YMCA and Sheraton Minneapolis West submitted a signed petition in support of this “No Parking” request as attached. Engineering staff reached out further to the remaining property on YMCA Lane through Chris Breemes, property manager for the Ridgegate Apartments, to discuss the request to restrict parking on the west side of the roadway. Ms. Breemes conveyed support of restricting parking on both sides of YMCA Lane. She also indicated that she had asked the YMCA to adjust their class schedules to reduce peak traffic.

Staff is recommending to create a “No Parking” zone and install “No Parking” signs on the west side of YMCA Lane from Ridgedale Drive to the north end of the YMCA Lane cul-de-sac. Parking will still be allowed on the east side of the road.

Recommendation

Adopt the attached resolution authorizing a “No Parking” zone on YMCA Lane and installation of signs as needed in the following area:

- West side: Ridgedale Drive to the north end of the YMCA Lane cul-de-sac.

Submitted through:

Geralyn Barone, City Manager
Will Manchester, P.E., Director of Engineering

Originated by:
Chris LaBounty, P.E., Engineering Project Manager
Resolution No. 2018

Resolution authorizing a No Parking zone and the installation of No Parking signs on YMCA Lane

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

Section 1. Background.
1.01. Through staff recommendation, a no parking zone is requested at the following location:

   a. The west side of YMCA Lane from Ridgedale Drive to the north edge of the cul-de-sac on YMCA Lane.

Section 2. Council Action.
2.01. The request and recommendation is hereby received and the City Council does authorize the installation of “No Parking” signs at the following location:

   a. The west side of YMCA Lane from Ridgedale Drive to the north edge of the cul-de-sac on YMCA Lane.

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 30, 2018.

__________________________
Brad Wiersum, Mayor

ATTEST:

__________________________
David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

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

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 April 30, 2018.

__________________________
David E. Maeda, City Clerk
YMCA Lane Proposed No Parking

No Parking Areas
The Ridgedale YMCA proposes that the city of Minnetonka add “No Parking” street signs to the four areas shown on the attached print. Phil Olson, PE Assistant City Engineer for the city of Minnetonka has been contacted and before he puts this to city council, all affected parties (Ridgegate apartment, Sheraton Minneapolis West, and Ridgedale YMCA) must be aware and agree to this proposal.

We the undersigned agree to this proposal.

Sheraton Minneapolis West
Printed Name       Michael Glass
Title General Manager Phone 952-593-0000
Email michael.glass@remingtonhotels.com
Signature

Ridgegate Apartments
Printed Name
Title Phone
Email
Signature

Ridgedale YMCA
Printed Name
Title Member Service Director Phone 952-544-7708
Email Mark.Inhrke@ymca-mn.org
Signature Acting for Mark Inhrke during his absence

Kenneth Almqvist
Maintenance Tech II
8/28/2017
612 532 8326
Description
Resolution requesting a time extension for the comprehensive plan “decennial” review obligations

Recommendation
Adopt the resolution

Background

Minnesota Statutes section 473.864 requires local governmental units to review and, if necessary, amend their entire comprehensive plans and their fiscal devices and official controls at least once every ten years. This is to ensure comprehensive plans conform with metropolitan system plans and ensure fiscal devices and official controls do not conflict with comprehensive plans or permit activities that conflict with metropolitan system plans. Minnesota Statutes sections 473.858 and 473.864 require local governmental units to complete their “decennial” reviews by December 31, 2018.

Minnesota Statutes section 473.864 authorizes the Metropolitan Council to grant extensions to local governmental units to allow local governmental units additional time within which to complete the “decennial” review and amendments. Any extensions granted by the Metropolitan Council must be submitted by May 31, 2018, and must include a timetable and plan for completing the review and amendment.

The city initiated its comprehensive plan review in June of 2017 with the comprehensive plan steering committee. The steering committee has met monthly over the past 10 months. The schedule, which was reviewed by the city council at the February 5, 2018 study session, identifies formal review fall/winter of 2018 with planning commission public hearing and city council adoption likely in November/December 2018. After city approvals, the plan would be submitted for adjacent jurisdiction and agency review which may take up to 6 months. Submission to the Metropolitan Council would occur after that review period for final action which would be June 2019.

Staff Analysis

The Metropolitan Council plans for and accommodates communities needing extensions to the December 2018 plan submission date. The Metropolitan Council requires cities seeking additional time to adopt the attached resolution. As the city’s process would not be finished by the end of the year, the extension is required.
Staff Recommendation

Adopt the resolution requesting the extension.

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

Originated by:
   Loren Gordon, AICP, City Planner
Resolution No. 2018-__

Resolution requesting additional time within which to complete comprehensive plan “decennial” review obligations

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

Section 1. Background.

1.01 Minnesota Statutes section 473.864 requires local governmental units to review and, if necessary, amend their entire comprehensive plans and their fiscal devices and official controls at least once every ten years to ensure comprehensive plans conform with metropolitan system plans and ensure fiscal devices and official controls do not conflict with comprehensive plans or permit activities that conflict with metropolitan system plans; and

1.02 Minnesota Statutes sections 473.858 and 473.864 require local governmental units to complete their “decennial” reviews by December 31, 2018; and

1.03 Minnesota Statutes section 473.864 authorizes the Metropolitan Council to grant extensions to local governmental units to allow local governmental units additional time within which to complete the “decennial” review and amendments; and

1.04 Any extensions granted by the Metropolitan Council must be submitted by May 31, 2018, and must include a timetable and plan for completing the review and amendment; and

1.05 The city of Minnetonka will not be able to complete its “decennial” review by December 31, 2018, for the following reasons: the steering committee did not begin work until June 2017 which, based on the city’s identified process, does not allow for a submittal by that date.

1.06 The Minnetonka City Council finds it is appropriate to request from the Metropolitan Council an extension so the City can have additional time to complete and submit to the Metropolitan Council for review an updated comprehensive plan and amend its fiscal devices and official controls.

Section 2. Council Action.

2.01 After appropriate consideration the City Manager is directed to submit to the Metropolitan Council no later than May 31, 2018, an application requesting an extension to June 30, 2019.

2.02 The City Manager is directed to include with the request a reasonably detailed timetable and plan for completing: (a) the review and amendment by June 30, 2019; and (b) the review and amendment of the City’s fiscal devices and official controls.
Adopted by the City Council of the City of Minnetonka, Minnesota, on April 30, 2018.

_________________________________
Brad Wiersum, 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 April 30, 2018.

______________________________
David E. Maeda, City Clerk
Description

Twelve-month time extension of site and building plan and subdivision approvals for Shady Oak Crossings located at 4312 Shady Oak Road

Recommendation

Approve the extension

Background

On Sept. 25, 2018, the city council approved a request from Ron Clark Construction for a 49-unit apartment building on the property located at 4312 Shady Oak Road. Ron Clark Construction is requesting extension of development approvals including preliminary and final plats and final site and building plans that will expire by the end of 2018. Ron Clark Construction is currently working to secure tax credits for the project. During the development review process, Ron Clark Construction indicated that construction would not begin until 2019. The extension request is consistent with that schedule.

Staff Analysis

In evaluating extension requests, the city has generally considered: (1) whether there have been changes to city code or policy that would affect the previous approvals; and (2) whether such extension would adversely affect the interests of neighboring property owners. Staff finds that the approval of this extension request is reasonable as:

(1) There have been no changes to city code that would affect the previous approvals; and,

(2) The requested extension does not change the original project approvals, which determined that this project would not adversely affect the interest of area property owners.

Staff Recommendation

Approve the twelve-month time extension to Dec. 31, 2019.

Submitted through:

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

Originated by:

- Loren Gordon, AICP, City Planner
LOCATION MAP

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

This map is for illustrative purposes only.
Area Schedule (Gross Units)

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

Grand total: 49 units

Total Gross Area

<table>
<thead>
<tr>
<th>Level</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 3</td>
<td>17,268 ft²</td>
</tr>
<tr>
<td>Level 2</td>
<td>23,410 ft²</td>
</tr>
<tr>
<td>Level 1</td>
<td>23,461 ft²</td>
</tr>
<tr>
<td>Level -1</td>
<td>23,857 ft²</td>
</tr>
<tr>
<td>Grand total</td>
<td>87,996 ft²</td>
</tr>
</tbody>
</table>

Parking Schedule

<table>
<thead>
<tr>
<th>Type</th>
<th>Count</th>
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</thead>
<tbody>
<tr>
<td>Garage</td>
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</tr>
<tr>
<td>Surface</td>
<td>21</td>
</tr>
<tr>
<td>Surface ADA</td>
<td>2</td>
</tr>
</tbody>
</table>

Grand total 89 parking stalls.
Area Schedule (Gross Units)

<table>
<thead>
<tr>
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<th>Unit Type</th>
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</thead>
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<tr>
<td>Unit A2</td>
<td>Type A</td>
<td>801 ft²</td>
<td>1BR</td>
</tr>
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</tr>
<tr>
<td>Grand total:</td>
<td>49</td>
<td></td>
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Total Gross Area

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</tr>
<tr>
<td>Grand total</td>
<td>87,996 ft²</td>
</tr>
</tbody>
</table>
Monday, July 24, 2017

Loren Gordon
City of Minnetonka
14600 Minnetonka Blvd
Minnetonka, MN 55345

RE: Shady Oak Crossing Project Narrative

**Ron Clark Construction** is proposing a three-story, 49-unit apartment building on the property located at 4312 Shady Oak Road.

The proposed apartment building would have underground parking, resident community room, exercise room, onsite manager's office and an outdoor play area.

It is proposed to have a mix of 1, 2 and 3 bedroom apartments and they currently expect the unit rents to be between $800 and $1200 per month. (See attachments).

Zoning for the property is currently B-2, limited business district. The city’s comprehensive plan guides the property for commercial use.

**Rezoning and Comprehensive Plan:** The proposed residential use requires a rezoning and guide plan change.

The proposed housing component would qualify the project for public benefit under the planned unit development zoning district.

A complementary high density residential comprehensive plan re-guidance would align with the zoning density of 31 units/acre. (49 units/1.58 acre).
Building Design: The proposed 3 story building with a flat roof and two story components at each end represents significant first step in the redevelopment of the Shady Oak Road corridor between Highway 7 and Excelsior Boulevard.

This existing commercial building is dilapidated and unlikely to be a candidate for remodeling.

Other residential redevelopment in the area includes The Oaks of Mainstreet townhome development (late 1990s) at the corner of Shady Oak Road and Mainstreet.

The proposed apartment building incorporates a flat roof design and an articulated façade, underground parking and common building entry accesses.

Changes from Original design:
The proposed 3 story Apartment building has been redesigned in response to input from the neighbors, Planning Commission and Council.

The initial design presented at the ‘Request for Interest’ interview before the City Council was a 56-unit building with a gable roof. To address the collective concern for the overall size of the building we have reduced the number of units from 56 to 49 by removing two units from each end of the building and one unit from the outside corner. We also changed the gable roof to a flat roof.

These changes have reduced the building height to two stories as viewed from Shady Oak Road from the north, Main Street from the south and from the existing neighbors to the west.

Perimeter grades have been raised and retaining walls have been added to reduce the amount of exposed foundation from the base of the building. The building height as measured from average grade is now 35’-37’ compared to the original proposed building height of 52’.

The Community Open House on January 11, 2006 sponsored by the Cities of Hopkins and Minnetonka presented a Shady Oak Road Redevelopment Study that showed all residential options for this site to be three stories.
**Site Design:** Similar to the existing building, this proposal would site the apartment building toward Shady Oak Road while providing greenspace to separate the building from the sidewalk.

Surface parking and a tot lot are provided on the west side of the building.

Underground parking is accessed from Oak Drive Lane.

Site and building design considers the relationships of public and private spaces.

A strong relationship of the sidewalk, front yard space and the building’s first floor is essential for great spaces.

**Changes to Site Design:**

The original proposed site plans had the entrance to the parking garage coming directly from Oak Drive Lane without an opportunity for the stacking of cars entering on to Shady Oak Road.

The building now has shifted south to allow the garage entrance to come from the surface parking lot to the west to now have only one entrance from Oak Drive Lane. This change allows for the stacking of cars entering Shady Oak Road.

As the building exterior has changed to a flat roof for a more ‘Urban’ design the building placement is now toward and connected to the sidewalk along Shady Oak Road while providing greenspace to separate the building from the sidewalk.

Significant landscaping and retaining walls will be placed at the north end of the building to screen the parking garage entrance. All efforts will be made to protect the existing trees as well as adding additional trees, landscaping and fencing to screen the existing neighbors from the surface parking.
Stormwater Management:
The current property is covered with 1.22 acres of impervious surface and primarily drains to the wetland. The new development stormwater management system for the site will convey all site runoff to a new basin installed on the adjacent property to the West. The impervious area for the new development provides a 32% reduction from the existing site condition. The development will meet all management standards required by the City of Minnetonka, the Nine Mile Creek Watershed District and the MPCA NPDES Permit.

Traffic: The city consultant has prepared a traffic study of the area and it clearly shows that the new use will have less traffic than other currently allowed uses and the effect on the surrounding intersections is minimal.
We had discussions with the city and county about adding a right turn lane on Oak Drive Lane and the county said it was not needed and as such would not be allowed.

Financing: The project will be financed through the Minnesota Housing Finance Agency (MHFA) 9% tax credit program, The tax credit financing program is a public/private partnership whereby the tax credit investor receives federal tax credits for a 10 year period which we are able to convert into Equity for the project, this allows for a small mortgage but in return the rents must be kept at a level set by MHFA for 30 years, with a Tenant’s income restricted to 60% of the Median Income for the County, which currently for a family of 4 is $54,240/year.
In addition MHFA does annual inspections of the property and require us to set aside about $250,000 in reserves at closing and to set aside another $22,050/year for major repairs and replacements. This assures that the building will be maintained at a high quality and continue to be an asset to the city for years to come.
If the project is approved by the city, we will be applying for tax credits in 2018 and if selected would plan to start construction on early 2019.
Professional Management: Steven Scott Management will be our management company, they are a highly respected local company.

We will have an onsite resident caretaker as well as a building manager who is at the building a minimum of 30 hours per week, along with a Senior Manager who oversees the building management.

As part of the maintenance and management of the building we are in each unit, normally monthly or bi-monthly to maintain equipment and to do a quick inspection to confirm no lease violations or undo wear and tear is happening.

Each resident in the household must pass extensive credit, criminal & housing history checks

The leases are also very clear as to our right to evict or non-renew a tenant for either a major lease violation or continued smaller issues. They also sign a Drug-free/Crime-free lease addendum.

Smoking is not allowed anywhere in the building.
Good Afternoon Loren,

Per our conversation today Ron Clark Construction and Design is requesting a one year extension to the attached Resolution #2017-112. We would like to have the extension by 6/1/18 so we can include it with our upcoming MHFA application which we will be submitting in early June.

Please let me know when you get us on the schedule for the City Council.

Thank you,

Michael R. Roebuck
President
Ron Clark Construction
952-947-3022 (Direct)
952-947-3000 (Main)
www.ronclark.com

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit http://www.mimecast.com
Certified, filed and/or recorded on Sep 27, 2017 12:04 PM

Office of the Registrar of Titles
Hennepin County, Minnesota
Martin McCormick, Registrar of Titles
Mark Chapin, County Auditor and Treasurer

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Existing Certs
1400997

This cover sheet is now a permanent part of the recorded document.
Resolution No. 2017-112

Resolution approving preliminary and final plats and final site and building plans, with variances, for Shady Oak Crossings at 4312 Shady Oak Road

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

Section 1. Background.

1.01 Ron Clark Construction and Design has requested approval of preliminary and final plats and final site and building plans for a rental apartment building.

1.02 The properties are located at 4312 Shady Oak Road and 4292 Oak Drive Lane. They are legally described on EXHIBIT A of this resolution.

1.03 On August 24, 2017 and September 7, 2017, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the preliminary and final plat and final site and building plans, with variances.

Section 2. Preliminary and Final Plat Standards and Findings.

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

2.02 The proposed preliminary and final plats meet the design requirements as outlined in City Code §400.030.

Section 3. Site Plan Standards and Findings.

3.01 City Code §300.27, Subd. 5, outlines several items that must be considered in the evaluation of site and building plans. Those items are incorporated by
reference into this resolution.

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

1. The proposal would result in a high-density residential development consistent with the site’s rezoning and comprehensive guide plan. Further, the proposal has been reviewed by city planning, public works, engineering, and natural resources staff and found to be generally consistent with the city’s development guides, including the water resources management plan.

2. The proposed building and parking lot would be appropriately located with reference to both existing constructed and natural features. As proposed a three-story building, with underground parking, is architecturally attractive and fits in the context of the Shady Oak Road commercial corridor. The building would be faced with brick and composite materials.

3. The proposal would visually and physically alter the site and corridor by removing the current one-story commercial building for a 3-story residential building. However, redevelopment of the subject property would clean up a blighted and contaminated property, improve surface water management and treatment, increase green space and landscaping and reduce the potential for other nuisance issues such as lighting, noise and odor that may be generated by a commercial property.

Section 4. City Council Action.

4.01 The above-described preliminary and final plats and site and building plans, with variances, are hereby approved subject to the following conditions:

1. Subject to staff approval, Shady Oak Crossings must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:

   - Preliminary Plat, dated August 24, 2017
   - Site Plan, dated August 24, 2017
   - Grading Plan, dated August 24, 2017
   - Utility Plan, dated August 24, 2017
   - Landscape Plan, dated September 14, 2017
   - SWPPP- Proposed Conditions, dated August 24, 2017
   - SWPPP- Details, dated August 24, 2017
   - Architectural Plans, dated July 24, 2017
2. Prior to the release of the final plat for recording purposes:
   
a) Submit the following:
   
   1) Final plat drawing with easement legend and easement dedication clause.
   
   2) Two sets of mylars for city signatures.
   
   3) An electronic CAD file of the plat in microstation or DXF.
   
   4) Title evidence that is current within thirty days before release of the final plat for the city attorney's review and approval.
   
   b) This resolution must be recorded with Hennepin County.

3. Prior to issuance of a building permit:
   
a) Submit the following for staff review and approval:
   
   1) An electronic PDF copy of all required plans and specifications.
   
   2) One full size set of construction drawings and project specifications.
   
   3) Items associated with site work:
      
      a. Final site, grading, stormwater management, utility, landscape, tree mitigation, and natural resource protection plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.
      
      1. Final site plan:
         
         • Confirm sidewalk connection on north side of the building to Shady Oak Road meets ADA.
         
         • Submit retaining wall plans from structural engineer.
2. Final stormwater management plan must meet the requirements of the city's Water Resources Management Plan, Appendix A. Design. The plan must include a narrative, impervious surface information, soil boring data, and modeling demonstrating rate control and water quality treatment.

3. Final utility plan must include:

- Water Service.
  
  o Address the tie card issue that shows water is stubbed to the site differently than shown on the plans. Relocation of the hydrant will require rework of the existing stub.

  o Recommend relocating water service into the building. Currently shown crossing under a catch basin and a retaining wall. Service as shown will require significant fittings and be difficult for the property owner to maintain in the future due to the extra depth for cover as well as the feed being located in close proximity to the retaining wall and within the garage access.

- Sanitary Sewer.

  o Keep trees out of easement. Smaller shrubs permissible.

  o Show sanitary sewer service to 4292 Oak Drive Lane to avoid potential conflict with storm sewer installation. Tie card attached.
• Developer to provide maintenance agreement that states property owner is responsible for replacing parking lot section if the city or county needs to perform maintenance on the underlying utilities.

• Stormwater.
  
  o Stormwater maintenance agreement will be required.

  o Relocate access road to tie into the radius of the 4 stall parking area so the road is straight. Public works vehicles cannot make the turn as shown.

  o Add note to access road: 12' wide infiltration basin access (compacted to 95% density constructed with structural material, finished with 4" topsoil and seeded)

  o Label EOF on grading plan.

  o Relocate CBMH 3 to mid-point or northwest corner of 4 stall parking area so that the structure is not atop the county storm sewer line. Confirm clearance over 27" storm pipe. Adjust D&U easement as needed to accommodate.

  o Note that unused sewer services will be removed back to the main and the wye will be cut out and sleeved.

  o Stormwater plan has been submitted detailing conformance with the volume and water quality provisions of the city's stormwater
rules. The project will meet the rate control requirements through reduction of impervious surface (approx. 30%), however, must still submit documentation that rates for the 2-, 10-, and 100-year do not exceed the existing condition at all points where stormwater leaves the site.

- A Nine Mile Creek permit will be required for this project.

- Streets.
  - Confirm with Hennepin County if ROW permits will be required.

4. Final landscaping and tree mitigation plans must:

- Overstory and evergreen trees cannot be planted within the utility or sanitary easement line.

- Final landscape plan to be reviewed and approved by staff.

- Provide the final project and landscape value.

- Stormwater pond be planted with a native seed mix.

- Thirteen maples are specified, substitute 5 of the maples with a different genus. Code is satisfied but a little more diversity is desirable.

- The proposed grading will still result in the loss of tree 4822. Adjust the grading and the outlet pipe.

- The grading associated with the pond construction can be no closer than 15'
to the tree; the plan shows 14-feet which equates to about 35% impact to the critical root zone. The grading associated with the storm pipe outlet cannot be located within the critical root zone of the tree (CRZ is a 46' radius).

5. Wetlands.
   - Provide a 16.5-foot buffer with conservation easement.
   - Meet the watershed district rules.

b. A sequencing plan for review and approval of the city engineer. The plan must note the series of construction events that will occur involving driveway construction and sanitary sewer and water main connections and disconnections. The number of events in which disturbances to the street and utilities occur must be minimized. For example, multiple crews may be required to disconnect water services simultaneously.

c. The following documents for the review and approval of the city attorney:

1. Development agreement.

2. Stormwater maintenance agreements over all stormwater facilities. This agreement must state that the city will not maintain private structures within public easements.

3. A private fire hydrant maintenance agreement.

d. Proof of subdivision registration and transfer of NPDES permit.
e. Evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.

f. A construction management plan. The plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.

g. Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct parking lot and utility improvements, comply with grading permit, tree mitigation requirements, landscaping requirements, and to restore the site. One itemized letter of credit is permissible, if approved by staff. The city will not fully release the letters of credit or cash escrow until:

1. A final as-built survey has been submitted;

2. An electronic CAD file or certified as-built drawings for public infrastructure in microstation or DXF and PDF format have been submitted;

3. Vegetated ground cover has been established; and

4. Required landscaping or vegetation has survived one full growing season.

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

1. The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
2. If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion or grading problems.

i. Any required administration and engineering fees.

j. Park dedication fees in the amount of $245,000. City staff is authorized to reduce this amount commensurate with the cost of qualified public improvements.

4) Items associated with building work:

a. A final material and color palate board for staff review and approval.

b. All required hook-up fees.

b) Obtain and submit a permit from the Minnesota Department of Health.

c) Obtain and submit a sanitary sewer extension permit from the Minnesota Pollution Control Agency.

d) Install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

e) Schedule and hold a preconstruction meeting with engineering, planning, and natural resources staff as determined by city staff.

4. The applicant may choose to submit a separate grading permit application to facilitate site work prior to issuance of a building permit. In such case, prior to issuance of a grading permit, the items outlined in preceding condition 3(a)(3) – “Items associated with site work” – must be submitted for staff review and approval and required erosion control must be installed for inspection.

5. Retaining walls over four feet in height must be engineered.
6. During construction the street must be kept free of debris and sediment.

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

8. The applicant must work with the city for identification of acceptable street light fixtures.

9. Provide a snow removal plan for staff review and approval.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 25, 2017.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption: Wagner
Seconded by: Allendorf
Voted in favor of: Wagner, Allendorf, Acomb, Wiersum, Bergstedt, Schneider
Voted against: Ellingson
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 September 25, 2017.

David E. Maeda, City Clerk
Lot 19 Block 2, Ginkels Oakridge Addition
AND
Certificate of Title 1400997

Par 1:
All that portion of the tract or parcel of land described at paragraph "A" below, which lies Northwesterly of a line drawn parallel to and 200 feet Southwesterly of the North line thereof and the same extended, to-wit:

Paragraph "A": That portion of the West Half of the Southwest Quarter of Section 23, Township 117, Range 22, described as follows: Starting at the Northeast corner of the Southwest Quarter of the Southwest Quarter of said Section; thence South along the East line of the West Half of the Southeast Quarter of said Section, a distance of 300 feet; thence Westerly at right angles to said East line for a distance of 254 feet; thence Northeasterly along a line parallel to said East line a distance of 600 feet; thence Easterly along a line of right angles to said East line 298 feet to the center line of McIntry Road; thence Southwesterly along the center line of McIntry Road to the East line of the West Half of the Southeast Quarter of said Section 23; thence Southerly along said East line 33.5 feet to the point of beginning.

Par 2:
Lot 20, Block 2, Ginkels Oakridge Addition
Brief Description  Resolution approving the final plat of LEGACY OAKS 3rd ADDITION

Recommendation  Adopt the resolution approving the final plat

Introduction

In June 2013, the city council approved the LEGACY OAKS preliminary plat. The plat allowed for development of the existing 26-acre Jondahl Farm. As per the approved preliminary plat, LEGACY OAKS includes single-family homes, twin homes, and either condominium units, townhomes or a combination of both.

In April 2014, the city council approved the LEGACY OAKS final plat. The plat created the single-family and twin home lot portion of the property in the west and central area of the development. The east area was platted as outlots, with the expectation that future phases would be “final platted” just ahead of construction.

In January 2015, the city council approved the LEGACY OAKS 2nd ADDITION final plat. The plat created a lot for the first of three, 20-unit condominium buildings, which was subsequently constructed.

In June 2016, the city council approved the LEGACY OAKS 3rd ADDITION final plat. This plat generally created two lots for two, 20-unit condominium buildings, as well as four twin home lots. The site and building plans for the condominium buildings themselves had previously been reviewed and approved by the planning commission. The final plat was never filed and neither the condo buildings nor twin homes were constructed.

Proposal

Since the 2016 approval, Ron Clark Construction has evaluated its plans for the remaining two, 20-unit condominium buildings. Instead of constructing two parallel buildings, the company is instead now proposing to construct just one, 38-unit, “L-shaped” building. In summary, the completed condominium block would change from three buildings and 60 units to two buildings and 58 units. The planning commission will consider and act on the site and building plans for the reconfigured building in early May.

At this time Ron Clark Construction is again requesting approval of the LEGACY OAKS 3rd ADDITION final plat. The plat would create one lot for the reconfigured condominium building and four twin home lots.

Staff Recommendation

The LEGACY OAKS 3rd ADDITION generally reflects the site design approved as the preliminary plat, as well as a phased approach to development. As such, staff recommends the council adopt the resolution approving the final plat for LEGACY OAKS 3rd ADDITION.
Submitted through:
   Geralyn Barone, City Manager
   Julie Wischnack, AICP, Community Development Director
   Loren Gordon, AICP, City Planner

Originated by:
   Susan Thomas, AICP, Assistant City Planner
Location Map

Project: Legacy Oaks 3rd Addn
Address: 300 Parkers Lake Rd
KNOW ALL PERSONS BY THESE PRESENTS:

That RE Clark Land Investments, LLC, a Minnesota limited liability company, owner of the following described property
situated in the County of Hennepin, State of Minnesota, to wit:

Outlot E, Legacy Oaks, Hennepin County, Minnesota.

Has caused the same to be surveyed and platted as LEGACY OAKS 2ND ADDITION and does hereby dedicate to the public for public use the easements for drainage and utility purposes as shown on this plat.

In witness whereof said RE Clark Land Investments, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this ______ day of ______________, 20____.

RE CLARK LAND INVESTMENTS, LLC
_____________________________________________
its: __________________________________________

STATE OF MINNESOTA COUNTY OF HENNEPIN
The foregoing instrument was acknowledged before me this ______ day of ______________, 20____ by _______________________ ______, the ___________________________ of RE Clark Land Investments, LLC, a Minnesota limited liability company, on behalf of the company.
_____________________________________________
_____________________________________________
Notary Public, Hennepin County, Minnesota
My Commission Expires __________________

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

Dated this _________ day of ___________________, 20____.
_______________________________________________
Eric B. Lindgren, Licensed Land Surveyor
Minnesota License Number 48176

STATE OF MINNESOTA COUNTY OF DAKOTA
The foregoing instrument was acknowledged before me this _________ day of ______________, 20____ by Jeffrey D. Lindgren.
_____________________________________________
_____________________________________________
Notary Public, Dakota County, Minnesota
My Commission Expires __________________

RESIDENT AND REAL ESTATE SERVICES, HENNEPIN COUNTY, MINNESOTA
I hereby certify that taxes payable in _________ and prior years have been paid in full for all land described on this plat.
Dated this _________ day of __________________, 20____.
Mark V. Chapin, Hennepin County Auditor
By: ___________________________________________

SURVEY DIVISION, HENNEPIN COUNTY, MINNESOTA
Pursuant to Minnesota Statutes, Section 383B.565 (1969), this plat has been approved this _________ day of ___________________, 20____.

Chris F. Mavis, Hennepin County Surveyor
By:___________________________________________

COUNTY RECORDER, HENNEPIN COUNTY, MINNESOTA
I hereby certify that the within plat of LEGACY OAKS 2ND ADDITION was recorded in this office this _________ day of ___________________, 20____, or __________ M.

Martin McComb, County Recorder
By:___________________________________________

CITY COUNCIL OF MINNETONKA, MINNESOTA
This plat of LEGACY OAKS 2ND ADDITION was approved and accepted by the City Council of Minnetonka, Minnesota at a regular meeting thereof held on this ______ day of ____________________, 20____.

By: ____________________________________________ Mayor
By:_____________________________________________ Clerk

By: ____________________________________________ Deputy
KNOW ALL PERSONS BY THESE PRESENTS: That RE Clark Land Investments, LLC, a Minnesota limited liability company, owner of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

Outlot B, LEGACY OAKS 2ND ADDITION.

has caused the same to be surveyed and platted as LEGACY OAKS 3RD ADDITION and does hereby dedicate to the public for public use the easements for drainage and utility purposes as shown on this plat.

In witness whereof said RE Clark Land Investments, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this ____ day of ________________, 20__.  

RE CLARK LAND INVESTMENTS, LLC

_____________________________________________
its: __________________________________________

STATE OF MINNESOTA
COUNTY OF ______________________

The foregoing instrument was acknowledged before me this ___ day of ________________, 20__, by __________________________, the _________________________ of RE Clark Land Investments, LLC, a Minnesota limited liability company, on behalf of the company.

_____________________________________________
_____________________________________________
Notary Public, _________________ County, Minnesota
My Commission Expires ______________________

MINNETONKA, MINNESOTA

This plat of LEGACY OAKS 3RD ADDITION was approved and accepted by the City Council of Minnetonka, Minnesota at a regular meeting thereof held on this ___ day of ________________, 20__, if applicable. The written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been reviewed by the city or the plat 30 day period has expired without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subdivision 2.

CITY COUNCIL OF MINNETONKA, MINNESOTA

By: ____________________________________________ Mayor
By: ______________________________________________ Clerk

SURVEY DIVISION, HENNEPIN COUNTY, MINNESOTA

Pursuant to Minnesota Statutes, Section 383B.565 (1969), this plat has been approved this ___ day of ________________, 20__, if applicable.

Chris E. Moore, Hennepin County Surveyor

By:___________________________________________

COUNTY RECORDER, HENNEPIN COUNTY, MINNESOTA

I hereby certify that the within plat of LEGACY OAKS 3RD ADDITION was recorded in this office this ___ day of ________________, 20__, at __ o'clock ___ M.

Martin McCormick, County Recorder

By: ___________________________________________ Deputy

RESIDENT AND REAL ESTATE SERVICES, HENNEPIN COUNTY, MINNESOTA

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

Dated this ___ day of ________________, 20__.  

Mark V. Chapin, Hennepin County Auditor

By: ___________________________________________ Deputy

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

Dated this ___ day of ________________, 20__.

Eric B. Lindgren, Licensed Land Surveyor
Minnesota License Number 48176

My Commission Expires ______________________

STATE OF MINNESOTA
COUNTY OF ______________________

The foregoing instrument was acknowledged before me this ___ day of ________________, 20__, by __________________________, the _________________________ of RE Clark Land Investments, LLC, a Minnesota limited liability company, on behalf of the company.

_____________________________________________
_____________________________________________
Notary Public, _________________ County, Minnesota
My Commission Expires ______________________

Chris E. Moore, Hennepin County Surveyor

By:___________________________________________

I hereby certify that the within plat of LEGACY OAKS 3RD ADDITION was recorded in this office this ___ day of ________________, 20__, at __ o'clock ___ M.

Martin McCormick, County Recorder

By: ___________________________________________ Deputy

PARKS LAKE ROAD

SURVEY DIVISION, HENNEPIN COUNTY, MINNESOTA

Pursuant to Minnesota Statutes, Section 383B.565 (1969), this plat has been approved this ___ day of ________________, 20__, if applicable.

Chris E. Moore, Hennepin County Surveyor

By:___________________________________________

COUNTY RECORDER, HENNEPIN COUNTY, MINNESOTA

I hereby certify that the within plat of LEGACY OAKS 3RD ADDITION was recorded in this office this ___ day of ________________, 20__, at __ o'clock ___ M.

Martin McCormick, County Recorder

By: ___________________________________________ Deputy

RESIDENT AND REAL ESTATE SERVICES, HENNEPIN COUNTY, MINNESOTA

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

Dated this ___ day of ________________, 20__.  

Mark V. Chapin, Hennepin County Auditor

By: ___________________________________________ Deputy
KNOW ALL PERSONS BY THESE PRESENTS: That RE Clark Land Investments, LLC, a Minnesota limited liability company, owner of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

Outlot B, LEGACY OAKS 2ND ADDITION.

Has caused the same to be surveyed and platted as LEGACY OAKS 3RD ADDITION and does hereby dedicate to the public for public use the easements for drainage and utility purposes as shown on this plat.

In witness whereof said RE Clark Land Investments, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _________ day of _______________________, 20____.

RE CLARK LAND INVESTMENTS, LLC
_____________________________________________
its: _________________________________________

STATE OF MINNESOTA
COUNTY OF ______________________

The foregoing instrument was acknowledged before me this ________ day of __________________, 20____ by ____________________________, the _________________________ of RE Clark Land Investments, LLC, a Minnesota limited liability company, on behalf of the company.

_____________________________________________
_____________________________________________
Notary Public, _________________ County, Minnesota
My Commission Expires ________________________

MINNETONKA, MINNESOTA

This plat of LEGACY OAKS 3RD ADDITION was approved and accepted by the City Council of Minnetonka, Minnesota at a regular meeting held on this ______ day of ____________________, 20____. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been reviewed by the city or the planned 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subdivision 2.

CITY COUNCIL OF MINNETONKA, MINNESOTA

By: __________________________________________
Mayor
By:_____________________________________________
Clerk

RESIDENT AND REAL ESTATE SERVICES, HENNEPIN COUNTY, MINNESOTA

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

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

SURVEY DIVISION, HENNEPIN COUNTY, MINNESOTA

Pursuant to Minnesota Statutes, Section 503B.556 (1995), this plat has been approved this ________ day of __________________, 20____.

Chris F. Mavis, Hennepin County Surveyor
By:___________________________________________

COUNTY RECORDER, HENNEPIN COUNTY, MINNESOTA

I hereby certify that the within plat of LEGACY OAKS 3RD ADDITION was recorded in this office this ________ day of __________________, 20____ at ___ o'clock ___ M.

Martin McCormick, County Recorder
By: ___________________________________________ Deputy
LEGACY OAKS 3RD ADDITION
Oakcroft One, LLC
Minnetonka, MN 55391

LANDSCAPE PLANTINGS

1) Aspen, Quaking
2) Maple, Sienna Glen
3) Maple, Northwood
4) Maple, Autumn Blaze
5) Serviceberry, Autumn Brilliance
6) Nannyberry Shrub
7) Spruce, Black Hills
8) Pine, White

Foundation bed plantings:
15) Hydrangea, Limelight Shrub
40) Hydrangea, Quick Fire
40) Ninebark, Summer Wine
40) Arborvitae, Techyn Globe
55) Echinacea (Coneflower)
50) Grass, Karl Forester

- Foundation maintenance strip rock mulch & edging
- Wood mulch tree rings
- Sod
- Irrigation
**Approved Condominium Block**
3 buildings 60 units

**Revised Condominium Block**
2 buildings 58 units
PARKING COUNTS
STANDARD: 45
HC: 2
TANDEM: 15
TOTAL: 77

21 MAR 2018
THIRD LEVEL FLOOR PLAN

scale: 1" = 20'-0"

21 MAR 2018
Resolution No. 2018-
Resolution approving the final plat or LEGACY OAKS 3\textsuperscript{RD} ADDITION

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

Section 1. Background.

1.01 On Jan. 26, 2015, the city council approved the LEGACY OAKS 2\textsuperscript{ND} ADDITION final plat.

1.02 Ron Clark Construction has now requested final plat approval for LEGACY OAKS 3\textsuperscript{RD} ADDITION.

1.03 The property to be included in the plat is legal described as:

OUTLOT B, LEGACY OAKS 3\textsuperscript{RD} ADDITION, HENNEPIN COUNTY, MINNESOTA.

Section 2. Council Action.

2.01 The city council grants final plat approval of LEGACY OAKS 3\textsuperscript{RD} ADDITION. Approval is subject to the following condition

1. Prior to release of the final plat, provide title evidence that is current within thirty days of submittal for review and approval of the city attorney.

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 30, 2018.

_________________________________
Brad Wiersum, 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

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 April 30, 2018.

David E. Maeda, City Clerk
Brief Description
Ordinance regarding massage license requirements

Recommendation
Adopt the ordinance

Background
The city has licensed massage establishments since 2006. Currently, the city’s ordinance allows temporary chair massage without a license if the following conditions are met:

a. the massage is provided in a place of business where the massage can easily be seen by any employee or visitor on the premises;
b. the location does not hold a license to sell alcoholic beverages;
c. massages are offered at the location no more than ten days per calendar year;
d. each recipient of a massage remains in an upright position, either sitting or standing; and
e. each recipient of a massage remains in the normal, daytime attire worn when entering the business and does not remove any clothing except outerwear such as a coat or jacket.

Staff has received numerous requests over the past twelve months from local businesses and assisted living facilities that want to offer chair massage to their employees as part of their health and wellness programs or to their residents. Because the city code only allows chair massage ten days per year, applicants are required to obtain a full massage license, which typically requires remodeling of the space to meet code requirements which adds an extra expense for non-permanent facilities.

Staff is proposing to eliminate the condition of “ten days per calendar year” to allow chair massage without a massage license, provided the other conditions are met. Staff also proposed modifying the first condition to state the massage is provided at a location within a place of business that is readily accessible by, and in view of, visitors or employees.

The ordinance was introduced to the council on April 16. Council did not express concerns with the ordinance amendment. The ordinance will be effective 30 days after publication.

Recommendation
Staff recommends adopting the ordinance.

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

Originated by:
Kathy Leervig, Community Development Coordinator
The City of Minnetonka Ordains:

Section 1. Section 810.015, subdivision 2 of the Minnetonka City Code, regarding license exceptions for massage businesses, is amended to read as follows:

License Exceptions.

2. A person or organization providing temporary massage services such as "chair massage" is not required to obtain a massage business license if the following requirements are met:

   a. the massage is provided in a place of business where the massage can easily be seen by any employee or visitor on the premises; is readily accessible by, and in view of, visitors or employees;
   b. the location does not hold a license to sell alcoholic beverages;
   c. massages are offered at the location no more than ten days per calendar year;
   d. each recipient of a massage remains in an upright position, either sitting or standing; and
   ed. each recipient of a massage remains in the normal, daytime attire worn when entering the business and does not remove any clothing except outerwear such as a coat or jacket.

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 30 days after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on April 30, 2018.

Brad Wiersum, Mayor
ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: April 16, 2018
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

CERTIFIED COPY:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on April 30, 2018.

David E. Maeda, City Clerk

The stricken language is deleted; the underlined language is inserted.
City Council Agenda Item #11A  
Meeting of April 30, 2018

**Brief Description**  
Conditional use permit, with variances, for a daycare facility at 14410 Brunsvold Road

**Recommendation**  
Adopt the resolution approving the conditional use permit, with variances

**Background**

The existing building at 14410 Brunsvold Road was constructed in 1949 as Bethlehem Lutheran Church. In 1968 a new, larger building was constructed adjacent to Eden Prairie Road and the primary worship and church uses were moved to this new building. The original building was converted to childcare space. At the time of both the original and secondary construction, churches and daycares were permitted uses within the residential zoning district. The zoning ordinance was subsequently amended such that religious uses and daycare facilities became conditionally permitted uses in residential districts.

In 2014, the larger Bethlehem Lutheran Church property was divided in order to place the two buildings on two separate properties. The division located the church building on the larger, westerly property and the childcare building on the much smaller easterly property. The division allowed the church to sell the easterly property. The uses on both properties continued as non-conforming uses.

In 2015, planning and legal staff confirmed with the owner of the easterly property that the daycare use could continue on the site as a non-conforming use. At that time, the center served 24 children. However, staff noted that any intensification of the use would necessitate a conditional use permit.

**Proposal**

Hopkins Montessori School has been operating from the subject property since 2015, serving children between 33 months and six years of age. The Montessori is proposing to start a toddler program that would add 14 children and two teachers to the site. The proposal requires:

- **Conditional Use Permit.** By City Code §300.10 licensed daycare facilities serving up to 16 children are conditionally permitted in residential zoning districts.

- **Variances.** Two variances are necessary: (1) to increase the number of children to 44; and (2) to recognize the existing building’s non-conforming setbacks.

**Planning Commission Hearing**

The planning commission considered the proposal on April 12, 2018. The commission report and plans are attached. Staff recommended approval noting:

- The proposed use is reasonable, as the property has been used for childcare purposes for over 50 years.
• The addition of up to 14 toddlers to the site would not fundamentally change the longstanding land use or the character of the neighborhood.

• The existing structure has non-conforming setbacks from property lines. The requested setback variances would not impact neighborhood character, as they would not change the existing setbacks. Rather, the variances would simply acknowledge the long-standing location/situation of the existing structure.

At the commission meeting, a public hearing was opened to take comment. No public comments were received. Following the public hearing, the commission discussed the proposal and expressed its general support.

Planning Commission Recommendation

On a 5-0 vote, the commission recommended that the city council approve the proposal. Meeting minutes are attached. There have been no changes to the proposal or additional information received since the planning commission's meeting on this item.

Staff Recommendation

Staff recommends the city council adopt the resolution approving the conditional use permit, with variances, for a daycare facility at 14410 Brunsvold Road.

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

Originator:  Susan Thomas, AICP, Assistant City Planner
MINNETONKA PLANNING COMMISSION  
April 12, 2018

**Brief Description**  
Conditional use permit, with variances, for a daycare facility at 14410 Brunsvold Road.

**Recommendation**  
Recommend the city council adopt the resolution approving the conditional use permit, with variances.

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**Background**

The existing building was constructed in 1949 as Bethlehem Lutheran Church. In 1968 a new, larger building was constructed adjacent to Eden Prairie Road and the primary worship and church uses were moved to this new building. The original building was converted to childcare space. At the time of both the original and secondary construction, churches and daycares were permitted uses within the residential zoning district. The zoning ordinance was subsequently amended such that religious uses and daycare facilities became conditionally permitted uses in residential districts.

In 2014, the larger Bethlehem Lutheran Church property was divided in order to place the two buildings on two separate properties. The division located the church building on the larger, westerly property and the childcare building on the much smaller easterly property. The division allowed the church to sell the easterly property. The uses on both properties continued as non-conforming uses.

In 2015, planning and legal staff confirmed with the owner of the easterly property that the daycare use could continue on the site as a non-conforming use. At that time, the center served 24 children. However, staff noted that any intensification of the use would necessitate a conditional use permit.

**Proposal**

Hopkins Montessori School has been operating from the subject property since 2015, serving children between 33 months and six years of age. The Montessori is proposing to start a toddler program that would add 14 children and two teachers to the site.

Montessori preschools do not neatly “fit” into a city code land use definition. A Montessori preschool provides self-directed, educator-guided learning in multi-aged classrooms. Given the educational focus, one could argue that these facilities should be defined as schools by city code. However, one could also argue that they should be considered licensed daycare facilities under city code, as Montessori preschools are licensed as such by the State of Minnesota. While both schools and daycare facilities are conditionally-permitted uses in residential zoning districts, staff has determined that the Hopkins Montessori School proposal should be reviewed as the later to ensure consistency with state review and licensing. Therefore, the proposal requires:

- **Conditional Use Permit.** By City Code §300.10 licensed daycare facilities serving up to 16 children are conditionally permitted in residential zoning districts.
• **Variance**: Two variances are necessary: (1) to increase the number of children to 44; and (2) to recognize the existing building’s non-conforming setbacks.

**Primary Questions and Analysis**

A land use proposal is comprised of many details. In evaluating a proposal, staff first reviews these details and then aggregates them into a few primary questions or issues. The following outlines both the primary questions and staff findings for the proposed daycare center.

- **Is the proposed use appropriate?**
  
  Yes. The subject property has been used for childcare purposes for over 50 years.

- **Is the variance to increase the number of children on the site reasonable?**
  
  Yes. The addition of up to 14 toddlers to the site would not fundamentally change the longstanding land use or the character of the neighborhood.

- **Are the requested setback variances reasonable?**
  
  Yes. The existing structure was constructed in 1968 and has non-conforming setbacks from property lines. The setback variances would not impact neighborhood character, as they would not change the existing setbacks. Rather, the variances would simply acknowledge the long-standing location/situation of the existing structure.

**Staff Recommendation**

Recommend the city council adopt the resolution approving a conditional use permit, with variances, for a daycare facility at 14410 Brunsvold Road.

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

Surrounding Land Uses

Northerly: Single-family homes; zoned R-1
Easterly: Single-family homes; zoned R-1
Southerly: Single-family homes; zoned R-1
Westerly: Bethlehem Lutheran Church, zoned R-1

Planning

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

City Actions

The proposal requires the following applications:

- Conditional Use Permit, with variances. By City Code §300.10 Subd.4(e), daycare facilities for up to 16 children are conditionally-permitted uses in the R-1 zoning district. One of the conditional use permit standards is that daycares maintain a 50 foot setback from all property lines. Variances are required to allow up to 44 children and to acknowledge the structures existing, non-conforming setbacks.

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<td>BUILDING SETBACKS</td>
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*variance required

CUP Standards

The proposed daycare facility would be generally consistent with the general CUP 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 requires variances from the specific conditional use permit standards for licensed daycare centers as outlined in City Code §300.16 Subd.3(e):

1. Located only on a collector or arterial roadway as designated in the comprehensive plan or otherwise located so that access
can be provided without conducting significant traffic on local residential streets;

**FINDING:** The daycare facility currently has access to Eden Prairie Road – an arterial roadway – via both Brunsvold Road and Ferris Lane. Though Brunsvold and Ferris are local streets, the access points to the facility are located west of area residences. As such, no Hopkins Montessori related traffic is directed past homes. The current proposal would not alter this existing situation.

2. buildings set back 50 feet from all property lines and parking lots set back 15 feet from streets and non-residential property and 25 feet from residential property;

**FINDING:** The existing building is located within the required setback from north, south, and east property lines. The current proposal would not alter this existing situation.

3. pick-up and drop-off areas located outside of parking setback area;

**FINDING:** There is no parking area physically located on the subject property. Rather, the site has a parking easement for use of nine parking stalls on the Bethlehem Lutheran Church parking lot immediately to the west.

4. outdoor recreational areas to be set back 15 feet from all property lines and screening provided to mitigate noise and adverse visual impacts on neighboring properties;

**FINDING:** The existing recreation area exceeds the required setback from all property lines. The current proposal would not alter this existing situation.

5. one parking space provided for each six children based upon the licensed capacity of the center;

**FINDING:** Under an existing parking agreement, the facility is allocated nine parking stalls. Based on this number, the facility would be allowed to care for up to 54 children. As proposed, the licensed capacity of the center would be 44 children.

6. site and building plan of all free standing centers subject to review pursuant to section 300.27 of this ordinance, with particular attention to compatibility of facility with surrounding neighborhood; and

**FINDING:** See the SBP section of this report.
7. Review by city planner of facilities in common areas to determine whether externally visible modifications are significant enough to require formal site and building plan review.

**FINDING:** See the SBP section of this report.

**SBP Standards**

The proposed childcare center would be generally consistent with the general site and building plan standards as outlined in City Code §300.27 Subd.5:

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

**Finding:** The proposal has been reviewed by planning, engineering, natural resources, and fire staff and found to be generally consistent with the city's development guides.

2. Consistency with this ordinance;

**Finding:** But for the variances necessary to recognize existing conditions, the proposal is consistent with ordinance standards.

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

**Finding:** The proposal is simply for expanded use within an existing building. No site changes are proposed.

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

**Finding:** The proposal is simply for expanded use within an existing building. No exterior changes are proposed.

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

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

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

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

**Finding:** The proposal is simply for expanded use within an existing building. No building or site changes are proposed.

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

**Finding:** The proposal is simply for expanded use within an existing building. No building or site changes are proposed.

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

**Finding:** The proposal is simply for expanded use within an existing building. No building or site changes are proposed.

**Variance Standard**

A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07) The requested variances would meet the variance standard:

**Intent of the Ordinance.** The intent of the ordinance as it pertains to the number of students and setbacks for daycare centers is to reduce real and perceived nuisance impacts on residential uses. The proposal meets this intent. Though a conditional use permit, and associated variances, are required it is not for a new use of the site. Rather, the CUP simply recognizes and approves what has been a
long-standing use of the site. Planning staff has not previously received any complaints regarding the existing childcare use.

**Comprehensive Plan.** The subject property is guided institutional in the 2030 comprehensive guide plan. The requested variances would not conflict with this designation.

**Reasonableness and Neighborhood Character.** The requested variances are reasonable and would not impact neighborhood character:

- The existing structure was constructed in 1949. The requested setback variance would not change the building or its current setbacks.

- The existing structure has been used for childcare since 1968. The addition of 14 toddlers to the site would have no impact on overall, long-standing use of the property.

**Unique Circumstance.** The existing structure was constructed in 1949 and has been occupied by childcare uses for decades. Both the structure and its use predate existing ordinance standards and both area considered non-conforming. This is a unique circumstance not typical of all residentially-zoned property.

**Pyramid of Discretion**

**Motion Options**

The planning commission has three options:

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

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to why denial is recommended.
3. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

**Voting Requirement**
The planning commission will make a recommendation to the city council. The city council's final approval requires an affirmative vote of five members due to the requested variances.

**Neighborhood Comments**
The city sent notices to 40 property owners and has received one written comment to date.

**Deadline for Action**
June 18, 2018
Location Map

Project: Hopkins Montessori School
Address: 14410 Brunsvold Rd
This document contains legal descriptions and diagrams related to land parcels. It includes notes and symbols indicating the boundaries and features of the property. The document is a survey and engineering report for Bethlehem Lutheran Church of Minnetonka.
Legal Description-

That part of the southeast quarter of the northeast quarter of section 33, township 117, range 22, Hennepin County, Minnesota, described as follows:

Beginning at a point on the east line of said southeast quarter of the northeast quarter, a distance of 408.3 feet south of its intersection with the south line of Glen Lake Park; thence south on said east line a distance of 185.0 feet; thence west parallel with the south line of Glen Lake Park, a distance of 190.03 feet; thence northeasterly to a point 190.62 feet westerly as measured on a line drawn parallel with the south line of Glen Lake Park from the point of beginning; thence easterly parallel with the south line of Glen Lake Park to the point of beginning, except the south 33.0 feet thereof, also except that part of the southeast quarter of the northeast quarter of section 33, Township 117, Range 22, Hennepin County, Minnesota, described as follows:

Beginning at a point on the east line of said southeast quarter of the northeast quarter, a distance of 408.3 feet south of its intersection with the said south line of Glen Lake Park; thence south on said east line a distance of 185.0 feet; thence west parallel with the south line of Glen Lake Park, a distance of 100.0 feet; thence northeasterly to a point 60.0 feet westerly as measured on a line drawn parallel with the south line of Glen Lake Park from the point of beginning; thence easterly parallel with the south line of Glen Lake Park to the point of beginning.

Written Statement-

Hopkins Montessori School would like to add a toddler program opening in September of 2018 (the Tuesday after Labor Day). The program will run in the upstairs of the building. There will be two teachers and up to 14 children. The hours will run from 8:00am-5:00pm. The families will use the parking spaces in the parking lot and use the stairs to walk up to their own front door on the upper level on the south side of the building. The children will use the gated grassy area or the lower playground gated area for outdoor play. The toddler program will also run summer school ten weeks out of the summer. We plan to add two toddler sized toilets where there had previously been one in the other infant/toddler daycare years before. The building name above is currently operating under an existing CUP that states the building can used for educational purposes. This program will continue the amazing legacy of our 50
year old Hopkins Montessori School educating and helping children to grow to be kind, loving, respectful of all people and also love learning!
Landscape plan

Existing trees

Flat roof

Existing pines trees

NO CHANGES TO LANDSCAPE

Submitted by Applicant

MAR - 9 2018
The public hearing was opened. No testimony was submitted and the hearing was closed.

Chair Kirk asked if there is a minimum driveway requirement. Thomas explained that the minimum parking-stall depth is 18 feet. The driveway would have 22 feet. The Lake Shore Boulevard right of way is pretty wide. It was just redone, so she did not anticipate it being redone again in the near future. Two vehicles have been parking in the proposed garage location. The proposal would allow the vehicles to be enclosed in a garage.

Chair Kirk liked how the living space would be located behind the front face of the garage.

Powers noted that the proposal would not set a precedent and the owners of small lots are continuing to find ways to make them work.

Sewall supported staff's recommendation because the proposal would be following precedent instead of creating a new precedent.

Chair Kirk concurred. The area is unique.

Schack noted that the homeowners are constrained by the lot sizes. She preferred existing structures being improved rather than completely rebuilt.

Sewall moved, second by Powers, to adopt the resolution that approves front and side yard setback variances for an addition to the existing house at 3021 Lake Shore Boulevard.

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

Chair Kirk stated that an appeal of the planning commission’s decision must be made in writing to the planning division within 10 days.

B. Conditional use permit with variances for a daycare center at 14410 Brunsvold Road.

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

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

Rachel Stavrou, 14410 Brunsvold Road, applicant, stated that Thomas did an excellent job.

Sewall asked for the number of staff that would be at the site. Ms. Stavrou stated that there would five teachers in the morning and four teachers in the afternoon.
The public hearing was opened. No testimony was submitted and the hearing was closed.

_Schack moved, second by Powers, to recommend that the city council adopt the resolution approving a conditional use permit with variance for a daycare facility at 14410 Brunsvold Road._

_Powers, Schack, Sewall, Hanson, and Kirk voted yes. Knight and O'Connell were absent. Motion carried._

**C. Site plan review to reconfigure the northern pick-up/drop-off area at Glen Lake Elementary at 4801 Woodridge Road.**

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

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

Neil Tessier, civil engineer with SAFE Engineering, representing the school district, introduced himself and was available for questions.

Schack asked if there is a landscape plan. Mr. Tessier answered in the affirmative. He provided a landscape plan which is being reviewed by staff.

Chair Kirk asked if the sidewalk would be needed. Mr. Tessier explained the pedestrian traffic pattern. The existing driveway is very narrow. The proposal would expand areas to provide drivers with the ability to go around vehicles waiting for someone. The proposal would address a flow problem and a parking problem. All buses would be in a lot separate from the parent pick up and drop off areas.

The public hearing was opened.

Patricia Norquist, 14000 Brandbury Walk, stated that:

- She appreciated receiving the public hearing notice.
- She questioned how many feet the north parking area would extend into the green space.
- Her kids go to Glen Lake. The parking in the ring is limited. To increase the number of parking spots in that area is wonderful. She asked how many more vehicles the area would hold.
- The bigger problem is where the buses park because walking from the parking lot to the school requires walking behind the parked buses.
- She asked if neighbors could still submit suggestions.

No additional testimony was submitted and the hearing was closed.
Resolution No. 2018-

Resolution approving a conditional use permit, with variances, for a licensed daycare facility at 14410 Brunsvold Road

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

Section 1. Background.

1.01 The subject property is located at 14410 Brunsvold Road. It is legally described on EXHIBIT A of this resolution.

1.02 The original building on the subject property was constructed in 1949 as Bethlehem Lutheran Church.

1.03 A new church building was constructed on the church property in 1968 and the original building was converted to childcare space.

1.04 At the time of original and secondary construction, churches and daycares were permitted uses within the residential zoning district. However, both uses require a conditional use permit under the current zoning ordinance.

1.05 In 2014, the larger church property was divided in order to place the two buildings on two separate properties. The church and childcare uses, now on separate properties, continued as non-conforming uses.

1.06 In 2015, planning and legal staff confirmed with the owner of the easterly property that the daycare use could continue on the site as a non-conforming use. At that time, the facility served 24 children. However, staff noted that any intensification of the use would necessitate a conditional use permit.

1.07 The property owner, Rachel Stavrou, is proposing to add a toddler program to the daycare facility, increasing the licensed capacity to 44 children. The proposal requires:

1. Conditional Use Permit. By City Code §300.10 licensed daycare facilities serving up to 16 children are conditionally permitted in residential zoning districts.

2. Variance to allow 44 children on the site; and
3. Setback variance from 50 feet to 30 feet from the north property line, 40 feet to the south property line, and 9 feet to the east property line.

1.08 On April 12, the planning commission held a hearing on the request. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council approve the conditional use permit, with variances.

Section 2. Standards.

2.01 City Code §300.16 Subd.2 lists the following general conditional use permit standards:

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

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

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

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

2.02 City Code §300.16 Subd.3(e) lists the following specific conditional use permit standards for licensed daycare facilities:

1. Located only on a collector or arterial roadway as designated in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines and parking lots set back 15 feet from streets and non-residential property and 25 feet from residential property;

3. Pick-up and drop-off areas located outside of parking setback area;

4. Outdoor recreational areas to be set back 15 feet from all property lines and screening provided to mitigate noise and adverse visual impacts on neighboring properties;

5. One parking space provided for each six children based upon the licensed capacity of the center;

6. Site and building plan of all free standing centers subject to review pursuant to section 300.27 of this ordinance, with particular attention to compatibility of facility with surrounding neighborhood; and
7. Review by city planner of facilities in common areas to determine whether externally visible modifications are significant enough to require formal site and building plan review.

2.03 City Code §300.27, Subd.5, states that in evaluating a site and building plan, the city will consider its compliance with the following:

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

2. Consistency with the ordinance;

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

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

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
   a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
   b) the amount and location of open space and landscaping;
   c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
   d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

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

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

2.04 By City Code §300.07 Subd.1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. FINDINGS.

3.01 The proposed daycare facility would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2 and the staff report associated with the applicant's request.

3.02 But for the requested variances, the proposed daycare facility would meet the specific conditional use permit standards as outlined in City Codes §300.16 Subd.3(e).

1. The daycare facility currently has access to Eden Prairie Road – an arterial roadway – via both Brunsvold Road and Ferris Lane. Though Brunsvold and Ferris are local streets, the access points to the facility are located west of area residences. As such, no Hopkins Montessori related traffic is directed past homes. The current proposal would not alter this existing situation.

2. The existing building is located within the required setback from north, south, and east property lines. The current proposal would not alter this existing situation.

3. There is no parking area physically located on the subject property. Rather, the site has a parking easement for use of nine parking stalls on the Bethlehem Lutheran Church parking lot immediately to the west.

4. The existing recreation area exceeds the required setback from all property lines. The current proposal would not alter this existing situation.

5. Under an existing parking agreement, the facility is allocated nine parking stalls. Based on this number, the facility would be allowed to care for up to 54 children. As proposed, the licensed capacity of the facility would be 44 children.

3.03 The proposal would meet the site and building plan as outline in City Code §300.27, Subd.5
1. The proposal has been reviewed by planning, engineering, natural resources, and fire staff and found to be generally consistent with the city’s development guides.

2. But for the variances necessary to recognize existing conditions, the proposal is consistent with ordinance standards.

3. The proposal is simply for expanded use within an existing building. No site or exterior building changes are proposed.

3.04 The proposal would meet the variance standard as outlined in City Code §300.07 Subd.1:

1. Intent of the Ordinance. The intent of the ordinance as it pertains to the number of students and setbacks for daycare centers is to reduce real and perceived nuisance impacts on residential uses. The proposal meets this intent. Though a conditional use permit, and associated variances, are required, the proposed use is not new. Rather, the CUP simply recognizes and approves what has been a long-standing use. Planning staff has not previously received any complaints regarding the existing childcare use.

2. Consistent with Comprehensive Plan. The subject property is guided institutional in the 2030 comprehensive guide plan. The requested variances would not conflict with this designation.

3. Practical Difficulties

a) Reasonableness and Neighborhood Character. The requested variances are reasonable and would not impact neighborhood character:

- The existing structure was constructed in 1949. The requested setback variances would not change the building or its current setbacks.

- The existing structure has been used for childcare since 1968. The addition of 14 toddlers to the site would have no impact on overall, long-standing use of the property.

b) The existing structure was constructed in 1949 and has been occupied by childcare uses for decades. Both the structure and its use predate existing ordinance standards and both are considered non-conforming. This is a unique circumstance not typical of all residentially-zoned property.
Section 4. City Council Action.

4.01 The above-described conditional use permit, with variances, is approved. Approval is based on the findings outlined in the associated staff report and section 3 of this resolution. Approval is subject to the following conditions:

1. The daycare facility must meet all minimum city and state licensing requirements.

2. The facility is allowed to serve up to 44 children. An increase in licensed capacity would require an amended conditional use permit.

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

4. 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 April 30, 2018.

Brad Wiersum, 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 April 30, 2018.

David E. Maeda, City Clerk

SEAL
EXHIBIT A

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 33, TOWNSHIP 117, RANGE 22, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER 408.3 FEET SOUTH OF ITS INTERSECTION WITH THE SOUTH LINE OF GLEN LAKE PARK; THENCE SOUTH ON SAID EAST LINE A DISTANCE OF 185.0 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF GLEN LAKE PARK, A DISTANCE OF 190.03 FEET; THENCE NORTHEASTERLY TO A POINT 190.62 FEET WESTERLY AS MEASURED ON A LINE DRAWN PARALLEL WITH THE SOUTH LINE OF GLEN LAKE PARK FROM THE POINT OF BEGINNING; THENCE EASTERLY PARALLEL WITH THE SOUTH LINE OF GLEN LAKE PARK TO THE POINT OF BEGINNING, EXCEPT THE SOUTH 33.0 FEET THEROF, ALSO EXCEPT THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 33, TOWNSHIP 117, RANGE 22, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 408.3 FEET SOUTH OF ITS INTERSECTION WITH THE SOUTH LINE OF GLEN LAKE PARK; THENCE SOUTH ON SAID EAST LINE A DISTANCE OF 185.0 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF GLEN LAKE PARK, A DISTANCE OF 100.00 FEET; THENCE NORTHEASTERLY TO A POINT 60.0 FEET WESTERLY AS MEASURED ON A LINE DRAWN PARALLEL WITH THE SOUTH LINE OF GLEN LAKE PARK FROM THE POINT OF BEGINNING; THENCE EASTERLY PARALLEL WITH THE SOUTH LINE OF GLEN LAKE PARK TO THE POINT OF BEGINNING.
Brief Description: Items concerning the 2018-2022 Capital Improvements Program

Recommended Action: Amend the CIP

Background

The Minnetonka City Council adopts the city’s five-year Capital Improvements Program (CIP) every spring and incorporates the first year of each CIP into the comprehensive annual budget when the council adopts it in December to begin in January. The city charter provides for amendments to the CIP in order to accommodate changing developments in the city and the natural progression of capital projects from early planning through construction. Development of the following four projects require such amendments to the 2018-2022 CIP.

Proposed CIP Amendments

(1) Public Works 800 MHz ARMER. In 2017, the public works department began using 800 MHz ARMER (allied radio matrix for emergency response) two-way radios that were handed down from the fire department when it replaced the fire program’s portable radios. Prior to that time, the public works department was on a separate frequency and could not communicate directly with fire or police during emergencies. These public works radios are now of an age that will not be supported by radio repair services after 2019.

The adopted 2018-2022 CIP provided for the replacement of the city’s primary excavator, which staff replaced with a model that saved approximately $100,000 in the Utility Fund. In addition, the city will receive a radio salvage credit from the police/fire dispatch consoles, which were dismantled last year. Staff is recommending that the excavator savings and radio vendor credit be directed to the replacement of the public works radios and that the CIP be amended to approve their purchase at a cost of $140,000 from the Utility Fund.

(2) Fuel Pump & Leak Detection Replacement. The 2018-2022 CIP provides $50,000 from the Capital Replacement Fund in 2020 for the replacement of the fueling pumps and associated tank leak detection equipment at public works. The pumps annually deliver approximately 150,000 gallons of motor fuels. Unfortunately, the system has begun to experience increasing pumping errors this year, despite staff recalibrating the system twice. The measurement errors create significant reporting problems when the city submits fueling records, including payments and tax reports, to the State Department of Revenue on a monthly basis. Because the state allows for only a very small margin of error, it would be to the city’s advantage to replace the pumps and monitoring equipment this year to avoid the additional staff time and costs of a state fuel reporting audit. Therefore, staff is requesting an amendment to the CIP to advance the project from 2020 to 2018 at the same costs of $50,000 from the Capital Replacement Fund.

(3) Ridgedale Area Park Improvements. The Ridgedale area is a major commercial and economic center in Minnetonka. Significant private development in the area anticipated by the city’s comprehensive plan has already begun, and the city launched substantial roadwork construction this year with a second $11 million street project to begin construction in 2019.
Investment in both the current CIP and the proposed 2019-2023 CIP incorporate plans for the creation of park amenities to accommodate the area’s residential and commercial growth.

Earlier this year and in another agenda item this evening, the city council has considered and will consider actions on residential developments in the heart of the village center, Ridgedale Executive Apartments and previously Ridgedale Active Adults Apartments. The latter development includes the donation of land for a public park. Given the current pace of these changes, staff is requesting that the 2018-2022 CIP be amended to budget $75,000 in 2018 from the Parks and Trails Improvement Fund for initial planning of the park improvements. The proposed 2019-2023 CIP includes an additional $250,000 in 2019 and $675,000 in 2020 for detailed plans and some construction costs. Although currently unfunded, staff is proposing another $3.5 million for the capital project’s completion in 2020, after full costs and funding sources can be fully determined.

(4) Community Facility & Programming Space Study. Recreational amenities are key to fulfilling the needs of all current residents and to attract and retain future residents as articulated in the city’s Strategic Vision. With the city’s facilities for recreational programming fully utilized, there is growing pressure for additional programming and amenities to keep the city vital, especially for young professionals, young families, and older active adults.

With the Williston Fitness Center and the Community Center operating at maximum capacity, the adopted 2018-2022 CIP provides $75,000 from the Parks and Trails Fund in 2019 to conduct an external study of community facilities and programming space. The analysis is to take into consideration an athletics field needs study completed in 2012, a previous programming space assessment completed in 2014, as well as any applicable information gleaned by a 2015 Glen Lake Activity Center feasibility study. The desired outcome is to produce an overall assessment of the city’s programming space that will give direction to staff as we look for future development and growth opportunities.

In recent months, both Hopkins and Minnetonka School Districts have approached the recreation director to discuss potential partnerships on new aquatics facilities, youth baseball/softball fields and soccer fields. Before further conversations take place about future partnerships, facilities and programming, staff feels it is important to complete sooner the previously approved study of facility and programming space. Therefore, staff is requesting the council amend the current CIP to advance the project from 2019 to this year.

Staff has already received responses to an RFP and is prepared to award a contract. If council approves the recommended action, the expected start date of the study would be May 7, 2018 with a completion date of September 30, 2018.

Recommendation

Staff requests the city council amend the 2018-2022 Capital Improvements Program as follows:

(1) Add $140,000 from the Utility Fund for public works 800 MHz ARMER radios in 2018;
(2) Advance $50,000 from 2020 to 2018 from the Capital Replacement Fund for the fuel pump and leak detection replacement at public works;
(3) Add $75,000 from the Parks & Trails Improvement Fund for initial planning of the Ridgedale Area park improvements in 2018; and
(4) Advance $75,000 from the 2019 to 2018 from the Parks & Trails Improvement Fund for a community facility and programming space study.

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

Originated by:
Merrill King, Finance Director
Kelly O’Dea, Recreation Services Director
Brian Wagstrom, Public Works Director
Julie Wischnack, Community Development Director
Ann Davy, Programming Superintendent
City Council Agenda Item #12A
Meeting of April 30, 2018

Brief Description
Ordinance rezoning the properties at 12501 Ridgedale Drive

Recommendation
Introduce the ordinance and refer it to the planning commission

Proposal

Rotenberg Companies, property owner, is proposing to redevelop a portion of the property located at 12501 Ridgedale Drive. The project consists of demolishing the existing restaurant building and constructing a new four-story, residential apartment building with underground parking. The building would include 77 apartment units with a number of indoor and outdoor amenities.

The proposal includes the following requests:

1) Rezoning to planned unit development;
2) Master development plan;
3) Final site and building plan

If staff discovers, through its detailed analysis, that there are additional zoning considerations, those will be called out in the planning commission staff report.

Concept Plan Review Summary

Two concept plans for construction of an apartment building have been reviewed by the planning commission and city council.

Six-Story, 112-Unit Concept Plan
• Neighborhood Meeting on Nov. 6, 2017. Approximately 30 neighbors attended.
• Planning Commission Meeting on Nov. 30, 2017
• City Council Meeting on Dec. 4, 2017.

Generally, the planning commission and city council agreed the redevelopment of portions of the commercial property to a residential use was appropriate. However, both the planning commission and city council commented that the proposal was too intensive for the property. Specific comments from those meetings included:

• The building was generally too tall and massive; six stories seemed like too much.
• The building made the site feel too dense.
• The building articulation could be improved along the Ridgedale Drive façade and there were concerns about the proximity to Ridgedale Drive.
• There was no need for the trail; park dedication fees could be used for other improvements in the Ridgedale area.

Five-Story, 89-Unit Concept Plan
• Neighborhood Meeting on Jan. 8, 2018.
• City Council Meeting on Jan. 8, 2018. The city council reviewed the concept plan again commenting that the building was too intensive for the property.

Issue Identification

Consistent with the most recent concept plan, the submitted formal application proposes a four-story, 77-unit building. Based on preliminary review of the proposal, staff has identified the following issues for further analysis and discussion:

1. **Use of Planned Unit Development Zoning.** Staff will further review the use of planned unit development zoning for the project.

2. **Intensity:** As was identified during concept plan review, the proposed redevelopment of the site was intensive. Since the concept plan, the building has been reduced in height from 6 to 4 stories and 112 to 77 units. Review considerations include building mass, relationship to the street, proximity to the existing office building and compatibility with the surrounding area. Staff will review other development in the area relative to these building and site considerations.

3. **Site Development Plan:** Circulation, green space, parking, and building setbacks will be analyzed in detail.

The purpose of introducing an ordinance is to give the city council the opportunity to review a new application before referring it to the planning commission for a recommendation. Introducing an ordinance does not constitute an approval. The tentative planning commission date is May 24, 2018.

**Staff Recommendation**

1) Introduce the attached ordinance and refer it to the planning commission.

2) Approve or modify the attached notification area. This is the same area used for the previous concept plan.

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

Originated by:
   Loren Gordon, AICP, City Planner
Location Map

Applicant: Rotenberg Companies
Address: 12501 Ridgedale Dr
ARCHITECTURAL SITE PLAN

1" = 20'-0"
RIDGE DALE APARTMENTS
MINNETONKA, MINNESOTA
ISSUED FOR: CITY SUBMITTAL
NOTES & DETAILS

SIZE VARIES

OVERALL PLAN, MODIFY EXCAVATION BASED ON LOCATION OF PLANT

Owner: B L Graybow & C L Graybow

BACKFILL AS PER SPECIFICATION
PLANTING BED

ENSURE PROPER BACKFILL-TO-ROOT CONTACT

PROPOSED PERENNIAL PLANT SYMBOLS - SEE

PROPOSED CANOPY & EVERGREEN TREE SYMBOLS - SEE

PROTECT EXIST. TREES SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND SURROUNDING GRADE

REGIONALLY AVAILABLE.

SAMPLES REQUIRED

76.29

N78°33'38"E

74.91

ISSUE/SUBMITTAL SUMMARY

S00°12'43"E

674.28

24904

LICENSE NO.

OFFICE: 952-583-9788

ST. PAUL, MN  55114

AGGREGATE MAINTENANCE STRIP

DECIDUOUS & CONIFEROUS TREE PLANTING

DECIDUOUS & CONIFEROUS SHRUB PLANTING

PERENNIAL BED PLANTING
MATCHLINE: SEE SHEET L1.1 FOR ADDITIONAL LANDSCAPING

MODIFY PLACEMENT OF MATERIAL ON-SITE, COORDINATE W/ OWNER. NEW MATERIAL TO BE AS LARGE AS REGIONALLY AVAILABLE.

- PROTECT EXIST. TREES TO REMAIN.
- SELECTIVELY CLEAR & GRUB EXIST. UNDERSTORY VEGETATIVE MATERIAL. CLEAR AREA FOR 92" MIN, TREE SPADE ACCESS.
- 10' AUSTRIAN PINE. MIN. 14' HT.

BALLEED & BURLAPPED, (MIN. 8' HT.) TREES MAY BE USED DUE TO RESTRICTED ACCESS.

PROPOSED CANOPY & EVERGREEN TREE SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
PROPOSED DECIDUOUS AND EVERGREEN SHRUB SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES
PROPOSED PERENNIAL PLANT SYMBOLS - SEE SCHEDULE AND PLAN FOR SPECIES AND PLANTING SIZES

LEGEND
- 1" DIA. DECORATIVE ROCK MULCH OVER FILTER FABRIC, SAMPLES REQUIRED
- SHREDDED HARDWOOD MULCH OVER FILTER FABRIC, SAMPLES REQUIRED

MATCHLINE: SEE SHEET L1.1 FOR ADDITIONAL LANDSCAPING

ADJACENT PROPERTY ADDITIONAL SCREENING LANDSCAPE

OWNER: M P Stesin & H L Stesin

OWNER: B L Graybow & C L Graybow

Gopher State One Call
WWW.GOPHERSTATEONECALL.ORG
(800) 252-1166 TOLL FREE
(651) 454-0002 LOCAL

01/24/18

CITY SUBMITTAL

PROJECT NO.: 17195

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## RIDGEDALE EXECUTIVE

**CITY:**

SW1.5

### DISCLOSURES:

- [ ]
- [ ]
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### ADDITIONAL COMMENTS

- [ ]
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### DESCRIPTION

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### ATTACHMENT B: SWPPP INSPECTION FORM

**NOTE:** This document represents a sample of information provided by the National Stormwater Center, which is not intended to represent all possible scenarios.

### ATTACHMENT C: MAINTENANCE PLAN FOR PERMANENT STORM WATER TREATMENT SYSTEM

**POLICY NUMBER:**

SW1.5

### FACILITY INFORMATION

**SITE NAME:**

**FACILITY ADDRESS:**

**CITY:**

**STATE:**

**ZIP CODE:**

**PERMIT NUMBER:**

**LICENSE NO.:**

**LICENSED PROFESSIONAL ENGINEER:**

**DATE SUBMITTED:**

**ISSUE/SUBMITTAL SUMMARY:**

### PERIMETER CONTROL

1. All tracked sediment removed within 24 hours? (not mulch)

2. Perimeter control trenched in where appropriate?

3. Perimeter control installed on all down gradient perimeters?

### MAINTENANCE DESIGN AND SEDIMENT CONTROL - BMPs (PART IV.C)

1. Are appropriate BMP's installed protecting inlets/outlets?

2. Are there BMP's for onsite stockpiles?

3. All ditches stabilized 200; back from point of discharge within 24 hours? (not mulch)

### SWPPP - ATTACHMENTS

AFTER DISCOVERY, THE PERMIT REQUIREMENTS MAY BE FOUND IN THIS CHECKLIST BE CORRECTED WITHIN A SPECIFIED PERIOD OF TIME. SEE PERMIT FOR MORE DETAILS.

- [ ]
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### ADDED REQUIREMENTS (PART II.B.5.)

- Another permittee has obtained coverage under this permit according to Part II.B.5.; or the project has undergone final stabilization and notice of termination has been submitted to the MPCA.

### ADDITIONAL REQUIREMENTS (PART II.B.5.)

- The project has undergone final stabilization and a notice of termination has been submitted to the MPCA.
COMPARISON OF PLANS
Original Concept Plan Submission – 6-stories (north elevation)

Revised Concept Plan Submission – 5-stories (north elevation)

Comparison of Concept Plan Submissions
Formal Plan Submission – 4-stories (north elevation)

Comparison of Revised Concept Plan (5-stories) to Formal Plan Submission – (4-stories)

Comparison of all plans

Original Concept Plan (6-stories)       Revised Concept Plan (5-stories)       Formal Plan Submission – (4-stories)
CONCEPT PLAN MINUTES
A. Concept plan for Ridgedale Executive Apartments, a 112-unit luxury apartment building, at 12501 Ridgedale Drive.

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

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

Chair Kirk noted that he is the YMCA director of architectural services, but there is no conflict for him with the proposed application as a member of the planning commission.

Schack confirmed with Gordon that the density would equal 25 to 30 units per acre.

Richard Rotenberg, applicant, stated that he purchased the property in 1986. He built the office building at 12455 Ridgedale Drive. Red Stone Grill recently terminated its lease agreement. The site is fantastic. The proposed plan fits with the city’s 2035 vision.

Charlie Carpenter, attorney for the applicant, stated that he has studied the city’s vision statement for Ridgedale Village. The concept would fit pretty well. The property lies at the center of Ridgedale Drive. Given its prominent location and natural beauty, the proposal would create a center piece for the Ridgdale Center Village. There is a substantial demand not being met for up-scale rental housing. The largest demand is from empty nesters who want high-quality homes, freedom, and the amenities of a luxury apartment. Young professionals would also reside in the proposal. The proposal would serve as a catalyst for investment in the Ridgedale area. The project would include heated parking, electronic vehicle charging stations, wash bays, a private yoga studio, boardrooms equipped with communication technology, virtual golf, a putting green, and a concierge. The high quality of the project would set it apart. It would become an iconic presence.

Jesse Hamer, design architect for the applicant, stated that he was directed to create a luxury, elegant, and beautiful building. The proposal would have 111 units, 6 stories, and exterior made of natural stone.

Knight moved, second by Calvert, to extend the meeting until midnight.
Calvert, Knight, O’Connell, Powers, Schack, Sewall, and Kirk voted yes. Motion carried.

Mr. Hamer stated that glass with glazing would be used to allow more light to come inside. Details at the base would include metal panels. The building was designed to be pushed up against Ridgedale Drive to make it part of the community, maximize the number of parking stalls between the buildings, and create as much distance between the neighbors on the south side as possible. The site is wooded which is a big amenity. There would be wood floors and marble countertops in the units. The proposal would be an asset to the neighborhood.

Dan Rhodes, applicant’s landscape architect, addressed the concerns expressed at the neighborhood meeting. The building would be pushed close to Ridgedale Drive and away from neighbors on the south. The closest residence would be 130 feet from the nearest point of the building. The Ridgedale Library and YMCA are further south than the proposed building. The bluff between the site and adjacent south neighbors would provide effective screening. The applicant has agreed to work with neighbors to add more screening such as evergreens that would be more effective in the winter. There would be a path along the pond and a path that would tie in with the government center.

Mr. Rotenberg is looking forward to doing a great project. The Ridgedale area is the center and hub of the city. It belongs to the entire city of Minnetonka. It would be a great project for everyone and would be impressive when done.

Powers confirmed with Mr. Rotenberg that the existing building and proposed building would complement each other.

The public was invited to comment.

Kim Leventhal, 2030 Norway Pine Circle, asked if 4.3 acres encompasses the entire site. Gordon answered affirmatively. It includes the developed portion of the site and the portion that would be in a conservation easement.

Dr. Mark Stesin, 2000 Norway Pine Circle, stated that he spoke on behalf of the neighborhood. He did not believe that one would not be able to see a six-story building through the trees from his house. The path would cause people to walk through the residents’ back yards. There is not enough room to tear down trees, put in a path, and install railings to prevent people from falling into the pond. Commissioners need to visit the site. He welcomed commissioners to his back yard. He was not opposed to building on the property, but six stories would be way out of proportion for the density and proximity to the neighborhood.
Gary Van Cleave, attorney on behalf of Mark and Heather Stesin at 2000 Norway Pine Circle, Felix and Donna Ricco at 2010 Norway Pine Circle, and Andy and Zhanna Schectman at 2074 Austrian Pine Circle stated that:

- The property owner has the right to develop the property, but the proposal is not the right size. There are inconsistencies between the proposal and the comprehensive guide plan and zoning ordinances. The building would exceed the allowed size and scale for the area. He disagreed that the proposal would fit within the context of the surrounding neighborhood.
- The PID I-494 district does not allow a mixed-use development.
- The height and mass would be grossly out of scale and character with the surrounding area.
- There would not be adequate buffering between different land uses.
- The proposal would increase traffic, noise, and light exposure. Balconies would face sideways toward the neighborhood.
- The zoning district limits FAR to .75. The proposed FAR is 1.06.
- The trail adjacent to the single-family residences would not provide adequate buffering, would cause tree removal, and result in bluff destabilization.
- The neighbors he represents strongly object to the proposed project. He urges commissioners and city councilmembers to direct the applicant to work with staff to develop a project consistent with policies and law and work with neighbors.

Annette Bertelsen, 13513 Larkin Drive, stated that:

- The proposed path would be a park trail that would be paid for with park and trail improvement funds. It would be maintained by the park and trail budget. Adding a trail around the pond had never been mentioned before this proposal. The trail would be 10 feet from houses. The trail would be a loop that would go nowhere. The trail is not needed. The funds should be used for other parks and trails.

Zhanna Schectman, 2074 Austrian Pine, stated that:

- Her house was built four years ago. The back of the house is all windows. The second floor of her house would overlook the proposed building. Her fear is that people with binoculars would look in her windows. Her house would have no privacy if the building would be six stories tall. The back of her house would be lit up all night long. She opposed the proposal.

Richard Campion, 12700 Sherwood Place, stated that:
• The easement travels to Woodbine.
• When the leaves are down, the Ridgedale Service Center is visible and residents are used to the view. When the leaves are on, none of the buildings are visible.
• He understood that the trail could connect to Plymouth Road and the sidewalk. He asked if that would be the grand plan. He questioned if another path is necessary.
• Two lanes of traffic are needed instead of making it look green and pretty. Adding hundreds of people around Ridgdale would cause a traffic problem. Cops could tell commissioners about traffic better than an engineer.
• Bike paths provide escape routes for burglars.
• He did not think the trail would be necessary.

Heather Stesin, 2000 Norway Pine Circle, stated that:

• The swing set in her back yard would be 25 feet from the path. She did not think it would be safe.
• Helicopters have looked for shoplifters in the woods before. The path would make it more convenient for criminals to leave a getaway car on her cul de sac.
• The building would be an albatross. The library is two stories and the Sheraton Hotel is three stories. The proposal would not fit in the neighborhood. She would be fine with a three-story building.

Felix Ricco, 2010 Norway Pines Circle, stated that he agrees with his neighbors’ comments.

In response to Schack’s question, Gordon explained that the trail would not travel south into the neighborhood. It would go around the pond.

Powers requested Dr. Stesin provide photos from his house of the view. Powers liked the idea of a luxury apartment building. There is a demand. The Ridgedale Center area would be the right place. He did not have enough visual evidence yet to determine if six floors would be appropriate.

Calvert agreed that there is a market for luxury, high-density residential housing. The Ridgedale area would be a likely spot for it. She asked what sustainable features would be utilized. A green roof might reduce the mass or industrial look of the building. She drove all of the streets south of the site. In her mind, a six-story building would be intrusive to the neighborhood. It would be an abrupt transition from high density to a single-family resident’s back yard. It would be a valuable project. The proposal looks very attractive. The stone exterior would be beautiful. She was concerned with the mass being located so close to a residential area. It would have an urban feel and what people love about Minnetonka is the suburban feel, so she has conflicted feelings.
Schack understood that, generally, it has been agreed that the Ridgedale area is an area suitable for high density. The proposed mass seems large to be adjacent to single-family houses. She noted that a 10-story office building would not be any better. The need for high-density housing is great, but 6 stories at the proposed location does seem like a lot. She commended the inclusion of electric-vehicle plugins, but would look for more than that from a sustainability perspective.

Sewall felt that the land use would be appropriate. There is a compromise to be made. He saw dense housing orbiting Ridgedale and funneling people towards Ridgedale.

Powers asked if the proposal would move forward if the SWLRT would not be completed. Mr. Rotenberg answered in the affirmative. He noted that the illustrations were created using actual elevations and a survey. Trees that would be planted were included in the illustration. The white building is the building based on the survey. The light pole is 15-feet tall. The building would be visible in the winter without additional buffering, but not in the summer.

Knight thought that the angle would be so low that a six-story building would not look like a six-story building from the houses. The density would work. It does not look too big. View corridors are not property rights. He would like staff, the developer, and city councilmembers to add some clarity around the favored zoning districts.

Chair Kirk wondered about the FAR in regard to high-density housing. He would be comfortable not including the trail or creating two dead-end trails that would not encroach on the neighborhood. He saw the center of Ridgedale Center as a bullseye. He thought the mass would be too large. He preferred four stories.

Calvert agreed with Chair Kirk.
B. Concept plan review for Ridgedale Executive Apartments at 12501 Ridgedale Drive

Gordon and Wischnack gave the staff report.

Wagner noted the close proximity to Ridgedale Drive. He said he understood this was a concept plan, but questioned the setbacks as shown in the plan. Gordon said staff had not done any detailed review with how the building sits on the property. Wischnack said she thought the setbacks were similar to the Ridge.

Allendorf said he always thought there was a lot going on even with past use of the property. This concept plan would be even more in terms of footprint. He wondered if the building would even fit on the site. Gordon said staff had not run any numbers on the property. He said the plan was denser than other things on Ridgedale Drive.

Richard Rotenberg, 13924 Emerald Ridge, said he owned the property since 1996. The reason he purchased it was because of the beauty of the property including the pond. It was a serene setting. He owned Redstone and built the office building. He looked at a number of ideas for the site and determined the best thing was for a luxury apartment building. He attempted to fit in with the city’s vision for 2035 and thought this plan was ideal.

Charlie Carpenter, an attorney with the Fabyanske Westra Hart & Thomson law firm, provided information about the concept plan. He said there was high demand for upscale rental housing. The upscale apartment building would serve as a catalyst for investment in the Ridgedale center concept. The goal was for the building to become an iconic presence that everyone in the city would be proud of.

Rotenberg said the average one bedroom apartment would be around 969 square feet. This contrasts to other units in the area where the average is around 750-850 square feet. Two bedroom units would average around 1,500 square feet. There would be high ceilings and the appliances would be luxurious.

The project architect, Jesse Hamer from Momentum Design Group, presented further details about the plan. Pushing the building north maximized the parking between it and the office building. It also increased the distance between the building and the neighbors to the south. The
majority of parking would be enclosed both underground and at grade at the first level. The six story building would be approximately 55 feet in height. The natural screening of the site was very important to maintain and was a big amenity. This was set as a priority at the beginning of the process.

Dan Rosen, an attorney with the Kluger, Kaplan, Silverman, Katzen & Levine law firm, said Rotenberg only did things at the highest level. Rosen noted the council received a letter from the Larkin Hoffman law firm representing some of the neighbors. He said the legal argument in the letter was a considerable reach and was inconsistent with the city’s comprehensive guide plan and zoning code. At the end of the day the fundamental opposition was not wanting a six story building. The common response to a development was “But I can see it and I couldn’t see it before.” In the summer, the neighbors would not be able to see the building. In the winter, there was no question something would be seen but the question was what the developer was doing to elevate the neighborhood. The choice was the luxurious vertical surface or a horizontal surface that might be asphalt roadways, driveways or rooftops. These were the only alternatives available. He said the city was looking for density in housing for the area. Without this plan, it would be difficult to achieve that goal. The idea then was to do it in the nicest way possible. He pledged the developer would be 100 percent respectful to the neighbors. The plan would be a tremendous upgrade from Redstone.

Jacob Steen, an attorney with the Larkin Hoffman, said the law firm was representing several of the most affected neighbors who live in the low density residential neighborhood to the south. There was no doubt this would be a nice facility and that it was appropriate for some level of development to occur on the site. It was apparent there was just too much being shoehorned onto the site with this plan. He said looking at the massing in context was important because the city spent a considerable effort with the community to develop policies that specifically address the south end of the Ridgedale area. The comp plan in several places referenced this single family, low density neighborhood by name specifically in the context of the buffers, the transition, massing and height. The buffers and transition were supposed to be buffering from the mall over this property to the single family residential neighbors. This plan would create a high density residential development directly abutting the lowest density residential development in the area. He urged the council to look through this lens as it was evaluating the plan. The comp plan specifically referenced minimizing the impacts of development on this property with managing impacts on nearby low density to the south. He said he hoped the idea of a proposed trail would be dropped because it
was one of the neighbors’ biggest concerns. He encouraged the council to direct the applicant to right size the project.

Dr. Mark Stesin, 2000 Norway Pine Circle, said he was speaking not only as a neighbor whose property abuts the development property but also on the behalf of many neighborhoods. Residents on many streets in the area were concerned about the plan. They do not begrudge the property owner from building on his property, but the question was what was appropriate to be built on the property. He said he was very concerned about the mass impacts. This high density building would directly abut the single family residential homes without any transition. Currently he can see the two story office building so he does not buy into the claim the six story apartment building would not be visible. In addition to the building, there would be an issue with lights. This would impact many people in the neighborhood. Noise would also be a factor with the pool and recreation area as well as many of the balconies that will face the neighborhood. Traffic would also be an issue. At question was what the hub of the Ridgedale area project actually was. He said the apartment building was way out of proportion. Another issue was if the path was built as in the plan, his backyard would be about 10 feet away. This would cause safety issues related to crime creating an escape route from Ridgedale.

Heather Stesin, 2000 Norway Pine Circle, said Allendorf was right about being concerned with the footprint. The massive building would impose on the neighboring properties. She showed pictures from her property looking at the development property. She questioned if anyone would want a path so close to their property with the amount of crime in the world. She noted she and her husband along with some neighbors own the property in the center of the cul-de-sac so nothing will be built there. She showed a picture of the current three story building lit up at night and said she couldn’t imagine all the light coming from a six story building. She said people move in and out of apartments all the time and there would be many deliveries. Traffic would be an issue as will noise and lights for the entire neighborhood.

Wagner said one of the things that came up at the planning commission hearing was concern about the trail. He said during the discussion about the reconstruction of Ridgedale Drive, there were comments about making the area more walkable, and opening up Crane Lake as a park, although it was unknown how that would be funded. This would be a much better place for park dedication funds to be used than for a path around this building. He asked Gordon the distance between the west edge of Highland Bank and the neighborhood. Gordon indicated it was around 850 feet. Wagner said the council had indicated support for density around Ridgedale as part of the vision for the area as well as a mixed use of
housing. He strongly supported that strategy. The council had also discussed stepping down density as it gets closer to residential neighborhoods. He didn’t begrudge the idea of apartments on this site but he did have concern about a six story building. He said there was a desire to do a lot of the density on the Ridgedale property itself but that would require a approval from the mall owner as well as the anchors of the mall.

Bergstedt said he agreed with much of Wagner’s comments. He thought the trail was a terrible idea for a lot of reasons. The building had a massive footprint and was six stories high. He thought the proposed use of luxury apartments was fine for the site but more creativity was needed because the concept plan was too massive.

Wiersum said it was an attractive concept from a building perspective but he agreed the mass and scale were too much. He said it clearly needed to be a smaller building to get his support.

Acomb said housing was appropriate for the site. She was concerned about the setback from the road. She said the apartment building would dwarf the office building so it felt out of scale. The mass not only was too big as a transition to the single family residential neighborhood but also with the office building. She questioned if there was a council policy around an affordability component if a property was rezoned. Wischnack said the council adopted a resolution that an affordable component may be required by the council as part of rezoning. Acomb said while she appreciated that there was a market for executive and luxury apartments, she wondered if affordable housing could be included as well. She agreed park dedication fees would be better spent elsewhere in the Ridgedale area.

Allendorf said everybody loved trails but not in their yard. He didn’t think a trail belonged in this plan either. He said he wasn’t just concerned about the height of the building but also what was going on within the property. The footprint was too big. Something had be shrunk in order for him to support it. The issue of lights was unfortunate but did not concern him because there would be lights even with a four story building. He thought the site was the perfect place for luxury apartments but didn’t think a mix with affordable apartments made sense.

Ellingson agreed the trail was not appropriate. When Cherrywood Pointe was approved there was discussion about a trail for that development. This would have required cutting into the hillside and removing trees and would have ruined the natural area. He was concerned about the setback from Ridgedale Drive although he appreciated the effort to add distance
from the single family home neighborhood. He agreed it would be better if the building wasn’t so big.

Schneider said when the council discussed the vision for the area there was a lot of discussion about the YMCA moving to a different location. When the YMCA decided to stay and upgrade the site the council discussed four or five story apartment buildings in the area that would have been even higher than this building given the topography. He said the desire to implement the vision incrementally for higher density housing in the Ridgedale area was still, for him, a top priority. The question was whether this concept was right or wrong and he thought it wasn’t right. He wasn’t sure what it would take to make it fit right. The visual impacts on the immediate adjacent homes would be similar with a four, five, or six story building. He encouraged Rotenberg to move forward with a high density project, and to work with the neighbors with landscaping their view shed so when the leaves were gone there still would be screening. His biggest concern was the building was 300 feet long, six stories high, and close to the road. He thought the Highland Bank was different because it had a lot of character to it with a lot of ins and outs, balconies and softer colors. This plan looked like a long wall. He would like to see more articulation.
Minutes
Minnetonka City Council
Monday, Jan. 8, 2018

C. Concept plan review for Ridgedale Executive Apartments at 12501 Ridgedale Drive

Robert Weinstine, an attorney with the Winthrop & Weinstine law firm, said he represented the property owner. Since the council last saw the concept plan, the property owner seriously considered all the feedback he received from the council. Neighborhood issues were reflected upon. Earlier in the day there was a neighborhood meeting that was attended by five or six people and also city staff. He said the plan was generally well received. As a result of listening to the neighbors, the building height was reduced from six stories to five stories. This was a significant financial contribution from the property owner given all the amenities that were being included to make it a first class development. For comparison, he noted the building at 1700 Plymouth Road was six stories. The building southeast of the YMCA was four stories and was much closer to residential homes and the topography was much higher. In addition to reducing the size of the building, the building was moved further back on the property. As a result the closest home would be 423 feet away. The area was wooded and the plan would not affect the trees in any way. The design of the building has been softened. The proposed path was removed. He said the development would be very attractive to empty nesters and young professionals.

Gordon and Community Development Director Julie Wischnack gave the staff report.

Wagner noted the reduced height was about seven feet while most apartment buildings a story was eight to 12 feet high. He asked if part of the reason for this was the amount of parking, which was 250 parking spots for 93 units. He asked if this was discussed at the neighborhood meeting. Gordon said the information Wagner was referencing was a staff interpretation and not from the architect. He said the concept plan indicated floor to ceiling heights around 10 feet. There would also be around two to three feet between floors. As far as the parking, he noted the office building was part of the site. The plan was for two to three spots per unit, visitor parking spots, plus spots for the office building. Staff would do more analysis on the parking if an application was submitted.

Jesse Hamer, from Momentum Design Group, the architect for the project, said the revised height of the building would be about 65 feet, about a nine foot reduction. The current plan met the city's full parking requirement. There were two spaces per units and 57 spaces for the office building. He said in addition to moving the building back, there was an effort to increase the connection to the pedestrian walk area. There also was a plaza area added in front of the building.

Dr. Mark Stesin, 2000 Norway Pine Circle, said he was speaking on behalf of a coalition of neighbors. None of the coalition attended the neighborhood meeting earlier in the day and they remain opposed to the project. They do not oppose bringing in new residents to the city with high density apartment buildings as long
as they comply with the comprehensive plan and do not encroach on neighbors who have lived in the city for decades. He said the change in the height of the building doesn’t get at the core issues discussed at the previous council meeting. The building was still too big, bulky and dense for the property. There still were balconies facing the neighborhood, a pool, a recreation area and now an outdoor barbeque area. The trees may buffer the building from being seen but they would not buffer the noise. The entire character of the neighborhood abutting the property would change. There was not enough buffer for going from high density to low density.

Acomb said she appreciated the developer making changes to address concerns but looking at a drawing of the building it looks like a big wall along Ridgedale Drive. While there had been some accommodations she liked, she didn’t think there were enough. She noted some developments had stepped things down to break up the look of the building. She didn’t know if this was an option for this plan. She appreciated Stesin’s comments about transitioning from single family homes to high density. She thought high density was appropriate for the site although five stories still might be too high. She noted there was a lot of the development in the Ridgedale area and none of it included affordable housing. This put the city in the situation of not having any affordable housing in a commercial area. She encouraged the developer to look at including affordable housing and for the council to hold developers to the standard especially for a commercial area.

Calvert said this also was a project she reviewed as part of the planning commission. She appreciated the reduction in height. She said there seemed to be some changes in the design that helped break up the blank wall feel. She liked the materials being used and that they were really attractive. She noted the view from the east Ridgedale Drive perspective made it look like the building was almost sitting on the road. She appreciated the developer moving the building as far away from the residential property as possible, but in doing so it placed the building close to the road. This gave it a claustrophobic feeling. It also robbed the site of a suburban feeling and gave it a very urban feeling. She was concerned this might create issues given some of the changes to Ridgedale Drive. She agreed with Acomb’s comments about affordable units. She also thought the city needed to be mindful as it promoted its values and priorities, in promoting sustainability. She had not heard that discussed much for this concept plan.

Wagner said he continued to believe high density housing was appropriate for the site. While he recognized the removal of a story from the building, he encouraged the developer to evaluate concepts associated with how the parking was treated on the site. In general the council’s comments indicated although it was an appropriate use being looked at, the mass with the existing office building remained too much. Even though the look was softened, the wall along Ridgedale Drive was a concern.

Ellingson said the building was attractive and it was appropriate to have high density housing on the site. He thought it was unfortunate such a high density building was right next to a single family residential neighborhood. He noted such
an abrupt situation existed with the Best Buy site so he understood and appreciated the concerns from the neighbors. He questioned what might be acceptable for the site.

Wiersum agreed the building was an attractive building but as he considered the location and the amount of buildable land, he thought it was an overly ambitious project. The mass was still too much. A high end building built to high standards with a lot of amenities on such a small footprint next to a single family residential neighborhood with no real buffer was too ambitious. He appreciated the changes that were made to the plan, but he thought it still needed to be downscaled.
REZONING ORDINANCE
Ordinance No. 2018-

An ordinance _________ master development plans and ____________ final site and building plans for redevelopment of the property located at 12501 Ridgedale Drive

The City of Minnetonka Ordains:

Section 1. Background

1.01 This ordinance hereby _________ the master development plans and ____________ final site and building plans for construction of a residential apartment development at 12501 Ridgedale Drive.

1.02 The property is located at 12501 Ridgedale Drive and are legally described as:

Lot 3, Block 1, Ridgedale Center Fifth Addition, Hennepin County, Minnetonka

Section 2. Findings

2.01 This ordinance is based on the following findings:

Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on ______________, 2018.

__________________________
Brad Wiersum, Mayor

ATTEST:

__________________________
David E. Maeda, City Clerk
Action on this ordinance:

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

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on ______________, 2018.

David E. Maeda, City Clerk
City Council Agenda Item #12B  
Meeting of April 30, 2018

**Brief Description**  
Items concerning Bren Road Development, a multi-family residential development by Dominium, at 11001 Bren Road East.

**Land Use**

1) Ordinance rezoning the property from I-1, industrial, to PUD, planned unit development;

2) Master development plan;

3) Final site and building plan review;

4) Lot division; and

5) Environmental Assessment Worksheet declaration.

**Finance**

1) Tax Increment Financing

2) Contract for Private Development

**Action Requested**  
Introduce the ordinance and refer it the planning commission

**Background**

In 2017, Dominium presented a concept plan for redevelopment of the 9.8-acre property at 11001 Bren Road. The plan contemplated removal of an existing office building and construction of three buildings containing a total of 454 apartment units. Two of the buildings would be dedicated to workforce housing, while the third building would be affordable, independent senior housing. The city council generally indicated support for the concept, but suggested to city staff that pedestrian connections and broader park planning in OPUS be considered.

**Proposal**

Dominium has now submitted formal applications for the redevelopment of the site. As proposed, it includes a total of 482 rental units constructed in three, new buildings. The westerly building (Building A) is a proposed four-story, 83-unit, workforce housing building. The southerly building (Building B) would contain 137 workforce units. This building would actually have the above-grade appearance of two, five-story buildings. However, the building would share one foundation and underground garage. The northerly building (Building C) would be six-stories in height and contain 262 affordable, independent senior units. All of the buildings would be served by underground parking, as well as surface parking lots. The future Southwest Light Rail Transit Opus Station will be located directly to east of the development site.

The proposal requires approval of:
- **Rezoning.** To facilitate the proposed development, Dominium is requesting that the property be rezoned to PUD.

- **Master Development Plan.** Under the zoning ordinance, a master development plan is required in conjunction with PUD zoning.

- **Final Site and Building Plans.** By city code, site and building plan review is required in conjunction with PUD zoning.

- **Environmental Assessment Worksheet Declaration.** Based on the number of living units proposed, an Environmental Assessment Worksheet (EAW) is required under state statute. An EAW includes a series of 20 questions, the answers to which suggest whether a proposal will have significant environmental impact. If the Responsible Government Unit (RGU), in this case the city, determines that a project will result in significant impact, the RGU may declare that an Environmental Impact Statement (EIS) is required. An EIS is a more in-depth environmental review. Staff is currently reviewing the EAW completed for the Dominium proposal.

- **Tax Increment Financing.** To assist with the production of affordable housing, Dominium is requesting that the city provide Tax Increment Financing (TIF) assistance in the amount of $7,809,000 with a maximum term of 26 years. The Economic Development Advisory Commission (EDAC) and city council previously reviewed this request for assistance and found the request reasonable.

- **Contract for Private Development.** The EDAC reviewed a draft Contract for Private Development at its April 19 meeting. The contract outlines the key points of the TIF request as well as expectations for the development. The council will review the final contract at its June 4 meeting.

**Issue Identification**

The purpose of introducing an ordinance is to give the city council the opportunity to review a new application before sending it to the planning commission for a recommendation. Introducing an ordinance does not constitute an approval. The tentative planning commission date is May 10, 2018.

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

- **Parking.** The parking supply and anticipated demand will be considered.

- **Utilities.** The provision and location of sewer and water utilities – location, type, etc. – will be reviewed in detail.

- **Pedestrian Connections/Placemaking.** The provision and location of pedestrian connections will be evaluated. The council discussed placemaking at its April 23 study session.
Staff Recommendation

1) Introduce the attached ordinance and refer it to the planning commission.

2) Approve or modify the attached notification area. This is the same area used for the previous concept plan.

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

Originated by:
- Susan Thomas, AICP, Assistant City Planner
Location Map

Project: Dominium
Address: 11001 Bren Rd E
Bren Road Development
The Bren Road Development is a proposed multi-family development that will include 482 units of housing for senior and general occupancy population. The site is currently zoned as I-1 Industrial, occupied by Digi International Inc., and is being used as a commercial-office space. The proposed zoning of the project is a PUD (Planned Unit Development) and the intended use of the project is multi-family housing.
1. The trees shown hereon were identified and field located to sub-meter accuracy by Stephen Nicholson, a Certified Arborist and Forester with TreeBiz on 07/06/2017.

2. Tree diameters are measured in inches.

3. Tree heights are measured to the nearest foot.
C1-1

Gopher State One Call

WARNING:

The Contractor shall be responsible for calling all utilities of the owner and/or developer before commencing work. The Contractor shall repair or replace any damage caused during excavation. The Contractor shall maintain the integrity of all utilities and coordinate with all utility companies when requested. The Contractor shall be responsible for calling for the locations of all underground utilities at least 48 hours in advance.

The Contractor shall contact Gopher State One Call at 651-454-0002 for the locations of all underground utilities. Owner, contractor, property management, developer or other responsible party shall assume responsibility for damages to property caused by their failure to call Gopher State One Call or their failure to follow Gopher State One Call's instructions. The Contractor shall be responsible for any damage caused to property while calling Gopher State One Call.

The Contractor shall be responsible for any damage to property caused by their failure to call Gopher State One Call or their failure to follow Gopher State One Call's instructions. The Contractor shall also be responsible for any damage caused to property while calling Gopher State One Call.
WARNING:

The Contractor shall contact Gopher State One Call at 440-6000 before excavation to locate all underground utilities. Failure to do so can result in serious injury or death if struck by an underground utility line.

The Contractor shall contact all utility companies and/or the City of Maple Grove to arrange for the removal of any underground utility lines that may be present at the site.

The Contractor shall maintain all utility lines and/or other underground services at a safe distance during the demolition process to prevent any damage to the utility lines.

The Contractor shall be responsible for any damage to existing structures or utilities caused by the demolition process.
SITE NOTES:
1. All paving, sidewalks, curbs and gutters shall be furnished and installed in accordance with the Detail Sheet(s) and State/Local Jurisdiction Requirements.
2. Accessible parking and accessible routes shall be provided per current ADA standards and local/state requirements.
3. All curb dimensions are to the face of curb unless otherwise noted.
4. All building dimensions are to the outside face of wall unless otherwise noted.
5. Temporary heavy-duty pavement shall be 4-6 in. thick with a 2-3 in. base layer, unless otherwise noted.
6. All existing infrastructure shall be removed at full depth of concrete adjacent to existing structures and behind curbs.
7. All typical full-sized parking stalls are 8.5' x 18' with a 24' wide two-way drive unless otherwise noted.
8. All curb radii shall be 3.0' unless otherwise noted.
9. Bituminous impregnated fiber board to be placed at full depth of concrete adjacent to existing structures and behind curbs.
10. See site electrical plan for site lighting.

SITE PLAN LEGEND:
- CONCRETE SIDEWALK
- CONCRETE PAVEMENT
- HEAVY DUTY BITUMINOUS PAVEMENT
- TEMPORARY HEAVY-DUTY BITUMINOUS PAVEMENT
- EXISTING UTILITIES

WARNING:
The Contractor shall contact Gopher State One Call at 800-444-8772 at least 48 hours in advance for the locations of all underground utilities that shall be exposed with caution. The Contractor shall maintain their utility's site identification information for relocating utility.

NOT FOR CONSTRUCTION:
The Contractor shall contact Gopher State One Call at 800-444-8772 at least 48 hours in advance for the locations of all underground utilities that shall be exposed with caution. The Contractor shall maintain their utility's site identification information for relocating utility.
1. Spot elevations represent finished surface grades, gutter/flow line, face of building, or edge of pavement unless otherwise noted.
2. Catch basins and manholes in paved areas shall be sumped 0.04 feet. All catch basins in gutters shall be sumped 0.16 feet. Rim elevations shown on plans do not reflect sumped elevations.
3. All disturbed unpaved areas are to receive minimum of 4 inches of topsoil and seed/mulch or sod. These areas shall be watered/maintained by the contractor until vegetation is established.
4. For site retaining walls, "TW" equals surface grade at top face of wall (not top of wall), "GW" equals surface grade at wall grade transition, and "BW" equals surface grade at bottom face of wall (not bottom of buried wall courses).
5. Streets must be cleaned and swept whenever tracking of sediments occurs and before sites are left idle for weekends and holidays. A regular sweeping schedule must be established.
6. Dust must be adequately controlled.
7. See SWPPP for additional erosion control notes and requirements.
8. File plans for water, storm and sanitary sewer information.
9. See plan for curb and bituminous taper locations.
10. See landscape plan for final stabilization.

WARNING: This contractor shall be responsible for checking all utility locations and requirements. The contractor shall check for the locations of all underground utilities before any excavation or drilling commences. The contractor shall be responsible for any damages incurred. The contractor shall be responsible for any damages incurred while making any repairs. The contractor shall be responsible for all damages incurred on this project.
WARNING:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATION OF ALL EXISTING UTILITIES, THAT WILL COORDINATE WITH ALL UTILITY COMPANIES TO MAINTAIN THEIR SERVICES AND TO RELOCATION OF UTILITY. THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRE, CABLE, CONDUIT, PIPE, WATERLINE, GASLINE, OR OTHER BURIED UTILITY LINES. THE CONTRACTOR SHALL REPRESENT AND WARRANT THAT IT WILL NOT DISTURB ANY UTILITIES WHICH MAY BE EXVIOUS TO THE CONTRACTOR OWNERSHIP OR CONTROL DURING THE PERFORMANCE OF WORK, AND ANY WORK NOT IN CONFORMITY WITH THE LOCATION OF ANY UTILITIES. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY DAMAGE TO UTILITIES DUE TO WORK PERFORMED UNDER THIS CONTRACT.
WARNING:

The contractor shall contact Gopher State One Call at 811 or 800-444-2222 at least 48 hours in advance for the locations of all underground cables, conduits, pipes, sewers, gas lines, and other utility systems. The contractor shall not begin any construction work until the caller indicates it is safe to do so.

The contractor shall be responsible for calling for locations of all underground electrical, gas, and water lines and shall cooperate with all utility companies in the above when damaged during construction at no cost to the owner. The contractor shall repair or replace wires, cables, conduits, pipes, manholes, valves or other buried utilities that are damaged during construction. The contractor shall remove any debris created during the process of repairing or replacing damaged utility lines at no cost to the owner.

The owner shall be responsible for calling for locations of all existing utility lines and shall cooperate with all utility companies in the above when damaged during construction at no cost to the owner. The owner shall repair or replace any damaged utility lines at no cost to the contractor.
UTILTY NOTES


2. ALL UTILITY PIPE BEDDING SHALL BE COMPACTED SAND OR FINE GRANULAR MATERIAL. ALL COMPACTION SHALL BE PERFORMED PER THE REQUIREMENTS OF THE CEAM SPECIFICATION.

3. ALL PIPES, CONDUITS, VENTS AND STRUCTURES SHALL BE LOCATED IN FILL 12 INCHES OR MORE IN FRONT OF THE BUILDING EXTERIOR WALL AND 5' FROM THE BUILDING FACE UNLESS OTHERWISE NOTED.

4. ALL CONNECTIONS TO EXISTING UTILITIES SHALL BE PERFORMED PER THE REQUIREMENTS OF THE STATE AND LOCAL JURISDICTIONS. THE CITY DEPARTMENT OF ENGINEERING AND BUILDING INSPECTIONS DEPARTMENT AND THE CONSTRUCTION ENGINEER MUST BE NOTIFIED AT LEAST 48 HOURS PRIOR TO ANY WORK WITHIN THE PUBLIC RIGHT OF WAY, OR WORK IMPACTING PUBLIC UTILITIES.

5. ALL STORM SEWER, SANITARY SEWER AND SERVICES SHALL TERMINATE 5' FROM THE BUILDING FACE UNLESS OTHERWISE NOTED.

6. ALL NEW WATERMAIN AND SERVICES MUST HAVE A MINIMUM OF 8.0 FEET OF COVER. EXTRA DEPTH MAY BE REQUIRED TO MAINTAIN A MINIMUM 18" VERTICAL SEPARATION TO SANITARY OR STORM SEWER LINES. THE CONTRACTOR SHALL FIELD ADJUST WATERMAIN TO AVOID CONFLICTS WITH SANITARY SEWER, STORM SEWER, AND SERVICES AS REQUIRED. INSULATION OF WATER AND SANITARY SEWER LINES SHALL BE PROVIDED WHERE 8.0 FEET MINIMUM DEPTH CAN NOT BE ATTAINED.

7. ALL STORM SEWER, SANITARY SEWER WYES, TEES AND SERVICES SHALL BE SCH. 40 PVC.

8. ALL PORTIONS OF THE STORM SEWER SYSTEM, INCLUDING CATCH BASINS, LOCATED WITHIN 10 FEET OF THE BUILDING OR WATER SERVICE LINE MUST BE TESTED ACCORDANCE WITH MINNESOTA RULES, PART 4715.2820.

9. ALL JOINTS AND CONNECTIONS IN THE STORM SEWER SYSTEM SHALL BE GAS-TIGHT OR WATERTIGHT (SEE MINNESOTA RULES, PART 4715.0700). APPROVED RESILIENT RUBBER JOINTS MUST BE USED TO MAKE WATERTIGHT CONNECTIONS TO MANHOLES, CATCHBASINS, AND OTHER STRUCTURES.

10. HIGH-DENSITY POLYETHYLENE (HDPE) STORM DRAINS MUST COMPLY WITH MINNESOTA RULES, PART 4715.0540:
   a. PIPES 4-INCH TO 10-INCH IN SIZE MUST COMPLY WITH AASHTO M252.
   b. PIPES 12-INCH TO 60-INCH IN SIZE MUST COMPLY WITH ASTM F2306.
   c. ALL FITTINGS MUST COMPLY WITH ASTM D3212.
   d. WATER-TIGHT JOINTS MUST BE USED AT ALL CONNECTIONS INCLUDING STRUCTURES.
**Utility Notes**

1. All sanitary sewer, storm drain and watermain utilities shall be furnished and installed per the requirements of the specifications, the Minnesota Plumbing Code, the Local Governing Unit, and the Standard Utilities Specification of the City Engineers Association of Minnesota, 2013 Edition.

2. All utility pipe bedding shall be compacted sand or fine granular material. All compaction shall be performed per the requirements of the CEAM specification.

3. All connections to existing utilities shall be performed per the requirements of the state and local jurisdictions. The city department of engineering and building inspections department and the construction engineer must be notified at least 48 hours prior to any work within the public right of way, or work impacting public utilities.

4. All storm sewer, sanitary sewer and water services shall terminate 5' from the building face unless otherwise noted.

5. A minimum of 18 inches of vertical separation and 10 feet of horizontal separation is required for all utilities unless otherwise noted.

6. All new watermain and services must have a minimum of 8.0 feet of cover. Extra depth may be required to maintain a minimum 18" vertical separation to sanitary or storm sewer lines. The contractor shall field adjust watermain to avoid conflicts with sanitary sewer, storm sewer, and services as required. Insulation of water and sanitary sewer lines shall be provided where 8.0 feet minimum depth cannot be attained.

7. All fire hydrants shall be located 5 feet behind back of curb or edge of pavement unless otherwise noted.

8. All sanitary sewer, storm drain and watermain services shall be SCH 40 PVC.

9. All portions of the storm drain system, including catch basins, located within 10 feet of the building or water service line must be tested accordance with Minnesota Rules, Part 4715.2820.

10. All joints and connections in the storm sewer system shall be gastight or watertight (see Minnesota Rules, Part 4715.0700). Approved resilient rubber joints must be used to make watertight connections to manholes, catch basins, and other structures.

11. High-density polyethylene (HDPE) storm drains must comply with Minnesota Rules, Part 4715.0540:
   - Pipes 4-inch to 10-inch in size must comply with AASHTO M252.
   - Pipes 12-inch to 60-inch in size must comply with ASTM F2306.
   - All fittings must comply with ASTM D3212.
   - Watertight joints must be used at all connections including structures.

**Warning:**

The contractor shall immediately notify the owner and all utility companies of any damage to underground utilities during construction at no cost to the owner. Utility companies shall have 24 hours to perform repairs, if necessary. The contractor shall return the location of underground utilities to the owner. The contractor shall not alter or move any underground utility lines or other structures without written permission from the owner. All work performed by the contractor shall be subject to the requirements of the specifications and the approval of the owner and all utility companies.
ITEMS TO BE SHOWN IN FUTURE EASEMENT EXHIBITS
- UTILITY EASEMENT FOR WATER, SANITARY SEWER AND STORM SEWER
- SHARED SURFACE PARKING EASEMENT
- INGRESS & EGRESS EASEMENT
- IRRIGATION EASEMENT

WARNING:
- The contractor shall contact Gopher State One Call at 651-454-0002 for the locations of all underground utilities that shall be marked with a yellow diamond in advance of construction. Exposed underground utilities shall be denoted with yellow flags before any lot is cut for construction.
- The contractor shall be responsible for calling for locations of all underground utilities at least 48 hours in advance for the locations of all underground utilities. They shall cooperate with all utility companies in the above when damaged during construction at no cost to the owner.
- The contractor shall repair or replace wires, cables, conduits, pipes, manholes, valves or other buried structures before digging. The contractor shall contact Gopher State One Call at 651-454-0002 for the locations of all underground utilities that shall be marked with a yellow diamond in advance of construction. Exposed underground utilities shall be denoted with yellow flags before any lot is cut for construction.

ITEMS TO BE SHOWN IN FUTURE PLAT
- LOT SPLIT INTO 2 LOTS
- UTILITY EASEMENT FOR WATER, SANITARY SEWER AND STORM SEWER
- SHARED SURFACE PARKING EASEMENT
- INGRESS & EGRESS EASEMENT
- IRRIGATION EASEMENT
REFERENCE PLAN

NORTH: SCALE 1"=50' 167'-8" 167'-8" 135'-8"

SOUTH: SCALE 1"=50' 125'-0" 89'-0"

EAST 1: SCALE 1"=50' 167'-8"

EAST 2: SCALE 1"=50' 167'-8"

EAST: SCALE 1"=50' 167'-8"

WEST: SCALE 1"=50' 167'-8"

WEST: SCALE 1"=50' 167'-8"

WEST: SCALE 1"=50' 167'-8"

WEST: SCALE 1"=50' 167'-8"

WEST: SCALE 1"=50' 167'-8"

WEST: SCALE 1"=50' 167'-8"

WEST: SCALE 1"=50' 167'-8"

WEST: SCALE 1"=50' 167'-8"

WEST: SCALE 1"=50' 167'-8"

WEST: SCALE 1"=50' 167'-8"

WEST: SCALE 1"=50' 167'-8"

WEST: SCALE 1"=50' 167'-8"
EXISTING SITE CONTEXT
EXISTING SITE INFLUENCES

BREN ROAD DEVELOPMENT
MINNETONKA, MN
CITY SUBMITTAL - APRIL 6, 2018

EXISTING TRAIL SYSTEM

WETLAND

FOREST

URBAN

FOREST

SINGLE

FAMILY

RESIDENTIAL

PROPOSED SITE

FUTURE LRT STATION

BREN RD E

BREN RD W

BREN RD W

BREN RD W

BREN RD E

BREN RD E

BREN RD E

BREN RD E

POND
DESIGN EXAMPLES - EXTERIOR
1500 NICOLLET - MINNEAPOLIS, MN
DESIGN EXAMPLES - EXTERIOR
MILLWORK LOFTS - MINNEAPOLIS, MN
DESIGN EXAMPLES - INTERIOR
MILLWORK LOFTS - MINNEAPOLIS MN
DESIGN EXAMPLES - INTERIOR
WEYERHAUSEN - ST. PAUL, MN
DESIGN EXAMPLES - INTERIOR
GRAND CENTRAL FLATS - COLUMBIA HEIGHTS, MN
DESIGN EXAMPLES - EXTERIOR
THE CAMBRIC - ST. PAUL, MN
DESIGN EXAMPLES - INTERIOR
THE CAMBRIC - ST. PAUL, MN
Parking Summary

After reviewing a number of comparable existing senior and general occupancy properties as well as new properties that are currently under construction we have come to the following conclusions. The table of this data is attached as Attachment 1.

1. The Bren Road Development project will provide considerably less parking than existing Dominium comparable properties.

For existing senior properties located in a mix of urban and suburban areas, the average total parking ratio is 1.18 parking stalls per unit. For existing general occupancy properties, the average total parking ratio is 1.85. Our proposed mix has a 1.01 ratio for the senior building and 1.25 for the general occupancy buildings which is considerably less than the existing properties.

2. The Bren Road Development project will provide less parking than pending Dominium new construction properties.

For senior new construction projects located in a mix of urban and suburban areas, the average parking ratio is 1.08 for seniors and 1.30 for general occupancy. It is important to note that two of the general occupancy properties are located in St. Paul in very urban areas where there are very limited parking options. Removing these St. Paul pending properties which are considerably more urban results in an average parking ratio of 1.13 for seniors and 1.62 for families.

On average, 83% of garage stalls are occupied in the existing general occupancy and senior properties. It is important to note that the effective occupancy of these properties is .77 stalls/unit (83% x .92 stalls/unit). Our project is proposing .75 stalls/unit of underground parking so the demand for parking based on this data, is greater than we have available. We are comfortable with this ratio because of the proximity to the future LRT stop and expected surrounding mixed-use redevelopment.

Conclusion: Overall, the parking mix we are proposing is significantly less than what we have historically provided. There will be some time between the construction completion of our project and the light rail and our future residents will not have any options if there is an insufficient amount of parking in the interim. If driverless cars and the light rail do indeed significantly reduce the parking demand in the future, BKV has come up with some plans that show where we can remove some of the existing surface parking and provide some additional green space. Attachment 2 shows the 10 and 30 year parking plans where some of the additional surface parking can be converted to green space.
<table>
<thead>
<tr>
<th>Property</th>
<th>Address</th>
<th>City</th>
<th>Units</th>
<th>Surface Spots</th>
<th>Garage Spots</th>
<th>Garage Parking Ratio</th>
<th>Total Parking Ratio</th>
<th>Garage Type</th>
<th># Occupied-Garage</th>
<th>% Occupied - Garage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building C</td>
<td>11001 Bren Road E</td>
<td>Minnetonka</td>
<td>262</td>
<td>45</td>
<td>219</td>
<td>0.17</td>
<td>0.84</td>
<td>1.01</td>
<td>N/A</td>
<td>N/A</td>
</tr>
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<td>Buildings A &amp; B</td>
<td>11001 Bren Road E</td>
<td>Minnetonka</td>
<td>220</td>
<td>133</td>
<td>141</td>
<td>0.60</td>
<td>0.64</td>
<td>1.25</td>
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<td>N/A</td>
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<td></td>
<td></td>
<td>482</td>
<td>178</td>
<td>360</td>
<td>0.37</td>
<td>0.75</td>
<td>1.12</td>
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<table>
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<tr>
<th>Property</th>
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<th>Garage Type</th>
<th># Occupied-Garage</th>
<th>% Occupied - Garage</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Legends at Silver Lake Village</td>
<td>2500 38th Ave NE</td>
<td>St. Anthony</td>
<td>169</td>
<td>60</td>
<td>128</td>
<td>0.36</td>
<td>0.76</td>
<td>1.12</td>
<td>109</td>
<td>85%</td>
</tr>
<tr>
<td>River North</td>
<td>10940 Crooked Lake Blvd. NW</td>
<td>Coon Rapids</td>
<td>167</td>
<td>57</td>
<td>116</td>
<td>0.34</td>
<td>0.69</td>
<td>1.04</td>
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<td>97%</td>
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<tr>
<td>The Granite</td>
<td>5119 Gateway Street SE</td>
<td>Prior Lake</td>
<td>168</td>
<td>49</td>
<td>111</td>
<td>0.29</td>
<td>0.66</td>
<td>0.95</td>
<td>111</td>
<td>100%</td>
</tr>
<tr>
<td>The Canvass</td>
<td>5401 51st Ave North</td>
<td>Crystal</td>
<td>120</td>
<td>46</td>
<td>94</td>
<td>0.51</td>
<td>0.72</td>
<td>1.23</td>
<td>81</td>
<td>38%</td>
</tr>
<tr>
<td>The Cambus</td>
<td>720 East 7th St</td>
<td>St. Paul</td>
<td>112</td>
<td>120</td>
<td>86</td>
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<td>0.76</td>
<td>1.12</td>
<td>55</td>
<td>64%</td>
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<td></td>
<td>149</td>
<td>67</td>
<td>109</td>
<td>0.45</td>
<td>0.73</td>
<td>1.18</td>
<td>57</td>
<td>85%</td>
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<table>
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<th>Total Parking Ratio</th>
<th>Garage Type</th>
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<th>% Occupied - Garage</th>
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<tr>
<td>Landings at Silver Lake Village</td>
<td>2551 38th Ave. NE</td>
<td>St. Anthony</td>
<td>263</td>
<td>231</td>
<td>215</td>
<td>0.88</td>
<td>0.82</td>
<td>1.70</td>
<td>141</td>
<td>75%</td>
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<tr>
<td>808 Berry</td>
<td>808 Berry Street</td>
<td>St. Paul</td>
<td>267</td>
<td>0</td>
<td>403</td>
<td>0.00</td>
<td>1.52</td>
<td>1.52</td>
<td>304</td>
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<td>Stone Creek</td>
<td>1020 West Medicine Lake Dr.</td>
<td>Plymouth</td>
<td>125</td>
<td>153</td>
<td>140</td>
<td>1.22</td>
<td>1.12</td>
<td>2.34</td>
<td>128</td>
<td>91%</td>
</tr>
<tr>
<td>Bluffs at New Mill Creek</td>
<td>7475 Flying Cloud Dr.</td>
<td>Eden Prairie</td>
<td>188</td>
<td>118</td>
<td>241</td>
<td>N/A</td>
<td>1.28</td>
<td>1.95</td>
<td>196</td>
<td>81%</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td></td>
<td>211</td>
<td>121</td>
<td>270</td>
<td>0.57</td>
<td>1.28</td>
<td>1.85</td>
<td>209</td>
<td>78%</td>
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<th>Total Parking Ratio</th>
<th>Garage Type</th>
<th># Occupied-Garage</th>
<th>% Occupied - Garage</th>
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<tr>
<td>Union Flats</td>
<td>787 Hampden Avenue</td>
<td>St. Paul</td>
<td>217</td>
<td>50</td>
<td>182</td>
<td>0.23</td>
<td>0.84</td>
<td>1.07</td>
<td>N/A</td>
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<tr>
<td>Grand Central Flats</td>
<td>4729 Grand Avenue N/</td>
<td>Columbia Heights</td>
<td>147</td>
<td>102</td>
<td>136</td>
<td>0.69</td>
<td>0.95</td>
<td>1.62</td>
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<tr>
<td>Mill Berry Apartments</td>
<td>778 Berry Street</td>
<td>St. Paul</td>
<td>121</td>
<td>42</td>
<td>95</td>
<td>0.35</td>
<td>0.79</td>
<td>1.13</td>
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<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td></td>
<td>162</td>
<td>64</td>
<td>146</td>
<td>0.39</td>
<td>0.91</td>
<td>1.30</td>
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<th>Total Parking Ratio</th>
<th>Garage Type</th>
<th># Occupied-Garage</th>
<th>% Occupied - Garage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legends of Columbia Heights</td>
<td>3700 Huset Parkway</td>
<td>Columbia Heights</td>
<td>191</td>
<td>88</td>
<td>136</td>
<td>0.46</td>
<td>0.71</td>
<td>1.17</td>
<td>N/A</td>
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<tr>
<td>Legends of Apple Valley</td>
<td>16050 Granite Ave</td>
<td>Apple Valley</td>
<td>163</td>
<td>42</td>
<td>143</td>
<td>0.26</td>
<td>0.88</td>
<td>1.13</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Legends at Berry</td>
<td>700 Emerald Street</td>
<td>St. Paul</td>
<td>240</td>
<td>42</td>
<td>175</td>
<td>0.18</td>
<td>0.73</td>
<td>0.90</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Legends of Champlin</td>
<td>11635 Theatre Drive</td>
<td>Champlin</td>
<td>184</td>
<td>73</td>
<td>138</td>
<td>0.40</td>
<td>0.75</td>
<td>1.15</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Legends of Cottage Grove</td>
<td>6993 E Point Douglas Rd 5</td>
<td>Cottage Grove</td>
<td>184</td>
<td>65</td>
<td>129</td>
<td>0.35</td>
<td>0.70</td>
<td>1.05</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td></td>
<td>192</td>
<td>61</td>
<td>146</td>
<td>0.33</td>
<td>0.70</td>
<td>1.06</td>
<td></td>
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<table>
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<tr>
<th>Property</th>
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<th>Garage Type</th>
<th># Occupied-Garage</th>
<th>% Occupied - Garage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTALS - All Property Types</strong></td>
<td></td>
<td></td>
<td>179</td>
<td>78</td>
<td>168</td>
<td>0.43</td>
<td>0.92</td>
<td>1.35</td>
<td>153</td>
<td>83%</td>
</tr>
</tbody>
</table>
Innovation Summary

Dominium is committed to providing many innovative features on the Bren Road Development project including an enhanced trail system, a green parkway entrance, public art plazas, and a bike café. In addition, this project will feature a state-of-the-art rooftop solar energy system.

Solar Energy System:

The proposed rooftop solar energy system will include over 1,500 Jinko 325-watt panels spread over all three buildings and is capable of producing more than 562,120 kWh per year. The system will be installed by Cedar Creek Energy, who have installed similar systems on past Dominium projects.

It is estimated that the system will be able to cover roughly 20% of the project’s total electricity cost (including tenant unit electricity use), which results in annual power savings of over $50,000. After accounting for the tax benefits and utility credits the project will be eligible for, the payback time is estimated to be less than seven years.
CONCEPT PLAN
EXTERIOR RENDERING/ELEVATION - NATURE/PARKS
BREN ROAD DEVELOPMENT, MINNETONKA
EXTERIOR RENDERING/ELEVATION - TRANSIT
BREN ROAD DEVELOPMENT, MINNETONKA
C. **Items relating to Dominium at 11001 Bren Road East**

1) **Concept plan review for Dominium at 11001 Bren Road East**

Gordon gave the staff report.

Wagner said there was a wonderful opportunity to tackle affordable housing and workforce housing. There were 1,050 units being proposed. On top of that there were a number of institutional uses that now were schools in the Opus area. What the area did not have was anything other than trails. There were a lot of units and no park land. He suggested staff put together some information for a study session. He said historically the city had a mixture of affordability and market rate units. Although he understood the reason related to how things were currently being financed, he thought this plan with three buildings in close proximity, was a major shift, one he was OK with. He thought there was a missed opportunity in creating a sense of place, a theme with what the council wanted the area to be. He didn’t think the plan felt like what the Shady Oak station area could be. He said the EDAC did a fabulous job analyzing the plan financially. He thought there were bigger picture issues for the Opus area.

Wiersum said he supported the plan. The opportunity to get this level of affordable housing in one proposal was not something the council was used to talking about. At the same time the council did not want to get into a situation where the city was only putting in affordable housing in certain areas and not others. He liked the idea of getting some park opportunities even if they were just pocket parks. He questioned if there was an opportunity to also get greater connectivity to Lone Lake Park.

Acomb was thrilled to see the affordability coming from a company that knows that market very well. She had reservations about the size of the buildings in one area. That said, the community needs affordable housing. She really liked the senior affordable units. The map in the council packet showed there really wasn’t anything connecting this area and the light rail station over to Shady Oak Road. As the area develops it was important to keep in mind the need for getting people from the light rail station to where services are. She wondered if there were opportunities to get mixed use developments that would add retail to the area.

Bergstedt said the plan looked great and the mix of affordable senior and affordable workforce housing was something the city really needed. He thought it would help if there was a way to connect to Lone Lake Park or add pocket parks.
Allendorf said it was a wonderful project.

Ellingson said one of the wonderful things about the Opus area was the trail system. He said this was the kind of development the city wanted near the light rail station.

Schneider said conceptually the city couldn’t ask for a better neighbor to the light rail station. He agreed with Wagner that the Opus area with all its housing would benefit from a master planned corridor approach toward open space with connecting ponds and amenities similar to the Centennial Lakes area in Edina. The challenge was distance-wise this was much greater than the Southdale area. The question was how to link it all together. He suggested staff look at where there were some natural areas that should be preserved and also look at the area all the way down to Crosstown and ways to link the entire area together through the developments. This was worth hiring a consultant to look at. It would add tremendous value to the developments.

Barone noted that a park planner position was being created for 2018.

Allendorf noted that many years ago Gerry Rauenhorst developed the Opus area with the one way road system. The paths were included to get connectivity from one area to another. Rauenhorst’s vision was to use golf carts. The idea was to separate pedestrian traffic from automobile traffic. Wischnack said staff had discussed options with the developer to allow pedestrians to get around off of the roadway.

Acomb said the information about the financing indicated a possibility of deferring the park dedication fees from the project. She asked for more information. Wischnack said a deferment was not a waiver of the fees. If the project was built in phases, portions of the fee might be deferred over a period of time. Other options were being discussed with the developer.

Wagner said as far as the design the concept looked a little too boxy and might not stand the test of time.

Wiersum said the TIF seemed reasonable but noted there still would be an $880,000 million gap. He asked if the developer could speak on his plan to cover the gap and if the project would proceed if the gap remains when the financing is determined.

Ryan Lunderby from Dominium said the project would still be a go. This was an $115 million project so the amount of the gap would not stop it. He said city funds would be used last and the company would search to find other resources potentially from the county or the Metropolitan Council.
added the project would also go forward whether or not light rail happened. The need for this type of housing was that great.

Schneider said the concept plan showed a play lot in one of the corners of the property. One design improvement would be to figure out a way to reconfigure the building to provide for a more prominent and centrally located open space for the residents to enjoy. This would help make the building look less boxy and institutional.

D. **Resolution approving the second amendment to the regulatory agreement for Minnetonka Heights**

*Wagner moved, Acomb seconded a motion to adopt resolution 2017-134 approving the Second Amendment to the Regulatory Agreement between the City of Minnetonka and Heartland Heights, LLC. All voted “yes.” Motion carried.*

F. **Process for filing the council vacancy to occur in Ward 3**

Wagner noted there was a single person left in the audience who was at the meeting for item 13F. He suggested moving the item before item 13E on the agenda.

Barone and Heine gave the staff report.

Schneider said he had indicated at the study session discussion that he felt the community would better be served by an appointment process but only using an enhanced version that allowed for more public input. He suggested adding a few steps to the appointment process outlined in the staff report. One would be for staff to mail out a self-return postcard to each household in Ward 3 with a list of the applicants and a link to the live broadcast interview session. Residents would rank their preferences on the postcard and mail it back to the city. Staff would provide the council with a summary. The council would use this information to conduct the interviews and rank their choices. This was similar to a process used to hire past city managers. Using this process would likely mean more public engagement than a special election held in April.

Bergstedt said at the study session the council discussed the options and Allendorf, Schneider and himself preferred an appointment process. The reasons he preferred appointing someone to fill the vacancy was because of the April election date, that it was for a ward seat, and there would be no primary no matter how many people ran. Because of this, the winner could win with a small number of votes. His other concern was if the appointment process was used, someone could fill the seat February 12. If a special election was called the winner would be seated April 23. This
Ordinance No. 2018-

An ordinance _________ master development plans and ___________ final site and building plans for redevelopment of the property located at 12501 Ridgedale Drive

The City of Minnetonka Ordains:

Section 1. Background

1.01 This ordinance hereby _________ the master development plans and ___________ final site and building plans for construction of a residential apartment development at 12501 Ridgedale Drive.

1.02 The property is located at 12501 Ridgedale Drive and are legally described as:

Lot 3, Block 1, Ridgedale Center Fifth Addition, Hennepin County, Minnetonka

Section 2. Findings

2.01 This ordinance is based on the following findings:

Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on ______________, 2018.

Brad Wiersum, Mayor

ATTEST:

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

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

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on ______________, 2018.

David E. Maeda, City Clerk
City Council Agenda Item #12C
Meeting of April 30, 2018

**Brief Description:** Ordinance granting an electric franchise to Northern States Power Company

**Recommended Action:** Introduce the ordinance

**Background**

State law allows municipalities to require a franchise for the use of the municipality’s streets and public property by a public electrical utility. The city granted a franchise to Northern States Power Company (NSP) by Ordinance 1998-15. That franchise expires on August 11, 2018. (NSP has done business under the Xcel Energy name for many years, but it continues to hold its franchises as Northern States Power Company.)

Over the past year, city staff members have negotiated with NSP for a new franchise agreement. NSP has agreed to nearly all of the terms of the proposed ordinance, but discussions are ongoing regarding a couple of issues, as noted below. The proposed ordinance sets forth the terms and conditions as recommended by city staff. The council is asked to introduce the ordinance at the April 30 meeting, because it is the latest date possible in order to have the new franchise take effect before the existing franchise lapses. In addition, staff believes that agreement can be reached prior to the adoption of the franchise ordinance.

Key provisions of the ordinance are described below. Substantive changes from the existing franchise are noted, as are the remaining points of disagreement with NSP.

- The franchise is for a 20-year period, which is the maximum allowed by the charter. The parties agree to meet and begin renewal discussions two years before the franchise expires. **New provision: the franchise includes a continuation clause. In the event the parties have not reached an agreement prior to expiration of the franchise, the franchise will be automatically extended up to a maximum of 12 months, and subject to the right of either party to terminate the extension by 90-days’ notice to the other party.**

- The parties agree to attempt in good faith to resolve disputes by use of a mediator prior to initiating any litigation.

- **New provision: the parties will meet annually to discuss items of concern related to the franchise, including collaborative infrastructure planning, vegetation management and reliability performance. The city will inform NSP of its proposed infrastructure projects. Upon the city’s request, NSP agrees to provide its records, to the extent available, of abandoned facilities near those projects.**

- Electric facilities must be located in a manner not to interfere with the public use of right-of-way. The city reserves the right to impose reasonable regulations on the use of the right-of-way by ordinance (currently Section 1120 of the City Code).
• Except in case of an emergency, NSP must obtain a permit before it opens or disturbs city property or right of way. In case of an emergency, the permit must be obtained within two business days after the emergency.

• When NSP disturbs city property or right-of-way, it must restore the same and be responsible for repairs for a two-year period. New provision: the city may require a performance bond from NSP when the company’s completion of new facilities installation, relocation, replacement or repairs to its facilities is required in order for the city to proceed with a city project. Note: as of the writing of this report, NSP has not agreed to include “relocation” in the scope of the language.

• The city is required to give NSP reasonable notice of proposed city improvements.

• NSP will relocate its facilities in public rights-of-way at its own cost, when it is required for a city project and not solely for convenience, subject to two limitations. If the city orders NSP to relocate facilities for a second time within five years, the city must reimburse NSP for non-betterment costs. Also, NSP has the right to seek recovery of relocation costs when ordered to relocate because a street is vacated, improved or realigned for a renewal or redevelopment plan which is subsidized in whole or in part by a federal agency, but only to the extent the city has received federal funding allocated for relocation.

• NSP is allowed to trim trees and shrubs located on public property and rights-of-way to the extent necessary to avoid interference with electric facilities. Pending matter: city staff was unable to get NSP to accept a new provision that would have required NSP to provide advance notice of proposed NSP tree trimming. NSP is considering whether it will provide a separate letter that details NSP’s notification procedures. However, NSP has agreed to discuss vegetation management at the newly required annual meeting.

• NSP must defend and indemnify the city.

• The city must give NSP two weeks’ advance notice of a proposed vacation of right-of-way.

• The city has the right to charge a franchise fee, by a separate ordinance. The current franchise fee is incorporated into the ordinance. The city has the ability to increase the franchise fee by separate ordinance, provided that changes may not occur more often than once within 12 consecutive months. NSP must make quarterly payments of the franchise fee to the city. Change: the notification periods for amending the franchise fee have increased from 60 days to 90 days.

• The ordinance requires that, if the city imposes a franchise fee, it must impose an equivalent fee on other energy suppliers, such as Centerpoint. However, that requirement does not apply if the city uses the NSP franchise fee payments only for betterment of electric facilities.

The city charter requires a public hearing on the proposed franchise. The public hearing is scheduled for the May 14 regular council meeting. In the meantime, staff will continue
discussions with NSP on the few remaining minor issues. The staff report will identify any changes from the ordinance as introduced. NSP has 90 days after adoption of the franchise to accept its terms.

**Recommendation**

Introduce the ordinance.

Submitted through:
- Geralyn Barone, City Manager
- Merrill King, Finance Director
- Will Manchester, City Engineer
- Brian Wagstrom, Director of Public Works

Originated by:
- Corrine Heine, City Attorney
ELECTRIC FRANCHISE ORDINANCE
ORDINANCE NO. _______.

CITY OF MINNETONKA, HENNEPIN COUNTY, MINNESOTA

AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF MINNETONKA, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, LINES, FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY, ITS INHABITANTS, AND OTHERS, AND TO USE THE PUBLIC GROUNDS AND PUBLIC WAYS OF THE CITY FOR SUCH PURPOSES.

THE CITY COUNCIL OF THE CITY OF MINNETONKA, HENNEPIN COUNTY, MINNESOTA, ORDAINS:

SECTION 1. DEFINITIONS.

For purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

1.1 City. The City of Minnetonka, County of Hennepin, State of Minnesota.

1.2 City Utility System. Facilities used for providing non-energy related public utility service owned or operated by City or agency thereof, including sewer, storm sewer, traffic signals, street lighting and water service, but excluding facilities for providing heating, other lighting or other forms of energy.

1.3 Commission. The Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government, which preempts all, or part of the authority to regulate electric retail rates now vested in the Minnesota Public Utilities Commission.

1.4 Company. Northern States Power Company, a Minnesota corporation, its successors and assigns.

1.5 Electric Facilities. Electric transmission and distribution towers, poles, lines, guys, anchors, conduits, fixtures, and necessary appurtenances owned or operated by Company within the City for the purpose of providing electric energy for public use.

1.6 Notice. A written notice served by one party on the other party referencing one or more provisions of this Ordinance. Notice to Company shall be mailed to the General Counsel, 414 Nicollet Mall, 5th Floor, Minneapolis, MN 55401. Notice to the City shall be mailed to the City Manager, City Hall, 14600 Minnetonka Boulevard, Minnetonka, MN 55345. Either party may change its respective address for the purpose of this Ordinance by written notice to the other party.
1.7 **Public Ground.** Land owned by the City for park, open space or similar purpose, which is held for use in common by the public.

1.8 **Public Way.** Any street, alley, walkway or other public right-of-way within the City.

SECTION 2. **ADOPTION OF FRANCHISE.**

2.1 **Grant of Franchise.** City hereby grants Company, until ___________, 2038 [insert a date that is 20 years from the date this Ordinance is passed and approved by the City Council], the right to transmit and furnish electric energy for light, heat, power and other purposes for public and private use within and through the limits of the City as its boundaries now exist or as they may be extended in the future. For these purposes, Company may construct, operate, repair and maintain Electric Facilities in, on, over, under and across the Public Grounds and Public Ways of City, subject to the provisions of this Ordinance. Company may do all reasonable things necessary or customary to accomplish these purposes, subject, however, to such reasonable regulations as may be imposed by the City pursuant to ordinance and to the further provisions of this franchise agreement. Two years prior to the expiration of this franchise agreement, the parties shall meet and discuss renewal of this franchise.

2.2 **Effective Date; Written Acceptance.** This franchise agreement shall be in force and effect from and after passage of this Ordinance, its acceptance by Company, and its publication as required by law. The City, by Council resolution, may revoke this franchise agreement if Company does not file a written acceptance with the City within 60 days after publication.

2.3 **Service and Rates.** The service to be provided and the rates to be charged by Company for electric service in City are subject to the jurisdiction of the Commission. The area within the City in which Company may provide electric service is subject to the provisions of Minnesota Statutes, Section 216B.40.

2.4 **Publication Expense.** The expense of publication of this Ordinance will be paid by City and reimbursed to City by Company.

2.5 **Dispute Resolution.** If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party in writing of the default and the desired remedy. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used, or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in Hennepin County District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity for breach of contract, or either party may take any other action permitted by law.

2.6 **Annual Franchise Performance and Planning Meeting; Annual Reporting.** Company and City shall meet annually to discuss items of concern or interest related to this franchise, including, but not limited to, collaborative infrastructure planning, vegetation management and reliability performance.
2.6.1 At the annual meeting, City and Company each will identify possible, known infrastructure projects scheduled for construction or installation in the upcoming construction season. At City’s request for records of abandoned facilities in a specific location, Company will provide reasonably available records to City in the format in which, at the time of the request, Company keeps the records.

2.6.2 Upon request, but not more than annually, Company shall provide to City reporting information on service reliability, including System Average Interruption Duration Index (SAIDI) and other measures as may be beneficial and mutually agreeable, such as Customers Experiencing Multiple Interruptions (CEMI) or other outage data, infrastructure investments and capital improvements, and customer usage and program participation, the exact format and content of which shall all be mutually agreed to by City and Company.

2.7 Continuation of Franchise. If the City and Company are unable to agree on the terms of a new franchise by the time this franchise expires, this franchise will remain in effect until a new franchise is agreed upon, or until 90 days after the City or Company serves written Notice to the other party of its intention to allow the franchise to expire, but in no event shall this franchise continue for more than one year after expiration of the 20-year term set forth in Section 2.1.

SECTION 3. LOCATION, OTHER REGULATIONS.

3.1 Location of Facilities. Electric Facilities shall be located, constructed and maintained so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways and so as not to disrupt normal operation of any City Utility System. Electric Facilities shall be located on Public Grounds as determined by the City. Company’s construction, reconstruction, operation, repair, maintenance and location of Electric Facilities shall be subject to permits if required by the Minnetonka City Code as it may be amended from time to time, and to other reasonable regulations of the City to the extent not in direct conflict with the terms of this franchise agreement. Company may abandon underground Electric Facilities in place, provided: Company must promptly notify City when Company decides to abandon underground Electric Facilities in place and, at the City’s request, Company will remove abandoned metal or concrete encased conduit interfering with a City improvement project, but only to the extent such conduit is uncovered by excavation as part of the City improvement project.

3.2 Field Locations. Company shall provide field locations for its underground Electric Facilities within City consistent with the requirements of Minnesota Statutes, Chapter 216D.

3.3 Street Openings. Company shall not open or disturb any Public Ground or Public Way for any purpose without first having obtained a permit from the City, if required by the Minnetonka City Code as it may be amended from time to time, for which the City may impose a reasonable fee. Permit conditions imposed on Company shall not be more burdensome than those imposed on other utilities for similar facilities or work. Company may, however, open and disturb any Public Ground or Public Way without permission from the City where an emergency exists requiring the immediate repair of Electric Facilities. In such event Company shall notify the City by telephone and email to the office designated by the City before commencing the emergency repair, if reasonably possible, but in any event as soon as practicable. Not later than the second business day thereafter, Company shall obtain any required permits and pay any required fees.
3.4  **Restoration.** After undertaking any work requiring the opening of any Public Ground or Public Way, Company shall restore the same, including paving and its foundation, to as good a condition as formerly existed, and shall maintain any paved surface in good condition for two years thereafter. The work shall be completed as promptly as weather permits, and if Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Ground or Public Way in the said condition, the City shall have, after demand to Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five days, the right to make the restoration at the expense of Company. Company shall pay to the City the cost of such work done for or performed by the City. This remedy shall be in addition to any other remedy available to the City for noncompliance with this Section 3.4, but the City hereby waives any requirement for Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required, under a separate existing or future ordinance of the City, of a person or entity obtaining the City’s permission to install, replace or maintain facilities in a Public Way. Notwithstanding the foregoing, the City reserves the right to require a performance bond for new facilities installation, relocation, replacement, or repairs, when the Company’s completion of its work is required in order for the City to proceed with its work for constructing a public improvement project to the Public Way.

3.5  **Avoid Damage to Electric Facilities.** Nothing in this Ordinance relieves any person from liability arising out of the failure to exercise reasonable care to avoid damaging Electric Facilities while performing any activity.

3.6  **Notice of Improvements.** The City must give Company reasonable notice of plans for improvements to Public Grounds or Public Ways where the City has reason to believe that Electric Facilities may affect or be affected by the improvement. The notice must contain: (i) the nature and character of the improvements, (ii) the Public Grounds and Public Ways upon which the improvements are to be made, (iii) the extent of the improvements, (iv) the time when the City will start the work, and (v) if more than one Public Ground or Public Way is involved, the order in which the work is to proceed. The notice must be given to Company a sufficient length of time in advance of the actual commencement of the work to permit Company to make any necessary additions, alterations or repairs to its Electric Facilities. In an emergency situation, the City shall notify Company by telephone and email to the representative designated by the Company before commencing the emergency work, if reasonably possible, but in any event as soon as practicable.

3.7  **Shared Use of Poles.**

Company shall make space available on its poles or towers for City fire, water utility, police or other City facilities whenever such use will not interfere with the use of such poles or towers by Company, by another electric utility, by a telephone utility, or by any cable television company or other form of communication company. In addition, the City shall pay for any added cost incurred by Company because of such use by City.
SECTION 4. RELOCATIONS.

4.1 Relocation of Electric Facilities in Public Ways. If the City determines to vacate a Public Way for a City improvement project, or at City’s cost to grade, regrade, or change the line of any Public Way, or construct or reconstruct any City Utility System in any Public Way, it may order Company to relocate its Electric Facilities located therein if relocation is reasonably necessary to accomplish the City’s proposed public improvement. Except as provided in Section 4.3, Company shall relocate its Electric Facilities at its own expense. The City shall give Company reasonable notice of plans to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way or to construct or reconstruct any City Utility System. Except in the event of a natural disaster, if a relocation is ordered within five years of a prior relocation of the same Electric Facilities, which was made at Company expense, the City shall reimburse Company for non-betterment costs on a time and material basis, without any markup. Provided, however, that if a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area, Company may be required to make the subsequent relocation at its expense. Nothing in this Ordinance requires Company to relocate, remove, replace or reconstruct at its own expense its Electric Facilities where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement. The City reserves the right to require a performance bond as provided in Section 3.4 above.

4.2 Relocation of Electric Facilities in Public Ground. City may require Company, at Company’s expense, to relocate or remove its Electric Facilities from Public Ground upon a finding by City that the Electric Facilities have become or will become a substantial impairment to the existing or proposed public use of the Public Ground.

4.3 Projects with Federal Funding. Relocation, removal or rearrangement of any Company Electric Facilities made necessary because of a federally-aided state trunk highway project shall be governed by the provisions of Minnesota Statutes, Section 161.46, as supplemented or amended. It is understood that the rights herein granted to Company are valuable property rights. City shall not order Company to remove or relocate its Electric Facilities without compensation when a Public Way is vacated, improved or realigned for a renewal or redevelopment plan which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation are first paid to Company. The City is obligated to pay Company only for those portions of its relocation costs for which City has received federal funding specifically allocated for relocation costs in the amount requested by the Company.

4.4 No Waiver. The provisions of this franchise apply only to facilities constructed in reliance on a franchise from the City and shall not be construed to waive or modify any rights obtained by Company for installations within a Company right-of-way acquired by easement or prescriptive right before the applicable Public Ground or Public Way was established, or Company's rights under state or county permit.

SECTION 5. TREE TRIMMING.

Company may trim all trees and shrubs in the Public Grounds and Public Ways of City to the extent Company finds necessary to avoid interference with the proper construction, operation, repair and maintenance of any Electric Facilities installed hereunder, provided that Company shall save the
City harmless from any liability arising therefrom, and subject to permit or other reasonable regulation by the City.

SECTION 6. INDEMNIFICATION.

6.1 Indemnity of City. Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Electric Facilities located in the Public Grounds and Public Ways. The City shall not be indemnified for that portion of any losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, Company's plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner, of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company's determination.

6.2 Defense of City. In the event the Company must indemnify the City against a claim, Company at its sole cost and expense shall defend the City against such claim if the City provides written notice to Company within a reasonable period wherein Company is not prejudiced by lack of such notice. If Company is required to indemnify and defend, it will thereafter have control of such litigation, but Company may not settle such claim or litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City. Company, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

SECTION 7. VACATION OF PUBLIC WAYS.

The City shall give Company at least two weeks prior written notice of a proposed vacation of a Public Way. The City and Company shall comply with Minnesota Rule 7819.3200 with respect to any request for vacation. In no case, however, shall City be liable to Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29.

SECTION 8. CHANGE IN FORM OF GOVERNMENT.

Any change in the form of government of the City shall not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of Company, succeed to all of the rights and obligations of the City provided in this Ordinance.

SECTION 9. FRANCHISE FEE.

9.1 Fee Schedule. During the term of the franchise hereby granted, and in lieu of any permit or other fees being imposed on Company, the City may impose on Company a franchise fee by collecting the amounts indicated in a Fee Schedule set forth in a separate ordinance from each customer in the designated Company Customer Class. The parties have agreed that the franchise fee collected by the Company and paid to City in accordance with this Section 9 shall initially be equal to the amounts indicated in the Fee Schedule adopted by ordinance No. 2007-29 and set forth again below:
Class | Fee Per Premise Per Month
--- | ---
Residential | $2.50 [fill in to match current fees]
Sm C & I – Non-Dem | $4.50
Sm C & I – Demand | $4.50
Large C & I | $4.50
Public Street Ltg | $
Muni Pumping – N/D | $
Muni Pumping – Dem | $

9.2 **Separate Ordinance.** Any change to the franchise fee established by the Fee Schedule set out in Section 9.1 above shall be imposed by a separate ordinance duly adopted by the City Council, which ordinance shall not be adopted until at least 90 days after written notice enclosing such proposed ordinance has been served upon Company by certified mail. The change in fee shall not become effective until the beginning of a Company billing month at least 90 days after written notice enclosing such adopted ordinance has been served upon Company by certified mail. Section 2.5 shall constitute the sole remedy for solving disputes between Company and the City in regard to the interpretation of, or enforcement of, the separate ordinance. No action by the City to implement a separate ordinance will commence until this Ordinance is effective. A separate ordinance which imposes a lesser franchise fee on the residential class of customers than the maximum amount set forth in Section 9.1 above shall not be effective against Company unless the fee imposed on each other customer classification is reduced proportionately in the same or greater amount per class as the reduction represented by the lesser fee on the residential class. The franchise fee may be changed by ordinance from time to time; however, each change shall meet the same notice requirements and not occur more often than once within any twelve (12) consecutive calendar months.

9.3 **Terms Defined.** For the purpose of this Section 9, the following definitions apply:

9.3.1 “Customer Class” shall refer to the classes listed on the Fee Schedule and as defined or determined in Company’s electric tariffs on file with the Commission.

9.3.2 “Fee Schedule” refers to the schedule in Section 9.1 setting forth the various customer classes from which a franchise fee would be collected if a separate ordinance were implemented immediately after the effective date of this franchise agreement. The Fee Schedule in the separate ordinance may include new Customer Class added by Company to its electric tariffs after the effective date of this franchise agreement.

9.4 **Collection of the Fee.** The franchise fee shall be payable quarterly and shall be based on the amount collected by Company during complete billing months during the period for which payment is to be made by imposing a surcharge equal to the designated franchise fee for the applicable customer classification in all customer billings for electric service in each class. The payment shall be due the last business day of the month following the end of each quarter (payments being due January 31, April 30, July 31 and October 31 during each calendar year). The time and manner of collecting the franchise fee is subject to the approval of the Commission, and Company agrees not to take any action to delay or interfere with Commission approval. No franchise fee shall be payable by Company if Company is legally unable to first collect an amount equal to the franchise fee from its customers in each applicable class of customers by imposing a surcharge in Company’s applicable rates for electric
Company may pay the City the fee based upon the surcharge billed subject to subsequent reductions to account for uncollectibles, refunds and correction of erroneous billings. Company agrees to make its records available for inspection by the City at reasonable times provided that the City and its designated representative agree in writing not to disclose any information which would indicate the amount paid by any identifiable customer or customers or any other information regarding identified customers. In addition, the Company agrees to provide, upon City request, but not more than annually, a statement summarizing how the franchise fee payment was determined, including information showing any adjustments to the total surcharge billed in the period for which the payment is being made to account for any write-offs, recoveries or refunds.

9.5 **Equivalent Fee Requirement.** The separate ordinance imposing the fee shall not be effective against Company unless it lawfully imposes and the City quarterly or more often collects a fee or tax of the same or greater equivalent amount on the receipts from sales of energy within the City by any other energy supplier, provided that, as to such a supplier, the City has the authority to require a franchise fee or to impose a tax. The “same or greater equivalent amount” shall be measured, if practicable, by comparing amounts collected as a franchise fee from each similar customer, or by comparing, as to similar customers the percentage of the annual bill represented by the amount collected for franchise fee purposes. The franchise fee or tax shall be applicable to energy sales for any energy use related to heating, cooling or lighting, or to run machinery and appliances, but shall not apply to energy sales for the purpose of providing fuel for vehicles. If the Company specifically consents in writing to a franchise or separate ordinance collecting or failing to collect a fee from another energy supplier in contravention of this Section 9.5, the foregoing conditions will be waived to the extent of such written consent.

9.6 **Exception to Equivalent Fee Requirement.** The requirement in Section 9.5 to impose an equivalent fee on any other energy supplier does not apply if the separate ordinance imposing the fee on Company requires the City to use the franchise fee collected for no purpose other than betterment of the Electric Facilities, including such things as placing the Electric Facilities underground or installing decorative lighting above ground, and incorporates the provisions of this Section 9.6 by reference or restatement. If the City wishes to take advantage of this exception, the City must separately account for all franchise fees received from Company. The City must provide a report to Company no later than 30 days after the due date for each franchise fee payment indicating the current balance of the franchise fee account since the last report, the budgeted expenditures from the account for the current calendar year, and the amount committed by contract for expenditures in the current budget year. The City will promptly give Notice to Company if and when the unallocated balance reaches $10,000,000.00. The unallocated balance means the balance minus any amounts committed by contract for expenditures. Upon receiving this Notice, Company will cease collection at the end of the first full monthly billing cycle that occurs after receipt of the Notice, and thereafter Company will have no further obligation to pay the franchise fee to the City until the first billing month commencing 90 days after Notice that the unallocated balance has fallen below $3,000,000.00. The City will have no obligation to return any amount which exceeds the $10,000,000.00 unallocated balance or any balance remaining upon any repeal of the separate ordinance by the City, provided such balance will be reinstated by the City to the separate account if said separate ordinance is subsequently reenacted. Any franchise fee imposed on Company as authorized by this Section 9.6 shall be the exclusive fee payable by Company under this franchise until the City, by ordinance, repeals the separate ordinance imposing the fee under this Section 9.6. If the Company provides the services for the betterment of the Electric Facilities, Company agrees to make its records regarding its costs available for inspection by the City at reasonable times and at the City’s own expense.
SECTION 10. PROVISIONS OF ORDINANCE.

10.1 Severability. Every section, provision, or part of this Ordinance is declared separate from every other section, provision, or part and if any section, provision, or part shall be held invalid, it shall not affect any other section, provision, or part. This Ordinance and other ordinances of the City shall be construed to give effect to all provisions to the maximum extent possible. Where a provision of any other City ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

10.2 Limitation on Applicability. This Ordinance constitutes a franchise agreement between the City and Company as the only parties, and no provision of this franchise shall in any way inure to the benefit of any third person (including the public at large) so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action in any person not a party hereto.

SECTION 11. AMENDMENT PROCEDURE.

Either party to this franchise agreement may at any time propose that the agreement be amended to address a subject of concern and the other party will consider whether it agrees that the amendment is mutually appropriate. If an amendment is agreed upon, this Ordinance may be amended at any time by the City passing a subsequent ordinance declaring the provisions of the amendment, which amendatory ordinance shall become effective upon the filing of Company's written consent thereto with the City Clerk within 90 days after the date of final passage by the City of the amendatory ordinance.

SECTION 12. PREVIOUS FRANCHISES SUPERSEDED.

This franchise supersedes any previous electric franchise granted to Company or its predecessor. Upon Company acceptance of this franchise under Section 2.2, the previous franchise shall terminate; provided, however, that the franchise fee ordinance duly adopted on August 20, 2007 as Ordinance No. 2007-29 and implemented by the Company, shall continue in full force and effect.

Passed and approved: ________________________, 2018.

________________________________________
Mayor

Attest:

_______________________________________
City Clerk

Date Published:____________________
City Council Agenda Item #14A
Meeting of April 30, 2018

Brief Description: Resolution for the 2019 Ridgedale Drive project

Recommended Action: Adopt the resolution

Introduction

The Ridgedale area has seen a number of changes over the past several years including the addition of Nordstrom and expansion of Ridgedale Center, construction of the I-394 westbound ramp, and redevelopment of Highland Bank, TCF Bank, and Hennepin County Government Center sites. The city has also programmed funding to improve further vehicle and pedestrian access in the area, which includes the reconstruction of Ridgehaven Lane west of Plymouth Road, safety improvements along Plymouth Road at Ridgehaven Lane and a trail extension along Plymouth Road south of Ridgedale Drive.

In conjunction with the improvements in this area, Ridgedale Drive, from Plymouth Road east to I-394, is currently included as a part of the city’s 2019 street rehabilitation program that proposes to correct deficiencies of the underlying utilities – specifically aged water main. The project also proposes to reconstruct, resurface, and construct a sidewalk and trail on Ridgedale Drive in this area.

In 2012, the city completed the Ridgedale Village Center Study, which reviewed and guided the area generally centered on Ridgedale Center, and included a vision for Ridgedale Drive, specifically improving vehicle and pedestrian connections. This was a key component to the future vision of this area. The Ridgedale Village Center Study can be found on the city’s website. On April 2, 2018, the council further reviewed the Ridgedale Area Public Realm Guidelines in conjunction with the vision for the area.

Background

The 2019 street rehabilitation project on Ridgedale Drive was identified based on known deficiencies of the underlying utilities and street condition, which have deteriorated as a result of both age and underlying soils. The street was resurfaced in 2010 as a temporary measure to extend the life and allow for appropriate funding in 2019 based on the city’s capital improvement program.

The primary component of the project is the replacement of the 18-inch trunk water main that exists within the right-of-way of Ridgedale Drive and serves as one of two systems that connect the water system south of I-394 to the city’s system north of I-394. This main has been subject to breaks, which allows for redundancy in the city’s system to the north.

The replacement of this waterline provides an opportunity for the city to reconstruct the roadway consistent with the Ridgedale Village Center Study and Public Realm Guidelines for increased pedestrian access and safety improvements.
Proposed Improvements

Staff developed three concepts for the area and identified a preferred layout for Ridgedale Drive at the November 20, 2017 council study session, consistent with the long-term vision and progression of the area’s redevelopment. The preferred concept would allow for continued growth in this area to accommodate traffic as projected to 2040, as well as improve significantly the access and safety of pedestrians in this area.

Street and Sidewalk/Trail
The preferred concept includes the reduction of the roadway from four-lanes to two-lanes, a center turn lane where needed, a landscaped median, and proposes three roundabouts in place of traffic signals. Lanes are shown as 18-foot wide (face to face of curb) which will provide for a single 14-foot lane of traffic and 4-foot of shoulder/curb on the outside travel lanes. This width will accommodate traffic passing another vehicle in the segment of roadway if necessary (ex. a stalled vehicle or maintenance vehicle accessing median). The median width is proposed to vary in width between 4-feet and 26-feet.

Access points on the south side of Ridgedale Center are shown to be relocated and consolidated to better align with the entrance for the Hennepin County Government Center and current development proposals. Access points on the east side of Ridgedale Center are proposed to remain where they exist today, however the preferred concept identifies the southeast access drive to Nordstrom will potentially be relocated to align with YMCA Lane at such time that the Sears Auto area redevelops. Additionally two three-quarter intersections are created; at the old Redstone restaurant and the hotel parking lot, to allow for full access into these sites. Left turns from these access points would be accomplished at the adjoining roundabout. The three roundabouts are sized to future forecasted traffic volumes at maximum buildout to the area, and allow a reasonable level of future flexibility if accommodations are necessary.

Pedestrian & Bicycle Facilities
The preferred concept would include a paved, multi-use trail on the south side of Ridgedale Drive and a concrete sidewalk on the north side of Ridgedale Drive in line with the Ridgedale Area Pedestrian Study completed in 2015. The multi-use trail would provide a connection to the trail that exists along the south side of Wayzata Boulevard (at I-394) and to the existing trail on the east side of Plymouth Road (scheduled to be extended to Minnetonka Boulevard in 2019). This trail is intended to include both off-road bicycle and pedestrian use and will include a series of specially designed areas where users can break away from the trail to utilize the area for leisure, viewing of natural features or enjoyment of the area.

The concrete sidewalk on the north side of the roadway is not proposed to meander from the proposed roadway alignment, but rather be a direct walking path to various current or future Ridgedale Center connections. Both the sidewalk and trail are proposed to be separated from the driving lane with a landscaped boulevard. Images of the proposed concepts are attached.

With final design, staff will coordinate with Hennepin County to complete additional evaluations to determine and recommend the preferred location and accommodations for pedestrians crossing Plymouth Road at or north of Ridgedale Drive.
Bus & Transit Facilities
A bus shelter is proposed to be constructed near the government center for east bound bus patrons. The proposed construction and exact location will be discussed further with Hennepin County and Metro Transit in final design.

Streetscape Design
To ensure consistency for the entire Ridgedale area, streetscaping with this project will be consistent with the Ridgedale Area Public Realm Guidelines that were reviewed with the council on April 2, 2018. These guidelines provide information on the overall vision for streets, sidewalks, landscaping, wayfinding and public facing amenities. Also included in the plan are guidelines for surface parking lots, vegetation, site furnishing specifications, as well as sustainability for the area.

Utilities
Watermain is proposed to be replaced throughout the project, including water services to the right-of-way line. The project will include the replacement of an 18-inch diameter transmission water main, which provides water from the Ridgedale water tower to the area north of I-394.

Sanitary sewer is in fairly good condition and only isolated areas have been identified for repair. Additionally, manhole castings will be replaced to eliminate inflow and infiltration at all locations.

Storm sewer improvements include additional surface drains where needed in the roadway and new pipe to improve conveyance of storm water. The trunk storm sewer pipe that outlets the Ridgedale Pond will be repaired to extend the useful life of the pipe as part of the project. Sediment collection structures will be considered to improve water quality near outlet structures and overall drainage patterns are proposed to remain the same as the current conditions.

Staff is working with the Bassett Creek Watershed Management Organization and the Ridgedale Center management (General Growth Partners, Inc.) on partnership opportunities for stormwater management improvements that can be made with this project. The city recently received a grant from Bassett Creek for $300,000 in 2020 to further improve stormwater quality above the typical stormwater requirements.

New LED lighting fixtures will be included in the length of the project, consistent with the Ridgedale Area Public Realm Guidelines and decorative lighting and streetscaping in this area as reviewed with council at the November study session.

Traffic
In 2017, a traffic study was completed to calculate the current vehicular volumes, forecast future traffic needs, and to evaluate if the preferred concept presented would accommodate the future traffic demands. The city has been monitoring traffic in this area for over a decade and understands how the area operates from a traffic perspective. City initiated improvements such as the addition of the westbound I-394 on ramp, and Ridgedale Center initiated improvements such as access adjustments near Macy’s, have provided notable improvements to traffic flow in the area. Staff is also expecting traffic improvements further following the 2018 Ridgehaven Lane/Plymouth Road Improvements.
Traffic volumes on Ridgedale Drive are between 6,750 vehicles per day (vpd) to 11,400 vpd with higher volumes of traffic near the Plymouth Road intersection and Wayzata Boulevard intersections. Level of service (LOS) was calculated for the intersections in the project area and was generally found to be functioning between a LOS A and LOS B. Intersections identified as beginning to see delay include: Plymouth Road, the southeast mall access, the south mall access, the government center access, and YMCA Lane. Traffic counts also indicated that the 85th percentile of traffic through the corridor is traveling 10 mph faster than the posted speed limit of 30 mph at the time of the data collected in August of 2017. A copy of the traffic study is attached.

2040 traffic volumes were forecasted using land uses from both the city’s comprehensive plan and the 2012 Ridgedale Area Study. In this “build” scenario, land uses intensify in the area with redevelopment potentially going vertical and existing parking lots being utilized for redevelopment. Although the ultimate build scenario increased the number of trips, the distribution of these trips would be expected to change as a result of a more blended mix of uses (residential and commercial). Projected volumes increase to between 7,500 vpd to 12,200 vpd on Ridgedale Drive. This fits within the guidelines for a two-lane roadway with turn lanes or controlled intersections.

In 2012, a study was completed to estimate how much additional traffic is generated during the holiday season (Black Friday to New Year’s Day). This study indicated that generally traffic volumes increased by 20%-25% during this timeframe. The highest increase in traffic volumes was experienced the week before the Christmas holiday where an increase of 35% was monitored. Public roadway facilities are not generally designed to accommodate the highest peak of an area, but for this project a sensitivity analysis was completed to understand how the roadway geometry (design) and intersection may function at these times. The analysis determined the proposed roadway geometry of the preferred concept would not negatively impact the holiday season from the current condition today, even with the increased volumes due to growth.

Roundabouts vs Traffic Signals
The 2012 vision for the Ridgedale Drive parkway included two roundabouts along the parkway. The city evaluated this configuration as well as the alternative to install three traffic signals with dedicated turn lanes. When evaluating effective intersection control for Ridgedale Drive the project team took into account: ability to move traffic, safety for vehicles, bicyclists, and pedestrians, and visual correlation with the parkway theme. Staff is recommending the preferred layout, which would construct three roundabouts, as it provides the best balance between these goals.

Traffic Perspective
The 2040 traffic evaluation identified that the roundabouts on Ridgedale Drive would function similar to traffic signals during peak times, and they better serve the public during non-peak times. Roundabouts allow for the continuous movement of vehicles where signals can cause unnecessary delays to access points and side streets. The roundabouts are also able to accommodate peaking traffic during the holiday season as well as a signal due to the spacing and allowable stacking.
Roundabouts allow for U-turns, which eliminate the use of midblock left turns that have a tendency to create safety and capacity issues. The spacing of the roundabouts allow for drivers to use the roundabouts without having to add a long distance to their travel.

The preferred concept presented was also evaluated to confirm it can accommodate larger vehicles, primarily semi-truck/delivery trucks frequenting Ridgedale Center, and Metropolitan Transit buses of various sizes.

**Safety Perspective**
Roundabouts are documented to be able to reduce traffic speeds and reduce the severity of crashes. Roundabouts have also been shown to provide a safer condition for pedestrians and bicyclists that use crosswalks. This is a result of slower vehicle speeds, shorter crossing distance (crossing one lane of traffic at a time) and the location of the crosswalks (being pulled back from the roundabout yield line).

Roundabouts allow for the removal of the left turn bays, which allow for more landscaped median and edge boulevard for the pedestrian facilities. Concepts with signals were found to have an increase in the amount of pavement necessary to function compared to the roundabout alternatives.

A 2017 press release from MnDOT indicated that the state’s nearly 200 roundabouts have reduced severe crashes by 83% in 20 years.

Additionally, in this location the roundabouts provide benefits to circulation on adjacent properties. In March 2018, additional intersection modeling was completed for the intersection of Ridgedale Drive, Wayzata Boulevard, and the northeast access to the mall. Video of this intersection at 11:30 am on a Saturday indicated that the existing signals cause vehicles to back-up into the on-site circulation roads and drive aisles at Ridgedale Center. When traffic volumes were modeled with a roundabout at the intersection, these back-ups were alleviated. The included link (https://youtu.be/Cr65lUJwFJE) illustrates a side by side comparison of the existing condition (drone video) and proposed (traffic model) operations at the Ridgedale Drive/Wayzata Boulevard intersection.

**Easement Acquisition**
Permanent and temporary easement acquisition is anticipated to be necessary with this project; however, staff will continue to work on any potential opportunities to partner with adjacent properties to acquire the necessary easements.

**Park Opportunities**

The 2012 Ridgedale Center Vision study identifies two park connection opportunities adjacent to Ridgedale Drive. These are not specifically shown in the preferred concept, however will be reviewed in tandem with the final design for the Ridgedale Drive reconstruction project. The first opportunity is an urban park located on the Ridgedale Center property. At this time, land negotiations have not been completed for a potential park in this area, however if parkland in conjunction with redevelopment or another means becomes available, the proposed sidewalk on the north side would provide access to and from this area. No conflicts are expected with the proposed roadway layout.
The second opportunity is an open space located southeast of the intersection of Wayzata Boulevard and Ridgedale Drive known as the “Crane Lake Preserve”. This area is maintained by the city and currently includes a few area picnic benches. Views of Crane Lake are currently obstructed by an overgrowth of buckthorn. The concept drawings attached to this report show an example of how a larger breakout area with boardwalks and stormwater planting could be used to enhance the aesthetics of this area. Previous park board review also identified this as a potential site for a dog park.

On February 23, 2018, a working group of representatives of the Minnetonka city council, planning commission, park board, and multiple city departments met to begin to review potential park opportunities in the area. There was general agreement that acquiring land in the broad areas shown on the vision study was appropriate. Park concepts will be developed and included with final design open house meetings and neighborhood outreach. Appropriate staff will then bring a recommendation and concept layout of this park area to the park board for review and comment.

Public Input

In August 2017, individual meetings were held with business owners along the corridor, MnDOT, Hennepin County, Metropolitan Transit, and GGP Inc. A copy of correspondence with the property owners are included as an attachment.

After receiving feedback from the city council at their November 20, 2017 study session, GGP, Inc. was provided additional traffic information, concept plans, and time to review the project more in-depth. Staff has since held subsequent meetings with the GGP, Inc. team to answer additional questions. The preferred concept addresses comments from GGP, Inc. staff at this time, however they indicated they continue to review internally for a better understanding of the project and request future collaboration during the project design.

On October 16, 2017, a community open house was held presenting an opportunity for comment on the preferred concept of Ridgedale Drive and associated streetscape concepts. Approximately 28 people attended the meeting. All comment cards received are included with business/owner feedback. Overall, general support for the initial concept was expressed.

Estimated Project Costs and Funding

The total estimated construction cost, including engineering, administration, and contingency is $11,160,000. This amount is larger than the previously estimated cost due to additional retaining walls, structural storm sewer rehabilitation, additional water main to provide reliability to a critical area of the water system, wayfinding signage, enhanced streetscaping, sidewalk/trail upgrades, and potential park preparation costs associated with the Ridgedale and Crane Lake areas. The project costs are estimates and final costs would be known at the time bids are awarded. Any proposed funding changes in the future would be brought to the city council for their review and discussion. The budget amount for the project is shown below and is included in the upcoming 2019 – 2023 Capital Improvements Program (CIP).
**Budget**

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* Amount proposed in the 2019-2023 Capital Improvements Program

**Schedule**

If the recommended actions are approved by council, staff would anticipate developing the final plans May through December and working to obtain Hennepin County and MnDOT approvals for the project by early 2019. The plans would then be brought to council for final approval around February 1 with the intention of having council award a contract in April. Construction would likely begin in early May. The project is planned to be completed in phases, which may include full road closures, however the project would maintain access to businesses throughout the project.

**Recommendation**

Adopt the attached resolution ordering the improvements, authorizing preparation of plans and specifications, and authorizing easement acquisition for the 2019 Ridgedale Drive Project No.19501.

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

Originated by:
  Chris LaBounty, PE, Engineering Project Manager
Resolution No. 2018

Resolution ordering the improvements in, authorizing preparation of Plans and Specifications, and authorizing Easement Acquisition for the 2019 Street Rehabilitation, Ridgedale Drive area
Project No. 19401

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

Section 1. Background.

1.01. A preferred concept layout was prepared by and/or under the direction of the engineering department of the City of Minnetonka with reference to the proposed 2019 Street Rehabilitation, Ridgedale Drive area Project No. 19401.

1.02. This layout was received by the City Council on April 30, 2018 with the project to be known as:

2019 Street Rehabilitation, Ridgedale Drive area, Project No. 19401.

Section 2. Council Action.

2.01. The preferred concept layout is hereby accepted and the preparation of plans and specifications are hereby authorized.

2.02. The proposed improvements are hereby ordered as proposed.

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

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on April 30, 2018.

________________________________________
Brad Wiersum, 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 April 30, 2018.

__________________________
David E. Maeda, City Clerk
This map is for illustrative purposes only.

Ridgedale Dr

2019 Street Reconstruction

CITY OF MINNETONKA

This map is for illustrative purposes only.
Ridgedale Drive Improvements
City of Minnetonka, Minnesota

Preferred Alternative
April 24, 2018
Ted,

We’ve had further discussions about this with our design team and we are looking at revising our concept to keep the main entrance to the hotel where it exists today. However, if through the review process the main entrance moves back to where we previously show it we will want to work with you on the location of your existing monument sign.

This item is tentatively planned to be on the April 30th agenda, and based on the outcome of that meeting I’ll have more information for you. I’ll be in touch soon.

Hope you can enjoy the warm weekend Ted,

Chris

---

Chris LaBounty

From: Chris LaBounty
Sent: Friday, April 20, 2018 2:45 PM
To: 'Trembath, Ted'
Cc: Julie Wischnack; Will Manchester; Jeffrey O; Adam Tegge
Subject: RE: Reconstruction of Ridgedale Drive

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Trembath, Ted

Sent: Tuesday, March 13, 2018 12:38 PM
To: Chris LaBounty <clabounty@eminnetonka.com>
Cc: Julie Wischnack <jwischnack@eminnetonka.com>; Will Manchester <wmanchester@eminnetonka.com>; Jeffrey O; Adam Tegge
Subject: Re: Reconstruction of Ridgedale Drive

Chris,

Thanks for this information. According to this, we will remain having two entrances, but they will both move. Including the entrance that corresponds next to our large sign. Would moving the sign if we that is what is decided be at our cost, or would that be part of your project?

I am copying my corporate representative and owners rep on this as I believe they would need to sign off on anything before I can approve.

Thanks,

Ted

---

TED TREMBATH

General Manager

T 952 593 0000  F 952 544 6282  D 952-960-3501
sheraton.com/minneapolis | like us on Facebook
SHERATON MINNEAPOLIS WEST HOTEL
On Fri, Mar 9, 2018 at 9:36 AM, Chris LaBounty <clabounty@eminnetonka.com> wrote:

Ted,

Thanks for being open to speaking with us about the proposed reconstruction of Ridgedale Drive. Below is a summary of the project and the attached PDF shows the preferred concept plan that is tentatively scheduled to go to city council on April 2, 2018. If we could speak before March 21st that would give me time to make any adjustments prior to this meeting. Since you’re out of town, if it’s easier, feel free to email any questions/concerns over or we can schedule a call as well. I’ve also cc’d our Engineering Director and Community Development Director to let them know we were able to connect.

Project Summary:

- Project is scheduled for construction in 2019.
  - We would expect the majority of construction to be from April, 2019 – November, 2019.
  - Final restoration, clean-up, and plantings are usually done the following year (in this case 2020).

- Access will be maintained to all properties at all times.
  - We do not have a phasing plan done yet, but will meet with business owners to discuss once this is completed.

- The project involves the full reconstruction of Ridgedale Drive from Plymouth Road to I-394
  - City needs to replace watermain beneath the roadway.
  - Taking opportunity to improve corridor flow with roundabouts, improve pedestrian accommodations, and add green space between sidewalks and in a landscaped median.

- The city does not specially assess property owners for the road reconstruction.

- Easements may be necessary to provide the pedestrian facilities.

- More information on the project including additional visuals can be found at this link: https://eminnetonka.com/current-projects/street-projects/2017-street-rehabilitation-ridgedale-drive
Will,

Thanks for the response. We’ve started our internal review of the information presented and will get back with you as quickly as we can. Unfortunately due to some recently arisen schedule conflicts on my side, I cannot make April 20th in person so let’s plan to hold a conference call at 10am CT – that’s still a good time for me to hop on a call. Can you please follow up at your convenience with a meeting invite including call information?

Best,
Ben

Benjamin Freeman
Vice President, Development

GGP A RETAIL REAL ESTATE COMPANY
110 N Wacker Drive
Chicago, Illinois 60606
benjamin.freeman@ggp.com

[EXTERNAL]

Ben & Joan,

Thanks for meeting with us on March 20th to talk through the concept plan for Ridgedale Drive. We appreciate your input and discussion. I apologize in advance for the large amount of information, however wanted to make certain to answer your questions. As a follow-up to our meeting, below is the additional information you requested regarding:

1) Reason for the lane reduction on Ridgedale Drive
2) Functionality of the Ridgedale Center ring road with the city’s preferred concept
3) Example of where roundabouts have been successfully used near a regional center

Follow Up

1) The simple answer is 4-lanes is overdesign now and in the future based on traffic data and future area buildout.
As you may recall, a visioning study was completed for the area in 2012 (in conjunction with various approvals for mall redevelopment) and this study identified Ridgedale Drive as a critical component of connecting multiple modes to the south side of the mall. The reduction of lanes from four to three/two allows for the construction of boulevards to separate pedestrians and bicyclists from the travel lane. The roundabouts reduce the number of left turns (which are higher risk traffic movements). Models also indicate the roundabouts provide benefit to adjacent properties by allowing vehicles to make turns, when safe, rather than waiting for a signal to turn green. In addition, the removal of the left turn out will help with safety and operations as motorists will not need to wait for a gap in both directions. The ability to make a u-turn at the roundabouts will keep traffic moving efficiently. Although there is a reduction in the number of lanes on Ridgedale Drive, the proposed configurations comfortably handle current and future traffic volume projections.

2) We heard your concerns at our meeting on March 20th and completed some additional modeling as well as onsite review and traffic counts of the area. The included link (https://youtu.be/Cr65lUJwFjE) illustrates a side by side comparison of the existing (drone video) and proposed (traffic model) operations at the Ridgedale Dr/Wayzata Blvd intersection (near Nordstroms). The existing condition is a 5 minute interval (run at double speed) from drone video taken on Saturday, March 24, 2018 at 11:30 a.m. The proposed (modeled roundabout operations) inputs the traffic counts/movements WSB and Associates collected at this same 5‐minute window and models them through the proposed roundabout (run at double speed, with consistent volume of the existing counted traffic). As a side note, we have collected and reviewed much more data in this area over many years prior to proposing these improvements.

   a. The comparison exhibits how the roundabout will have a positive impact on Ridgedale Drive and the Ridgedale Center ring road.
   b. The existing video illustrates that vehicles stack at the signal trying to leave the mall, which backs up into the ring road, and in instances, into the adjacent parking lot.
   c. The roundabout provides a continuous flow and helps alleviate the effect of the vehicles backing up at the signal attempting to leave the mall.
   d. Another concern we heard was “if more vehicles are able to freely make a right turn, will this impact the ability of the ring road to function?” As illustrated in both videos, there are times where a wave of vehicles enters the mall entry point (via a yield right or right on red). These vehicles today, do not have significant impact on the ring road traffic. This right turn wave would effectively continue to be the same scenario as the concept plan. A key item to note is that a majority of right turning vehicles make an immediate right turn on the ring road, which does not negatively impact the ring road operation to Ridgedale Drive. Also, the counts taken indicate few vehicles continue south around the ring road, instead a majority are exiting or entering.

3) Attached is an example of a roundabout adjacent to a regional mall (Mall at University Town Center in Sarasota, FL). This mall is located adjacent to an interstate and is close proximity to the on/off ramps for the highway. The roundabouts are close in proximity to the mall ring road and vehicles entering the mall have priority (ring road traffic have stop signs), and the roadway with the roundabouts connect to a large collector road at a signalized intersection.

   a. Please see attached article regarding these roundabouts (http://www.bradenton.com/news/business/retail/mall‐at‐university‐town‐center/article55314000.html)
   b. The three distinct differences at the proposed Ridgedale project:
      1) Roundabouts proposed for Ridgedale would not be this close in proximity to each other which provides better traffic flow and operation.
      2) Roundabouts proposed are not full two lane roundabouts, but would be similar in size to accommodate truck traffic and large vehicles.
      3) Ridgedale Drive does not have a high traffic generator on the other side of the roadway as in this scenario (the library and YMCA would likely not create similar levels of traffic as the retail
shown in the example) and therefore operations would be much improved as compared to this example.

In addition, as we mentioned, the Southdale Mall in Edina, MN currently plans to construct a roundabout on the side of the mall with two way traffic within their ring road.

City Traffic Improvement Investment in the Area

We did want to recap the city’s investments in this area which began in 2012 to improve mobility and viability of the Ridgedale Area. These improvements have and continue to alleviate congestion at the Cartway Ln/Plymouth Road access as well as the Ridgedale Dr/Wayzata Blvd by improving operations in the area and allowing more efficient alternative access points.

- 2014 - West bound on-ramp to I-394 from Ridgedale Drive
- 2018 - Ridgehaven Lane Interchange
- 2018 – Plymouth Rd additional lanes/widening improvements at I-394
- 2018 & 2019 - Plymouth Road Trail – connects Ridgedale area to regional trail to the south
- 2019 Ridgedale Drive - Proposed

As we discussed at our meeting, we are looking for you and your team to be comfortable with this concept, and would plan to continue to work with GGP during our council’s review and considerations. Please respond with your feedback to the above, respectfully, no later than April 20th. Also, we would certainly like to conference call to talk through it, if Friday April 20th at 10:00 am still works for you, we will plan on it.

If questions, comments, or anything you’d like to discuss, don’t hesitate to let us know at any time. Thank you.

Will

William D. Manchester, P.E. | Director of Engineering
City of Minnetonka | eminnetonka.com
14600 Minnetonka Blvd. | Minnetonka, MN 55345
Office: 952-939-8232
Subject: FW: Ridgedale Drive Follow-up & Revised Concept
Attachments: Ridgedale Drive - Prefered Concept 2017.11.07.pdf

From: Chris LaBounty
Sent: Tuesday, November 7, 2017 1:19 PM
To: [recipients listed]
Cc: [recipients listed]

Subject: Ridgedale Drive Follow-up & Revised Concept

All,

To follow-up on our meeting last month I've attached a pdf copy of the current preferred layout, which includes modifications per our discussion. Feel free to route internally as you see necessary. Any comments or concerns can be emailed to me directly, or we could schedule a time to discuss as well. Below are some bullet points summarizing changes from the layout we presented last month and some items we will look into with both agencies if the project moves forward.

Key changes to the layout:
- Addition of a dual left at Plymouth Rd/Ridgedale Dr.
- Layout/size of southwest roundabout was increased to allow for future dual WB lanes.
- Reduction in length of dual lanes at northeast roundabout.

Major comments to review with final design (from meeting):
- Dual lefts should be evaluated from a traffic perspective during final design (could include flashing yellow).
- Free right turns at Plymouth Road should be evaluated with county during final design (could mean removal or enhanced ped treatments).
- County fiber exists in CR 61 ROW from Library north along east side of roadway.
- Project would require Hen. Co. permit for work in right-of-way and functional review due to signal and lane configurations.
- Project would require MnDOT permit for work in right-of-way, but since it would not be cause for back-up onto I-394 may not need functional review.
- Once the traffic report is finalized we will send to Aaron T (MnDOT) and Bob B. and Jim G. (Henn. Co) for additional information.

In general, we didn’t hear any deal breakers on the project, but rather items we should be ready to work with both your agencies on in final design. I really appreciate everyone’s willingness to participate in this project early! As the traffic study is completed and as council reviews the project we will keep you all in the loop.

Thanks again and hope you all have a nice rest of the week and long weekend!

Best,
Chris
Chris LaBounty

**Subject:** FW: Metro Transit on Ridgedale Drive

**From:** Mahowald, Steve [mailto:]

**Sent:** Thursday, October 12, 2017 4:38 PM

**To:** Chris LaBounty <clabounty@eminnetonka.com>; Martin, Kevin [mailto:]; Cc: Julie Wischnack <jwischnack@eminnetonka.com>; Alisha Gray <agray@eminnetonka.com>; Will Manchester <wmanchester@eminnetonka.com>; 'Andrew Plowman'

**Subject:** RE: Metro Transit on Ridgedale Drive

Chris, From my perspective it looks good with exceptions noted in the yellow highlighted comments below.

Kevin, Have you had a chance to review Chris’s notes?

**From:** Chris LaBounty [mailto:clabounty@eminnetonka.com]

**Sent:** Monday, October 09, 2017 12:55 PM

**To:** Martin, Kevin [mailto:]; Mahowald, Steve [mailto:]; Cc: Julie Wischnack <jwischnack@eminnetonka.com>; Alisha Gray <agray@eminnetonka.com>; Will Manchester <wmanchester@eminnetonka.com>; 'Andrew Plowman'

**Subject:** RE: Metro Transit on Ridgedale Drive

All,

Attached is the revised alternative pdf incase this is needed for any internal discussions.

Thanks,
Chris

**From:** Chris LaBounty

**Sent:** Monday, October 9, 2017 10:48 AM

**To:** 'Kevin.Martin@metrotransit.org' [mailto:]; Cc: Julie Wischnack <jwischnack@eminnetonka.com>; Alisha Gray <agray@eminnetonka.com>; Will Manchester <wmanchester@eminnetonka.com>; 'Andrew Plowman'

**Subject:** Metro Transit on Ridgedale Drive

Kevin & Steve,

Thank you again for coming to City Hall and sitting down with us to discuss the current concept for the 2019 Ridgedale Drive Reconstruction project. Coordination with you and your staff through this project will be imperative it its success, so I appreciate the early participation!

Based on our meeting we are going to proceed with the concept as we showed you, and if the council approves the concept we will proceed with final design based on the following discussion points:

- Operationally, Metro Transit is not anticipating that Ridgedale Drive would be utilized for bus layovers in the future, thus:
  - No designated bus bays are necessary in this corridor.
  - No special widening of shoulders are necessary in this corridor.
• Bus shelter locations should be reviewed closer to final design. Initial thoughts are that a shelter at the government center for EB busses may make sense.
  - Ideally if pedestrian access and mall goals can be met, Route 645 through buses (these buses do not terminate at Ridgedale) would stay on Ridgedale Drive and would not need to circulated into the mall parking lot.
    o Currently all Route 645 buses circulate through the mall’s lot and for the near term it would be best to figure that operation would continue. At least till we can see pedestrian access designs that off-set customers being dropped at the Mall door.
    o However, there are currently two routes, 614 and 615 which terminate at Ridgedale and these routes will still need to circulate through and layover in the mall’s lot.
  - Locations of bus stops would be preferred to be located on the near side of an intersection/round-a-bout where they exist today. This would need to be reviewed further once specific plans are prepared.
  - Bus shelters would need to be heated and lit per Metro Transit standards. If there are any specially designed shelters they would need to be city owned and maintained.

If there is anything else you and your team would like to add following time to review the concept please don’t hesitate to contact me or Alicia directly!

Thanks again,

Chris

Chris LaBounty, PE
Engineering Project Manager
City of Minnetonka
14600 Minnetonka Blvd. | Minnetonka, MN 55345
P: 952-939-8241
Subject: FW: RIDGEDALE EXECUTIVE APARTMENTS (12501 RIDGEDALE DRIVE)

From: Chris LaBounty
Sent: Monday, October 9, 2017 5:10 PM
To: 'Richard Rotenberg'; Alisha Gray <agray@eminnetonka.com>; Loren Gordon <lgordon@eminnetonka.com>; MOMENTUM DESIGN GROUP - JESSE HAMER >; 'Andrew Plowman' >; Will Manchester <wmanchester@eminnetonka.com>

Subject: RE: RIDGEDALE EXECUTIVE APARTMENTS (12501 RIDGEDALE DRIVE)

Richard,

It was very nice to meet both you and Jesse last week, and thank you for coming to City Hall to speak with us about the 2019 Ridgedale Drive Reconstruction project. Meeting with property owners early in project development helps us understand parcel use and coordinate the project through the concept and design process. It was nice to hear that the pedestrian and streetscape improvements to Ridgedale Drive in our concept would complement your proposed redevelopment into high-density housing.

Since during our discussion you were supportive of the concept we will plan on proceeding with the concept as we showed you at our meeting, but plan to coordinate with you and Jesse on a couple particular items if the project moves forward into design. Based on my notes this included:
- Your preferred location for the median cut/westbound three-quarter entrance we discussed.
- Provide further detail on the location of a north-south pedestrian crossing for connectivity from the trail on the south side of the roadway and your development to the mall.
- Coordinate locations for any future trail connections the development may be making to the Ridgedale Drive system.

Please don’t hesitate to contact me directly if any additional questions come up in the meantime.

Thank you again Richard.

Sincerely,

Chris

From: Richard Rotenberg

Sent: Thursday, October 5, 2017 4:30 PM
To: Chris LaBounty <clabounty@eminnetonka.com>
Cc: Alisha Gray <agray@eminnetonka.com>; Loren Gordon <lgordon@eminnetonka.com>; MOMENTUM DESIGN GROUP - JESSE HAMER >; 'Andrew Plowman' >; Will Manchester <wmanchester@eminnetonka.com>

Subject: RE: RIDGEDALE EXECUTIVE APARTMENTS (12501 RIDGEDALE DRIVE)

Chris,

My apologies that you were not listed on the email below. I wanted to thank you, as well, for taking time in your busy day to meet with me to discuss my proposed apartment project.

Richard

Richard J. Rotenberg  |  President
From: Richard Rotenberg  
Sent: Thursday, October 05, 2017 1:24 PM  
To: 'agray@eminnetonka.com' <agray@eminnetonka.com>; Loren Gordon <lgordon@eminnetonka.com>  
Cc: MOMENTUM DESIGN GROUP - JESSE HAMER  
Subject: RIDGEDALE EXECUTIVE APARTMENTS (12501 RIDGEDALE DRIVE)

Alisha and Loren,

I wanted to thank you both for meeting with us today, to discuss my proposed apartment project. We will attempt to incorporate your comments into our plan, and will get you an updated version, prior to our neighborhood meeting. If you have any additional thoughts, please let me know.

Richard

Richard J. Rotenberg | President  
The Rotenberg Companies  
12455 Ridgedale Drive, Suite 103 | Minnetonka, MN  55305  
Office 952.545.9059 | richard@rotenbergcompanies.com

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Chris LaBounty

Subject: FW: Ridgedale Drive Reconstruction Coordination: Ridgegate Apartments

From: Jerry Kavan
Sent: Wednesday, October 11, 2017 1:30 PM
To: Chris LaBounty <clabounty@eminnetonka.com>
Cc: Chris Breemes
Subject: RE: Ridgedale Drive Reconstruction Coordination: Ridgegate Apartments

Chris,

We will review this concept with the Slosburg partners to determine what comments if any they have with this preliminary concept.

Our primary concern of course is full and uncomplicated access and egress to our apartment community, RidgeGate Apartments located at 1919 YMCA Lane. It appears that this concept allows for that, so that our residents, guests and potential residents can come and go from Plymouth Road or from I-396 east of the Mall. We want to be on record that we would want to preserve that full accessibility in the event that alternate concepts emerge as a result of your process.

In addition, we do not like the Round-about that are shown. We see city after city trying to make these work in several states where we have properties, and they simply have not worked. The Round-abouts at Southdale Mall have resulted in congestion and very slow traffic unnecessarily. We would encourage the City to investigate more before going down this path.

Should we have further comments I will forward them to you.

Jerry Kavan
Project Manager
Slosburg Company
10040 Regency Circle
Suite 200
Omaha, NE 68114
402.391.7900 Main
www.slosburg.com

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From: Chris Breemes
Sent: Wednesday, October 11, 2017 9:09 AM
To: clabounty@eminnetonka.com
Good Morning Chris,
Thank you for the information you sent. I have copied Jerry Kavan on this email. We will review your information together. We will send any comments by this Friday.
Have a great day.

Chris Breemes
Minnesota & Lincoln Regional Manager
Richdale Apartments
402.391.7900 Office
www.richdale.com

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From: Chris LaBounty [clabounty@eminnetonka.com]
Sent: Tuesday, October 10, 2017 11:53 AM
To: Chris Breemes
Cc: Julie Wischnack; Will Manchester; Alisha Gray; 'Andrew Plowman'
Subject: Ridgedale Drive Reconstruction Coordination: Ridgegate Appartments

Chris,

I spoke with Alisha this morning and she indicated that they have not been able to schedule a one-on-one meeting with you since they first reached out on Sept. 22nd. It’s important to us that you have an opportunity to review and provide any comments on the 2019 project concept, so I wanted to reach out via email. Another opportunity to discuss this in person, would be to attend the community open house that is scheduled for next Monday, Oct. 16. At 5:00pm here at City Hall.

The city is proposing to reconstruct Ridgedale Drive between Plymouth Road and Interstate 394 in order to replace the deteriorating water main system and complete necessary street improvements. The city is also considering the addition of a landscaped median, multi-use trail and sidewalk along the roadway to improve pedestrian connectivity and safety in this area. The proposed construction would take place in 2019. I’ve attached a pdf copy of the preferred concept that will be presented at the meeting next week showing these improvements. Please note that this is a working drawing and line work is subject to change as we receive comments and refine the design.

Also included, but not detailed on this drawing, are some of the streetscape enhancements that are being considered with the project. This may include new street lighting, landscaped medians, stormwater features, and some new signage. Some conceptual sketches of these elements will also be presented at the meeting Monday.

We would appreciate hearing any comments you may have by this Friday, October 13th, so that we can look at how those may impact the concept drawing before our meeting Monday. We would also be more than happy to schedule a meeting with you and your staff after next week if you would like to discuss in more detail.

Please don’t hesitate to contact Alisha Gray at 952-939-8285 or myself 952-939-8241 with any questions.

Sincerely,
Chris
I spoke with Alisha this morning and she indicated that they have not been able to schedule a one-on-one meeting with you since they first reached out on Sept. 24th. It’s important to us that you have an opportunity to review and provide any comments on the 2019 project concept, so I wanted to reach out via email. Another opportunity to discuss this in person, would be to attend the community open house that is scheduled for next Monday, Oct. 16. At 5:00pm here at City Hall.

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Please don’t hesitate to contact Alisha Gray at 952-939-8285 or myself 952-939-8241 with any questions.

Sincerely,

Chris

Chris LaBounty, PE
Engineering Project Manager
City of Minnetonka
14600 Minnetonka Blvd. | Minnetonka, MN 55345
P: 952-939-8241
Elliott-

Thank you for getting back to me regarding the proposed road reconstruction.

We don’t fully know the answer to the question about the duration of the project at this time, but our goal is to complete work in one construction season. This is generally early April to early November. There is always some construction activity the following year (plantings, final layer of pavement, etc), but the majority of work is done before winter.

Lastly, The city’s consultant is currently working on finalizing the traffic study. We will certainly share the full study with you once the report is completed. The study looks at both current day traffic volumes and 2040 traffic volumes based on redevelopment scenarios in the city’s comprehensive plan and the 2012 Ridgedale Area Study.

Best,

Alisha Gray

---

Alisha, 

Thank you for bringing these proposed changes to our attention. We will have our site planner and legal team review what you are proposing and then determine next steps. I’m sure they will have questions. We will also reach out to General Growth to get a sense of their thoughts on what you are proposing.

You mentioned that this is slated for 2019- can you be more specific about the duration of the construction?

Thank you,

Elliot Cundiff
Mr. Cundiff-

I requested your contact information from Joan Suko of General Growth Partners to connect with you on a proposed city road project near Ridgedale Mall in Minnetonka, MN.

The city is proposing to reconstruct Ridgedale Drive between Plymouth Road and Interstate 394 in order to replace the deteriorating water main system and complete necessary street improvements. The city is also considering the addition of a landscaped median, multi-use trail and sidewalk along the roadway to improve pedestrian connectivity and safety in this area. The proposed construction would take place in 2019. I’ve attached a pdf copy of the preferred concept that was presented at the city open house in October showing these improvements. Please note that this is a working drawing and line work is subject to change as we receive comments and refine the design. Also included, but not detailed on the attached drawing, are some of the streetscape enhancements that are being considered with the project. This may include new street lighting, landscaped medians, stormwater features, and some new signage.

I am happy to schedule a meeting with you and your staff, the city engineering team, and the city’s engineering consultant, to review the concept with you, obtain feedback, and answer any questions you have regarding the proposed project. This can be accomplished by phone or I can coordinate a video conference at our consultant’s office to have the concept plan visible for the conversation.

If you would like to meet with us, please email me a few available date/times that work for your team and I will coordinate a meeting. Also, please indicate if you would prefer a conference call or a video conference.

Please feel free to contact me if you have any additional questions.

Attachment – Preferred Alternative Design
City project page: https://eminnetonka.com/current-projects/street-projects/2017-street-rehabilitation-ridgedale-drive

Best,

Alisha Gray | Economic Development and Housing Manager | City of Minnetonka | 14600 Minnetonka Blvd. Minnetonka, MN 55345 | p. 952.939.8285 | f. 952.939.8244 | agray@eminnetonka.com
Chris LaBounty

Subject: FW: Ridgedale Drive Reconstruction Project

From: Alisha Gray
Sent: Thursday, November 9, 2017 11:49 AM
To: ‘Hinckley, Douglas’
Subject: RE: Ridgedale Drive Reconstruction Project

Doug –

Please see responses to your questions in blue below. I’m happy to coordinate a conference call to go over the project and discuss your questions in greater detail. The city is in the preliminary stages of conceptual planning of the road project. There are many unknowns at this point but our goal is to involve all community stakeholders early on in the process.

Best,

Alisha Gray | Economic Development and Housing Manager | City of Minnetonka | 14600 Minnetonka Blvd. Minnetonka, MN 55345 | p. 952.939.8285 | f. 952.939.8244 | agray@eminnetonka.com

Hi Alisha,

Do you know if the City will be condemning any of JCP’s property to accomplish this project? We do not know that at this time. The focus of our current effort is to prepare a concept for consideration and comment by the city council and adjacent business owners. In general the city would consider condemnation only after all of the following conditions have been met: (1) the project and final layout has been approved by the council; (2) it is determined that additional right of way is needed from JCP for the project; (3) project funding has been obtained and is determined to be adequate for purchasing necessary right of way; (4) attempts to negotiate with JCP have been unsuccessful. The city makes all reasonable attempts to reach negotiated purchases for needed right of way. The city council would need to authorize the use of condemnation by majority vote.

Also, will there be a time when there is not an open entrance on the south side of the Center near JCPenney? Obviously, we would prefer to keep one entrance open on this side at all times.

A phasing plan has not been created yet, but would be part of the final design of the project, if the project is approved by the City Council. We would anticipate that there would always be an access to the south side of the mall throughout construction, although the location may change in order to construct the project.

Thanks,

Doug

From: Hinckley, Douglas
Sent: Thursday, November 2, 2017 1:44 PM
To: Alisha Gray <agray@eminnetonka.com>
Subject: RE: Ridgedale Drive Reconstruction Project
Also, do you have a traffic study that goes along with this traffic concept? We would like to see if it can support the existing and planned developments going on at the Center.

The city’s consultant is currently working on finalizing the traffic study. We can certainly share the full study once the report is completed. The study looks at both current day traffic volumes and 2040 traffic volumes based on redevelopment scenarios in the city’s comprehensive plan and the 2012 Ridgedale Area Study.

Thanks
Doug

From: Alisha Gray [mailto:agray@eminnetonka.com]
Sent: Thursday, November 02, 2017 12:43 PM
To: Hinckley, Douglas
Subject: Ridgedale Drive Reconstruction Project

Mr. Hinckley-

I requested your contact information from Joan Suko of General Growth Partners to connect with you on a proposed city road project near Ridgedale Mall in Minnetonka, MN.

The city is proposing to reconstruct Ridgedale Drive between Plymouth Road and Interstate 394 in order to replace the deteriorating water main system and complete necessary street improvements. The city is also considering the addition of a landscaped median, multi-use trail and sidewalk along the roadway to improve pedestrian connectivity and safety in this area. The proposed construction would take place in 2019. I’ve attached a pdf copy of the preferred concept that was presented at the city open house in October showing these improvements. Please note that this is a working drawing and line work is subject to change as we receive comments and refine the design. Also included, but not detailed on the attached drawing, are some of the streetscape enhancements that are being considered with the project. This may include new street lighting, landscaped medians, stormwater features, and some new signage.

I am happy to schedule a meeting with you and your staff, the city engineering team, and the city’s engineering consultant, to review the concept with you, obtain feedback, and answer any questions you have regarding the proposed project. This can be accomplished by phone or I can coordinate a video conference at our consultant’s office to have the concept plan visible for the conversation.

If you would like to meet with us, please email me a few available date/times that work for your team and I will coordinate a meeting. Also, please indicate if you would prefer a conference call or a video conference.

Please feel free to contact me if you have any additional questions.

Attachments – Preferred Alternative Design
City project page: https://eminnetonka.com/current-projects/street-projects/2017-street-rehabilitation-ridgedale-drive

Best,

Alisha Gray | Economic Development and Housing Manager | City of Minnetonka | 14600 Minnetonka Blvd.
Minnetonka, MN  55345 | p. 952.939.8285 | f. 952.939.8244 | agray@eminnetonka.com

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Chris LaBounty

**Subject:** FW: Ridgedale Drive Reconstruction Project

**From:** Alisha Gray
**Sent:** Thursday, November 9, 2017 8:55 AM
**To:** Tracy Hughes
**Subject:** RE: Ridgedale Drive Reconstruction Project

Thanks Tracy.

Alisha Gray | Economic Development and Housing Manager | City of Minnetonka | 14600 Minnetonka Blvd.
Minnetonka, MN 55345 | p. 952.939.8285 | f. 952.939.8244 | agray@eminnetonka.com

**From:** Tracy Hughes
**Sent:** Thursday, November 9, 2017 8:54 AM
**To:** Alisha Gray <agray@eminnetonka.com>
**Subject:** RE: Ridgedale Drive Reconstruction Project

I forwarded your contact to our team in that district and they were going to review. I do not know who is assigned.

**From:** Alisha Gray [mailto:agray@eminnetonka.com]
**Sent:** Thursday, November 9, 2017 9:51 AM
**To:** Tracy Hughes
**Subject:** RE: Ridgedale Drive Reconstruction Project

⚠ EXT MSG:
Ms. Hughes-

I am following up with you to inquire about setting up a meeting to discuss the Ridgedale Drive Reconstruction. Please contact me if you would like to set up a meeting to discuss the project.

Best,

Alisha Gray | Economic Development and Housing Manager | City of Minnetonka | 14600 Minnetonka Blvd.
Minnetonka, MN 55345 | p. 952.939.8285 | f. 952.939.8244 | agray@eminnetonka.com

**From:** Alisha Gray
**Sent:** Thursday, November 2, 2017 12:47 PM
**To:** [email redacted]
**Subject:** Ridgedale Drive Reconstruction Project

Ms. Hughes-

I requested your contact information from Joan Suko of General Growth Partners to connect with you on a proposed city road project near Ridgedale Mall in Minnetonka, MN.

The city is proposing to reconstruct Ridgedale Drive between Plymouth Road and Interstate 394 in order to replace the deteriorating water main system and complete necessary street improvements. The city is also considering the addition of a landscaped median, multi-use trail and sidewalk along the roadway to improve pedestrian connectivity and safety in
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I am happy to schedule a meeting with you and your staff, the city engineering team, and the city’s engineering consultant, to review the concept with you, obtain feedback, and answer any questions you have regarding the proposed project. This can be accomplished by phone or I can coordinate a video conference at our consultant’s office to have the concept plan visible for the conversation.

If you would like to meet with us, please email me a few available date/times that work for your team and I will coordinate a meeting. Also, please indicate if you would prefer a conference call or a video conference.

Please feel free to contact me if you have any additional questions.

Attachment – Preferred Alternative Design
City project page: https://eminnetonka.com/current-projects/street-projects/2017-street-rehabilitation-ridgedale-drive

Best,

Alisha Gray | Economic Development and Housing Manager | City of Minnetonka | 14600 Minnetonka Blvd. Minnetonka, MN 55345 | p. 952.939.8285 | f. 952.939.8244 | agray@eminnetonka.com

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### Ridgedale Drive Reconstruction Project

**Informational Meeting Attendance Roster**

October 16, 2017 - 5:00 pm

Minnehaha Room

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<th>Name</th>
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<tr>
<td>Judd Carpenter</td>
<td>4186 Heatheron Place</td>
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<tr>
<td>Annette Bertelsen</td>
<td>13513 Lakke Drive</td>
<td></td>
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<tr>
<td>Ben Gordan</td>
<td>12811 Shamrock N</td>
<td></td>
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<tr>
<td>Anthony &amp; Cindy Lipari</td>
<td>2300 Riverbend Lane</td>
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<td>Pam &amp; Karen Gibb</td>
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Ridgedale Drive Reconstruction Project
Informational Meeting Attendance Roster
October 16, 2017 - 5:00 pm
Minnehaha Room

PLEASE PRINT

Name: Peg Murphy
Address: 1918 Oakland Rd.
Phone Number: [Redacted]

Name: Derek Diesen
Address: 13525 Larkin Dr.
Phone Number: [Redacted]

Name: Lucie Taylor
Address: 2117 Indian Rd
Phone Number: [Redacted]

Name: Ash Paul
Address: 2481 Emerald Tr
Phone Number: [Redacted]

Name: Dr. Bev Olson
Address: 2020 Pine Island Rd
Phone Number: [Redacted]

Name: Kamel + Patty Aossey
Address: 13501 Larkin Dr
Phone Number: [Redacted]

Name: Jon Butler
Address: 13506 Larkin Dr.
Phone Number: [Redacted]

Name: Kari Pot
Address: 2218 Sherwood Count
Phone Number: [Redacted]

Name: Joan Salgo
Address: RDC
Phone Number: [Redacted]

Name: Ann Woodson-Hicks
Address: 3528 Shady Oak Road
Phone Number: [Redacted]

Name: Sherri Schefterghast
Address: 13007 Ridgedale Dr
Phone Number: [Redacted]
Ridgedale Drive Reconstruction Project

Informational Meeting – Comment Card

October 16, 2017 - 5:00 pm

Minnehaha Room

Name: Judd Carpenter

Address: 4188 Heatherton Place

Phone: ________

Email: ________

Comments: Please consider extending project north underneath 394 to connect with sidewalk on the north Vincent road. This would dramatically increase foot traffic from residents north of 394. Thanks!

Property owner of 11900, 11800, 11600 Wayzata Blvd, Office Building

City Contact: Chris LaBounty, Project Manager
Email: clabounty@eminnetonka.com
Phone: 952-939-8241
Ridgedale Drive Reconstruction Project

Informational Meeting – Comment Card

October 16, 2017 - 5:00 pm

Minnehaha Room

Name: Sue Taylor
Address: 2117 Indian Rd
Phone:
Email:

Comments:
- Like the design!
- Even the roundabouts
- Should find out cost of maintaining versus future
- Can we publish a list of materials to be used?
- Drainage & snow removal are important.

City Contact: Chris LaBounty, Project Manager
Email: clabounty@eminnetonka.com
Phone: 952-939-8241
Ridgedale Drive Reconstruction Project

Informational Meeting – Comment Card

October 16, 2017 - 5:00 pm
Minnehaha Room

Name: Karin Pot

Address: ____________________________

Phone: ____________________________

Email: ____________________________

Comments:

Plymouth Road traffic issues.

Talk to PD call tomorrow
Speed enforcement nursing home additional ped.

Call following

City Contact: Chris LaBounty, Project Manager
Email: clabounty@eminnetonka.com
Phone: 952-939-8241
Ridgedale Drive Reconstruction Project

Informational Meeting – Comment Card

October 16, 2017 - 5:00 pm

Minnehaha Room

Name: Pam & Kevin Guest
Address: 13941 Hill Ridge Dr.
Phone: 
Email: 

Comments:

Appreciate the presentation. I am coming around to the roundabout idea. Would love to see extra signage or a blinking light near the YMCA. Lots of folks and kids are around there and take the roundabouts. Also please put more of this information out on social media for us to share with our neighbors and community. Great and easy way to re-educate folks on how to use roundabouts.

Then let's start connecting sidewalks so the community can walk safely again.

City Contact: Chris LaBounty, Project Manager
Email: clabounty@eminnetonka.com
Phone: 952-939-8241

Thanks!
SRF has completed a transportation assessment for the proposed Ridgedale Drive Reconstruction in the city of Minnetonka. The main objectives of this assessment are to review existing operations within the study area, evaluate transportation impacts associated with future area land use changes, and analyze/refine the proposed Ridgedale Drive configuration and traffic controls. The following information provides a summary of the assumptions, analysis, and recommendations.

**Existing Conditions**

1) Ridgedale Drive, a local roadway, is primarily a four-lane undivided roadway, with select turn lanes at the intersections with Plymouth Road, Wayzata Boulevard, and the I-394 Eastbound On-Ramp.

2) Ridgedale Drive currently has average daily traffic (ADT) volumes that range between 6,750 and 11,400 vehicles per day (vpd), depending on location.
   a) Ridgedale area traffic volumes typically increase between 20 to 35 percent during holiday peak times from Mid-November to January.

3) The 85th percentile speed along Ridgedale Drive is 40 miles per hour (mph), which has a 30 mph posted speed limit.

4) There are limited pedestrian facilities and activity along Ridgedale Drive, with sidewalks located immediately behind curbs and an average crossing distance of approximately 50 feet.

5) Study intersections along Ridgedale Drive currently operate at an acceptable overall LOS C or better during the weekday midday, weekday p.m., and Saturday midday peak hours.

6) A total of 46 crashes were reported along Ridgedale Drive between Plymouth Road and the I-394 Eastbound On-Ramp during the past five-years (2011 to 2015); 20 occurred at the Plymouth Road intersection which equates to approximately one crash every three months. Based on the traffic volumes at this intersection, the number of crashes is below average when compared to intersections with similar characteristics throughout the state of Minnesota. No serious injury or pedestrian crashes occurred.

**Year 2040 Conditions**

1) Future area land use is expected to increase in density; the mix of land use and locations will provide a more cohesive and balanced area, which will change area travel patterns and mode-choice (i.e. more walking/biking versus vehicle trips).
2) Future average daily traffic (ADT) volumes along Ridgedale Drive are expected to range between 7,000 and 12,500 vpd, depending on location.

3) Increases in traffic volumes during the holiday periods are expected to continue in the range of 20 to 35 percent as compared to typical weekday (non-holiday) conditions.

**Proposed Parkway Configuration**

1) Ridgedale Drive (between Plymouth Road and the I-394 Eastbound On-Ramp) is planned to be reconstructed to a two-lane facility with turn lanes, a multi-purpose trail, sidewalks, and additional streetscaping elements.
   a) Roundabouts are proposed along Ridgedale Drive at Wayzata Boulevard, YMCA Lane, and the Government Center/Southwest Mall Access.

2) The roundabouts will operate similarly to traffic signals during the peak periods, but provide improved operations (less delays and stopping) during the off-peak periods and help facilitate speeds to be more in line with the posted speed limit.

3) The roundabouts, as well as the other access locations, were strategically located to serve both existing and future development within the area.

4) The future land uses, the multi-purpose trail, and the reduced speeds and roadway width are expected to improve the overall walkability of Ridgedale Drive in the future.

5) All study intersections and proposed access locations are expected to operate at an acceptable overall LOS C or better during the weekday midday, weekday p.m., and Saturday midday peak hours.

6) The proposed parkway configuration was designed to accommodate existing and future volumes, including holiday volumes, with optional expansion opportunities. The current design balances the needs for all users while ensuring a safe and efficient transportation system.

**Conclusion**

Based on the results of the *Ridgedale Drive Reconstruction Transportation Assessment*, the proposed parkway configuration is expected to provide safe and efficient operations to meet the current and future needs of Ridgedale area users. Some delays are expected during the peak holiday periods, but the current design provides a good balance between capacity, safety, and pedestrian facilities. The intersection delays are not expected to significantly degrade from current holiday peak conditions. Furthermore, the proposed parkway configuration is designed to provide flexibility and expandability should unforeseen land use and/or access modifications occur.
Introduction

SRF has completed a transportation assessment for the proposed Ridgedale Drive Reconstruction in the city of Minnetonka (see Figure 1: Project Location). The Ridgedale Drive assessment limits are generally from Plymouth Road to the I-394 Eastbound On-Ramp. The main objectives of this assessment are to review existing operations within the study area, evaluate transportation impacts associated with future area land use changes, and analyze/refine the proposed Ridgedale Drive configuration and traffic controls. The following information provides the assumptions, analysis, and recommendations offered for consideration.

Area History

Over the past years, SRF has completed numerous traffic and transportation studies at Ridgedale Mall or the surrounding area, including:

- Ridgedale Mall Expansion Master Plan, 2007
- I-394 Westbound On-Ramp at Ridgedale Drive, 2011
- I-394 Ordinance Review, 2012
- Highland Bank Redevelopment Traffic Study, 2014
- Ridgehaven Lane/I-394 Improvements, 2014
- TCF Bank Redevelopment Traffic Study, 2016

These projects have provided a comprehensive understanding of area traffic volumes and patterns since 2007, under both typical weekday and holiday peak conditions. As part of the *Ridgedale Drive Transportation Assessment*, beneficial travel pattern changes (as predicted) were identified which relate to the new I-394 Westbound On-Ramp at Ridgedale Drive, as well as access modifications associated with the Macy’s Redevelopment in 2014. Further beneficial area travel pattern changes are expected along Cartway Lane and Plymouth Road as a result of the Ridgehaven improvements planned in 2018.

This experience allows SRF to confidently forecast traffic volume changes due to area roadway infrastructure and land use changes, as well as to understand how the peak holiday season influences area operations. Previous area efforts conducted in 2014 identified area traffic volumes generally increase between 20 and 25 percent during the holiday periods (mid-November to January), with peaks up to 35 percent near the Christmas holiday. This knowledge will help provide a better understanding of the future infrastructure needs along Ridgedale Drive, which is discussed later in this document.
Existing Conditions

Existing conditions were reviewed to establish a baseline to better understand area operations and characteristics. The evaluation of existing conditions includes a review area traffic volumes, speeds, roadway/pedestrian infrastructure, intersection capacity, and a crash assessment.

TrafficVolumes

Peak period intersection turning movement and pedestrian counts were collected at the following intersections along Ridgedale Drive during the week of August 14, 2017. The focus of these counts were related to the weekday midday, weekday p.m., and Saturday midday peak hours.

- I-394 Eastbound On-Ramp
- Wayzata Boulevard/East Mall Access
- Southeast Mall Access
- YMCA Lane
- South Mall Access
- Hennepin County Government Center
- Southwest Mall Access
- Plymouth Road

Short-duration (i.e. 20-minute) pulse counts were also completed during the same peak periods to gain an understanding of area traffic volume magnitude and patterns at the internal mall intersections, as well as other commercial businesses along Ridgedale Drive. Average daily traffic (ADT) volumes were collected at three locations along Ridgedale Drive for a one-week period beginning August 6, 2017 and compared to historical counts provided by the Minnesota Department of Transportation (MnDOT). The hourly traffic volume profile at these locations is shown in Figure 2.

Figure 2. Ridgedale Drive Hourly Traffic Volume Profile
Speeds

Vehicular speed data was collected along with the ADT volumes, which indicates the 85th percentile speeds are approximately 40 miles per hour (mph) along Ridgedale Drive. The posted speed limit along Ridgedale Drive is 30 mph. This data suggests that at the time of this study the majority of motorists exceeded the posted speed limit by approximately 10 mph.

Roadway and Pedestrian Facilities

Observations were completed to identify roadway characteristics (i.e. roadway geometry, posted speed limits, and traffic controls) within the study area. Ridgedale Drive, a local roadway, is primarily a four-lane undivided roadway, with select turn lanes at the intersections with Plymouth Road, Wayzata Boulevard, and the I-394 Eastbound On-Ramp. The Plymouth Road, Wayzata Boulevard, and I-394 Eastbound On-Ramp intersections are signalized, while the remaining intersections have side-street stop control. There are limited pedestrian facilities throughout the study area, and sidewalks that exist are located immediately behind the curb and adjacent to the roadways. The distance to cross Ridgedale Drive is approximately 50 feet, or four travel lanes. Limited pedestrian activity was observed along the corridor during the data collection phase. Existing geometrics, traffic controls, and volumes are shown in Figure 3.

Intersection Capacity Analysis

An existing intersection capacity analysis was completed for the weekday midday, weekday p.m., and Saturday midday peak hours to establish a baseline condition to which future traffic operations can be compared. The a.m. peak hour was not evaluated since the surrounding properties (i.e. Ridgedale Mall) are not open during that time and area traffic volumes are generally lower than other study peak periods as illustrated in Figure 2. Study intersections were analyzed using Synchro/SimTraffic (V9).

Capacity analysis results identify a Level of Service (LOS), which indicates the quality of traffic flow through an intersection. Intersections are given a ranking from LOS A through LOS F. The LOS results are based on average delay per vehicle, which correspond to the delay threshold values shown in Table 1. LOS A indicates the best traffic operation, with vehicles experiencing minimal delays. LOS F indicates an intersection where demand exceeds capacity, or a breakdown of traffic flow. Overall intersection LOS A through LOS D is generally considered acceptable in the Twin Cities Metropolitan Area.

Table 1 Level of Service Criteria for Signalized and Unsignalized Intersections

<table>
<thead>
<tr>
<th>LOS Designation</th>
<th>Signalized Intersection Average Delay/Vehicle (seconds)</th>
<th>Unsignalized Intersection Average Delay/Vehicle (seconds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>≤ 10</td>
<td>≤ 10</td>
</tr>
<tr>
<td>B</td>
<td>&gt; 10 - 20</td>
<td>&gt; 10 - 15</td>
</tr>
<tr>
<td>C</td>
<td>&gt; 20 - 35</td>
<td>&gt; 15 - 25</td>
</tr>
<tr>
<td>D</td>
<td>&gt; 35 - 55</td>
<td>&gt; 25 - 35</td>
</tr>
<tr>
<td>E</td>
<td>&gt; 55 - 80</td>
<td>&gt; 35 - 50</td>
</tr>
<tr>
<td>F</td>
<td>&gt; 80</td>
<td>&gt; 50</td>
</tr>
</tbody>
</table>
LEGEND
XX - Midday Peak Hour Volume
[XX] - P.M. Peak Hour Volume
[XX] - Saturday Midday Peak Hour Volume
XXX - Existing Average Daily Traffic
- Side-Street Stop Control
- Signalized Control

Existing Conditions
Ridgedale Drive Reconstruction Transportation Assessment
City of Minnetonka

Figure 3
For side-street stop controlled intersections, special emphasis is given to providing an estimate for the level of service of the side-street approach. Traffic operations at an unsignalized intersection with side-street stop control can be described in two ways. First, consideration is given to the overall intersection level of service. This accounts for the total number of vehicles entering the intersection and the capability of the intersection to support these volumes.

Second, it is important to consider the delay on the minor approach. Since the mainline does not have to stop, the majority of delay is attributed to the side-street approaches. It is typical of intersections with higher mainline traffic volumes to experience high levels of delay (i.e. poor levels of service) on the side-street approaches, but an acceptable overall intersection level of service during peak hour conditions.

Results of the existing intersection capacity analysis shown in Table 2 indicate that the study intersections currently operate at an acceptable overall LOS C or better during the weekday midday, weekday p.m., and Saturday midday peak hours with the existing geometric layout and traffic controls. During the p.m. peak hour, northbound 95th percentile queues at the YMCA Lane intersection are approximately six (6) to seven (7) vehicles. Additionally, westbound 95th percentile queues at the Wayzata Boulevard intersection extend approximately 10 vehicles. No other significant delay or queuing issues were identified during the other time periods.

Table 2 Existing Intersection Capacity Analysis

<table>
<thead>
<tr>
<th>Ridgedale Drive Intersection</th>
<th>Weekday Midday Peak Hour LOS (Delay)</th>
<th>Weekday P.M. Peak Hour LOS (Delay)</th>
<th>Saturday Midday Peak Hour LOS (Delay)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-394 Eastbound On-Ramp</td>
<td>B (10 sec.)</td>
<td>A (9 sec.)</td>
<td>B (10 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard</td>
<td>A (9 sec.)</td>
<td>B (14 sec.)</td>
<td>B (10 sec.)</td>
</tr>
<tr>
<td>Southeast Mall Access (1)</td>
<td>A/C (19 sec.)</td>
<td>A/D (27 sec.)</td>
<td>A/C (17 sec.)</td>
</tr>
<tr>
<td>North Sheraton Access (1)</td>
<td>A/B (10 sec.)</td>
<td>A/B (10 sec.)</td>
<td>A/B (11 sec.)</td>
</tr>
<tr>
<td>South Sheraton Access (1)</td>
<td>A/B (11 sec.)</td>
<td>A/B (13 sec.)</td>
<td>A/B (12 sec.)</td>
</tr>
<tr>
<td>YMCA Lane (1)</td>
<td>A/B (13 sec.)</td>
<td>A/D (30 sec.)</td>
<td>A/B (11 sec.)</td>
</tr>
<tr>
<td>East Office Access (1)</td>
<td>A/B (11 sec.)</td>
<td>A/B (13 sec.)</td>
<td>A/A (0 sec.)</td>
</tr>
<tr>
<td>West Office Access (1)</td>
<td>A/B (11 sec.)</td>
<td>A/B (12 sec.)</td>
<td>A/A (0 sec.)</td>
</tr>
<tr>
<td>South Mall Access (1)</td>
<td>A/C (16 sec.)</td>
<td>A/C (17 sec.)</td>
<td>A/B (14 sec.)</td>
</tr>
<tr>
<td>Government Center Access (1)</td>
<td>A/B (13 sec.)</td>
<td>A/C (16 sec.)</td>
<td>A/B (13 sec.)</td>
</tr>
<tr>
<td>Southwest Mall Access (1)</td>
<td>A/B (11 sec.)</td>
<td>A/B (12 sec.)</td>
<td>A/B (11 sec.)</td>
</tr>
<tr>
<td>Plymouth Road</td>
<td>C (26 sec.)</td>
<td>C (25 sec.)</td>
<td>C (23 sec.)</td>
</tr>
</tbody>
</table>

(1) Indicates an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst approach LOS. The delay shown represents the worst side-street approach delay.
Crash Assessment

Crash data along Ridgedale Drive was provided by MnDOT using the Minnesota Crash Mapping Analysis Tool (MnCMAT). The crash history between 2011 to 2015 was reviewed, which represents the most recent five-year period available. The purpose of the crash review is to understand any high crash-frequency areas and/or any crash trends along Ridgedale Drive to address as part of the proposed Ridgedale Drive reconstruction.

Based on this data, there were a total of 46 crashes reported over the analysis period between Plymouth Road and the I-394 Eastbound On-Ramp. Of the 46 total crashes, 20 occurred at the Plymouth Road intersection over the five-year period, which equates to approximately one crash every three months. Based on the traffic volumes at this intersection, the number of crashes is below average when compared to intersections with similar characteristics. The remaining intersections were reviewed and it was determined that there are no crash issues within the study area. It should be noted that the crash data provided by MnDOT indicated that there were no serious injury crashes and no pedestrian crashes along the corridor over the five-year review period.

Year 2040 Forecasts

Given that Ridgedale Drive is expected to be reconstructed in 2019, it is important to develop future traffic forecasts to ensure the roadway/transportation network is appropriately designed to accommodate future area growth and all users. Therefore, year 2040 traffic forecasts were developed based on a combination of existing travel patterns, historical growth trends, and future guided land use. In particular, the future guided land use was based on the City’s Comprehensive Plan, and the Village Center Master Plan. The future area land use changes, including land use types and development sizes, are shown in Figure 4 and generally include the following key components:

1) Community Park (east of Ridgedale Drive; south of Wayzata Boulevard)
2) South Mall Sector
   a) Includes restaurant, cinema, a relocated YMCA, and community park
3) South Sector (YMCA Site and Former Redstone Area)
   a) Includes residential uses
4) East and West Infill (Mall Outlots/Future Infill Development)
5) West Sector (US Bank/Wells Fargo Area Redevelopment)
   a) Includes restaurant, hotel, office, and retail uses
6) Southwest Sector (Ridgesquare Redevelopment)
   a) Includes residential, office, and retail uses

It should be noted that 120 of the residential units and approximately 16,000 square feet of the commercial space in the Southwest Sector was constructed as part of the Highland Bank redevelopment project.
Future Land Use

Ridgedale Drive Reconstruction Transportation Assessment
City of Minnetonka

Figure 4

Southwest Sector
Housing, Mid-Rise: 450 DU
Office, Mid-Rise: 90 ksf

West Sector
Restaurants: 30 ksf
Hotel (8 story): 250 rooms
Office (6 story): 90 ksf
Retail: 30 ksf

South Mall Sector
Cinema (12 Screen): 30 ksf
Restaurants: 15 ksf
YMCA: 40 ksf

West Infill
Infill: 10 ksf

Community Park

East Infill
Infill: 10 ksf

Plymouth Road

Ridgedale Drive
Trip Generation

To account for transportation impacts associated with the planned area land use, a trip generation estimate for the weekday midday, weekday p.m., and Saturday midday peak hours, as well as on a weekday daily basis were developed. The trip generation estimate was developed using a combination of existing traffic counts collected at site driveways, data from www.tripgeneration.org, and the Institute of Transportation Engineers (ITE) Trip Generation Manual, Ninth Edition. Initially, trips related to land uses that are planned to be redeveloped (under the future land use plan) were removed from the transportation network and the new development trips were added in their place. The future trip generation estimate is shown in Table 3.

Results of the trip generation estimate indicate the future land uses are expected to generate approximately 365 weekday midday peak hour, 941 weekday p.m. peak hour, 371 Saturday midday peak hour, and 11,200 weekday daily trips. This does not include any multi-use reductions, which accounts for patrons that live or work nearby that would be more likely to walk/bike rather than make a separate vehicular trip. It is estimated that there is a 30-percent multi-use reduction for trips internal to the study area, which is consistent with previous forecasting efforts completed in this area. Trips generated were distributed throughout the study area based on the directional distribution shown in Figure 5, which was developed based on existing travel patterns.

Background Traffic Growth

In addition to the trips generated from the specific planned land uses, an annual growth rate of one-half (0.5) percent was applied to the existing peak hour traffic volumes to develop the base year 2040 traffic forecasts, before the specific land use trip generation was added. This growth rate is generally consistent with historical trends within the study area and future growth projections. The year 2040 traffic forecasts are shown in Figure 6.
Table 3 Trip Generation Estimate

<table>
<thead>
<tr>
<th>Land Use Type (ITE Code)</th>
<th>Size</th>
<th>Weekday Midday Peak Hour Trips</th>
<th>Weekday P.M. Peak Hour Trips</th>
<th>Saturday Midday Peak Hour Trips</th>
<th>Weekday Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td>East Infill/Park</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Park (1)</td>
<td>N/A</td>
<td>20</td>
<td>14</td>
<td>20</td>
<td>14</td>
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<tr>
<td>Shopping Center (820)</td>
<td>10 ksf</td>
<td>19</td>
<td>13</td>
<td>18</td>
<td>19</td>
</tr>
<tr>
<td>Total Area Trips</td>
<td></td>
<td>39</td>
<td>27</td>
<td>38</td>
<td>33</td>
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<tr>
<td>South Mall Sector</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sears (2)</td>
<td>170 ksf</td>
<td>(-106)</td>
<td>(-102)</td>
<td>(-93)</td>
<td>(-89)</td>
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<tr>
<td>Cinema (445)</td>
<td>12 Screens</td>
<td>25</td>
<td>30</td>
<td>74</td>
<td>90</td>
</tr>
<tr>
<td>Restaurants (932)</td>
<td>15 ksf</td>
<td>88</td>
<td>108</td>
<td>89</td>
<td>59</td>
</tr>
<tr>
<td>YMCA (3)</td>
<td>100 ksf</td>
<td>40</td>
<td>125</td>
<td>196</td>
<td>195</td>
</tr>
<tr>
<td>Total Area Trips</td>
<td></td>
<td>47</td>
<td>161</td>
<td>266</td>
<td>255</td>
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<tr>
<td>South Sector</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>YMCA (3)</td>
<td>100 ksf</td>
<td>(-40)</td>
<td>(-125)</td>
<td>(-196)</td>
<td>(-195)</td>
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<tr>
<td>Apartments (220)</td>
<td>360 Units</td>
<td>29</td>
<td>36</td>
<td>145</td>
<td>78</td>
</tr>
<tr>
<td>Total Area Trips</td>
<td></td>
<td>(-11)</td>
<td>(-89)</td>
<td>(-51)</td>
<td>(-117)</td>
</tr>
<tr>
<td>West Sector/West Infill</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bank (4)</td>
<td>13 Lanes</td>
<td>(-101)</td>
<td>(-125)</td>
<td>(-101)</td>
<td>(-125)</td>
</tr>
<tr>
<td>Shopping Center (820)</td>
<td>10 ksf</td>
<td>19</td>
<td>13</td>
<td>18</td>
<td>19</td>
</tr>
<tr>
<td>Restaurants (932)</td>
<td>30 ksf</td>
<td>177</td>
<td>216</td>
<td>177</td>
<td>118</td>
</tr>
<tr>
<td>Hotel (310)</td>
<td>250 Rooms</td>
<td>24</td>
<td>29</td>
<td>77</td>
<td>74</td>
</tr>
<tr>
<td>Office (710)</td>
<td>90 ksf</td>
<td>22</td>
<td>11</td>
<td>23</td>
<td>111</td>
</tr>
<tr>
<td>Shopping Center (820)</td>
<td>30 ksf</td>
<td>58</td>
<td>39</td>
<td>53</td>
<td>58</td>
</tr>
<tr>
<td>Total Area Trips</td>
<td></td>
<td>199</td>
<td>183</td>
<td>247</td>
<td>255</td>
</tr>
<tr>
<td>Southwest Sector</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shopping Center (820)</td>
<td>90 ksf</td>
<td>(-187)</td>
<td>(-120)</td>
<td>(-164)</td>
<td>(-170)</td>
</tr>
<tr>
<td>Apartments (220)</td>
<td>330 Units</td>
<td>27</td>
<td>33</td>
<td>133</td>
<td>72</td>
</tr>
<tr>
<td>Office (710)</td>
<td>74 ksf</td>
<td>18</td>
<td>9</td>
<td>19</td>
<td>92</td>
</tr>
<tr>
<td>Shopping Center (820)</td>
<td>9 ksf</td>
<td>17</td>
<td>12</td>
<td>16</td>
<td>17</td>
</tr>
<tr>
<td>Total Area Trips</td>
<td></td>
<td>(-125)</td>
<td>(-66)</td>
<td>(-11)</td>
<td>(-109)</td>
</tr>
<tr>
<td>Net New System Trips</td>
<td></td>
<td>+149</td>
<td>+216</td>
<td>+504</td>
<td>+437</td>
</tr>
</tbody>
</table>

(1) Based on data collected at similar type community parks.
(2) Based on observations, generates trips at a lower rate (approximately 50 percent) than a typical department store.
(3) Based on data collected at the existing YMCA.
(4) Based on data collected at the existing banks (prior to TCF reconstruction)
35% Multi-Use Internal Capture of trips within our study area. This multi-use is split between the east and west side of Plymouth Road.
Proposed Parkway Configuration

Based on discussions with city staff and previous area transportation assessments, there is a desire to modify Ridgedale Drive (between Plymouth Road and the I-394 Eastbound On-Ramp) from the current 4-lane undivided facility to a roadway which would better accommodate pedestrian and bicyclist facilities while continuing to maintain efficient and safe vehicular operations. Previous transportation studies have indicated that current and future traffic volumes along Ridgedale Drive can be accommodated with a two-lane facility with turn lanes.

By reconfiguring the roadway cross-section (as part of the necessary planned reconstruction) to a two-lane facility from the current 4-lane facility (commonly referred to as a road diet), a multi-purpose trail and additional streetscaping elements can be incorporated into the reconstruction project. A multi-purpose trail is expected to provide better access to pedestrian and bicyclist connections for the redeveloped areas around Ridgedale Mall and the surrounding properties. With the redevelopment of parcels along Ridgedale Drive, the parkway configuration is expected to increase pedestrian activity from current levels observed under existing conditions.

Roundabouts are proposed along Ridgedale Drive at Wayzata Boulevard, YMCA Lane, and the Government Center/Southwest Mall Access. Although traffic signals would be expected to provide similar intersection capacity as the roundabouts during the peak periods, the roundabouts provide improved operations (less delays and stopping) during the off-peak periods and help facilitate speeds to be more in line with the posted speed limit. Furthermore, the roundabouts help facilitate movements along Ridgedale Drive related to other access modifications planned, such as at the former Redstone development and the Sheridan Hotel. The roundabouts, as well as the other access locations, were strategically located to serve both existing and future development within the area.

An illustration of the proposed parkway configuration, which was developed by WSB & Associates, is shown in Figure 7. It should be noted that in an effort to reduce travel speeds, allow more continuous vehicular flows, and improve pedestrian safety throughout the study area, a reduction in access and various traffic control modifications were incorporated into the proposed parkway configuration. Therefore given the access modifications, the future year 2040 build traffic forecasts were modified to reflect the proposed parkway access configurations, which are shown in Figure 8.
Year 2040 Intersection Capacity Analysis

Based on the future year 2040 traffic forecasts, an intersection capacity analysis was completed for both the existing 4-lane undivided configuration, as well as the proposed parkway configuration. The purpose of this analysis is to compare operations between the two configurations, as well as to determine any potential modifications to the proposed parkway configuration to ensure safe and efficient operations for all users. The following information provides an overview of the year 2040 intersection capacity analyses.

Year 2040 4-Lane Undivided Conditions (i.e. No Build)

Results of the year 2040 no-build intersection capacity analysis shown in Table 4 indicate that all study intersections are expected to operate at an acceptable overall LOS C or better during the weekday midday, weekday p.m., and Saturday midday peak hours with the existing roadway geometry and traffic controls. The westbound 95th percentile queuing identified at the Wayzata Boulevard intersection under existing p.m. peak hour conditions will continue but is not expected to significantly change under year 2040 no-build conditions. The northbound queues at the YMCA Lane intersection during the weekday p.m. peak hour are expected to be two (2) or three (3) vehicles, which is a result of the YMCA relocation and other redevelopment travel pattern shifts.

Table 4 Year 2040 No-Build Intersection Capacity Analysis

<table>
<thead>
<tr>
<th>Ridgedale Drive Intersection</th>
<th>Weekday Midday Peak Hour</th>
<th>Weekday P.M. Peak Hour</th>
<th>Saturday Midday Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-394 Eastbound On-Ramp</td>
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<td>A/F (56 sec.)</td>
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<td>C (26 sec.)</td>
<td>C (25 sec.)</td>
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(1) Indicates an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst approach LOS. The delay shown represents the worst side-street approach delay.

It should be noted that the eastbound queues at the Southeast Mall Access intersection during the weekday p.m. peak hour are expected to extend to the internal ring road, with delays reaching nearly one minute for left-turning motorists. This is a result of the redevelopment within Ridgedale Mall and more trip intensive land uses being located near this access as compared to existing conditions. When side-street delays begin to approach one minute, access restrictions or traffic control modifications are often considered to address these types of concerns.
Year 2040 Proposed Parkway Conditions (i.e. Build)

Results of the year 2040 build condition intersection capacity analysis shown in Table 5 indicate that all study intersections and proposed access locations are expected to operate at an acceptable overall LOS C or better during the weekday midday, weekday p.m., and Saturday midday peak hours. Previously identified queues at Wayzata Boulevard are expected to decrease to approximately five vehicles during the p.m. peak hour. There is not expected to be any significant queuing or delay issues with the proposed parkway configuration. Internal mall vehicle circulation was not evaluated as part this project, but city public safety officials will likely monitor impacts in the future.

<table>
<thead>
<tr>
<th>Ridgedale Drive Intersection</th>
<th>Weekday Midday Peak Hour</th>
<th>Weekday P.M. Peak Hour</th>
<th>Saturday Midday Peak Hour</th>
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(1) Indicates a roundabout traffic control
(2) Indicates an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst approach LOS. The delay shown represents the worst side-street approach delay.

Traffic Forecasts/Sensitivity Tests

Since Ridgedale Drive is located immediately adjacent to Ridgedale Mall and serves other retail land uses, special consideration was given to account for traffic volumes increases during the winter holiday period (i.e. between Thanksgiving and Christmas). SRF has previously reviewed holiday traffic volumes near the study area as a part of other traffic studies conducted for the city in December 2014 as part of a separate traffic study. Based on a review of the historical holiday traffic volumes previously collected, area traffic volumes generally increase approximately 20 to 25 percent during the holiday peak period. This includes traffic volumes both in/out of Ridgedale Mall and at adjacent land uses (i.e. Ridges Square shopping centers).

In addition to the historical information, loop detector data at the adjacent interstate entrance/exit ramps was reviewed. This review confirmed the 20 to 25 percent increase in area traffic volumes during the holiday period. The data suggests the traffic volume increase occurs during both weekdays and Saturdays. It should be noted that the weekend immediately prior to the Christmas holiday was 35 percent higher than the typical weekday/Saturday condition. As a result of the holiday nature of area traffic volumes, various intersection capacity analysis sensitivity tests were conducted to understand how fluctuations in traffic volumes may impact operations of the proposed parkway configuration. In addition, these sensitivity tests were utilized to help the city better understand how potential modifications to the proposed parkway configuration would change area operations.
The intent of this information is to provide the city additional information to make an informed decision, create design flexibility, and prevent overbuilding city infrastructure. With any project, additional considerations need to be taken into account to balance vehicle capacity, safety, access, and pedestrian connectivity, amongst others. There is a balance between designing for vehicle LOS during the peak conditions relative to impacts associated with other modes of transportation. The sensitivity analysis reviewed the benefits of the following proposed concept modifications:

**Wayzata Boulevard**

1) Construct a westbound right-turn lane along Wayzata Boulevard.
   
a) The addition of a westbound right-turn lane would reduce westbound delays from 38 to 22 seconds and queues from 11 to seven (7) vehicles during the weekday p.m. peak period.

**Government Center Access (Roundabout)**

1) Option 1: Construct an additional southbound right-turn lane out of the mall. This southbound right-turn lane would likely be directed into a westbound right-turn lane at Ridgedale Drive.
   
a) The southbound delay would be reduced from 38 to 15 seconds, with queues reduced from 10 to four (4) vehicles during the weekday p.m. peak period. No impact to westbound queues and delays is expected.

2) Option 2: Construct the roundabout and medians with the potential to add an additional westbound lane through the roundabout, resulting in a shared left/through and shared through/right-lane configuration upon expansion.
   
a) The additional westbound lane would reduce westbound queues from 15 to two (2) vehicles and southbound queues from 10 to six (6) vehicles during peak holiday times. Westbound delays would be reduced from 47 to 10 seconds, while southbound delays would be reduced from 38 to 20 seconds.

   b) The need for the additional westbound lane becomes greater if an additional access to Ridgedale Mall is constructed east of the roundabout (such as at the existing South Access), which is expected to direct more westbound traffic through the Government Center Access.

**Plymouth Road Intersection**

1) Remove the channelized/free-right turn lanes on all approaches.
   
a) This modification would improve pedestrian safety in the area and is not expected to positively or negatively impact capacity at the intersection. Additional modeling efforts and coordination with Hennepin County and MnDOT should be completed to confirm the removal of the channelization's.
Conclusion

Based on the results of the *Ridgedale Drive Reconstruction Transportation Assessment*, the proposed parkway configuration is expected to provide safe and efficient operations to meet the current and future needs of Ridgedale area users. Some delays are expected during the peak holiday periods, but the current design provides a good balance between capacity, safety, and pedestrian facilities. The intersection delays are not expected to significantly degrade from current holiday peak conditions. Furthermore, the proposed parkway configuration is designed to provide flexibility and expandability should unforeseen land use and/or access modifications occur.
City Council Agenda Item #15A
Meeting of April 30, 2018

Brief Description: Appointments to the senior citizens advisory board

Recommended Action: Approve the recommended appointments

Background

The senior citizens advisory board currently has two open positions. Bob Gilbertson and Patricia Baker have expressed a willingness to dedicate the time and energy necessary to be contributing members. Based on the material submitted and recommendation from Steve Pieh, the senior services and activities manager, I recommend that both be appointed. The updated membership roster showing the composition of the senior citizen advisory board is attached.

Recommendation
To approve the following appointment:

- Bob Gilbertson, to the senior citizens advisory board, to serve the remaining portion of a two-year term, effective April 30, 2018 and expiring on May 31, 2019.
- Patricia Baker, to the senior citizens advisory board, to serve the remaining portion of a two-year term, effective April 30, 2018 and expiring on May 31, 2019.

Respectfully submitted,

Brad Wiersum
Mayor
### Senior Citizens Advisory Board

*Current Members*

This board is comprised of 15 members whose duties include advising the city council on the needs and status of seniors in the city, recommending ways in which those needs may be met; determining and assessing existing resources in the city which may be utilized by seniors to meet their needs; evaluating and assessing proposed programs, grants and other governmental activities which may impact seniors; recommending policies, goals and objectives for the operation of the Senior Center, and working with staff and the senior director. Members serve two-year terms, and meet the second Tuesday of each month at 10:00 a.m.

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<tr>
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**Staff Liaison:**
Steve Pieh, Senior Services Director, Ph # 952-939-8366