Agenda
Minnetonka City Council
Regular Meeting, Monday, October 10, 2016
6:30 P.M.
Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Wagner-Ellingson-Allendorf-Acomb-Wiersum-Bergstedt-Schneider
4. Approval of Agenda
5. Approval of Minutes: August 8 and 22, 2016 regular council meetings
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: None
10. Consent Agenda - Items Requiring a Majority Vote:
   A. First Amendment to Site Lease Agreement with Sprint for Tonkawood water tower
   B. Resolution approving TONKAWOOD FARMS FIRST ADDITION, a 3-lot subdivision, with lot width at setback variances, at 15014 Highwood Drive
   C. Resolution regarding grant application to Hennepin County for Civic Center athletic field lighting
   D. Resolution appointing election judges and absentee ballot board for the November 8, 2016 State General Election
   E. Resolution authorizing the execution of a contract with CardConnect for credit card processing services
11. Consent Agenda - Items Requiring Five Votes: None
12. Introduction of Ordinances: None

13. Public Hearings:

   A. Resolution approving vacation of existing drainage and utility easements located at 4301 Highview Place and an adjacent, unaddressed parcel

      Recommendation: Hold the public hearing and adopt the resolution (4 votes)

14. Other Business:

   A. Items concerning Ridgedale Corner Shoppes at 1801 Plymouth Road:

      1) Repeal and replacement of an existing master development plan;
      2) Final site and building plans, with variances;
      3) Appeal of maximum p.m. peak hour trips;
      4) Conditional use permit; and
      5) Preliminary and final plats.

      Recommendation: Adopt the ordinance and resolutions approving the proposal (4 votes)

15. Appointments and Reappointments: None

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

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

2. **Pledge of Allegiance**

All joined in the Pledge of Allegiance.

3. **Roll Call**

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

4. **Approval of Agenda**

Wiersum moved, Acomb seconded a motion to accept the agenda as presented. All voted “yes.” **Motion carried.**

5. **Approval of Minutes: None**

6. **Special Matters**

7. **Reports from City Manager & Councilmembers**

City Manager Geralyn Barone reported on upcoming meetings.

Bergstedt reported on the success of National Night Out and thanked police, public works, and fire staff for visiting 185 neighborhood gatherings.

Bergstedt thanked City Clerk David Maeda for spearheading the implementation of e-poll books which will be used for the primary and general elections in Hennepin County.

Acomb said that it was well worth attending Workshop on the Water which dealt with integrating communities’ work plans to improve water quality.

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

9. **Bids and Purchases:**

A. **Authorize execution of solar garden contract with MN Community Solar.**
City Attorney Corrine Heine provided the staff report.

In response to Allendorf’s question, Heine explained that the savings would begin shortly after the garden would become operable. She stated that Gary Swanson may provide the details of his contracts. The existing providers have a two-year time limit to get the gardens operational or the city has the right to terminate the contracts.

Swanson explained that the first solar garden, with 1.1 million kilowatts, would be built by November 1, 2016. The second, with 3.5 million kilowatts, would come online this year as well. The new vendor anticipates to start by the end of the year. The savings should be noticeable a month after the solar gardens begin operation. The land permits have been obtained, fees have been paid to Xcel Energy, and interconnection agreements have been completed.

Wiersum noted that the city spends approximately $1.4 million on electricity every year. He confirmed with Swanson that the city should save between 5 percent and 6 percent annually. Swanson noted that the savings would increase as Xcel increases its prices, so he expects the city to save $15 million over the 25-year contract. The $2 million savings refers to the current contract.

Acomb moved, Allendorf seconded a motion to authorize the mayor and city manager to execute the solar garden provider contract with Minnesota Community Solar subject to approval of the final language by the city manager and city attorney. All voted “yes.” Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:

A. Items concerning the construction of a new home at 2512 Bantas Point Lane:

1) Variances and expansion permits; and
2) Floodplain alteration permit.

Wiersum requested this item be pulled from the consent agenda to allow staff to explain how the proposal would improve the site’s treatment of stormwater. City Planner Loren Gordon explained that the proposal would decrease the lot’s total amount of hardcover from 50 percent to 36 percent. That would improve the site’s water quality. The proposal would also create a floodable crawl space which it does not have now. Wiersum
liked the look of the house. It would be a great addition to the neighborhood.

Wiersum moved, Allendorf seconded a motion to adopt resolution 2016-057 approving an expansion permit and variances for the construction of a new house at 2512 Bantas Point Lane and resolution 2016-058 approving a floodplain alteration permit for a new house at 2512 Bantas Point Lane. All voted “yes.” Motion carried.

B. Resolution approving a conditional use permit for telecommunications facilities at 12475 Marion Lane West.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2016-059 approving a conditional use permit for a telecommunications facility at 12475 Marion Lane West. All voted “yes.” Motion carried.

C. Resolution approving the final plat of Williston Woods West at 5431 Williston Road.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2016-060 approving the final plat for Williston Woods West at 5431 Williston Road. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes:

A. Resolution authorizing purchase of real property and amending the 2016-2020 CIP.

Allendorf moved, Wagner seconded a motion to adopt resolution 2016-061 and amend the 2016-2020 CIP. All voted “yes.” Motion carried.

12. Introduction of Ordinances:

A. Items concerning a townhome development at 11901 Minnetonka Boulevard:

1) Ordinance amending the existing Big Willow Townhomes master development plan;
2) Site and building plan review; and
3) Preliminary and final plats.

Gordon provided the staff report.
Wagner asked if the elimination of the mutual access point was a condition of a previous approval. Gordon explained that the access points were included in an attempt to anticipate what would meet with the county’s approval, but the county will determine what will happen.

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

13. Public Hearings:

A. Resolution vacating an existing trail easement located at 14301 Stewart Lane.

Gordon gave the staff report.

In response to Ellingson’s question, Gordon explained that the trail easement would allow for a trail if one would be deemed possible. Wischnack added that the terrain is difficult and has a lot of wetland, but the approval would provide the possibility to do so if conditions would allow a trail. Barone clarified that a trail connecting the site to the western properties would be located south of the building. The trail easement on the west side may be vacated because it would not be possible to put the trail at that location given the configuration that has already been approved by the city council. Wischnack reviewed the layers of easements. The proposal is the best solution to connect a trail to Kinsel Park. The new trail easement is a condition of approval.

Gordon confirmed that the new trail would be located where the red line indicates.

Barone clarified that a trail is allowed in a conservation easement, so a trail easement would not be necessary.

Wiersum explained that the blue and red lines show the edge of the wetland and the area where a trail could be located. He was comfortable with the proposal because it would provide for a trail from Stewart Lane to Kinsel Park. A trail could be located through the conservation easement from east to west on the lake side of the building. The easement that covers the entire property needs to be released. He was comfortable with the proposal. It was confusing because the diagram of the new trail was not available when the packet was originally distributed. Acomb agreed.

The public hearing was opened.
Marlene Urbach, 5424 Mayview Road, stated that she walks Kinsel Park every day. She requested a copy of the maps.

The public hearing was closed.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2016-062 vacating the easement. All voted “yes.” Motion carried.

B. Resolution authorizing and affirming the issuance, sale, and delivery of multifamily housing revenue obligations for the benefit of CHC Minnetonka Affordable Housing LLC or its affiliates; authorizing the execution and delivery of the documents related thereto; and taking certain other actions.

Community Development Director Julie Wischnack and financial consultant Julie Eddington of Kennedy and Graven provided the staff report.

The public hearing was opened.

No one spoke.

The public hearing was closed.

Wagner moved, Wiersum seconded a motion to adopt resolution 2016-063 approving the Loan Agreement, Pledge Agreement, Disbursing Agreement, Note, Regulatory Agreement Music Barn, Regulatory Agreement Elmbrooke, Regulatory Agreement Golden Valley, and Guaranty. All voted “yes.” Motion carried.

14. Other Business:

A. Conditional use permit, with parking variance, for Eden Prairie Islamic Community Center at 5620 Smetana Drive.

Gordon provided the staff report.

Schneider established ground rules for speakers to be respectful and comments to be relevant to the action being taken. Comments must be related to the proposed variance or conditional use permit being considered. Any reference to religion, race, or terrorism would be ruled out of order.
Wagner confirmed with Gordon that parking agreements would be filed with the county and on record with each property. If the use would change or grow, then the conditional use permit and parking would be reviewed.

Mohammad Ibrahim and Nemat Janetkhan introduced themselves, both board members of the Eden Prairie Islamic Community Center (EPIC), the applicant. Ibrahim stated that EPIC hopes to create a place of worship. They were available for questions.

The public hearing was opened.

The public hearing was closed.

Wagner suggested adding a condition to require that the conditional use permit be reviewed if the property owners would no longer be common. He was concerned with uses in the future having matching peak parking demand hours. Heine noted that a change in the use of the building would be the trigger rather than a change of the property owner.

Wiersum was comfortable with a change in the use being the trigger to require review of the conditional use permit which would include an evaluation of parking requirements. The conditions of approval are attached to the property.

Barone suggested changing the word “should” to “must” when the conditional use permit references that a parking agreement “should be formalized” and “should be filed.”

Wischnack added that “or parking” could be added to section 11 as follows: “. . . any change to the approved use or parking that results in a significant increase in traffic or parking would require a revised conditional use permit.” Wagner thought that would be helpful.

In response to Wagner’s question, Gordon clarified that the trip-generation ordinance is always in effect. An increase in the number of trips would trigger a review.

Wiersum asked when the trip-generation fee would be applied. Gordon answered that it would be applied when the daycare use would apply for a building permit.

Wagner moved, Wiersum seconded a motion to adopt resolution 2016-064 approving a conditional use permit, with a parking variance, for Eden Prairie Islamic Community Center (EPIC) at 5620 Smetana Drive with a
replacement of “should” to “must” in subsection 4 to reflect that the parking agreement must be formalized and must be filed and a modification of subsection 11 to add that any change to the approved use or parking would require a review of the conditional use permit. All voted “yes.” Motion carried.

Wagner noted that it would be beneficial for the city council to set aside some time to consider the optimum density level of the area.

B. Resolution approving the preliminary plat of Highview Place, a nine-lot subdivision, generally located at the northwest corner of I-494/State Highway 7 interchange.

Gordon provided the staff report.

Wiersum confirmed with Gordon that the proposal meets all ordinance requirements.

Rob Eldridge, owner of Ridge Creek Custom Homes, stated that staff has been great to work with for the past year to shape the proposal into something that would make the city and neighborhood happy.

Acomb moved, Wagner seconded a motion to adopt resolution 2016-065 approving the request. All voted “yes.” Motion carried.

C. Resolution endorsing the Glen Lake Neighborhood Study.

Gordon provided the staff report.

Wagner recalled that at the last meeting it was agreed upon that language should be included in the staff report to recommend consideration of an additional study to consider the density and use impacts on the hydrology of Glen Lake. He did not see those specific words in the narrative of the report.

Acomb recalled the part of the discussion that stated that new analysis is necessary to prevent further degradation.

Wiersum was looking for reasonable expectations of what could be done to help the lake. He wants to identify improvements that could be achieved. Gordon reviewed parts of the staff report that deal with protection of the lake.
Wagner favored articulating what realistic things could be done to improve Glen Lake. Schneider agreed. It would allow the council to consider allocating funds to complete the improvements.

Wischnack noted that compiling the information from several reports could be helpful. There is a predictable lifecycle of each lake.

Barone stated that a bullet point regarding hydrology could be added on Page 14 in the category regarding trails and improvements to Glen Lake. Schneider would appreciate a reconsolidation of the previous reports with a focus on the best management practices to maintain and improve the health of the lake.

Wiersum suggested compiling an executive summary of the Barr Engineering report from 1992. Updating the report may be needed if it is determined worthwhile to do so every 24 years.

Allendorf recommended asking the watershed district what has been done over the last 24 years and what could be done before requesting another study.

Bergstedt recalled a study that provided detailed information that could be reviewed. He noted additional lakes that are struggling. He supported looking at what could be done for Glen Lake and additional lakes.

Grace Sheely, 14325 Grenier Road, thanked staff for the report and stated that there is a lot right about it. She stated that:

- She wants a much broader conversation with more options about the home school site. The report should state that the proposal is not what the community wants, but is one design plan that could possibly move forward.
- There is no water where the dock is proposed to be located.
- The topography can be changed to save the lake.
- It is not worth spending more money on studies. The Department of Natural Resources (DNR) ranks each lake with its purpose. Glen Lake does not need any more time or money since it will become a wetland in 100 to 150 years.
- She was disappointed that the neighborhood study is not in the report. The walkability is the most important thing. The trails dead end in random places.
- The village studies should be consistent and have the same title headings. Residents could provide comments on what is working and not working for each section. She wants the neighborhood
study to be a work in progress that could be used for the comprehensive guide plan.

- She wanted a personal invitation when the home school property was being discussed. She lives adjacent to it. She requested a city-wide discussion.
- She thanked everyone for making the report better.

Schneider noted that the study was part of a process. Hennepin County owns the property. The property will be reviewed again as part of the comprehensive guide plan process.

Acomb thought the report seemed to limit the possible uses of the site. She requested the removal of the part of the report that limits the parcel to residential uses to allow opportunities to be presented. Wagner agreed. He would not support the Glen Lake Study without language that recognizes that the most likely use would be residential, but that all proposals would be considered.

Wischnack explained that the study’s intention is to prepare for a possible future change in use. Staff will make the change in the report.

Bergstedt appreciated Sheely’s comments. It would be a mistake to limit the possible uses of the site. It needs to be a city-wide discussion.

Wiersum agreed. This will not be the last word on the site.

Allendorf noted that the county will ultimately decide what to do with the property.

Schneider thought the words “guiding principles” may give the wrong intent. He suggested changing the title to something to mean examples of likely scenarios while remaining open to alternatives.

Wagner agreed. He favored a line stating that if the property would become available, then the city would consider all signature and best uses for the property. Though having the funding to do so would be unlikely, the possibility of the site becoming a park should not be eliminated.

Ellingson agreed with being open minded regarding what could be done with the Home School site. The property should be included in the study. The study was well done. This is not a neighborhood issue. It is a city-wide issue. He did not want to give the impression that the study represents the city’s vision.
Schneider stated that the study provides notice to the community that the site may change and that a residential use or corporate campus are possibilities.

Wiersum stated that the study provides principles, not plans. Applicants bring ideas to the city. The city needs to provide a framework for conversation. Barone agreed that it is helpful for staff to have a document that identifies what the community and councilmembers value when meeting with potential developers. Acomb added that the list should not limit the possibilities.

Barone preferred to postpone taking action on the study to allow time for changes to be made regarding the home school property. She identified the need to create a framework to discuss the importance of the hydrology of the area. Allendorf recommended using the resources of the watershed district. Wagner suggested having a study session that would give councilmembers the right information to pass on to residents regarding what improvements could be done for each lake to create accurate expectations.

Wiersum moved, Acomb seconded a motion to refer a resolution endorsing the Glen Lake Neighborhood Study back to staff. All voted “yes.” Motion carried.

15. Appointments and Reappointments: None

16. Adjournment

Wagner moved, Wiersum seconded a motion to adjourn the meeting at 8:52 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

Lois T. Mason
Deputy City Clerk
1. **Call to Order**

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

2. **Pledge of Allegiance**

All joined in the Pledge of Allegiance.

3. **Roll Call**

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

4. **Approval of Agenda**

Bergstedt moved, Allendorf seconded a motion to accept the agenda as presented with amendments to resolutions listed in the addendum dated August 22, 2016. All voted “yes.” Motion carried.

5. **Approval of Minutes: None**

6. **Special Matters: None**

7. **Reports from City Manager & Councilmembers**

Barone reported on upcoming meetings.

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

Bill Webster, 3209 Larchmore Avenue, stated that he has to drive over a curb to access a tarred area. He has contracted someone to rip out and tar an area so it would look good. He was supposed to get 30 feet of curb, but there is only 27 feet of curb. He is asking for a way to access the parking spots that he has been using for 27 years in order for him to go to work in the morning without driving over the curb. He was also concerned that a 6-inch high curve would prevent runoff from dumping out and could cause the neighbor’s basement to flood.

Schneider noted that there is a maximum-driveway-width standard. Staff is following the city standards while providing some leeway. The standard applies to every property. Schneider visited the site. There are ways to get a truck out of the 30-foot driveway without going over a curve. Some of the storage areas are...
located in the street right of way. Staff has done a good job accommodating the needs of the site while maintaining the standards as much as possible.

9. **Bids and Purchases:** None

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

    A. **Resolutions pertaining to levying the 2016 special assessments.**

    Allendorf moved, Acomb seconded a motion to adopt resolution 2016-066 declaring costs for Project No. 4894 (1-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing. All voted "yes." Motion carried.

    Allendorf moved, Acomb seconded a motion to adopt resolution 2016-067 declaring costs for Project No. 4894 (3-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing. All voted "yes." Motion carried.

    Allendorf moved, Acomb seconded a motion to adopt resolution 2016-068 declaring costs for Project No. 4894 (5-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing. All voted "yes." Motion carried.

    Allendorf moved, Acomb seconded a motion to adopt resolution 2016-069 declaring costs for Project No. 4894 (10-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing. All voted "yes." Motion carried.

    Allendorf moved, Acomb seconded a motion to adopt resolution 2016-070 declaring costs for diseased tree removal - Project No. 4902 (1-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing. All voted "yes." Motion carried.

    Allendorf moved, Acomb seconded a motion to adopt resolution 2016-071 as amended of special assessment declaring costs for diseased tree removal - Project No. 4902 (3-year) nuisance abatement projects, ordering the preparation rolls, and scheduling a public hearing. All voted “yes.” Motion carried.

    Allendorf moved, Acomb seconded a motion to adopt resolution 2016-072 as amended declaring costs for diseased tree removal - Project No. 4902 (5-year) nuisance abatement projects, ordering the preparation of special
assessment rolls, and scheduling a public hearing. All voted “yes.” Motion carried.

Allendorf moved, Acomb seconded a motion to adopt resolution 2016-073 declaring costs for city court fines, Project No. 1020 (1-year), ordering the preparation of special assessment rolls, and scheduling a public hearing. All voted “yes.” Motion carried.

Allendorf moved, Acomb seconded a motion to adopt resolution 2016-074 declaring costs for the trip generation fee for the property at 10401 Bren Road East, ordering the preparation of special assessment rolls. All voted “yes.” Motion carried.

B. Resolution approving a conditional use permit, with building plans, for a licensed daycare facility at 6030 Clearwater Drive.

Allendorf moved, Acomb seconded a motion to adopt resolution 2016-075 approving a conditional use permit, with building plans, for a licensed daycare facility at 6030 Clearwater Drive. All voted “yes.” Motion carried.

C. Twelve-month extension of the Saville West final plat at 5290 and 5300 Spring Lane, 5325 County Road 101, 5301 and 5311 Tracy Lynn Terrace, and unassigned addresses.

Allendorf moved, Acomb seconded a motion to adopt resolution 2016-076 approving the 12-month time extension of the Saville West final plat at 5290 and 5300 Spring Lane, 5325 County Road 101, 5301 and 5311 Tracy Lynn Terrace, and unassigned addresses. All voted “yes.” Motion carried.

D. Twelve-month extension of the Oakhaven Acres 2nd Addition preliminary plat at 13929 Spring Lake Road.

Allendorf moved, Acomb seconded a motion to adopt resolution 2016-077 approving the 12-month time extension of the Oakhaven Acres 2nd Addition preliminary plat at 13929 Spring Lake Road. All voted “yes.” Motion carried.

E. Resolution requesting MnDOT variance for Ridgehaven Lane/Ridgedale Drive.

Allendorf moved, Acomb seconded a motion to adopt resolution 2016-078 approving the resolution requesting MnDOT variance for Ridgehaven Lane/Ridgedale Drive. All voted “yes.” Motion carried.
11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances: None

13. Public Hearings:

A. Resolution vacating public right-of-way, drainage, and utility easements at 11571 Robinwood Circle.

Manchester provided the staff report.

The public hearing was opened.

No one spoke.

The public hearing was closed.

Acomb moved, Wagner seconded a motion to adopt resolution 2016-079 vacating the right-of-way, drainage, and utility easements. All voted “yes.” Motion carried.

B. Items concerning Station Pizzeria LLC, 13008 Minnetonka Blvd:

1) Conditional use permit and site and building plan review.
2) On-sale wine and on-sale 3.2% malt beverage licenses.

City Planner Loren Gordon and Community Development Director Julie Wischnack provided the staff report.

In response to Wagner’s question, Gordon stated that the city has not received a petition yet to post “no parking” signs on Burwell Drive. The residents on that street decided to wait for a while and see what would happen before submitting a petition.

Schneider noted that the city could install a “no commercial parking” sign if parking became a problem.

Acomb asked when the Applewood project would be completed to free up the city parking lot. Wischnack estimated sometime this winter.

In response to Allendorf’s question, Gordon reviewed the parking options considered.
Ryan Burnet, applicant, stated that the plans have changed. He wants to be a good neighbor. The amount of outdoor seating has been drastically scaled back. Beer and wine would be the only alcohol sold. The number of indoor seats has been decreased from 80 to 71 seats. It would be a family-style-pizza restaurant.

The public hearing was opened.

Daniel Ogden, 11571 Robinwood Circle, stated that the restaurant would be awesome. It would be great.

Stacy Avery, 12824 Burwell Drive, stated that she has been representing the neighborhood. The residents are planning to submit a petition sometime in the future to request that Burwell Drive be signed “no parking” or “permit parking only.”

Claudia Gundlach, 12901 Burwell Drive, stated that:

- She was surprised to see the changes in the new plan.
- She was concerned with heavy traffic around 5 p.m.
- She questioned how traffic would flow to and from the restaurant.
- There should be no parking allowed on Bridge Street. Parking on Bridge Street would make it look like a parking lot.
- The creek is protected land.
- An increase in traffic would change the character of the neighborhood.

Tim Demars, 12925 Burwell Drive, stated that:

- He commended the applicant for making the changes.
- Traffic is always an issue, but everyone realizes that.
- The changes are progress and he is looking forward to having a pizza place close by.
- He is still concerned with light shining in his back yard.

Beverly Baker, 12900 Saint David’s Road, stated that the proposal should close before 1 a.m. since it would be located in a residential neighborhood and would be a family restaurant. The surrounding restaurants close at 9 p.m.

The public hearing was closed.

Wagner thought many reasonable concerns had been addressed. He recognized the need to consider more public parking options for the Mills
area. He directed staff to partner with the watershed district and consider what could be done to improve the stormwater treatment for the area and promote pervious surfaces. He supports the use and commends the applicant for the changes to the proposal in response to neighbors’ comments. It will be a great addition.

Allendorf asked how vehicles would enter and exit the site. Gordon explained that the traffic study found that Bennis Feed and Fuel averaged 340 trips a day. The proposal would produce an estimated 966 trips during summer and 362 trips in the winter. Traffic would travel counter clockwise through the site to get drivers back to the intersection at Bridge Street and Minnetonka Boulevard where there would be more control. The level of service on Bridge Street is currently a “D” in the afternoon due to construction going on in the west metro including Interstate 494, Shady Oak Road, and County Road 101. The level of service would stay the same as what it was like before the road construction projects began.

Allendorf confirmed with Gordon that the building permit would require a lighting plan and light would not be allowed to extend into a neighboring property. Wischnack added that staff would visit the site now to be able to compare the light when the project would be completed.

Acomb commended the applicant for listening to the neighbors and scaling back the project. It will be a welcome addition to the business district. She agreed with finding ways to increase the public parking for all of the businesses in the area. She supported improving the stormwater management practices. She thought the traffic on Bridge Street has improved since the changes were done to St. David’s parking lot access. She looked forward to the restaurant opening soon.

Bergstedt thanked the applicant for making the changes. He was comfortable with the proposed use since the beginning. The reduction in the amount of seating, increase of on-site parking, and change of the liquor license to serve only beer and wine would be more appropriate for the site. He thanked planning commissioners, neighbors, and other businesses in the area for reviewing the issues at a long meeting. He thanked staff for getting all of the parties together last week. The proposal would provide vitality to the Minnetonka Mills area.

Schneider thanked the applicant for taking a challenging project and making it easy to support. He supported future uses using the creek as an asset. The city should consider adding public parking spaces south of the creek. It would provide a long-term public benefit and provide vitality to the area.
Wagner suggested that staff look at what stormwater management practices may be implemented while developing long-term parking plans for the Mills area with Minnehaha Creek Watershed District personnel and estimate costs for the improvements to be included in the CIP.

Wagner moved, Acomb seconded a motion to adopt resolution 2016-080 approving a conditional use permit for a restaurant and outdoor eating area, with variances, at 13008 Minnetonka Boulevard and adopt resolution 2016-081 approving final site and building plans, with variances, for site and building changes at 13008 Minnetonka Boulevard. All voted “yes.” Motion carried.

Wagner moved, Acomb seconded a motion to grant the on-sale wine and on-sale 3.2% malt beverage liquor licenses for Minnetonka Pizza, LLC (Station Pizzeria), at 13008 Minnetonka Boulevard. All voted “yes.” Motion carried.

14. Other Business:

A. Items concerning construction of that portion of the Southwest Light Rail Transit line located in the City of Minnetonka:

1) Wetland rezoning;
2) Wetland and floodplain alteration permit;
3) Wetland replacement plan;
4) Wetland, wetland buffer, and floodplain variances;
5) Conditional use permit for impervious trails within wetland buffers; and
6) Approval of construction on a steep slope development and tree removal.

Gordon gave the staff report.

Schneider invited anyone present to comment. No one responded.

Wagner moved, Bergstedt seconded a motion to introduce the ordinance removing area from the wetland overlay zoning district; adopt resolution 2016-082 approving a wetland and floodplain alteration permit; adopt resolution 2016-083 approving a wetland replacement plan as regulated by the Wetland Conservation Act for the SWLRT line; adopt resolution 2016-084 approving wetland, wetland buffer, and floodplain variance; adopt resolution 2016-085 approving a conditional use permit for impervious trails within wetland buffers; and adopt resolution 2016-086
approving construction on a steep slope development and tree removal. All voted “yes.” Motion carried.

B. Ordinance regarding Temporary Family Healthcare Dwellings.

Gordon provided the staff report.

Cathy Matrejek, resident of 15300 Crown Drive and co-owner of Changing Lifestyle Solutions, stated that she supports tiny houses and favored Minnetonka not opting out of the state regulation. There is no option similar to this for 24-hour care in Minnetonka. The only option in Minnetonka is residential-care housing that costs $8,500 per month. A temporary dwelling unit would cost between $48,000 and $53,000 to purchase. It could be paid off in 6 months. She encouraged not opting out of the state regulation.

Barb DeMeuse, 1509 Archwood Road, provided that a homeowner in her neighborhood has units in her house where she cares for people who are recuperating from surgery. She charges for the length of time the person needs care.

Schneider noted that state law allows group homes of up to six residents.

Wischnack explained that ordinances provide for the community development director to exempt a resident with a temporary disability or circumstance from certain requirements and that the city has utilized that before. Accessory dwelling units are utilized from time to time inside single-family homes with a conditional use permit. The property owner is required to reside on the property in one of the units. If a need is identified, then the city council would review the issue again at that time.

Schneider stated that the city already has tools in place to come up with a solution for this type of situation. He agreed with monitoring cities who opted in to determine the pros and cons of the statute. He supported staff’s recommendation to opt out with the understanding that the city has a solution to this type of situation and that the city is agreeing to tuque that to make it a little more usable.

Allendorf moved, Acomb seconded a motion to adopt ordinance 2016-09 opting out of the state regulation. All voted “yes.” Motion carried.
C. Concept plan for Crest Ridge Senior Living at 10955 Wayzata Boulevard.

Gordon provided the staff report.

Marty McCarthy, of Opus Development Company at 10350 Bren Road West, representing the applicant, introduced himself and Matt Rauenhorst. McCarthy stated that the property was purchased 10 years ago. He introduced Susan Farr, vice president of business development at Ebenezer, who is part of the management team. McCarthy stated that:

- The proposed building would be four stories with 145 market-rate senior housing units made up of 75 independent-care units, 50 assisted-living units, and 20 memory-care units. The breakdown of the type of units was determined by a market study. Senior housing is important to the community.
- An application will be submitted in the next couple months. Construction would begin in the spring of 2017 and be completed in approximately 14 months.
- The community has been very supportive of the project. He thanked the residents for providing their support and comments.

Eric Reiners, the applicant’s architect, stated that:

- The site is great for senior housing. There is a need in the area for senior housing and the proposal would fit well. There would be relatively little impact. Trees to the north and east would remain. Additional plantings would be added with landscaping.
- Gardens and patios would be provided for residents and connect to the public paths.
- The project would be a good transition from commercial to low density uses.
- The building design and site was carefully planned with a wide range of amenities for the residents. There would be shared areas, coffee shops, a theater, and a library.
- Ebenezer would be the operator and does an amazing job with providing services and activities for senior housing.
- The structure would be four stories. There would be independent senior living to secure memory care units.
- The building would extend 45 feet above grade.

In response to Wagner’s question, Reiners stated that it would be possible to reconfigure the building in the future. Wagner noted that there would be bus service one block from the site. He encouraged adding a variety of...
screening on the east boundary and reusing stormwater from the pond for irrigation. The proposal is complementary. The site has not been used for 10 years.

Allendorf asked if making the building's appearance similar to Syngenta's building had been considered. Reiners said that the design process has not gotten that far yet. He understood what Allendorf was saying. Reiners thought a middle ground between residential and office could be considered.

Acomb appreciated the attention to the outdoor space shown on the site plan with lots of opportunities to get outside and walk. There are amenities nearby to purchase groceries and ride the bus which makes it a great location for senior housing. She recommended including affordable units.

Ellingson recalled that there was a three-story limit on office buildings in the area. He did not want that to be a problem. Rauenhorst explained that an office floor is significantly higher than a residential floor. He noted that Syngenta is a four-story building with a walkout. The proposal would be four stories with a partially exposed underground garage. Since the floor height would be shorter, the proposed building would be very close to the building height of Syngenta. Wischnack clarified that there is no ordinance restriction. If councilmembers are comfortable with the proposal, then the master development plan would be amended.

Bergstedt supports the project. The site has sat empty for a long time. The proposal has green space, proximity to transit, and a respected developer and operator. It could work very well at this location. Issues like height would be worked out as the application progresses.

Schneider liked the site plan. It would eliminate a three-story parking structure. Supplemental landscaping would be appropriate, but the proposal is already an improvement. Corporate office buildings are not doing high-profile sites anymore. The proposed general use and aesthetics would be compatible, especially with the pond. The general footprint would be responsible. He would not like the building to match Syngenta's building. He would like the proposal to look like a nice residence with a pitched roof. The proposal looks good. He suggested considering a roof-top garden. The location would be good for this type of use. He supports the applicant moving forward with a more-detailed plan.

Allendorf suggested a color palate to blend into the area for the exterior of the proposed building.
Farr explained that Ebenezer operates 64 properties in Minnesota. It is important to seniors to stay in Minnetonka. There is a huge need for senior housing that will last for at least 40 years.

Schneider invited those present to speak.

Bergit Carlson, 1412 Archwood Road, stated that she supports the proposal. It is more in scale with the residential neighborhood. She is quite pleased and hopes it will happen. She is excited that there will be gardens and walking paths. She suggested a decorative fence to identify the boundary and contain grandchildren. She requested that the garden and parking area lights be aimed downward.

Barb DeMeuse, 1509 Archwood Road, stated that she agreed with Carlson. She would rather see the site as a residential use than office building. There would be less traffic. There were individual houses on the site nine years ago. She requested trees be planted on the south side of the site similar to the trees planted on the south side of Syngenta. The Syngenta building has five stories exposed on the side.

Ken DeMeuse, 1509 Archwood Road, applauded Opus for doing a tremendous job on the Syngenta building. He supports the proposal. He had concerns with determining the height of the top of the building. He was concerned with noise being caused by a generator. He prefers a high-density residential use to an office building. Screening is important. He is confident that Opus would do that. He prefers high-end senior living. Senior living would be a good choice for the site.

Schneider suggested that the applicant provide a rendering of the proposed building and Syngenta building to allow a comparison of the heights. Rauenhorst provided an illustration of the buildings from a ground-level vantage point. The model will be updated and more views will be added as the project progresses.

Schneider suggested ignoring the guidelines for an office building from 10 years ago and consider an appropriate multi-family housing project for the site.

Wagner said that the use would be great for the site. There still may be a discussion on the height at the next review. Wischnack stated that she will provide the height that was previously discussed for an office building and examples of buildings similar in size to the proposal at the next review.
D. Appeal of planning commission denial of variances for a blade sign at 1700 Plymouth Road.

Gordon provided the staff report.

Paul Guidera, director of real estate for Caribou Coffee, introduced himself and Ann Hurlbert, a planner with Landform Professional Services. Hurlbert stated that:

- One reason for a variance is due to the location of the sign being outside of the lease space. The configuration of the site required two drive-thrus to be located on the west side.
- She provided examples of the same sign at a similar location in Edina.
- The sign would rotate very slowly and subtly.
- The proposed sign would allow Caribou Coffee and Einstein Bagels to advertise on the same sign.
- It would meet many of the dynamic-sign requirements, but the ordinance does not address this type of sign. It is more like a barber pole than dynamic sign.
- The planning commission did not provide findings for denial.
- The store would not be visible. It would be the only retail space in the office building.
- It would be compatible with other signs in Minnetonka in commercial areas including the Dunn Brother’s location which has a blade sign.
- The location of the sign is important because it is the only representation of the coffee and bagel sign that would be visible to motorists.
- The proposed sign meets variance criteria. It is consistent with the comprehensive guide plan. The site has practical difficulties because of the visibility.
- She and Guidera were available for questions.

Guidera explained the history of the site and timeline. The old location will close this fall and the new location will not be open until this spring. The proposed sign is an important piece to identify the new location. The coffee and bagels concept is a single operation at a single location. The proposed sign is part of the key branding and 35th store. This sign would fit with the comprehensive guide plan and with how the Plymouth Road corridor will evolve and change.

Schneider invited those present to speak on the item.
Annette Bertelsen, 13513 Larkin Drive, stated that:

- She was speaking on behalf of residents in the Essex Hills neighborhood.
- The planning commission found that the site did not meet the practical difficulty requirement for a variance. She agreed.
- There will be monument signs and directional signs located by stop lights on Plymouth Road.
- It is a quantity and quality issue that impacts the welcoming aspect of the area.
- She is concerned with the precedent that would be set.
- The sign pollution will multiply. There is a threshold where there would be too many signs.
- The proposed sign would not be design cohesive or consistent.
- She requested the planning commission’s denial be affirmed.

Schneider agreed with staff. He has seen the same signs downtown and they are tastefully done. They create a more urban, walkable feel than a typical strip-mall flat sign. He concurred with staff that locating a retail destination on the back corner of a building needs something unique and reasonable. The rotating portion would be reasonable and address a practical difficulty.

Bergstedt said that a similar blade sign was approved for Dunn Brothers on the back of a building. It was done very tactfully and for the right reasons. Boulevard restaurant has a blade sign. The sign rotating every 30 seconds is not tacky or a distraction to drivers compared to dynamic billboards or cell phones. It softens the area and creates a more pedestrian feel. It is quaint, nice, and unobtrusive. He agreed with staff’s recommendation.

Wagner agreed with Schneider and Bergstedt. The sign would be tactful and a drive thru needs a directional sign.

In response to Acomb’s question, Guidera explained that he was told that the tenant expected to occupy the space where the sign would be located is agreeable to the proposed blade sign’s location.

Allendorf noted that the Boulevard blade sign looks good. The proposal would be appropriate.

Ellingson found that the sign would be very well done. There is a practical difficulty which is not the fault of Caribou Coffee. The sign would be fine.
Acomb thought the sign would be fine. The blade sign offers diversity. She had more of an issue with it being outside of the leased space. If that is not a concern to the applicant or tenant, then she could support the proposal. The variation adds charm.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2016-087 overturning the planning commission decision. All voted “yes.” Motion carried.

15. Appointments and Reappointments: None

16. Adjournment

Wagner moved, Bergstedt seconded a motion to adjourn the meeting at 9:27 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

Lois T. Mason
Deputy City Clerk
Brief Description: First Amendment to Site Lease Agreement with Sprint for Tonkawood water tower

Recommended Action: Approve the amendment

Background

In 1996, the city entered into a site lease with C-Call Corp. that allowed C-Call to install up to nine antennae on the Tonkawood water tower. C-Call installed only six antennae but retained the right to install three additional antennae. The site lease agreement is due to expire on December 31, 2016.

The successor in interest to C-Call is Sprint Spectrum Realty Company, LLC (“Sprint”). Sprint desires to extend the existing lease. City staff negotiated a First Amendment to Site Lease Agreement that extends the term of the lease for an additional five years. In addition, the amendment removes Sprint’s right to install additional antennae without an amended lease, allows either party to terminate the lease for any reason with at least 12 months’ prior notice, adjusts the rent upward to better reflect current market rates, and incorporates other terms that have become standard in more-recently approved site lease agreements.

Recommendation

Approve the amendment.

Submitted through:
Geralyn Barone, City Manager
Merrill King, Finance Director
Brian Wagstrom, Public Works Director

Originated by:
Corrine Heine, City Attorney
FIRST AMENDMENT TO SITE LEASE AGREEMENT

This First Amendment to Site Lease Agreement (hereinafter “First Amendment”), dated as of the latter of the signature dates below (the “Effective Date”), is made by and between the City of Minnetonka, a Minnesota municipal corporation (hereinafter “Landlord”) and Sprint Spectrum Realty Company, LLC (formerly organized as a limited partnership), a Delaware limited liability company (“Tenant”), as successor in interest to C-Call Corp., d/b/a Onecomm Corp.

Recitals

A. Landlord and Tenant entered into a Site Lease Agreement dated July 8, 1996 (the “Agreement”), whereby Landlord leased to Tenant certain Premises (“Leased Premises”), therein described on the Somerset (Mini-Tonka Park) Water Tower, now known as the Tonkawood Tower, located at 16001 Lake Street Extension, Minnetonka, Minnesota.

B. The Agreement will expire on December 31, 2016 unless extended.

C. Landlord and Tenant desire to extend the lease for an additional five-year term, subject to modifications as provided in this First Amendment

Amendment Terms

1. Modifications to the Agreement.

A. The Agreement is amended to restrict the total number of antennas and connecting appurtenances that Tenant may operate on the Structure to the existing six (6) antennas and connecting appurtenances. This First Amendment does not alter the terms relating to the Equipment Shelter as currently allowed by the Agreement.

B. Paragraph 4 of the Agreement is amended to provide that the Term of the lease shall expire on December 31, 2021.

C. Paragraph 2(a) of the Agreement is amended to provide that, as of January 1, 2017, annual rent shall be Twenty-Seven Thousand Eight Hundred Sixty and 70/100 Dollars ($27,860.70), which shall be increased each year thereafter commencing on January 1, 2018 by five percent (5%) of the previous year’s annualized rent.

D. Paragraph 13 is amended by adding a subparagraph (g) as follows:

(g) Termination. In addition to termination as provided in subparagraph (a) above, either party may terminate this Lease for any reason by providing written notice to the other party at least twelve (12) months prior to the proposed termination date.

E. The Agreement is amended by adding the following sections:

17A. Deposit. Prior to January 1, 2017, Tenant must deposit with Landlord the sum of Ten Thousand and No/100 Dollars ($10,000.00), which will be fully
refunded to Tenant upon the timely removal of the Antennas Facilities and related equipment, the repair of the Leased Premises and the restoration of the Structure surface to the reasonable satisfaction of the Landlord, and payment of all amounts owed to Landlord. The amount refunded will include simple noncompounded interest at the rate of one percent per annum, computed from the first day of the next month following the full payment of the deposit to the last day of the month in which the Landlord makes the refund. Landlord may use this deposit to complete work not done by Tenant as required by this Lease and to reimburse itself for any amounts owed by Tenant to Landlord under the Agreement, after ten (10) days written notice to Tenant together with reasonable documentation describing such required work that was not completed or amounts owed, as the case may be. If the deposit is not sufficient to cover all costs, Tenant must reimburse the Landlord for any additional costs, within thirty (30) days after receipt of Landlord’s written demand together with reasonable supporting documentation describing such additional costs. If Landlord uses any of the deposit, Tenant must provide sufficient funds to replenish the deposit to the full Ten Thousand and No/100 Dollars ($10,000.00), within thirty (30) days after receipt of Landlord’s written notice.

17B. Damage Repairs. Landlord will promptly notify Tenant of any damage caused by Tenant, its employees or contractors or by Tenant’s equipment to the Structure or to the real property on which the Structure is located. The Landlord’s notice must be in writing, except in the event of a public health or safety emergency, when the notice may be given by telephone to Tenant’s emergency contact. Any such damage by Tenant must be repaired to the condition that existed before the damage, at Tenant's expense either (i) by the Tenant within thirty (30) days after Landlord’s written notification to Tenant of damage, or within such longer period as may be reasonably necessary to make the corrections if they cannot be made within thirty (30) days, or (ii) by the Landlord if Landlord reasonably believes repairs need to be made immediately or if Tenant fails to make the repairs under clause (i). Landlord agrees to provide written notice that Landlord intends to immediately make repairs under clause (ii). Tenant must reimburse the Landlord for its reasonable repair costs within thirty (30) days after receiving written notice of the costs, together with reasonable documentation evidencing the costs. If Tenant causes any damage to the Structure that requires the Structure to be closed down, Tenant must pay a fee of $1000.00 per day or any portion of a day that the Structure is unavailable for its primary use as a water storage facility.

17C. Landlord’s Right to Correct. If Tenant fails to comply with any requirement of this Lease regarding installation, operation, maintenance, repair, removal or restoration, Landlord may give Tenant thirty (30) days advance written notice of the matters that require correction. If Tenant fails to make the corrections within that time period, or within such longer period as may be reasonably necessary to make the corrections if they cannot be made within thirty (30) days, then Landlord will have to right to make the corrections and charge the Tenant for its reasonable costs in doing so. Tenant must reimburse the Landlord
for its reasonable costs within thirty (30) days after receiving written notice of the costs, together with reasonable documentation evidencing the costs

**17D. Late Fees.** If the rent is not paid within ten (10) days of the due date as specified in this Lease, then, commencing three (3) business days after the date Tenant receives written notice of such failure to pay until such time as the payment is made, Tenant must pay a late fee of $100.00 per day. If Tenant fails to pay promptly, Landlord may use the deposit in paragraph 17A to pay for the amounts owed.

E. Exhibit B to the Agreement is deleted in its entirety and replaced with Exhibit B-1 attached hereto.

F. Paragraph 21 is amended by substituting the following addresses for notification of the Tenant:

If to Tenant, to:

Sprint Spectrum Realty Company, LLC  
Sprint Property Services  
Sprint Site ID: MS72XC029  
Mailstop KSOPHT0101-Z2650  
6391 Sprint Parkway  
Overland Park, KS  66251-2650

with a copy to:

Sprint Law Department  
Sprint Site ID: MS72XC029  
Mailstop KSOPHTO101-Z2020  
6391 Sprint Parkway  
Overland Park, Kansas  66251-2020  
Attn.: Real Estate Attorney

2. **Capitalized Terms.** All capitalized terms used by not defined in this First Amendment have the same meanings as defined in the Agreement.

3. **Ratification of Agreement.** Except as expressly set forth herein, all other terms and conditions of the Agreement shall remain unmodified and in full force and effect, and the parties hereby confirm and ratify such terms and conditions and agree to perform and comply with the same.
LANDLORD:
City of Minnetonka, a municipal corporation

By: ________________________________
Name: ________________________________
Its: Mayor
Date: ________________________________

By: ________________________________
Name: ________________________________
Its: City Manager
Date: ________________________________

TENANT:
Sprint Spectrum Realty Company, LLC, a Delaware limited liability company

By: ________________________________
Name: Michael Mizzell
Its: Manager – Vendor Management
Date: ________________________________
ACKNOWLEDGMENTS

LANDLORD’S ACKNOWLEDGMENT

STATE OF MINNESOTA )
COUNTY OF HENNEPIN ) ss.

The foregoing instrument was acknowledged before me on _________________, 2016 by Terry Schneider, the mayor of the City of Minnetonka, a Minnesota municipal corporation, on behalf of the corporation.

Notary Public
SEAL

STATE OF MINNESOTA )
COUNTY OF HENNEPIN ) ss.

The foregoing instrument was acknowledged before me on _________________, 2016 by Geralyn Barone, the city manager of the City of Minnetonka, a Minnesota municipal corporation, on behalf of the corporation.

Notary Public
SEAL
TENANT’S ACKNOWLEDGMENT

STATE OF KANSAS   )
                    ) ss.
COUNTY OF JOHNSON   )

Acknowledgment by Corporation
Pursuant to Uniform Acknowledgment Act

The foregoing instrument was acknowledged before me this ___ day of ____________, 20___,
by ______________________ on behalf of Sprint Spectrum Realty Company, LLC,
a Delaware limited liability company.

In witness whereof I hereunto set my hand and official seal.

______________________________
Notary Public

SEAL  My appointment expires: ____________________
GENERAL CONSTRUCTION NOTES

1. All work shall comply with the requirements of the current National Electric Code. The latest revision shall govern(Building Code, etc. as required).
2. All electrical work shall be performed in a neat, professional manner. All work shall be done in accordance with the National Electric Code and identical to drawings.
3. All fixtures shall be installed in accordance with the manufacturer's instructions and all local codes.
4. All work shall be performed in accordance with the National Electric Code and all local codes.
5. All work shall be performed in accordance with the National Electric Code and all local codes.
6. All work shall be performed in accordance with the National Electric Code and all local codes.

ELECTRICAL NOTES

1. Electrical contractors shall supply and install all electrical work in accordance with the National Electric Code and all local codes.
2. All electrical work shall be performed in accordance with the National Electric Code and all local codes.
3. All electrical work shall be performed in accordance with the National Electric Code and all local codes.
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8. All electrical work shall be performed in accordance with the National Electric Code and all local codes.
9. All electrical work shall be performed in accordance with the National Electric Code and all local codes.
10. All electrical work shall be performed in accordance with the National Electric Code and all local codes.

ANTENNA & COAX NOTES

1. All work shall be performed in accordance with the National Electric Code and all local codes.
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9. All work shall be performed in accordance with the National Electric Code and all local codes.
10. All work shall be performed in accordance with the National Electric Code and all local codes.
NO INTERIM SOLUTION IS PERMITTED ON SITE. COMB ANTENNAS WILL BE REMOVED AT TIME OF INSTALLATION OF NEW ANTENNAS.
### Proposed Antenna Schedule

<table>
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<th>SECTOR</th>
<th>ANTENNA NUMBER</th>
<th>ANTENNA MANUFACTURER</th>
<th>ANTENNA MODEL</th>
<th>NUMBER OF ANTENNA CABLES</th>
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<th>ELEV. RISE TIME</th>
<th>TILT</th>
<th>EFF. R-1/10</th>
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<th>RUU FILTER</th>
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**Notes:**
1. Existing antennas are shown unless noted otherwise.
2. Dimensions of existing antennas, towers, and buildings are approximate.
3. Arrows indicate existing antenna movements or changes.
4. Equipment shown is approximate and cannot be exact.
5. Final antenna layout is subject to change without notice.

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### Antenna Schedule

**Existing Antenna Layout**

No interim solution is permitted on site. CMA antennas will be removed at time of installation of new antennas.

**Final Antenna Layout**

No interim solution is permitted on site. CMA antennas will be removed at time of installation of new antennas.
### Pre-Installation Panel Schedule

**SITE NUMBER:** M572X029  
**VOLTAGE:** 120/240V  
**MAIN BREAKER:** 200 AMP  
**MOUNT:** SURFACE  
**ENCLOSURE TYPE:** NEMA 3R  
**GROUND BAR:** TBD  
**GROUND TO GROUND BOND:** TBD  
**BRIDGE TAPE:** TBD  

| Ckt | Load Description | Breaker #: Amps | Breaker #: Poles | Breaker #: Status | Service Load VA | Usage Factor | Phase A VA | Phase B VA | Usage Factor | Service Load VA | Breaker #: Status | Breaker #: Poles | Breaker #: Amps | Description | Ckt |
|-----|------------------|----------------|-----------------|------------------|----------------|-------------|-----------|-----------|-------------|----------------|-----------------|----------------|----------------|-------------|-----------|-----------|
| 1   | SPA   | 20  | 1  | OFF | 0  | 0.00 | 190 | 1.00 | 180 | ON | 1  | 20 | TELCO RECEPTACLE (GFCI) | 2 |
| 3   | HVAC #1 | 60  | 2  | ON  | 2616 | 1.00 | 3116 | 1.00 | 500 | ON | 1  | 20 | LIGHTS | 4 |
| 5   | --    | --  | --  | --   | 2616 | 1.00 | 2796 | 1.00 | 180 | ON | 1  | 20 | INT. RECEPTABLES | 6 |
| 7   | SMOKE DETECTOR | 20  | 1  | ON  | 150 | 1.00 | 260 | 1.00 | 180 | ON | 1  | 20 | EXT. RECEPTABLES/GFCI/LIGHT | 8 |
| 9   | RECTIFIER #1     | 30  | 2  | ON  | 1440 | 1.25 | 3240 | 1.00 | 1440 | ON | 2  | 30 | RECTIFIER #1 | 10 |
| 11  | --    | --  | --  | --   | 1440 | 1.25 | 3240 | 1.00 | 1440 | ON | -- | -- | -- | -- | -- |
| 13  | RECTIFIER #2     | 30  | 2  | ON  | 1440 | 1.25 | 2880 | 1.00 | 1440 | ON | 2  | 30 | RECTIFIER #2 | 14 |
| 15  | --    | --  | --  | --   | 1440 | 1.25 | 2880 | 1.00 | 1440 | ON | -- | -- | -- | -- | -- |
| 17  | TVS  | 60  | 2  | ON  | 0  | 1.00 | 0  | 0.00 | 1060 | ON | 2  | 60 | HVAC WALL #2 | 16 |
| 19  | --    | --  | --  | --   | 0  | 1.00 | 0  | 0.00 | 1060 | ON | -- | -- | (NOT VERIFIED) | 20 |
| 21  | SPA   | 20  | 1  | ON  | 0  | 0.00 | 3420 | 1.25 | 2736 | NEW | 2  | 100 | SAMSUNG MMRS CABINET | 22 |
| 23  | UMA  | 30  | 2  | ON  | 3630 | 1.25 | 7250 | 1.25 | 2736 | NEW | -- | -- | -- | -- | -- |
| 25  | --    | --  | --  | --   | 3630 | 1.25 | --   | --   | --   | -- | -- | -- | -- | -- |
| 27  | CDMA | 30  | 2  | ON  | 3630 | 1.25 | 4500 | 1.25 | -- | -- | -- | -- | -- | -- |
| 29  | --    | --  | --  | --   | 3630 | 1.25 | 4500 | 1.25 | -- | -- | -- | -- | -- | -- |
| 31  | SPACE | --  | --  | --   | --   | --   | --   | --   | -- | -- | -- | -- | -- | -- |

**Total KVA:** 34.45  
**AMPS:** 143.55

---

**POST-MIGRATION Period Loading**

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**SITE NUMBER:** M572X029  
**VOLTAGE:** 120/240V  
**MAIN BREAKER:** 200 AMP  
**MOUNT:** SURFACE  
**ENCLOSURE TYPE:** NEMA 3R  
**GROUND BAR:** TBD  
**GROUND TO GROUND BOND:** TBD  
**BRIDGE TAPE:** TBD  

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**POST-MIGRATION Panel Schedule**
City Council Agenda Item #10B
Meeting of October 10, 2016

Brief Description
Resolution approving TONKAWOOD FARMS FIRST ADDITION, a 3-lot subdivision, with lot width at setback variances, at 15014 Highwood Drive

Recommendation
Adopt the resolution approving the request

Proposal
R&R Construction of Minneapolis, Inc. is proposing to subdivide the subject property at 15014 Highwood Drive into three lots. The existing home and detached structures would be removed and three new homes would be constructed. The proposal requires approval of preliminary plat with three lot width at setback variances.

Planning Commission Hearing
The planning commission considered the request on September 22, 2016. The commission report plans may be found at TONKAWOOD FARMS, beginning on page 31. Staff recommended approval of the preliminary plat noting that the subdivision was reasonable for a variety of reasons:

1. The existing lot is the largest residential lot within the Highwood Drive and Highland Road neighborhood. The requested lot width variances would allow for three new lots that have lot areas more similar to existing lots within the neighborhood.

2. The proposal would not negatively impact neighborhood character. The Highwood Drive and Highland Road neighborhood have a number of properties which have substandard lot widths at setback and at the right-of-way. The proposed lot width variances would allow for lots that are more similar in size to the existing lots within the neighborhood.

3. The existing lot could be divided without a variance. However, a conforming plat would include construction of a cul-de-sac thereby resulting in: significantly increased amount of site disturbance, impervious surface, and public utilities.

At the meeting, a public hearing was opened to take comment; no one appeared to speak. Following the public hearing, the commission asked questions about the city’s slope and tree ordinances. The planning commission expressed their preference for the preservation of the two high-priority trees south of the building pad on Lot 2.

Planning Commission Recommendation
On a 6-0 vote, the commission recommended that the city council approve the proposal.
Meeting minutes can be found at [September 22, 2016 minutes](#), beginning on page 2.

**Since Planning Commission Hearing**

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

**Staff Recommendation**

Staff recommends the city council adopt the attached resolution approving TONKAWOOD FARMS FIRST ADDITION.

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

Originator:  
Ashley Cauley, Senior Planner
Resolution No. 2016-

Resolution approving the preliminary plat of TONKAWOOD FARMS FIRST ADDITION, with lot width at setback variances at 15014 Highwood Drive

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

Section 1. Background.

1.01 R&R Construction of Mpls, Inc. has requested preliminary plat approval for TONKAWOOD FARMS FIRST ADDITION, a three-lot subdivision with lot width at setback variances (Project 05039.16a.)

1.02 The property is located at 15014 Highwood Drive. It is legally described as follows:

That part of Lot 7, Block 1, Tonkawood Farms lying east of the west 312.63 feet. Except roads. Hennepin County, Minnesota.

1.03 On September 22, 2016, the planning commission held a hearing on the proposed plat. 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 grant preliminary plat approval.

Section 2. General Standards.

2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution. One design standard requires that lots be at least 110 feet wide at the required front yard setback. The applicant is proposing lot widths at setback of 104 feet for all three lots.
2.02 By City Code §400.055, a variance from the subdivision requirements may be granted but not mandated, when the applicant meets a burden of proving that: (1) the proposed variance is a reasonable use of the property, considering things such as functional and aesthetic justifications for the variance and improvement to the appearance and stability of the property and neighborhood; (2) the circumstances justifying the variance are unique to the property, are not caused by the landowner, are not solely for the landowner’s convenience, and are not solely because of economic considerations; and (3) the variance would not adversely affect or alter the essential character of the neighborhood.

Section 3. Findings.

3.01 But for lot widths at setback, the preliminary plat would meet the design standards as outlined in City Code §400.030.

3.02 The proposed preliminary plat would meet the variance standards as outlined in City Code §400.055:

1. Reasonableness and Unique Circumstance:

   a) The existing property is 1.7 acres in size and has a lot depth of over 240 feet. These existing conditions far exceed what is required by ordinance. In fact, the lot is the largest residential lot within the Highwood Drive and Highland Road neighborhood. The requested lot width variances would allow for three new lots that have lot areas more similar to those within the existing neighborhood. Further, the Highwood Drive and Highland Road neighborhood have a number of lots that have varying degrees of non-conforming lot widths at the building setback line or at the right-of-way.

   b) The subdivision ordinance allows the city to consider variances to lots with substandard lot widths when the property could be developed in a manner that would meet all minimum lot requirements. The property could be subdivided without the need for variances. While the “conforming” plat would not require lot variances, the construction of the cul-de-sac and utility installation would result in an increased amount of disturbance and future city maintenance.

2. Neighborhood character: The lot width at setback variances would
not adversely affect or alter the essential character of the neighborhood. The Highwood Drive and Highland Road neighborhood have a number of properties that have substandard lot widths at setback and at the right-of-way. The proposed lot width variances would allow for lots that are similarly sized to existing lots within the neighborhood.


4.01 The above-described preliminary plat of TONKAWOOD FARMS FIRST ADDITION is hereby approved, subject to the following conditions:

1. Final plat approval is required. A final plat will not be placed on a city council agenda until a complete final plat application is received.

   a) The following must be submitted for a final plat application to be considered complete:

      1) A final plat drawing that clearly illustrates the following:

         1. A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.

         2. Utility easements over existing or proposed public utilities, as determined by the city engineer.

         3. Drainage and utility easements over wetlands, floodplains, and stormwater management facilities, as determined by the city engineer.

      2) A utility plan. This plan must indicate if the existing services will be used or indicate the new service location.

      3) Title evidence that is current within thirty days before release of the final plat for the city attorney’s review and approval.

2. Prior to final plat approval:
a) This resolution must be recorded with Hennepin County.

b) The documents outlined in section 4.01(1)(a)(3) above must be approved by the city attorney.

3. Prior to release of the final plat for recording:
   a) Submit the following:
      1) Two sets of mylars for city signatures.
      2) An electronic CAD file of the plat in microstation or DXF.
      3) Park dedication fee of $10,000.

4. Subject to staff approval, TONKAWOOD FARMS FIRST ADDITION must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   • Concept plan dated May 1, 2014
   • Preliminary plat dated May 4, 2015
   • Grading and utility plan dated May 4, 2015
   • Tree preservation plan dated May 4, 2015

5. A grading permit is required for construction of all proposed stormwater management facilities prior to construction of any new home. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.
   a) The following must be submitted for the grading permit to be considered complete.
      1) Evidence of filing the final plat at Hennepin County and copies of all recorded easements and documents as required in section 4.01(1)(a)(2) of this resolution.
      2) An electronic PDF copy of all required plans and specifications.
      3) Three full size sets of construction drawings and sets of project specifications.
4) Final site, grading, drainage, utility, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.

a. Final grading plan must:
   - Not result in the removal of more than 7 of the site's 22 high priority trees.

b. Final drainage plan must:
   - Provide stormwater management for the entire site's impervious surface. A stormwater management plan must accompany the plan and must include calculations to show conformance with the city's rate, volume and water quality criteria.

c. Final utility plan must:
   - Confirm 1-inch service size is adequate to service the homes.

   - Illustrate removal of the existing services their entirety to the respective main, if new services are proposed. Water lines must be cut off at the corporation stop and the corporation stop must be turned off.

   - Include a note that, if multiple street disturbances are needed for utility connections, a full width mill and overlay of the street may be required rather than individual street patches.

d. Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements as outlined in the ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.
5) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct streets and utility improvements, comply with grading permit, tree mitigation 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) as-built drawings have been submitted; (2) a letter certifying that the streets and utilities have been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.

6) 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.

7) A copy of the approved MPCA NPDES permit.

8) Evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.

9) All required administration and engineering fees.

10) Evidence that an erosion control inspector has been hired to monitor the site through the course of construction. This inspector must provide weekly reports to natural resource staff in a format acceptable to the city. At its sole discretion, the city may accept escrow dollars, in amount to be determined by natural resources staff, to contract with an erosion control inspector to monitor the site throughout the course of construction.

11) 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:
• 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

• If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

b) Prior to issuance of the grading permit, 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.

c) Permits may be required from other outside agencies including, Hennepin County, and the MPCA. It is the applicant’s and/or property owner’s responsibility to obtain any necessary permits.

6. Prior to issuance of a building permit for the first new house within the development, submit the following documents:

a) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.

b) Proof of subdivision registration and transfer of NPDES permit.

c) The stormwater management facilities must be constructed.

7. Prior to issuance of a building permit for any of the lots within the development:

a) Submit the following items for staff review and approval:

1) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the construction management
plan submitted at the time of grading permit may fulfill this requirement.

2) Final grading and tree preservation plan for the lot. The plan must:


b. Final house, drive, and associated grading must be located to maximize tree preservation on each lot.

c. No more than seven of the site's 22 high priority trees identified by staff can be removed.

- Five high priority trees may be removed from proposed Lot 2.
- One high priority tree may be removed from Lot 1.
- One high-priority tree may be removed from Lot 3.

d. The city may allow for adjustments in the allocations of the number of high priority trees to be removed on each lot only when the provided plan is still in general conformance with the approved plan and the total number of high priority trees to be removed does not exceed seven. The city may require an updated plan for all three lots prior to approval of any re-allocations of the trees on any of the lots.

e. Provide protection for the large oaks on the north side of the site. These oaks must be protected through the course of construction and may not be removed unless confirmed dead or unsound by the city prior to removal.
f. Show sewer and water services to minimize impact to any significant or high-priority trees. No trees may be removed for installation of services.

g. All efforts should be made in the house design for two eastern lots to preserve tree 1132 (24-inch oak) due to its location adjacent to the lot line. However, the removal of this tree may be approved if the total number of high priority trees to be removed does not exceed seven.

3) A tree mitigation plan. The plan must meet minimum mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased.

4) 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:

- 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

- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

If the builder is the same entity doing grading work on the site, the cash escrow submitted at the time of grading permit may fulfill this requirement.

b) 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.

c) Install and maintain adequate protection of the stormwater management facility during construction of the new home.
d) Submit all required hook-up fees.

8. All lots and structures within the development are subject to the all R-1 zoning standards. In addition:
   a) All lots within the development must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. These access requirements include road dimension, surface, and grade standards. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system.

9. During construction, the streets must be kept free of debris and sediment.

10. No tree removal can occur prior to issuance of a building permit for each lot.

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

12. The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 10, 2016.

____________________________________
Terry Schneider, Mayor

Attest:

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

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on October 10, 2016.

__________________________________________
David E. Maeda, City Clerk
City Council Agenda Item #10C  
Meeting of October 10, 2016

Brief Description: Resolution regarding grant application to Hennepin County for Civic Center athletic field lighting

Recommended Action: Adopt the resolution

Background

With a lack of available city property for athletic field expansion, lighting of existing fields provides the best opportunity to expand access to community fields. Lighting the Civic Center fields addresses the demand in our community for youth fields to be used for soccer, lacrosse, football and other sports requiring similar field space. In the 2012 Field Needs Study the number one opportunity identified for field sports was exploring the addition of lights on the Civic Center and Lone Lake Park fields, as well as addressing the need for additional youth practice field space. Lighting of the Civic Center athletic field has been identified in the Capital Improvements Program (CIP) for the past three years. A copy of the 2017 – 2021 CIP page is included as an attachment.

The park board conducted a neighborhood meeting on August 3, 2016 to inform residents in close proximity of the proposed lighting project. A total of four residents attended, with questions asked related to lighting levels, project cost and parking capacity. At their September 7, 2016 meeting, with no opposition from the neighborhood, the park board adopted a motion recommending that the Civic Center fields be lit with LED lighting. LED provides tighter spill control and less electricity to operate than the traditional metal halide lighting system.

The cost of the project is estimated to be $165,000 with $90,000 proposed to be funded through the Hennepin County Youth Sports Program (HCYSP) grant and $75,000 through the 2017 CIP from the Park and Trail Fund. Completion of the project is not possible without approved grant funding from the HCYS program.

A resolution authorizing the filing of the grant application and execution of final agreements with Hennepin County is required as part of the application process. This resolution has been drafted for city council approval. In 2009, the City was successful in receiving a HCYSP grant for construction of the Shady Oak Beach play area and in 2012 for the lighting of Glen Lake Park Field #3.

Recommendation

Adopt the resolution supporting Hennepin County Youth Sports Program grant funding for the lighting of the Civic Center athletic fields.
Submitted through:
  Geralyn Barone, City Manager
  Dave Johnson, Recreation Services Director
  Merrill King, Finance Director

Originated by:
  Sara Woeste, Recreation Program and Special Events Manager
RESOLUTION NO. 2016-

Resolution regarding grant application to Hennepin County for Civic Center athletic field lighting

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

Section 1. Background.

1.01. Hennepin County, via its Youth Sports Grant Program, provides for capital funds to assist local government units of Hennepin County for the development of sport or recreation facilities.

1.02. The City of Minnetonka (local government unit, hereinafter LGU) desires to add field lighting at Civic Center athletic field (name of project, hereinafter PROJECT) for the purpose of expanding field use opportunities for youth sports. This project has been in the LGU Capital Improvement Program since 2014.

Section 2. Council Action.

2.01. The estimate of the total cost of developing PROJECT shall be $165,000 and LGU is requesting $90,000 from the Hennepin County Youth Sports Grant program and will assume responsibility for a match requirement of $75,000.

2.02. LGU agrees to enter into necessary and required agreements with Hennepin County for the specific purpose of constructing a sport or recreational facility and long-term program direction.

2.03. The City Manager (authorized representative) and/or City of Minnetonka (LGU) is authorized and directed to execute said application and serve as official liaison with Hennepin County or its authorized representative.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 10, 2016.

______________________________
Terry Schneider, Mayor

ATTEST:
ACTION ON THIS RESOLUTION:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on October 10, 2016.

_________________________________
David E. Maeda, City Clerk
**Project Category:** Parks, Trails & Open Space  
**Project Title:** Athletic Field Improvements  
**Total Estimated Cost:**  
- $640,000 Total Cost  
- $565,000 City Cost  
- $75,000 Grant Funding  
- $140,000 Unfunded  
**Funding Priority:** 2  
**Account Number:** 4701.XXX.S17207

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**Justification:**
With a lack of available city property for athletic field expansion, lighting of existing fields, along with partnerships with local school districts, provides the best opportunities to expand access to community fields. This program also funds major upgrades to dedicated city owned athletic fields to maintain acceptable playing standards.

**Scheduling and Project Status:**
- **2017:** $75,000 is allocated to light the existing Civic Center fields. An additional $75,000 would be funded from a Hennepin County Youth Sports Grant. $20,000 is allocated for field renovations at city owned athletic fields.
- **2018:** $20,000 is allocated for field improvements at city owned athletic fields. $140,000 is included as an unfunded request for the lighting of the two existing fields at Lone Lake Park.
- **2019:** $270,000 is allocated to replace the lighting on the softball fields at Big Willow Park.
- **2020:** $20,000 is allocated for field improvements at city owned athletic fields.

**Relationship to General Plan and Other Projects:**
The city of Minnetonka has a history of partnerships with the Minnetonka and Hopkins School Districts to provide quality community facilities, most notably, the Lindbergh Center, Arts Center on 7 and athletic improvements at Hopkins West Junior High.

**Description:**
The park board’s 2012 update of the city’s Athletic Field Needs Study continues to indicate a moderate need for increased game quality athletic fields for the sports of soccer, lacrosse and football; and increased access to quality practice fields for youth softball and baseball through partnerships.

**1998:** The city provided $100,000 for the redevelopment of fields at Hopkins West Junior High with the Hopkins School District.  
**2008 – 2010:** The city provided $250,000 towards the $3.5 Million construction of Minnetonka School Districts Veterans Field (baseball/football fields).  
**2009:** The city provided $95,000 towards the $1.2 Million construction of Legacy Fields (four youth softball fields) with Minnetonka School District.  
**2010:** The city provided $50,000 towards a $250,000 upgrade of an existing multi-purpose field at Bennett Family Park.  
**2014:** $20,000 is allocated for field renovations at city owned athletic fields and $65,000 for Phase I safety improvements (foul ball netting) at Big Willow Park.  
**2016:** $85,000 is allocated for Phase II safety improvements (spectator and bleacher protection) at Big Willow Park. Hennepin County Youth Sports grant application will be submitted for the 2017 cycle.

**Effect on Annual Operations Costs:**
Under the terms of the partnership agreements in place for previous improvements completed on school district property, the school districts are responsible for all operational and capital replacement costs. Increased energy costs due to field lighting will be recouped through field use fees.
1. Roll Call

Park Board members in attendance included Jack Acomb, Nelson Evenrud, Chris Gabler, Cindy Kist, Peggy Kvam, Elise Raarup and Madeline Seveland. Staff members in attendance included Jo Colleran, Ann Davy, Darin Ellingson, Dave Johnson, Kelly O’Dea, Mike Pavelka and Sara Woeste.

Chair Raarup called the meeting to order at 7 p.m.

2. Approval of Minutes

Evenrud moved and Gabler seconded a motion to approve the meeting Minutes of April 6, 2016 as submitted. All voted “Yes”. Motion carried.

3. Citizens Wishing to Discuss Items Not on the Agenda

None

4. Business Items

A. Neighborhood Meeting – Civic Center Athletic Field Lighting

Sara Woeste, Recreation Services Programming and Special Events Manager, provided the introduction. Woeste noted that the 2012 Athletic Field Needs Study (AFNS) indicates that the most significant needs related to athletic fields in the city are for field sports such as soccer, lacrosse, football and rugby. Woeste further noted that the AFNS recommends the lighting of existing fields such as the Civic Center to address the shortages in place.

Woeste indicated that the Civic Center fields are designated primarily for youth use. Woeste added that the use of lights in the summer time would be minimal, with the greatest need being in the months of May, September and October. To be consistent with other lighted fields in the city, the lights at the Civic Center would not be permitted for use past 9:45 p.m.

Woeste closed by stating that the lighting of the fields is contingent upon park board and city council approval; as well as successfully receiving a Hennepin County Youth Sports Grant for the project. Woeste noted that the application process will be this fall and that city funding is included in the 2017 Capital Improvements Program (CIP).

Woeste introduced Craig Gallop of Musco Lighting. Gallop indicated that he has been a resident of Minnetonka for about 25 years and has been involved in the lighting of several athletic fields in the city. Gallop noted that the Civic Center
provides the ideal lighting situation due to the proximity of the nearest homes by his estimates being over 500 feet away.

Gallop provided a brief history of athletic field lighting to illustrate how far lighting has come. Gallop mentioned that the latest trend is moving from standard metal halide lighting to LED lighting. While currently more expensive, Gallop indicated that he feels the cost for LED lighting will begin to come down over the next few years. Gallop reviewed light spill designs in place, warranty information, and indicated that the lights would be controlled through technology so that they can only be programmed for use by city staff.

Chair Raarup opened the floor to resident comments.

Vincent Troy, 14852 Timberhill Road asked what the expected cost of the project was. Gallop responded that LED lighting would cost $165,000 compared to $128,000 for metal halide. Woeste added that the CIP includes $75,000 in city costs and $75,000 through a Hennepin County Youth Sports Grant. Troy asked what the cost for maintenance would be. Gallop indicated that maintenance was included in the cost.

Earl Jensen, 14855 Timberhill Road, asked if the mailing had gone to residents on the north side of the creek. Woeste indicated it had. Jensen provided a history of past opposition residents from north of the creek; namely their concerns several years back regarding a community building being placed on that site. Jensen then asked if there would be adequate parking for the increased play. Woeste responded that there would not be an increase in the number of people on site at any given time, only that the hours of play could be extended in the months of May, September and October.

Jane Sweet, 3124 Minnehaha Creek, indicated that when the fields were constructed, neighbors were told there would not be lights. Sweet added that from her property, she can see increased lighting from city buildings and parking areas. Thus, she believes that the field lighting will be visible from her home. Darin Ellingson, Public Works Streets & Parks Operations Manager, reported that the city’s engineering department is working on a campus-wide plan to program lights more efficiently and economically. Ellingson felt that this would reduce the impact nearby residents might be currently seeing.

Vincent Troy, 14852 Timberhill Road asked if there would be increased costs for labor on the fields. Ellingson indicated there would not be additional costs.

Hearing no further requests from resident comments, Raarup closed the public comments portion of the meeting and asked for park board member questions and comments.
Acomb asked for an explanation on the differences between LED and metal halide lighting. Gallop responded by saying that LED lighting has tighter spill control, requires less electrical use and has an immediate on/off ability unlike metal halide that takes time to cool and regenerate.

Kvam asked if there were any athletic field LED applications in the immediate area. Gallop indicated there were not. Gabler asked if this lighting would require a 4-post system. Gallop indicated it would. Gabler asked about the sports that would benefit from the addition of lighting. Woeste indicated that primarily soccer, lacrosse and football would benefit.

Evenrud commented that when the fields were constructed back in 2005, there was a likelihood that lighting was not a priority at that time. Evenrud feels that with increased play, it is now more of a need than it was back in 2005. Evenrud then asked if field management practices would need to change due to increased play on the fields. Ellingson responded that the fields handle the current level of use well and that his department would need to monitor the turf for any new concerns due to increased play.

Hearing no further questions, Woeste thanked those in attendance for their comments and noted that the item will come back to the park board on September 7, 2016 for final consideration.
1. Roll Call

Park Board members in attendance included Jack Acomb, Nelson Evenrud, Chris Gabler, Cindy Kist, Peggy Kvam, Marvin Puspoki, Elise Raarup and Madeline Seveland. Staff members in attendance included Jo Colleran, Ann Davy, Darin Ellingson, Dave Johnson, Kelly O’Dea, Mike Pavelka and Sara Woeste.

Chair Raarup called the meeting to order at 7 p.m.

2. Approval of Minutes

Gabler moved and Kist seconded a motion to approve the meeting Minutes of August 3, 2016 as submitted. All voted “Yes”. Motion carried.

3. Citizens Wishing to Discuss Items Not on the Agenda

None

4. Business Items

A. Consideration of staff recommendations to add sports lighting to the Civic Center athletic fields

Sara Woeste, Recreation Services Programming and Special Events Manager, provided the introduction and began by summarizing the neighborhood meeting conducted by the park board at the September 7, 2016 meeting. She noted that no major concerns were expressed by the neighbors however questions came up related to cost, parking and light spill impacting homes north of the creek. Woeste then summarized lighting cost information provided at the meeting by Craig Gallop of Musco Lighting. She indicated that Gallop reported on the two types of lighting that were available including metal halide at a cost of $128,000 and LED lighting at a cost of $165,000. Woeste noted that if the metal halide option was selected by the board, staff would offset the city’s funding amount of $75,000 with a grant application of $53,000 from the Hennepin County Youth Sports Grant (HCYSG) program. And if LED lighting was selected, the grant amount would be $90,000. Woeste closed by noting that LED lighting provides improved spill control and more efficient energy use. Woeste indicated that, if approved, the lights be shut down by 9:45 p.m. daily to be consistent with other youth fields in the city.

Woeste asked for questions or feedback from the park board members.

Gabler asked if all athletic field lights are shut down on city fields by 9:45 p.m. Dave Johnson, Recreation Services Director, responded that all youth fields are required to be shut down by 9:45 p.m., in part to be consistent with the park
ordinance that parks close at 10 p.m. He noted that the one exception are the adult fields located at Big Willow Park that can stay lit as late as 11 p.m.

Puspoki noted that he was not in attendance at the August meeting and asked if a payback period was provided by Musco Lighting for LED lights. Woeste indicated that a payback comparison was not provided, Darin Ellingson, Public Works Streets and Parks Operations Manager, indicated that based on his experience with other applications of LED lighting, the additional cost for LED lighting verses metal halide would be covered over the time of the lights.

Kvam noted that Xcel Energy provides rebates for LED lighting due to their energy efficiency. She added that while Musco indicated that there were no local athletic field installations of LED lighting, she reviewed the Musco Lighting website and noted that they have provided LED lighting for several major projects including the White House and Mount Rushmore.

Raarup asked if the added amount needed for LED lighting would reduce the City’s chances for receiving a grant. Johnson responded that based on what he has seen for project matches for past projects, he felt that the added amount for LED lighting would not be a negative factor.

Evenrud voiced support for going with LED lighting, adding that the concerns expressed by one resident residing on the north side of the Minnehaha Creek would be better addressed with LED lighting.

Raarup noted that there were no residents in attendance for this item and asked if there were any additional questions or comments from the board. Hearing none, she entertained a motion.

Gabler moved and Evenrud seconded a motion to recommend the addition of LED lighting to the Civic Center athletic fields; and to apply for a project grant through the Hennepin County Youth Sports Grant Program. Evenrud, Kist, Gabler, Kvam, Puspoki, Raarup and Seveland voted “Yes”, Acomb abstained due to a full board in attendance. Motion carried.

Johnson noted that contingent upon the successful application process for and receiving a grant, staff will bring the Comprehensive Athletic Field Use Policy back to the board at a later date for consideration of changes related to the use of lights in Civic Center Park.
Brief Description: Resolution appointing election judges and absentee ballot board for the November 8, 2016 State General Election

Recommended Action: Adopt the resolution

Background

The city council is being asked to consider a resolution appointing election judges and the absentee ballot board for the November 8, 2016 State General Election.

Council is asked to approve the eligible election judges listed in the resolution. From this list, staff will make assignments to ensure the required party balance. These election judges will be used to staff polling places, assist with absentee voting and help with the absentee ballot board. Most polling places will be staffed with 8-10 election judges. The resolution also gives the city clerk authority to appoint emergency election judges to fill vacancies that may occur at the last minute.

In accordance with the approved 2016 budget, election judges will be paid $10.50/hour, assistant lead judges will be paid $11.00/hour and lead judges will receive $11.50/hour.

There are two polling place changes previously approved by the city council. Voters in Ward 1 Precinct A who previously voted at the Glen Lake Elementary School will now vote at Immaculate Heart of Mary Church (13505 Excelsior Boulevard). Voters in Ward 1 Precinct D who previously voted at Faith Presbyterian Church will now vote at Grace Apostolic Church (4215 Fairview Ave). Notices were sent to registered voters in the two precincts prior to the August 9, 2016 State Primary and will be sent again this month.

Recommendation

Staff recommends that the city council adopt a resolution appointing the election judges for the November 8, 2016 State General Election.

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

Originated by:
  David Maeda City Clerk
Resolution No. 2016-OOO
Resolution appointing election judges for the November 8, 2016, State General Election

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

Section 1. Background.

1.01. The State General Election will be held on November 8, 2016. The City Council is required by law to appoint election judges to serve at the polling places on Election Day.

1.02. Voting will occur at all 23 precincts in the city. Election judges will serve at the polling places and assist with absentee ballot processing.

Section 2. Council Action.

2.01. The City Council hereby authorizes the city clerk to select from the attached list of individuals to serve as election judges for the November 8, 2016 State General Election and as the city’s absentee ballot board.

2.02. The City Council also appoints all members appointed to the Hennepin County Absentee Ballot Board as authorized under M.S. 204B.21, subd 2 under the direction of the county election manager to serve as members of the Minnetonka Absentee Ballot Board.

2.03. The City Council also authorizes the city clerk to make emergency appointments of election judges to fill last-minute vacancies.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 10, 2016.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on October 10, 2016.

______________________________________

David E. Maeda, City Clerk
# List of Active Judges for Council

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City Council Agenda Item #10E  
Meeting of October 10, 2016

Brief Description: Resolution authorizing the execution of a contract with CardConnect for credit card processing services

Recommended Action: Adopt the resolution

Background

The city of Minnetonka currently accepts credit card payments for recreation services and activity fees including those at the Williston Center, Ice Arena and Grays Bay Marina. In coordination with Local Government Information Systems (LOGIS), the multi-jurisdiction technology consortium to which Minnetonka belongs, the city implemented a new recreation software program in 2015 called RecTrac provided by Vermont Systems Incorporated (VSI).

Due to this new software program, the city was required to make some changes to its credit card processes that would allow the city to continue to collect credit card payments electronically through RecTrac. A new payment gateway was required that would interface directly with RecTrac software and then pass the payment onto our merchant bank, who would then pass the payment to the city. On recommendation of VSI and consensus of LOGIS members based upon information at the time, PlugNPay was selected as the gateway for the new system. As we were not required to change our merchant accounts and to help facilitate a smooth transition during this conversion process, the city kept its current merchant accounts with U.S. Bank Merchant Payment Services.

Subsequent to going live on the new RecTrac system, the city began a citywide review of its processing environment and systems as they relate to Payment Card Industry Data Security Standards (PCI) compliance. Through this review it was realized that the processes in place for the payment pattern associated with the new RecTrac software were not PCI compliant. In addition, the city also began experiencing system communication and connectivity failures between the PlugNPay gateway and RecTrac software, causing transaction processing errors.

After having discussions about these issues with both VSI and LOGIS, it was determined that the city needed to select another gateway product. City staff looked at available gateway processors for RecTrac and determined that CardConnect was the best solution to fit the needs of the city. In discussions with CardConnect about their certified, fully compliant, PCI issue solution and the conversion process, it was also determined that it made both operational sense and financial sense to also switch to CardConnect for the city’s merchant services as well. By selecting CardConnect as both the gateway and merchant services provider, the city will gain a more streamlined fully PCI compliant solution as well as save costs. At current processing volumes, the
agreement will cost the city approximately $80,000 per year in processing fees, which is a savings of approximately $10,000 per year from current costs.

After the initial five-year term, the proposed contract would automatically renew, but would allow for termination by the city upon notice if, when the city reevaluates the contract at a later date, it determines that another vendor would provide a better value and price. A copy of the proposed contract is on file and is available upon request.

**Recommendation**

Adopt the resolution authorizing the execution of a contract with CardConnect for credit card processing services.

Submitted through:
   Geralyn Barone, City Manager

Originated by:
   Merrill King, Finance Director
   Joel Merry, Assistant Finance Director
Resolution No. 2016-

Resolution authorizing the execution of a contract with CardConnect for credit card processing services

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

Section 1. Background.

1.01. The city accepts credit card payments for recreation services and activity fees.

1.02. The city requires credit card processing services to track, process and manage credit card payments and to ensure that the city’s use of credit cards is PCI-compliant (i.e., complies with data security standards established by the payment card industry).

1.03. The city staff has recommended a contract with CardConnect to provide credit card processing services. A copy of the contract is on file with the finance department. The contract is for a five-year term with automatic renewal, subject to termination at any time for a small fee.

Section 2. Council Action.

2.01. The city manager is authorized and directed to execute the contract with CardConnect.

2.02. The council delegates authority to the city manager to manage the contract and terminate the contract at any time, if the city manager determines that the services are not satisfactory or that a different vendor could provide similar services at a better value or price.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 10, 2016.

_________________________________________
Terry Schneider, Mayor

Attest:

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

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on October 10, 2016.

______________________________
David E. Maeda, City Clerk
Brief Description
Resolution approving vacation of existing drainage and utility easements located at 4301 Highview Place and an adjacent, unaddressed parcel

Recommendation
Hold the public hearing and adopt the resolution

Introduction
On September 26, 2016 the city council reviewed and approved the final plat of HIGHVIEW PLACE. The plat established drainage and utility easements along all new property lines. The applicant is now requesting vacation of obsolete public drainage and utility easements along the perimeter of two original lots that were divided to create HIGHVIEW PLACE. (See attached maps and diagrams.)

Staff Comments
The requested vacation is reasonable, as:

- There are no public utilities within the easement areas that would be vacated.
- The existing easement areas are obsolete.
- New easements are dedicated within the HIGHVIEW PLACE plat.

Staff Recommendation
Hold the public hearing and adopt the resolution vacating the easements on the property at 4301 Highview Place and the adjacent, unaddressed parcel.

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

Originated by:
Ashley Cauley, Senior Planner
HIGHVIEW PLACE

In witness whereof said Daniel E. Severson and Susan E. Severson, husband and wife, have hereunto set their hands this day of ______, 20__.

Daniel E. Severson
Susan E. Severson

STATE OF MINNESOTA
COUNTY OF ____________

The foregoing instrument was acknowledged before me this day of ______, 20__, by Daniel E. Severson and Susan E. Severson, husband and wife.

[Signature]
My Commission expires ____________ County, Minnesota.

[Name Printed]

L. Jeffrey R. Reasch hereby certify that this plat was prepared by me or under my direct supervision that I am a duly Licensed Land Surveyor and am in the firm of Reasch, and that the information, data, and conclusions contained in this plat are true and correct. The lines, points, and distances shown on this plat are established in accordance with the land survey methods and are correct. The plat clearly delineates the boundaries of the properties as shown on the plat.

Jeffrey R. Reasch, Licensed Land Surveyor
Minnesota License No. 24329.

STATE OF MINNESOTA
COUNTY OF WASCAN

The instrument was acknowledged before me this day of ______, 20__, by Jeffrey R. Reasch.

[Signature]

WASCAN, MINNESOTA

This plat of HIGHVIEW PLACE was approved and accepted by the City Council of Wascan, Minnesota, at a regular meeting thereof held this day of ______, 20__, and is hereby adopted. The plat has been filed with the City Clerk of Wascan, Minnesota, and is recorded in the City of Wascan, Minnesota, in the office of the City Clerk.

[Signature]
By ____________ Clerk.

RESIDENT AND REAL ESTATE SERVICES, HENNEPIN COUNTY, MINNESOTA

I hereby certify that the property described in this plat has been paid for land described on this plat. Dated this day of ______, 20__.

Mark V. Chapin, County Auditor
By ____________ Deputy.

SURVEY ORGANIZATION, HENNEPIN COUNTY, MINNESOTA

Pursuant to Minnesota Statutes Sec. 303B.095 (1995), this plat has been approved the day of ______, 20__, by ____________.

Chris Miles, County Surveyor.
By ____________ Deputy.

RESTRAN OF TITLE, HENNEPIN COUNTY, MINNESOTA

I hereby certify that the within plat of HIGHVIEW PLACE was filed in this office the day of ______, 20__, by ____________.

Wendt & Schmidt, Registrars of Titles.
By ____________ Deputy.

PFEUERMANN SURVEYING INC.
HIGHLAND PARK, MINNESOTA.
LEGAL DESCRIPTION:

Parcel 1: That part of Lot 5, Block 1, Pierce's Addition, lying Southwesterly of a line drawn from a point on the Southerly line of said Lot 5 distant 70.0 feet East of the most Westerly corner thereof to a point on the Northwesterly line of said Lot 5 distant 56.15 feet Northeasterly of the most Westerly corner thereof.

Parcel 2: Tracts B, C and D, Registered Land Survey No. 557, Hennepin County, Minnesota, except that part of said Tract C, lying Southwesterly of the following described line: Commencing at the northwest corner of said Tract C; thence on an assumed azimuth of 182 degrees 25 minutes 01 seconds along the west line of said Tract C for 56.98 feet to the point of beginning of the line to be described; thence southeasterly for 123.37 feet on a non-tangential curve, concave to the southwest, having a radius of 66.00 feet, a deflection of 84 degrees 42 minutes 42 seconds and a chord azimuth of 135 degrees 52 minutes 42 seconds to the northerly right of way line of Trunk Highway No. 494 as now located and established and said line there terminating.

GOVERNING SPECIFICATIONS:

2. City Engineer's Specifications of the City of Maple Lake & Standard Specification.
3. Other Local, State and Federal Regulations that may be required in the execution of this project.
4. City of Maple Lake Standard Specifications & Details.

LEGAL DESCRIPTION:

Parcel 1: That part of Lot 5, Block 1, Pierce's Addition, lying Southwesterly of a line drawn from a point on the Southerly line of said Lot 5 distant 70.0 feet East of the most Westerly corner thereof to a point on the Northwesterly line of said Lot 5 distant 56.15 feet Norheasterly of the most Westerly corner thereof.

Parcel 2: Tracts B, C and D, Registered Land Survey No. 557, Hennepin County, Minnesota, except that part of said Tract C, lying Southwesterly of the following described line: Commencing at the northwest corner of said Tract C; thence on an assumed azimuth of 182 degrees 25 minutes 01 seconds along the west line of said Tract C for 56.98 feet to the point of beginning of the line to be described; thence southeasterly for 123.37 feet on a non-tangential curve, concave to the southwest, having a radius of 66.00 feet, a deflection of 84 degrees 42 minutes 42 seconds and a chord azimuth of 135 degrees 52 minutes 42 seconds to the northerly right of way line of Trunk Highway No. 494 as now located and established and said line there terminating.
Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 Crest Lane, LLC has petitioned the Minnetonka City Council to vacate existing drainage and utility easements located at 4301 Highview Place and an adjacent unaddressed parcel.

1.02 The easements are legally described:

All existing perpetual easements for drainage and utility purposes originally established by easement document 1974181, recorded in the files of the County Recorder in and for the County of Hennepin County, State of Minnesota.

The easements are depicted on Exhibit A of this resolution.

1.03 As required by City Charter Section 12.06, a hearing notice on said petition was published in the City of Minnetonka’s official newspaper and written notice was mailed to the owners of each abutting property and to all landowners in the plat.

1.04 On September 26, 2016, the city council approved the final plat of HIGHVIEW PLACE, a nine-lot subdivision. This plat dedicated drainage and utility easements along the perimeter of all lot lines.

1.05 On October 10, 2016, the city council held a hearing on such petition, at which time all persons for and against the granting of said petition were heard.
Section 2. Standards.

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

Section 3. Findings.

3.01 The Minnetonka City Council makes the following findings:

1. There are no public utilities located within the easement.
2. There is no anticipated public need for the easement.
3. New easements will be dedicated within the HIGHVIEW PLACE plat.
4. The vacation is not counter to the public interest.


4.01 The above-described easements are vacated.
4.02 The vacations are only effective upon the filing of the HIGHVIEW PLACE plat.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 10, 2016.

__________________________
Terry Schneider, Mayor

Attest:

__________________________
David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on October 10, 2016.

________________________________
David E. Maeda, City Clerk
City Council Agenda Item #14A  
Meeting of October 10, 2016

**Brief Description**

Items concerning Ridgedale Corner Shoppes at 1801 Plymouth Road:

1) Repeal and replacement of an existing master development plan;

2) Final site and building plans, with variances;

3) Appeal of maximum p.m. peak hour trips;

4) Conditional use permit; and

5) Preliminary and final plats.

**Recommendation**

Adopt the ordinance and resolutions approving the proposal

**Proposal**

Ridgedale Retail, LLC has submitted plans to redevelop the existing TCF Bank property. The plans reflect the most recent of four concept plans reviewed by the council between November 2015 and June 2016. As proposed, the existing two-story bank building would be removed and a new, one-story building would be constructed. TCF Bank would occupy the westerly portion of the building and various retailers would occupy the easterly portion. On September 12, 2016, the city council introduced the ordinance repealing and replacing the existing master development plan and referred it to the planning commission.

**Planning Commission Hearing**

The planning commission considered the various requests on September 20, 2016. The commission report and plans may be found at [Ridgedale Corner Shoppes](#), beginning on page 60. Staff recommended approval of the proposal, noting:

1. The proposed bank and retail land uses are reasonable.

2. The proposed building is attractive and complimentary to the high-quality and aesthetics recently approved at Ridgedale Center and the 1700 Plymouth property (formerly Highland Bank).

3. The proposed site design is generally appropriate, with the following conditions:
• The location of proposed parking and drive aisle on the east side of the building be reversed, thereby ensuring a wider turning radius for vehicles entering and leaving the site.

• Three parking stalls located on the west side of the building, directly in the path of drive-up window exit lane, be eliminated.

• Three parking stalls be added at a variety of locations compensating for the eliminated stalls.

At its meeting, the planning commission opened a public hearing to take public comment. One area resident addressed the commission. The resident indicated general support for the proposal, though noted a desire to see more dense land uses adjacent to the Ridgedale mall area and less dense uses adjacent to residential areas.

Planning Commission Recommendation

On a 6-0 vote, the commission recommended that the city council approve the various requests, with the following additions/changes to the resolution approving final site and building plans:

1. A condition be added requiring that the final landscape plan reflect the plan approved for the 1700 Plymouth property (formerly Highland Bank); and

2. The condition requiring removal of three parking stalls located on the west side of the building be eliminated.

Meeting minutes can be found at September 22, 2016 minutes, beginning on page 3.

Since Planning Commission Hearing

Staff has:

1. Met with the applicant’s engineers to discuss proposed stormwater management practices. Given just peripheral green space and non-porous soil type, possible stormwater practice, including water reclamation, are limited. A workable solution – which includes underground chambers with long-term maintenance plan and submittal of annual reports – has been generally agreed upon.

2. Updated the resolution approving final site and building plans to incorporate the landscape plan requirement suggested by the commission. In staff’s opinion, the condition requiring removal of three parking stalls continues to be appropriate. As such, this condition remains in the resolution.

3. Updated the resolution approving preliminary and final plats to require small areas of additional right-of-way adjacent to Cartway Lane
Staff Recommendation

Staff recommends the city council adopt the following attached documents, all for Ridgedale Corner Shoppes at 1801 Plymouth Road:

1. An ordinance repealing and replacing the existing master development plan.
2. A resolution approving final site and building plans, with variances, and an appeal of maximum p.m. peak hour trips.
3. A resolution approving a conditional use permit for a use with a drive-up window.
4. A resolution approving preliminary and final plats.

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

Originator: Susan Thomas, AICP, Assistant City Planner
Ordinance No. 2016-

An ordinance repealing and replacing the existing master development plan for 1801 Plymouth Road

The City Of Minnetonka Ordains:

Section 1.

1.01 The subject property is located at 1801 Plymouth Road. It is legally described as: Lot 5, Block 1, Ridgedale Center Fourth Addition.

1.02 In 1992, the city approved a master development plan for the property. The approved plan generally includes a two-story bank building with drive-up windows.

1.03 Ridgedale Retail, LLC has presented a proposal to redevelop the existing site. As presented, the existing, two-story, 12,600 square foot bank building would be removed and a new, one-story, 10,200 square foot building would be constructed. The building would include a bank, with drive-up windows, and retail tenants.

1.04 To facilitate redevelopment of the site, this ordinance hereby repeals and replaces the master development plan for the subject property.

Section 2.

2.01 This ordinance is based on the following findings:

1. The proposed redevelopment would be consistent with the property's mixed-use comprehensive guide plan designation.

2. The proposed redevelopment would not negatively impact public health, safety, or welfare.
This ordinance is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans:
   - Civil Site Plan, dated August 1, 2016, as amended by staff-drafted parking exhibit dated September 14, 2016
   - Grading, Drainage, and Erosion Control Plan, dated August 1, 2016
   - Utility Plan, dated August 1, 2016
   - Landscape Plan, dated August 1, 2016
   - Building Elevations, dated September 8, 2016

   The above plans hereby constitute the master development plan for the subject property.

2. The development must further comply with all conditions outlined in City Council Resolution No. 2016-xx, adopted by the Minnetonka City Council on October 10, 2016.

Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on October 10, 2016.

Terry Schneider, Mayor

Attest:

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

Date of introduction: September 12, 2016
Date of adoption: October 10, 2016
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 October 10, 2016.

David E. Maeda, City Clerk
Resolution No. 2016-

Resolution approving final site and building plans, with variances, and an appeal of maximum p.m. peak hour trips, for Ridgedale Corner Shoppes at 1801 Plymouth Road

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

Section 1. Background.

1.01 Ridgedale Retail, LLC has requested approval of final site and building plans for the Ridgedale Corner Shoppes. The plans include the following variances from development standards outlined in City Code 300.31 Subd.7:

<table>
<thead>
<tr>
<th></th>
<th>Point of Measurement</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Setbacks</td>
<td>Common property line</td>
<td>35 ft</td>
<td>0 ft</td>
</tr>
<tr>
<td>Parking Lot Setbacks</td>
<td>North</td>
<td>20 ft</td>
<td>12 ft</td>
</tr>
<tr>
<td></td>
<td>South</td>
<td>20 ft</td>
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<tr>
<td></td>
<td>East</td>
<td>20 ft</td>
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</tr>
<tr>
<td></td>
<td>West</td>
<td>20 ft</td>
<td>7 ft</td>
</tr>
<tr>
<td>Impervious Surface</td>
<td>80%</td>
<td></td>
<td>81%</td>
</tr>
</tbody>
</table>

1.02 The request also includes an appeal of the maximum p.m. peak hour trip allocation as outlined in City Code §300.31 Subd.13. By city code, the site is allocated 41 p.m. peak hour trips. The existing site generates 76 p.m. peak hour trips and the proposed site is anticipated to generate 105 p.m. peak hour trips.

1.03 The property is located at 1801 Plymouth Road. It is legally described as Lot 3, Block 1, RIDGEDALE CENTER FOURTH ADDITION.
1.04 On September 22, 2016, 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 final site and building plans, with variances, and the appeal of the p.m. peak hour trip allocation.

Section 2. Standards

2.01 City Code §300.27 Subd. 5, outlines several items that must be considered in the evaluation of site and building plans.

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.

2.02 By City Code §300.07 Subd. 1(a), 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.

2.03 By City Code §300.31 Subd.6(c), a property owner may appeal the maximum p.m. peak hour trip allocation.

Section 3. Findings

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

   1. The proposal has been reviewed by planning, building, engineering, natural resources, fire, and public works staff. The proposal would be generally consistent with the city’s development guides.

   2. The proposed site and building changes would require variances from minimum ordinance standards. The proposal would meet the variance standard as is outlined in section 3.02 of this resolution.

   3. The subject property is a developed site. As such, the proposal would not impact natural topography or native vegetation.
4. The proposal would result in an intuitive and attractive redevelopment of an existing commercial site.

5. As new construction, the proposed building would meet minimum energy standards.

6. The proposal would not negatively impact neighboring land uses. Rather, it is anticipated that such redevelopment would result in both physical and visual improvement to the Plymouth Road/Cartway Lane intersection.

3.02 The proposal would meet the variance standard outlined in City Code §300.07 Subd. 1(a):

1. Consistent with Comprehensive Plan. One of the recognized policies of the comprehensive plan is to support existing commercial areas and encourage new development techniques that contribute to the vitality and diversity of an area. The requested variances are consistent with this policy. The variances would allow for redevelopment of a dated, underutilized site, while improving the aesthetic presence of an existing commercial business.

2. Purpose and Intent of the Ordinance. The proposed redevelopment, and associated variances, would meet the intent of the ordinance.

   a) The intent of the ordinance as it pertains to building setback is to ensure an adequate separation between buildings. In this case, a property line would be placed down a common wall to afford individual ownership of portions of the building and surrounding parking lot. While required setbacks could not be achieved between separate ownership areas of the same building, the proposed building would meet all setbacks from property lines surrounding the redevelopment site.

   b) The intent of the ordinance as it pertains to parking lot setbacks is to ensure adequate separation between parking areas and property lines for aesthetic and safety reasons. The proposal would meet this intent. The proposed parking and drive lanes would be separated from property lines and traveled portion of the surrounding streets by new sidewalks and plantings. Further, the proposed setbacks would be similar to other parking lots in the Ridgedale area.

   c) The intent of the ordinance as it pertains to impervious surface is to ensure adequate perviousness on properties for
aesthetic and stormwater management reasons. The proposal would meet this intent. Green space would be provided around the perimeter of the site, reflecting green space planned and approved on the 1700 Plymouth Road redevelopment site across Plymouth Road. Further, though the redevelopment would result in a one percent increase in imperviousness, it would also include stormwater treatment facilities and a level of stormwater treatment not currently on the site.

3. Practical Difficulties. There are practical difficulties in complying with the ordinance.
   a) Reasonableness and Character of the Locality. The proposed setbacks are reasonable, as they would not negatively impact the surrounding area. The area is characterized by commercial development with a variety of setbacks and levels of imperviousness.
   b) Unique Circumstance. The existing property is fully developed with reduced parking lot setbacks and no stormwater treatment. The proposed redevelopment would improve upon the existing conditions by generally increasing parking lot setbacks and providing stormwater treatment where none exists. That the proposal improves upon an existing situation while still requiring variances is a unique circumstance not common to all other redevelopment proposals or sites in the community.

3.03 The appeal of the p.m. peak hour trip allocation is reasonable. The traffic study conducted for the project indicates that the existing roadway capacity can accommodate the proposed development. No roadway infrastructure improvements would be necessary.

Section 4. City Council Action.

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

1. Subject to staff approval, Ridgedale Corner Shoppes must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Civil Site Plan, dated August 1, 2016, as amended by staff-drafted parking exhibit dated September 14, 2016
2. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.

   a) The following must be submitted for the grading permit to be considered complete.

      1) An electronic PDF copy of all required plans and specifications.

      2) Three full size sets of construction drawings and project specifications.

      3) Final site, grading, stormwater management, utility, landscape, tree mitigation, and natural resource protection plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.

         a. Final site plan must:

            1. Incorporate parking lot site design changes as outlined on staff-drafted parking exhibit dated September 14, 2016.

            2. Include a pedestrian ramp on the radius of the Plymouth Road/Cartway Lane intersection.

            3. Include a pedestrian ramp in the porkchop and knockdown landing located in the southern median at the Plymouth Road intersection.

            4. Revise the two pedestrian ramps along the Ridgedale ring road to be directed parallel to the street.
b. Final stormwater management plan must meet the requirements of the city’s Water Resources Management Plan, Appendix A. Design. The plan must:

1. Provide volume control, in full, for a one-inch rain event over the entirety of the site’s impervious surface.

2. Illustrate the total amount of abstraction that is provided through inclusion of the underground storage facility.

3. Include water quality data verifying the conclusions of the stormwater narrative.

c. Final utility plan must:

1. Include fire hydrants as required by the fire marshal.

2. Define the limits and method of watermain abandonment.

3. Define how the watermain disconnects will be performed. For instance, whether lines will be plugged, restrained, or thrust blocking uses.

4. Call out all connection types, including fittings, sleeves, etc.

5. 90 degree bends are not permitted. Two, 45 degree bends should be used.

d. Final landscaping and tree mitigation plans must:

1. Meet minimum landscaping and mitigation requirements as outlined in city code. At the sole discretion of natural resources staff, landscaping and mitigation may be adjusted based on site conditions.
2. Reflect plans previously approved for the property at 1700 Plymouth road.

3. Include an itemized plant material list.

4. Indicate all deciduous trees to be planted no closer than 15 feet, and evergreen trees no closer than 20 feet behind the curb of the public streets.

5. Include rain sensors on any irrigation systems.

4) A document defining ability and capacity to provide water and sewer services to the proposed lots and uses.

5) An exhibit showing property line, building footprint, and water, sanitary sewer, and storm sewer lines and clearly labelling all lines as “private.”

6) Manufacturer’s information or confirmation from a structural engineer indicating that the proposed underground storage facility is capable of supporting fire apparatus weighing at least 83,000 pounds and outrigger pressures up to a maximum of 10,800 pounds per square foot.

7) A sequencing plan for review and approval of the city engineer. The plan must notate the series of construction events that will occur involving construction and water, sanitary sewer, and storm sewer and connections and disconnections.

8) The following documents for the review and approval of the city attorney:

   a. A shared access agreement or easement over the subject site for the benefit of the site and the properties to the south. The agreement/easement must state the maintenance responsibilities of each owner.

   b. Private water, sanitary sewer, and storm sewer easements over the subject site for the benefit
of the site and the properties to the south. The agreement/easement must state the maintenance responsibilities of each owner.

c. A private fire hydrant agreement.

d. A trail easement over all areas of sidewalk that are not located with dedicated right-of-way.

e. Stormwater maintenance agreement over the proposed underground stormwater treatment facility.

f. A tree maintenance agreement. The property owner is responsible for trimming trees in location of conflict between trees, vehicles, and pedestrians.

g. Snow removal agreement. The agreement must address snow removal operations for the parking lot and sidewalks. The property owner is responsible for snow removal and maintenance of the public sidewalks adjacent to the development. The agreement must outline the plowing schedule and timelines to avoid conflicts with plowing of the public street, and avoid redundancy of sidewalk plowing. The agreement must also outline de-icing needs and provide chloride guidelines that winter snow and ice removal contractors will adhere to. The de-icing practices should minimize salt and chloride use to protect the landscape investments

9) 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.

a. 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.

10) 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:

   a. 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

   b. If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion or grading problems.

11) 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.

12) All required administration and engineering fees.

b) Prior to issuance of the grading permit:

1) Obtain and submit a permit from the Minnesota Department of Health or documentation from the department that no such permit is required.

2) Obtain and submit a sanitary sewer extension permit from the Minnesota Pollution Control Agency or
documentation from the agency that no such permit is required.

3) Obtain and submit a right-of-way permit from Hennepin County or documentation that no such permit is required.

4) 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.

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

4. Prior to issuance of a building permit:

a) Submit the following documents:

1) Proof of subdivision registration and transfer of NPDES permit.

2) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.

b) Submit a final material and color palate board for staff review and approval.

c) Submit 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 and/or grading problems.

If the builder is the same entity doing grading work on the site, the cash escrow submitted at the time of grading permit may fulfill this requirement.

d) Submit all required hook-up fees.

e) Submit any outstanding delinquent fire alarm fees.

7. During construction the street must be kept free of debris and sediment.

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

9. The property owner is responsible maintaining records and continuing to locate abandoned, in-place utility facilities.

10. The property owner is responsible for snow removal on Plymouth Road, Cartway Lane, and Ridgedale ring road sidewalks adjacent to the subject property.

11. This resolution does not approve any signs. Separate sign permit applications must be submitted.

12. The approvals granted under this resolution will expire on December 31, 2017 unless: (1) a building permit has been issued for the proposal as outlined; or (2) the city has received and approved a written request for extension of the approvals.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 10, 2016.

_____________________________
Terry Schneider, Mayor

Attest:
David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on October 10, 2016.

______________________________
David E. Maeda, City Clerk
Resolution No. 2016-

Resolution approving a conditional use permit for a use with drive-up window at 1801 Plymouth Road

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

Section 1.   Background.

1.01   Ridgedale Retail, LLC has requested a conditional use permit for drive-up windows associated with the TCF Bank at the Ridgedale Corner Shoppes.

1.02   The property is located at 1801 Plymouth Road. It is legally described as Lot 3, Block 1, RIDGEDALE CENTER FOURTH ADDITION and is zoned Planned I-394 District.

1.03   By City Code §300.31 Subd.4(b)(2)(k), uses with drive-up windows are conditionally-permitted in the Planned I-394 zoning district.

1.04   On September 22, 2016, 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 the council approve the conditional use permit.

Section 2.   Standards.

2.01   City Code §300.31 Subd.4(b)(2) outlines the following general conditional use permit standards:

1.   The use is in the best interest of the city.

2.   The use is compatible with other nearby uses.

3.   The use is consistent with other requirements of this ordinance.
City Code §300.31 Subd.4(b)(2)(k) outlines the following specific conditional use permit standards for uses with drive-up windows. The use:

1. Shall not have drive-up windows and stacking areas located adjacent to any residential parcel.
2. Shall be provided with a suitable visual screen from adjacent properties.
3. Shall provide stacking areas with a minimum of six cars per aisle on the property in areas not within applicable setback requirements.
4. Shall not have public address system audible from any residential parcel.

Section 3. Findings.

3.01 The proposal would meet the general conditional use permit standards outlined in City Code §300.31 Subd.4(b). (2).

3.02 The proposal would meet all of the specific conditional use permit standards outlined in City Code §300.31 Subd.4(b)(2)(k).

1. The proposed drive-up windows and stacking areas would not be located adjacent to any residential parcel. Rather, they would be located adjacent to Cartway Lane. The Bonaventure commercial center is located beyond.
2. Other than general landscaping, no visual screening would be necessary,
3. A minimum of six cars per stacking aisle would be provided.
4. As a condition of this resolution, public address systems associated with the drive-up window must not be audible from any residential parcel.

Section 4. City Council Action.

4.01 The above-described conditional use permit is approved, subject to the following conditions:
1. The site must be developed and maintained in substantial compliance with Civil Site Plan, dated August 1, 2016, as amended by staff-drafted parking exhibit September 14, 2016.

2. Any public address system associated with the drive-up window must not be audible from any residential parcel.

3. This resolution approves drive-up window associated with a bank or other financial institution only.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 10, 2016.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on October 10, 2016.

David E. Maeda, City Clerk
Resolution No. 2016-
Resolution approving the preliminary and final plats of RIDGEDALE CENTER 9th ADDITION at 1801 Plymouth Road

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

Section 1. Background.

1.01 Ridgedale Retail, LLC has requested preliminary and final plat approval of RIDGEDALE CENTER 9th ADDITION.

1.02 The property is located at 1801 Plymouth Road. It is legally described as: Lot 3, Block 1, RIDGEDALE CENTER FOURTH ADDITION.

1.03 On September 22, 2016, the planning commission held a hearing on the proposed plats. The applicant was provided the opportunity to present information to the commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council grant preliminary plat and final approval.

Section 2. General Standards.

2.01 City Code §400.030 outlines subdivision design standards.

Section 3. Findings.

3.01 The proposed preliminary and final plats would meet the design standards as outlined in City Code §400.030.

4.01 The above-described preliminary and final plats are hereby approved, subject to the following conditions:

1. Prior to release of the final plat for recording:
   
a) Provide the following documents for the city attorney’s review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.

   1) Title evidence that is current within thirty days before release of the final plat.

   2) Shared access agreement or easement between Lots 1 and 2 and the adjacent properties to the south for the benefit of Lots 1 and 2 and the properties to the south. The agreement/easement must state the maintenance responsibilities of each owner.

   3) Private water, sanitary sewer, and storm sewer easements over Lots 1 and 2 for the benefit of Lots 1 and 2 and the properties to the south. The agreement/easement must state the maintenance responsibilities of each owner.

   4) A private fire hydrant agreement over any fire hydrants required by the fire marshal.

   5) A trail easement over all areas of sidewalk that are not located within dedicated right-of-way.

b) Submit the following:

   1) A revised final plat drawing. The final drawing must:

      a. Incorporate additional right-of-way in the northwest and northeast corners of the property, adjacent to Cartway Road, as generally depicted on Exhibit A of this resolution.

      b. Include 10 foot wide drainage and utility easements adjacent to north, east and west property lines and a 7-foot easement adjacent to the south property line.
2. This approval will be void if: (1) the final plat is not recorded with the county within one calendar year of this approval; and (2) the city has not received and approved a written application for a time extension within one calendar year of final plat approval.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 10, 2016.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

**Action on this resolution:**
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on October 10, 2016.

David E. Maeda, City Clerk
EXHIBIT A