Agenda
Minnetonka City Council
Regular Meeting, Monday, Oct. 22, 2018
6:30 p.m.
Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Schack-Calvert-Bergstedt-Ellingson-Acomb-Happe-Wiersum
4. Approval of Agenda
5. Approval of Minutes: Aug. 6, 2018 regular council meeting
6. Special Matters:
   A. Recognition of first place national graphic design award for city logo
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases: None
10. Consent Agenda - Items Requiring a Majority Vote:
    A. Resolution appointing election judges and absentee ballot board for the Nov. 6, 2018 State General Election
    B. Resolution ordering the abatement of nuisance conditions existing at 13320 Glenavon Court
    C. Resolution canceling and reassessing the special assessment for the Copper Cow Fire Sprinkler Project, 5445 Eden Prairie Road
    D. Announcement of closed meeting to discuss labor negotiation strategies on Nov. 19, 2018 at 5:30 p.m. in the Lone Lake conference room
    E. Resolution regarding reciprocal lease agreement with Hennepin County
    F. Resolution adopting the 2019 meeting schedule for the Minnetonka City Council
11. Consent Agenda - Items Requiring Five Votes: None
12. Introduction of Ordinances: None
13. Public Hearings:

   A. Items concerning Wilson Ridge 6th Addition at 4316 and 4328 Wilson Street:

      1) Resolution approving vacation of a drainage and utility easement; and
      2) Resolution repealing and replacing Resolution 2017-013, approving the preliminary plat, and Resolution 2017-017, approving the final plat of WILSON RIDGE 6TH ADDITION

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

14. Other Business: None

15. Appointments and Reappointments:

   A. Appointment to the planning commission

      Recommendation: Approve the recommended appointment (4 votes)

16. Adjournment
Minutes
Minnetonka City Council
Monday, Aug. 6, 2018

1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:30 p.m.

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Councilmembers Bob Ellingson, Patty Acomb, Mike Happe, Deb Calvert, and Mayor Wiersum were present. Councilmember Tim Bergstedt was excused.

4. Approval of Agenda

Calvert moved, Happe seconded a motion to accept the agenda with addenda to items 10B, 13B, and 14A. All voted "yes." Motion carried.

5. Approval of Minutes: None

6. Special Matters:

   A. Appoint Rebecca K. Schack as Ward 2 Councilmember and administer Oath of Office

      City Manager Geralyn Barone gave a staff report.

      Calvert moved, Acomb seconded a motion to appoint Rebecca K. Schack, 3201 Plymouth Road, to replace Tony Wagner as the Ward 2 Minnetonka City Councilmember, and will fill the term of office through the end of 2019. All voted "yes." Motion carried.

      City Clerk David Maeda administered the oath of office to Schack.

      Schack thanked the council and staff for the guidance through the appointment process.

7. Reports from City Manager & Council Members

Barone reported on upcoming meetings and city events.

Calvert said she attended the League of Minnesota Cities Improving Service Delivery Policy Committee meeting.
Wiersum said he and Barone attended the League of Minnesota Cities Improving Fiscal Future Policy Committee meeting. He also attended his first League’s Executive Committee meeting. He noted the Tour de Tonka event was canceled the previous weekend due to a forecast for stormy weather. He said it was the right decision because it was in the best interest of the safety of the riders.

8. Citizens Wishing to Discuss Matters not on the Agenda

Mary McKee, Baker Road, said she was concerned about the proposed franchise “tax” that was being discussed. Currently there was an infrastructure “tax” on the city’s water bills. She was concerned with paying for recreational items on the utility bills. The funds should be for something that the city really needs, or to pay for an emergency.

Wiersum said the issue would be considered by the council in the near future, and there would be opportunity for public comment.

9. Bids and Purchases: None

10. Consent Agenda – Items Requiring a Majority Vote:

   A. Resolutions approving use of Hennepin County Affordable Housing Incentive Funds by Homes Within Reach

   Ellingson moved, Calvert seconded a motion to adopt resolution 2018-095 approving use of 2017/2018 Hennepin County Affordable Housing Incentive Funds by Homes Within Reach and resolution 2018-089 approving use of 2018/2019 Hennepin County Affordable Housing Incentive Funds by Homes Within Reach. All voted “yes.” Motion carried.

   B. Resolution awarding sale of approximately $10,000,000 General Obligation Utility Revenue Bonds, Series 2018A

   Ellingson moved, Calvert seconded a motion to adopt resolution 2018-090 awarding the sale of approximately $10,000,000 General Obligation Utility Revenue Bonds, Series 2018A. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes:

   A. Resolution approving a conditional use permit for an accessory apartment at 2201 Hillside Circle

   Ellingson moved, Acomb seconded a motion to adopt resolution 2018-xxx approving a conditional use permit, with wetland setback variance, for an accessory apartment at 2201 Hillside Circle. All voted “yes.” Motion carried.
12. Introduction of Ordinances:

A. Ordinance amending the Minnetonka Corporate Center Master Development Plan for a two level parking ramp at 12501 Whitewater Drive

Assistant City Planner Susan Thomas gave the staff report.

Happe moved, Schack seconded a motion to introduce the ordinance, refer it to the planning commission. All voted “yes.” Motion carried.

B. Ordinance regarding senior citizens advisory board member terms

Barone gave the staff report.

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

13. Public Hearings:

A. Surplus CDBG Block Grant Funds from program years 2015, 2016, and 2017

Community Development Director Julie Wischnack gave the staff report.

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

Happe moved, Calvert seconded a motion to adopt resolution 2018-092 reallocating the 2015, 2016, and 2017 CDBG funds and to approve the agreement between Hennepin County and the City of Minnetonka to administer the 2015, 2016, and 2017 Small Projects Rehabilitation funds on behalf of the city. All voted “yes.” Motion carried.

B. Items related to grant funding agreements for Newport Midwest LLC, dba The Mariner, at 10400, 10500 and 15500 Bren Road E.

Wischnack gave the staff report.

Wiersum opened the public hearing at 7:08 p.m.

Jim Fallon, 4149 Baker Road, asked for the location of the proposal. He asked if there were project agreements in place that included hiring local contractors. Wischnack said because city funds were not being used, the city would not regulate the contract language.

Wiersum closed the public hearing at 7:11 p.m.
Calvert moved, Acomb seconded a motion to approve the Demonstration Account Development Grant Program -TOD Program- (Metropolitan Livable Communities Act Grant Agreement) with Metropolitan Council for TOD funds, and the subrecipient agreement between the City of Minnetonka and Newport Midwest; and to approve the Local Housing Incentives Account (Livable Communities Act Grant Agreement) with Metropolitan Council for LHIA funds, and the subrecipient agreement between the City of Minnetonka and Newport Midwest, LLC; and to adopt resolution 2018-093 for the 2018 funds authorizing the use of Hennepin County Affordable Housing Incentive Funds in Minnetonka by Newport Midwest, LLC. All voted “yes.” Motion carried.

C. Temporary on-sale liquor license for The Rotary Club of Minnetonka Foundation, 12401 Wayzata Blvd.

Barone gave the staff report.

Wiersum opened the public hearing at 7:12 p.m.

Chris Rosenlund from the Minnetonka Rotary Club Foundation provided information about the city sponsored Rock at Ridgedale event.

Wiersum closed the public hearing at 7:14 p.m.

Acomb moved, Schack seconded a motion to grant the temporary liquor license in connection with the event for The Rotary Club of Minnetonka Foundation. All voted “yes.” Motion carried.

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

Barone gave the staff report.

Wiersum opened the public hearing at 7:15 p.m.

Rosenlund provided information about the Links and Libation fundraising event.

Wiersum closed the public hearing at 7:19 p.m.

Acomb moved, Schack seconded a motion to grant the temporary liquor license in connection with a fundraising event, including outdoor events, for The Rotary Club of Minnetonka Foundation. All voted “yes.” Motion carried.

14. Other Business:

A. Consideration of petition for environmental assessment worksheet for Lone Lake Park – Mountain Bike Trail

Barone, Recreation Services Director Kelly O’Dea, City Attorney Corrine Heine, and Natural Resources Manager Jo Colleran gave the staff report.
Acomb asked how long the EAW process took for the Dominium development. Wischnack said it took around five months. Acomb asked what would happen with the project if during the U.S. Fish and Wildlife visit of the site in the spring the Rusty Patch Bumble Bee was spotted. Colleran said it would really depend on the details. She said if the U.S. Fish and Wildlife felt there was an issue with the habitat, they might issue a permit with requirements to allow the work to occur. Acomb asked if there were herbaceous plants, would they be transplanted or avoided. Colleran said it would probably be a combination of both and that transplanting the plants in other areas had been successful.

Ellingson asked for more information about the size of the park and the size of the trails. Colleran said the park was 146 acres. The area of undeveloped land was 132 acres. The finished trail would be between 18 and 24 inches wide but the initial construction would be three feet wide. This equated to 1.7 acres of initial disturbance. Ellingson said that it felt like this was minimizing the area of the park that had trails when most of the park would have trails. Colleran said she was only speaking to the potential new trail area construction. Currently there were three miles of informal trails in the park. These informal trails were areas people adopted that had been deer paths or areas where water ran down the hills. Some of those would need to be restored, some would be comingled with the new proposed trail. There would be 4.7 miles of new trail with 1.7 acres of disturbance.

Happe said Ellingson made a good point. If a circle were drawn around all the trails, he asked how much of the 136 acres would be taken up. It looked like nearly all the park. Colleran said she was speaking about the area of disturbance. In talking about construction, there would be a walk behind grader that was three feet wide to actually construct the trail to be sustainable. Happe said one of the comments was related to minimizing the impact on critical root zones of the many legacy trees. He said staff was committed to minimize damage to trees, but questioned if it was possible that no legacy trees would be removed. Barone said this would be a question for when the council discussed actually approving the project. For the purposes of the EAW this might not apply. Heine said the working assumptions of the staff was that there would be no legacy tree removal. This was one of the purposes of the field siting, to insure that to the extent that tree removal was required, that this would be limited to smaller, insignificant trees.

Wiersum asked if the current informal trails had been mapped. He said the map included in the staff report made it look like it was a pristine park that had no existing trails when in fact it was full of 3.1 miles of informal trails. O’Dea said there was a map of the informal trails included in the mountain bike study. He said there were a number of these informal trails staff would recommend closing because they were not sustainable. The net gain in trails would be 2.7 miles.

Calvert said her understanding from previous meetings was that some of the informal trails would be rehabilitated. O’Dea confirmed this was correct and said his recollection was this would include around 1.7 miles of property. Wiersum
said the information presented indicated the informal trails were located throughout the park.

Acomb said it would be helpful as people came up to speak, if they would indicate if the EAW was required by the council, and the results supported the staff’s findings, if the person speaking would then support the mountain bike trails.

Stu Grubb, from Emmons and Olivier, an environmental consulting company, said he was asked by residents to address the council on some of the environmental effects of a mountain bike trail. He said the EAW was necessary because the bike trail could have potential for some significant environmental effects in areas of erosion, water quality, noise and solitude, and wildlife habitat. Minnesota administrative rules require the regulatory governmental unit shall require an EAW if the evidence presented by the petitioners demonstrates because the nature or the location of the proposed project, the project may have the potential for significant environmental effects. He said the key phrase was “may have the potential,” and he felt some of the issues rise to the level that they will have significant environmental effects.

Grubb showed photographs of existing erosion in Lone Lake Park. He noted staff went to other locations with mountain bike trails but one location they did not visit was Battle Creek Park. He said there was significant erosion in that park despite the use of good trail building techniques. For the issue of water quality, he said Lone Lake was nearly a eutrophic lake, but was currently a mesotrophic lake. Eutrophic meant the lake had a lot of algae and other plants growing in it. A fully eutrophic lake does not have any open water. The concern was some of the proposed projects as well as ongoing projects will add sediment to the lake. For the noise and solitude issue, the park currently was designated for passive recreation. A mountain bike trail does not qualify as a passive use and would significantly affect quiet use and solitude. There was a safety concern with mountain bikers veering off the mountain bike trail and onto a hiking trail or a hiker veering onto the mountain bike trail.

Grubb said the EAW would allow time for the staking of the trail. He questioned if it was possible to avoid the critical root zones of all the legacy trees. The wildlife habitat issue would be affected by bikers bringing news seeds into the park from other areas. Garlic mustard was a particular concern. The wildlife areas between the mountain bike trails would be impacted as well. Songbirds would likely be the most affected. There would be collisions with small frogs, toads and turtles. He said everything was interconnected. If birds were lost, there could be a great increase in insects. If foxes were lost there might be an increase in the number of rodents. He said the entire effect on the ecosystem had not been adequately studied. The country was having a problem with the issue of pollinator loss. The Rusty Patch Bumble Bee was a poster child for the problem. The bee used to be found in many places from Minnesota to Georgia. Now it was found in only about 10 percent of that area. He described the colony cycle of the Rusty Patch Bumble Bee and how the mountain bike trail would effect it.
Grubb said on the topic of archeology and cultural resources, it was true there was no listed sites in Lone Lake Park but the reason was no one had ever really looked. A phase one archaeology survey needed to be conducted. The cumulative effects relate to the pickleball courts. He agreed the courts likely had no impact on the Rusty Patch Bumble Bee because the location was previously manicured turf. However there would be significant erosion due to the courts. There also would be an increase in impervious surface when the courts were completed. Another concern was increased traffic with cars bringing the bikers to the park.

John Mirocha, 5423 Maple Ridge Court, said there were many questions that had not been adequately answered regarding the proposed mountain biking trail. The report Grubb presented called into question many of the basic premises the city was using to support the proposal. He said both reports state there would be negative environmental consequences. They only disagreed on the amount. The actual impact had yet to be fully assessed and quantified. This could only be done with an EAW. He noted city staff had been quoted by the media as saying that the city could “hopefully mitigate many of the environmental concerns.” Hope was not a scientific method. Wishful thinking had no place in this decision.

Gary Lore, 12505 Ridgemount Avenue West, said an EAW was a much lower level of assessment than a full Environmental Impact Statement. He said his concern was the impact on the Rusty Patch Bumble Bee could result in requiring a full Environmental Impact Statement. This would be much more costly for the city. Spending $25,000 on an EAW would be a great insurance policy to ensure the city was doing the right thing.

Ben Marks, 4362 Avondale Street, said it was not a coincidence that the attorney representing the residents petitioning for the EAW submitted the documents to the city July 3 at 4 p.m. He fully knew the holiday schedule would prevent city staff from preparing a response in time for the July 9 council meeting. This caused the vote on the mountain biking trails to be postponed. He said this was a blatant delay tactic by residents who did not want to share the park. Everyone wanted what was best for the parks and environment but limiting access to a community park was not the answer. It would be more productive for the neighbors of Lone Lake Park to work together with the trail advocates in removing evasive species and increasing habitat for both bees and monarch butterflies. He said the process for the mountain biking trails began over two years ago and it was time for the lawyer games to end and for city leaders to move forward with a decision that was in the best interest of the entire community.

Maureen Hackett, 4919 Arlington Drive, said the Lone Lake Park mountain biking proposal was proposed on February 7. The proposal was rushed through with no comments being taken until the open house and then no questions were answered. She said she walked the informal trails. There was grass growing on them. There was Sumac growing over them. There were Indigo Bunting birds flying in the nearby shrubs. The trails were rarely used and if they were, it was by a handful a people a day. This didn’t equate with the mountain biking trails and
an EAW would probably show this. The residents requesting the assessment were doing so out of concern for the conservation of Lone Lake Park. The city has signed the ridges as being Glacial Moraine ridges. The hills were not agricultural. This was why the residents were fighting to protect the high valued habitat. They were not against mountain biking. They had proposed other locations that had been dismissed out of hand. She said there was extra due diligence required because of the conflict of interest. The city wanted the project, proposed it, and now the residents were asking that the local governing agent make sure the project was totally within the realm. The city had spent a lot of money restoring the park and now that restoration would be undone with stuff that may not be healable for a long time. She said the public health concerns with an increase in ticks and insects were real. It was shown that the red fox was most effective in breaking the Lyme disease cycle. She was worried about losing one of the most beautiful metro area parks ever.

Laura Brill, 11700 Vista Drive, asked that the EAW be done as a good faith gesture to make an impartial, informed decision on a very contentious issue. The more information the council had would make for a better decision and would lessen the potential for future conflict.

Jim Norris, 11817 Douglynn Drive, said he attended the park board meeting and heard a lot of discussion about the bike trail being used as a competitive site for high school meets. He couldn’t imagine doing an environmental appraisal without including this function.

Gary Fisher, 11814 Bren Road, said Walter Mondale had been quoted earlier in the year noting this year was the 50th anniversary of the St. Croix National Wild and Scenic Rivers Act. Mondale said the river would not be lost through some big dramatic destruction but rather through nicks and cuts. Fisher said the council had been overseeing nicks and cuts to Lone Lake Park for a while with the pickleball courts being a big cut. The apartments going in on the Music Barn site were a cut. The engineering department was working on bringing trails through the southern end of the park. He said the mountain biking trails were beyond a nick or a cut but were a gouge.

Trish Gardiner, 14409 Orchard Road, said people forget right down the road there were another 170 acres in Bryant Park that included all the things present in Lone Lake Park. It wasn’t like the proposal would take the very last park in the community. What was being asked for were mountain bike trails for everyone. She said the city had done extensive study of the proposal.

Caroline Smith, 11895 Douglynn Drive, said she had the city’s approval when she built her home. This was done on a property that already had a home, and she was asked to do an environmental study. She paid for the study. She was also asked to put in concrete that didn’t cause a lot of runoff. She put in rain gardens, wetlands, and native plants. She did this four years ago and she did it because it was the right thing to do. She loves her property and spent over $150,000 to make all that happen. She wants everyone to enjoy the park but she wanted the city to do right by her. If she was asked to do an environmental study
then she thought the city should be fair to everyone by requiring the same standard be met.

Jeff Ingram, 14400 Lennell Drive, said what was before the council was whether or not to accept the staff recommendation or to require an EAW. He said staff did a thorough job and the EAW would be a subset of the work that already had been done. The concerns had already been addressed.

Grace Sheely, 14325 Grenier Road, said she was a beekeeper. Bees were incredibly complicated. She has a swarm in her backyard. Bees were not predictable. There was an endangered species, the number in the park was unknown, and she would like to understand this better. By law, there was a mandate to protect the bees. She asked the council to carefully consider the process. The EAW was not needed if the mountain bike trail was not going to be approved. She questioned if the process was proceeding in the right order. She didn't want the city to be sued.

Marianna Oliynyk, a St. Louis Park resident, said it had been stated there had been no studies related to mountain biking in Lone Lake Park or in other city parks. It also had been said the informal trails were similar to mountain bike trails. While the width of the mountain bike trails had been clearly stated, the width of the informal trails had not been clearly stated. The intention of the mountain bike trails was to bring more people to the park and to get people active in the park. It also had been stated animals can move and adapt. This was the difference between animal populations surviving and thriving. She questioned if it was a realistic assumption not knowing where the animals would move to. There was no scientific argument that had been made. Negative outcomes were being ignored. It was obvious putting in mountain biking was the priority without specifying where the actual trails would go.

Diana Houston, 12201 Minnetonka Boulevard, said a biking community document, “What is Urban and Suburban Mountain Biking” indicated a full environmental assessment should be conducted. She said the city’s ordinance requires that for any recreational trail, each person must provide for sufficient room for other trail users traveling in the opposite direction. The staff report indicated the trail width would be 18 to 24 inches. This would not be sufficient room for bikers traveling in opposite directions. Information from the biking community recommended a trail width between 36 to 48 inches. This would suggest the environmental impact would be greater than indicated in the staff report. A one way trail would only be for bikers since walkers tend to turn around and go the other way. There were a lot of issues involved due to the design. She noted Native American burial mounds had been discovered during the County Road 101 reconstruction.

Linda Russell, 5423 Maple Ridge Court, said the city had long valued the beautiful natural surroundings. The first value listed in the comprehensive guide plan was the natural environment. There are three goals listed under that value: were to protect and improve water resources and woodlands; facilitate open space preservation; and respect the natural environment while managing growth.
She said the city’s actions should match its words. Any decision made to substantially change one of the city’s parks deserves the highest level of scrutiny. The environmental impact of building mountain bikes in Lone Lake Park was not speculation. The only question was how much impact there would be and what the long term consequences would be. She questioned why the council would not want to know every possible outcome before making a decision. Residents deserved to have a council that was committed to using the highest standards of environmental assessment to inform them in making a decision that would affect the park for decades to come.

Lawrence Wade, 15524 Day Place, said he disagreed with two points in the staff report. There was no way to know of knowing how many trees would be removed because the trail had not been sited. He said there were not a lot of small trees in the park and many of the trees were 80 to 100 years old.

Petra Marquart, 18523 Covington Road, said being stewards of the land, she didn’t think there could ever be enough information. Once nature was changed or gone, it could never be gotten back.

Iris Gaillard, 5222 Beachside Drive, said in 1970 Minnesota made a pledge to protect the environment by declaring that each person had the responsibility to contribute to the protection, preservation and enhancement of air, water, land and other natural resources. One concern that was raised at the last meeting was noise and the potential increase in the number of overall trail uses increasing the noise. She said staff provided a short response stating the increase in noise would be limited. She thought it was an unsatisfying answer because it didn’t take into account the change in acoustics. She cited a 2016 study that looked at the impact of noise in a Palo Alto park. The study showed noise affected many endangered species.

Tom Davis, 5316 Dominick Drive, said this was a precious piece of land and it was important to understand everything that was there for the potential impacts and potential positives. He thought the EAW would make a difference.

Sam Russell, 5325 Dominick Drive, said Lone Lake Park was a huge part of her childhood. She wanted the city to conduct an EAW because only three percent of the city’s land had not been developed. Lone Lake was arguably the highest quality park in the city because of the long term sustained restoration investment. The park was extremely biodiverse and supported a significant number of bird species and provided unique nature based experiences for people of all ages.

Luke Vansanten, 2148 Sheridan Hills Road, said Lone Lake Park was situated within one half mile from I494, Highway 62 and Shady Oak Road. The average daily traffic load on I494 was just south of 100,000. Highway 62 has over 37,000 vehicles a day. Shady Oak Road had over 13,000. He said the proponents of the EAW seemed to be operating on unfounded aspirations like all mountain bikers do not care about the environment.
Joel Maynard, 5544 Sanibel Drive, said he walks in Lone Lake Park daily. There are extraordinarily tall ridges all around the park. Because of the acoustics of the park one can go in the park daily and hear nothing but the chirping of birds. The highway traffic can scarcely be heard.

Heidi Gray, 13800 Knollway Drive South, said legally, the city must move forward with the EAW if it was determined there were significant environmental impacts. The criteria for determining if there were significant environmental impacts were the impacts could be mitigated, how long the impacts would last. She said all the processes the city staff had gone through determined the EAW was not needed. The footprint of the trails was very small and the majority of the impacts could be mitigated. What the council decided to do with this EAW would determine what would happen with many other future projects. If a precedent was set for this project, it would set a precedent for future projects.

Tom Stockert, 5524 Dominick Drive, noted the resolution included in the council packet indicated the trails were expected be a local resource and not a regional recreational destination. Local bikers would likely bike and not drive a car to the park. The proposal stated Lone Lake Park was the finalist in part because there was adequate parking that it apparently did not need and thus there was no need for a traffic study. He said staff's conclusions in an expedited process needed to be carefully reviewed. He asked the council to scrutinize every clause in the draft resolution.

Heather Holm, 15327 Lake Shore Avenue, said she was a biologist who had been researching and studying bees for over a decade. She was the one who originally documented the Rusty Patch Bumble Bee in 2016. This year she has seen many worker Rusty Patch Bumble Bees that were females. There was a very vibrant and good population of Rusty Patch Bumble Bees in Lone Lake Park. She said it was very possible there was one, and maybe more, active colonies nesting in the park. One of the primary reasons she co-authored the EAW petition was because the conclusions of the SEH report regarding the Rusty Patch Bumble Bees were incorrect. She said it was essential that a careful and thorough survey for additional foraging and nesting sites be conducted prior to any alterations to habitat. The survey should cover one full growing season.

Bill Ehmke, 5391 Maple Ridge Court, said it was better to obtain an EAW now rather than to live with the unintended consequences.

Lynn Davis, 5316 Dominick Drive, said she would like the city to do the EAW because she thought it was important for the council to see absolutely everything that was present in the park and what could be impacted.

Mary Beth Potruss said up until recently she had lived in Minnetonka for nearly two decades. She said she wanted everyone to understand that the request to do an EAW was not about mountain biking. If the proposal was to do a paved trail she would have the same reaction. There were far too many beautiful things in Lone Lake Park.
Jim Fallon, 4149 Baker Road, said he’s seen the decline of wildlife in the community over the years. He said the city was trying to attract young families to live in the community and it would be nice for them to go see some of the nature. The quandary was there was another side that wanted mountain bike trails. Both groups could not be satisfied. People shouldn’t be fighting with each other but instead trying to get together. Things change but the park system should be dedicated to satisfying everybody’s needs. He thought the EAW would establish the minimums not the maximums.

Rosann Fischer said the thing that made her emotional was it was a federally endangered species being discussed. She didn’t want to be the one to tell her children or grandchildren that she was the one that wiped the bees out. The city had a treasure that could be publicized.

Calvert said she really wished the attendees had answered the question Acomb posed at the beginning of the discussion. She said the U.S. Fish and Wildlife staff would be present at critical junctures of the project to make sure the city was following federal protection regulations about endangered species. She asked if an EAW was done, what would be different than the biological assessment that already had been done. Colleran said the assessment of the Rusty Patch Bumble Bee and ensuring the protection of the bee could occur outside an EAW. The U.S. Fish and Wildlife Service was charged with enforcing the endangered species act. Whether or not the petition for an EAW had been submitted staff would have proceeded with securing approval and consulting with the U.S. Fish and Wildlife staff ensuring the right thing was being done. Calvert said her question was about the difference between an EAW and the assessment that already had been done. The council would hire the consultant for the EAW so she wanted to understand if something different would be looked at. Colleran said the EAW would look at the endangered species, the habitat present, and when it was identified. Further quantifying impacts to habitats would come under the purview of the U.S. Fish and Wildlife Service.

Happe said if the council approved the proposal, it would be really important to have a follow up environmental assessment a couple years down the road to see if the concerns actually came to pass. He said he would not support doing an EAW at this time because he felt staff had done a thorough job at evaluating the issues and potential environmental impacts.

Schack said she wanted to confirm that the EAW would not address the cultural or archeological concerns. Colleran said in the EAW, the historical sites would need to be addressed. Schack asked if there would be anything done beyond the research that was already done. Colleran said staff would follow up with the state archeologist. Based on the fact that the site was used for agricultural purposes in the past, staff believed the requirements had been met. Schack asked if SEH was the type of consulting firm that would also do an EAW. Colleran said there were multiple consultants that could do the EAW and SEH was one of them. Schack noted if an EAW was done, there would not be a proposed site plan that would be provided. The trail marking would be done afterward. Colleran said the
field siting would be done after the EAW because if anything came out of the EAW, staff would want to know about it.

Acomb said staff indicated regardless of if an EAW was done, it work with the U.S. Fish and Wildlife Service to determine impacts to the Rusty Patch Bumble Bee. Colleran said what she proposed to the U.S. Fish and Wildlife Service was that the city would field site the trail and the U.S. Fish and Wildlife Service would look at the corridor where the trail was sited. Discussions would occur about the timing of the trail construction. The U.S. Fish and Wildlife Service had not committed to being present at the time of trail construction. Acomb asked if Colleran saw anything the U.S. Fish and Wildlife Service might discover that would prompt the closing down of the project. Colleran said in her preliminary discussions with the staff of the U.S. Fish and Wildlife Service, they indicated that a permit may need to be issued because the Rusty Patch Bumble Bee may be identified in the prairie area, it may be in the woodland area, the exact nest site may not be determined. A permit may be issued to allow the work to occur because there still might be some unknowns about intrusion into the habitat.

Ellingson said it was important to look at the legal standard. The rule stated the governmental unit shall order an EAW if there may be the potential environmental effects. He said he was a state legislator for 10 years and the reason for administrative rules and environmental law was to allow residents to require government to consider the environmental impacts of actions of the government. He said the rule stated “may have” environmental impact. Calvert clarified the rule also said “significant” environmental impact.

Wiersum asked for Heine to comment. Heine said the question in the rule was if the evidence that was presented, that included all the reports that had been provided both by the petitioners and by city staff and the consultant, demonstrate that because of the nature or location of the proposed project, that the project may have the potential for significant environmental effects. If the council determined the project had the potential for significant environmental effects, it must order the EAW. If the council determined it did not have that potential, then it could deny the request. She said part of this was determining what significant environmental effect was. There was some dispute on this on the part of the petitioners. There had to be evidence to support and demonstrate, not just fears, that something may happen. She said city staff identified that the Rusty Patch Bumble Bee had been found in the park and may rely on some habitat in the park. She said one of the factors the council had to consider was the extent that potential environmental effects were subject to mitigation by ongoing public regulatory authority. The staff was focused on this in terms of the bee in particular. The bee had been identified in the park but a nesting site had not been located. The U.S. Fish and Wildlife Service had an ongoing regulatory obligation that staff would work with to follow any recommendations and requirements they might suggest. The council could order the EAW in any case because it was responsible for authorizing the funding.

Ellingson said the history of the Endangered Species Act involved animals that people never heard of that prevented major projects. It seemed to him if there
was an endangered species that there may be a potential effect on, the rule said the council shall order the EAW. Calvert said the rule also provided that to the extent the environmental effects might be mitigated by ongoing public regulatory authority, in this case, the U.S. Fish and Wildlife Service had to be considered.

Schack said she worried that an EAW wouldn't further satisfy residents or her concerns that weren't already addressed by the previous assessment. Her concern was that that the city would end up in the same place six months to a year from now with the same level of unknowns because the EAW wouldn't go further in depth from what was already known. She was heartened by the steps that would go into place to protect the bees and making sure the mitigation would occur. Her instinct was that the EAW would not be particularly satisfying in the end.

Calvert said the staff report included a table that showed what the biological study and what the conclusions were and to some extent how it compared to an EAW. She said it showed it was virtually identical. She was married to a person who spent his entire 37 year career to protecting endangered species. She had a deep appreciation for environmental issues. She had gone on walks in Lone Lake Park with residents in the room. She had read all the information presented. She was inclined to take the staff recommendations because she felt staff had done its due diligence and she agreed with Schack that an EAW would not provide any further information.

Acomb said her decision went back and forth several times during the discussion. She asked the question if the results of the EAW would impact people because her fear was that it wouldn’t. She thought there were a number of people wanting the council to require an EAW to prevent the project. She supported the mountain biking project. That said, she was concerned about the Rusty Patch Bumble Bee. She said the petition for the EAW was like looking for a needle in a haystack. This was where she was stuck. She wished that there would be no impact to the Rusty Patch Bumble Bee and this was her inner struggle with what to do. Part of her thought was that this was a great location for the outdoor activity and that people needed the opportunity for the activity.

Calvert said she runs with her dogs in Lone Lake Park nearly every other day. When she went on the informal trails, she was with dogs not on leash. She said the mountain bike supporters had committed to invasive species abatement and trail maintenance, and many hours of volunteer time. This was also a chance to rehabilitate the eroding trail in the park and to provide a use that didn’t exist anywhere else in the city. She said there were uses of the park that weren’t that healthy and this was an opportunity to make things better.

Wiersum said the decision was difficult because there were passionate people on both sides. There were good people that cared about the environment, the city and the parks. He said as he looked at the question, one side focused on the term “may have the potential.” Another group focused on significant versus minimal. He looked at it as more of a strategic issue than a tactical one. Staff convinced him that they did a thorough job and that they care about the
environment. Doing an EAW would not teach very much. He said there were people that would say the EAW taught a lot if it said what they wanted it to say but wouldn’t teach very much if it didn’t tell them what they wanted to hear. The EAW could be done and the city could find itself in the exact same place six or nine months from now. One thing would have been accomplished to the opponents of the project was they would have had one more year of not having mountain biking in the park. This may be an end in itself, but it was not good policy. The city had never done an EAW on trails in the past. There were trails in the city that everybody says they love to use, but were far more invasive than a single track mountain bike trail. He didn’t think an EAW was warranted but he was concerned about the Rusty Patch Bumble Bee. Just because the council decided not to do an EAW didn’t mean they city should stop worrying about the bee. If it was determined the impacts to the bee were significant, something needed to be changed. He said an EAW would be a waste of taxpayer money and would not tell anything new because the due diligence had already been done.

Happe moved, Calvert seconded a motion to adopt resolution 2018-094 determining that the project does not require a discretionary environmental assessment worksheet. Happe, Schack, Calvert and Wiersum voted “yes.” Ellingson and Acomb voted “no.” Motion carried.

B. New Park at Ridgedale community outreach process & timeline

Park and Trail Planner Carol Hejl gave the staff report.

Acomb said she appreciated the timeline and the process that was laid out. She thought it was a good opportunity for people to get involved and engaged. She also appreciated the attention with all abilities. The sustainable aspect was also important.

Calvert agreed the sustainability was important. Having native plants would be wonderful. Anything that could be done to incorporate artwork and the arts would also be wonderful.

Wiersum said he was curious to think about what a signature community level park looked like. Other cities have done those and if those analogs could be found, that would be great. His only suggestion related to the public outreach. He suggested stretching the public outreach out a couple of weeks because people were gone in August and school began in September. He agreed with Acomb about the importance of it being handicapped accessible.

15. Appointments and Reappointments: None
16. Adjournment

Calvert moved, Happe seconded a motion to adjourn the meeting at 10:21 p.m. All voted "yes." Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk
City Council Agenda Item #6A
Meeting of Oct. 22, 2018

Brief Description: Recognition of national first place award for city logo

Recommended Action: Recognize the award

Background

In September, the city’s new logo received a first place award in a nationwide contest sponsored by 3CMA (City-County Communications & Marketing Association), the nation’s premiere network of local government communicators.

Designed with input from community members, city council and city staff, the new logo was created by a local graphic design artist following months of research. It was officially introduced to residents in December 2017.

Comments from the contest judges include:

“The City of Minnetonka’s redesign of its 20-year-old logo is a model for others to follow, anchored solidly on research, identification of multiple target audiences, and a thoughtful, clearly defined creative process. Judges appreciated the thorough explanation of the design elements which resulted in an impressive new mark and style guide that will serve the city for many years to come.”

In addition to the first place graphic design award, the city also received a third place award for its plan to roll out and implement the new brand.

Earlier this year, the communications division also received five awards from the Minnesota Government Association of Government Communicators, including first place for its branding and marketing plan.

Recommendation

Recognize the first place award.

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

Originated by:
   Kari Spreeman, Communications and Marketing Manager
City Council Agenda Item #10A
Meeting of Oct. 22, 2018

**Brief Description:**
Resolution appointing election judges and absentee ballot board for the Nov. 6, 2018 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 6, 2018 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 2018 budget, election judges will be paid $10.75/hour, assistant lead judges will be paid $11.25/hour and lead judges will receive $11.75/hour.

In 2016, the city used high school election judges for the first time. The regular election judges raved about the work of the student judges. This year extra effort has been spent recruiting students to serve as election judges. The program has been successful in meeting the goal of two student election judges in every polling place.

There has been one polling place change from 2017. Voters who voted at the Ridgedale YMCA now vote at the city’s Public Works Facility at 11522 Minnetonka Boulevard. This change was in effect for the August State Primary and the location worked well for voters. Extra signage will be used to direct voters to the correct location.

**Recommendation**

Staff recommends that the city council adopt a resolution appointing the election judges for the Nov. 6, 2018 State General Election.

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

Originated by:
David Maeda City Clerk
Resolution No. 2018-
Resolution appointing election judges for the Nov. 6, 2018, 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 6, 2018. 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 6, 2018 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 Oct. 22, 2018.

________________________________________
Brad Wiersum, Mayor

Attest:

________________________________________
David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption:  
Seconded by:  
Voted in favor of:  
Voted against:  
Abstained:  
Absent:  
Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Oct. 22, 2018.

_________________________________________
David E. Maeda, City Clerk
General Election, Tuesday, November 6, 2018

Alternate

Alison Lee Albrecht, Alternate Judge
Carol B Andruskiewicz, Alternate Judge
Sharon Angela Azan, Alternate Judge
Elaine Elizabeth Clyborne Barber, Alternate Judge
Vincent L Bartram, Alternate Judge
Dyanne Marye Bauer, Alternate Judge
Stephen Leonard Bauman, Alternate Judge
John A Brandt, Alternate Judge
Sally A Bressler, Alternate Judge
Donald Brown, Alternate Judge
Kathryn Louise Burgeson, Alternate Judge
Barbara A Campion, Alternate Judge
Christopher J Carlson, Alternate Judge
Clara A Carlson, Alternate Judge
Maryna P Chowhan, Alternate Judge
Sherry Leder Cooper, Alternate Judge
Elaine Rigo Corcoran, Alternate Judge
William Harold Corcoran, Alternate Judge
Kathleen Julia Coughlin, Alternate Judge
Nancy Quay Crist, Alternate Judge
Jerome Rudolf Davis, Alternate Judge
Kathleen A Dixon, Alternate Judge
Loye G Donnelly, Alternate Judge
Gayle Jean Dreon, Alternate Judge
Kenneth Robert French, Alternate Judge
Helen R Friedlieb, Alternate Judge
Merle Bell Gonzales, Alternate Judge
Mary Lucille Gortzyki, Alternate Judge
Stephanie D Grande, Alternate Judge
Angela Kathleen Griffin, Alternate Judge
Maureen Jeanne Griffin, Alternate Judge
Anne Margaret Hanson, Alternate Judge
Jay F Hoffman, Alternate Judge
Patricia M Hollister, Alternate Judge
Mary Teresa Kirchof, Alternate Judge
Gayle E Kline, Alternate Judge
Diann Ellen Koch, Alternate Judge
Jayne Ann Komadina, Alternate Judge
Alaina Ann Larkin, Alternate Judge
Karin Louise Larson, Alternate Judge
Laura Virginia Laumann, Alternate Judge
Karen J Lawrie, Alternate Judge
Bruce Timothy Lawson, Alternate Judge
Lorene Janet Lehmann, Alternate Judge
Alice Asya Lieberman, Alternate Judge
Mary Kathleen Lund, Alternate Judge
Ray L Makepeace, Alternate Judge
Maureen C Mann, Alternate Judge
Susan Reynolds May, Alternate Judge
Carol Marie Menne, Alternate Judge
Judge Board Report, 2018 Statewide Election

Marian Susan Michael, Alternate Judge
Roger Edmunds Michael, Alternate Judge
Lenore Miller, Alternate Judge
Saralee D Mogilner, Alternate Judge
Katherine W Nelson, Alternate Judge
Jeffrey M Nobleza, Alternate Judge
Mary Patricia Noonan, Alternate Judge
Berendina Marleen Numan, Alternate Judge
Mary Louise O Brien, Alternate Judge
Barbara Ann O Keefe, Alternate Judge
Carol A Olson, Alternate Judge
Johanna Addison Olson, Alternate Judge
Susan R Oreck, Alternate Judge
Susan Dale Orren, Alternate Judge
Par Gerhard Peterson, Alternate Judge
James Philip Robbins, Alternate Judge
Patricia L Rodney, Alternate Judge
Jessica Jasper Rush, Alternate Judge
David Harold Shapley, Alternate Judge
Ronald J Spoelstra, Alternate Judge
Jane B Stowers, Alternate Judge
Jacqueline Jeanette Sullivan, Alternate Judge
Char B Thomasson, Alternate Judge
Mary H Traynham, Alternate Judge
Gail B Weinberg, Alternate Judge
Barbara B Westmoreland, Alternate Judge
Clay Alexander Young, Alternate Judge
Geraldine W Zachmann, Alternate Judge
Jacqueline A Zimmerman, Alternate Judge
Robert Leonard Zimmerman, Alternate Judge
Christine D Zonneveld, Alternate Judge

Minnetonka W-1 P-A
Immaculate Heart of Mary Catholic Church, 13505 Excelsior Blvd, Minnetonka, MN 55345
Diane Roselyn Anderson, Election Judge
Mary Jo Dickinson, Election Judge
Beth Renee Flynn, Election Judge
Kathleen Louise Fredensborg, Election Judge
Nancy L Gooch, Election Judge
Frances B Kokesh, Election Judge
Martha Jean Mason, Election Judge
Susan Lois Olson, Election Judge
Thomas Lynn Scott, Election Judge
Steven J Rabens, Lead Judge
Sally Elizabeth Berg, Assistant Lead Judge

Minnetonka W-1 P-B
Old Apostolic Lutheran Church, 5617 Rowland Rd, Minnetonka, MN 55343
Mary Ann Anderson, Election Judge
Carol J Colloton, Election Judge
Paul H Dietz, Election Judge
Barbara Michele Epstein, Election Judge
Neil Lowell Friedman, Election Judge
Tracy Lynn Ingham, Election Judge
Rosemary E Johnson, Election Judge
Robert H Rabinovitz, Election Judge
Judge Board Report, 2018 Statewide Election

Naomi G Stock, Election Judge
Carol G Weiler, Election Judge
Hugh David Allan, Lead Judge
Margaret E Snoke, Assistant Lead Judge

Minnetonka W-1 P-C
Cross Of Glory Baptist Church, 4600 Shady Oak Rd, Minnetonka, MN 55343
Sandra Kay Brandt, Election Judge
Irma M Coleman, Election Judge
Nancy Ann Cudahy, Election Judge
Jason Aaron Griffiths-Johnson, Election Judge
Linda L Peine, Election Judge
Charlotte Marie Polad, Election Judge
Michael Sandler, Election Judge
Bonnie Rae Carlson, Lead Judge
Donna A Kamm, Assistant Lead Judge

Minnetonka W-1 P-D
Destiny Hill Church, 13207 Lake St Extension, Minnetonka, MN 55305
Ronald E Berg, Election Judge
Mary Ruth Brill, Election Judge
Michael N Eischens, Election Judge
Amy Wolff Gunby, Election Judge
Susan P Hocker, Election Judge
Betty Jean Ingram, Election Judge
Jeffrey D Kurtz, Election Judge
Sandra Lee Nash, Election Judge
Barbara Ann Ross, Election Judge
Elizabeth Frances Otey, Lead Judge
Ruby H Berg, Assistant Lead Judge

Minnetonka W-1 P-E
Bet Sahlom Congregation, 13613 Orchard Rd, Minnetonka, MN 55305
Sybel Jean Boardman, Election Judge
Bernard G Devine, Election Judge
Mary M Duske, Election Judge
Larry G Holland, Election Judge
Stephanie Luk Brust, Election Judge
Michael Anthony Mitchell, Election Judge
David Milton Olson, Election Judge
Laura Edith Walters, Election Judge
Mark Gerald Brown, Lead Judge
Ray R Lewis, Assistant Lead Judge

Minnetonka W-1 P-F
Minnetonka Community Center (1F), 14600 Minnetonka Blvd, Minnetonka, MN 55345
Diana Marie Braun, Election Judge
Bonnie Mae Burton, Election Judge
Steven R Fuller, Election Judge
Clifford G Giese, Election Judge
Thomas Barr Hardin, Election Judge
Henry S Harrington, Election Judge
Gail A Podany, Election Judge
Lu K Bjornoy, Lead Judge
Aleta Suzette Leizinger, Assistant Lead Judge
Susan Rae Garnett, Community Center Greeter

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Minnetonka W-2 P-A
Minnetonka Community Center (2A), 14600 Minnetonka Blvd, Minnetonka, MN 55345
Sarah Elizabeth Achartz, Election Judge
Jean C Anderson, Election Judge
Andrea Katherine Johnson, Election Judge
Paul D Kachelmeier, Election Judge
Tom Stanley Marshall, Election Judge
Newell John Nessen, Election Judge
Zachary Ian Osmundson, Election Judge
Linda M Eliason, Lead Judge
Kristine L Persson, Assistant Lead Judge

Minnetonka W-2 P-B
St David's Episcopal Church, 13000 St David's Rd, Minnetonka, MN 55345
Marcy J Anderson, Election Judge
Steven Michael Bialick, Election Judge
Lynn Alison Cerra, Election Judge
Mary Lee Jenkins, Election Judge
Courtney A Johnson, Election Judge
Christopher Glen Olson, Election Judge
Nancy Ann Blume, Lead Judge
Kathy Huber Weinshel, Assistant Lead Judge

Minnetonka W-2 P-C
Oak Knoll Lutheran Church, 600 Hopkins Crossroad, Minnetonka, MN 55305
Cynthia Louise Devore, Election Judge
Paul Ingve Freeman, Election Judge
Mary W Gorman, Election Judge
Kathleen A Mattson, Election Judge
Denise S Maxwell, Election Judge
Monica S McIntosh, Election Judge
Diane Marie Sewall, Election Judge
Lynn A Walker, Election Judge
Lorie Leigh Wasgatt, Election Judge
Karen Lou Bjorgo, Lead Judge
Craig N Sicard, Assistant Lead Judge

Minnetonka W-2 P-D
Minnetonka Public Works Facility, 11522 Minnetonka Blvd, Minnetonka, MN 55305
Neil M Belkin, Election Judge
Tony Paul Biskupski, Election Judge
Elizabeth Nancy Goldwyn, Election Judge
Carla Hennes, Election Judge
Carol A Hooker, Election Judge
Michael J Kalscheuer, Election Judge
Mark Judson Moller, Election Judge
Diane J Opsahl, Election Judge
Michele Elise Picard, Election Judge
Leda Baker, Lead Judge
Kathleen Judy Clouse, Assistant Lead Judge

Minnetonka W-2 P-E
Lindbergh Center, 2400 Lindbergh Dr, Minnetonka, MN 55305
Judge Board Report, 2018 Statewide Election

Timothy Anderson, Election Judge
Ernest James Denzer, Election Judge
Pamela Andersen Oconnell, Election Judge
Marilyn Harriet Olstein, Election Judge
Larry Charles Sharpe, Election Judge
Russell E Waizer, Election Judge
Ashley Nicole Wyatt, Election Judge
Heidi Jennings Kluzak, Lead Judge
Maynard Francis Stucki, Assistant Lead Judge

Minnetonka W-3 P-A
Ridgepointe, 12600 Marion Ln W, Minnetonka, MN 55305
Penny Isabelle Bryce, Election Judge
Carol Ann Fredrickson, Election Judge
Mary A Lee, Election Judge
Mary Ann Lisk, Election Judge
James M Rosenbaum, Election Judge
Deborah Ann Shields, Election Judge
Catherine L Goset, Lead Judge

Minnetonka W-3 P-B
Brookdale Minnetonka Carlson Parkway, 500 Carlson Pkwy, Minnetonka, MN 55305
Susan Elizabeth Abrahamson, Election Judge
David P Allen, Election Judge
Joy Anita Baker, Election Judge
Arnold Dean Courneya, Election Judge
Cheryl Lynn Ditch, Election Judge
Judith A Houston, Election Judge
Teresa L Landberg, Election Judge
Barbara Jean Schmitt, Election Judge
Nancy E Sommer, Election Judge
Rita Carol Blackstad, Lead Judge
Isabelle Celeste Robinson, Assistant Lead Judge

Minnetonka W-3 P-C
Minnetonka Community Center (3C), 14600 Minnetonka Blvd, Minnetonka, MN 55345
Mark Glen Dillon, Election Judge
Joanne Elizabeth Jacobsen, Election Judge
Carl A Klein, Election Judge
Lorraine A Kretchman, Election Judge
Brian Patrick Riley, Election Judge
James Kirk Stroebel, Election Judge
Jane Mckinley Sweet, Lead Judge
Loren J Simer, Assistant Lead Judge

Minnetonka W-3 P-D
St Lukes Presbyterian Church, 3121 Groveland School Rd, Wayzata, MN 55391
David Roger Dales, Election Judge
Patricia Ann Gabler, Election Judge
Steven Warren Harrom, Election Judge
Sandra Kay Jambeck, Election Judge
Mark Pochardt, Election Judge
Patricia Johnson Qvale, Election Judge
Gene Oliver Stageberg, Election Judge
Lynn Nelson Staloch, Election Judge
Mark Alfred Willette, Election Judge
**Judge Board Report, 2018 Statewide Election**

Jeffrey J McCullough, Lead Judge  
Richard Evert Hjerpe, Assistant Lead Judge

**Minnetonka W-3 P-E**
Bethlehem Lutheran Church, 16023 Minnetonka Blvd, Minnetonka, MN 55345
Michelle Kay Ahrens, Election Judge  
Benita Marie Brannon, Election Judge  
Peggy Sue-Nordseth Carlson, Election Judge  
Daryl P Clark, Election Judge  
Larry James Klingbeil, Election Judge  
Janet B Kurschner, Election Judge  
Sharon P Levine, Election Judge  
Gwen Salisbury Myers, Election Judge  
Gary Haakon Olson, Election Judge  
Jaimie S Robertson, Election Judge  
Linda Fay Stageberg, Election Judge  
Joann H Wildman, Election Judge  
Bonnie I Cain, Lead Judge  
Orville Leroy Lantto, Assistant Lead Judge

**Minnetonka W-3 P-F**
Minnetonka United Methodist Church, 17611 Lake St Ext, Minnetonka, MN 55345  
Sigvard M Birkeland, Election Judge  
Mark Douglas Birnbaum, Election Judge  
Sandra J Blackman, Election Judge  
Nancy K Fenc, Election Judge  
Melinda A Kohrt, Election Judge  
Nancy Jean Reesor, Election Judge  
David Alexander Robertson, Election Judge  
Julie Katherine Timmer, Election Judge  
Jeffry L Roehl, Lead Judge  
Linda S Rasula, Assistant Lead Judge

**Minnetonka W-4 P-A**
Ridgewood Church, 4420 County Road 101, Minnetonka, MN 55345  
Mary Elizabeth Amsden, Election Judge  
Claudia Diane Gundlach, Election Judge  
Joseph Phillip Hodge, Election Judge  
Robert Carl Lewis House, Election Judge  
Brenda Lee Lanak, Election Judge  
Judith Marie Melinat, Election Judge  
Donald David Ogren, Election Judge  
Joyce G Powell, Election Judge  
Jacqueline A Zimmerman, Election Judge  
Teri Lynn Wold, Lead Judge  
Hannah L Worrell, Assistant Lead Judge

**Minnetonka W-4 P-B**
Minnetonka School District Service Center, 5621 County Road 101, Minnetonka, MN 55345  
Lois A King, Election Judge  
Ronnie J Melinat, Election Judge  
Ronald Collins Parker, Election Judge  
William Wakefield Pratt, Election Judge  
Jane C Schmitt, Election Judge  
Bonnie A Smith, Election Judge  
Donald Elmer Swenson, Election Judge
Judge Board Report, 2018 Statewide Election

Minnetonka W-4 P-C
Scenic Heights Elementary School, 5650 Scenic Heights Dr, Minnetonka, MN 55345
Jeanette Kay Anderson, Election Judge
Briana Renee-Kitt Bers, Election Judge
Russell Herbert Holland, Election Judge
Barbara Lynn Kern-Pieh, Election Judge
Monette Janece Kollodge, Election Judge
Stephanie Luk Brust, Election Judge
Clare E Luxford, Election Judge
Mark David Werley, Election Judge
Linda Louise Zimmerman, Election Judge
Shari Anderson, Assistant Lead Judge

Minnetonka W-4 P-D
Redeemer Bible Church, 16205 State Hwy 7, Minnetonka, MN 55345
Beverly Ann Baker, Election Judge
Diane A McGrath, Election Judge
Patricia Ann Ode, Election Judge
Jacqueline Ann Olafson, Election Judge
Harry S Temple, Election Judge
Mindy Sue Thompson, Election Judge
Reo Deann Uran, Election Judge
John A Opsahl, Lead Judge
Katherine DeLoach Rogers, Assistant Lead Judge
Jack Thomas Selinger, Student Election Judge

Minnetonka W-4 P-E
All Saints Lutheran Church, 15915 Excelsior Blvd, Minnetonka, MN 55345
Kenneth William Brinkman, Election Judge
Mary Sheila Cody, Election Judge
Michael Jay Ruesewald, Election Judge
Brenda Sue Vogel, Election Judge
Sally J Wahlberg, Election Judge
Charlotte Louise Wilmot, Election Judge
Steven Craig Zelinsky, Election Judge
Diana Lynn Benjamin, Lead Judge
Stanley Michael Berris, Assistant Lead Judge

Minnetonka W-4 P-F
The Glenn, 5300 Woodhill Rd, Minnetonka, MN 55345
Alice Marie Cronk, Election Judge
Ann Lynn Gustafson, Election Judge
Beverly Kaye Jennis, Election Judge
Gary Kerber, Election Judge
Mary Lynn Klein, Election Judge
Florence Jeanne Lutgen, Election Judge
Roberta Louise Seefeldt, Election Judge
Jeffry A Dickhut, Lead Judge
Jean A Rabens, Assistant Lead Judge
Judge Board Report, 2018 Statewide Election only Student Election Judge position

General Election, Tuesday, November 6, 2018

Minnetonka W-1 P-A
Immaculate Heart of Mary Catholic Church, 13505 Excelsior Blvd, Minnetonka, MN 55345
Adna Ai'druss, Student Election Judge
Asha Bashir, Student Election Judge

Minnetonka W-1 P-B
Old Apostolic Lutheran Church, 5617 Rowland Rd, Minnetonka, MN 55343
Najma Adan, Student Election Judge
Malyun Musse, Student Election Judge

Minnetonka W-1 P-C
Cross Of Glory Baptist Church, 4600 Shady Oak Rd, Minnetonka, MN 55343
Connor Erickson, Student Election Judge
Corinne Lowmanstone, Student Election Judge

Minnetonka W-1 P-D
Destiny Hill Church, 13207 Lake St Extension, Minnetonka, MN 55305
Holly Den Hartog, Student Election Judge
Germaine Neza, Student Election Judge
Sophie Norman, Student Election Judge
Skyler Seets, Student Election Judge

Minnetonka W-1 P-E
Bet Sahlom Congregation, 13613 Orchard Rd, Minnetonka, MN 55305
Kiera Birdwell, Student Election Judge
Morgan Hirshman, Student Election Judge

Minnetonka W-1 P-F
Minnetonka Community Center (1F), 14600 Minnetonka Blvd, Minnetonka, MN 55345
Abigail Anderson, Student Election Judge
Sagit Nachmias, Student Election Judge
Maya Rice, Student Election Judge

Minnetonka W-2 P-A
Minnetonka Community Center (2A), 14600 Minnetonka Blvd, Minnetonka, MN 55345
Samantha Tuschman, Student Election Judge

Minnetonka W-2 P-B
St David's Episcopal Church, 13000 St David's Rd, Minnetonka, MN 55345
Lindsay Okindo, Student Election Judge
Jaide Pressley, Student Election Judge

Minnetonka W-2 P-C
Oak Knoll Lutheran Church, 600 Hopkins Crossroad, Minnetonka, MN 55305
Zoe Sax, Student Election Judge
Sydney Zais, Student Election Judge

Minnetonka W-2 P-D
Minnetonka Public Works Facility, 11522 Minnetonka Blvd, Minnetonka, MN 55305
Hannah Ditto, Student Election Judge
Brian Duval, Student Election Judge

Minnetonka W-2 P-E
Lindbergh Center, 2400 Lindbergh Dr, Minnetonka, MN 55305
Samuel Buttress, Student Election Judge

Minnetonka W-3 P-A

Printed: 10/16/2018 8:43 AM
Judge Board Report, 2018 Statewide Election only Student Election Judge position

Ridgepointe, 12600 Marion Ln W, Minnetonka, MN 55305
Katelyn Blad, Student Election Judge

Minnetonka W-3 P-B
Brookdale Minnetonka Carlson Parkway, 500 Carlson Pkwy, Minnetonka, MN 55305
Lauren Krake, Student Election Judge
Marcella Reese, Student Election Judge
Hannah Sherman, Student Election Judge

Minnetonka W-3 P-C
Minnetonka Community Center (3C), 14600 Minnetonka Blvd, Minnetonka, MN 55345
Mallory Auth, Student Election Judge
Molly Robblee, Student Election Judge

Minnetonka W-3 P-D
St Lukes Presbyterian Church, 3121 Groveland School Rd, Wayzata, MN 55391
David Campbell, Student Election Judge

Minnetonka W-3 P-E
Bethlehem Lutheran Church, 16023 Minnetonka Blvd, Minnetonka, MN 55345
Ciboney Reglos, Student Election Judge
Gabriella Rice, Student Election Judge

Minnetonka W-3 P-F
Minnetonka United Methodist Church, 17611 Lake St Ext, Minnetonka, MN 55345
Sarah Hamilton, Student Election Judge
Kailey Kreienbrink, Student Election Judge
Grace Wallace-Jackson, Student Election Judge

Minnetonka W-4 P-A
Ridgewood Church, 4420 County Road 101, Minnetonka, MN 55345
Shadiyo Abdi, Student Election Judge
Payton Meuwissen, Student Election Judge
Luke Polyak, Student Election Judge
Catherine Rhodes, Student Election Judge

Minnetonka W-4 P-B
Minnetonka School District Service Center, 5621 County Road 101, Minnetonka, MN 55345
Jessica Martinez-Arias, Student Election Judge
Rebecca Twite, Student Election Judge

Minnetonka W-4 P-C
Scenic Heights Elementary School, 5650 Scenic Heights Dr, Minnetonka, MN 55345
Elaina Espino, Student Election Judge
Morgan Hawley, Student Election Judge
Mason Paun, Student Election Judge
Mia Sparrow, Student Election Judge

Minnetonka W-4 P-D
Redeemer Bible Church, 16205 State Hwy 7, Minnetonka, MN 55345
Joseph Ramlet, Student Election Judge
Jack Thomas Selinger, Student Election Judge
Ruth Vogel, Student Election Judge

Minnetonka W-4 P-E
All Saints Lutheran Church, 15915 Excelsior Blvd, Minnetonka, MN 55345
Sakariya Hussein, Student Election Judge
Nicholas Selinger, Student Election Judge
Erin Weiss, Student Election Judge
Minnetonka W-4 P-F
The Glenn, 5300 Woodhill Rd, Minnetonka, MN 55345
Rosella Birgy, Student Election Judge
Renee Troutman, Student Election Judge

To Be Determined

Anab Abdullahi, Student Election Judge
Madeline Boemer, Student Election Judge
Clara Copps, Student Election Judge
Yahye Hussien, Student Election Judge
Rachel Jaeger, Student Election Judge
Bix Johnson, Student Election Judge
Eva Michielson, Student Election Judge
Zoe Rice, Student Election Judge
Ellie Solberg, Student Election Judge
Ellen White, Student Election Judge
City Council Agenda Item #10B
Meeting of Oct. 22, 2018

Brief Description
Resolution ordering the abatement of nuisance conditions existing at 13320 Glenavon Court

Recommendation
Adopt the resolution

Background
As described in the attached resolution, the property at 13320 Glenavon Court has been found to be in violation of the plant pest control portion of the city's nuisance ordinance based on recent inspections by the natural resource staff (Minnetonka City Code, Section 840.020). The violation is the presence of three elm trees dying of Dutch elm disease in the back yard: a 13.5-inch diameter tree, a 15.5-inch diameter tree and a 26.5-inch diameter tree. The property owner has been provided five written violation notices and has had ample time to bring the property into compliance (summary table attached).

A final re-inspection will be conducted on Oct. 22, 2018. If the property is brought into compliance, it will be recommended that this item be removed from the council agenda.

The resolution describes findings and orders the abatement of the condition noted above. If the resolution is adopted, staff will arrange for abating the nuisance. The city has received a quote from its contractor in the amount of $6,446.12 and as provided by the City Code, the property owner will become liable for the cost which includes tax. If the fees are not paid, the costs will be recommended for special assessment against the property.

Due to the timing of this abatement action, the costs will be assessed next year, in 2019, with first payment due with the owner’s property taxes beginning 2020. The special assessment will include the cost to abate the nuisance, tax, administrative fees as well as interest. These costs will be assessed against the property over a ten-year period.

Recommendation
Staff recommends the council adopt the enclosed resolution ordering the abatement of the nuisance condition.

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

Originated by:
Jo Colleran, Natural Resources Manager
Hannibal Hayes, City Forester
Resolution No. 2018-
Resolution ordering the abatement of nuisance conditions at 13320 Glenavon Court

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

Section 1. Background.

1.01. The natural resources division/public works department and/or their contractor representative have inspected the following property, on the dates listed:

<table>
<thead>
<tr>
<th>Property</th>
<th>Inspection Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>13320 Glenavon Court</td>
<td>August 27, 2018</td>
</tr>
<tr>
<td></td>
<td>September 28, 2018</td>
</tr>
<tr>
<td></td>
<td>October 5, 2018</td>
</tr>
</tbody>
</table>

1.02. Nuisance conditions were observed on this property at the first inspection of August 27, 2018, and the initial Ordinance Violation Notice was left with the property owner. On August 29, 2018, an Ordinance Violation Notice was mailed directly to the property. On September 28, 2018, the property was inspected again and another Ordinance Violation Notice was left on site and mailed to the owner. A fifth Ordinance Violation Notice was mailed via regular mail and certified mail on October 8, 2018, which included the quote amount from the contractor and the hearing date.

1.03. A written report has been filed detailing the findings of the inspections and these findings have been conveyed to the city council.

Section 2. Findings.

2.01. The city council finds and declares the property listed above to be in violation of Ordinance 840.020 and constitutes a public nuisance due to the presence of three elm trees dying of Dutch elm disease. The first tree is 13.5-inches in diameter, the second tree is 15.5-inches in diameter and the third tree is 26.5-inches in diameter.

The property owner has had 56 days to abate the nuisance. The trees were first identified as being infected with Dutch elm disease on August 27, 2018 and the required removal date was September 26, 2018.

2.02. It is in the public's best interest to have these nuisance conditions abated.

Section 3. Council Action.

3.01. The city manager is hereby authorized to abate the Nuisance Conditions on the property listed above using city personnel and equipment or by private contract.

3.02. The cost of abatement shall be recorded and become the personal responsibility of the owner of record. If unpaid, the clerk shall list such costs for the city council to consider as a special assessment pursuant to Ordinance 845.045.
Adopted by the City Council of the City of Minnetonka, Minnesota, on October 22, 2018.

__________________________
Brad Wiersum, Mayor

Attest:

__________________________
David E. Maeda, City Clerk

**Action on this resolution:**

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly meeting held on October 22, 2018.

__________________________
David E. Maeda, City Clerk
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Ordinance Violation Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 27, 2018</td>
<td>Initial inspection, staff marked three trees infected with Dutch elm disease.</td>
<td>Spoke with the owner’s daughter and left the paperwork with her.</td>
</tr>
<tr>
<td>August 29, 2018</td>
<td></td>
<td>Notice relating to the trees was mailed to the property owner.</td>
</tr>
<tr>
<td>September 26, 2018</td>
<td>Date trees were required to be removed by the property owner to be compliant with city code.</td>
<td></td>
</tr>
<tr>
<td>September 28, 2018</td>
<td>Second inspection, trees still standing.</td>
<td>Third notice left at the door for the property owner.</td>
</tr>
<tr>
<td>September 28, 2018</td>
<td>The renter called to inform city staff that he had contacted the property owner about the required tree removal.</td>
<td>Fourth notice relating to the trees was mailed to the property owner.</td>
</tr>
<tr>
<td>October 1, 2018</td>
<td>City requested quote from contractor (S&amp;S).</td>
<td></td>
</tr>
<tr>
<td>October 5, 2018</td>
<td>Quote and photos provided by contractor S&amp;S $5995.00 excluding tax.</td>
<td></td>
</tr>
<tr>
<td>October 8, 2018</td>
<td></td>
<td>Fifth notice sent by regular and certified mail to property owner with price quote and hearing date included. Total amount including tax is $6,446.12.</td>
</tr>
<tr>
<td>October 16, 2018</td>
<td>Staff has not yet received the signed certified letter receipt. Staff is trying to obtain a phone number to contact the property owner.</td>
<td></td>
</tr>
</tbody>
</table>
Diseased Elm Trees at 13320 Glenavon Court
Brief Description
Resolution canceling and reassessing the special assessment for the Copper Cow Fire Sprinkler Project, 5445 Eden Prairie Road

Recommendation
1) Adopt the resolution
2) Approve the Restated Petition and Waiver Agreement for Installation of Fire Protection Improvements

On March 19, 2018, by Resolution No. 2018-025, the city council approved a petition and waiver agreement for the installation of a fire sprinkler system to serve the building located at 5445 Eden Prairie Road for Copper Cow. The petition and waiver agreement established a maximum reimbursement in the amount of $43,350.00. On Sept. 17, 2018, by Resolution No. 2018-127, the city council levied a special assessment in the amount of $42,350.00 against the property.

After the adoption of the levy, the property owner notified the city that the cost of the fire sprinkler project had exceeded the maximum of $42,350.00 that was previously approved. The owner requested that the agreement be amended to account for the additional cost of $962.00.

Staff is recommending that the city council approve this request and approve the Petition and Waiver Agreement of Fire Protection Improvements, which increases the assessment to a maximum of $43,312.00.

The enclosed resolution initiates the procedural steps necessary to cancel the special assessment levied through Resolution No. 2018-127 and reassessing special assessment for the “Copper Cow” fire sprinkler project, 5445 Eden Prairie Road in the amount of $43,312.00.

Recommendation
Staff recommends the city council adopt the enclosed resolution. Staff also recommends the council approve the Restated Petition and Waiver Agreement for Installation of Fire Protection Improvements with the property owner and business. The agreement approval may be amended with no substantive changes, by the city manager or city attorney. Upgrading the building with a fire sprinkler retrofit, for fire protection, advances the city’s public safety interests.

Submitted through:
Geralyn Barone, City Manager
Julie Wischnack, AICP, Community Development Director
Alisha Gray, Economic Development and Housing Manager

Originated by:
Rob Hanson, Economic Development Coordinator

Attachments
Restated Petition and Waiver Agreement
Location Map
Supplemental information
March 19, 2018 City Council Packet
Location Map

Project: Copper Cow  
Address: 5445 Eden Prairie
This Restated Petition and Waiver Agreement for Installation of Fire Protection Improvements ("Agreement") is entered into as of November 1, 2018, by the CITY OF MINNETONKA, a Minnesota municipal corporation ("City"), 14600 Minnetonka Boulevard, Minnetonka, Minnesota 55345 and COPPER ESTATES, LLC, a Minnesota limited liability company ("Petitioner").

Recitals

A. The parties previously entered into a Petition and Waiver Agreement for Installation of Fire Protection Improvements, dated April 17, 2018 and filed May 30, 2018 as Document No. T05534441 in the office of the Hennepin County Registrar of Titles (the "Original Agreement"). Due to unanticipated changes in construction costs, the parties desire to amend and restate that agreement.

B. Petitioner is the fee owner of certain property located at 5445 Eden Prairie Road in Minnetonka, Hennepin County, Minnesota, legally described on the attached Exhibit A (the "Property").

CB. The Property is improved with a commercial structure designed for use as a restaurant. Petitioner has undertaken a project to update and remodel the structure for a new restaurant use. The proposed project requires the installation of fire protection system improvements (the "Improvements").

DC. The Petitioner has retained Valley Rich Co., Inc. for the water line hookup work and Service Fire Protection, Inc. as its contractor for the sprinkler install. The plans and specifications for the Improvements are attached as Exhibit B. The detailed estimate of cost for the Improvements is shown in the attached Exhibit C and totals $43,312.00.
Agreement Terms

In consideration of the mutual covenants contained herein, the parties agree as follows:

1. The above recitals are incorporated into and made part of this Agreement.

2. Petitioner hereby petitions the City to finance the cost of the Improvements as permitted by Minn. Stat. § 429.031 and to assess the cost of the Improvements against the Property, as provided in this Agreement.

2. City acknowledges that it has reviewed and approved the attached plans and specifications and cost estimate for the Improvements.

3. Petitioner represents and warrants that it is the owner of the Property, that it has full legal power and authority to encumber the Property as provided in this Agreement, and that as of the date of execution, the Property is not subject to any liens, interests or encumbrances, except as set forth on the attached Exhibit C. The entities listed in Exhibit D must consent to this Agreement.

4. City agrees to pay for the Improvements as follows, but in no case shall the total amount paid by the City exceed the estimated cost of $42,350.00-$43,312.00

   a. After a building permit has been issued for the installation of the Improvements, and within 10 business days after Petitioner makes a written request to the City Community Development Director _________________, the City will pay 25 percent of the estimated cost ($6,637.50) to Valley Rich Co., Inc. and ($3,950.00) to Service Fire Protection, Inc.

   b. After Petitioner notifies the City that the installation of the Improvements has been completed, the City will cause its building inspector to inspect the Improvements. If the installation meets all required city and state building codes, and within 10 days after Petitioner provides City with a final invoice for the installation of the Improvements, the City will pay to Valley Rich Co., Inc. ($19,912.50), and Service Fire Protection, Inc. ($11,850.00) ($12,812.00), the amount of the final invoice or 75%, whichever is less.

   c. The City is authorized to pay the bills as presented to it, provided that the total amount does not exceed $42,350.00-$43,312.00. Petitioner acknowledges that the City has no responsibility to resolve disputes between Petitioner and its contractor regarding the performance of the work. Nothing in this Agreement is intended to enhance the City’s duty with respect to enforcement of the building code; Petitioner recognizes that the City’s performance of building code inspections is a public duty and not a personal duty toward the Petitioner or its customers.

5. The City may levy an assessment against the Property for the total amount paid under paragraph 4 above and may certify the assessment to the Hennepin County Auditor for collection with real property taxes. The assessment shall be payable in 10 equal installments and shall accrue interest at a rate determined at the time of the special assessment hearing, not to exceed 6.00 percent per annum.
6. Petitioner waives all procedural requirements provided in Minn. Stat. Sections 429.031 and 429.061, including notice of hearing and hearing, and any other right to notice and hearing, on the Improvements and the special assessments levied to finance the Improvements. Petitioner specifically requests that the Improvements be constructed and special assessments levied against the Property without hearings.

7. Petitioner waives the right to appeal the levy of the special assessments in accordance with this Agreement pursuant to Minn. Stat. Section 429.081, or reapportionment upon land division pursuant to Minn. Stat., Section 429.071, Subd. 3, or any other right to appeal, and further specifically agrees with respect to the special assessments against the Property or reapportionment that:
   a. The Petitioner waives any requirements of Minn. Stat., Chapter 429 with which the City does not comply;
   b. The increase in fair market value of the Property resulting from installation of the Improvements will be at least equal to $42,350.00 $43,312.00 and that the increase in fair market value is a special benefit to the Property; and
   c. the installation of the Improvements is for the sole benefit of the Property.

8. Petitioner agrees to reimburse the City for all costs incurred by the City in the enforcement of this Agreement, or any portion thereof, including court costs and reasonable engineering and attorneys’ fees, regardless of whether the City is defending an action or affirmatively enforcing its rights pursuant to this Agreement.

9. The covenants, waivers and agreements contained in this Agreement bind the successors and assigns of the Petitioner and run with the Property and bind all successors in interest. It is the intent of the parties that this Agreement be in a form that is recordable among the land records of Hennepin County, Minnesota; and they agree to make any changes in this Agreement that may be necessary to effect the recording and filing of this Agreement against the title of the Property.

10. This agreement restates and replaces the Original Agreement in its entirety.
City Signature Page

Dated: ________________

CITY OF MINNETONKA

By __________________________

Brad Wiersum, Mayor

By __________________________

Geralyn Barone, City Manager

STATE OF MINNESOTA   ]
COUNTY OF HENNEPIN   ] ss.

This instrument was subscribed and sworn to before me this ______________ day of ____________ ____________, 2018, by Brad Wiersum, the mayor of the City of Minnetonka, a Minnesota municipal corporation, on behalf of the corporation.

______________________________
Notary Public

STATE OF MINNESOTA   ]
COUNTY OF HENNEPIN   ] ss.

This instrument was subscribed and sworn to before me this ______________ day of ____________ ____________, 2018, by Geralyn Barone, the city manager of the City of Minnetonka, a Minnesota municipal corporation, on behalf of the corporation.

______________________________
Notary Public
Petitioner Signature Page

COPPER ESTATES, LLC

Dated: ____________ By ____________________________

Its Manager

STATE OF MINNESOTA ] ss.
COUNTY OF HENNEPIN ]

This instrument was subscribed and sworn to before me this ___ day of ________________, 2018, by ____________________________, the manager of Copper Estates, LLC, a Minnesota limited liability company, on behalf of the company.

________________________________________
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

City of Minnetonka
Legal Department (CAH)
14600 Minnetonka Boulevard
Minnetonka, MN  55345
952-939-8200
Exhibit A

Legal Description of Property

That part of the abandoned right of way of Minneapolis, St. Paul & Suburban Railway Company, Section 33, Township 117 North, Range 22, lying East of the East line of Eden Prairie Road and West of a line drawn at right angles to center line of said right of way from a point in said center line distant 260 feet Northeasterly along center line of said right of way from its intersection with the East line of said Eden Prairie Road, as said right of way appears upon the plat of Glen Lake Park.
Exhibit B

Plans and Specifications

[attach plans and specs]
Exhibit C

Cost Estimate

[attach cost estimate]
Exhibit D

List of Encumbrances

[list encumbrances here and get consent form from each]
Resolution No. 2018-
Resolution canceling and reassessing the special assessment for the “Copper Cow” Fire Sprinkler project, 5445 Eden Prairie Road

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

Section 1. Background.

1.01. Minnesota Statute 429.031 authorizes the city council to specially assess the cost of installing fire sprinkler systems in existing buildings.

1.02. On March 19, 2018, by Resolution No. 2018-025, the city council approved a petition and waiver agreement for the installation of a fire sprinkler system to serve the building located at 5445 Eden Prairie Road (the “Property”). The petition and waiver agreement established a maximum reimbursement in the amount of $42,350.00.

1.03. On Sept. 17, 2018, by Resolution No. 2018-127, the city council levied a special assessment in the amount of $42,350.00 against the Property.

1.04. After the adoption of the levy, the owner of the Property notified the city that the cost of the fire sprinkler project had exceeded the maximum of $42,350.00 and requested that the agreement be amended to account for the additional costs.

1.05. The owner of the Property has signed a Restated Petition and Waiver Agreement for Installation of Fire Protection Improvements, which provides for assessment of a maximum of $43,312.00.

1.06. Minn. Stat. § 479.071 allows the city to make supplemental assessments to correct omissions, errors or mistakes in an assessment relating to the total cost of the improvement.

Section 2. Council Action.

2.01. The council approves the Restated Petition and Waiver Agreement for Installation of Fire Protection Improvements.

2.02. The council rescinds Resolution No. 2018-127 and levies an assessment against the Property as follows:

<table>
<thead>
<tr>
<th>2018 Fire Sprinkler– Project No. 4874 (10 year term)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street No.</strong></td>
</tr>
<tr>
<td>5445</td>
</tr>
</tbody>
</table>

2.03. The council finds that the Property is benefited by the improvement in the amount of the assessment stated above.
2.04 The special assessment may be paid within 30 days from the date thereof, or may be paid in ten (10) equal annual installments in the same time and manner as the payment of real estate taxes with interest at the rate of 3.87% per annum. To the first installment of each assessment will be added interest on the entire assessment from the date of this resolution to December 31 of the year in which the first payment is payable. Subsequently, one year’s interest on the remaining balance will be added to each subsequent installment. Any property owner may pay the entire unpaid balance of the assessment against his/her property at any time with interest to December 31 of the year in which the payment is made, provided the payment is made before November 30 the first year and before November 15 in subsequent years.

2.05. Within 30 days following the adoption of this resolution, the owner of any property assessed may pay all or part of the assessment to the city, provided that partial payments are made in increments of not less than $100 and provided that any balance remaining unpaid is not less than $100. No interest will be charged on the portion of the assessment paid within the 30 days following the adoption of this resolution. Thereafter, the owner may at any time pay to the city the entire unpaid balance of the assessment, with interest accrued to December 31 of the year in which such payment is made.

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

Adopted by the city council of the City of Minnetonka, Minnesota, on Oct. 22, 2018.

______________________________
Brad Wiersum, Mayor

Attest:

______________________________
David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the city council of the City of Minnetonka, Minnesota at a duly authorized meeting held on Oct. 22, 2018.

David E. Maeda, City Clerk
Brief Description: Announcement of closed meeting to discuss labor negotiation strategies on Nov. 19, 2018 at 5:30 p.m. in the Lone Lake Conference Room

Recommended Action: Schedule the closed meeting

Background

The city council annually reviews the wages for all employees, including all collective bargaining unit members, for the purpose of providing direction to administrative staff in labor negotiation strategies. The Minnesota Open Meeting Law, Minnesota Statutes section 13D.03, allows a meeting to be closed for the purpose of discussing labor negotiation strategies.

The required procedure for closing a meeting under section 13D.03 is slightly different than that required to close meetings for other purposes, such as attorney-client privilege or conducting a performance evaluation. For labor negotiation strategies, the council must decide, by majority vote in a public meeting, to hold a closed session for the purpose of considering strategy for labor negotiations. In addition, the time and place of the closed meeting must be announced during the public meeting.

Recommendation

Adopt the motion to schedule a closed meeting on Nov. 19, 2018 at 5:30 p.m. in the Lone Lake Conference Room at city hall, for the purposes of considering labor negotiation strategies with respect to 2019 wages and benefits for all employees, including all collective bargaining unit members, pursuant to Minnesota Statutes section 13D.03.

Submitted through:
  Geralyn Barone, City Manager
  Corrine Heine, City Attorney

Originated by:
  Perry Vetter, Assistant City Manager
City Council Agenda Item #10E
Meeting of Oct. 22, 2018

Brief Description: Resolution regarding reciprocal lease agreement with Hennepin County

Recommended Action: Adopt the resolution

Background

The City of Minnetonka and Hennepin County have had a reciprocal lease arrangement dating back to 2001, when construction of the existing public works building was being planned. The arrangement was accomplished with two separate lease agreements, but the leases contained reciprocal clauses that tied the two agreements together.

In one lease, the county leased some property near the Minnehaha Creek headwaters to the city for park purposes. In the second lease, the city agreed to lease part of the public works building to the county for storage of public works equipment and an office. The mutual promises to lease land served as consideration for both leases; however, as additional consideration for the lease of the public works building, the county agreed to pay $1,500,000 toward the construction cost of the public works building.

The original leases were for an initial term of five years, with five additional renewal periods of five years each, for a total of 30 years. Due to limitations in the county’s leasing authority, the city lease was structured to terminate at the end of five years, unless the county notified the city that it was exercising its right to renew. In contrast, the city lease of the property renewed automatically, unless the city notified the county that it did not wish to renew. In addition, the city lease provided that it would terminate automatically at any time the county lease of the public works building was terminated. It is reasonable to assume that, given the substantial investment made by the county, both parties anticipated that the leases would be utilized for the full 30 years. In essence, the county prepaid annual rent of $50,000 for a 30-year term. That payment reflects the difference in value between the county property (headwaters land) and the city property (public works storage and office).

The county recently realized that, due to an oversight, the lease for the public works building had lapsed in 2017, which caused the lease of the headwaters property to terminate. The limitations on the county’s leasing authority have changed, and the county proposed having two lease agreements, each serving as consideration for the other. The city staff negotiated a single, reciprocal lease agreement for 14 years, corresponding to the 30-year period that the original leases contemplated. The lease recites the historic financial arrangement for the lease, so that when the lease terminates, both parties are aware of the difference in value between the two leased properties.

Recommendation

Adopt the resolution approving the lease agreement.
Meeting of Oct. 22, 2018
Subject: Resolution regarding reciprocal lease agreement

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

Originated by:
    Corrine Heine
Reciprocal Lease Agreement

THIS AGREEMENT is made and entered into as of ___________, 2018 by and between the COUNTY OF HENNEPIN, a public body corporate and politic under the laws of the State of Minnesota, hereinafter referred to as “COUNTY” and the CITY OF MINNETONKA, a Minnesota municipal corporation, hereinafter referred to as “CITY”. The parties are political subdivisions of the State of Minnesota authorized to cooperate together under Minn. Stat. §471.59.

The City owns property depicted on Exhibit A attached hereto ("City Property"). The City has a public works building on the City Property. The City leased a portion of the public works building to the County for storage of public works equipment and related purposes, under an agreement dated August 21, 2001, Hennepin County Contract No. A12151 (PW 46-15-01) ("Lease A12151”).

The County owns property ("County Property") depicted on Exhibit B attached hereto. The County leased the County Property to the City for park use under an agreement dated August 21, 2001, Hennepin County Contract No. A15891 ("Lease A15891”).

Lease A12151 and Lease A15891 were reciprocal leases which contemplated that, in exchange for a capital contribution of $1,500,000 by the County toward the cost of the City’s public works building plus a lease of up to 30 years for the County Property, the City would lease a portion of the City Property to County for up to 30 years. Lease A12151 terminated as of February 24, 2017 due to nonrenewal, which caused Lease A15891 to terminate automatically as of the same date.

The parties desire to enter into a new reciprocal lease for the remainder of the 30-year term that the parties originally contemplated. Each party will lease its property to the other party, and the mutual covenants contained in this reciprocal lease constitute valid consideration for each party’s action.

Therefore, the parties agree as follows:

1. **City Property**

   1.1 The City hereby leases to the County 8,800 square feet of space in the City’s public works building on the City Property for the indoor parking of 10 tandem axle dump trucks or similar vehicles. In addition, the CITY leases to the County 10 employee lockers to be used by COUNTY employees. The parking area and lockers are referred to herein as the “County’s Leased Space.” The actual location of the County’s Leased Space will be agreed to between the COUNTY and the CITY.

   1.2 The CITY also gives to the COUNTY a non-exclusive right of access across the City Property to reach the County’s Leased Space and a non-exclusive right for
its employees to use the lunch room, restrooms, and other general employee spaces in the public works building. The CITY will also provide the County with one supervisory office comparable in size to the offices used by the CITY’S supervisors.

1.3 The COUNTY will not be required to pay anything for water, sewer, heat, lights and maintenance costs to the County’s Leased Space during the term of this Agreement. The COUNTY will be responsible for repairing any damage to the County’s Leased Space that is caused by its employees or agents.

1.4 The County Administrator and the City Manager are authorized to enter into an operating agreement setting forth further provisions to implement this Agreement.

1.5 Upon termination of this Agreement, all improvements to the City Property within the County’s Leased Space will remain the property of the CITY.

2. **County Property**

2.1 The County hereby leases the County Property to the City for public park purposes, to be available for use by all citizens residing within the County’s political boundaries.

2.2 The COUNTY and CITY agree that for the term of this Agreement the County Property must not be used as a public boat launch for motorized boats to Lake Minnetonka. This commitment is in recognition of the fact that the parking for the motorized boat launch previously located on the County Property was relocated to a State-owned and City-operated public boat launch at the intersection of County Road 101 and Gray’s Bay Boulevard. There are 112 parking spaces for car and boat trailer combinations and 21 single vehicle spaces at this site. Although the parties cannot bind future elected officials beyond the term of this Agreement, it is the intent of the parties that the County Property will never be used again for a public motorized boat launch to Lake Minnetonka as long as there are a minimum of 39 parking spaces for car and boat trailer combinations at this site.

2.3 During the term of this Agreement, the CITY is responsible for maintaining the County Property in a safe condition and in compliance with all applicable laws.

2.4 Upon termination of this Agreement, all improvements to the County Property will be the property of the COUNTY.

3. **Term, Termination**

3.1 The Term of this Agreement shall be for the period February 25, 2017 through February 28, 2032.

3.2 At any time after February 1, 2030, either party may initiate negotiations to extend the term of this reciprocal lease or to enter into a new reciprocal lease for the same premises, by providing written notice to the other party. The parties agree to negotiate in good faith regarding an extension or new reciprocal lease;
provided that either party may terminate the negotiations if a mutually satisfactory agreement is not reached by August 1, 2030.

4. **Dispute Resolution**

4.1 If a dispute arises between the parties regarding this Agreement the County Administrator and the City Manager must promptly meet and attempt in good faith to negotiate a resolution of the dispute.

4.2 If the parties have not negotiated a resolution of the dispute within 30 days after this meeting, the parties may jointly select a mediator to facilitate further discussion.

4.3 If the mediator is not used or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, the dispute will be submitted to binding arbitration in accordance with the commercial arbitration rules of the American Arbitration Association, except that disputes involving an amount less than $25,000 will be submitted to a single arbitrator.

4.4 The parties will equally share the costs of conducting any mediation or arbitration excluding each party’s cost for preparation of its own case.

4.5 In addition to the dispute resolution mechanisms contained in this section, each party may seek specific performance of the other party’s obligations under this Agreement.

5. **Liability, Insurance**

5.1 The CITY must defend, indemnify and hold the COUNTY, its officers, elected officials, employees, and agents, harmless from any and all claims, losses, or damages (including reasonable attorney’s fees and costs), regardless of the form of action, resulting from the CITY’S acts or omissions in using and maintaining the City Property or the County Property. This provision survives the termination of this Agreement.

5.2 The COUNTY must defend, indemnify and hold the CITY, its officers, elected officials, employees, and agents, harmless from any and all claims, losses, or damages (including reasonable attorney’s fees and costs), regardless of the form of action, resulting from the COUNTY’S acts or omissions in using and maintaining the County’s Leased Space. This provision survives the termination of this Agreement.

5.3 Nothing in this Agreement constitutes a waiver by the CITY or COUNTY of any statutory or common law defenses, immunities or limits on liability.

5.4 Each party will maintain a policy of public liability insurance, either from a reputable insurance company authorized to do business in Minnesota or through a self-insurance pool organized pursuant to Minnesota Statutes §471.981 or other self-insurance. The limits of liability must cover each parties’ exposure under
Minnesota Statutes Chapter 466. The CITY will name the County as an additional insured with respect to the County Property.

5.5 The CITY shall obtain sufficient property and casualty insurance (in accordance with prevailing community standards) to cover the replacement cost of the County’s Leased Space but not its contents.

5.6 Upon request, each party shall provide to the other a certificate of insurance or a statement of self-insurance verifying that the policies required by this Agreement are in effect.

6. **General Provisions**

6.1 Any amounts due to one party from the other will be paid within 30 days after a written notice of the amount due has been provided. Each party will allow the other to review all of its records regarding a payment demand at reasonable times during normal business hours.

6.2 All Notices under this Agreement must be sent by first class mail addressed to:

   If to County: Manager, Land Management Division
   Department of Community Works
   701 Fourth Avenue South, Suite 400
   Minneapolis, MN 55415-1843

   If to City: City Manager
   City of Minnetonka
   14600 Minnetonka Blvd.
   Minnetonka, MN 55345

6.3 This Agreement may be amended only in writing, executed by proper representatives of both parties.

6.4 The COUNTY may not assign its lease of the County’s Leased Space.

5.5 The CITY may not assign its lease of the County Property,

6.5 The parties may supplement this Agreement with additional written policies or agreements approved by the County Administrator and the City Manager which are not inconsistent with the terms of this Agreement.

6.6 This Agreement must be interpreted under the laws of the state of Minnesota.

6.7 This Agreement runs with the lands described on Exhibit A and Exhibit B as attached hereto and is binding on and inures to the benefit of the parties, their successors and assigns.
CITY, having signed this Lease Agreement, and the Hennepin County Board of Commissioners having duly approved this Lease Agreement on the __________ day of ____________, 2018, and pursuant to such approval, the proper County officials having signed this Lease Agreement, the parties hereto agree to be bound by the provisions set forth herein.

REVIEWED BY THE COUNTY ATTORNEY’S OFFICE:

By: ________________________________
   Assistant County Attorney
Date: ______________________________

LEASE NO.  A189198

COUNTY OF HENNEPIN

By: ________________________________
   Chair of its County Board
Date: ______________________________

By: ________________________________
   County Administrator
Date: ______________________________

By: ________________________________
   Assistant County Administrator,
   Public Works
Date: ______________________________

ATTEST:

By: ________________________________
   Deputy/Clerk of the County Board
Date: ______________________________

RECOMMENDED FOR APPROVAL

By: ________________________________
   Department Director, Community Works
Date: ______________________________

CITY OF MINNETONKA:

By: ____________________________
   Mayor

Date: ____________________________

By: ____________________________
   City Manager

Date: ____________________________

Plan A     Plan B     Charter  X

The city is organized pursuant to (check one):
Exhibit A

City Property

11522 Minnetonka Blvd.

Tract A, Registered Land Survey No. 392; and [complete legal description]
Exhibit B

County Property

Lot 20, plat of Intpa-Nini -- Lake Minnetonka
Resolution No. 2018-

Resolution regarding reciprocal lease agreement with Hennepin County

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

Section 1. Background.

1.01. In 2001, the City of Minnetonka and the County of Hennepin entered into reciprocal lease agreements for certain properties.

1.02. The city leased portions of the city public works building to the county for its use, in exchange for the county’s contribution toward the cost of constructing the public works building and, as additional consideration, in exchange for the county leasing certain land to the city.

1.03. The county leased land on Gray’s Bay near the Minnehaha Creek headwaters to the city, in exchange for the city’s lease of portions of the public works building.

1.04. The reciprocal leases have lapsed, and the city and county desire to enter into a reciprocal lease for an additional term of years.

Section 2. Council Action.

2.01. The city council hereby approves the reciprocal lease agreement with the County of Hennepin.

2.02. The mayor and city manager are authorized and directed to execute the lease agreement.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 22, 2018.

Brad Wiersum, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on October 22, 2018.

_______________________________
David E. Maeda, City Clerk
City Council Agenda Item #10F  
Meeting of Oct. 22, 2018

Brief Description: Resolution adopting the 2019 meeting schedule for the Minnetonka City Council

Recommended Action: Adopt the resolution.

Background

Section 3.01 of the Minnetonka City Charter provides that the city council will meet at the times established by ordinance or resolution. To comply with this requirement, the city council is being asked to adopt a resolution to establish their 2019 meeting schedule.

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

The resolution establishes regular council meetings no less than every three weeks throughout the year, with two week intervals during those periods in which more business is typically transacted, such as the construction planning cycle.

Recommendation

Based on the foregoing information, staff recommends that the city council adopt a resolution establishing its 2019 meeting schedule.

Submitted through:
  Geralyn Barone, City Manager
  David Maeda, Assistant City Manager

Originated by:
  David Maeda, City Clerk
Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

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

Section 2. Council Action.

2.01. The Minnetonka City Council establishes the following meeting schedule for 2019:

A. Regular city council meetings will be held twice each month in January, February, April, May, June, July, August, October, and December.
B. One regular council meeting will be held in the months of March, September and November.
C. One study session will also be held in January, February, March, April, May, June, August, September, October, and November.
D. A list of regular council meetings and study sessions for the year 2019 is attached.

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 22, 2018

________________________________________
Brad Wiersum, Mayor

ATTEST:

________________________________________
David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Oct. 22, 2018.

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David E. Maeda, City Clerk
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2019 Regular Council Meetings

January 7
January 28
February 11
February 25
March 18
April 1
April 15
May 6
May 20
June 3
June 24
July 8
July 22
August 5
August 26
September 16
October 7
October 28
November 18
December 2
December 16

Study Sessions

January 14
February 4
March 4
April 22
May 13
June 17
August 19
September 9
October 21
November 25
City Council Agenda Item #13A
Meeting of Oct. 22, 2018

Brief Description
Items concerning Wilson Ridge 6th Addition at 4316 and 4328 Wilson Street:

1. Resolution approving vacation of a drainage and utility easement; and

2. Resolution repealing and replacing Resolution 2017-013, approving the preliminary plat, and Resolution 2017-017, approving the final plat of WILSON RIDGE 6TH ADDITION.

Recommendation
Hold the public hearing and adopt the resolutions

Introduction

On March 27, 2017 the city council reviewed and approved the final plat of WILSON RIDGE 6TH ADDITION. The plat divided two existing lots into three lots. The approved plan indicated that an existing home on the southerly lot – Lot 3 – would be removed in order to accommodate a new home and a required stormwater management facility. The approved final plat included a drainage and utility easement over the area intended for the stormwater basin.

Recently, the property owners identified a purchaser for the lot. The purchaser has indicated that they intend to keep and remodel the existing home. Under typical circumstances, this would not be an issue. However, the existing home is located in an area encumbered by a drainage and utility easement and proposed for the installation of the required stormwater facility.

To accommodate the purchaser’s request, the property owner, Shaun Hendrickson, is requesting the city vacate the recently platted drainage and utility easement and relocate the proposed stormwater facility to the northwest corner of the property. A new drainage and utility easement would be dedicated over the new facility.

Staff Analysis

The applicant's proposal is reasonable as:

- The vacation of the easement would allow for the preservation of the existing home.
• The drainage and utility easement to be vacated was intended to protect a stormwater basin. The basin has not yet been installed and no other public utilities exist within the easement.

• To comply with stormwater requirements, a basin would be constructed in the northwest corner of the property. Staff finds that this location is generally acceptable. However, staff has included a condition of approval requiring that the property owners work with staff for the final placement of the facility to reduce impact to the two oak trees on the adjacent property.

• A new drainage and utility easement would be dedicated over the new stormwater facility.

• No other changes to the original proposal are proposed.

**Staff Recommendation**

Hold the public hearing and adopt the following resolutions:

1. Resolution approving vacation of a drainage and utility easement; and

2. Resolution repealing and replacing Resolution 2017-013 approving the preliminary plat and Resolution 2017-017 approving the final plat of WILSON RIDGE 6TH ADDITION.

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

Originated by:
Ashley Cauley, Senior Planner
WILSON RIDGE 6TH ADDITION
MINNETONKA, MINNESOTA

DEVELOPER
SHAUN HENDRICKSON
3615 JUNEAU LANE NORTH
PLYMOUTH, MN 55446
PH: 612-840-1535
CONTACT: SHAUN HENDRICKSON
EM: shaun.hendrickson@yahoo.com

CONSULTANT
ALLIANT ENGINEERING, INC.
233 PARK AVENUE SOUTH
SUITE 300
MINNEAPOLIS, MN 55415
PH: 612-758-3080
FX: 612-758-3099

ENGINEER
MARK RAUSCH
LICENSE NO. 43480
EM: mrausch@alliant-inc.com

SURVEYOR
DENNIS B. OLMSTEAD
LICENSE NO. 18425
EM: dolmstead@alliant-inc.com

SHEET INDEX
NO.
COVER SHEET
EXISTING CONDITIONS SURVEY
SITE AND UTILITY PLAN
GRADING AND DRAINAGE PLAN
EROSION AND SEDIMENT CONTROL PLAN
EROSION AND SEDIMENT CONTROL NOTES AND DETAILS
TREE INVENTORY AND PRESERVATION PLAN
CONSTRUCTION SEQUENCING:

1. Excavation
2. Trenching
3. Drainage System Installation
4. Roadway Construction

NOTE TO CONTRACTOR:

The construction sequence is provided for guidance and is subject to change based on unforeseen site conditions. The contractor is responsible for coordinating with all subcontractors and ensuring proper sequencing to avoid conflicts and delays.

EROSION CONTROL RESPONSIBLE PARTY:

[Contact Information]

SWPPP BMP QUANTITIES (PER PLAN):

[Quantities Listed]

NOTE:

1. Erosion control plan changes require prior approval of the Erosion Control Responsible Party.
DRAINAGE AND UTILITY EASEMENT DESCRIPTION

An easement for drainage and utility easement purposes over, under, and across all that part of Lot 3, Block 1, WILSON RIDGE 6TH ADDITION, Hennepin County, Minnesota, lying south of the north 7.00 feet and east of the west 7.00 feet thereof. The drainage and utility easement area is more particularly described as follows:

Beginning at the northwest corner of said Lot 3; thence North 89 degrees 53 minutes 24 seconds West, assumed bearing along the north line of said Lot 3, a distance of 48.79 feet; thence South 00 degrees 06 minutes 36 seconds West 14.27 feet; thence South 44 degrees 19 minutes 46 seconds West 7.39 feet; thence South 54 degrees 52 minutes 47 seconds West 33.86 feet; thence North 87 degrees 18 minutes 26 seconds West 17.73 feet to the west line of said Lot 3; thence North 02 degrees 41 minutes 34 seconds East, along said west line, 38.34 feet to the point of beginning.

SCALE IN FEET

WILSON RIDGE 6TH ADDITION
DRAINAGE AND UTILITY EASEMENT EXHIBIT
MINNETONKA, MINNESOTA

Alliant Engineering, Inc.
733 Marquette Ave, Ste 700
Minneapolis, MN 55402
612.758.3080 MAIN
612.758.3099 FAX
www.alliant-inc.com
EASEMENT VACATION DESCRIPTION

Vacating the drainage and utility easement over, under, and across all that part of Lot 3, Block 1, WILSON RIDGE 6TH ADDITION, Hennepin County, Minnesota, lying north of the south 7.00 feet and west of the east 10.00 feet thereof. The easement vacation area is more particularly described as follows:

Beginning at the southeast corner of said Lot 3; thence North 89 degrees 53 minutes 24 seconds West, assumed bearing along the south line of said Lot 3, a distance of 32.58 feet; thence North 36 degrees 22 minutes 37 seconds West 29.68 feet; thence North 30 degrees 18 minutes 32 seconds West 21.52 feet; thence North 33 degrees 12 minutes 45 seconds East 18.70 feet; thence North 75 degrees 06 minutes 59 seconds East 9.07 feet; thence North 74 degrees 55 minutes 22 seconds East 14.65 feet; thence North 87 degrees 15 minutes 31 seconds West 30.93 feet to the east line of said Lot 3; thence South 02 degrees 44 minutes 29 seconds West, along said east line, 62.93 feet to the point of beginning.
2017 Approvals
LEGEND:

- PROPERTY LINE
- UTILITY LINE
- LANE OF WAY
- DRAINAGE EASEMENT
- UTILITY EASEMENT
- PUBLIC ROADS

NOT TO SCALE

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:
Being 7 feet in width and adjoining lot lines and 10 feet in width and adjoining right of way lines, unless otherwise indicated on the plat.
Existing Certs
423587

This cover sheet is now a permanent part of the recorded document.
Resolution No. 2017-013

Resolution approving the preliminary plat of WILSON RIDGE 6TH ADDITION at 4316 and 4328 Wilson Street

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

Section 1. Background.

1.01 Property owner, Shaun Hendrickson, has requested preliminary plat approval for WILSON RIDGE 6TH ADDITION, a three-lot residential subdivision.

1.02 The subject properties are located at 4316 and 4328 Wilson Street. They are legally described as follows:

4316 Wilson Street:
Lot 4, Block 5, "Woodstock", Hennepin County, Minnesota.

4328 Wilson Street:
The north 130 feet of Lot 5 as measured along the east and west lines thereof, in Block 5 in Woodstock, Hennepin County, Minnesota.

1.03 On January 19, 2017, 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.

Section 3. Findings.

3.01 The proposed preliminary plat meets the design requirements as outlined in City Code §400.030.


4.01 The above-described preliminary plat 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:

         a. 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.

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

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

      2) Documents for the city attorney's review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.

         a. Title evidence current within thirty days before release of the final plat.

         b. Stormwater maintenance agreement. Maintenance will include, but not be limited to, the periodic removal of sedimentation at the
base of the infiltration areas and any adjacent drainage ditches, keeping a vegetative cover within the area, and removing any blockage that may impede the drainage of the site, as approved with the building permits.

c. Encroachment agreements for the retaining walls within the city's drainage and utility easement if the retaining walls cannot be removed from the easements.

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)(2) above must be approved by the city attorney.

3. Prior to release of the final plat for recording, the following must be submitted:
   a) Two sets of mylars for city signatures.
   b) An electronic CAD file of the plat in microstation or DXF.
   c) Park dedication fee of $5,000.

4. Subject to staff approval, WILSON RIDGE 6TH ADDITION must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Site plan, with revisions, dated January 9, 2017
   - Grading plan, with revisions, dated January 9, 2017
   - Utility plan, with revisions, dated January 9, 2017
   - Tree preservation plan, with revisions, dated January 9, 2017

5. Prior to issuance of a building permit for the first new house within the development:
   a) Submit the following:
      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) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.

3) A tree mitigation plan. The plan must:
   a. Provide 90-feet of evergreen tree mitigation. This is 15, six-foot trees.
   b. Provide 64-inches deciduous trees mitigation. This is 32, two-inch trees.
   b) Construction of the infiltration basin on Lot 1 must be completed.

6. 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. Show sewer and water services to minimize impact to any significant or high-priority trees. No trees many be removed for installation of services.
      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) If required, proof of subdivision registration and transfer of NPDES permit.

5) 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.

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

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) Submit all required hook-up fees.

7. 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. As shown, the new homes must be fire sprinkled per
the fire code as the driveways exceed 10% and are beyond 150 feet from the adjacent roadways.

b) Confirm that the 1-inch water services for Lots 2 and 3 are adequate for the proposed homes. If 1-1/2 inch services are needed for pressure, the existing 1-inch services must be removed back to the main and the corporation stop must be turned off. New water services must be tapped for the respective properties.

8. Retaining walls that exceed four feet in height must be engineered by a licensed structural engineer.

9. Coordinate with Centerpoint Energy prior to redevelopment for service line disconnections and distributions.

10. Permits may be required from other agencies including Hennepin County, Riley Purgatory Bluff Creek Watershed District, and the MPCA. It is the applicant’s or the property owner’s responsibility to obtain all necessary permits.

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

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

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on February 6, 2017.

Terry Schneider, Mayor

Attest:

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

Motion for adoption: Allendorf
Seconded by: Acomb
Voted in favor of: Ellingson, Allendorf, Acomb, Wiersum, Bergstedt, Schneider
Voted against:
Abstained: Wagner
Absent: Wagner
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on February 6, 2017.

David E. Maeda, City Clerk
Existing Certs
1423672, 423587

This cover sheet is now a permanent part of the recorded document.
Resolution No. 2017-027

Resolution approving the final plat of WILSON RIDGE 6TH ADDITION at 4316 and 4328 Wilson Street

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

Section 1.  Background.

1.01 Property owner, Shaun Hendrickson, has requested approval of the final plat of WILSON RIDGE 6TH ADDITION.

1.02 The subject properties are located at 4316 and 4328 Wilson Street. They are legally described as follows:

4316 Wilson Street:
Lot 4, Block 5, "Woodstock", Hennepin County, Minnesota.

4328 Wilson Street:
The north 130 feet of Lot 5 as measured along the east and west lines thereof, in Block 5 in Woodstock, Hennepin County, Minnesota.

1.03 On February 6, 2017, the city council approved the preliminary plat of WILSON RIDGE 6TH ADDITION.

Section 2.  General Standards.

2.01 The final plat meets the requirements and standards outlined in the Subdivision Ordinance, City Code §400.

2.02 The final plat is consistent with the previously approved preliminary plat.
Section 3. Council Action.

3.01 The city council approves the final plat of WILSON RIDGE 6TH ADDITION. Approval is subject to the following conditions:

1. Compliance with the conditions outlined in preliminary plat Resolution No. 2017-013.

2. Prior to release of the final plat for recording, submit the following:
   a) Two sets of mylars for city signatures. The mylars must include appropriate drainage and utility easements over the proposed stormwater management facilities and the easements must be clearly labeled.
   b) An electronic CAD file of the plat in microstation or DXF.
   c) Park dedication fee of $5,000.

3. Unless the city council approves a time extension, the final plat must be recorded by March 27, 2018.

Adopted by the City Council of the City of Minnetonka, Minnesota, on March 27, 2017.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption: Bergstedt
Seconded by: Wiersum
Voted in favor of: Wiersum, Bergstedt, Ellingson, Schneider
Voted against:
Abstained:
Absent: Wagner, Allendorf, Acomb
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 March 27, 2017.

David E. Maeda, City Clerk
2018 Resolutions
Resolution No. 2018-

Resolution vacating a drainage and utility easement at 4328 Wilson Street

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

Section 1. Background.

1.01 Shaun Hendrickson has petitioned the Minnetonka City Council to vacate a drainage and utility easement located at 4328 Wilson Street.

1.02 The easement is legally described as follows, to wit:

An easement for drainage and utility easement purposes over, under, and across all that part of Lot 3, Block 1, WILSON RIDGE 6TH ADDITION, Hennepin County, Minnesota, lying south of the north 7.00 feet and east of the west 7.00 feet thereof. The drainage and utility easement area is more particularly described as follows:

Beginning at the northwest corner of said Lot 3; thence North 89 degrees 53 minutes 24 seconds East, assumed bearing along the north line of said Lot 3, a distance of 48.79 feet; thence South 00 degrees 06 minutes 36 seconds West 14.27 feet; thence South 44 degrees 19 minutes 46 seconds West 7.39 feet; thence South 54 degrees 52 minutes 47 seconds West 33.86 feet; thence North 87 degrees 18 minutes 26 seconds West 17.73 feet to the west line of said Lot 3; thence North 02 degrees 41 minutes 34 seconds East, along said west line, 38.34 feet to the point of beginning. Except the south 7.00 feet and the east 10.00 feet of the above described area.

1.03 In accordance with 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 Oct. 22, 2018, 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. The vacation of the easement would allow for the preservation of the existing home.

2. The drainage and utility easement to be vacated was intended to protect a stormwater basin. The basin has not yet been installed and will be relocated to the northwest corner of the property at 4328 Wilson Street.

3. There are no public utilities located within the easement.

4. There is no anticipated public need for the easement.

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

6. A new drainage and utility easement will be dedicated over the proposed stormwater facility.


4.01 The City Council vacates the above-described easement.

4.02 The vacation is only effective upon the dedication of a new drainage and utility easement.

4.03 The city clerk has the authority to revise the legal description as required by the registrar’s office.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 22, 2018.

_________________________________
Brad Wiersum, Mayor

Attest:

_________________________________
David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Oct. 22, 2018.

______________________________
David E. Maeda, City Clerk
Resolution No. 2018 -

Resolution repealing and replacing Resolution 2017-013, approving the preliminary plat, and Resolution 2017-027, approving the final plat, of WILSON RIDGE 6TH ADDITION at 4316 and 4328 Wilson Street

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

Section 1. Background.

1.01 On Feb. 6, 2017, the city council approved the preliminary plat of WILSON RIDGE 6TH ADDITION.

1.02 On March 27, 2017, the city council approved the final plat of WILSON RIDGE 6TH ADDITION.

1.03 The subject properties are located at 4316, 4322, and 4328 Wilson Street and are legally described as follows:

4316 Wilson Street:
Lot 1, Block 1, Wilson Ridge 6th Addition, Hennepin County, Minnesota.

4322 Wilson Street:
Lot 2, Block 1, Wilson Ridge 6th Addition, Hennepin County, Minnesota.

4328 Wilson Street:

1.04 The approved plans indicate that the existing home at 4328 Wilson Street (Lot 3) would be removed in order to accommodate a new home and a stormwater facility in the southeast corner of the property.

1.05 Property owner, Shaun Hendrickson, recently submitted revised plans in which the existing home at 4328 Wilson Street (Lot 3) would remain and the stormwater facility would be relocated to the northwest corner of the property.
1.06 The revised plans require the (1) vacation of a drainage and utility easement in the southeast corner of the property; (2) rededication of a new drainage and utility easement over the new stormwater facility location; and (3) approval of revised resolutions approving preliminary and final plats.

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.

Section 3. Findings.

3.01 The proposed preliminary plat meets the design requirements as outlined in City Code §400.030.


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

1. Subject to staff approval, the property must be maintained in substantial conformance with the following plan:
   - Site and utility plan, dated Sept.25, 2018.
   - Tree inventory and preservation plan, dated Sept. 25, 2018.

2. The easement described in Resolution 2018-xxx must be vacated.

3. A new easement over the stormwater maintenance facility must be dedicated.

4. This resolution must be recorded with Hennepin County.

5. Prior to issuance of a building permit for the first new home:
   a. Submit the following:
      1) A revised stormwater maintenance agreement. Maintenance will include, but not be limited to, the periodic removal of sedimentation at the base of the infiltration areas and any adjacent drainage ditches, keeping a vegetative cover within the area, and removing any blockage that may impede the drainage of the site, as approved with the building permits.
2) 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.

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

b. Work with staff to locate the stormwater basin on Lot 3 to reduce impact to the oak trees on the adjacent lot.

c. Construction of the infiltration basin on Lots 1 and 3 must be completed.

6. 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 show sewer and water services to minimize impact to any significant or high-priority trees. No trees may be removed for installation of services.

3) Final stormwater management plan must:

a. Meet the requirements of the city’s Water Resources Management Plan, Appendix A. Design. In addition, supplemental calculations must be submitted detailing conformance with the city’s:

- Rate Control: maintain existing rates leaving the site for the 2-, 10-, and 100-year events.

- Volume: the storm chambers must capture 1” of the entire site’s impervious surface. Soil borings are required to verify infiltration rates.

- Water Quality: materials must be submitted (MIDS or p8 model) to demonstrate that
68% of the total phosphorus and 90% of the TSS are removed.

4) 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) If required, proof of subdivision registration and transfer of NPDES permit.

5) 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.

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

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) Submit all required hook-up fees.

7. 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. As shown, the new homes must be fire sprinkled per the fire code as the driveways exceed 10% and are beyond 150 feet from the adjacent roadways.

b) Confirm that the 1-inch water services for Lots 2 and 3 are adequate for the proposed homes. If 1-1/2 inch services are needed for pressure, the existing 1-inch services must be removed back to the main and the corporation stop must be turned off. New water services must be tapped for the respective properties.

8. Retaining walls that exceed four feet in height must be engineered by a licensed structural engineer.

9. Coordinate with CenterPoint Energy prior to redevelopment for service line disconnections and distributions.

10. Permits may be required from other agencies including Hennepin County, Riley Purgatory Bluff Creek Watershed District, and the MPCA. It is the applicant’s or the property owner’s responsibility to obtain all necessary permits.

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

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 22, 2018.

______________________________
Brad Wiersum, Mayor

Attest:

______________________________
David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Oct. 22, 2018.

___________________________________________
David E. Maeda, City Clerk
City Council Agenda Item #15A
Meeting of Oct. 22, 2018

Brief Description: Appointment to the planning commission

Recommended Action: Approve the recommended appointment

Background

The planning commission currently has one open position created when Rebecca Shack was appointed as the Ward 2 City Councilmember. Megan Luke has expressed her willingness to dedicate the time and energy necessary to be a contributing member. Based on the material she submitted, prior interview with the city council and her current contributions as a member of the Economic Development Advisory Commission (EDAC) I recommend that she be appointed. The updated membership roster showing the composition of the planning commission is attached.

Recommendation

To approve the following appointment:


Respectfully submitted,

Brad Wiersum
Mayor
# Planning Commission

## Current Members

The planning commission assists and advises the city council in administration of the City Zoning Ordinance; conducts public hearings on matters as required by provisions of the zoning ordinance, subdivision ordinance, and any other matters referred by the council or by ordinance. Following the required public hearings, the planning commission makes its reports and recommendations to the city council and city manager. This commission is comprised of seven members who serve two-year terms. The meetings are generally held Thursday nights, twice a month at 6:30 p.m.

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## Other Commission Members:

Loren Gordon - City of Minnetonka Staff Liaison Ph# 952-939-8296