Agenda
Minnetonka City Council
Regular Meeting, Monday, March 6, 2017
6:30 P.M.
Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Acomb-Wiersum-Bergstedt-Wagner-Ellingson-Allendorf-Schneider
4. Approval of Agenda
5. Approval of Minutes: None
6. Special Matters:
   A. Retirement recognition for Recreation Services Administrative Services Manager Lorry Mendez-Burns
   B. Presentation of 2017 Reflections Award
   C. Strategic Planning - Imagine Minnetonka summary and recommendations report
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 approving preliminary and final plats for a two-lot subdivision at 3900 Cottage Lane
    B. Resolution approving a conditional use permit for the expansion of a medical clinic at 10653 Wayzata Boulevard
    C. Resolution amending the city’s Water Resource Management Plan for a wetland generally located at 1555 Linner Road
D. Labor agreement between the city of Minnetonka and Law Enforcement Labor Services, Inc. – Dispatchers

11. Consent Agenda - Items Requiring Five Votes:

A. Resolution approving a conditional use permit for accessory structures exceeding 1,000 square feet and 12 feet in height, and a variance to add a second curb cut, at 4142 Avondale Street

Recommendation: Adopt the resolution approving the conditional use permit and variance

12. Introduction of Ordinances: None

13. Public Hearings:

A. Resolution vacating a sump easement and drainage and utility easements located at 1555 Linner Road

Recommendation: Hold the public hearing and adopt the resolution approving the vacations (5 votes)

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

Recommendation: Hold the public hearing and grant the license (5 votes)

C. Temporary on-sale liquor license for The Mills Church, 13215 Minnetonka Drive

Recommendation: Hold the public hearing and grant the license (5 votes)

D. On-sale wine and on-sale 3.2% malt beverage liquor licenses for Greenfield Natural Kitchen, LLC, at 1700 Plymouth Road

Recommendation: Continue the public hearing and grant the licenses (5 votes)

E. Off-sale liquor licenses for Minnesota Fine Wine & Spirits, LLC, (DBA Total Wine) 14200 Wayzata Blvd.

Recommendation: Open the public hearing and continue to May 1, 2017 (4 votes)

14. Other Business:

A. Preliminary and final plats for a five lot subdivision at 5325 County Road 101, 5311 Tracy Lynn Terrace, and 5320 Spring Lane
Recommendation: Adopt the resolution approving the request (4 votes)

B. Concept plan review for Newport Midwest at 10400, 10500 and 10550 Bren Road East

Recommendation: Discuss concept plan with the applicant. No formal action required.

C. 2017 Assessment Report

Recommendation: Receive the report

15. Appointments and Reappointments: None

16. Closed Session

   A. Closed session regarding sale of properties at 4292 Oak Drive Lane and 4312 – 4342 Shady Oak Road, pursuant to Minn. Stat. § 13D.05, subd. 3(c)

17. Adjournment
City Council Agenda Item #6A  
Meeting of March 6, 2017

**Brief Description**  
Retirement recognition for Recreation Services  
Administrative Services Manager Lorry Mendez-Burns

**Recommendation**  
Recognize Lorry Mendez-Burns

It is the practice of the city council to recognize the contributions of retiring city of Minnetonka employees.

**Lorry Mendez-Burns**

Lorry became an employee of the city in September of 1990 as a recreation secretary. Four years later, she was promoted to the administrative services division manager, a position she has successfully held for the past 22 years of her career.

Throughout the years, Lorry has been instrumental in many important projects, most notably the department’s conversion from a manual registration system to an electronic version; conversion to point of sale transactions, preparation of park board meeting packets and overseeing the in-house development of nearly 60 seasonal program brochures.

Above all else, Lorry has consistently placed her highest priority on delivering quality customer service to the residents and patrons of the Recreation Services Department. Whether through her publications, phone contacts, email exchanges, or in person, Lorry always made her customers feel valued and appreciated.

Among her other strengths, Lorry has been dependable, organized, a self-learner and extremely dedicated. Lorry seldom misses a department or city sponsored special event, taking on any assignment given including registration, customer service, driving a shuttle bus, or even wearing the Minnetonka Mike mascot outfit in the Holidazzle Parade. During brochure publication deadlines, Lorry can be found working in her office for days on end – including many overnights.

We thank Lorry for her dedication and many contributions to the city of Minnetonka.

Submitted through:  
Perry Vetter, Assistant City Manager

Originated by:  
Dave Johnson, Recreation Services Director
City Council Agenda Item #6B
Meeting of March 6, 2017

Brief Description: Presentation of 2017 Reflections Award

Recommended Action: Recognize award winner

Background

In 1997 the city of Minnetonka began its Reflections Award program, designed to recognize individuals, business and programs whose outstanding contributions reflect positively on Minnetonka. The award is presented every other year.

This year’s winner is Ron Kamps, ICA Food Shelf board member and volunteer.

Ron was nominated by Peg Keenan, ICA Food Shelf executive director with supporting endorsements from Barb Westmoreland, Hopkins Schools volunteer coordinator; Dennis Peterson, Ph.D., Minnetonka Schools superintendent; and Tim Litfin, executive director of community education for Minnetonka Schools.

The nomination materials list the many community activities to which Ron contributes, including ICA Food Shelf, Hopkins Empty Bowls, Tour De Tonka, several Minnetonka Schools programs and more. In addition to serving on ICA Food Shelf’s Executive Board of Directors, Ron is also a board member of several other community organizations.

Peg wrote, “Not only has Ron served on the ICA board for 8 years, but he also puts on his day-to-day “volunteer hat” collecting extra food for the food shelf at local farmers markets…volunteers like Ron are essential to ICA being able to help serve everyone in need.”

Dennis Peterson, wrote, “I have worked closely with him in many projects and I have observed his work in other ways. I cannot imagine anyone being more deserving of this recognition than Ron.”

Tim Liftin wrote, “If every community had a Ron Kamps as a volunteer, there would be plenty of food on every food-shelf, there would be volunteers waiting in line for community service, and there would be happy committees throughout Minnesota.”

Barb Westmoreland wrote, “Ron inspires us all to connect with the great people and institutions in Minnetonka, to continually work together to make our community a great place for all. Ron is truly Minnetonka’s Mr. Community Spirit”

Congratulations to Ron Kamps. We appreciate all you do to make Minnetonka a quality community.
Also nominated for this year’s award was John Kraemer, former owner of Kraemer’s Hardware in Minnetonka. In his nomination, Ben Johnson wrote, “For decades, John Kraemer has been an extremely important member of the Minnetonka community. He has developed the Kraemer’s hardware business into a successful firm with a large local consumer following, and has worked not only to supply his customers with the best possible hardware experience, but to better the Glen Lake area.”

Julie Sjordal, executive director of St. David’s Center for Child and Family Development, was also nominated for the year’s award. Maureen Walsh, a colleague at St. David’s, noted in the nomination that Julie has, “dedicated her career to giving back to those in need within the Minnetonka community and beyond. She continues to inspire her family, staff and community through her accomplishments. With the philosophy of walking alongside families to help each child reach his or her full potential, Julie’s leadership is making the difference in the lives of thousands of children every year.”

Recommendation

Recognize 2017 Reflections Award winner

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

Originated by:
   Kari Spreeman, Communications and Marketing Manager
City Council Agenda Item #6C  
Meeting of March 6, 2017

**Brief Description**  
Strategic Planning – Imagine Minnetonka summary and recommendations report

**Recommendation**  
Hear the report presentation

**Background**

In May 2011, the city council adopted an update of the city’s mission, vision and goals. Shortly thereafter, in June 2011, staff developed specific action steps for making the updated goals a reality. Since that adoption, an annual update on the strategic profile report is presented for the council’s review in order to provide a progress report on the action steps and highlight emerging trends for consideration as new goals are developed.

In July, the city embarked on a community-wide visioning process entitled, *Imagine Minnetonka*. The process was intended to gather information to assist with an update of the city’s mission, vision and goals with a robust community engagement component facilitated by Rebecca Ryan of Next Generation Consulting. Ms. Ryan, along with her talented team and city staff, set off collecting resident feedback in a variety of approaches. From the traditional town hall style meetings to the non-traditional use of social media platforms and “One Wish” chalkboards at various community beehive locations, feedback was collected. For the first time, emerging technology was used to engage participants by conducting a town hall style meeting via Facebook Live.

The city council also appointed an Imagine Minnetonka Citizens Steering Committee, which reviewed *The Next Big Things: The Next 20 Years in Local Government*, a national report published by the Alliance for Innovation. The committee provided feedback and their own personal experience in the study of trends that will likely impact Minnetonka in the future. In addition, a team of futurists led by Ms. Ryan conducted an independent study of Minnetonka and also provided an analysis of factors that will affect our city. At the September 19, 2016 study session, council was joined by members of the Imagine Minnetonka steering committee as Ms. Ryan recapped the progress and provided an overview of the top trends gathered to date.

On October 13, Next Generation Consulting conducted a “Strategic Doing” session with city leadership, supervisory and a few front line staff to generate achievable ideas on what can continue to make Minnetonka a vibrant community. Those ideas continue to be refined and will emerge as action steps in future updates to the annual strategic profile report.

**Imagine Minnetonka Findings**
The report –titled, “Imagine Minnetonka Summary and Recommendations” is a comprehensive collection of (a) key findings of what residents want and shared throughout the process, (b) what trends will impact Minnetonka, and (c) recommendations on how Minnetonka can navigate the future.

Resident Feedback
Community engagement lasted just over 12 weeks and reached an estimated 23,575 views generating over 576 ideas. Three strong themes emerged:

- **Character**: Participants stressed the importance of maintaining and preserving the features that give Minnetonka its unique character, including wetlands, parks and open spaces.

- **Connection**: Residents expressed an interest in the creation of more trails and sidewalks to safely connect the city, as well as more opportunities to connect with others and build relationships in the community.

- **Citizens**: The city received lots of feedback about the importance of protecting and preserving the outstanding quality of life currently enjoyed in Minnetonka, and the desire to ensure the same quality of life is available for all citizens in the years to come.

Trends
The steering committee identified certain “High Certainty/Major Impact” trends within the categories of Resources, Technology, Demographics and Governance that they believe will affect the future of Minnetonka. Specific trends discussed included Climate Change, Digital Citizenship, Education Reform, Infrastructure Overhaul, Tribalism and Identity Politics, Urbanization, Trust in Government, City-to-City Collaboration and Citizen Engagement.

Ms. Ryan and her team predicted the following trends will also have an impact on Minnetonka: Changes to the Commercial Office Space environment, Autonomous Transit, Home Health Care Delivery, Infrastructure Overhaul (in agreement with the steering committee), Aging in place, Increasing Diversity, Population Growth and the Rising Demand for Self-Governance.

Recommendations
Rebecca Ryan and staff from Next Generation formulated recommendations on how Minnetonka can best navigate the future. These recommendations include five signals to monitor in the form of metrics that can be used to inform decision making. In addition to the signals, Ryan sets forth a number of recommendations to compliment the city’s current strategic profile work. Her recommendations outline suggestions for incorporating the anticipated trends and “One Wish” resident comments as we strive to continue making Minnetonka a community of choice.
Next Steps

Staff will continue to work with Next Generation Consulting to further refine the additional deliverables the council requested in the forms of a presentation deck, a scaled down list of the project summary for handing out to residents, as well as a small reminder card for council members to keep with them as they ponder decisions impacting the future of Minnetonka.

These recommendations will be incorporated into the council’s Strategic Profile Report and turned into action steps to keep Minnetonka a vibrant and successful city. The work will be used to inform the comprehensive guide plan process beginning later this year, and be used as key measures as departments establish annual goals. The next version of the Strategic Profile Report will be reviewed at the council’s May 15 study session and will include methods for turning the community input, trends and recommendations into actionable items.

Summary

The Imagine Minnetonka process and update of the city’s mission, vision and goals will serve as a guide for each department to establish work plans for the future. By incorporating the feedback obtained throughout this community-wide visioning process, a mutual understanding will be ensured as future policy priorities are established and implemented.

Recommendation

Hear the presentation on the Imagine Minnetonka summary and recommendations report by Ms. Ryan of Next Generation Consulting.

Originated by:
    Perry Vetter, Assistant City Manager
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25 Recommendations – How to Navigate Minnetonka’s Future

27 1. Monitor five signals for Minnetonka’s future.


31 3. Create a visionary goal to connect all residents to Minnetonka’s woods and wetlands.

32 4. Be proactive about Minnetonka’s changing demographics.

33 5. Develop a multimodal transportation plan that will safely connect major pedestrian areas and all bike and hike trails by 2025.

36 6. Increase housing stock (including retrofitting vacant commercial space) that appeals to young professionals, working families, and the elderly.

38 7. Proactively engage and communicate with residents using best practices across multiple platforms.

41 8. Use best practices in suburban redevelopment to strengthen the City’s village centers and develop the new Shady Oak Road/light rail transit area.

42 9. Update the Minnetonka Citizens Academy.

44 Methodology – Who Participated, and How?

46 Thank Yous
Dear City of Minnetonka Councilors,

When we launched this project together in spring 2016 you encouraged me to “make you uncomfortable.” What you’re about to read is a summary of what your residents are asking for, the trends Minnetonka is facing, and recommendations for moving forward. The following table shows you where to look, for each section:

**IMAGINE MINNETONKA AT A GLANCE**

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Most of the resident feedback won’t make you uncomfortable. With a few notable exceptions, residents like things as they are. That makes your job easy, right? Just keep doing what you’ve always done and things will work out.

Unfortunately—and this is where you may get uncomfortable—keeping things the same isn’t really an option. If present trends continue, Minnetonka will become older, more diverse, and more dense. The challenge of leading Minnetonka into the future is balancing residents’ nostalgia with a clear and compelling vision for Minnetonka’s future. As one of our steering committee members noted,

> “People are afraid of change because they fear that they’re losing something. But if you help them understand what they’re getting in exchange, they’ll be more open to it.”

This is your leadership challenge—to embrace the future that is coming, you must help people loosen their grip on the past. This document will help you understand the voices in your community, and what’s at stake.

To your leadership,

Rebecca Ryan

NEXT Generation Consulting, Inc.
Minnetonka has a reputation as a vibrant and successful “great place to live”. As the community continues to evolve, how do residents want the city to look and feel? And what trends must the city be ready to address to ensure that Minnetonka can continue to fulfill its vision:

**TO BE THE COMMUNITY OF CHOICE WHERE PEOPLE LIVE, WORK, PLAY AND CONDUCT BUSINESS IN A NATURALLY BEAUTIFUL ENVIRONMENT.**¹

To answer that question, the City of Minnetonka undertook a community visioning process — Imagine Minnetonka. The following graphic shows the broad level of resident engagement through various Imagine Minnetonka platforms.

With assistance from NEXT Generation Consulting, Inc. (Madison, WI), hundreds of residents contributed their dreams, fears, and hopes for Minnetonka’s 20-year future. In person and online they responded to questions like:

“What one wish do you have for Minnetonka?”

“What should the city start doing, to be a great place for the next generation? What should the city stop doing?”

“What do you want the next generation to say about living, working, and playing in Minnetonka?”

The document you’re reading compiles residents’ feedback and includes trends that are likely to impact Minnetonka’s future. Taken together, city leaders have a set of recommendations that will help them build a community that current and future residents will love.
This is a not a singular, prescriptive set of recommendations. Conditions change, and Minnetonkans must be resilient. If the goodwill and good ideas offered by residents are any indication, Minnetonka has what it takes to preserve the community’s best characteristics while being proactive to manage coming changes.

WHAT IS THE CITY GOING TO DO WITH THE RESULTS?

With the support of city staff, the City Council will determine how to include the findings and recommendations from Imagine Minnetonka into the day-to-day workings of the city. It will also be used to guide city leaders during long-term strategic planning.
KEY FINDINGS

PART ONE: WHAT DO RESIDENTS WANT?
THE THREE C’S

Residents submitted 576 ideas for the future they want in Minnetonka. Over fifteen thousand people saw those ideas and/or responded to them, e.g. by “liking” them or commenting on them on Facebook or MinnetonkaMatters.com. The diversity of ideas – and methods to participate – was unprecedented for Minnetonka. Three clear themes (Fig. 1) emerged: Connection, concern for current and future Citizens, and the community’s Character.

![Figure 1: Percentage of submitted ideas that fell into Connection, Character, or Citizens.](image-url)
**CONNECTION**

Faraway the most popular request from residents related to finishing the city’s trail system and making sidewalks and streets more safe for pedestrians (Fig. 2). This request came from the young and their elders, and from active mountain bikers and retirees who want more transportation options.

**FIGURE 2: WORD CLOUD OF IDEAS GENERATED FROM MINNETONKAMATTERS.COM. THE LARGER A WORD APPEARS, THE MORE IT WAS MENTIONED.**
“Safe sidewalks” and “more bike trails and lanes” were very popular themes. A representative sample of residents’ comments about why these factors are important include:

“It would be great to see the city support the safety of our kids and the walk-ability of our neighborhood by creating safe paths for anyone who lives northwest of the intersection of Hwy 101 and Hwy 7 (Sparrow Rd area) to walk to the high school on the other side of Hwy 7. We continually see high school students jump the Hwy 7 median barrier across from the school and balance there waiting for traffic to clear on the oncoming, eastbound lane.”
- via MinnetonkaMatters.com

“I see many comments supporting the addition of off-road trails system. What I would like to see are more paved joining pathways to neighborhoods, parks and adjoining neighborhoods. The neighborhood I live in has no access to any of these without walking through the woods, cutting through yards, or along a very limited should of a high traffic roadway system. Right now I have to rack my bikes to the family van to get to a trail system in our community.”
- via MinnetonkaMatters.com

“There are many trails that just come to a stop in random places. Trying to cross Hwy 7 is extremely dangerous. There are many athletes at Minnetonka High School who run/bike around the school with little to no trail system to support their safety. Additionally, many students who could be riding or walking to school are unable to due to the lack of safe conditions. This includes kids who live within a mile or so of the school. [...] Improving trail systems are a priority in so many communities and it’s frustrating that Minnetonka seems behind in these efforts.”
- via MinnetonkaMatters.com
Sidewalks and bike lanes aren’t just for kids and young families. When asked about “Aging in Place” and making the community more accessible to aging seniors, sidewalks came up again and again as this resident expressed:

“More transportation for seniors and everyone. More sidewalks and bike lanes for safety, like along Excelsior Blvd.” – via Facebook

Specific ideas for safe walkways included:

- The main streets such as Excelsior Blvd. Making that road walkable will bring the community together
- Continue the existing sidewalk on Williston Road at Hwy 7 all the way to Minnetonka Blvd
- Williston Road at Hwy 7 all the way to Minnetonka Blvd
- Bren Road in-between Shady Oak and Baker and then joining Rowland
- All the way along Minnetonka Blvd from 101 to the Civic Center

Hundreds of votes were cast for ideas that related to the expansion of mountain bike trails. This comment earned 37 up-votes, which made it the most popular comment on MinnetonkaMatters.com:

“It would be fantastic if Minnetonka had sustainable, designated mountain bike trails. Many of us residents are avid off-road bikers and there are no designated trails in close proximity. Minnetonka High School has a mountain bike team and there is no place locally for them to train. There are several potential wooded areas within the city where a network of trails could be built. Let’s start the conversation, find a solution, and build some trails!”
Another resident suggested investing in biking as a means of economic development, and cementing Minnetonka’s reputation as a biking destination:

“Take a look at the popularity and growth of Tour-de-Tonka... We are a cycling community. This is a chance to build something to highlight all the best of what Minnetonka has to offer. Taking away trails and legal safe off-road cycling opportunities isn’t fixing a problem; it’s only encouraging local cyclists to spend them time and money in other communities.”

One resident suggested a different kind of connection — internet connection:

“Fiber optic internet[...] is scarcely available in Minnesota, but it offers much faster speeds, is more secure, and can be easily upgraded (compared to what’s currently available) over time to increase rate of transfer without having to rebuild the existing infrastructure.”

And some residents called for a more concentrated “downtown” district, which creates opportunities for residents to connect with each other, and keep their dollars local:

“I’d like to see an area purposely turned into such a destination in Minnetonka. It should include interesting restaurants that aren’t part of big chains, a theatre and art space, a cozy venue for live music (maybe like Jazz Central which is a non-profit), free parking outside a pedestrian walkable area, and small stores.” - via MinnetonkaMatters.com

“I live near Minnetonka Middle School East and am surprised by how few restaurants there are in Minnetonka proper. We typically go to Excelsior, Hopkins, Wayzata, and Chanhassen when we eat out.”

- via MinnetonkaMatters.com
CONCERN FOR CURRENT AND FUTURE CITIZENS

One third of residents’ ideas and suggestions were about specific amenities or concerns for current and future residents.

**FIGURE 3: WORD CLOUD OF IDEAS GENERATED ABOUT CONCERNS FOR CURRENT AND FUTURE CITIZENS. THE LARGER A WORD APPEARS, THE MORE IT WAS MENTIONED.**
Understandably, many residents submitted ideas that were related to their own family or life situation as the following list of ideas suggests:

- Maintain the quality of our schools
- More resources for seniors
- Community Pool (splash pad), parks, and dog parks

Some residents reflected on others and wondered aloud how Minnetonka will face increasing ethnic diversity, the needs of Millennials, and how the community can be great for people at all life stages as the following quotes suggest:

“"We need to figure out the real barriers to attracting Millennials to our community, and solve those."” - Town Hall Meeting

“"Millennials! What will a new generation expect from our city? We need to find them and ask them."” - Town Hall Meeting
CHARACTER

“Character” refers to Minnetonka’s look and feel — most popularly its woods and wetlands, and large single-family lots that give the community a suburban feel and help preserve tree canopy. These are the character traits current residents most want to preserve for future generations (Fig 4).

FIGURE 4: WORD CLOUD OF IDEAS GENERATED FROM IMAGINE MINNETONKA. THE LARGER A WORD APPEARS, THE MORE IT WAS MENTIONED.
Minnetonka has a long history of taking care of its natural environment. The name Minnetonka comes from the Dakota Indian “mni tanka,” meaning “great water”. In 1967, some of Minnetonka’s leaders had the foresight to start the Minnehaha Creek Corridor Plan, which enabled the city to purchase over 80% of the riparian edge along the Minnehaha Creek and protect it for current and future generations.

Asked, “What do you love about living in Minnetonka?” one resident talked about Minnetonka’s character:

“The things I love about living in Minnetonka are the large trees, green space, and parks. I also enjoy living in an area that is accessible to highways, but you still feel like you are in nature with the large yards and houses that are appropriate to the size of lot.”

Another resident, commenting on Facebook, said,

“Keep trees a big priority, it’s one of the things (along with the immersion programs in the schools) that attracted us to Minnetonka. We love how there are big trees lining almost every street, giving it a forested feel, as opposed to other suburbs where there are huge swaths of pavement from large streets, intersections, and sidewalks, making it feel like a concrete jungle.”

In addition, residents voiced concerns or ideas about:

- Invasive plants – buckthorn, garlic mustard
- The future water quality of the area’s shallow lakes, e.g. Holiday, Wing and Rose
- Maintaining open space, even with new development and increasing density
- Balancing developers’ interests with citizen interests
PART TWO: 16 TRENDS WILL IMPACT MINNETONKA’S FUTURE

In addition to resident input, Imagine Minnetonka engaged a team of futurists who facilitated a Steering Committee analysis of 44 trends and conducted an independent study of trends that will have an impact on Minnetonka’s future.

UNDERSTANDING TRENDS – THE FOUR FORCES

To help organize and prioritize the trends impacting Minnetonka in the next twenty years, we use Minnesota based Cecily Sommers’ Four Forces model. In priority order, they are: Resources, Technology, Demographics, and Governance. The top trends that will impact Minnetonka are outlined on the following pages.
### THE FOUR FORCES

<table>
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<th>TECHNOLOGY</th>
<th>DEMOGRAPHICS</th>
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<td>The availability of resources is most closely tied to survival, so it is the most important force. Resources include the food, water, air, habitat, and other material nature offers. Especially important are the resources that enable energy production. Trends and resource drivers related to this force include: climate, ocean, space, energy, minerals, water, land, food, animals and forest.</td>
<td>Technology includes the tools and knowledge we use to extract and transform resources into new products and capacities that make our lives more comfortable and convenient, or to develop capabilities beyond our physical bodies that allow us to go places and discover new realities. Trends and drivers related to this force include: genetics, robotics, information, nanotechnology, health care, education, collaboration, virtual reality, games, telephony, manufacturing, infrastructure, and capital formation.</td>
<td>Demographics are the “who” behind society’s changes. People are producers. We produce through our physical and intellectual labor, so “who” is producing matters, e.g. does your community have enough working people to support your very young and very old; do you have the right ratio of women to men; is there enough social cohesion among groups to ensure the good of the community? Trends and resource drivers related to this force include: population growth, the developing world, industrialization, immigration, multiculturalism, multilingualism, nationalism, and conflict.</td>
<td>Distribution and management of society’s assets—resources, technology and people—are administered through the rule of law and the rule of markets. Of all the forces, governance is the most reactive, i.e. changes in resources, technology and people often run ahead of government’s capability to deal with them. Trends and drivers related to this force include: tribalism, market drivers, values, interests, beliefs, online communities, personalization, polarization, and identity politics.</td>
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The Imagine Minnetonka futurists predict:

1. **Excess commercial office space** — It is not a lack of resources that will create public policy issues for Minnetonka in the next decade, but an excess capacity of commercial office space. Minnetonka is the location of several high-end corporate offices (i.e. United Health, Cargill and Emerson). Several trends are combining to empty out this type of space:

   › Decline in upper end employment. By some estimates, even traditionally “safe” white collar jobs are requiring twenty percent fewer employees.

   › Decrease in office sizes. The average square feet/person required by companies had decreased due to increased efficiencies\(^2\), remote work, and work-from-home options for employees.

   › Corporate consolidations, e.g. 3G Capital and General Mills, are making office space redundant.

   › Some employers are choosing to leave the suburbs and move back downtown, closer to the amenities that young professionals value.

   Back-of-envelope calculations show that these trends will place between 300,000 and 600,000 square feet of office space on the Minnetonka market with low demand for similar use in-fill.

The Imagine Minnetonka Steering Committee advises:

2. **Climate change** — especially heavier rain and storms and longer and dryer periods between them — will impact Minnetonka’s woods and wetlands. As the climate changes, Minnetonka needs to be vigilant about mitigation, adaptation, and proactive resource management. For example, the Minnehaha Creek Watershed has experienced multiple floods due to extreme rain events. In 2014, the cost was $1.2M.\(^3\)

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\(^2\) By 2017, North American offices will average 151 square feet per worker, according to real estate data provider CoreNet Global. That’s down from 176 square feet in 2012 and 225 square feet in 2010. The rule of thumb for creative open space that startup and small technology companies seek has been decreasing from 200 to 250 square feet to as low as 100 to 150 square feet of “usable” office space per person. Source: The Mehigan Company, [http://mehiganco.com/wordpress/?p=684](http://mehiganco.com/wordpress/?p=684)

\(^3\) [http://www.minnehahacreek.org/project/weather-extreme-trends](http://www.minnehahacreek.org/project/weather-extreme-trends)
TECHNOLOGY TRENDS

The Imagine Minnetonka futurists predict:

3. **Autonomous transit** will impact more suburban, affluent areas like Minnetonka first. This coupled with the development of Minnetonka’s light rail station link could dramatically impact Minnetonka’s appeal and its transportation patterns. It could also keep seniors living independently in their homes longer, delaying housing turnover and putting more pressure on Minnetonka’s single family housing demand.

4. **Home health care delivery** — Technology capabilities, aging populations, and a shortage of skilled medical professionals combine to push toward more home care delivery options. Minnetonka’s demographics and affluence make it a prime candidate for beta tests of these new systems. This could create additional demand for emergency medical response services. [Caveat: the high level of uncertainty at the time of this project about the future of our national health care policy fogs our prediction of when this will occur. That said, it is safe to assume that major shifts in delivery systems, care levels, and financial support will occur in the near term, i.e. five years, because the current health care system is not economically sustainable.]
The Imagine Minnetonka Steering Committee advises the following technology trends will have a great impact on Minnetonka:

5. **Digital citizenship** – How can the City adapt to the next generation’s use of technology? A powerful example of digital citizenship occurred during the Imagine Minnetonka project. For the first time ever, the City of Minnetonka hosted a town hall meeting via video feed on Facebook Live. From his or her homes, anyone with Facebook who followed the city could participate. Thirty-five people attended the online meeting (a higher turnout than similar Town Hall Meetings at the Community Center) and over 1,800 people were exposed to the live feed. All together, Facebook generated 68 ideas and over 14,000 views.

6. **School quality** – Minnetonka’s three school districts, Minnetonka, Hopkins and Wayzata, have traditionally been a strong attraction for families relocating to Minnetonka. Now and in the future those districts are facing a series of challenges; from an increase in the percentage of students who receive free and reduced price lunch to the number of languages spoken in the schools. For Minnetonka to maintain its reputation as a great place for families to raise and educate their children, the districts and their partners must be ready and able to adapt to these changes.

The Imagine Minnetonka futurists and the Steering Committee concur on the following trend:

7. **Infrastructure overhaul** – Minnetonka’s aging infrastructure, coupled with more freeze-and-thaw cycles due to climate change, will have a large impact on road and infrastructure conditions. Replacing this infrastructure is only one part of the cost; ongoing maintenance can be up to 60% of the initial capital costs. The city currently has a sound re-investment plan and vision to support infrastructure improvements, and this will need regular review, as recent research indicates that wealthier suburbs may have a harder time paying for needed infrastructure upgrades.4

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4 “Is the Infrastructure ‘Time Bomb’ Beginning to Blow? Study Finds Low-Density Housing Can’t Pay the Bills” by Mary Glindinning, October 26, 2016, Sustainable City Network
The Imagine Minnetonka futurists predict the following demographic trends will impact
Minnetonka’s 20-year future:

8. Aging in place – The largest demographic wave impacting Minnetonka is that its residents are
getting older. If we assume that Figure 5 is true, the widest age bands are those aged 50 and above.
In the future, those residents will continue to age and we can assume that Minnetonka will follow other
affluent suburban areas that will increase in the 60-74-year-old cohort by 40% in the next 10 years.

Older residents require more services, especially healthcare. A plausible future scenario for
Minnetonka is one in which young professionals and young, well-off families leave Minnetonka—or
overlook it—and gravitate to younger, more “hip” metros, exurbs, and suburbs. This would leave
Minnetonka with a decreasing tax base and an older, nonworking, and less able population. This
would increase the strain on provision of local social services and healthcare.

**FIGURE 5: AGE BANDS OF MINNETONKA FEMALES AND MALES, 2010-2014. SOURCE: MET COUNCIL VIA
THE AMERICAN COMMUNITY SURVEY.**
9. Increasing diversity

“Demographic shifts in the coming decades will result in a different Twin Cities region than we know today and have known in years past. Our region will grow, age and become more racially and ethnically diverse. These shifts are not just in our future, however; recent data from the U.S. Census Bureau show these changes are well underway, especially when it comes to diversity in the region.”

Between 2000 and 2013, Minnetonka attracted 2,300 residents of color. In the three major Minnetonka school districts, there are between 40 and 42 languages spoken. Approximately 29% of East Africans in the US are located in the greater Minneapolis metro area. This is on par with the Twin Cities metro region where 92% of population growth is from people of color.

5 As of the publication date of this document, several national policy changes could impact the region’s diversity.
10. **Population growth** – The Met Council projects that Minnetonka will add 10,000 residents and 5,500 households by 2040.

**5,500 NEW HOUSEHOLDS BY 2040**

Even if only half of the projections are true, this is still an additional 5,000 people and 2,750 households, an almost 15% increase in Minnetonka’s population. To make room for new residents, Minnetonka can consider more urban villages and more dense residential housing.

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**Figure 6: Estimated Population and Household Growth Through 2040. Source: Met Council.**
A resident shared her concerns about not making room for new families:

“I agree that the best part of Minnetonka is the green space, park land, trails, etc. If we want to maintain and expand those things, we have to be very careful NOW about how and what we build, and what is re-built on a parcel when a lot is sold and an existing house is torn down. We need BALANCE. Will there be reasonably affordable housing for young couples and families, or will there be only mega-mansions and senior-living condos? A possible consequence of that scenario could be a large population of Minnetonka citizens who are uninterested in the things we are all listing here; people who may vote against using funds to maintain parks, trails, even schools, etc. I’m very concerned when I (over)hear our dedicated teachers and public servants complaining of the difficulty of affording a home here where they serve.”

The Imagine Minnetonka Steering Committee suggests the following demographic trends will have a large impact on Minnetonka’s future:

11. **Tribalism and identity politics** – Due to demographic changes and a more partisan political atmosphere, many communities, regions and states have a growing number of factions or “tribes”. This has a tendency to divide (versus unite) communities. If ignored, tribalism and identity politics could impact Minnetonka, dividing the community among age, class, racial or other “tribal” lines. One example: throughout the Imagine Minnetonka process, several residents pulled consultants and staff aside to share their concerns privately (v in front of their peers) about “those people” in the community. The implied message was that “those people” are the source of crime and are deflating Minnetonka’s housing values and reputation as a great place to live. Data does not support their claims, but tribalism is often built on not on facts, but on fears. This is one small example of how identity politics can take root in a community.

12. **Urbanization** – Minneapolis-St. Paul will continue to grow, bringing growth pressure to all communities in the MSA. Minnetonka will face choices about whether it wants to evolve into a more vibrant suburb (which usually brings more population, more young professionals and young families, more diverse housing stock, and greater diversity) or whether it wants to maintain its traditional character.
The Imagine Minnetonka futurists predict the following governance trends:

13. **Rising demand for self-governance** – Right now Minnetonka is a progressive community embedded in a larger conservative Congressional district. Assuming current demographic and technology trends continue for the next decade, i.e. Minnetonka becomes older and citizens become more digitally engaged in government, it can be assumed that Minnetonka will become more separated in socio-economic terms from its neighboring communities. This sets the stage for a rising demand in self-governance. Viewed in a positive light, Minnetonka could become an excellent test bed for such systems such as direct voting, remote participation in council meetings and inclusion in advisory meetings through WebEx and such technologies.

The Imagine Minnetonka Steering Committee adds these high impact governance trends:

14. **Trust in government** – Surveys show that trust in national government is at an all time low, while trust in local government has rebounded to the same levels as before the Great Recession. In Minnetonka, the majority of surveyed residents are very satisfied with Minnetonka’s levels of service and performance. To maintain resident satisfaction and trust will require new levels of citizen engagement, reporting and accountability.

15. **City-to-city collaboration** – Partisan politics at the state and national level make relying on them for funding and directives spotty at best. Instead, cities are turning towards each other. National coalitions like the Bloomberg 40 and the Living Cities Collaborative are forming peer-to-peer networks among cities that are committed to testing innovations and sharing knowledge. The City of Minnetonka already belongs to formal and informal networks of peer cities, and this peer-to-peer collaboration is expected to increase in importance in the next 20 years.

16. **Citizen engagement** – Regardless of their age or generation, citizens increasingly expect to be engaged in the process of local government. Coupled with Digital Citizenship (Trend #5 in this document), Minnetonka is entering a new era of government and citizen collaboration.
### RECOMMENDATIONS – HOW TO NAVIGATE MINNETONKA’S FUTURE

#### RECOMMENDATIONS AT A GLANCE

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<tr>
<th>RECOMMENDATION</th>
<th>RESIDENT INPUT ADDRESSED</th>
<th>FORCES AND TRENDS ADDRESSED</th>
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<td>1. Monitor five signals for Minnetonka’s future (page 27)</td>
<td>Connection, Citizens</td>
<td>Resources&lt;br&gt;• Excess commercial office space&lt;br&gt;Demographics&lt;br&gt;• Increasing diversity&lt;br&gt;• Urbanization&lt;br&gt;• Population growth&lt;br&gt;• Tribalism and identity politics&lt;br&gt;Governance&lt;br&gt;• Trust in government</td>
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<tr>
<td>2. Expand best practices for green infrastructure (page 28)</td>
<td>Character</td>
<td>Resources&lt;br&gt;• Climate change&lt;br&gt;Technology&lt;br&gt;• Infrastructure overhaul</td>
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<tr>
<td>3. Create a visionary goal to connect all residents to woods and wetlands (page 31)</td>
<td>Character</td>
<td>Resources&lt;br&gt;• Climate change&lt;br&gt;Demographics&lt;br&gt;• Increasing population</td>
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<tr>
<td>4. Proactively collaborate with school leaders and other partners to address Minnetonka’s changing demographics (page 32)</td>
<td>Citizens</td>
<td>Technology&lt;br&gt;• Digital Citizenship&lt;br&gt;Demographics&lt;br&gt;• Population growth&lt;br&gt;• Increasing diversity&lt;br&gt;• Tribalism and identity politics&lt;br&gt;Governance&lt;br&gt;• Citizen engagement</td>
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<tr>
<td>5. Develop a multimodal transportation plan that will safely connect major pedestrian areas and all bike + hike trails (page 33)</td>
<td>Citizens</td>
<td>Technology&lt;br&gt;• Infrastructure overhaul&lt;br&gt;Demographics&lt;br&gt;• Aging in place&lt;br&gt;• Urbanization&lt;br&gt;Governance&lt;br&gt;• Citizen engagement</td>
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<td>RECOMMENDATION</td>
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<td>6. Diversify and improve housing stock (including retrofitting vacant</td>
<td>Citizens Character</td>
<td>Resources</td>
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<td>commercial space) that appeals to young professionals, working</td>
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<td>• Excess commercial office space</td>
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<td>families, and the elderly</td>
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<td>Technology</td>
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<td>• Urbanization</td>
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<td>7. Proactively engage and communicate with residents using best practices</td>
<td>Connection</td>
<td>Technology</td>
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<td>across multiple platforms</td>
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<td>• Digital citizenship</td>
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<td>• Rising demand for self-government</td>
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<td>• Trust in government</td>
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<td></td>
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<td>• Citizen engagement</td>
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<tr>
<td>8. Use best practices in suburban redevelopment to strengthen the City’s</td>
<td>Connection</td>
<td>Resources</td>
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<td>village centers and develop the new Shady Oak Road and Opus light</td>
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<td>• Excess commercial office space</td>
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<td>rail transit area</td>
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<td>• Citizen engagement</td>
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<td>9. Update the Minnetonka Citizen Academy (page 42)</td>
<td>Citizens Connection</td>
<td>Technology</td>
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<tr>
<td></td>
<td>Character</td>
<td>• Education reform</td>
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<td>• Citizen engagement</td>
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1. **Monitor Five Signals for Minnetonka’s Future.**

   *Rationale: We can’t know exactly what the future will bring to Minnetonka, but the following five leading indicators will dictate what Minnetonka’s future will likely be, and city leaders should monitor them to be prepared.*

<table>
<thead>
<tr>
<th>Signal</th>
<th>Explanation/Implication</th>
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<tbody>
<tr>
<td>1. Ratio of incoming-to-departing 25–40-year-olds.</td>
<td>When the ratio of incoming younger residents goes negative it presages an economic downturn and a decrease in stability. Minnetonka’s median age is currently 45. If more under-40s leave Minnetonka than move in, it will impact future growth and opportunity.</td>
</tr>
<tr>
<td>2. Commercial real estate price fluctuations and vacancy rates.</td>
<td>There is an estimated 300,000–600,000 square feet of corporate office space that could become vacant in the next 5–10 years. This could have an impact on overall tax revenues and could create an additional burden for the city or residents. It could also create an opportunity for more residential and retail infill.</td>
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<td>3. Increased diversity.</td>
<td>The United States is undergoing one of the most dramatic demographic shifts since the late 1800s. A community’s preparation for increasing diversity can have a large impact on how residents respond and how smoothly newcomers are integrated into the community.</td>
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<td>4. Civic mood: does Minnetonka want to be more or less connected to the greater Minneapolis metro area?</td>
<td>As residents age and retire, some feel bothered by things like bikers on the roads. As one resident expressed, “We don’t want ‘urban’. I enjoy suburban, that is why I live here. If I wanted urban I would move to a city.” Leaders must be tuned into residents’ civic mood as Minnetonka grows in population.</td>
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<tr>
<td>5. Increase in measures of income inequality across similar communities (i.e., Gini Coefficient)</td>
<td>Wilson and Pickett (<em>The Spirit Level</em>) have demonstrated that in states or nations with higher levels of income inequality, there are more social and health problems, more crime, and lower levels of public trust. Minnetonka has historically been known as a city with affluent residents, but recently its share of residents needing assistance from the Food Shelf and other social service agencies has increased. This disparity can lead to identity politics and tribalism.</td>
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7 The Gini Co-efficient measures the distribution of wealth in a nation, state, or community.  
Resources and best practices:

- The Minnesota Dashboard includes 40 indicators reported regularly and openly to the public: https://mn.gov/mmb/mn-dashboard/.

- The Community Indicators Consortium helps communities determine what to measure and how to present it: http://www.communityindicators.net/home.

- The CAN Community Dashboard is used in Austin and Travis County, TX to report on a series of social and economic issues in the community: http://www.cancommunitydashboard.org/.

2. **EXPAND BEST PRACTICES FOR GREEN INFRASTRUCTURE.**

**Rationale:** Minnetonka has a long history of taking care of its woods and wetlands. Green infrastructure (“GI”) is a natural choice that aligns with the community’s values and saves money in the long term.70 We recommend that money saved through green infrastructure projects can be used to offset the costs of other recommendations in this plan, e.g. improving safety and connection of bike + hike trails and expanding workforce housing.

**What is green infrastructure?**

Also called “low-impact development,” green infrastructure is an approach to wet weather management that is cost-effective, sustainable, and environmentally friendly. Green infrastructure management uses strategies and technologies that help manage stormwater runoff, i.e. solar/solar gardens, rain gardens, buffer strips, green roofs, permeable pavers/porous pavement, tree trenches, rain barrels, and other water reuse systems.

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The following best practices should be considered by the City Council and in the next comprehensive plan:

› Implement a lawn-watering rule of “Trash Day +1.” This means that all residents may water their lawns on the day their trash is picked up, plus one other day. University of Minnesota research shows that lawns don’t need more than 1/4 inch of water per week.

› Require or incentivize green infrastructure (“GI”) practices on all new development and redevelopment especially if developers are adding impervious surfaces, like paved parking lots.

› Increase the amount of stormwater runoff that developers are required to manage. In most communities, one inch is the norm, but this is insufficient in communities that are growing like Minnetonka is.

› Dedicate resources to work with and train developers how to implement GI.

› Require or incentivize businesses with large paved surfaces to use rain gardens, tree trenches and permeable pavements to reduce runoff.

› Encourage smaller strip malls to install rain gardens and vegetated buffers along sidewalks and parking lots. Vegetated buffers don’t require as much maintenance as rain gardens and can still infiltrate runoff from the parking lot back into the soil.

› Public and private parking areas that are not high use areas could be switched to permeable pavers.

› Install rain gardens on public property throughout the city.

› Replace grass with alternative turfs, or if some grassy areas don’t get pedestrian traffic, consider sedges, fescues, or pollinator meadow turf.
Best practices examples in the Twin Cities area:


- Maplewood Mall in the Ramsey-Washington Watershed District treated runoff and used it as an education outreach initiative: [https://www.rwmwd.org/index.asp?Type=B_BASIC&SEC=%7BDB475310-069F-4230-9E97-01E92FD50527%7D](https://www.rwmwd.org/index.asp?Type=B_BASIC&SEC=%7BDB475310-069F-4230-9E97-01E92FD50527%7D).

- The Saint Paul Saints’ CHS Field was considered the “greenest ballpark in the world” at its grand opening, in part because of its excellent water reuse system: [https://metrocouncil.org/News-Events/Wastewater-Water/Newsletters/Innovative-system-will-capture-rainwater-to-keep-n.aspx](https://metrocouncil.org/News-Events/Wastewater-Water/Newsletters/Innovative-system-will-capture-rainwater-to-keep-n.aspx).

- Waconia has a water reuse system that captures runoff from a residential area, treats it, and then uses it to water the high school football field. Water reuse reduces stormwater runoff pollution AND doesn’t waste treated drinking water.

- On a small scale, Nine Mile Creek Watershed District’s facility in Eden Prairie uses GI: [https://www.ninemilecreek.org/9-mile-creek-discovery-point/around-discovery-point/](https://www.ninemilecreek.org/9-mile-creek-discovery-point/around-discovery-point/).

- The City of Victoria is not experiencing flooding or water quality problems because of their use of open space planning: [http://www.victoria.ca/assets/Departments/Planning-Development/Community-Planning/OCP/OCP_Section-9_Parks-and-Recreation.pdf](http://www.victoria.ca/assets/Departments/Planning-Development/Community-Planning/OCP/OCP_Section-9_Parks-and-Recreation.pdf).
3. CREATE A VISIONARY GOAL TO CONNECT ALL RESIDENTS TO MINNETONKA’S WOODS AND WETLANDS.

Rationale: All Minnetonka residents value its “character” especially its tree canopy and waterways. As Minnetonka grows, it must continue to preserve residents’ access to these valuable natural amenities. Even if a new resident cannot afford a tree-lined property, they should have easy access to Minnetonka’s natural beauty.

Here are two examples of cities that —while growing —made strong commitments to connect residents and the natural environment:

› In Nashville, the Mayor promised to put every resident within a ten-minute walk of a park, trail, or recreation area.

› In Portland, elected officials and civic leaders promised that every resident would have a view of Mount Hood.

It is possible to balance growth with resident access to parks and their natural environment. The City Council and the next comprehensive plan should hold fast to a commitment that connects every resident to Minnetonka’s woods and wetlands.

Resources:


› Vancouver’s 2020 goals include strategies to put every resident within a five-minute walk of a park, greenway, or other green space by 2020: https://vancouver.ca/files/cov/gc2020-goal6.pdf.
4. PROACTIVELY COLLABORATE WITH SCHOOL LEADERS AND OTHER PARTNERS TO ADDRESS MINNETONKA’S CHANGING DEMOGRAPHICS.

Rationale: The racial, ethnic, and class makeup of Minnetonka is changing and it’s making some residents uncomfortable. Addressed early, openly and with sensitivity, Minnetonka can sidestep some of the uglier side effects of a changing population.

We recommend that a trusted community partner—like a local church or interfaith alliance—spearhead a diversity and inclusion initiative to ensure that Minnetonka is a welcoming community. Business leaders, school district leaders, nonprofit leaders, and other community leaders should be encouraged to participate and encourage their constituencies to participate, too.

Best practices:

› Willmar, MN hosted a series of community education events to help residents understand their growing immigrant Somali population: http://www.adcminnesota.org/page/video/understanding-somali-culture-meeting-willmar.

› The Government Alliance on Race and Equity (GARE) is a national network of governments working to achieve racial equity and advance opportunities for all. Cities including Bloomington, Hopkins, Minneapolis, Maplewood, Woodbury, Brooklyn Center and Brooklyn Park are using GARE to: make commitments to achieving racial equity; focus on the power and influence of their own institutions; and work in partnership with others. Learn more: http://www.racialequityalliance.org/.

› The YWCA of Minneapolis offers racial justice training: https://www.ywcampls.org/racial_justice/.

› The City staff has embarked on three Strategic Doing initiatives to better connect residents and businesses to centers of activity. The projects are responsive to Minnetonka’s changing demographics and the Strategic Doing process can be replicated to activate other projects throughout the community.
5. **Develop a Multimodal Transportation Plan That Will Safely Connect Major Pedestrian Areas and All Bike and Hike Trails.**

*Rationale: Residents who participated in Imagine Minnetonka were adamant about the need to improve pedestrian safety at key intersections and their desire for more connected bike and hike paths. The city already has a comprehensive trail plan; this recommendation supports the completion of that plan.*

A safe and connected multimodal transportation system offers enhanced quality of life to seniors, boomers, empty nesters, young families, young professionals, K-12 students, and bike enthusiasts from the region. Connected bike trails have these additional benefits for Minnetonka:

- Bike paths help maintain or increase housing values for those who live adjacent to them, according to a study of Minneapolis suburbs and cities. The National Association of Realtors concludes that: “Homes near trails often have higher property value, with a price premium ranging from five to ten percent in most studies.”

- An excellent bike system is good for economic development. Although no studies have been done in Minnesota, a 2010 study in Wisconsin concluded that: “Bicycle recreation supports more than $924 million in economic activity in Wisconsin, of which nearly $533 million is direct impact occurring annually. Of the combined impacts, more than $535 million is attributable to bicyclists from other states, representing an infusion of outside dollars into the state economy. Increasing non-resident bicycling by 20% has the potential to increase economic activity by more than $107 million dollars and create 1,528 full-time equivalent jobs.”

9 “Bike paths” include a mix of paved paths and paths more suitable to the mountain bike community.


Biking has been a favorite intergenerational pastime for over 100 years:

“Bicycling was a favorite activity for all ages. Riders were required to have a license attached to the front fork of the bicycle. A popular route for bicyclists was constructed by the county in the 1890s along the south side of Minnetonka Boulevard from Lake Calhoun in Minneapolis to Deephaven on Lake Minnetonka. The graveled path was four to five feet wide and six inches above the road’s surface. The path is still there though Minnetonka Mills, now paved with asphalt. On Sundays and holidays, thirty cyclists often stopped at Frear’s pop stand, located on the porch of the general store at Bridge Street, west of today’s Dairy Queen where Bennis Feed and Fuel station now stands, to pump a tin cup full of cold, clear well water.”

- Minnetonka Mills: A Historic Profile in Pictures and Stories of a Community in Minnetonka, Minnesota, written by Betty Johnson and published by the City of Minnetonka Historical Society

In addition, as Minnetonka residents age (requiring greater accessibility) and new forms of transportation (light rail, autonomous vehicles) become popular, the city will upgrade its transportation plan. As this happens, Minnetonka has a unique opportunity to program its transit plan for increased bikeability, changing demographics, greater safety, and more connectivity.
Best practices and resources:

- Feet First offers “Safe Routes to School,” an educational and planning process that ensures kids get to and from school safely: http://www.feetfirst.org/feet-first-safe-routes-to-school-programs.

- The National Center for Transit Research offers best practice training on multimodal transportation planning, tied to workforce and economic development: http://www.nctr.usf.edu/.


- A transportation hierarchy can be helpful in deciding what features receive funding priority. The Green Transportation Hierarchy¹³ favors more affordable and efficient modes for users in this order:

  1. Pedestrians
  2. Bicycles
  3. Public transportation
  4. Service and freight vehicles
  5. Taxis
  6. Multiple occupant vehicles (carpools)
  7. Single occupant vehicles


6. **Diversify & Improve Housing Stock (Including Retrofitting Vacant Commercial Space) That Appeals to Young Professionals, Working Families, and the Elderly.**

*Rationale: Minnetonka’s housing prices prevent those who are on fixed incomes (the elderly), those who are early in their careers (young professionals), and working class families (teachers, police officers, fire fighters and those who work in service, sales, restaurants and retail) from moving to Minnetonka.*

A mix of factors are increasing demand for housing at multiple price points.

These include:

- Seniors citizens who would like to sell their single-family homes and stay in Minnetonka, but don’t feel they can afford to. Their incomes are fixed, and they don’t feel they have other housing options.

- By 2040, Minnetonka’s senior population is expected to grow by 40% (Trend 8). This trend, coupled with the previous point, creates a ceiling on the number of potentially affordable “fixer upper” single-family homes that would go on the market and appeal to young families looking for an entry level home.

- Many Minnetonka area residents are paying so much for housing and other monthly expenses that they are having difficulty affording food. The ICA Food Shelf has expanded from serving 268 families (in 2004) to serving over 900 families in 2016. In their 2015 funding application to the City of Minnetonka, the ICA Food Shelf reported serving 5,832 families, of which 1,941 lived in Minnetonka.

- Workforce housing would help attract young families, young professionals, and working class families.
These trends are largely invisible to residents, because they take place in the shadows or out of view. Some residents worry that building more affordable housing for seniors, Millennials or working class families will increase crime or decrease their own housing values. Their fears are real to them, but to move forward and address Minnetonka’s expected growth, we must break the cycle. *It is possible to build beautiful senior and workforce housing that contributes to Minnetonka’s character.* This requires enlightened and creative developers, courageous public officials, clear zoning regulations and guidelines, and community trust.

**Recommendations and resources:**

› Share and monitor vacancy rate in office uses in the city. Enable city staff to consider multiple different uses for future vacant office spaces and ensure that these options are included in future comprehensive plans and economic development plans.

› Policy Tools and Best Practices for Workforce Housing, Michelle Winters, Terwilliger Center for Housing: http://www.townofchapelhill.org/home/showdocument?id=26819.

› Award winning examples of workforce housing that’s affordable and well designed: https://bdmag.com/quality-design-takes-important-role-affordable-housing/.

7. PROACTIVELY ENGAGE AND COMMUNICATE WITH RESIDENTS USING BEST PRACTICES ACROSS MULTIPLE PLATFORMS.

Rationale: Imagine Minnetonka proved that residents want to engage with the city—and with each other—on issues of importance to the community. In a digital age, city staff, elected officials, and residents will need to use a variety of communication tools and protocols to constructively design the next comprehensive plan and move forward as partners and allies.

At the Imagine Minnetonka town hall meetings, some vocal residents expressed concern that Minnetonka’s future will be less bright than its past and that their elected officials aren’t listening to their concerns. In times of change, concerns like these are common. And they must be addressed.

As one Imagine Minnetonka Steering Committee member wisely noted,

“People are afraid of change because they fear that they’re losing something. But if you help them understand what they’re getting in return, they’ll be more open to it.”

Listening to residents is the responsibility of all elected officials and city staff, but a community of Minnetonka’s size should also have dedicated resources to engage the community on matters of importance.

Currently, the City is understaffed in its communications department. Ideally, additional resources would be directed to use and experiment with tools like Facebook Live, Beehives, resident programming, Minnetonka Matters, and other online and traditional platforms to engage with residents and provide input and direction to city staff and council.
The following resources and best practices can help Minnetonka move forward, City and citizens together:

› The International Association for Public Participation (IAP2) offers training on how to effectively engage and partner with citizens. All city staff and council should take this training: http://www.iap2.org/?page=training.

› IAP2’s one page “Public Participation Spectrum” helps define the public’s role in all public participation processes. This resource is available on the following page of this report, or at http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/Foundations_Course/IAP2_P2_Spectrum.pdf.

› A Local Officials’ Guide to Online Public Engagement is a playbook for how a communication specialist can prioritize public messages, inform the public, consult with citizens, and engage online: http://www.ca-ilg.org/sites/main/files/file-attachments/a_local_officials_guide_to_online_public_engagement_0.pdf.

› One easy, early “win” for the City is to publicize its environmental commitment and impact. Through the Imagine Minnetonka process, residents and the Steering Committee learned that the city is already doing a lot to mitigate climate change, invest in renewables, and protect its woods and wetlands. This is an important message to share with an eager public.

› Code for America is a national network dedicated to making government work better in the 21st century. They publish community engagement best practices: https://www.codeforamerica.org/resources/providing-access/community-engagement.
# IAP2’S PUBLIC PARTICIPATION SPECTRUM

The IAP2 Federation has developed the Spectrum to help groups define the public’s role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.

<table>
<thead>
<tr>
<th>PUBLIC PARTICIPATION GOAL</th>
<th>INFORM</th>
<th>CONSULT</th>
<th>INVOLVE</th>
<th>COLLABORATE</th>
<th>EMPOWER</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.</td>
<td>To obtain public feedback on analysis, alternatives and/or decisions.</td>
<td>To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.</td>
<td>To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.</td>
<td>To place final decision making in the hands of the public.</td>
<td></td>
</tr>
</tbody>
</table>

| PROMISE TO THE PUBLIC | We will keep you informed. | We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals. | We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision. | We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible. | We will implement what you decide. |
8. **USE BEST PRACTICES IN SUBURBAN REDEVELOPMENT TO STRENGTHEN THE CITY’S VILLAGE CENTERS AND DEVELOP THE NEW SHADY OAK ROAD AND OPUS LIGHT RAIL TRANSIT AREA.**

*Rationale: Minnetonka, like many of the Twin Cities’ suburbs, is in its redevelopment stage when it must retrofit buildings, land uses, and other physical assets for changing needs and preferences, e.g., seniors who want to age in place or Millennials who don’t want to own a home or be car dependent.*

Minnetonka has a strong history of being responsive to residents and forward looking in its approach.

The following insights and best practices can help Minnetonka navigate its future redevelopment:

- A University of Minnesota study (2013) found that Minnetonka does not have a centralized downtown. Rather, it is a “beehive” community, where people leave their homes and drive to various centers of activity (“beehives”) where they build community and interact with others, e.g. Big Willow is a gathering place for parents of children who play baseball; churches are gathering places for those who share the same faith. For the community to remain socially connected, the beehives must be strong because they give residents a sense of belonging.

- Some of Minnetonka’s “beehives” are its village centers or retail districts, like the one at Hwy 101 and Minnetonka Boulevard. These centers are at major intersections, have a mix of retail (hardware stores, grocery stores, restaurants, etc.), are immediately accessible from the major roads, and are surrounded by residential housing. The village centers play an important role in connecting residents to each other, and keeping the area’s economy strong and accessible. The next comprehensive plan should include elements to maintain or strengthen the village centers.


- Belmar and Lakewood, Colorado offer inspiring examples of suburban redevelopment that assists seniors age in place, has multimodal transit options, “fits” within a traditional single family suburban environment, and adds a retail dimension that suburban residents value.

- The American Planning Association’s “Guide on Public Redevelopment” offers ideas and tools that the public sector can take to stimulate activity when the private market is not providing sufficient capital and economic activity to achieve the desired level of improvement: [https://planning.org/policy/guides/adopted/redevelopment.htm](https://planning.org/policy/guides/adopted/redevelopment.htm).

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9. UPDATE THE MINNETONKA CITIZENS ACADEMY.

Rationale: Minnetonka’s population will continue to change. To proactively engage residents and field new pools of informed citizens to serve on boards and commissions, the Minnetonka Citizens Academy should be refreshed.

Historically, citizen academies were six or seven week experiences that featured a lecture a week. In Minnetonka, they featured presentations from city historians, and various city departments. Most citizen academies are passive, “anyone is welcome” affairs whose participation and results have been diminishing over time.

Recently, many cities have re-imagined their citizen academies to be more dynamic, to appeal more to Millennials and retirees who want to play a more active role in their communities.

Best practices and resources:

› “Decatur 101” in Decatur, Georgia is a six-week program with morning and evening options. Training includes dynamic presentations (no boring department heads) and active, hands-on learning, i.e. a Smart Growth Walking Tour and a 100 pennies budgeting game. The morning class is 10 a.m.–noon and the evening class is 7-9 p.m. The program is free and open to the first 40 applicants. The program typically has waiting lists, and past graduates have run for office, served on boards and commissions, volunteered to help with community festivals, activated neighborhood organizations, and more. Here’s what Decatur 101 graduates say about their experiences in the program: “The most fun I have had in a learning environment since my second year of law school.” . . . “Every city should have this kind of program.” . . . “Decatur 101 exceeded my expectations. I will include it on my resume.” . . . “It was awesome. It makes it a lot easier to write that tax check.” Learn more: http://www.decaturga.com/city-government/city-departments/community-development-quality-of-life/decatur-101#outline.

› Leadership Omaha is a nine-month program that focuses on community trusteeship, leadership styles and community awareness. It culminates in a class project intended to benefit the Omaha community: https://www.omahachamber.org/talent-and-workforce/leadership-development/leadership-omaha.cfm.

› UNC-Chapel Hill has a directory of citizen academies for further research: https://docs.google.com/spreadsheets/d/11oXXWIFeoEqKcsUhN5vIplN_yOEXswm8hfXr77h2WA/pub?hl=en_US&single=true&gid=0&range=c1:ba120&output=html.
THESE 9 RECOMMENDATIONS, completed individually or together, will result in a more resilient, vibrant and future ready community.

The following partners and resources can help:

› The MSP Regional Indicators can be used to track the five items in Recommendation #1: https://www.greatermsp.org/regional-indicators.

› VANTAGE is a community based innovation project of Minnetonka High School. Students work with a project team to solve real-world problems and learn about the challenges of project-driven work. Under the direction of a licensed teacher and in partnership with professionals, these project teams strive to contribute to a partner-defined project while gaining invaluable experience in today’s marketplace: https://www.minnetonkaschools.org/academics/mhs/vantage/about-vantage.

› The University of Minnesota Humphrey School of Public Affairs has nine policy research and outreach centers in the areas of leadership and management, politics and governance, urban and regional planning, gender policy, and science, technology and environmental policy: http://www.hhh.umn.edu/people-research/research-centers.

› The League of Minnesota Cities (https://www.lmc.org/) and the National League of Cities (http://www.nlc.org/) primarily serve elected officials and offer training and best practices across a range of municipal issues.

› The Alliance for Innovation primarily serves city managers and staff. They offer best practices for innovative cities and are responsive to member requests for best practices in a range of areas: www.TransformGov.org.

› Living Cities works with cross-sector leaders in cities to build a new type of urban practice aimed at dramatically improving the economic well-being of low-income people: https://www.livingcities.org/.

Residents took advantage of 12 weeks of opportunities to have their say in Imagine Minnetonka: online, through social media (City of Minnetonka’s Facebook, Twitter and Instagram with #imagineMTKA), at various meetings around town, and more. “One Wish” chalkboards were the most popular method of collecting residents’ ideas and were also seen by the most people:

**Figure 7: Number of Ideas and Reach Generated by Various Forms of Community Engagement.**
“ONE WISH CHALKBOARDS” WERE AVAILABLE TO RESIDENTS OF ALL AGES AT THESE 2016 VENUES:

▷ Saturday, June 25: Minnetonka Summer Festival (4–8 p.m.)
▷ Tuesday, July 19: Farmers Market and Music in the Park (3–8 p.m.)
▷ Wednesday, July 20: Williston Fitness Center (7-11 a.m.)
▷ Wednesday, July 27: Minnetonka Ice Arena Public Skating (3-5 p.m.)
▷ Thursday, July 28: Senior Center (8 a.m.-noon)
▷ Friday, August 5: Tour De Tonka packet pickup at Minnetonka High School (8:30 a.m.-2 p.m.)
▷ Wednesday, Aug. 10: Purgatory Park (8-11 a.m.)
▷ Wednesday, Aug. 24: Town Hall Meeting at Minnetonka Community Center (7 p.m.)
▷ Thursday, Aug. 25: Tanglen Elementary Back to School Open House (5-7 p.m.)
▷ Sunday, Sept. 18: Minnetonka United Methodist (10 a.m.-noon)
▷ Tuesday, Oct. 4: Fire Department and City Open House (5-7 p.m.)
▷ Wednesday, Oct. 12: Town Hall Meeting at Minnetonka Community Center (7 p.m.)
THANK YOUS

So much energy and so many hours went into this project.

We owe the following residents and stewards of Minnetonka our thanks:

The Minnetonka City Council gave a word of advice to the consultants who spearheaded the project, “Don’t be afraid to make us uncomfortable.” Those brave folks include:

Terry Schneider, Mayor
Dick Allendorf, At Large, Seat A
Patty Acomb, At Large, Seat B
Bob Ellingson, Ward 1
Tony Wagner, Ward 2
Brad Wiersum, Ward 3
Tim Bergstedt, Ward 4

The Imagine Minnetonka Steering Committee was appointed by the City Council to make sure the project stayed on track, was responsive to community needs, and resulted in actionable recommendations. Thank you to:

Betty Johnson  Cari Lindberg  Jason Moeckel  Madeline Seveland
Brian Kirk    Colbert Boyd   Joan Suko    Margaret Bauer  Ron Kamps
Steve Adams, Chairman  Scott Coolong
Geralyn Barone, Minnetonka’s City Manager, challenged us to ask the tough questions and seek out those who’ve been traditionally disengaged. She stayed late listening to residents’ concerns about the future. We were privileged to work with her.

Perry Vetter, the Assistant City Manager, was the City’s liaison for this effort and did a lot of the heavy lifting. He coordinated all the One Wish Chalkboard locations, organized all the steering committee meetings, and was the main contact for the City Council and to the City staff.

In addition to Perry, the following City of Minnetonka staff members provided energy and ideas to this project, which will bring it to life for all residents now and in the future:

Ann Davy
Dave Johnson
Kelly Odea
Sara Woeste
Darrin Ellingson
Jo Colleran
Brian Wagstrom
Jim Malone
Shelley Peterson
Scott Boerboom
Loren Gordon
Susan Thomas
Drew Ingvalson
Corrine Heine
Sara Kronmiller
John Vance
Kevin Fox
Merrill King
Will Manchester
Jeremy Koenen
Phil Olson
Julie Wischnack
Alicia Gray
Colin Schmidt
David Maeda
Kari Spreeman
Patty Latham
Moranda Zimmer

Special thanks to Betty Johnson, Madeline Seveland, and Cari Lindberg for providing additional research assistance related to Minnetonka’s history, green infrastructure best practices, and school district data respectively.
The team at NEXT Generation Consulting was privileged to work with your community on Imagine Minnetonka. Reach out anytime.
City Council Agenda Item #10A
Meeting of March 6, 2017

Brief Description
Resolution approving preliminary and final plats for a two-lot subdivision at 3900 Cottage Lane.

Recommendation
Adopt the resolution approving the requests

Proposal
Shadow Investments, represented by Nick Shermeta, is proposing to divide the existing property at 3900 Cottage Lane into two single-family lots. The existing home would be removed and two new homes would be constructed.

Planning Commission Hearing
The planning commission considered the request on February 2, 2017. The commission report and associated plans are attached. Staff recommended approval of the plats noting that:

1. The proposed lots would exceed all minimum size and dimension standards as required by subdivision ordinance.

2. The proposed development would meet the standards of the tree protection ordinance.

At the meeting, a public hearing was opened to take comment. Two area residents addressed the commission expressing some concern about the subdivision and asking about construction traffic, lot price, and home price. One resident asked for more information about the applicant. Following the public hearing, the commission discussed the proposal.

Planning Commission Recommendation
On a 5-0 vote, the commission recommend the city council approve the preliminary and final plats. Meeting minutes are attached.

Since Planning Commission Hearing
There have been no changes to the proposal or additional information received since the planning commission’s meeting on this item.
Staff Recommendation

Staff recommends the city council adopt the attached resolution approving preliminary and final plats for a two-lot subdivision at 3900 Cottage Lane.

Through: Perry Vetter, Assistant City Manager
         Julie Wischnack, AICP, Community Development Director
         Loren Gordon, AICP, City Planner

Originator: Susan Thomas, Assistant City Planner
MINNETONKA PLANNING COMMISSION  
February 2, 2017

**Brief Description**  
Preliminary and final plats for a two-lot subdivision at 3900 Cottage Lane.

**Recommendation**  
Recommend the city council adopt the resolution approving the plats.

---

**Introduction**

Shadow Investments, represented by Nick Shermeta, is proposing to divide the existing property at 3900 Cottage Lane into two single-family lots. The existing home would be removed and two new homes would be constructed.

**Proposal Summary**

The following is intended to summarize the applicant’s proposal. Additional information associated with the proposal can be found in the “Supporting Information” section of this report.

- **Existing Site Conditions.** The 1.1-acre subject property was created in 1941 as part of the Orchard Knobs plat. The existing, roughly 1,800 square foot home was constructed in 1948. The home is generally located at the highest point of the lot, with grade falling noticeable downward from the home to Cottage Lane. The lot contains 13 mature trees.

- **Proposed Lots.** The applicant is proposing to divide the property into two lots, both of which would be over 22,000 square feet in size.

- **Site impacts.** As proposed, grading would occur to remove the existing drive and home, construct new driveways and homes, and install required utilities and stormwater management facilities. This general grading would result in removal of, or substantial impact to, three of the site’s high-priority trees.

**Primary Questions and Analysis**

A land use proposal is comprised of many details. In evaluating a proposal, staff first reviews these details and then aggregates them into a few primary questions or issues. The following outlines both the primary questions associated with the proposed subdivision and staff’s findings.
Are the proposed lot sizes and configurations appropriate?

Yes. The proposed lots would exceed all minimum size and dimension standards as required by city code.

<table>
<thead>
<tr>
<th></th>
<th>Area</th>
<th>Width</th>
<th>Average Depth</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Buildable</td>
<td>Setback</td>
</tr>
<tr>
<td>Required</td>
<td>22,000 sq.ft.</td>
<td>3,500 sq.ft.</td>
<td>110 ft</td>
</tr>
<tr>
<td>Lot 1</td>
<td>22,040 sq.ft.</td>
<td>8,730 sq.ft.</td>
<td>155 ft</td>
</tr>
<tr>
<td>Lot 2</td>
<td>26,280 sq.ft.</td>
<td>12,835 sq.ft.</td>
<td>115 ft</td>
</tr>
</tbody>
</table>

All numbers rounded down to nearest 5 ft or 5 sq.ft.

Are the anticipated site impacts reasonable?

Yes. The proposed subdivision has been evaluated for conformance with the city’s natural resource ordinances, including the tree protection and steep slope ordinances. These ordinances attempt to balance the community benefit of preserving natural resources with private development rights.

Trees. Under the tree ordinance, no more than 35% of a site’s high-priority trees may be removed or impacted during development. The subject property contains 11 high-priority trees and 1 significant tree. The proposed subdivision and resulting construction would result in removal of, or substantial damage to, three high-priority trees. This level of removal/damage would meet the standards of the tree protection ordinance.

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Impacted or Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High-Priority</td>
<td>11</td>
<td>3 trees or 27%</td>
</tr>
<tr>
<td>Significant</td>
<td>1</td>
<td>0 trees or 0%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>12</td>
<td>3 trees or 25%</td>
</tr>
</tbody>
</table>

Steep Slope. By code definition, a “steep slope” is one that: (1) rises at least 25 feet; (2) has an average grade change of at least 20%; and (3) has a width of at least 100 feet. While there is a noticeable slope between Cottage Lane the existing home, the change in grade is just 12 feet. As such, the area is not considered a “steep slope.”

Staff Recommendation

Recommend the city council adopt the resolution approving the preliminary and final plats for a two-lot subdivision at 3900 Cottage Lane.
Subject: 3900 Cottage Lane, Preliminary and Final Plats

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

**Surrounding Uses**  
The subject property is surrounded by single-family residential lots.

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

**Grading**  
Grading would occur to remove an existing driveway, construct new driveways and homes, and install required utilities and stormwater management practices. The general grading plan submitted suggests that grading would primarily involve excavation adjacent to Cottage Lane. Specific grading plans would be reviewed in conjunction with building permit applications for each lot.

**Stormwater**  
Under the city’s stormwater rule, stormwater management must be provided for each individual home. Stormwater facilities, such as rain gardens, must control for runoff rate, volume and quality. As a condition of approval, specific stormwater plans must be submitted for staff review and approval in conjunction with building permit applications for each lot.

**Utilities**  
Public water and sanitary sewer facilities are available to the site from Cottage Lane.

**Outside Agencies**  
The applicant’s proposal has been submitted to various outside agencies for review, including Minnehaha Creek Watershed District.

**Pyramid of Discretion**

**Motion Options**  
The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the resolution approving the plats.
2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the plats. This motion must include a statement as to why denial is recommended.

3. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

**Voting Requirement**
The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council’s final approval requires an affirmative vote of a simple majority.

**Neighborhood Comment**
The city sent notices to 60 area property owners and has received no comments to date.

**Deadline for Action**
April 10, 2017
Project: Shadow Investments
Address: 3900 Cottage Ln
Project No. 16037.16a
LEGAL DESCRIPTION:
Lot 9, Orchard Knob.

Subject to easement contained in the Deed Document No. 192099 as shown in Deed Doc. No. 211737. (See Directive Doc. No. T5399438)

SCOPE OF WORK & LIMITATIONS:
1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our service does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. Existing building dimensions and setbacks measured to outside of siding or stucco.
5. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
6. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown herein.

STANDARD SYMBOLS & CONVENTIONS:
* Denotes the survey marker, found, unless otherwise noted.
Subject to easement contained with the Deed Document No. 192099 as shown in Deed Doc. No. 217217; (See Directive Doc. No. T5399438)

SCOPE OF WORK & LIMITATIONS:
1. Showing the height and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
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6. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown herein.
7. While we have shown the proposed elevations per the current zoning regulations (which should be verified with the city), in the past there have been "Protective Restrictions" for the plat of Orchard Knobs that may apply and may have implications on any future improvements. If there is any concern or confusion regarding if said restrictions still apply, we suggest you review this preliminary plat and said restrictions with the city and/or legal counsel before proceeding.

STANDARD SYMBOLS & CONVENTIONS:
* Denotes iron survey marker, found, unless otherwise noted.
Chair Kirk stated that construction for the SWLRT is scheduled for 2017 to 2020 and operation to begin in 2021.

7. **Public Hearings: Consent Agenda**: None

8. **Public Hearings**

   A. **Preliminary and final plats for a two-lot subdivision at 3900 Cottage Lane.**

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

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

Nick Shermeta, applicant, was available for questions. He thanked staff for being easy to work with.

The public hearing was opened.

Keith Christensen, 3916 Cottage Lane, was not opposed to the houses. He asked if the two houses would be identical and was concerned that construction traffic would block the road.

Regina Reed, 3931 and 3923 Cottage Lane, stated that she is scared because she does not know Shadow Investments. She asked for the price of the lot, the sale price of the houses, and the square footage of the properties.

No additional testimony was submitted and the hearing was closed.

Thomas explained that the existing site is 1.1 acres in size. The city’s minimum lot size for a new R-1 lot is 22,000 square feet. Proposed Lot 1 would be 22,040 square feet and Lot 2 would be 26,000 square feet. Both lots would exceed minimum lot area requirements. One of the conditions of approval would require a construction management plan in conjunction with the building permit review process. Contact information for a specific, on-site supervisor would be required as well as a plan to designate where construction workers would park. The city’s website will have a copy of the construction management plan. If there is an access issue causing a public safety hazard, then residents are encouraged to call city hall or the police immediately.

Mr. Christensen explained that the houses would be different. The houses would be between 3,000 and 4,500 square feet in size including the garage. A house
across the street is 7,000 square feet in size. Traffic congestion issues would be addressed. Shadow Investments is a family owned and operated company.

Powers invited residents to call the city or police if there is an issue. The plan looks good.

Chair Kirk noted that the subdivision meets all ordinance requirements. He was comfortable moving forward.

Powers moved, second by Calvert, to recommend that the city council adopt the resolution approving the preliminary and final plats for a two-lot subdivision at 3900 Cottage Lane.

Powers, Calvert, Knight, O’Connell, and Kirk voted yes. Motion carried.

The city council is tentatively scheduled to review this item March 6, 2017.
Resolution No. 2017-  
Resolution approving preliminary and final plats of a two-lot subdivision at 3900 Cottage Lane

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

Section 1.  Background.

1.01  Shadow Investments has requested preliminary and final plat approval for a two-lot residential subdivision.

1.02  The property is located at 3900 Cottage lane. It is legally described as: Lot 8, Orchard Knobs.

1.03  On February 2, 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 and final plat approval.

Section 2.  General Standards.

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

Section 3.  Findings.

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

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

1. Prior to release of the final plat for recording submit the following:
   
   a) Final plat drawing. The final plat must:
      
      1) Include a final plat name.
      2) Clearly illustrate all existing and proposed easements, including:
         
         a. The existing 5-foot easement along the rear lot line, with document number.
         b. 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) Title evidence that is current within thirty days before release of the final plat for review and approval of the city attorney.
   
   c) Two sets of mylars for city signatures.
   
   d) An electronic CAD file of the plat in microstation or DXF.
   
   e) Park dedication fee of $5,000.

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

   • Preliminary Plat, drafted date December 14, 2016

3. Prior to issuance of a building permit for the first new house within the subdivision, submit a letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.

4. Prior to issuance of a building permit for either of the lots within the subdivision:
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.

2) Stormwater management plan. The plan must control for runoff rate, volume and quality.

3) Final grading and tree preservation plan. The plan must:
   a. Be in substantial conformance with preliminary plat drafted date December 14, 2016. No more than three high-priority trees may be removed from the combined site.
   b. Show sewer and water services to minimize impact to any significant or high-priority trees.

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

4) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
   - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
   - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

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.

5. All lots and structures within the development are subject to the all R-1 zoning standards. In addition:

a) Water services for new homes must be 1.5 inch type K copper.

b) Sewer service for new homes must be 6 inch. Cut in wye.

c) A full width street patch will be required upon completion of service installation.

d) Lots 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.

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

7. This approval will expire on March 6, 2018 unless either: (1) the final plat has been filed; or (2) the city has approved a time extension.

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

__________________________________________
Terry Schneider, Mayor

Attest:

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

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

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

________________________________________
David E. Maeda, City Clerk
City Council Agenda Item #10B
Meeting of March 6, 2017

Brief Description  Resolution approving a conditional use permit for the expansion of a medical clinic at 10653 Wayzata Boulevard

Recommendation  Adopt the resolution approving the conditional use permit

Background

A conditional use permit was previously approved for a medical clinic space within the existing building at 10653 Wayzata Boulevard. Odom Health and Wellness is proposing to expand the space by 300 square feet. If the expansion is approved, the area of the medical clinic space would be 3,800 square feet.

Planning Commission Hearing

The planning commission considered the proposal on February 2, 2017. The staff report from that meeting and various plans and documents describing the proposal are attached. Staff recommended approval, noting:

1) With the exception of the parking requirements, the proposal meets the general and specific requirements for a conditional use permit for a medical clinic.

2) Based on a proof-of-parking plan completed by staff, the subject site could accommodate the amount of parking spaces required by ordinance. Additionally, staff reviewed a parking analysis completed by the Institute of Transportation Engineers (ITE) and site-specific parking utilization information for a one week period in January 2014. The information from both of these studies imply that additional parking would not be needed for the site. However, staff has added a condition of approval that allows the city to “require installation of the additional parking spaces whenever the need arises.”

At the commission meeting, a public hearing was opened to take comment. However, no comments were received.

Planning Commission Recommendation

On a 5-0 vote, the commission recommended that the city council approve the request. Meeting minutes are attached.

Since Planning Commission Hearing

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

Staff recommends the city council adopt the resolution approving a conditional use permit for a medical clinic at 10653 Wayzata Boulevard.

Through:  Perry Vetter, Assistant City Manager
           Julie Wischnack, AICP, Community Development Director

Originator:  Drew Ingvalson, Planner
Conditional use permit and parking variance for a medical clinic at 10653 Wayzata Boulevard

Recommend the city council approve the request

A future tenant of the subject building, Odom Health and Wellness, is proposing to expand an existing clinic area within the existing building. There is currently an approved conditional use permit for this clinic. However, the Odom Health and Wellness proposal would expanded medical clinic to 3,800 square feet in size. There would be no exterior changes to the site or building.

Proposal Requirements
The proposal requires:

- **Conditional use permit:** The property is zoned PID/Planned I-394 District. Medical clinics are a conditional use in this zoning district. Therefore, a conditional use permit is required.

- **Variance:** The property is currently under-parked and the expansion of the medical office area would increase the parking non-conformity.

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

Staff Analysis
Staff finds that the applicant’s proposal is reasonable and would meet the conditional use permit standards (general and specific) outlined in the zoning ordinance.

Staff finds that the proposal meets the general conditional use permit standards, as the use:

1) Is consistent with the intent of the ordinance;

**Finding:** Medical clinics are a conditionally permitted use within the Planned I-394 District (PID).
2) Is consistent with the goals, policies and objectives of the comprehensive plan;

**Finding:** The use is consistent with the goals, policies and objectives of the comprehensive plan. The subject site is guided for office use. Medical clinic uses are consistent with the uses within this land use category.

3) Does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;

**Finding:** The proposal has been reviewed by the city's building, engineering, planning, natural resource, and fire staff. It is not anticipated to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

4) Is consistent with the city's water resources management plan;

**Finding:** The use is consistent with the city's water resources management plan. No exterior additions are being proposed to the property at this time.

5) Is in compliance with the performance standards specified in §300.28 of the ordinance; and

**Finding:** The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of an existing building. With the exception of the parking variance to allow a reduction of parking, the proposal would meet the standards outlined.

6) Does not have an undue adverse impact on the public health, safety or welfare.

**Finding:** The use is not anticipated to have an undue adverse impact on the public health, safety or welfare.

Staff finds that the proposal meets the specific conditional use permit standards, as the use:

1) Shall not be adjacent to low density residential areas;
Finding: All of the surrounding land uses are office and medical uses, and all of the surrounding properties are guided for office use in the comprehensive plan. The site is not adjacent to any low-density residential properties.

2) Shall have direct access from the site to a collector or arterial street as defined in the comprehensive plan;

Finding: The site has direct access from Wayzata Boulevard, which is defined as an arterial street in the comprehensive plan.

3) Shall not have emergency vehicle access adjacent to or located across a street from any residential use; and

Finding: The proposed medical use is a sports medicine and health clinic. It is not anticipated that the use would require emergency vehicle access. Additionally, the site access locations are not located adjacent to or across the street from any residential use properties.

4) May be required to submit a detailed parking analysis for uses exceeding 10,000 square feet. Additional parking may be required based on this analysis.

Finding: The proposed clinic would be 3,800 square feet in size and would only be a 300 square foot expansion from the previously approved clinic area, so a detailed parking study was not required. In 2014, the applicant submitted parking utilization information covering a one week period in January. At this time, a chiropractic clinic was operating in the building. The observation noted that a maximum number of 17 vehicles were parked in the 58-stall parking lot. Per city ordinance, the expansion of the medical clinic would require the site to have a total of 68 parking spaces. Staff finds that there is adequate parking available to meet the increased parking need that would result from the expanded medical clinic. Nevertheless, staff has created a proof-of-parking plan indicating how ten additional parking stalls, resulting in the required 68 stalls, could be constructed if needed in the future. (See attached).

Staff finds that parking demand could be accommodated.

1) Based on parking analysis in the Institute of Transportation Engineers (ITE) Parking Generation manual, the office and clinic building uses would require an average peak period
parking demand of 50 parking spaces. Staff finds that the proposed parking variance would meet the intent of the ordinance; the proposed use, based on the ITE study, would actually demand less parking than what is

2) The applicant submitted parking utilization information for a one week period in January 2014, which included operation of the chiropractor clinic. The observation noted that the maximum number of vehicles parked in the 58-stall parking lot was only 17 vehicles.

3) Staff has created a proof-of-parking plan indicating how ten additional parking stalls could be constructed.

4) By city code, if warranted by unique characteristics, or documented parking demand for similar developments, or both, the city may allow reductions in the number of parking spaces actually constructed as long as the applicant provides a proof of future parking plan. The plan must show the location for all minimum required parking spaces in conformance with applicable setback requirements. The city may require installation of the additional parking spaces whenever the need arises.

**Staff Recommendation**

Recommend that the city council adopt the resolution which approves a conditional use permit for a medical clinic at 10653 Wayzata Boulevard.

Originator: Drew Ingvalson, Planner  
Through: Loren Gordon, AICP, City Planner
Supporting Information

Project No. 98054.17a

Property 10653 Wayzata Blvd.

Applicant Steve Kowalke, Odom Health & Wellness

Surrounding Land Uses

North: Wayzata Boulevard and Highway I-394
South: Office building, zoned PID and guided for office use
East: Office building, zoned PID and guided for office use
West: Medical office building, zoned PID and guided for office use

Planning

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

Site Features

The site is located on Wayzata Boulevard, just east of Archwood Road. The site is 1.7 acres in size and contains a 2-story, 15,200 square foot office building which was constructed in 2004.

History

In 2003, the city approved a site and building plan for a two-story building on the subject property.

In January 2013, the city received a building permit application for a chiropractor clinic within the office building. By city code, medical clinics over 2,000 square feet in size are conditionally permitted uses. A medical clinic that is 2,000 square feet or less in size is considered a standard office use, which is a permitted use in the PID zoning district. Since the building permit was for a 2,000 square foot clinic, the city issued the permit.

In February 2014, the city received a request to expand the medical clinic to 3,500 square feet in size, requiring a conditional use permit. The increase in medical clinic space increased the parking requirement for the site. Staff did not require additional parking to be constructed due to proof-of-parking and parking utilization information.

Proposed Clinic

The clinic is proposing to move to the Mill City Credit Union building from their current location across I-394 (10500 Wayzata Boulevard). The clinic plans to expand into adjacent vacant office space. The clinic provides various services including:

- sports medicine;
- physical therapy;
• massage therapy;
• nutrition;
• personal training; and
• other wellness services.

All of the proposed construction for the expansion would be internal, and there would be no changes to the exterior of the site. (See attached).

**Medical Clinic Expansion**

Based on plans submitted, it appears that the proposed medical clinic expansion consists of adding a small closet to the space. However, the area numbers the previously approved for the medical clinic (3,490 square feet) and proposed for the future medical clinic (3,790 square feet) vary significantly. It is likely that the calculations completed for the 2014 conditional use permit were done incorrectly and the space was actually larger than proposed. Due to this discrepancy, staff is proceeding with the conditional use permit for a 3,800 square foot medical clinic.

**Parking**

In 2014, the subject property was granted a conditional use permit for a medical clinic. The property needed additional parking stalls to meet parking ordinance requirements. As a part of this request, the applicant provided parking utilization information from a one week period in January 2014 (which included operation of a chiropractor clinic, see attached) and a proof-of-parking document. In turn, the city added a condition that required that these stalls be installed if there was a demonstrated need for additional parking.

The subject site currently has 58 parking spaces. As proposed, city parking ordinance would require that the site have 68 parking spaces. However, a generation study completed by the Institute of Transportation Engineers (ITE) in 2004 demonstrates that the uses on the site would require only 50 parking spaces to meet the parking demand. Additionally, the January 2014 parking utilization review showed that the maximum number of cars parked in the 58-stall parking lot was 17. Due to these findings, staff has found it reasonable for the applicant to request a parking variance, subject to conditions.

Staff has drafted a proof-of-parking plan for the subject site and added a condition of approval that allows the city to require installation of the ten proof-of-parking spaces if there is a demonstrated need for additional parking. Additional parking must meet all zoning code requirements.
Pyramid of Discretion

This proposal

Motion Options

The planning commission has three options:

1. Concur with the staff’s recommendation. In this case a motion should be made recommending the city council approve the conditional use permit.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the request. The motion must include a statement as to why the denial is recommended.

3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

Voting Requirement

The planning commission will make a recommendation to the city council on the applicant’s proposal. A recommendation for approval requires an affirmative vote of four members.

The city council’s final approval requires affirmative votes of a simple majority.

Neighborhood Comments

The city sent notices to 29 area property owners and received no comments.

Deadline for Decision

April 24, 2017
Location Map

Project: Odom Health & Wellness
Address: 10653 Wayzata Blvd
Project No. 98054.17a

This map is for illustrative purposes only.
Existing Parking: 58 Spaces

Required Parking
Office Use: 46 Spaces
Medical Clinic Use: 22 Spaces
Parking Deficit: 10 spaces

New Required Parking: 68

10 Future Spaces
ATTACHMENT A1  1-30-14

Narrative for Minnetonka Conditional Use Permit

Re: Voyager Bank Building / Interventional Pain Clinic Expansion

We would like to propose a conditional use permit regarding the expansion of the Interventional Pain Clinic at the Voyagers National Bank building and have the existing parking spaces to remain as is. The use of the parking areas have not been fully utilized for the existing tenants since the building was constructed in 2004 and it is not expected to change with the addition of the new clinic. The building currently has 60 parking spaces which more than meets the requirements for the existing business occupancy. The new expansion of the clinic changes the quantity of parking spaces based on the Parking and Loading Requirements of the City of Minnetonka Ordinances. This change is based on the interpretation that the existing Chiropractic clinic 2028 USF and the new Clinic 1,462USF would be assessed as a medical use and would change the parking load factor from 1/250 sf to 1/175 sf. This interpretation would change the parking needs from 60 existing spaces by adding 4 additional stalls for a total of 64 spaces.

A parking study has been completed and has covered the peak times that customers/tenants use this facility during the late morning and early afternoon. This parking study has confirmed that the existing vehicle parking never reaches its full capacity, even during the peak hours of late morning and early afternoon when the parking is only 20%-30% utilized. We also believe that seasonal changes would not significantly impact the total load for the Voyager National Bank Building.

PARKING STUDY

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<tr>
<th>Day</th>
<th>Time</th>
<th>Average Daily Vehicle Census</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thursday</td>
<td>(1-23-14, @10:30 am)</td>
<td>17 vehicles / 60 spaces</td>
</tr>
<tr>
<td>Thursday</td>
<td>(1-23-14 @ 2:30 pm)</td>
<td>11 vehicles / 60 spaces</td>
</tr>
<tr>
<td>Friday</td>
<td>(1-24-14, @ 10:30am)</td>
<td>9 vehicles / 60 spaces</td>
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<tr>
<td>Friday</td>
<td>(1-24-14 @ 2:30pm)</td>
<td>10 vehicles / 60 spaces</td>
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<tr>
<td>Monday</td>
<td>(1-27-14, @ 10:10am)</td>
<td>14 vehicles / 60 spaces</td>
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<tr>
<td>Tuesday</td>
<td>(1-28-14, @ 10:45am)</td>
<td>15 vehicles / 60 spaces</td>
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<tr>
<td>Wednesday</td>
<td>(1-29-14, @ 11:00am)</td>
<td>17 vehicles / 60 spaces</td>
</tr>
<tr>
<td>Average daily vehicle census</td>
<td></td>
<td>13 vehicles / 60 spaces</td>
</tr>
</tbody>
</table>
This parking study clearly illustrates that the current parking spaces more than accommodate the current tenants of the building and the proposed expansion of the Interventional Pain Clinic. The existing office space that the clinic is expanding into currently has 5 offices. Assuming that each office would have 1 vehicle for each office would equal a total of five vehicles/day. The new clinic expansion would average 3 vehicles per procedure throughout the course of the day and is less than the current use of this space. The existing 60 parking spaces should also be able to easily accommodate the overlap of typical clinical appointments.

The existing Chiropractic Clinic has provided information on the number of patients that visit the clinic on a daily basis. These numbers have assumed that patients, guests or family members utilized one vehicle during their visit. The average numbers of patients that visit the existing chiropractic clinic range from 4 to 24 visits per day and these numbers vary greatly depending on whether procedures are being performed on that day. The new clinic will perform procedures two days/week and will average the same mix of patients that they currently see each day. The total number of patient load and building occupants should easily be accommodated by the existing parking which has been confirmed by the observations conducted during the parking study.

We have prepared a Proof of Parking Plan that indicates (4) additional parking spaces that could be added in the future. This would bring the parking capacity to a total of 64 spaces. We believe the best use of this property however, is to preserve it as green space which can be enjoyed by the building occupants and help buffer the hardscape parking from the building. We also believe that no additional parking spaces will be needed by this proposed interior project or by the existing or future building tenants.
ATTACHMENT A1

1-30-14

Narrative for Minnetonka Conditional Use Permit
Re: Voyager Bank Building / Interventional Pain Clinic Expansion

IMAGES OF PARKING STUDY
December 29, 2016

Conditional Use Permit Application
City of Minnetonka
Property Address: 10653 Wayzata Blvd Minnetonka MN 55305
Parcel ID Number: 01-117-22-24-0005

Odom Sports Medicine, PA /dba/ Odom Health and Wellness (OHW) is requesting a Conditional Use Permit for the above referenced property. OHW is a clinic which provides physician directed Health and Wellness Services: Sports Medicine, Physical Therapy, Massage Therapy, Nutrition, Personal Training, and other wellness services. Currently, the clinic is located almost directly across 394 at 10500 Wayzata Blvd, and has been at that location since 2003. The purpose for the move is to accommodate growth in patient visits. The projected hours of operation will be Monday-Friday 6 a.m. to 8 p.m., Saturdays 6 a.m. to 6 p.m.

The proposed layout on the second floor of the building is presented below, and is similar to the Interventional Pain Clinic design for which a Conditional Use Permit was issued by the City of Minnetonka for the same site on February 27, 2014 (Attachment A).

The OHW plan incorporates a footprint of approximately 3790 USF on the second floor of the Mill City Bank Building.
across the street is 7,000 square feet in size. Traffic congestion issues would be addressed. Shadow Investments is a family owned and operated company.

Powers invited residents to call the city or police if there is an issue. The plan looks good.

Chair Kirk noted that the subdivision meets all ordinance requirements. He was comfortable moving forward.

_Powers moved, second by Calvert, to recommend that the city council adopt the resolution approving the preliminary and final plats for a two-lot subdivision at 3900 Cottage Lane._

_Powers, Calvert, Knight, O’Connell, and Kirk voted yes. Motion carried._

The city council is tentatively scheduled to review this item March 6, 2017.

**B. Conditional use permit for a medical clinic at 10653 Wayzata Boulevard.**

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

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

O’Connell asked if there would be a need to increase the amount of handicap parking. Ingvalson said that additional parking and handicap parking stalls could be added if needed and handicap parking requirements would be enforced during the building permit process. Gordon added that since the building size would stay the same, the amount of handicap parking would also stay the same.

John Odom, applicant, stated that he owns Odom Health and Wellness. The proposal is an expansion for the existing clinic located across Interstate 394. The amount of parking would be adequate.

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

_O’Connell moved, second by Knight, to recommend that the city council adopt the resolution which approves a conditional use permit for a medical clinic at 10653 Wayzata Boulevard._

_Powers, Calvert, Knight, O’Connell, and Kirk voted yes. Motion carried._
The city council is tentatively scheduled to review this item March 6, 2017.
Resolution No. 2017-

Resolution approving a conditional use permit for a medical clinic at 10653 Wayzata Boulevard

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

Section 1. Background.

1.01 Steve Kowalke, Odom Health & Wellness, has requested a conditional use permit for a 3,800 square foot medical clinic. (Project 98054.17a)

1.02 The property is located at 10653 Wayzata Blvd. It is legally described as:

Lot 1, Block 2, Colonial Oaks

1.03 In 2014, the city approved a conditional use permit for a medical clinic on the subject property. The current proposal is an expansion of this previously approved request.

1.04 On February 2, 2017, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. General CUP Standards.

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

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

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

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

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

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

Section 3. Specific CUP Standards.

3.01 City Code §300.31 Subd. 4(b)(2)(d) lists the following specific standards that must be met for granting a conditional use permit for hospitals and medical clinics uses:

1. Shall not be adjacent to low density residential areas;

2. Shall have direct access from the site to a collector or arterial street as defined in the comprehensive plan;

3. Shall not have emergency vehicle access adjacent to or located across a street from any residential use; and

4. May be required to submit a detailed parking analysis for uses exceeding 10,000 square feet. Additional parking may be required based on this analysis.

Section 4. General CUP Findings.

4.01 The proposal meets the general conditional use permit standards.

1. Medical clinics are a conditionally permitted use within the Planned I-394 District (PID).

2. The use is consistent with the goals, policies and objectives of the comprehensive plan. The subject site is guided for office use. Medical clinic uses are consistent with the uses within this land use category.
3. The proposal has been reviewed by the city’s building, engineering, planning, natural resource, and fire staff. It is not anticipated to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

4. The use is consistent with the city's water resources management plan. No exterior additions are being proposed to the property at this time.

5. The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of an existing building.

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

Section 5. Specific CUP Findings.

5.01 The proposal meets the conditional use permit standards.

1. All of the surrounding land uses are office and medical uses and all of the surrounding properties are guided for office use in the comprehensive plan. The site is not adjacent to any low density residential properties.

2. The site has direct access from Wayzata Boulevard, which is defined as an arterial street in the comprehensive plan.

3. The proposed medical use is a sports medicine and health clinic. It is not anticipated that the use would require emergency vehicle access. Additionally, the site access locations are not located adjacent to or across the street from any residential use properties.

4. The proposed clinic would be 3,800 square feet in size and would only be a 300 square foot expansion from the previously approved clinic area, so a detailed parking study was not required. In 2014, the applicant submitted parking utilization information for a one week period in January, which included operation of a chiropractor clinic in the medical clinic space. The observation noted that a maximum of 17 vehicles were parked in the 58-stall parking lot. Per city ordinance, the expansion of the medical clinic would require the site to have a total of 68 parking spaces. However, based on this previous site-specific information, there is adequate parking available to meet the increased parking need that would result from the expanded medical
Section 6. City Council Action.

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

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the floor plan dated December 29, 2016.

2. The building must comply with all requirements of the Minnesota state building code, fire code, and health code and appropriate permits must be obtained.

3. Sign permits are required for any exterior signs.

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

5. The city may require installation of proof-of-parking spaces if there is a demonstrated need for additional parking. Additional parking must meet all zoning code requirements.

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

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

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

__________________________
Terry Schneider, Mayor

Attest:

__________________________
David E. Maeda, City Clerk

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

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

__________________________________
David E. Maeda, City Clerk

Seal
City Council Agenda Item #10C
Meeting of March 6, 2017

Brief Description
Resolution amending the city’s Water Resource Management Plan for a wetland generally located at 1555 Linner Road

Recommendation
Adopt the resolution approving the request

Background
The city’s Water Resources Management Plan (WRMP) was adopted in 2009. This plan establishes a wetland classification system. Within this system, wetlands are placed into one of four categories based on the wetland’s function, perceived resource significance, and susceptibility to stormwater inputs.

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<tr>
<th>Category</th>
<th>Management Practice</th>
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<td>Preserve</td>
<td>• Avoid and preserve</td>
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<td></td>
<td>• No change in hydrology</td>
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<td></td>
<td>• No increase in nutrient or sediment loads</td>
</tr>
<tr>
<td>Manage 1</td>
<td>• Minimize impacts</td>
</tr>
<tr>
<td></td>
<td>• Control change in hydrology</td>
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<tr>
<td></td>
<td>• No increase in nutrient or sediment loads</td>
</tr>
<tr>
<td>Manage 2</td>
<td>• Minimize impacts</td>
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<td></td>
<td>• Control change in hydrology, to a lesser degree than Manage 1</td>
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<td></td>
<td>• No increase in nutrient or sediment loads</td>
</tr>
<tr>
<td>Manage 3</td>
<td>• Consider for restoration or enhancement</td>
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<tr>
<td></td>
<td>• Where necessary, use for flood storage</td>
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<tr>
<td></td>
<td>• No increase in nutrient or sediment loads</td>
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The WRMP classifies the southern basin at 1555 Linner Road as a Manage 2 wetland. However, the Minnehaha Creek Watershed District classifies the wetland as a Preserve wetland. Recently, in preparation for redevelopment of the property, the function and value of the wetland was evaluated using the most recent Minnesota Routine Assessment Method (MNRAM). The MNRAM concluded that should be classified as a Manage 1 wetland.

An amendment to the WRMP would ensure that the city information accurately reflects the MNRAM evaluation.

Staff Recommendation

Staff recommends that city council adopt the resolution amending the city’s Water Resources Management Plan to reclassify the southerly wetland generally located at 1555 Linner Road as Manage 1 wetland.
Location Map

Project: The Woodlands at Linner
Applicant: HP Holdings, LLC
Address: 1555 Linner Rd
Project No. 16029.17a

This map is for illustrative purposes only.
Resolution No. 2017-

Resolution amending the city’s Water Resources Management Plan to reclassify the southerly wetland generally located on 1555 Linner Road as Manage 1 wetland

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

Section 1. Background.

1.01 On August 3, 2009, the city council adopted resolution number 2009-061 approving the city’s Water Resources Management Plan (WRMP).

1.02 There are two wetlands generally located at 1555 Linner Road. The southern wetland is classified by the city’s WRMP as a Manage 2 wetland.

1.03 Recently in preparation, for redevelopment of the property at 1555 Linner Road, the function and value of the wetland was evaluated using the most recent Minnesota Routine Assessment Method (MNRAM). The MNRAM concluded that the wetland is a Manage 1 wetland.

1.04 An amendment to the WRMP would ensure that the city’s information accurately reflects the MNRAM evaluation.

Section 2. Council Action.

2.01 The city council hereby approves the amendment to re-classify the southerly wetland generally located at 1555 Linner Road as a Manage 1 wetland in the Water Resources Management Plan for the City of Minnetonka as illustrated on Exhibit A.

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

_______________________________________
Terry Schneider, Mayor
Attest:

__________________________________________
David E. Maeda, City Clerk

**Action on this resolution:**

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

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

__________________________________________
David E. Maeda, City Clerk
Brief Description: Labor agreement between the city of Minnetonka and Law Enforcement Labor Services, Inc. – Dispatchers

Recommended Action: Approve the agreement

Background

Staff has negotiated a labor agreement with the Law Enforcement Labor Services, Inc. (LELS), which represents the city’s dispatchers.

City staff and LELS representatives have reached agreement on a one-year contract for 2017, the union employees have ratified it, and the city council is requested to approve it. Major changes to the existing labor agreement are described below, and all amendments can be found more specifically in the attached agreement.

Article XIV and Appendix A – Wages

In 2017, the base wage increase is 1.5%, and as part of the city’s MERIT program, a market analysis is conducted annually. If rates are found to be lower than the market comparison group, employees receive a market adjustment. In 2017, the market adjustment is 0.28%, for a total wage increase of 1.78%. For each hour worked unaccompanied an additional $2.00 will be paid per hour in 2017, an increase of $0.50 from the 2016 contract stipulating an additional $1.50 per hour when dispatching unaccompanied.

Article XIX. Health Insurance

The city’s contribution to the employee’s cafeteria benefits program structure changed in 2017 to offer a monthly contribution based on the health insurance coverage selection. In 2017 the monthly contribution toward an employee’s benefits program is nine hundred twenty five ($925) for those electing Single Coverage; one thousand fifty ($1,050) for Employee plus Spouse or Employee plus Child(ren) Coverage; or one thousand one hundred fifty ($1,150) for Family Coverage.

Article XXI. Severance Pay

Included in this contract is revised language related to the city’s severance policy that clarifies existing practice to allow employees in a bargaining unit to select a percentage of severance and unused vacation that is contributed to a Retiree Health Savings Plan. This language is consistent for all employee groups and allows each group to select the applicable percentage at the time the contract is open for negotiation.
Appendix B and C – Incentive Pay Program

Dispatch staff who are eligible for the incentive pay program must complete the requirements in accordance with a predetermined administrative policy. For 2017, three of the components will increase from 1% to 1.1% and the remaining three will increase from 1% to 1.3%. During negotiations staff and the dispatch representatives placed greater emphasis on three of the six components as they have a greater impact on the development and service back to the community. This program also increases the organizational performance pay from $100 to $500 per dispatcher.

Several housekeeping changes are made that update the articles for the sick leave, and leaves of absence.

Recommendation

The city council is requested to approve the 2017 labor agreement between the city of Minnetonka and the Law Enforcement Labor Services, Inc. - Dispatchers. This agreement allows the city to maintain a competitive salary and benefit package, as well as keep benefits standardized across employee groups.

Submitted through:
   Perry Vetter, Assistant City Manager

Originated by:
   Jason Branstrom, Human Resources Manager
LABOR AGREEMENT BETWEEN

THE CITY OF MINNETONKA

AND

LAW ENFORCEMENT LABOR SERVICES, INC
(Dispatchers)

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LABOR AGREEMENT BETWEEN
CITY OF MINNETONKA
AND
LAW ENFORCEMENT LABOR SERVICES, INC.

ARTICLE I - PURPOSE OF AGREEMENT

This AGREEMENT is entered into between the City of Minnetonka hereinafter called the EMPLOYER, and Law Enforcement Labor Services, Inc., hereinafter called the UNION.

The intent and purpose of this AGREEMENT is to:

1.1 Establish certain hours, wages, and other conditions of employment;

1.2 Establish procedures for the resolution of disputes concerning this AGREEMENT'S interpretation and/or application;

1.3 Specify the full and complete understanding of the parties; and

1.4 The EMPLOYER and the UNION, through this AGREEMENT, shall continue their dedication to the highest quality of public service. Both parties recognize this AGREEMENT as a pledge of this dedication.

ARTICLE II - RECOGNITION

2.1 The EMPLOYER recognizes the UNION as the exclusive representative for all employees in a unit certified by the State of Minnesota Bureau of Mediation Services in Case No. 98-PCE-1620 as:

All Dispatchers employed by the City of Minnetonka, Minnesota who are public employees within the meaning of Minn. Stat. 179A.03, subd. 14, excluding supervisory, confidential and all other employees.

2.2 In the event the EMPLOYER and the UNION are unable to agree as to the inclusion or exclusion of a new or modified job class, the issue shall be submitted to the Bureau of Mediation Services for determination.

ARTICLE III - DEFINITIONS


3.2 EMPLOYER: The City of Minnetonka.


3.4 EMPLOYEE: A member of the exclusively recognized bargaining unit.

3.5 DEPARTMENT: The City of Minnetonka Police Department.
ARTICLE IV - UNION SECURITY

In recognition of the UNION as the exclusive representative the EMPLOYER shall:

4.1 Deduct monthly, an amount sufficient to provide the payment of dues established by the UNION from the wages of all employees authorizing by deduction card such deduction; and

4.2 Remit such deduction to the appropriate designated officer of the UNION; and

4.3 The Employer will furnish a list of all employees in job classifications recognized in this bargaining unit to the Union by request.

4.4 Bulletin Board. The EMPLOYER shall make space available on an employee bulletin board for posting Union notices and announcements.

4.5 The Union agrees to indemnify and hold the EMPLOYER harmless against any and all claims, suits, orders, or judgments brought or issued against the City as a result of any action taken or not taken by the City under the provisions of this Article.

ARTICLE V - EMPLOYER AUTHORITY

5.1 The EMPLOYER retains the full and unrestricted right to operate and manage all personnel, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct and determine the number of personnel; to establish work schedules; and to perform any inherent managerial function not specifically limited by this AGREEMENT.

5.2 Any term and condition of employment not specifically established or modified by this AGREEMENT shall remain solely within the discretion of the EMPLOYER to modify, establish or eliminate.

ARTICLE VI - EMPLOYEE RIGHTS-GRIEVANCE PROCEDURE

5510.5130 DEFINITIONS

Subpart 1 Scope. For the purposes of parts 5510.5110 to 5510.5190 the words defined in this part
have the meanings given them.


Subp. 3. Days. "Days" means calendar days.

Subp. 4. Employee. "Employee" means any public employee who is employed in a position that is part of an appropriate unit for which an exclusive representative has been certified under Minnesota Statutes, section 179A.12.

Subp. 5. Grievance. "Grievance" means a dispute or disagreement regarding the application or interpretation of any term of a contract required under Minnesota Statutes, section 179A.20, subdivision 1. If no contract exists between the exclusive representative and the employer, "grievance" means a dispute or disagreement regarding the existence of just cause in the discipline of any employee or the termination of non-probationary employees.

Subp. 6. Non-probationary. "Non-probationary" means an employee who has completed an initial probationary period required as a part of the public employer's employment process.

Subp. 7. Party. "Party" means either the exclusive representative and its authorized agent or the employer and its authorized representative.

Subp. 8. Service. "Service" means personal delivery or service by the United States Postal Service, postage prepaid and addressed to the individual or organization at its last known mailing address. Service under parts 5510.5110 to 5510.5190 is effective upon deposit with the United States Postal Service, as evidenced by a postmark or dated receipt, or upon personal delivery.

STAT AUTH: MS s 179A.04 subd 3 para (f)
HIST: 11 SR 2077

5510.5131 COMPUTATION OF TIME

In computing any period of time prescribed or allowed by parts 5510.5110 to 5510.5190, the day or act or event upon which a period of time begins to run shall not be included. The last day of the time period shall be included unless it is a Saturday, Sunday, or holiday.

STAT AUTH: MS s 179A.04 subd 3 para (f) HIST: 11 SR 2077

5510.5140 STEP ONE

When an employee or group of employees represented by an exclusive representative has a grievance, the employee or an agent of the exclusive representative shall attempt to resolve the matter with the employee's immediate supervisor within 21 days after the employee, through the use of reasonable diligence, should have had knowledge of the event or act giving rise to the grievance. The supervisor shall then attempt to resolve the matter and shall respond in writing to the grievant and the agent of the exclusive representative within five days after the grievance is presented.

STAT AUTH: MS s 179A.04 subd 3 para (f)
HIST: 11 SR 2077

5510.5150 STEP TWO

If the supervisor has not been able to resolve the grievance or has not responded in writing within the time period provided in part 5510.5140 (step one), a written grievance may be served on the next appropriate level
of supervision by the exclusive representative. The written grievance shall provide a concise statement outlining the nature of the grievance, the provisions of the contract or the just cause situation in dispute, and a statement of the relief or remedy requested. The written grievance must be served on the employer's representative within 15 days after the immediate supervisor's response was due under part 5510.5140 (step one). The employer's representative shall meet with the agent of the exclusive representative within five days after service of the written grievance and both parties shall attempt to resolve the grievance. The Employer's representative shall serve a written response to the grievance on the agent of the exclusive representative within five days of the meeting. The response shall contain a concise statement of the employer's position on the grievance and the remedy or relief the employer is willing to provide, if any.

STAT AUTH: MS s 179A.04 subd 3 para (f)
HIST: 11 SR 2077

5510.5160 STEP THREE

If the grievance is not resolved under part 5510.5150 (step two), the exclusive representative may serve the written grievance upon the chief administrative agent of the employer or that person's designated representative within ten days after the written response required by part 5510.5150 (step two) was due. An agent of the exclusive representative shall meet with the chief administrative officer or designee within five days of service of the written grievance and they shall attempt to resolve the matter. The chief administrative officer or designee shall serve a written response to the grievance on the agent of the exclusive representative within five days of the meeting.

STAT AUTH: MS s 179A.04 subd 3 para (f)
HIST: 11 SR 2077

5510.5170 ARBITRATION

Subpart 1. Referral to arbitration. If the response of the chief administrative officer or designee is not received within the period provided in part 5510.5160 (step three) or is not satisfactory, the exclusive representative may serve written notice on the employer of its intent to refer the case to arbitration within ten days after the response required by part 5510.5160 (step three) is due.

Subp. 2. Selection of arbitrator. Within ten days of the service of written notice of intent to arbitrate, the employer's chief administrative officer or designee shall consult with the agent of the exclusive representative and endeavor to mutually agree upon an arbitrator to hear and decide the grievance. If the parties do not agree upon the selection of an arbitrator, either party may request a list of impartial arbitrators from the bureau. The parties shall alternately strike names from a list of seven names to be provided by the bureau until only one name remains, and the remaining name shall be the designated arbitrator. The determination of which party will commence the striking process shall be made by mutual agreement or a flip of a coin. If one party refuses to strike names from the list provided by the bureau, the other party may serve written notice of this fact upon the bureau, with a copy to the offending party. Unless it is confirmed that the parties have otherwise selected or agreed upon an arbitrator within three days of service of the notice of refusal or failure to strike names, the bureau shall designate one name from the list previously provided to the parties and the person so designated by the bureau shall have full power to act as the arbitrator of the grievance.

Subp. 3. Arbitrator's authority. The arbitrator shall have no authority to amend, modify, add to, or subtract from the terms of an existing contract. The decision and award of the arbitrator shall be final and binding upon both parties.

Subp. 4. Arbitration expenses. The employer and the exclusive representative shall share equally the arbitrator's fees and necessary expenses. Cancellation fees shall be paid by the party requesting the cancellation and any fees incurred as the result of a request for clarification shall be paid by the party requesting the clarification. Each party shall be responsible for compensating its own representatives and witnesses except to the extent provided by part 5510.5180, subpart 1.

Subp. 5. Transcripts and briefs. Because arbitration is intended to provide a simple, speedy alternative to litigation processes, the use of transcripts and briefs should be considered only in exceptional circumstances. If a verbatim record is required, it may be prepared providing the party desiring the record pays the cost and makes a copy available to the other party and the arbitrator without charge. The arbitrator may maintain written notes of the hearing and may use an electronic recording device to supplement the note taking. These notes shall be
considered the arbitrator's private and personal property and shall not be made available to the parties or another third party. If a recording device is used by the arbitrator to supplement the arbitrator's notes, the arbitrator shall retain the recording for a period of 90 days following the issuance of the award.

STAT AUTH: MS s 179A.04 subd 3 para (f)
HIST: 11 SR 2077

5510.5180 PROCESSING OF GRIEVANCES

Subpart 1. Release time. To the fullest extent feasible, the processing of grievances under parts 5510.5110 to 5510.5190 shall be conducted during the normal business hours of the employer. Employees designated by the exclusive representative shall be released from work without loss of regular non-overtime earnings as a result of their necessary participation in meetings or hearings held pursuant to parts 5510.5110 to 5510.5190, whenever such release is consistent with the ability of the employer to conduct safe and reasonable operations. No more than three employees shall be entitled to compensation for participation in a single meeting or hearing with respect to any one grievance.

Subp. 2. Waiver of steps. The parties may by written mutual agreement waive participation in the grievance steps in parts 5510.5140 to 5510.5160 and may similarly agree to extend the time limits established by parts 5510.5140 to 5510.5170.

Subp. 3. Time limits. A failure to raise a grievance within the time limits specified in part 5510.5140, or to initiate action at the next step of the procedure in parts 5510.5140 to 5510.5170 within the time limits in these parts shall result in forfeiture by the exclusive representative of the right to pursue the grievance. A failure of an employer representative to comply with the time periods and procedures in parts 5510.5140 to 5510.5170 shall require mandatory alleviation of the grievance as requested in the last statement by the exclusive representative.

STAT AUTH: MS s 179A.04 subd 3 para (f)
HIST: 11 SR 2077

ARTICLE VII - SAVINGS CLAUSE

This AGREEMENT is subject to law. In the event any provision of this AGREEMENT shall be held to be contrary to law by court of competent jurisdiction from whose final judgment or decree no appeal has been taken within the time provided, such provision shall be voided. All other provisions of this AGREEMENT shall continue in full force and effect. To the extent a provision of the contract is declared to be contrary to law by a court of final jurisdiction or administrative ruling or is in violation of legislation or administrative regulations, said provision shall be void and of no effect. The voided provision may be renegotiated at the request of either party.

ARTICLE VIII - DISCIPLINE

8.1 The EMPLOYER will discipline employees for just cause only. Discipline will be in one of the following forms:
   a. oral reprimand;
   b. written reprimand;
   c. suspension;
   d. demotion; or
   e. discharge.

8.2 Notices of suspension, demotion and discharges will be in written form and will state the reason(s) for the action taken. Suspension will set forth the time period for which the suspension will be effective. Demotions will state the classification to which the employee is demoted. The UNION Business Agent will be provided with a copy of each such notice.
8.3 Written reprimands, notices of suspensions and notices of discharge which are to become part of an employee's personnel file will be read and acknowledged by signature of the employee. The employee and the UNION will receive a copy of such reprimands and/or notices.

8.4 Employees will not be questioned concerning an investigation of disciplinary action unless the employee has been given adequate opportunity to have a UNION representative present at such questioning.

8.5 Discharges of non-veterans will be preceded by a five (5) calendar day suspension without pay.

8.6 Employees may examine their own individual personnel files at reasonable times under the direct supervision of the EMPLOYER.

8.7 Grievances relating to this ARTICLE shall be initiated by the UNION in Step 2 of the grievance procedure.

**ARTICLE IX - HOURS OF WORK AND OVERTIME PAY**

9.1 The normal work year for full-time employees is two thousand eighty (2,080) hours; the normal work week is 40 hours/week, to be accounted for by each employee through:

a) hours worked on assigned shifts;
b) holidays;
c) assigned training;
d) authorized leave time.

9.2 The normal work year/work week for part-time employees are less than 2080 hours/year and less than 40 hours/week.

9.3 Hours worked in excess of scheduled workday within a 24-hour period shall be compensated at one and one-half (1-1/2) times the employee's basic hourly rate of pay. A change of scheduled work day within a 24-hour period does not qualify for overtime. In lieu of being compensated for overtime in cash, the employee may accrue compensatory time. The employee may use that compensatory time after obtaining the approval of the EMPLOYER. Such compensatory time will be computed at the rate of one and one-half (1-1/2) hours off for every hour of overtime worked. Overtime is to be calculated to the nearest 15 minutes. Changes in shift mutually agreed upon do not qualify an Employee for overtime, unless the time is greater than the scheduled workday.

9.4 For the purpose of computing overtime compensation, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked.

9.5 When a vacancy requires a dispatcher to be called in on overtime, supervisors shall fill such vacancy based on seniority and the following factors: they will first consider dispatchers working the same shifts, then contact remaining dispatchers. Supervisors may also use dispatchers on either side of the vacancy if they cannot locate a dispatcher or it is four hours or less before the shift. If necessary, the shift supervisors may temporarily use a police officer, or other employee trained in dispatch, as a dispatcher until calling a relief dispatcher back to duty.

9.6 Employees called back to work from off-duty status will be paid a minimum of two (2) hours pay at one and one-half (1 1/2) times the employee's regular rate of pay rate. An extension of, or an early report to, a scheduled shift does not qualify for call back time minimum if that time is paid as overtime.

9.7 Employees may voluntarily switch shifts, with the approval of the Employer. Voluntary switching of shifts will not obligate the EMPLOYER for overtime pay.

9.8 Employees called back for unscheduled, scheduled work day changes within a 48 hour period shall
receive two (2) hours of pay at one and one-half (1 1/2) times their normal basic hourly rate of pay, either in cash or in compensatory time, at the option of the Employee.

Employees who are required to standby for court appearances shall receive a minimum of two and one-half (2 1/2) hours straight time either in cash or compensatory time, for all time they are directed to standby.

ARTICLE X- SENIORITY

10.1  Seniority will be the determining criterion for transfers and promotions within the bargaining unit when job relevant qualifications are equal.

10.2  Job classification seniority will be the determining criterion for layoffs and recall. Recall rights under this provision will continue for twenty-four (24) months after lay off. Recalled employees shall have ten (10) working days after notification of recall by registered mail at the employee's last known address to report to work or forfeit all recall rights.

10.3  Change in status from full-time to part-time will be accomplished on the basis of seniority.

10.4  Seniority is defined as the employee's length of continuous service in the job classification of Dispatcher based upon hours worked.

10.5  Seniority will be broken only by separation from service by reasons of resignation, discharge for cause, retirement or death.

10.6  When two or more employees have the same seniority date, their position on the seniority list shall be determined by lot.

10.7  Senior qualified employees shall be given shift assignment preference after eighteen (18) months of continuous full-time employment.

10.8  Employees promoted from the employer's public safety dispatchers' bargaining unit to the police supervisors' bargaining unit shall retain bumping rights in the public safety dispatchers' bargaining unit in lieu of layoff based on the employee's length of continuous employment. In the event of layoff in the supervisors' bargaining unit, an employee promoted as noted may bump the least senior dispatcher in lieu of layoff.

ARTICLE XI- PROBATIONARY PERIODS

11.1  All newly hired or rehired employees will serve a probationary period of 2080 hours after appointment. Any extended leave periods will extend the probationary period by the amount of the leave.

11.2  All employees will serve a probationary period of 1040 hours after appointment in any job classification in which the employee has not served a probationary period. Any extended leave periods will extend the probationary period by the amount of the leave.

11.3  At any time during the probationary period a newly hired or rehired employee may be terminated at the sole discretion of the EMPLOYER.

11.4  At any time during the probationary period a promoted or reassigned employee may be demoted or reassigned at the sole discretion of the EMPLOYER. The employee demoted or reassigned will be returned to the employee's previous position.
ARTICLE XII - JOB SAFETY

The EMPLOYER and the UNION agree to jointly promote safe and healthful working conditions, to cooperate in safety matters and to encourage employees to work in a safe manner.

ARTICLE XIII - TRAINING

The EMPLOYER will make available and pay for such training as is required for employees to maintain licenses or certifications, or for safety, or as is required by the State of Minnesota.

ARTICLE XIV - WAGES

14.1 The rates of pay are set forth in Appendix A, attached hereto and made a part thereof.

14.2 Employees in the following assignment shall be paid a differential as specified below:

Communications Training Officer
(when performing assigned Communications Training Officer duties):
$2.00/hour.

14.3 An employee working unaccompanied will be paid a differential of an additional $1.50 $2.00 for each hour worked alone.

ARTICLE XV - HOLIDAYS

15.1 Employees shall receive eight (8) hours of straight-time pay or eight (8) hours of compensatory time, at the option of the employee, for each holiday listed below. The employee may use that compensatory time after obtaining the approval of the EMPLOYER.

New Year's Day, January 1
Martin Luther King's Birthday, Third Monday in January
Presidents Day, Third Monday in February
Memorial Day, Last Monday in May
Independence Day, July 4
Labor Day, First Monday in September
Veterans Day, November 11
Thanksgiving Day, Fourth Thursday in November
Thanksgiving Friday, Day after Thanksgiving
Christmas Day, December 25

Two (2) additional days (sixteen (16) hours) shall be known as "Floating Holidays" and may be taken as a holiday on any day throughout the year at the election of the Employee with the approval of the Chief of Police or another EMPLOYER designated representative.

15.2 Employees who are required to work on a holiday shall be paid at time and one half (1 1/2) their base hourly wage rate for all of the hours of any shift that begins on a listed holiday.

ARTICLE XVI - VACATIONS

16.1 Regular full-time employees shall be eligible for earned vacation leave on the following basis:
From the beginning of continuous employment through the fifth (5th) year of continuous employment, 3.08 hours for each two-week pay period; from the beginning of the sixth (6th) year through the tenth (10th) year of continuous employment, 4.62 hours for each two-week pay period; during each of the following years of continuous employment, each employee shall earn vacation at the rates as specified:

- 11th year: 4.93 hours for each two-week pay period;
- 12th year: 5.23 hours for each two-week pay period;
- 13th year: 5.54 hours for each two-week pay period;
- 14th year: 5.85 hours for each two-week pay period;
- 15th year+: 6.16 hours for each two-week pay period.

16.2 Employees may accrue vacation leave not to exceed the following based on the employee’s rate of vacation earned:

<table>
<thead>
<tr>
<th>Rate of vacation earned</th>
<th>Maximum hours of accrued vacation leave</th>
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<tr>
<td>80 hours per year</td>
<td>200 hours</td>
</tr>
<tr>
<td>120 hours per year</td>
<td>225 hours</td>
</tr>
<tr>
<td>128 – 160 hours per year</td>
<td>250 hours</td>
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<tr>
<td>200 hours per year</td>
<td>275 hours</td>
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No employee shall be permitted to waive vacation leave for the purpose of receiving double pay.

16.3 Upon separation or retirement, a cash payment computed at the employee's current rate of pay shall be made for accrued vacation leave.

16.4 Seniority will be the basis for the employee's choice for vacation scheduling.

16.5 Employee vacation requests shall be responded to by the EMPLOYER within 14 days after submittal by the employee.

**ARTICLE XVII - SICK LEAVE**

17.1 Full-time employees shall earn eight hours of sick leave for each full month of employment. Sick leave may be used only to the extent that it is earned. Sick leave shall be authorized in cases of necessity or actual illness in accordance to MN Statute 181.9413, City Policy, and Department Policy.

17.2 Sick leave may be used for an employee's own absences due to an illness, physical examination, dental care, injury, maternity care, outpatient or inpatient treatment for mental illness, alcoholism or drug abuse, hospitalization of the employee, employee's minor child, adult child, spouse, sibling, parent, in-law, grandchild, grandparent, or stepparent. Employees may also request use of sick leave for the serious illness, injury or other health care hospitalization of members of their immediate family who reside with them or for whom they have primary health care responsibility not included above, which may be granted at the discretion of the EMPLOYER.

17.3 Sick leave will be allowed in accordance with the City’s and Department’s policies.

17.4 Each employee may donate up to two (2) days of accrued sick leave per year to other employees in accordance with administrative policy.
ARTICLE XVIII - LEAVES OF ABSENCE

Employees using paid leave time shall be considered to be working for the purpose of accruing benefits.

18.1 Funerals. A maximum of three (3) days of sick leave may be taken by a full-time employee for the event of a death in the employee's immediate family. An additional three (3) days of sick leave may be taken upon written approval of the department director or employer.

18.2 Court/Jury Duty. Employees subpoenaed as witnesses or called for jury duty shall be granted paid leave of absence for the time necessary to complete those duties. All fees received as a witness or juror, except mileage fees for use of the employee's private vehicle, shall be paid to the City.

18.3 Injured on Duty Leave. Employees unable to work because of a work-related injury shall be entitled to injured on duty leave up to the equivalent of a maximum of 1040 working hours from the date of injury. Thereafter, the employee must use accumulated sick leave. Any worker's compensation benefits for lost time or wages paid to the injured employee while using injured on duty or sick leave shall be paid to the City. If it is determined by a medical provider acceptable to the city that an employee has a permanent injury that will not allow the employee to return to work, the injury on duty benefit terminates and thereafter accrued sick leave must be used. Injured on duty leave shall not be provided to employees who fail to comply with procedures required by the EMPLOYER for reporting work-related injuries.

18.4 Employees are eligible for Family Medical Leave as required by law.

ARTICLE XIX - INSURANCE

19.1 Health. For each benefit-earning employee electing health insurance coverage through the Employer-sponsored cafeteria benefits program, the Employer's monthly contribution toward that employee's benefits program is $880 per month in plan year 2016, nine hundred twenty-five ($925) for those electing Single Coverage; one thousand fifty ($1,050) for Employee plus Spouse or Employee plus Child(ren) Coverage; or one thousand one hundred fifty ($1,150) for Family Coverage in plan year 2017.

For each benefit-earning employee electing health insurance coverage through the Employer-sponsored cafeteria benefits program and who participates in the Employer sponsored health initiative program, receives $100 per month. Each benefit-earning employee who opts out of the Employer sponsored cafeteria benefits program who participates in the employer-sponsored health initiative program receives $50 per month in plan year 2014.

Insurance is open for negotiations in 2015 and 2016.

19.2 Life. The EMPLOYER agrees to pay the full cost of a $35,000 life insurance policy for each employee covered by this AGREEMENT.

19.3 Long Term Disability Insurance. The EMPLOYER will provide employees with Long Term Disability Insurance provided that a sufficient number of employees enroll to meet the insurer's eligibility requirements. The cost of the insurance will be paid through deductions in each employee's accrued sick leave account of hours of time sufficient to provide for the payment of premiums.

19.4 In the event the health insurance provisions of this Agreement fail to meet the requirements of the Affordable Care Act and its related regulations or cause the Employer to be subject to a penalty, tax or fine, the Union and the Employer will meet immediately to bargain over alternative provisions so as to comply with the Act and avoid and/or minimize any penalties, taxes or fines for the Employer.

ARTICLE XX - UNIFORMS
20.1 The City shall provide the initial uniform issue for each employee and thereafter provide City required uniforms and equipment as necessary.

ARTICLE XXI - SEVERANCE PAY

21.1 To be eligible for severance pay, employees must be regular employees on the date of termination, and have a total of 10 years of continuous service as a regular employee. Severance pay is granted to eligible employees when they leave the municipal service in good standing for one of the following reasons:

1. Elimination of their classification or position by the City.
2. Separation from City employment when the employee is eligible, based on age and/or service requirements, for an annuity from the Public Employees Retirement Association whether or not the employee starts receiving those benefits.
3. Mandatory retirement or termination of employment due to health reasons, service-connected injury, or illness. A letter from a physician is required to indicate an employee's inability to perform essential functions of the job.

21.2 Employees shall be entitled to severance pay equal to the greater of:

1. Four weeks of appropriate pay plus one additional week of appropriate pay for each year of service beyond 10 years, not to exceed a total of 13 weeks appropriate pay, or
2. One-third of the employee's accumulated sick leave at the appropriate pay rate.

For both options, the appropriate pay shall be determined by dividing the employee's number of scheduled hours during the years used to qualify for severance pay by the number of full-time hours for the same period. The resulting percentage shall be applied to the full-time wage rate for the employee's position at termination to achieve the amount of appropriate pay.

For example, an employee who worked 8 years with 30 scheduled hours per week and 2 years with 40 scheduled hours per week would be entitled to 80% of full-time pay: \((8 \times 30 + 2 \times 40) \div 400 = 80\%\).

An employee who worked full-time for the entire qualifying period would be entitled to 100% of full-time pay.

21.3 Employees who qualify to receive severance pay upon retiring from the city, as defined by the personnel policy, must place 100% of their severance pay and unused vacation in their individual Retiree Health Savings Plan accounts at the time of retirement.

21.4 Employees eligible for severance pay in accordance with Article 21.1 who submit a written notice of separation from City employment at least three months prior to that separation and who do not revoke it will receive the amount of severance pay pursuant to the policy plus an additional ten percent of that amount.

ARTICLE XXII - PART-TIME EMPLOYEES

Regular part-time employees who are scheduled for more than 14 hours per week shall earn pro rata benefits for holidays, sick leave, and vacation.

ARTICLE XXIII - WAIVER
23.1 Any and all prior agreements, resolutions, practices, policies, rules and regulations regarding terms and conditions of employment, to the extent inconsistent with the provisions of this AGREEMENT, are hereby superseded.

23.2 The parties mutually acknowledge that during the negotiations which resulted in this AGREEMENT, each had the unlimited right and opportunity to make demands and proposals with respect to any terms or conditions of employment not removed by law from bargaining. All agreements and understandings arrived at by the parties are set forth in writing in this AGREEMENT for the stipulated duration of this AGREEMENT. The EMPLOYER and the UNION each voluntarily waives the right to meet and negotiate regarding any and all terms and conditions of employment covered by this AGREEMENT, even though such terms or conditions may not have been within the knowledge or contemplation of either or both parties at the time this AGREEMENT was negotiated or executed.

ARTICLE XXIV - DURATION

This AGREEMENT shall be effective as of December 20, 2016 and shall remain in full force and effect until the December 15, 2017 or until a successor AGREEMENT is reached, whichever is later.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT on this day of April, 2017.

FOR THE CITY OF MINNETONKA FOR LAW ENFORCEMENT LABOR SERVICES, INC.

________________________________  ________________________________

________________________________  ________________________________

________________________________  ________________________________
Appendix A Wage Rates

<table>
<thead>
<tr>
<th></th>
<th>2016 STEP 1 (Start)</th>
<th>2016 STEP 2 (One Year)</th>
<th>2016 STEP 3 (Two Years)</th>
<th>2016 STEP 4 (Three Years)</th>
<th>2016 STEP 5 (Four Years)</th>
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<tr>
<td>Annual</td>
<td>$53,327.04</td>
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<td>$27.063</td>
<td>$27.775</td>
<td>$28.487</td>
</tr>
<tr>
<td>2017 STEP 1 (Start)</td>
<td>2017 STEP 2 (One Year)</td>
<td>2017 STEP 3 (Two Years)</td>
<td>2017 STEP 4 (Three Years)</td>
<td>2017 STEP 5 (Four Years)</td>
<td></td>
</tr>
</tbody>
</table>

For 2015-2017, the market adjustment will be determined using the 2014-2016 League of Minnesota Cities Metro Area Salary Survey. The comparison cities will be Bloomington, Eden Prairie, Edina, and St. Louis Park.

Minnetonka’s 2014-2016 maximum wage rate for public safety dispatchers will be multiplied by the base pay increase (1.00% for 2015) (1.50% in 2017). The 2014-2016 weighted mean for public safety dispatchers for the above-noted comparison cities will be multiplied by the base pay increase (1.00% for 2015) (1.50% for 2017). If Minnetonka’s maximum wage rate is above the weighted mean, no market adjustment will be made in 2015-2017. If Minnetonka’s maximum wage rate is below the weighted mean, the public safety dispatchers maximum wage rate will be adjusted by the percentage difference between Minnetonka’s maximum wage rate and the weighted mean of the comparison group. Each remaining wage step will be adjusted accordingly.

This same process will be repeated using 2015-2017 data to determine if there is a 2016-2018 market adjustment.
Appendix B INCENTIVE PAY PROGRAM

A. The Incentive Pay Program is a voluntary program designed to promote personal growth and performance for all employees. It provides opportunities for employees to earn additional compensation. All compensation for this program will be paid in a lump sum payment at the end of the year. Employees may choose to participate in any three of the components. Since the program is voluntary, employees will not be compensated for off duty time in which they are involved in or preparing for components of the program.

B. Listed below is a summary of the requirements for receiving additional compensation for each of the components of the Incentive Pay Program. The actual details on the implementation and administration of the program will be part of an administrative policy. The EMPLOYER agrees to meet and confer with the UNION on the development of the administrative policy which will outline the details of these program components.

1. Continuing Education - Employees with one (1) year of service who choose to participate in this component of the program are eligible to receive 1% (one percent) 1.3% (one and three-tenths) of base pay in additional compensation when qualifying for this component. Employees who demonstrate a commitment to continuing education/training are qualified to receive compensation under this component. This can be accomplished by annually taking and successfully completing a minimum of two college courses (six credits) in a job related field from an accredited institution of higher learning or receiving a minimum of 14 continuing education unit (CEU) credits in a job-related field. Classes must be attended on off duty time and be pre-approved by the Chief of Police. Education/training taken during the contract year will be used to determine an employee's eligibility for this component.

2. Community Service - Employees with one (1) year of service who choose to participate in this component of the program are eligible to receive 1% (one percent) 1.1% (one and one-tenth) of base pay in additional compensation. Community service activities must be pre-approved by the Chief of Police and employees must provide evidence of participation in the activity in the amount of not less than 50 hours for the calendar year;

3. Skill Assessment- Employees with one (1) year of service who choose to participate in this component of the program are eligible to receive 1% (one percent) 1.3% (one and three-tenths) of base pay in additional compensation. Employees who receive a passing score on an annual written skill assessment are qualified to receive compensation under this component. The skill assessment will be based on information from the Department Policy and Procedures Manual, City ordinances, CJIS, NCIC, Minnetonka geography, CAD program, and other applicable job-related information.

The 50 question skill assessment will be developed and administered under the direction of the Chief of Police and a score of 75% is considered passing.

4. Wellness/fitness- Employees with one (1) year of service who make substantial progress on personalized wellness/fitness goals are eligible to receive 1% (one percent) 1.3% (one and three-tenths) of base pay in additional compensation. Each employee who chooses to participate in this program will receive a personalized wellness/fitness profile with stated goals to maintain or improve their overall health. The program will be administered by the Chief and will be in compliance with all local, state, and federal laws governing discrimination based on gender, race, or age. Employees will be evaluated for compliance with the goals a minimum of two years, and more frequently if factors warrant.

5. Special Skills- Employees who have demonstrated proficiency in one or more of the following areas are eligible to receive 1% (one percent) 1.1% (one and one-tenth) of base pay in additional compensation. Eligibility must be pre-approved by the Chief of Police and employees must provide evidence of competency.

   • First Responder - annual certification/re-certification
   • Fluency in a language other than English (Spanish, Russian)
   • Fluency in sign language
• Assignment by the Employer as a Communications Training Officer.
• Assignment by the Employer as a Crisis Negotiator.
• Other competencies as mutually agreed upon between the Employer and the Union.

6. Organizational Awareness- Employees with two (2) years of service who choose to participate in at least 14 hours on off-duty time of Employer-designated and authorized training regarding specific City department or public safety support functions are eligible to receive 1% (one percent) - 1.1% (one and one-tenth) of base pay in additional compensation. Examples of the functions in section B.6. include, but are not necessarily limited to, fire, legal, planning, inspections and paramedic services.

C. Employees with one year of service shall receive performance pay as follows:

1. Organizational performance pay - The focus of the organizational performance pay is achievement of organization-wide goals as established by the city council. On an annual basis, employees shall be awarded performance pay in the lump sum amount based on the grade achieved by the organization as follows: for a grade of 4.0, each employee will be awarded $100 - $500; for a grade of less than 4.0, the award will be prorated based on the actual percentage achieved (e.g., 3.8 grade is 95% of 4.0, so 95% of $100 = $95; $500 = $475, 3.5 grade is 87.5% of 4.0, so 87.5% of $100 = $87.50; $500 = $437.50, etc.).

2. Departmental performance pay - The focus of the departmental performance pay is achievement of department-wide goals and performance indicators as established and evaluated annually by a representative group of employer, union and other police department employees. On an annual basis, employees shall be awarded performance pay in the lump sum amount based on the percentage of goals/indicators achieved by the department as follows: 100% achievement will be awarded 1.5% (one and one-half percent) of base pay; achievement less than 100% shall be prorated based on the actual percentage achieved (e.g., 97% achievement = 97% of 1.5% base pay; 92% achievement = 92% of 1.5% base pay, etc.).

3. Compensation for organizational and departmental performance pay will be paid in lump sums at the same time it is awarded to non-organized personnel.
LABOR AGREEMENT BETWEEN

THE CITY OF MINNETONKA

AND

LAW ENFORCEMENT LABOR SERVICES, INC
(Dispatchers)

Effective December 15, 2016 through December 14, 2017.
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LABOR AGREEMENT BETWEEN  
CITY OF MINNETONKA  
AND  
LAW ENFORCEMENT LABOR SERVICES, INC.

ARTICLE I - PURPOSE OF AGREEMENT

This AGREEMENT is entered into between the City of Minnetonka hereinafter called the EMPLOYER, and Law Enforcement Labor Services, Inc., hereinafter called the UNION.

The intent and purpose of this AGREEMENT is to:

1.1 Establish certain hours, wages, and other conditions of employment;

1.2 Establish procedures for the resolution of disputes concerning this AGREEMENT’S interpretation and/or application;

1.3 Specify the full and complete understanding of the parties; and

1.4 The EMPLOYER and the UNION, through this AGREEMENT, shall continue their dedication to the highest quality of public service. Both parties recognize this AGREEMENT as a pledge of this dedication.

ARTICLE II - RECOGNITION

2.1 The EMPLOYER recognizes the UNION as the exclusive representative for all employees in a unit certified by the State of Minnesota Bureau of Mediation Services in Case No. 98-PCE-1620 as:

All Dispatchers employed by the City of Minnetonka, Minnesota who are public employees within the meaning of Minn. Stat. 179A.03, subd. 14, excluding supervisory, confidential and all other employees.

2.2 In the event the EMPLOYER and the UNION are unable to agree as to the inclusion or exclusion of a new or modified job class, the issue shall be submitted to the Bureau of Mediation Services for determination.

ARTICLE III - DEFINITIONS


3.2 EMPLOYER: The City of Minnetonka.


3.4 EMPLOYEE: A member of the exclusively recognized bargaining unit.

3.5 DEPARTMENT: The City of Minnetonka Police Department.
DIRECTOR: The Chief of Police of the City of Minnetonka Police Department.

OVERTIME: Work performed in excess of the Employee's scheduled shift.

CALL BACK: Return of an employee from off duty status to a specified work site to perform assigned duties at the express authorization of the Employer at a time other than a scheduled shift.

IMMEDIATE FAMILY: Spouse, children, parents, siblings, grandparents, grandchildren, parents-in-law, children-in-law, similar step family members, or such other persons as the City Manager deems appropriate.

SENIORITY, EMPLOYER SENIORITY: Length of continuous service with Employer from last date of hire.

SENIORITY, JOB CLASSIFICATION SENIORITY: Length of service in any job classification covered by this agreement.

ARTICLE IV - UNION SECURITY

In recognition of the UNION as the exclusive representative the EMPLOYER shall:

Deduct monthly, an amount sufficient to provide the payment of dues established by the UNION from the wages of all employees authorizing by deduction card such deduction; and

Remit such deduction to the appropriate designated officer of the UNION; and

The Employer will furnish a list of all employees in job classifications recognized in this bargaining unit to the Union by request.

Bulletin Board. The EMPLOYER shall make space available on an employee bulletin board for posting Union notices and announcements.

The Union agrees to indemnify and hold the EMPLOYER harmless against any and all claims, suits, orders, or judgments brought or issued against the City as a result of any action taken or not taken by the City under the provisions of this Article.

ARTICLE V - EMPLOYER AUTHORITY

The EMPLOYER retains the full and unrestricted right to operate and manage all personnel, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct and determine the number of personnel; to establish work schedules; and to perform any inherent managerial function not specifically limited by this AGREEMENT.

Any term and condition of employment not specifically established or modified by this AGREEMENT shall remain solely within the discretion of the EMPLOYER to modify, establish or eliminate.

ARTICLE VI - EMPLOYEE RIGHTS-GRIEVANCE PROCEDURE

5510.5130 DEFINITIONS

Subpart 1 Scope. For the purposes of parts 5510.5110 to 5510.5190 the words defined in this part
have the meanings given them.


Subp.3. Days. "Days" means calendar days.

Subp. 4. Employee. "Employee" means any public employee who is employed in a position that is part of an appropriate unit for which an exclusive representative has been certified under Minnesota Statutes, section 179A.12.

Subp. 5. Grievance. "Grievance" means a dispute or disagreement regarding the application or interpretation of any term of a contract required under Minnesota Statutes, section 179A.20, subdivision 1. If no contract exists between the exclusive representative and the employer, "grievance" means a dispute or disagreement regarding the existence of just cause in the discipline of any employee or the termination of non-probationary employees.

Subp.6. Non-probationary. "Non-probationary" means an employee who has completed an initial probationary period required as a part of the public employer's employment process.

Subp. 7. Party. "Party" means either the exclusive representative and its authorized agent or the employer and its authorized representative.

Subp. 8. Service. "Service" means personal delivery or service by the United States Postal Service, postage prepaid and addressed to the individual or organization at its last known mailing address. Service under parts 5510.5110 to 5510.5190 is effective upon deposit with the United States Postal Service, as evidenced by a postmark or dated receipt, or upon personal delivery.

STAT AUTH: MS s 179A.04 subd 3 para (f)
HIST: 11 SR 2077

5510.5131 COMPUTATION OF TIME

In computing any period of time prescribed or allowed by parts 5510.5110 to 5510.5190, the day or act or event upon which a period of time begins to run shall not be included. The last day of the time period shall be included unless it is a Saturday, Sunday, or holiday.

STAT AUTH: MS s 179A.04 subd3 para (f) HIST: 11 SR 2077

5510.5140 STEP ONE

When an employee or group of employees represented by an exclusive representative has a grievance, the employee or an agent of the exclusive representative shall attempt to resolve the matter with the employee's immediate supervisor within 21 days after the employee, through the use of reasonable diligence, should have had knowledge of the event or act giving rise to the grievance. The supervisor shall then attempt to resolve the matter and shall respond in writing to the grievant and the agent of the exclusive representative within five days after the grievance is presented.

STAT AUTH: MS s 179A.04 subd 3 para (f)
HIST: 11 SR 2077

5510.5150 STEP TWO

If the supervisor has not been able to resolve the grievance or has not responded in writing within the time period provided in part 5510.5140 (step one), a written grievance may be served on the next appropriate level
of supervision by the exclusive representative. The written grievance shall provide a concise statement outlining
the nature of the grievance, the provisions of the contract or the just cause situation in dispute, and a statement of
the relief or remedy requested. The written grievance must be served on the employer's representative within 15
days after the immediate supervisor's response was due under part 5510.5140 (step one). The employer's
representative shall meet with the agent of the exclusive representative within five days after service of the written
grievance and both parties shall attempt to resolve the grievance. The Employer's representative shall serve a
written response to the grievance on the agent of the exclusive representative within five days of the meeting. The
response shall contain a concise statement of the employer's position on the grievance and the remedy or relief the
employer is willing to provide, if any.

STAT AUTH: MS s 179A.04 subd 3 para (f)
HIST: 11 SR 2077

5510.5160 STEP THREE

If the grievance is not resolved under part 5510.5150 (step two), the exclusive representative may serve
the written grievance upon the chief administrative agent of the employer or that person's designated
representative within ten days after the written response required by part 5510.5150 (step two) was due. An agent
of the exclusive representative shall meet with the chief administrative officer or designee within five days of
service of the written grievance and they shall attempt to resolve the matter. The chief administrative officer or
designee shall serve a written response to the grievance on the agent of the exclusive representative within five
days of the meeting.

STAT AUTH: MS s 179A.04 subd 3 para (f)
HIST: 11 SR 2077

5510.5170 ARBITRATION

Subpart 1. Referral to arbitration. If the response of the chief administrative officer or designee is not
received within the period provided in part 5510.5160 (step three) or is not satisfactory, the exclusive
representative may serve written notice on the employer of its intent to refer the case to arbitration within ten days
after the response required by part 5510.5160 (step three) is due.

Subp. 2. Selection of arbitrator. Within ten days of the service of written notice of intent to arbitrate, the
employer's chief administrative officer or designee shall consult with the agent of the exclusive representative
and endeavor to mutually agree upon an arbitrator to hear and decide the grievance. If the parties do not agree
upon the selection of an arbitrator, either party may request a list of impartial arbitrators from the bureau. The
parties shall alternately strike names from a list of seven names to be provided by the bureau until only one name
remains, and the remaining name shall be the designated arbitrator. The determination of which party will
commence the striking process shall be made by mutual agreement or a flip of a coin. If one party refuses to
strike names from the list provided by the bureau, the other party may serve written notice of this fact upon the
bureau, with a copy to the offending party. Unless it is confirmed that the parties have otherwise selected or
agreed upon an arbitrator within three days of service of the notice of refusal or failure to strike names, the
bureau shall designate one name from the list previously provided to the parties and the person so designated by
the bureau shall have full power to act as the arbitrator of the grievance.

Subp. 3. Arbitrator's authority. The arbitrator shall have no authority to amend, modify, add to, or
subtract from the terms of an existing contract. The decision and award of the arbitrator shall be final and
binding upon both parties.

Subp. 4. Arbitration expenses. The employer and the exclusive representative shall share equally the
arbitrator's fees and necessary expenses. Cancellation fees shall be paid by the party requesting the cancellation
and any fees incurred as the result of a request for clarification shall be paid by the party requesting the
clarification. Each party shall be responsible for compensating its own representatives and witnesses except to the
extent provided by part 5510.5180, subpart 1.

Subp. 5. Transcripts and briefs. Because arbitration is intended to provide a simple, speedy alternative
to litigation processes, the use of transcripts and briefs should be considered only in exceptional circumstances. If
a verbatim record is required, it may be prepared providing the party desiring the record pays the cost and makes
a copy available to the other party and the arbitrator without charge. The arbitrator may maintain written notes of
the hearing and may use an electronic recording device to supplement the note taking. These notes shall be
considered the arbitrator's private and personal property and shall not be made available to the parties or another third party. If a recording device is used by the arbitrator to supplement the arbitrator's notes, the arbitrator shall retain the recording for a period of 90 days following the issuance of the award.

STAT AUTH: MS s 179A.04 subd 3 para (f)
HIST: 11 SR 2077

5510.5180 PROCESSING OF GRIEVANCES

Subpart 1. Release time. To the fullest extent feasible, the processing of grievances under parts 5510.5110 to 5510.5190 shall be conducted during the normal business hours of the employer. Employees designated by the exclusive representative shall be released from work without loss of regular non-overtime earnings as a result of their necessary participation in meetings or hearings held pursuant to parts 5510.5110 to 5510.5190, whenever such release is consistent with the ability of the employer to conduct safe and reasonable operations. No more than three employees shall be entitled to compensation for participation in a single meeting or hearing with respect to any one grievance.

Subp. 2. Waiver of steps. The parties may by written mutual agreement waive participation in the grievance steps in parts 5510.5140 to 5510.5160 and may similarly agree to extend the time limits established by parts 5510.5140 to 5510.5170.

Subp. 3. Time limits. A failure to raise a grievance within the time limits specified in part 5510.5140, or to initiate action at the next step of the procedure in parts 5510.5140 to 5510.5170 within the time limits in these parts shall result in forfeiture by the exclusive representative of the right to pursue the grievance. A failure of an employer representative to comply with the time periods and procedures in parts 5510.5140 to 5510.5170 shall require mandatory alleviation of the grievance as requested in the last statement by the exclusive representative.

STAT AUTH: MS s 179A.04 subd 3 para (f)
HIST: 11 SR 2077

ARTICLE VII - SAVINGS CLAUSE

This AGREEMENT is subject to law. In the event any provision of this AGREEMENT shall be held to be contrary to law by court of competent jurisdiction from whose final judgment or decree no appeal has been taken within the time provided, such provision shall be voided. All other provisions of this AGREEMENT shall continue in full force and effect. To the extent a provision of the contract is declared to be contrary to law by a court of final jurisdiction or administrative ruling or is in violation of legislation or administrative regulations, said provision shall be void and of no effect. The voided provision may be renegotiated at the request of either party.

ARTICLE VIII - DISCIPLINE

8.1 The EMPLOYER will discipline employees for just cause only. Discipline will be in one of the following forms:

a. oral reprimand;

b. written reprimand;

c. suspension;

d. demotion; or

e. discharge.

8.2 Notices of suspension, demotion and discharges will be in written form and will state the reason(s) for the action taken. Suspension will set forth the time period for which the suspension will be effective. Demotions will state the classification to which the employee is demoted. The UNION Business Agent will be provided with a copy of each such notice.
8.3 Written reprimands, notices of suspensions and notices of discharge which are to become part of an employee's personnel file will be read and acknowledged by signature of the employee. The employee and the UNION will receive a copy of such reprimands and/or notices.

8.4 Employees will not be questioned concerning an investigation of disciplinary action unless the employee has been given adequate opportunity to have a UNION representative present at such questioning.

8.5 Discharges of non-veterans will be preceded by a five (5) calendar day suspension without pay.

8.6 Employees may examine their own individual personnel files at reasonable times under the direct supervision of the EMPLOYER.

8.7 Grievances relating to this ARTICLE shall be initiated by the UNION in Step 2 of the grievance procedure.

ARTICLE IX - HOURS OF WORK AND OVERTIME PAY

9.1 The normal work year for full-time employees is two thousand eighty (2,080) hours; the normal work week is 40 hours/week, to be accounted for by each employee through:

- a) hours worked on assigned shifts;
- b) holidays;
- c) assigned training;
- d) authorized leave time.

9.2 The normal work year/work week for part-time employees are less than 2080 hours/year and less than 40 hours/week.

9.3 Hours worked in excess of scheduled workday within a 24-hour period shall be compensated at one and one-half (1-1/2) times the employee's basic hourly rate of pay. A change of scheduled work day within a 24-hour period does not qualify for overtime. In lieu of being compensated for overtime in cash, the employee may accrue compensatory time. The employee may use that compensatory time after obtaining the approval of the EMPLOYER. Such compensatory time will be computed at the rate of one and one-half (1-1/2) hours off for every hour of overtime worked. Overtime is to be calculated to the nearest 15 minutes. Changes in shift mutually agreed upon do not qualify an Employee for overtime, unless the time is greater than the scheduled workday.

9.4 For the purpose of computing overtime compensation, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked.

9.5 When a vacancy requires a dispatcher to be called in on overtime, supervisors shall fill such vacancy based on seniority and the following factors: they will first consider dispatchers working the same shifts, then contact remaining dispatchers. Supervisors may also use dispatchers on either side of the vacancy if they cannot locate a dispatcher or it is four hours or less before the shift. If necessary, the shift supervisors may temporarily use a police officer, or other employee trained in dispatch, as a dispatcher until calling a relief dispatcher back to duty.

9.6 Employees called back to work from off-duty status will be paid a minimum of two (2) hours pay at one and one-half (1 1/2) times the employee's regular rate of pay rate. An extension of, or an early report to, a scheduled shift does not qualify for call back time minimum if that time is paid as overtime.

9.7 Employees may voluntarily switch shifts, with the approval of the Employer. Voluntary switching of shifts will not obligate the EMPLOYER for overtime pay.

9.8 Employees called back for unscheduled, scheduled work day changes within a 48 hour period shall
receive two (2) hours of pay at one and one-half (1 1/2) times their normal basic hourly rate of pay, either in cash or in compensatory time, at the option of the Employee.

Employees who are required to standby for court appearances shall receive a minimum of two and one-half (2 1/2) hours straight time either in cash or compensatory time, for all time they are directed to standby.

**ARTICLE X- SENIORITY**

10.1 Seniority will be the determining criterion for transfers and promotions within the bargaining unit when job relevant qualifications are equal.

10.2 Job classification seniority will be the determining criterion for layoffs and recall. Recall rights under this provision will continue for twenty-four (24) months after lay off. Recalled employees shall have ten (10) working days after notification of recall by registered mail at the employee's last known address to report to work or forfeit all recall rights.

10.3 Change in status from full-time to part-time will be accomplished on the basis of seniority.

10.4 Seniority is defined as the employee's length of continuous service in the job classification of Dispatcher based upon hours worked.

10.5 Seniority will be broken only by separation from service by reasons of resignation, discharge for cause, retirement or death.

10.6 When two or more employees have the same seniority date, their position on the seniority list shall be determined by lot.

10.7 Senior qualified employees shall be given shift assignment preference after eighteen (18) months of continuous full-time employment.

10.8 Employees promoted from the employer's public safety dispatchers' bargaining unit to the police supervisors' bargaining unit shall retain bumping rights in the public safety dispatchers' bargaining unit in lieu of layoff based on the employee's length of continuous employment. In the event of layoff in the supervisors' bargaining unit, an employee promoted as noted may bump the least senior dispatcher in lieu of layoff.

**ARTICLE XI- PROBATIONARY PERIODS**

11.1 All newly hired or rehired employees will serve a probationary period of 2080 hours after appointment. Any extended leave periods will extend the probationary period by the amount of the leave.

11.2 All employees will serve a probationary period of 1040 hours after appointment in any job classification in which the employee has not served a probationary period. Any extended leave periods will extend the probationary period by the amount of the leave.

11.3 At any time during the probationary period a newly hired or rehired employee may be terminated at the sole discretion of the EMPLOYER.

11.4 At any time during the probationary period a promoted or reassigned employee may be demoted or reassigned at the sole discretion of the EMPLOYER. The employee demoted or reassigned will be returned to the employee's previous position.
ARTICLE XII - JOB SAFETY

The EMPLOYER and the UNION agree to jointly promote safe and healthful working conditions, to cooperate in safety matters and to encourage employees to work in a safe manner.

ARTICLE XIII - TRAINING

The EMPLOYER will make available and pay for such training as is required for employees to maintain licenses or certifications, or for safety, or as is required by the State of Minnesota.

ARTICLE XIV - WAGES

14.1 The rates of pay are set forth in Appendix A, attached hereto and made a part thereof.

14.2 Employees in the following assignment shall be paid a differential as specified below:

   Communications Training Officer
   (when performing assigned Communications Training Officer duties):
   $2.00/hour.

14.3 An employee working unaccompanied will be paid a differential of an additional $2.00 for each hour worked alone.

ARTICLE XV - HOLIDAYS

15.1 Employees shall receive eight (8) hours of straight-time pay or eight (8) hours of compensatory time, at the option of the employee, for each holiday listed below. The employee may use that compensatory time after obtaining the approval of the EMPLOYER.

   New Year's Day, January 1
   Martin Luther King's Birthday, Third Monday in January
   Presidents Day, Third Monday in February
   Memorial Day, Last Monday in May
   Independence Day, July 4
   Labor Day, First Monday in September
   Veterans Day, November 11
   Thanksgiving Day, Fourth Thursday in November
   Thanksgiving Friday, Day after Thanksgiving
   Christmas Day, December 25

Two (2) additional days (sixteen (16) hours) shall be known as "Floating Holidays" and may be taken as a holiday on any day throughout the year at the election of the Employee with the approval of the Chief of Police or another EMPLOYER designated representative.

15.2 Employees who are required to work on a holiday shall be paid at time and one half (1 1/2) their base hourly wage rate for all of the hours of any shift that begins on a listed holiday.

ARTICLE XVI - VACATIONS

16.1 Regular full-time employees shall be eligible for earned vacation leave on the following basis:
From the beginning of continuous employment through the fifth (5th) year of continuous employment, 3.08 hours for each two-week pay period; from the beginning of the sixth (6th) year through the tenth (10th) year of continuous employment, 4.62 hours for each two-week pay period; during each of the following years of continuous employment, each employee shall earn vacation at the rates as specified:

- 11th year: 4.93 hours for each two-week pay period;
- 12th year: 5.23 hours for each two-week pay period;
- 13th year: 5.54 hours for each two-week pay period;
- 14th year: 5.85 hours for each two-week pay period;
- 15th year+: 6.16 hours for each two-week pay period.

16.2 Employees may accrue vacation leave not to exceed the following based on the employee’s rate of vacation earned:

<table>
<thead>
<tr>
<th>Rate of vacation earned</th>
<th>Maximum hours of accrued vacation leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>80 hours per year</td>
<td>200 hours</td>
</tr>
<tr>
<td>120 hours per year</td>
<td>225 hours</td>
</tr>
<tr>
<td>128 – 160 hours per year</td>
<td>250 hours</td>
</tr>
<tr>
<td>200 hours per year</td>
<td>275 hours</td>
</tr>
</tbody>
</table>

No employee shall be permitted to waive vacation leave for the purpose of receiving double pay.

16.3 Upon separation or retirement, a cash payment computed at the employee's current rate of pay shall be made for accrued vacation leave.

16.4 Seniority will be the basis for the employee's choice for vacation scheduling.

16.5 Employee vacation requests shall be responded to by the EMPLOYER within 14 days after submittal by the employee.

ARTICLE XVII - SICK LEAVE

17.1 Employees shall earn eight hours of sick leave for each full month of employment. Sick leave may be used only to the extent that it is earned. Sick leave shall be authorized in cases of necessity or actual illness in accordance to MN Statute 181.9413, City Policy, and Department Policy.

17.2 Sick leave may be used for absences due to an illness, injury, or hospitalization of the employee, employee’s minor child, adult child, spouse, sibling, parent, in-law, grandchild, grandparent, or stepparent. Employees may also request use of sick leave for the serious illness, injury or hospitalization for members of immediate family not included above, which may be granted at the discretion of the EMPLOYER.

17.3 Each employee may donate up to two (2) days of accrued sick leave per year to other employees in accordance with administrative policy.
ARTICLE XVIII - LEAVES OF ABSENCE

Employees using paid leave time shall be considered to be working for the purpose of accruing benefits.

18.1 A maximum of three (3) days of sick leave may be taken in the event of a death in the employee's immediate family. An additional seven days of sick leave may be taken upon written approval of the employer.

18.2 Court/Jury Duty. Employees subpoenaed as witnesses or called for jury duty shall be granted paid leave of absence for the time necessary to complete those duties. All fees received as a witness or juror, except mileage fees for use of the employee's private vehicle, shall be paid to the City.

18.3 Injured on Duty Leave. Employees unable to work because of a work related injury shall be entitled to injured on duty leave up to the equivalent of a maximum of 1040 working hours from the date of injury. Thereafter, the employee must use accumulated sick leave. Any worker's compensation benefits for lost time or wages paid to the injured employee while using injured on duty or sick leave shall be paid to the City. If it is determined by a medical provider acceptable to the city that an employee has a permanent injury that will not allow the employee to return to work, the injury on duty benefit terminates and thereafter accrued sick leave must be used. Injured on duty leave shall not be provided to employees who fail to comply with procedures required by the EMPLOYER for reporting work related injuries.

18.4 Employees are eligible for Family Medical Leave as required by law.

ARTICLE XIX - INSURANCE

19.1 Health. For each benefit-earning employee electing health insurance coverage through the Employer-sponsored cafeteria benefits program, the Employer's monthly contribution toward that employee's benefits program is nine hundred twenty five ($925) for those electing Single Coverage; one thousand fifty ($1,050) for Employee plus Spouse or Employee plus Child(ren) Coverage; or one thousand one hundred fifty ($1,150) for Family Coverage in plan year 2017.

For each benefit-earning employee electing health insurance coverage through the Employer-sponsored cafeteria benefits program and who participates in the Employer sponsored health initiative program, receives $100 per month. Each benefit-earning employee who opts out of the Employer sponsored cafeteria benefits program who participates in the employer-sponsored health initiative program receives $50 per month in plan year.

19.2 Life. The EMPLOYER agrees to pay the full cost of a $35,000 life insurance policy for each employee covered by this AGREEMENT.

19.3 Long Term Disability Insurance. The EMPLOYER will provide employees with Long Term Disability Insurance provided that a sufficient number of employees enroll to meet the insurer's eligibility requirements. The cost of the insurance will be paid through deductions in each employee's accrued sick leave account of hours of time sufficient to provide for the payment of premiums.

19.4 In the event the health insurance provisions of this Agreement fail to meet the requirements of the Affordable Care Act and its related regulations or cause the Employer to be subject to a penalty, tax or fine, the Union and the Employer will meet immediately to bargain over alternative provisions so as to comply with the Act and avoid and/or minimize any penalties, taxes or fines for the Employer.

ARTICLE XX - UNIFORMS

20.1 The City shall provide the initial uniform issue for each employee and thereafter provide City required uniforms and equipment as necessary.
**ARTICLE XXI - SEVERANCE PAY**

21.1 To be eligible for severance pay, employees must be regular employees on the date of termination, and have a total of 10 years of continuous service as a regular employee. Severance pay is granted to eligible employees when they leave the municipal service in good standing for one of the following reasons:

1. Elimination of their classification or position by the City.
2. Separation from City employment when the employee is eligible, based on age and/or service requirements, for an annuity from the Public Employees Retirement Association whether or not the employee starts receiving those benefits.
3. Mandatory retirement or termination of employment due to health reasons, service-connected injury, or illness. A letter from a physician is required to indicate an employee's inability to perform essential functions of the job.

21.2 Employees shall be entitled to severance pay equal to the greater of:

1. Four weeks of appropriate pay plus one additional week of appropriate pay for each year of service beyond 10 years, not to exceed a total of 13 weeks appropriate pay, or
2. One-third of the employee's accumulated sick leave at the appropriate pay rate.

For both options, the appropriate pay shall be determined by dividing the employee's number of scheduled hours during the years used to qualify for severance pay by the number of full-time hours for the same period. The resulting percentage shall be applied to the full-time wage rate for the employee's position at termination to achieve the amount of appropriate pay.

For example, an employee who worked 8 years with 30 scheduled hours per week and 2 years with 40 scheduled hours per week would be entitled to 80% of full-time pay: (8x30+2x40) divided by 400 = 80%.

An employee who worked full-time for the entire qualifying period would be entitled to 100% of full-time pay.

21.3 Employees who qualify to receive severance pay upon retiring from the city, as defined by the personnel policy, must place 100% of their severance pay and unused vacation in their individual Retiree Health Savings Plan accounts at the time of retirement.

21.4 Employees eligible for severance pay in accordance with Article 21.1 who submit a written notice of separation from City employment at least three months prior to that separation and who do not revoke it will receive the amount of severance pay pursuant to the policy plus an additional ten percent of that amount.

**ARTICLE XXII - PART-TIME EMPLOYEES**

Regular part-time employees who are scheduled for more than 14 hours per week shall earn pro rata benefits for holidays, sick leave, and vacation.

**ARTICLE XXIII - WAIVER**

23.1 Any and all prior agreements, resolutions, practices, policies, rules and regulations regarding terms and conditions of employment, to the extent inconsistent with the provisions of this AGREEMENT, are hereby superseded.

23.2 The parties mutually acknowledge that during the negotiations which resulted in this AGREEMENT,
each had the unlimited right and opportunity to make demands and proposals with respect to any terms or conditions of employment not removed by law from bargaining. All agreements and understandings arrived at by the parties are set forth in writing in this AGREEMENT for the stipulated duration of this AGREEMENT. The EMPLOYER and the UNION each voluntarily waives the right to meet and negotiate regarding any and all terms and conditions of employment covered by this AGREEMENT, even though such terms or conditions may not have been within the knowledge or contemplation of either or both parties at the time this AGREEMENT was negotiated or executed.

ARTICLE XXIV - DURATION

This AGREEMENT shall be effective as of December 15, 2016 and shall remain in full force and effect until the December 14, 2017 or until a successor AGREEMENT is reached, whichever is later.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT on this day of, February 2017.

FOR THE CITY OF MINNETONKA

________________________________

FOR LAW ENFORCEMENT LABOR SERVICES, INC.

________________________________

________________________________

________________________________
Appendix A Wage Rates

<table>
<thead>
<tr>
<th>2017</th>
<th>STEP 1 (Start)</th>
<th>STEP 2 (One Year)</th>
<th>STEP 3 (Two Years)</th>
<th>STEP 4 (Three Years)</th>
<th>STEP 5 (Four Years)</th>
</tr>
</thead>
</table>

For 2017, the market adjustment will be determined using the 2016 League of Minnesota Cities Metro Area Salary Survey. The comparison cities will be Bloomington, Eden Prairie, Edina, and St. Louis Park.

Minnetonka’s 2016 maximum wage rate for public safety dispatchers will be multiplied by the base pay increase (1.50% in 2017). The 2016 weighted mean for public safety dispatchers for the above-noted comparison cities will be multiplied by the base pay increase (1.50% for 2017). If Minnetonka’s maximum wage rate is above the weighted mean, no market adjustment will be made in 2017. If Minnetonka’s maximum wage rate is below the weighted mean, the public safety dispatchers maximum wage rate will be adjusted by the percentage difference between Minnetonka’s maximum wage rate and the weighted mean of the comparison group. Each remaining wage step will be adjusted accordingly.

This same process will be repeated using 2017 data to determine if there is a 2018 market adjustment.
Appendix B INCENTIVE PAY PROGRAM

A. The Incentive Pay Program is a voluntary program designed to promote personal growth and performance for all employees. It provides opportunities for employees to earn additional compensation. All compensation for this program will be paid in a lump sum payment at the end of the year. Employees may choose to participate in any three of the components. Since the program is voluntary, employees will not be compensated for off duty time in which they are involved in or preparing for components of the program.

B. Listed below is a summary of the requirements for receiving additional compensation for each of the components of the Incentive Pay Program. The actual details on the implementation and administration of the program will be part of an administrative policy. The EMPLOYER agrees to meet and confer with the UNION on the development of the administrative policy which will outline the details of these program components.

1. Continuing Education - Employees with one (1) year of service who choose to participate in this component of the program are eligible to receive 1.3% (one and three-tenths) of base pay in additional compensation when qualifying for this component.

   Employees who demonstrate a commitment to continuing education/training are qualified to receive compensation under this component. This can be accomplished by annually taking and successfully completing a minimum of two college courses (six credits) in a job related field from an accredited institution of higher learning or receiving a minimum of 14 continuing education unit (CEU) credits in a job-related field. Classes must be attended on off duty time and be pre-approved by the Chief of Police. Education/training taken during the contract year will be used to determine an employee's eligibility for this component.

2. Community Service - Employees with one (1) year of service who choose to participate in this component of the program are eligible to receive 1.1% (one and one-tenth) of base pay in additional compensation. Community service activities must be pre-approved by the Chief of Police and employees must provide evidence of participation in the activity in the amount of not less than 50 hours for the calendar year;

3. Skill Assessment - Employees with one (1) year of service who choose to participate in this component of the program are eligible to receive 1.3% (one and three-tenths) of base pay in additional compensation. Employees who receive a passing score on an annual written skill assessment are qualified to receive compensation under this component. The skill assessment will be based on information from the Department Policy and Procedures Manual, City ordinances, CIJS, NCIC, Minnetonka geography, CAD program, and other applicable job-related information.

   The 50 question skill assessment will be developed and administered under the direction of the Chief of Police and a score of 75% is considered passing.

4. Wellness/fitness - Employees with one (1) year of service who make substantial progress on personalized wellness/fitness goals are eligible to receive 1.3% (one and three-tenths) of base pay in additional compensation. Each employee who chooses to participate in this program will receive a personalized wellness/fitness profile with stated goals to maintain or improve their overall health. The program will be administered by the Chief and will be in compliance with all local, state, and federal laws governing discrimination based on gender, race, or age. Employees will be evaluated for compliance with the goals a minimum of two years, and more frequently if factors warrant.

5. Special Skills - Employees who have demonstrated proficiency in one or more of the following areas are eligible to receive 1.1% (one and one-tenth) of base pay in additional compensation. Eligibility must be pre-approved by the Chief of Police and employees must provide evidence of competency.

   • First Responder - annual certification/re-certification
   • Fluency in a language other than English (Spanish, Russian)
   • Fluency in sign language
• Assignment by the Employer as a Communications Training Officer.
• Assignment by the Employer as a Crisis Negotiator.
• Other competencies as mutually agreed upon between the Employer and the Union.

6. Organizational Awareness- Employees with two (2) years of service who choose to participate in at least 14 hours on off-duty time of Employer-designated and authorized training regarding specific City department or public safety support functions are eligible to receive 1.1% (one and one-tenth) of base pay in additional compensation. Examples of the functions in section B.6. include, but are not necessarily limited to, fire, legal, planning, inspections and paramedic services.

C. Employees with one year of service shall receive performance pay as follows:

1. Organizational performance pay - The focus of the organizational performance pay is achievement of organization-wide goals as established by the city council. On an annual basis, employees shall be awarded performance pay in the lump sum amount based on the grade achieved by the organization as follows: for a grade of 4.0, each employee will be awarded $500 for a grade of less than 4.0, the award will be pro-rated based on the actual percentage achieved (e.g., 3.8 grade is 95% of 4.0, so 95% of $500 = $475, 3.5 grade is 87.5% of 4.0, so 87.5% of $500 = $437.50, etc.).

2. Departmental performance pay- The focus of the departmental performance pay is achievement of department-wide goals and performance indicators as established and evaluated annually by a representative group of employer, union and other police department employees. On an annual basis, employees shall be awarded performance pay in the lump sum amount based on the percentage of goals/indicators achieved by the department as follows: 100% achievement will be awarded 1.5% (one and one-half percent) of base pay; achievement less than 100% shall be pro-rated based on the actual percentage achieved (e.g., 97% achievement = 97% of 1.5% base pay; 92% achievement = 92% of 1.5% base pay, etc.).

3. Compensation for organizational and departmental performance pay will be paid in lump sums at the same time it is awarded to non-organized personnel.
Brief Description  Resolution approving a conditional use permit for accessory structures exceeding 1,000 square feet and 12 feet in height, and a variance to add a second curb cut, at 4142 Avondale Street

Recommendation  Adopt the resolution approving the conditional use permit and variance

Background

The applicants, Chad and Sheryl Vugteveen, are proposing to construct a 1,130 square foot detached garage with a second driveway. As there is already an existing detached garage on the property, the proposed garage will expand the total area of accessory structures on the site to 1,841 square feet, requiring a conditional use permit. The proposal also requires a variance, as second driveways are prohibited with conditional use permits for accessory structures exceeding 1,000 square feet or 12 feet in height.

The property owners have confirmed that they own and run a contracting business. Staff was initially concerned about this business, as contracting businesses – beyond office activities associated with such – are prohibited on residential property and commercial uses are a prohibited use of accessory structures receiving a conditional use permit. However, Mr. Vugteveen has stated that any equipment or items used by his contracting business are stored in a storage building in the City of Plymouth and that no equipment will be stored in the proposed garage or home. (See attached letter dated 1/31/17.) The only business conducted at Mr. Vugteveen’s home is office work, such as general paper work and construction design.

Planning Commission Hearing

The planning commission considered the proposal on February 16, 2017. The staff report from that meeting and various plans and documents describing the proposal are attached. Staff recommended approval, noting:

1) The proposed accessory structure would meet all of the general and specific conditional use permit standards, with the exception of the requirement prohibiting additional curb cuts.

2) The subject site, along with several other sites on Avondale Street, is permitted to have a second curb cut. City ordinance allows a second curb cut on the properties with lot frontage exceeding 110 feet. However, second curb cuts are prohibited as part of the requirements for a conditional use permit for accessory structures exceeding 1,000 square feet or 12 feet in height.
3) If approved, the proposal would not alter the essential character of the neighborhood.

At the commission meeting, a public hearing was opened to take comment. However, no comments were received.

**Planning Commission Recommendation**

On a 6-0 vote, the commission recommended that the city council approve the request. Meeting minutes are attached.

**Since Planning Commission Hearing**

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

**Staff Recommendation**

Staff recommends the city council adopt the resolution approving a conditional use permit for accessory structures exceeding 1,000 square feet and 12 feet in height, and a variance to add a second curb cut, at 4142 Avondale Street.

Through: Perry Vetter, Assistant City Manager  
Julie Wischnack, AICP, Community Development Director  
Loren Gordon, AICP, City Planner

Originator: Drew Ingvalson, Planner
Conditional use permit for accessory structures exceeding 1,000 square feet and 12 feet in height, and a variance to add a second curb cut, at 4142 Avondale Street.

Recommend the city council adopt the resolution approving the request

The applicants, Chad and Sheryl Vugteveen, are proposing to construct a 1,130 square foot detached garage with a second driveway. As there is already an existing detached garage on the property, the proposed garage will expand the total area of accessory structures on the site to 1,841 square feet. (See attached).

Proposal requirements:
This proposal requires:

- **Conditional Use Permit (CUP):** Accessory structures exceeding 12 feet in height and/or 1,000 square feet of gross floor area are conditionally permitted uses within residential districts.

- **Variance:** A conditional use permit standard for accessory structures exceeding 12 feet in height and/or 1,000 square feet is “no additional curb cuts to be permitted.”

The planning commission makes a recommendation to the city council, which has the final authority to approve or deny the request. (City Code §300.06.4).

There are two separate requests being made with this proposal: (1) a conditional use permit for an oversized accessory structure; and (2) a variance for a second curb cut. These have been separated into two different reviews.

Staff finds that the applicants’ request meets the specific and general conditional use permit standards outlined in city code.
General CUP Standards

The proposed accessory structure would meet the general standards outlined in city code as it would:

- Be consistent with the intent of the ordinance;
- Be consistent with the goals, policies and objectives of the comprehensive plan;
- Not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
- Not have an undue adverse impact on the public health, safety, or welfare of the community.

Specific CUP Standards

The proposed accessory structure would meet all of the specific CUP standards, with the exception of the requirement prohibiting additional curb cuts.

1. Side and rear setbacks equal to height of the structure or 15 feet, whichever is greater.

   Finding: The proposed structure would be setback 15 feet from the side property line and nearly 70 feet from the rear property line.

2. No additional curb cuts to be permitted.

   Finding: The applicant has proposed an additional curb cut on the property. The applicants have requested a variance for this non-compliance with the specific CUP standards.

3. Not to be used for commercial activities.

   Finding: The applicant has stated that the structure and property would not be used for commercial purposes. The applicant has stated that the structure would be used to store personal vehicles including a classic car, daily vehicle, snow blower, lawn mower, pair of snow mobiles, and other miscellaneous personal items.

4. Structure to be architecturally consistent with the principal structure.
**Finding:** The applicant is proposing that the structure would have architectural features similar to the existing home and detached garage.

5. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties.

**Finding:** The proposed structure is located over 90 feet from the nearest home. In addition, there is vegetation on the subject property and adjacent properties that will assist in buffering the views to the detached garage.

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

**Finding:** The proposed garage would meet the site and building plan standards as outlined in City Code Section 300.27 Subd. 5.

**Variance Standards**

Staff finds that the applicant’s request meets the variance standards outlined in city code.

1. The proposal is in harmony with the general purposes and intent of the zoning ordinance:

**Finding:** The proposal is in harmony with the general purposes and intent of the zoning ordinance.

The intent of the specific conditional use permit standard prohibiting additional curb cuts is to limit the proliferation of driveway accesses on residential lots. City Code Section 1105.060, which is outside of the zoning regulations chapter, addresses multiple driveways on single family lots. This section allows a lot to have a second driveway on the same street when the lot has a street frontage of at least 110 feet. The subject property has over 150 feet of frontage. Per this Section 1105.060, the subject property would be allowed a second curb cut if the property owner was not applying for a conditional use permit for an oversized accessory structure.

The proposal is in harmony with the general purposes and intent of the zoning ordinance as the subject property would be allowed a second curb cut if it weren’t for the conditional use permit request for an oversized accessory structure.
2. The proposal is consistent with the Comprehensive Plan:

   **Finding:** The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide investment into a property to enhance its use.

3. Practical Difficulties: There are practical difficulties in complying with the ordinance.

   a) Reasonableness and Circumstance Unique to the Property:

   **Finding:** Staff has found that the request for a variance to allow an additional curb cuts is reasonable. The subject property has 154 feet of street frontage. Per city code, properties are permitted to add a second curb cut as long as the property has at least 110 feet of street frontage. The subject property meets this requirement and would be permitted a second curb cut if the property owner was not requesting a conditional use permit for an accessory structure.

   Further, the subject property is nearly 45,000 square feet in area. The large area of the property and the large amount of frontage creates an acceptable situation for a second curb cut and driveway.

   b) Neighborhood Character:

   **Finding:** The subject area is not characterized by properties with two curb cuts. However, the addition of a second driveway on the subject property would not alter the essential character of the neighborhood. The subject neighborhood is largely characterized by the large lots, the majority are over 30,000 square feet, many of which have adequate frontage for a second driveway. Seven of the nine properties with frontage on Avondale Street, including the subject property, would be allowed a second driveway. Without construction of accessory structure over 1,000 square feet or 12 feet in height, such driveway could be administratively reviewed and approved. (See attached).
Staff Recommendation

Recommend that the city council adopt the attached resolution. This resolution approves a conditional use permit for 1,841 square feet of accessory structures that exceed 12 feet in height and a variance to add a second curb cut at 4142 Avondale Street.

Originator: Drew Ingvalson, Planner
Through: Loren Gordon, AICP, City Planner
## Supporting Information

<table>
<thead>
<tr>
<th>Project No.</th>
<th>17001.17a</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property</td>
<td>4142 Avondale Street</td>
</tr>
<tr>
<td>Applicants</td>
<td>Chad and Sheryl Vugteveen</td>
</tr>
<tr>
<td>Surrounding</td>
<td>All surrounding properties are improved with single family residential homes, zoned R-1 and guided for low density residential.</td>
</tr>
<tr>
<td>Land Uses</td>
<td></td>
</tr>
<tr>
<td>Planning</td>
<td>Guide Plan designation: Low density residential Zoning: R-1</td>
</tr>
<tr>
<td>Site features</td>
<td>The subject property is just over one acre in size. The property is improved with a split level single-family home with a detached garage. The detached garage has a gross floor area of 711 square feet. The detached garage has non-conforming front and side yard property line setbacks. The subject home was built in 1957. The majority of the homes on Avondale Street were built during the 1970s.</td>
</tr>
<tr>
<td>Proposal</td>
<td>The proposed detached garage would be 1,130 square feet in size and would be used to store a classic car, daily use car, snowmobiles, snow blower, lawn mower, and other miscellaneous personal items. As proposed, the building height is 12 feet 6 inches. The building height was found by measuring from the highest grade to the midpoint of the highest roof peak.</td>
</tr>
<tr>
<td>Commercial</td>
<td>The property owners have confirmed that they own and run a contracting business. <strong>Staff was initially concerned about this business</strong>, as contracting businesses – beyond office activities associated with such, are prohibited on residential property. Moreover, accessory structures receiving a conditional use permit for area or height are strictly prohibited from being used for commercial uses. Mr. Vugteveen has stated that any equipment or items used by his contracting business are stored in a storage building in the City of Plymouth and that no equipment will be stored in the proposed garage or home. (See attached letter dated 1/31/17). The only business conducted at Mr. Vugteveen’s home is office</td>
</tr>
</tbody>
</table>
work, such as general paper work and construction design. The applicant has informed staff that the proposed garage would store a:

- classic car;
- daily driver car;
- snow blower;
- lawn mower;
- pair of snowmobiles; and
- other miscellaneous personal items.

Natural Resources

A proposed grading and tree preservation plan must be provided prior to issuance of the permit and must clearly indicate proposed trees to be removed to determine tree mitigation requirements. Any tree mitigation will need to be installed prior to final inspection.

Motion Options

The planning commission has the following motion options:

1. Concur with staff’s recommendation. In this case, a motion should be made recommending the city council approve the proposal based on the findings outlined in the staff-drafted resolution.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the request. The motion should include findings for denial.

3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant or both.

Pyramid of Discretion

![Pyramid of Discretion Diagram]

This proposal
**Voting Requirement**  The planning commission will make a recommendation to the city council on the applicant’s proposal. A recommendation for approval requires an affirmative vote of four members. The city council’s final approval requires affirmative votes of five councilmembers, due to the variance request.

**Neighborhood Comments**  The city sent notices to 47 area property owners and received no comments to date.

**Deadline for Decision**  March 14, 2017
LEGAL DESCRIPTION:
Lot 11, 12 and the North half of Lot 13, Block 2, WOODSTOCK, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:
1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
5. While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.
6. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

STANDARD SYMBOLS & CONVENTIONS:
** Denotes iron survey marker, set, unless otherwise noted.
January 13, 2017

RE: 4142 Avondale St. Conditional use Permit Application.

Owners Statement:

We are applying for a conditional use permit in order to construct an additional detached garage on our 1 acre site at 4142 Avondale St. The existing garage on our site is detached and would remain on site. Our existing detached garage is 22x32 or 704 sq. ft. The additional garage we propose to construct is 1,130 sq. ft. With the new proposed additional garage our total detached garage space would be 1,834 sq. ft. on our 1 acre site.

We are applying for the conditional use permit for the 834 sq. ft. of garage area above the 1,000 sq. ft. of accessory building area currently allowed. We are also applying to install a second driveway and entrance from the street to the new garage location. This is noted on the included survey/site plan.

Regards,

Chad and Sheryl Vugteveen

Home Owners
Date: 1/31/17

To: Drew Ingvalson  
Planner/City of Minnetonka

From: Chad Vugteveen

RE: Conditional Use Permit Request – 4142 Avondale St.

Mr. Ingvalson,

The purpose of this letter is to answer questions raised in your letter to me dated January 31, 2017 regarding how the proposed garage structure would be used. There were also questions raised in your letter as to if I would use the proposed garage structure in my contracting business.

The proposed building would be used to store personal vehicles including a classic car and a daily driver. Miscellaneous other items include a snowblower, lawn mower, and a pair of snowmobiles.

I don’t have many items to store for my small contracting business. However any items I need to store for my business are stored in a storage building in Plymouth, MN which I own. No business equipment will be stored in the proposed garage building. I do not have any business equipment or items stored at my home currently.

I do use a home office to design projects and for general paperwork needs for my business. No business meetings are held in my home office. For the foreseeable future my business will remain the same size with all meetings off-site at customers’ homes. I have no plans to change or expand my contracting business.

Feel free to contact me for any additional information you might find useful to your review.

Regards,

Chad Vugteveen

Chad Vugteveen
7. **Public Hearings: Consent Agenda**: None

8. **Public Hearings**

   A. **Conditional use permit for accessory structures exceeding 1,000 square feet and 12 feet in height and a variance to add a second curb cut at 4142 Avondale Street.**

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

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

   Chad Vugteveen, 4142 Avondale Street, applicant, stated that staff did a thorough job. He was available for questions. He explained that in order to extend the driveway to the proposed accessory structure, four trees would have to be removed and the contours of the site would not work well. The proposal would require removal of no more than two trees.

   Powers supported saving two additional trees. Calvert agreed, even though the proposal would create a lot of impervious surface.

   O’Connell thought staff did a good job. He supports staff’s recommendation.

   Chair Kirk thought the additional curb cut would work because of the width of the lot. He would hate to see other lots adding a second curb cut. The lot is large enough for the accessory structure.

   Calvert noted that the site already uses an unofficial second curb cut.

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

   **O’Connell moved, second by Powers, to recommend that the city council adopt the attached resolution. This resolution approves a conditional use permit for 1,841 square feet of accessory structures that exceed 12 feet in height and a variance to add a second curb cut at 4142 Avondale Street.**

   Knight, O’Connell, Powers, Sewell, Calvert, and Kirk voted yes. Motion carried.
Chair Kirk stated that this item is tentatively scheduled to be reviewed by the city council March 6, 2017.

9. Other Business

A. Concept plan review for Newport Midwest at 10400, 10500, and 10550 Bren Road East.

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

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

Powers asked for the ratio of parking stalls to units. Gordon referred the question to the applicant.

O’Connell asked if there is a design overlay for the site. Gordon explained that there is a trip generation overlay for Opus. Wischnack noted that the SWLRT placed an overlay on the site. Chair Kirk thought that an overall design plan would be beneficial.

In response to Chair Kirk’s question, Wischnack explained that both sections of the SWLRT would go over Bren Road West on the south side. There would be a lot of bridge replacements with the SWLRT project. The lite rail would travel underground at Feltl Road and Smetana Road.

Becky Landon, with Newport Midwest, and Pete Keeley, of Collage Architects, introduced themselves. Ms. Landon stated that she is looking for input before creating the plan for the aesthetic look of the building. She hopes to set a standard. The proposal would include 240 units of which 55 units would be affordable at 50 percent and 60 percent median-income levels. The market-rate units would be just below luxury level. The applicant is looking at two buildings which would be broken up.

Mr. Keeley said that the proposal hopes to have a lot of outdoor spaces and ways for the residents to engage with the trails and pedestrian paths. There would be a front, direct access to each unit with porches that would be set a few feet up from the grade to offset the lights from vehicles on Bren Road and the train. He explained the trail and sidewalk locations. There would be a commons
Resolution No. 2017

Resolution approving a conditional use permit for accessory structures exceeding 1,000 square feet in area and 12 feet in height, and a variance to add a second curb cut, at 4142 Avondale Street

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

Section 1. Background.

1.01 The applicants, Chad and Sheryl Vugteveen, are proposing to construct a 1,130 square foot detached garage with a second driveway accessing the garage. The proposed garage will expand the total area of accessory structures on the site to 1,841 square feet.

1.02 The property is located at 4142 Avondale Street. It is legally described as:

BLOCK 2, Lots 11, 12, AND OF NORTH ½ OF LOT 13 INCLUDING ADJACENT ½ OF VACANT ALLEY.

1.03 On February 16, 2017, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. General Standards.

2.01 City Code §300.16 Subd. 2 outlines the following general standards that must be met for granting a conditional use permit:

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

2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

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

Section 3. Specific Standards.

3.01 City Code §300.16 Subd. 3(f) outlines the following specific standards that must be met for granting a conditional use permit for detached garages in excess of 1,000 square feet:

1. Side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater;

2. No additional curb cuts to be permitted;

3. Not to be used for commercial activities;

4. Structure to be architecturally consistent with the principal structure;

5. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties;

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

Section 4. Variance Standards.

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

Section 5. Findings.

5.01 The proposal meets the general conditional use permit standards outlined
The proposal is consistent with the intent of this ordinance. City ordinance permits accessory structures over 1,000 square feet and 12 feet in height as conditional uses in the R-1 district.

The proposal is consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving and enhancing existing single-family neighborhoods. The proposal would preserve the residential character of the neighborhood and would provide investment into a property to enhance its use.

The proposal has been reviewed by the city’s building, engineering, planning, natural resource, and fire staff. It is not anticipated to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

The use is not anticipated to have an undue adverse impact on the public health, safety or welfare.

The proposal meets the specific conditional use permit standards outlined in City Code §300.16 Subd. 3(f).

The proposed structure would be setback 15 feet from the side property line and nearly 70 feet from the rear property line.

The applicants have proposed an additional curb cut on the property. This variance from the specific CUP standards is discussed further in Section 5.03 of this resolution.

The applicants have stated that the structure would be used to store personal vehicles including a classic car, daily vehicle, snow blower, lawn mower, pair of snow mobiles, and other miscellaneous personal items. The applicants have stated that the structure and property would not be used for commercial purposes. This has been included as a condition of this resolution.

The applicants are proposing that the structure would have architectural features similar to the existing home and detached garage.

The proposed structure would be located over 90 feet from the nearest home. In addition, there is vegetation on the subject property
and adjacent properties that would assist in buffering the views to the detached garage.

6. The proposed garage would meet the site and building plan standards as outlined in City Code Section 300.27 Subd. 5.

5.03 The proposal meets the variance standards outlined in City Code §300.07 Subd. 1.

1. The proposal is in harmony with the general purposes and intent of the zoning ordinance. The intent of the specific conditional use permit standard prohibiting additional curb cuts is to limit the proliferation of driveway accesses on residential lots. City Code Section 1105.060, which is outside of the zoning regulations section, addresses multiple driveways on single family lots. This section allows a lot to have a second driveway on the same street when the lot has a street frontage of at least 110 feet. The subject property has over 150 feet of frontage. Per Section 1105.060, the subject property would be allowed a second curb cut if it weren’t for the conditional use permit request for an oversized accessory structure.

2. The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide investment into a property to enhance its use.

3. There are practical difficulties in complying with the ordinance.

   a) Reasonableness and Unique Circumstance: The request to allow additional curb cuts is reasonable. The subject property has 154 feet of street frontage. Per city code, properties are permitted to add a second curb cut as long as the property has at least 110 feet of street frontage. The subject property meets this requirement and would be permitted a second curb cut if the property owner was not requesting a conditional use permit for an accessory structure.

   Further, the subject property is nearly 45,000 square feet in area. The large area of the property and the large amount of frontage creates an acceptable situation for a second curb cut and driveway.
b) Neighborhood Character: The addition of a second driveway on the subject property would not alter the essential character of the neighborhood. The subject neighborhood is largely characterized by the large lots, the majority are over 30,000 square feet, many of which have adequate frontage for a second driveway. Seven of the nine properties with frontage on Avondale Street, including the subject property, would be allowed a second driveway. Without construction of accessory structure over 1,000 square feet or 12 feet in height, such driveway could be administratively reviewed and approved.

Section 6. City Council Action.

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

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

   - Survey revision dated January 16, 2017
   - Building plan and elevations received January 13, 2017

2. Prior to issuance of a building permit:

   a) This resolution must be recorded with Hennepin County.

   b) A driveway permit must be issued.

   c) Proposed grading and tree preservation plan must be provided prior to issuance of the permit and must clearly indicate proposed trees to be removed.

   d) Cash escrow, in an amount to be determined by city staff, must be submitted. 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.

e) Erosion control and tree protection must be installed and inspected prior to final inspection.

3. Any tree mitigation required must be installed prior to final inspection.

4. Drainage moving from south to north (to the catch basin) must not be inhibited by the proposed access. The access must allow overland flow or must include a culvert to allow movement of water to the north.

5. The accessory structure may not be used for commercial purposes.

6. The accessory structure cannot be converted into living space.

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

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

__________________________

Terry Schneider, Mayor

Attest:

__________________________

David E. Maeda, City Clerk

**Action on this resolution:**

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution
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 March 6, 2017.

David E. Maeda, City Clerk