Planning Commission Agenda

November 30, 2017—6:30 P.M.

City Council Chambers—Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: November 16, 2017

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

   No Items

8. Public Hearings: Non-Consent Agenda Items

   A. Site and building plan review, with a setback variance, for gymnasium and office, storage and classroom additions at Clear Spring Elementary at 5701 Co Rd 101.

      Recommendation: Adopt the resolution approving the requests (5 votes)

      • Final Decision Subject to Appeal
      • Project Planner: Ashley Cauley

   B. Preliminary and final plat of WILLISTON ACRES 3rd ADDITION, a two-lot subdivision at 14819 Margaret Place

      Recommendation: Recommend the city council approve the request (4 votes)

      • Recommendation to City Council (Tentative Date: December 18, 2017)
      • Project Planner: Susan Thomas
C. Conditional use permit for a seven to twelve-resident licensed residential care facility at 5022 Baker Road.

Recommendation: Recommend the city council approve the request (4 votes)

- Recommendation to City Council (Tentative Date: December 4, 2017)
- Project Planner: Drew Ingvalson

9. Other Business

A. Concept plan for Ridgedale Executive Apartments, a 112-unit luxury apartment building, at 12501 Ridgedale Drive.

Recommendation: Discussion only. No formal action required

- Recommendation to City Council (Tentative Date: December 4, 2017)
- Project Planner: Loren Gordon

10. Adjournment
Notices

1. Please call the planning division at (952) 939-8274 to confirm meeting dates as they are tentative and subject to change.

2. Applications and items scheduled for the December 14, 2017 Planning Commission meeting:

   Project Description: Morrie's Minnetonka is proposing three site changes to the property at 13700 Wayzata Boulevard: (1) relocation of an existing trash enclosure; (2) construction of a single-stall car wash in the vacated area of the trash enclosure; and (3) construction of new parking stalls on the east side of the existing parking lot. The changes require approval of: (1) a minor amendment to the existing master development plan; and (2) approval of final site and building plans with setback variances.

   Project No.: 89005.17a       Staff: Susan Thomas
   Ward/Council Member: 3—Brad Wiersum    Section: 03

   Project Description: The city is proposing to amend city code as it pertains to telecommunication facilities within public rights-of-way.

   Project No.: TBD       Staff: Susan Thomas
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

This outline has been prepared to help you understand the public meeting process. The review of an item usually takes the following form:

1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.

2. Staff presents their report on the item.

3. The Commission will then ask City staff questions about the proposal.

4. The chairperson will then ask if the applicant wishes to comment.

5. The chairperson will open the public hearing to give an opportunity to anyone present to comment on the proposal.

6. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium, speak clearly, first giving your name (spelling your last name) and address and then your comments.

7. At larger public hearings, the chair will encourage speakers, including the applicant, to limit their time at the podium to about 8 minutes so everyone has time to speak at least once. Neighborhood representatives will be given more time. Once everyone has spoken, the chair may allow speakers to return for additional comments.

8. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public hearing portion of the meeting.

9. The Commission will then discuss the proposal. No further public comments are allowed.

10. The Commission will then make its recommendation or decision.

11. Final decisions by the Planning Commission may be appealed to the City Council. Appeals must be written and filed with the Planning Department within 10 days of the Planning Commission meeting.

It is possible that a quorum of members of the City Council may be present. However, no meeting of the City Council will be convened and no action will be taken by the City Council.
1. **Call to Order**

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

2. **Roll Call**

   Commissioners Sewall, Calvert, Knight, O'Connell, Powers, Schack, and Kirk were present.

   Staff members present: Community Development Director Julie Wischnack and City Planner Loren Gordon.

3. **Approval of Agenda**

   **Calvert moved, second by Knight to approve the agenda as submitted with the removal of item 8A, a sign plan review with a setback variance for a gym, office, storage, and classroom additions at Clear Spring Elementary at 5701 County Road 101, which was postponed until the meeting on November 30, 2017.**

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

4. **Approval of Minutes:** October 26, 2017

   **Calvert moved, second by Powers, to approve the October 26, 2017 meeting minutes as submitted.**

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

5. **Report from Staff**

   Gordon briefed the commission on land use applications considered by the city council at its meeting of November 13, 2017:

   - Adopted a resolution approving a conditional use permit for the Bright Eyes Clinic.
The sixth comprehensive guide plan steering committee meeting was held the evening prior. It focused on natural resources. The next meeting will be held December 11, 2017 which will focus on economic development.

The next planning commission meeting will be November 30, 2017.

6. Report from Planning Commission Members

Chair Kirk congratulated Calvert for being elected to the city council and noted that Knight will finish his term on the planning commission at the end of the year. He encouraged any resident interested in serving on the commission to apply.

Schack reported that staff did a great job presenting a lot of information at the comprehensive guide plan steering committee. She encouraged everyone to view the meeting on line.

Calvert enjoyed serving on the commission and encouraged others to apply.

Powers was impressed with how complete the staff reports were at the comprehensive guide plan steering committee meeting. Dietrich and Colleran did a great job presenting.

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion or separate action.

*Schack moved, second by O'Connell, to approve the item listed on the consent agenda as recommended in the staff report as follows:*

A. Side and rear yard setback variance for a vertical expansion of an accessory structure at 3841 Baker Road.

Adopt the resolution approving side and rear yard setback variances for a vertical accessory structure expansion at 3841 Baker Road.

*Sewall, Calvert, Knight, O'Connell, Powers, Schack, and Kirk voted yes. Motion carried and the item on the consent agenda was approved as submitted.*

8. Public Hearings
A. Site and building plan review with a setback variance for a
gymnasium, office, storage, and classroom additions at Clear Spring
Elementary at 5701 County Road 101.

This item was postponed until the planning commission meeting on November
30, 2017.

9. Other Business

A. Concept plan review for Dominium at 11001 Bren Road East.

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

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

Gordon stated that the income limit for a tenant residing in affordable housing
would be in the middle $50,000 range. The rent would be estimated at $800 to
$1,200 depending on the type of unit. The average rental rate for an apartment in
Minnetonka is about $1,300. The applicant would apply for tax credits.

Chair Kirk asked how easily a pedestrian could walk from Opus to other
locations. Gordon pointed out existing trails. There is a gap now that would be
addressed during future redevelopment. Wischnack stated that there is an Opus
walkability study that details every connection and makes suggestions for
improvements that are included in the capital improvement plan for the city. Most
of the trails pass under the roads in Opus.

Ryan Lunderby, applicant, stated that he appreciated the opportunity to receive
feedback and answer questions. He introduced Mike Rich, architect for the
project. He stated that:

- Dominium properties is building a lot of new construction similar to
  the proposal around the metropolitan area. Dominium is a long-
  term owner. Decisions are made for the long term. Quality finishes
  would be used.
- Regardless of a property’s ability to fund capital improvements,
  Dominium reinvests in its properties.
- The site is a great opportunity to add affordable housing.
• Costs will continue to rise especially with the lite rail being completed. The market is favorable right now to build affordable housing.
• The proposal would be for a 256-unit senior community with independent living and 198 units of affordable, work-force housing.

Mike Rich introduced Brady Halvorson, a landscape architect, and George Johnson, who assisted with the plans. He stated that:

• The wooded areas, trail system, future Opus station, and townhouse development are important elements of the site.
• There is a 30-foot grade change.
• He reviewed the site plan.
• The drive would link the three buildings.
• A second entrance and exit is being considered for the site.
• The site would be fully accessible to transit.
• Pavers may be used to customize the trails as walking paths are identified.
• The senior building would be six stories. It would be positioned so that it would not create shadows on its neighbors. There would be a drop off area. There would be underground parking beneath the footprint of the building. The underground parking area would connect with the family-housing building.
• The trail would be enhanced with landscaping and more like a linear park.
• There would be separate tot lots and play areas outside and inside the building.
• The senior housing would have amenity areas, an on-site trail system, and a tot lot.
• A dog run is being considered.
• The building would be shifted back to break up the elevations.
• Dense landscaping would be planted to provide a buffer to neighbors.
• An outdoor pool is being considered for a common area.
• Public art may be incorporated at the entrance.
• The first floor of family housing would be walk-outs with individual patios that connect to paths.
• He provided a similar example in Minneapolis.
• The buildings would have colors and material to match its natural surroundings. Stone, brick, and wood would be used in earth tones.
• A very pedestrian-friendly environment would be created.
• There would be a series of retaining walls to create a living environment and maintain the urban forest to provide a buffer to the neighbors on the west.
• A substantial amount of parking would be located below grade.
• Each building would have its own set of amenities.
• He would appreciate comments and feedback.

Powers asked if incorporating services like a hair salon had been considered for the senior building. Mr. Lunderby answered affirmatively. He stated that salon space would be available to providers that would use the space for free and coordinate their times with the residents. Additional amenities would be large gathering rooms with kitchens, card and craft rooms, a movie theater, and a fitness room. Local groups could provide exercise classes. Residents would not be charged for exercise classes. Dominium has purchased a shuttle bus that takes seniors to different services and events on a set schedule or as needed.

Schack asked what prompted the change in design of the senior building from a horseshoe shape to a straight building with an additional story. Mr. Rich explained that the proposed building would provide the ideal unit-type mix and the sizes of the units were increased. The previous configuration had a wing closer to the street. The entrance would have been on the side which would have caused conflicts. The current proposal would allow direct access to underground parking and eliminate the need to drive through the site. It would also provide an adequate number of parking stalls for each unit underground. The first shape conflicted with the location of the wetland.

Mr. Rich clarified that there was a concept plan that included two underground parking levels and five residential floors. The current concept plan has one underground parking level and six residential floors.

Schack thought the elevation illustration was very helpful. In response to her question, Mr. Rich stated that it would be possible for townhome residents to see over the four-story building roof and see the six-story building in the distance. There are existing trees that would remain on the site and additional trees would be added to create a buffer and block the view.

Powers thought this was the most comprehensive concept plan he has ever seen. He loved how the project team considered so many angles. The concept plan would create an ownership feel for the village. Residents would regret ever leaving.
Mr. Lunderby agreed. Residents could age and continue to raise their families without having to move. The management staff would live at the property. The design pays attention to running and maintaining the buildings.

Calvert found the materials attractive. She liked the color scheme, rhythmic sense of the design, and broken-up mass. She encouraged the use of public art. Her grandparents lived in the same one-bedroom apartment their entire married life. She liked the buffer, preservation of trees, and additional landscaping. Preserving as many natural features as possible would make the proposal a more appealing place to live. She liked the village-center concept with communal spaces.

In response to Chair Kirk’s question, Mr. Lunderby stated that the demand for affordable housing is so great that his company cannot build enough of it. The proposal would provide a mix of varieties for the neighborhood.

Chair Kirk liked the number of amenities in the proposal. He suggested that pictures of examples of the amenities be provided.

Chair Kirk asked how much the proposal would depend on the SWLRT being completed. Mr. Lunderby said that the SWLRT would benefit the proposal, but it would move forward without the SWLRT.

Chair Kirk encouraged connecting the trail that would travel south.

In response to Chair Kirk’s question, Mr. Lunderby stated that the amount of parking was determined by studies conducted at similar facilities and would equal 1.5 stalls to 1 general-occupancy unit and 1.2 stalls to 1 senior unit.

In response to Chair Kirk’s question, Mr. Lunderby stated that the possibility of decreasing the number of units is limited by the fixed land price, rent caps, and investors’ comfort levels. Chair Kirk noted that the amenities package is contingent on the number of units.

Mr. Lunderby stated that The Bluffs at Nine Mile Creek in Eden Prairie has density similar to the proposed concept plan.

Calvert asked if the building could be used for residents of other ages in 20 years. Mr. Lunderby answered in the affirmative. The minimum compliance period for affordable housing is 15 years. The rent differential is $400 to $600 a month from affordable units to market-rate units. There are not many independent-living, high-quality developments for seniors. Retail businesses and
services would follow the completion of the proposal. This is the logical, front-end use of redevelopment coming to the area.

Wischnack provided that Minnetonka has 2,900 units of senior, age-restricted units and 24,000 households. Of the 2,900 senior units, 700 are cooperatives and condominiums and 2,200 are rental. The vacancy rates indicate quite a demand.

Chair Kirk invited those present to comment. No one responded.

Chair Kirk would prefer a second street access.

Schack liked how the proposal would provide a transition to the SWLRT. Keeping the area open and fluid is an important concept. A change in visual impact would slow traffic down and make the area more pedestrian safe. She previously lived in Opus and really liked it. It is a unique area. The proposal would be a great opportunity. The trail system would be really cool. It would provide an “uptown alternative” and an opportunity to enjoy the nature in the area.

Calvert encouraged pedestrian safety be taken into account near the SWLRT station. Connecting the trails would be important to improve walkability of the area.

Powers would like the site to have a distinct feel of being in Minnetonka from a pedestrian’s view and from an aerial view. He encouraged the applicant to provide information regarding the energy conservation component of the proposal.

Sewall agreed with providing as many pedestrian safety measures as possible. He encouraged buffering, especially to the neighbors on the southwest. He recognized the big need for affordable housing and he was comfortable with an entire building of affordable housing, but thought there would be benefits of spreading it out throughout the city. He was excited for the area to be developed.

O’Connell supports the concept plan. The density does not scare him. The area already has market-rate units and more will be added as the area continues to be developed. He recommended the applicant be prepared to address traffic concerns. The area already has traffic issues. He liked the design. The applicant has a great reputation. There is a demand for this product on the investors’ side.

Knight agreed with O’Connell. He works south of Opus. There are a lot of employees at his workplace that would benefit from this proposal by reducing their commute. He likes the proposal. The Opus area is the perfect location for
the proposed density. He likes the looks of the building. He cycles to work on the street, so he would oppose reducing the number of lanes on Bren Road.

Chair Kirk summarized his understanding that commissioners found the change in land use and affordable housing component appropriate and that buffering and walkability are important priorities. The look of the building is agreeable.

Chair Kirk liked how the SWLRT and new development in the area could provide an urban vibe that could become part of Minnetonka.

Chair Kirk noted that the city council is tentatively scheduled to review the concept plan on December 4, 2017. He looked forward to an application for the project being submitted in the future.

10. **Adjournment**

*Schack moved, second by Knight, to adjourn the meeting at 8:20 p.m. Motion carried unanimously.*

By: __________________________

Lois T. Mason

Planning Secretary
Minnetonka Planning Commission Meeting
November 30, 2017

Agenda Item 7

Public Hearing: Consent Agenda

(No Items)
Minnetonka Planning Commission Meeting

November 30, 2017

Agenda Item 8

Public Hearing: Non-Consent Agenda
Clear Spring Elementary has submitted a proposal to construct an addition onto the southeast corner of the existing Clear Spring Elementary school building. The roughly 8,000 square foot addition would consist of a gymnasium, classroom, office and storage space. The proposal requires site and building plan approval with a setback variance.

**Proposal Summary**

- **Existing site features**

  The site is located on the east side of County Road 101. The school site is roughly 9.5-acres in size. The northeast corner of the site is encumbered by a small portion of a much larger, Manage 1 wetland and associated 100-year floodplain.

  Since the school’s construction in 1957, the configuration of the building, parking and playfields have slowly changed. The most recent change was in 2015 when the bus access was relocated from County Road 101 to a newly constructed turnaround and parking area off of Covington Road.

- **Proposed Use.**

  As proposed, an 8,000 square foot addition would be constructed on the southeast side of the building. The addition would include gymnasium space, gymnasium office and storage space, and specialty classroom space. Access to the addition would be from a newly constructed entrance on the west of the building and a reconfigured entrance on the east. The addition requires site and building plan approval.

  By ordinance, conditionally-permitted educational facilities must be set back a minimum of 50 feet from all property lines. The proposed addition would have a setback of 25 feet from the south property line. As such, a setback variance is required.

- **Site impacts.**

  The following site impacts are proposed to accommodate the addition:
1. **Sidewalks.** The existing sidewalk around the perimeter of the building would be relocated to allow access to the new addition and the play area east of the addition. While some minor adjustments would likely be required, the sidewalk would be wide enough to allow for emergency and maintenance vehicle access. The existing track would also be reconfigured to allow for the addition.

2. **Play areas.** An existing basketball court would be removed to accommodate the proposal. The play area within the track would be temporarily unavailable during construction of the gymnasium.

3. **Grading and drainage.** Some grading is required to accommodate the addition. Two retaining walls – one to the north and one to the south – are proposed to provide a more comfortable walking path around the school. The northern retaining wall is roughly 70 feet long and ranges from 6 inches to two feet in height. The 110-foot southern wall would “wrap” around the addition and ranges in height from two feet to seven feet.

To accommodate runoff from the increased impervious surface, an underground stormwater facility is proposed east of the school. Stormwater runoff would be captured and directed to the underground facility.

**Staff Analysis**

A land use proposal is comprised of many details. In evaluating the proposal, staff first reviews these details and then aggregates them into primary questions or issues. The following outlines both the primary questions associated with the proposed Clear Spring Elementary proposal and staff’s findings.

- **Is the proposed building addition reasonable?**

  Yes. The proposed addition would allow for increased functionality of the school without major interior renovations.

- **Is the requested variance reasonable?**

  Yes. Previous school plans, including the school’s master plan, showed the gymnasium addition centered along the southern wall of the school. If the addition were proposed for this location, a more intense setback variance and grading would have been required. Additionally, the southernmost corner of the existing school has a nonconforming setback of 40 feet from the southern property line. While the proposed structure would have a 25-foot setback, it would be more than 150 feet from the nearest residential structure and would be screened by existing vegetation and topography.
• **Are the proposed site impacts reasonable?**

Yes. The Clear Spring Elementary school property is 9.2 acres in size. Of this, roughly 4.5 acres would be impervious. This is less than the maximum 60-percent impervious allowed by ordinance. The proposal includes retaining walls to reduce the amount of necessary grading.

**Staff Recommendation**

Adopt the resolution approving final site and building plan review, with a setback variance, for gymnasium, classroom, office, and storage additions at Clear Spring Elementary School at 5701 Co Rd 101.

Originator: Ashley Cauley, Senior Planner  
Through: Loren Gordon, AICP, City Planner
Supporting Information

Project No. 8604.17a

Property 5701 Co Rd 101

Applicant Paul Bourgeois, on behalf of Minnetonka Public School District and Clear Spring Elementary

Surrounding Land Uses Property to the north is owned by District #276 for use as a service center, zoned R-1 and guided institutional. Properties to the east, west and south are single family homes on properties zoned R-1 and guided for low density residential.

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

Neighborhood Meeting The applicant held a neighborhood meeting on November 14, 2017. Two people attended the meeting and asked questions about the project. One resident expressed some concerns related to traffic and speeds on Covington Rd and County Road 101. Another resident expressed support of the school and the addition.

A second neighborhood meeting will be held on November 28, 2017. A summary of that meeting will be provided during the planning commission presentation.

SBP Standards The proposal would comply with all site and building standards as outlined in City Code 300.27 Subd.5

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

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

2. Consistency with this ordinance;

   **Finding:** But for the setback variance, the proposal is consistent with all ordinance standards and requirements.
3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

**Finding:** While the proposal would require grading in the southwest corner of the site, the gymnasium addition would generally be located in a relatively flat area. Retaining walls are proposed to provide for a more suitable walking environment and to reduce the amount of required grading.

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

**Finding:** The proposed addition would have reasonable visual and physical relationships to the existing site features and building.

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

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

   b) the amount and location of open space and landscaping;

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

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

**Finding:** The proposed addition would be appropriately located and integrated into the existing site and building. While sidewalks would need to be relocated, they would continue to provide reasonable access to the building and site.
5. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

Finding: The proposal would need to comply with the recently adopted energy code.

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

Finding: While the proposal would visually change the site, the addition would be reasonably screened from the residential properties to the south. An underground storage facility is included in the proposal to accommodate the increased impervious surface. As a condition of approval, the applicant must submit erosion control and tree protection plans.

Variance Findings

PURPOSE AND INTENT OF THE ZONING ORDINANCE: The intent of the zoning ordinance is to provide for appropriate separation between adjacent buildings. The variance request would allow for reasonable siting of the addition on the property; the addition would be located more than 150 feet from the nearest residential structure. Further, additional screening would be provided by existing vegetation and topography.

CONSISTENT WITH THE COMPREHENSIVE PLAN: The request is consistent with policies identified in the comprehensive plan. A primary policy identified in the plan is to support and collaborate with schools, agencies non-profits and others that support a diverse lifecycle and cultural services to attract and retain residents and families to Minnetonka.

PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:

a. REASONABLENESS: The proposed variance is reasonable, as the existing school does not currently meet the required 50-foot setback. While the addition would be setback 25 feet from the property line, it would be more than 150 feet from the nearest residential structure. Screening
of the addition would be provided by existing topography and vegetation.

b. UNIQUE CIRCUMSTANCE: Despite the property’s large size, the orientation and configuration of the building and existing site improvements restrict the available buildable area of the property. The existing school currently has a 40-foot nonconforming setback from the south property line.

While the addition could be constructed on the east side – or rear – of the school building without a setback variance, additional site disturbance would be required to create a suitable exterior access to the space. Coupled with the existing setback, this presents a unique circumstance not common to all educational facilities.

c. CHARACTER OF THE LOCALITY: The addition would be reasonably screened from adjacent residential properties to the south. The lower third of the 30-foot tall gymnasium would be screened by existing topography. Additional screening would be provided by off-site topography and vegetation.

Natural Resources

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, and tree protection fencing. As a condition of approval, the applicant must submit a construction management plan detailing these management practices.

Pyramid of Discretion

This proposal:

Approving Body

The planning commission makes has final authority to approve or deny the request, subject to appeal. Approval requires the affirmative vote of five commissioners, given the setback variance.
The planning commission has three options:

1) Concur with the staff recommendation. In this case, a motion should be made to adopt the resolution approving the final site and building plans, with setback variance.

2) Disagree with staff’s recommendation. In this case, a motion should be made directing staff to prepare a resolution for denying the final site and building plans, with setback variance. This motion should include findings for denial.

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

Any person aggrieved by the planning commission’s decision regarding the requested variances may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

The city sent notices to 91 area property owners and received one comment to date.

February 6, 2018
Location Map

Clear Springs Elem Gym
Address: 5701 Co Rd 101
Project No. 86104.17a

City of minnetonka

This map is for illustrative purposes only.
Renovations and Additions to:
Clear Springs Elementary School

Minnetonka Public Schools District 276
5701 County Road 101
Minnetonka, Minnesota 55345
2013 Site Plan
CSAH 101 Improvements - County Project No. 9917
From CSAH 62 to Hutchins Drive - Hennepin County, Minnesota

Figure 1
Bus Access on Covington Road

CO RD 101
Reconstruction Project
Floodplain, Wetland, Trees
Master Plan
Neighborhood feedback
Ashley Cauley

From: Barak Dar <>
Sent: Thursday, November 09, 2017 12:09 PM
To: Ashley Cauley
Subject: Clear Springs Elementary - addition

Ashley,

Further to telephone call regarding the Clear Springs Elementary Public hearing Notice:

Please note I strongly object this addition.
I live on 5730 Dumas Ave. Minnetonka.
My yard is adjacent to the proposed addition.
I am very concerned regarding the proximity of the proposed building site to my yard and house.
The playground that was moved next to my yard a couple of years ago is already causing a major disturbance. There is noise until late hours in the evening. Trash and other objects are thrown into my yard daily.

I wish to protest the short notice – I received the notice in the mail last night with a dead line today. I called at 11:45AM today and was told it is too late to be included in the written staff report. You also mentioned a neighborhood meeting on the 14th of which I had no knowledge of and never invited to. Considering that my yard is next to the proposed addition, I believe I should have received ample notices and offered the best chance to study the situation, obtain consultation and voice my concern. You may be within your legal right to provide such short notice but it most certainly does not look good.

Please confirm this letter is entered for the committee’s review.

Sincerely,

Barak Dar
5730 Dumas Ave.
Minnetonka, MN 55345
Resolution No. 2017-xx

Resolution approving final site and building plans, with setback variance, for an addition at Clear Spring Elementary, 5071 County Road 101

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

Section 1. Background.

1.01 Minnetonka Public School District #276 has requested approval of final site plans, with setback variance from 50 feet to 25 feet, for an addition to the Clear Spring Elementary School building.

1.02 The property is located 5071 County Road 101. It is legally described as follows:

That part of the Southwest Quarter of the Northwest Quarter of Section 31, Township 117 North, Range 22 West, of the 5th Principal Meridian described as follows:

Beginning at a point on the west line of said Southwest Quarter of the Northwest Quarter, distant 825.34 feet northerly from the southwest corner of said Southwest Quarter of the Northeast Quarter; thence easterly, a distance of 508.17 feet, along a line passing through a point on the east line of said Southwest Quarter of the Northeast Quarter, distant 815.61 feet northerly from the southeast corner of said Southwest Quarter of the Northeast Quarter to the center line of State Highway No. 101; thence southerly along said center line, a distance of 12.66 feet, to the intersection with a line 503.85 feet southerly of, measured at a right angle to and parallel with the northerly line of said Southwest Quarter of the Northeast Quarter, said point being the point of beginning of the land to be described; thence easterly along said parallel line, a distance of 794.69 feet to said east line; thence southerly along said east line, a distance of 477.55 feet to the intersection with a line 330.00 feet northerly of, measured at a right angle to and parallel with the south line of said Southwest Quarter of the Northeast Quarter.
Quarter; thence westerly along last said parallel line, a distance of 1021.00 feet to the center line of said State Highway No. 101; thence northerly along said centerline to the point of beginning.

1.03 On November 30, 2017, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution.

Section 2. General Standards.

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

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

2. Consistency with the ordinance;

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

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

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

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

   b) the amount and location of open space and landscaping;

   c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

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

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

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

Section 3. Findings.

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

1. The proposal has been reviewed by the city planning, engineering, and natural resources staff and has been found to be generally consistent with the city’s development guides, including the water resources management plan.

2. But for the setback variance, the proposal is consistent with all ordinance standards and requirements.

3. While the proposal would require grading in the southwest corner, the gymnasium addition would generally be located in a relatively flat
area. Retaining walls are proposed to provide for a more suitable walking environment and to reduce the amount of required grading.

4. The proposed addition would have reasonable visual and physical relationships to the existing site features and building.

5. The proposed addition would be appropriately located and integrated into the existing site and building. While sidewalks would need to be relocated, they would continue to provide reasonable access to the building and site.

6. The proposal would need to comply with the recently adopted energy code.

7. While the proposal would visually change the site, the additions would be reasonably screened from the residential properties to the south. An underground storage facility is proposed to accommodate the increased impervious surface. As a condition of this resolution, the applicant must submit erosion control and tree protection plans.

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

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The intent of the zoning ordinance is to provide for appropriate separation between adjacent buildings. The variance request would allow for reasonable siting of the addition on the property; the addition would be located more than 150 feet from the nearest residential structure. Further, additional screening would be provided by existing vegetation and topography.

2. CONSISTENT WITH THE COMPREHENSIVE PLAN: The request is consistent with policies identified in the comprehensive plan. A primary policy identified in the plan is to support and collaborate with schools, agencies non-profits and others that support a diverse lifecycle and cultural services to attract and retain residents and families to Minnetonka.

3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:

a. REASONABLENESS: The proposed variance is reasonable, as the existing school does not currently meet the required 50-foot setback. While the addition would be setback 25 feet
from the property line, it would be more than 150 feet from the nearest residential structure. Screening of the addition would be provided by existing topography and vegetation.

b. UNIQUE CIRCUMSTANCE: Despite the property's large size, the orientation and configuration of the building and existing site improvements restrict the available buildable area of the property. The existing school currently has a 40-foot nonconforming setback from the south property line.

While the addition could be constructed on the east side – or rear – of the school building without a setback variance, additional site disturbance would be required to create a suitable exterior access to the space. Coupled with the existing setback, this presents a unique circumstance not common to all educational facilities.

c. CHARACTER OF THE LOCALITY: The addition would be reasonably screened from adjacent residential properties to the south. The lower third of the 30-foot tall gymnasium would be screened by existing topography. Additional screening would be provided by existing, off-site topography and vegetation.

Section 4. Planning Commission Action.

4.01 The Planning Commission approves final site plans for Clear Spring Elementary. Approval is based on the findings outlined in section 4 of this resolution. Approval is subject to the following conditions:

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

   - Demolition and erosion plan date-stamped October 24, 2017
   - Layout plan date-stamped October 24, 2017
   - Grading and drainage plan date-stamped October 24, 2017
   - Section and Elevations date-stamped October 24, 2017
   - Floor plan date-stamped October 24, 2017
   - Retaining wall details date-stamped September 12, 2017

2. Prior to issuance of a building permit:

   a) Submit the following items associated with site work:
1) An electronic PDF copy of all required plans and specifications.

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

3) Final site, grading, drainage, utility, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.
   
a. Final landscaping plan must meet minimum landscaping and mitigation requirements as outlined in ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.

b. Final stormwater management plan must:
   
   1. Meet the requirements of the city’s Water Resources Management Plan, Appendix A. Design. In addition, supplemental calculations must be submitted detailing conformance with the city’s:
      
      • Rate Control: maintain existing rates leaving the site for the 2-, 10-, and 100-year events.
      
      • Volume: the storm chambers must capture 1” of the entire site’s impervious surface. Soil borings are required to verify infiltration rates.
      
      • Water Quality: materials must be submitted (MIDS or p8 model) to demonstrate that 68% of the total phosphorus and 90% of the TSS are removed.

   c. Final construction plan. The applicants should work with staff to reduce the minimize tree loss for the southern construction access.
4) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct comply with grading permit and landscaping requirements and to restore the site. One itemized letter of credit is permissible, if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the underground facility has been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.

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

6) 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.

7) Submit a construction and future access map for staff review and approval. This plan must show that emergency vehicle access can be provided around the perimeter of the building.

b) The following must be completed:

1) This resolution must be recorded at Hennepin County.
2) Install erosion control, and tree protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

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

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

4. All rooftop and ground mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from this screening requirement.

5. Retaining walls over four feet in height must be structurally engineered and be signed by a licensed structural engineer.

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

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

8. Construction activity or access must not utilize the newly constructed bus corral.

9. Construction must begin by December 31, 2018 unless the planning commission grants a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on November 30, 2017.
Resolution No. 2017-

Brian Kirk, Chairperson

ATTEST:

Kathy Leervig, Deputy 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 Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on November 30, 2017.

Kathy Leervig, Deputy City Clerk
Introduction

The roughly 1.2-acre subject property is located on the south side of Margaret Place, just west of Williston Road. The highest point property is situated in the southeast corner of the lot; grade falls downward from this point to the north and west. The property contains 17 high priority trees – of primarily oak, spruce, and walnut species – and a single-family home.

Proposal

Lake West Development, LLC is proposing to divide the property into two, single-family lots. The existing home would remain. However, the existing garage would be removed and a new garage constructed on the west side of the home. A new home would be constructed east of the existing home.

Staff 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 applicant’s request and staff’s findings.

- **Would the proposal meet minimum subdivision standards?**

  Yes. The subdivision ordinance outlines minimum area and dimensional standards for single-family residential lots. As submitted, the subdivision would meet all minimum standards. However, in reviewing the submittal, staff noticed that an area of Margaret Place lies outside of the dedicated public right-of-way. To resolve this issue, additional right-of-way must be dedicated. With this dedication, a slight shift of the proposed common lot line would ensure that the two-lot subdivision would meet minimum ordinance standards. (See the “Required Changes” exhibit.)
### Area

<table>
<thead>
<tr>
<th>Total</th>
<th>Buildable</th>
<th>Lot Width</th>
<th>Lot Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Required</strong></td>
<td>22,000 sq.ft.</td>
<td>3,500 sq.ft.</td>
<td>80 ft</td>
</tr>
<tr>
<td><strong>Lot 1</strong></td>
<td>27,560 sq.ft.</td>
<td>12,105 sq.ft.</td>
<td>150 ft</td>
</tr>
<tr>
<td><strong>Lot 2</strong></td>
<td>22,230 sq.ft.</td>
<td>10,680 sq.ft.</td>
<td>110 ft</td>
</tr>
</tbody>
</table>

* numbers exclude existing and required ROW easement  
** all numbers rounded to nearest 5 sq.ft.

- **Would the proposal meet the tree ordinance?**

  Yes. Based on the submitted grading plans, four of the site’s 17 high-priority trees would be removed or significantly impacted. This 24 percent removal/impact would be allowed under the tree protection ordinance.

**Staff Recommendation**

Recommend the city council adopt the resolution approving the preliminary and final plat of WILLISTON ACRES 3rd ADDITION, a two-lot subdivision at 14819 Margaret Place

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

**Surrounding Land Uses**

- North: townhomes and industrial building
- South: single-family homes
- East: single-family homes
- West: single-family homes

**Planning**

- Guide Plan designation: low-density residential
- Zoning: R-1

**Grading**

As is required for all preliminary plat applications, the applicant has submitted a general grading plan. Specific grading plans would be submitted and reviewed in conjunction with any building permit applications.

To accommodate a new home, the general grading plan suggests construction of a one to three foot retaining wall in the southeast corner of the new lot; commensurate excavation/removal of soil would occur northwest of the wall. To accommodate a new garage on the westerly lot, the general grading plan suggests roughly two feet of fill directly west of the existing home.

**Tree Removal**

By city code, no more than 35% of a property’s high priority trees may be removed to accommodate subdivision. A tree is considered removed if: (1) it is physically removed; (2) 30% or more of the trunk circumference is injured; (3) 30% or more of the crown is trimmed; (4) an oak is trimmed between April 1st and July 15th; or (5) the following percentage of the critical root zone is compacted, cut, filled or paved – 30 percent of the critical root zone for all species, except 40 percent for ash, elm, poplar species, silver maple and boxelder.

The subject property contains 17 high priority trees, 16 significant trees, and 5 trees that are not regulated due to their size or health. Based on the submitted plans:

<table>
<thead>
<tr>
<th></th>
<th>Total Number</th>
<th>Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Priority</td>
<td>17 trees</td>
<td>4 removed or 24%</td>
</tr>
<tr>
<td>Significant</td>
<td>16 trees</td>
<td>4 trees or 25%</td>
</tr>
</tbody>
</table>

**Tree Mitigation**

By city code, tree mitigation is required for certain trees removed/impact. Based on the submitted plans, the required mitigation would be 62 to 80 inches, equating to 31 to 40, 2-inch
trees. Specific mitigation amounts would be determined during review of specific building permit applications.

**Stormwater**

The proposal does not trigger the city’s stormwater management rule.

**Utilities**

There is an existing sanitary sewer pipe extending east from the Margaret Place cul-de-sac manhole. City records indicate that this pipe is a 6-inch, private service pipe. The utility plan submitted by the applicant incorrectly identifies this pipe as an 8-inch, public sanitary main.

The submitted plan illustrates that the sanitary service for proposed Lot 2 would connect to the existing pipe. However, the city will not allow connection of a private service to a private service. As a condition of approval, the 8-inch sanitary main must be extended to the east. Private services must then be connected to this extended main.

**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 preliminary and final plats.

2) Disagree with staff recommendation. In this case, a motion should be made recommending the city council deny the plats. This motion must 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.

**Neighborhood Comments**

The city sent notices to 39 area property owners and received no comments to date.

**Deadline for Decision**

February 5, 2018
Location Map

Williston Acres 3rd Addition
Address: 14819 Margaret Pl
Project #17026.17a
EXISTING CONDITIONS & PRELIMINARY PLAT OF "WILLISTON ACRES 3RD ADDITION"

FOR LAKEWET DEVELOPMENT
ADDRESS: 14819 MARGARET PLACE, MINNETONKA

PROPOSED CONDITIONS
1. Contractors are responsible for complying with the Minnesota Department of Transportation (MnDOT) specifications for sediment control.

2. Contractors are responsible for ensuring that all sediment control devices comply with MnDOT specifications.

3. Contractors are responsible for ensuring that all erosion and sediment control devices comply with MnDOT specifications.

4. Contractors are responsible for ensuring that all stormwater management devices comply with MnDOT specifications.

5. Contractors are responsible for ensuring that all temporary access controls comply with MnDOT specifications.

6. Contractors are responsible for ensuring that all temporary access controls comply with MnDOT specifications.

7. Contractors are responsible for ensuring that all temporary access controls comply with MnDOT specifications.

8. Contractors are responsible for ensuring that all temporary access controls comply with MnDOT specifications.

SITE INFORMATION

PARCEL AREA = 1.16 AC
MAX DISTURBED AREA = 1.18 AC
MIN DISTURBED AREA = 0.19 AC
EXISTING LOT IMPERVIOUS AREA = 0.28 AC
PROPOSED LOT IMPERVIOUS AREA = 0.27 AC

LEGEND:

CONSTRUCTION LIMITS

PROPOSED ALTERNATE

RETAINING WALL

DETAIL IDENTIFICATION, NO. / SHEET

SHEET NO:

1/8" OR CRUSHED ROCK OR APPROVED ALTERNATE

WEST RG

EAST RG

CONSTRUCTED LINE

DEEDED ACCESS

RETAINING WALL

PROPOSED ALTERNATE

SILT FENCE, TYPE MS

GEOTEXTILE FABRIC, TYPE III (TRENCH IN 6" MIN.
AT TOP EDGE)

RIPRAP POND OVERFLOW / CHUTE

WEST RAIN GARDEN

TOP AREA = 220 FT
DEPTH = 1.0 FT
VOL = 154 FT

RIPRAP CL II W/ FABRIC
ECF ELEV. = 940.0 BERM ELEV. = 940.5

RI P R A P  P O N D  O V E R F O W /  C H U T E

OWNER: TITLE:

MINNETONKA, MN 55345
15400 HIGHWAY 7

MINNETONKA, MN 55345

1. Contractor is responsible for keeping sediment from leaving the property, including vehicle tracking.

2. Install preassembled or machine-sliced silt fence around any soil stockpiles that will be present for more than 7 days.

3. Install temporary access controls shall be installed as indicated prior to site disturbance.

4. Accumulated sediment shall be removed from sediment control devices when 6" of device height has been reached.

5. After rough grading is completed, all topsoil spread, areas shall be seeded and blanket sodness (or sodded) within 7 days.

6. Perimeter sediment controls shall remain in place until vegetation is growing / established in all disturbed areas.

7. All grading and erosion control shall adhere to City requirements.

8. Protect and preserve trees as indicated in Tree Preservation Plan.
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
TRENCH EXCAVATION, BEDDING & BACKFILL:
1. Trench excavations shall be in accordance with the requirements of CEAM Standard Specifications Section 2600.39.  
2. Granular Bedding and Gravel Encasement - Bedding and gravel encasement materials used in the pipe zone area (4" below the pipe to 12" over the pipe) shall conform to Mn/DOT 3149.2F.  
3. Backfill material shall consist of soil from trench, in the case of unsuitable material, backfill shall consist of Mn/DOT 3149.01.  
4. Bedding and encasement shall be compacted to 95% Standard Proctor using Specified Density Method, or as recommended by manufacturer, whichever is denser.  
5. Backfill shall be compacted in 12" lifts to Specified Density Method.  
5.1. 100% Standard Proctor from subgrade elevation down 3 feet.  
5.2. 95% Standard Proctor from bottom of excavation up to 3 feet below  
6. Backfill material around all manholes, catch basins, valve boxes, curb boxes, and hydrants shall be compacted with hand-machines.  
(continued on next page)
Resolution No. 2017-

Resolution approving the preliminary and final plat of
WILLISTON ACRES 3rd ADDITION at 14819 Margaret Place

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

Section 1. Background.

1.01 Lake West Development, LLC. has requested approval of preliminary and final plats of WILLISTON ACRES 3rd ADDITION, a two-lot residential subdivision, at 14819 Margaret Place.

1.02 The property is legally described as:

Lots 11 and 12, including adjoining vacated alley, subject to road, Williston Park Acres, Hennepin County, Minnesota.

1.03 On November 30, 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 approve the preliminary and final plats.

Section 2. General Standards.

2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution.
Section 3. Findings.

3.01 With slight shift of the proposed property line, which is a condition of this resolution, the preliminary plat would meet the design standards as outlined in City Code §400.030.


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

1. Prior to release of the final plat for recording, submit the following:
   a) A revised final plat drawing that clearly illustrates the following:
      1) All existing easements, including those described by Document No. 4750938 and 9625170.
      2) Dedication of additional right-of-way adjacent to the south side of Margaret Place. The required dedication is generally illustrated in an exhibit to the November 30, 2017 staff report. The right-of-way must cover the existing road encroachment, plus a 6-foot wide boulevard.
      3) A 5-foot shift of the proposed common property line to ensure minimum lot area is met. The required shift is generally illustrated in an exhibit to the November 30, 2017 staff report.
      4) A minimum 10-foot wide drainage and utility easement adjacent to the public right-of-way 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.
   c) An electronic CAD file of the plat in microstation or DXF.
   d) Two sets of mylars for city signatures.
   e) Park dedication fee of $5000.
2. Prior to issuance of a building permit

a) Submit the following:

1) A revised utility plan. The plans must illustrate:
   
   a. Extension of the 8-inch public sanitary sewer main from the cul-de-sac manhole to the east. The extension must be along the north side of the existing water main in accordance with Minnesota Department of Health requirements.
   
   b. Removal of existing 6-inch private sanitary sewer service to Lot 1 and reconfiguration of the service to provide a perpendicular connection to the extended main.
   
   c. Connection of Lot 2 to the new sanitary main.
   
   d. The water service on Lot 2 shifted to the west in order to save tree 840.
   
   e. Minimum 1.5 inch water service to Lot 2.

2) A Sanitary Sewer Extension permit from Minnesota Pollution Control Agency or documentation from the agency that such permit is not required.

3) A right-of-way permit application for work within the public right-of-way.

4) A driveway permit.

5) A final grading and tree preservation plan. The plan must:

   
   b. Not impact more than 30% of the critical root zones of the following trees:
• Lot 1 - Trees 826, 853, 855, 862, 863, 864, and 865

• Lot 2 - Trees 840, 842, A (848 as tagged in the field but not recorded on the inventory), 849, 850, and 851.

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

Note: no tree removal or grading may begin until a building permit is issued.

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

7) A letter of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to extend the sanitary main and patch Margaret Place. One itemized letter of credit is permissible, if approved by staff. The city will not fully release the letter of credit or cash escrow until: (1) as-built drawings have been submitted; and (2) the city engineer has accepted, in writing, the sanitary sewer extension and street repair.

8) Erosion control 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.

9) All required hook-up fees.

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) Hold a preconstruction meeting for extension of the sanitary sewer main.

3. A half-width patch of Margaret Place, at a minimum, is required for the length of the sanitary sewer construction. If the construction requires road disturbance to cross the centerline, then a full-width patch is required.

4. All lots and structures within the plat are subject to all the R-1 zoning standards.

5. This approval will be void on December 18, 2018, if: (1) a final plat is not recorded; and (2) the city council has not received and approved a written application for a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on December 18, 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 December 18, 2017.

______________________________
David E. Maeda, City Clerk
MINNETONKA PLANNING COMMISSION
November 30, 2017

Brief Description
Conditional use permit for a 7 to 12 resident licensed residential care facility at 5022 Baker Road

Recommendation
Recommend the city council adopt the resolution approving the conditional use permit

Background

By state law, licensed care facilities that serve six or fewer residents are permitted uses in all residential zoning districts. The city cannot place restrictions on such facilities above or beyond the restrictions placed on any other single-family home in the community. Further, as permitted uses, no special city zoning review or approval is required.

Individual communities have the authority to allow and regulate facilities serving more than six residents. Historically, the city of Minnetonka has held the view that licensed care facilities provide a valuable service to community residents and their family members. The city has chosen to allow, as conditional uses, facilities that serve between 7 and 12 residents. (See Supporting Information Section).

Proposal

Counter Point Recovery currently operates a chemical dependency treatment facility in Minnetonka. It serves six, male residents. By state law, it is a permitted use. The organization is proposing to open a new facility at 5022 Baker Road. This facility would serve 12 people. Any increase to over six residents requires a conditional use permit. (See attached).

Staff 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 applicant’s request and staff’s findings.

- Are there external building improvements that would alter the single-family character of the property or neighborhood?

  No. The applicant has not proposed any additions onto the existing single-family home. The applicant has stated that they may improve the existing driveway (blacktop or concrete) and add a fence along the southern portion of the property. However, none of these changes would expand the footprint of the home or alter...
the physical, single-family home character of the structure or neighborhood. (See attached).

- **Are minimum conditional use permit standards met?**

  Yes. The applicant’s proposal meets or exceeds the general and specific conditional use permit standards outlined in the city code. (See Supporting Information).

**Summary Comment**

The city’s residential care facility ordinance was re-written in 2013. The primary purpose of the update was to provide conditional use permit standards under which care facilities are appropriately balanced with the real and perceived impacts such facilities may have on surrounding residential properties. The proposed Counter Point Recovery meets all of the specific conditional use permit standards.

**Recommendation**

Recommend the city council approve a conditional use permit for a 7 to 12-resident licensed residential care facility at 5022 Baker Road. (See attached).

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

**Surrounding Land Uses**
- North: single-family home, R-1 zoning
- South: single-family home, R-1 zoning
- East: single-family home, R-1 zoning
- West: Interstate Highway 494

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

**Property History**
The subject property had a single-family home constructed on it in 1951. During the 1980s and 1990s, the property went through remodels and additions that created the 3,928 square foot building with an 880 square foot garage on the property.

In 1987, the city approved a front yard setback variance along I-494 from 50 feet to 34 feet for a house addition.

In 1999, the city approved a front yard setback variance along I-494 from 40 feet to 16 feet.

**Conditional Uses**
A conditional use is a use of a property that is permitted so long as certain conditions – which are clearly outlined in city code – are met. A conditional use permit (CUP) is both the city’s acknowledgement that the code-defined conditions have been met and mechanism to outline various regulations to ensure the conditions continue to be met into the future. A conditional use permit “attaches” to the property for which it has been approved, not to the property owner who applied for the permit.

CUPs may be granted to general land uses. In other words, the city may grant a CUP for a fast food restaurant, but not a CUP for McDonalds. The city may grant a CUP for non-service station having gasoline pumps, not a CUP for Super America. This distinction between general and specific uses is because the conditions outlined in the zoning ordinance cover generalities of the land use. For instance, the conditions require a certain amount of parking for fast food restaurants and certain vehicle stacking area for gas stations. The zoning ordinance does not, and should not, concern itself with a whether a restaurant serves burgers or tacos or what type of gasoline is offered for sale at a station.

It is the same for residential care facilities. The conditions outlined in code look at building square-footage, on-street parking, and the like. The conditions do not distinguish between the type of
care provided at a facility, the population residing at the facility, or the owner of the property on which the facility is located.

**Approved CUPs for 7-12 residents**

The City of Minnetonka has approved three conditional use permits for 7 to 12 resident licensed residential care facilities. These facilities include:

- One Twelve – 12401 Minnetonka Blvd, 12 substance abuse residents, approved in 2015
- Rakhma Grace Home – 5126 Mayview Rd, 12 dementia residents, approved in 2012
- Gianna Homes – 4605 Fairhills Rd E, 10 dementia residents, approved in 2004

**Licensing**

The City of Minnetonka requires a conditional use permit for residential care facilities serving 7 to 12 people. However, the city is not the licensing authority for these types of facilities. The Minnesota Department of Human Services is the licensing authority for residential care facilities. The city has added a condition to the resolution requiring that the applicant obtain licensing to provide residential care for up to 12 people.

**General CUP**

By City Code §300.16 Subd.2 no conditional use permit shall be granted unless the city council determines that all of the general standards are met. 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**

By City Code §300.16 Subd.3(g) licensed residential care facilities or community based residential care facilities serving 7 to 12 residents must meet the following standards:
1) 3,000 square feet of lot area for each overnight resident, based on proposed capacity;

Finding: The subject property is 54,760 square feet in size. This area exceeds the 36,000 square foot area needed for 12 residents.

2) 300 square feet of residential building area for each overnight resident, based on proposed capacity.

Finding: The existing building is 3,928 square feet in size, exceeding the 3,600 square feet required for 12 residents.

3) in R-1 and R-2 districts, for new construction including additions, a floor area ratio (FAR) that is no more than 100% of the highest FAR of the homes within 400 feet of the lot lines and within 1,000 feet of the lot along the street where it is located, including both sides of the street. The FAR applies to an existing structure only if it seeks to expand. The city may exclude a property that the city determines is not visually part of the applicant's neighborhood and may add a property that the city determines is visually part of the applicant's neighborhood. The city may waive or modify the floor area requirement where:

   a. the proposed use would be relatively isolated from the rest of the neighborhood by slopes, trees, wetlands, undevelopable land, or other physical features; or

   b. the applicant submits a specific building design and site plan, and the city determines that the proposed design would not adversely impact the neighborhood character because of such things as setbacks, building orientation, building height, or building mass. In this case, the approval is contingent upon implementation of the specific site and building plan.

Finding: No new additions are being proposed for the subject home.

4) no external building improvements undertaken in R-1 and R-2 districts which alter the original character of the home unless approved by the city council. In R-1 and R-2 districts, there must be no exterior evidence of any use or activity that is not customary for typical residential use,
including no exterior storage, signs, and garbage and recycling containers;

**Finding:** No external building improvements are proposed that would alter the original character of the home.

5) **traffic generation:** a detailed documentation of anticipated traffic generation must be provided. In order to avoid unreasonable traffic impacts to a residential neighborhood, traffic limitations are established as follows:

a. in R-1 and R-2 districts, the use is not permitted on properties that gain access by private roads or driveways that are used by more than one lot;

b. the use must be located on, and have access only to, a collector or arterial roadway as identified in the comprehensive plan;

c. the use must prepare, and abide by, a plan for handling traffic and parking on high traffic days, such as holidays, that has been reviewed and approved by city staff.

**Finding:** The property is located on Baker Road, an arterial and county roadway, includes a three-stall garage, and has outdoor parking spaces for at least four vehicles. City code limits outdoor vehicle parking to four vehicles at any time, excluding vehicles of occasional guests who do not work or reside on the property. A condition of approval has been added to the resolution reflecting this maximum amount of outdoor parking on the site. The 7 parking spaces would limit traffic on site while still accommodating the residents, staff and limited guests expected on the site.

6) **no on-street parking** to be allowed. Adequate off-street parking will be required by the city based on the staff and resident needs of each specific facility. In R-1 and R-2 districts, the parking area must be screened from the view from other R-1 and R-2 residential properties. Private driveways must be of adequate width to accommodate effective vehicle circulation and be equipped with a turnaround area to prevent backing maneuvers onto public streets. Driveways must be maintained in an open manner at all times and be wide enough for emergency vehicle access. Driveway slope must not exceed 8 percent unless
the city determines that site characteristics or mitigative measures to ensure safe vehicular circulation are present. Adequate sight distance at the access point must be available;

**Finding:** The property includes a three-stall garage and outdoor parking for at least four vehicles. The applicant indicates that drivers/parkers at the proposed 12-resident facility would include:

- four day time staff members,
- one to two staff members during the evening/night; and
- a 12 passenger vehicle for outside activities.

As proposed, residents are not allowed to have vehicles on the premises, so they have not been included in this list. The existing garage and proposed driveway could accommodate all of these drivers/parkers even were all to be on site at the same time.

7) all facilities to conform to the requirements of the Minnesota state building code, fire code, health code, and all other applicable codes and city ordinances;

**Finding:** This has been included as a condition of approval.

8) landscape buffering from surrounding residential uses to be provided consistent with the requirements contained in section 300.27 of this ordinance. A privacy fence of appropriate residential design may be required to limit off-site impacts. Landscape screening from surrounding residential uses may be required by the city depending on the type, location and proximity of residential areas to a specific facility;

**Finding:** The subject property is bordered by vegetation to the north and east and a highway wall to the west. The subject home is located over:

- 200 feet from Baker Road;
- 100 feet from the northern home; and
140 feet from the southern home.

The existing vegetation and physical separation create adequate buffering from the subject structure, which is not being exteriorly altered, and neighboring homes.

9) submission of detailed program information including goals, policies, activity schedule, staffing patterns and targeted capacity which may result in the imposition of reasonable conditions to limit the off-site impacts;

**Finding:** This information has been submitted and is attached to this report.

10) submission of a formal site and building plan review if a new building is being constructed, an existing building is being modified, or the city otherwise determines that there is a need for such review; and

**Finding:** No new construction or exterior building/site changes are proposed.

11) additional conditions may be required by the city in order to address the specific impacts of a proposed facility.

**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 approve the request based on the findings outlined the staff-drafted resolution.
2) Disagree with staff’s analysis. In this case, a motion should be made recommending the city council deny the request. This motion must include findings outlining how the CUP standard is not met.

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.

**Neighborhood Comments**  The city sent notices to 52 area property owners and received several comments to date. (See attached).

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

**Deadline for Decision**  February 5, 2018
Location Map

Counter Point Recovery
Address: 5022 Baker Rd
Project #99066.17a

This map is for illustrative purposes only.
Subject Property
(facing west from Baker Rd)
10/13/2017

RE: Conditional Use Permit

To City of Minnetonka Planning & Zoning, Council & Staff,

This letter is in request to a Conditional Use Permit to operate a 12 bed licensed care facility at 5022 Baker Road. Counter Point Recovery (CPR) is a Rule 31 licensed care facility that provides residential chemical dependency treatment to adult men. CPR is licensed as a high intensity residential care facility that provides 30 hours of group counseling each week and 1 hour of individual counseling for each resident. An activity schedule is attached. The goal of CPR is to provide a professional and purposeful treatment program to meet each individual’s unique needs in overcoming chemical dependency. Combining education, intervention and aftercare CPR aims to help clients reach their recovery goals. Our objective is to support our resident’s strengths so they can take the necessary steps to transform their lives. Our focus is to develop a conscious, independent and empowered individual.

Because our facility provides high intensity treatment, residents must be supervised at all times. Treatment services are provided between 8am-5pm Monday-Friday. All residents are required to partake in treatment services in addition to 30 hours of group counseling and 1 hour of individual counseling each week. CPR provides transportation for all activities and residents are not allowed to have vehicles on our premise. CPR is a primary residential facility, we equip our residents with an understanding of addiction, coping skills, relapse prevention, and many other recovery skills so that they can step down to a medium intensity treatment program where they can begin to expand on the skills they learned, gain employment and living skills and integrate back into the community. Our program is designed to be a structured intense 90-day program. Our residents are not allowed to be employed or have other commitments outside of recovery while in our 90-day program. There are no visitation hours in our high intensity treatment program.

CPR requires all residents to follow all facility policies at all time, behavioral guidelines inside and outside our facility. Residents agree to our behavioral policy, house rules and treatment rules before admission into our facility. Residents are also required to submit to random drug tests and room searches. Residents who relapse are referred to a higher level of care and often taken to a detoxification facility. CPR does not accept clients with arson or a criminal sexual conduct charge on their record.

During the day, Monday-Friday there are four staff members on site from 8am-5pm. During the evening there are 1-2 staff members on site. Overnight there is 1 staff member on site. A 12 passenger vehicle owned by CPR will be on site to transport residents to outside activities. All doors will automatically lock at 5pm except for an emergency exit, and all windows will have sensory alarms.

Regards,

Munasir Gabeyre
Operations Manager
Counter Point Recovery
Munasir.gabeyre@counterpointrecovery.org
Written Statement

Counter Point Recovery (CPR) currently operates a licensed care facility for 6 residents at 14528 Moonlight Hill Road. CPR would like to propose moving the 6 bed facility to 5022 Baker Road and increasing capacity to 12 residents. By state law and city code, residential care facilities serving six or fewer residents are allowed without any city zoning review. However, the proposed increase beyond six residents requires a conditional use permit.

1. **3,000 square feet of lot area for each overnight resident, based on proposed capacity;**

Answer—The site has a total of 55,297 total sq ft.

2. **300 square feet of residential building area for each overnight resident, based on proposed capacity;**

Answer—The residential building has 4,212 total sq ft.

3. in R-1 and R-2 districts, for new construction including additions, a floor area ratio (FAR) that is no more than 100% of the highest FAR of the homes within 400 feet of the lot lines and within 1,000 feet of the lot along the street where it is located, including both sides of the street. The FAR applies to an existing structure only if it seeks to expand. The city may exclude a property that the city determines is not visually part of the applicant's neighborhood and may add a property that the city determines is visually part of the applicant's neighborhood.

Answer—No new construction.

4. no external building improvements undertaken in R-1 and R-2 districts which alter the original character of the home unless approved by the city council. In R-1 and R-2 districts, there must be no exterior evidence of any use or activity that is not customary for typical residential use, including no exterior storage, signs, and garbage and recycling containers;

Answer—No external building improvements will be undertaken.

5. **traffic generation: a detailed documentation of anticipated traffic generation must be provided. In order to avoid unreasonable traffic impacts to a residential neighborhood, traffic limitations are established as follows:**

a) in R-1 and R-2 districts, the use is not permitted on properties that gain access by private roads or driveways that are used by more than one lot;

b) the use must be located on, and have access only to, a collector or arterial roadway as identified in the comprehensive plan;
c) the use must prepare, and abide by, a plan for handling traffic and parking on high traffic days, such as holidays, that has been reviewed and approved by city staff.

Answer----A. No access by shared private roads or driveways. B. This site is located on minor reliever road. C. Residents are not permitted to have vehicles on site, no visitation is allowed in our program and any special events for resident family/parties will be held off site.

6. no on-street parking to be allowed. Adequate off-street parking will be required by the city based on the staff and resident needs of each specific facility. In R-1 and R-2 districts, the parking area must be screened from the view from other R-1 and R-2 residential properties. Private driveways must be of adequate width to accommodate effective vehicle circulation and be equipped with a turnaround area to prevent backing maneuvers onto public streets. Driveways must be maintained in an open manner at all times and be wide enough for emergency vehicle access. Driveway slope must not exceed 8 percent unless the city determines that site characteristics or mitigative measures to ensure safe vehicular circulation are present. Adequate sight distance at the access point must be available;

Answer---- All parking will be on site. Facility will own a 12 passenger vehicle that will be parked on site for residents to get to therapeutic recreation, equine therapy, grocery shopping and other treatment activities. No more than 5 vehicles will be on site at the same time, this is only between 8am-5pm during hours of operation. Proposed parking plan is attached.

7. all facilities to conform to the requirements of the Minnesota state building code, fire code, health code, and all other applicable codes and city ordinances;

Answer----Facility will meet all Minnesota state building code, fire code, health code and all other applicable codes and city ordinances.

8. landscape buffering from surrounding residential uses to be provided consistent with the requirements contained in section 300.27 of this ordinance. A privacy fence of appropriate residential design may be required to limit off-site impacts. Landscape screening from surrounding residential uses may be required by the city depending on the type, location and proximity of residential areas to a specific facility;

Answer----Not change in landscape or exterior buildings.

9. submission of detailed program information including goals, policies, activity schedule, staffing patterns and targeted capacity which may result in the imposition of reasonable conditions to limit the off-site impacts;

Answer----Submitted activity schedule and letter containing program information, outlining goals, policies, staffing patterns and targeted capacity.
10. submission of a formal site and building plan review if a new building is being constructed, an existing building is being modified, or the city otherwise determines that there is a need for such review; and

Answer-----Submitted floor plan.

11. additional conditions may be required by the city in order to address the specific impacts of a proposed facility.

Answer-----N/A
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<th>Monday</th>
<th>Tuesday</th>
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<td>Emotional Regulation</td>
<td>DBT Therapeutic Mindfulness Activities Starts 12pm</td>
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<td>MH Education Equine Therapy</td>
<td>Communication Skills Education</td>
<td>Life Skills</td>
<td>Therapeutic Mindfulness Activities Ends 4pm</td>
<td>Sober Fun</td>
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<td>Free Time</td>
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**12:00am**

***Clients Minimally will have 1 individual session once a week with a LADC.***

All therapy sessions will be facilitated by a LADC, ADC-T, LMFT, LP, LPCC, or another licensed counselor approved by DHS. If an outside person is facilitating the group another counselor will also attend the class.

Individual One on Ones will occur either from 7:00 am to 8:00a, 4:30pm-7:30pm or scheduled for a different time as needed.

***This is a proposed facility schedule for 5022 Baker Road***
Good afternoon Drew, Terry and Bob:

I am a resident of Minnetonka and live on Carleton Road, right off of the Baker Road and Excelsior Blvd intersection. My husband and I chose this neighborhood to make our first home together as a married couple and we have lived here three and a half years. We love the neighborhood and feel very safe in this area.

It has come to my attention that there is a men's drug rehab facility seeking occupancy at 5022 Baker Road in very close proximity of our home. This brings us great concern as we are very active and both go for walks or runs in our neighborhood.

I feel that a more commercial area would be more appropriate to house this men's drug rehab facility, "Counter Point Recovery, LLC" rather that in the middle of a neighborhood. I would appreciate you keeping the residents of the neighborhood in mind as you consider this conditional use permit at this location.

Thank you and appreciate your time and consideration.

Best regards,

Anna Scheetz
Dear Bob,

I am writing to you concerning the conditional use permit request from Counter Point Recovery (CPR) to purchase 5022 Baker Road, Minnetonka, Mn to us as a facility for up to 12 adult men with high levels of drug and alcohol addiction.

I have a unique perspective on this situation as I lived along side someone who worked in a Drug Rehabilitation Center for 7 ½ years. Living closely to leadership within a Drug Rehab I was able to see the positive impact the program had on some of its clients and I celebrated with him in the stories of recovery and healing. In kind, this perspective gave me an inside look into the nature of this clientele and what it would mean to a community to run a facility without professional standards and practices.

Before I address the grave concerns I have with the ability of the proprietor of CPR to successfully run a drug rehab center and the numerous citations they have had in their first year of operation I would like to address the more elementary basics of their proposal that do not meet standards, codes and show falsified information given on their application.

Based on the proposed parking spots CPR has noted on their plans for 5022, 3 parking spots would be placed in front of the existing garages starting on the South end. The parking spot proposed on the most southern end of the garage would require them to remove a giant tree that you will see on the current aerial view of the property.
In their application CPR stated that there would be no change in the landscape or exterior of the buildings. In order to accommodate their parking plans for a 12-passenger vehicle and 4 additional parking spots they would not hold to the integrity of their application as they would have to do significant outer landscaping in order to carry out their parking plan. Fartun Ahmed, the proprietor of CPR also stated their goal to expand to a 15-stall parking structure, which would significantly alter the exterior and landscaping of the building and in addition block the designated space for emergency vehicle access.

In the application it states that a 300 square foot residential building area is required for each overnight resident. As CPR is requesting conditional use permit for up to 12 male adults they would need a total of 3,600 feet to comply with this rule.

The standards also stipulate that the ceilings of the facility used to house and room each individual must be at least 7 feet tall to comply with code. According to the dimension details outlined by Ava Studio, the attic room of property 5022, that is being included on the square footage to accommodate 12 adults, is only 6 feet and 6 inches in height. That height is only maintained for 28” width of the ceiling. From there it slopes down to 4 feet tall on either side. Subtracting this 284 square feet from the total livable square footage available for the 12 person capacity brings the total square footage short for the allowance necessary to meet building codes for this proposed facility.

In the application CPR states that “No new construction” and “No change in landscape or exterior buildings”. In the Neighborhood meeting held on November 14th the proprietor of CPR stated that they may erect a large privacy fence.

Knowing the needs of drug addict rehab patience it is imperative that they are in a community they can feel a part of. This community is surrounded by elderly retired folks and children. This is not optimal for the clients as they will not be able to assimilate to a new lifestyle when they are not able to develop relationships with similar peers.

There are already 6 locations within 3 miles and 4 are within 2 miles with a total capacity of 41 clients. This location does not serve them better.

The Location proposed for their additional rehab center is not optimal given concerns regarding their ability to secure the facility.
In addition to these factors I must address the incompetency CPR has had in running its current facility with 6 adult men in just its first year of operation.

Since its opening March 2016 CPR has received 14 citations violating Minnesota Rules and Regulations for standard protocol in operating a drug rehabilitation center.

In a single inspection, CPR had 14 different citations.

The license holder, CPR, was cited for submitting requests for payment of public funds for services that were not documented as being provided in the amount required. CPR submitted requests for services of 30 hours of required counseling when their client received less than 30 hours. When a business is responsible for vulnerable adults and is responsible to submit insurance claims they are not only to protect the vulnerable adult by giving them the services they need but they are not to violate the health insurance regulations. Submitting for payment of services not received is a serious violation and abuse of the health insurance system, is abuse of a vulnerable adult and constitutes fraud.

In this inspection every client file reviewed for requirements governing consent to disclose suspected maltreatment of vulnerable adults did not conform to federal requirements and violated 3 Minnesota Statutes.

Every client file reviewed for requirements governing individual abuse prevention plans did not meet requirements. Their individual abuse prevention plans did not contain an individualized assessment of the persons' susceptibility to abuse by other individuals, including other vulnerable adults and self abuse.

- The staff failed to assess the level of vulnerability of their clients upon entering the program. Failing to complete this assessment not only leaves the client in danger of others but also puts them at risk of self-harm. Failing to closely regulate these assessments leaves the business open abuse of vulnerable adults.
In this inspection a third of the files reviewed for comprehensive assessments required for clients entering the program were given 29 days late.

Every client file reviewed for requirements governing progress notes and treatment plan reviews did not meet requirements on 6 different levels violating 2 Minnesota Rules. If a client of a drug rehab center is not receiving an evaluation of their progress they can neither graduate the program nor gauge their progress to celebrate success in sobriety.

2 out of 3 files reviewed for requirements governing client property did not contain documentation of the receipt of client funds or other property. CPR is not responsible with client property mismanaging the personal items and money of the vulnerable adults they serve as clients upon entering the program.

A third of the files reviewed for requirements governing summaries of termination of services did not include continuing care recommendations. CPR is not upholding their vision nor obligation to give their clients the resources they need to get the help they require for recovery.

Every personnel file reviewed for requirements governing written annual reviews did not include any annual reviews.

Every personnel file reviewed for requirements governing staff training did not meet requirements for the required annual trainings nor the training required for those working with mental health and substance abuse. When you work with high-level substance abuse clientele appropriate onboarding and ongoing staff training is crucial. In order to not only keep the clients safe from themselves or others they need tools to be able to deescalate a situation, calm a resident who is hallucinating, talk through a situation to get a client to take their medication.

Failure to train staff adequately may be the cause of the overwhelming 911 calls from CPR since their opening. There are currently 6 active facilities in Minnetonka providing identical services to CPR with a capacity of 41 clients (CPR is 15% of total capacity). 23 calls to 911 were made in 2017 to these 6 locations – 14 of which were from CPR's
existing site (61% of 911 calls made in 2017 to rehab facilities in Minnetonka were from CPR). CPR had 4 times the 911 calls relative to their size

Upon receiving the requested police records for the current operating location of CPR 18 individual reports were found each containing at least 3 pages defining the disturbances occurring at and around the current CPR facility.

In these documents 3 individual reports document violent and unstable clients escaping from the CPR facility causing disturbances and danger to the community and public citizens.

On March 4th, 2017 a client was documented as being “very violent”, “out of control”.

On June 18th, 2017 911 documents “a client took off”, “ran into the woods”, “he was supposed to do his chores”, “threatened another client, calling people names, was about to hit another client”.

A resident of CPR was documented as standing at the end of the drive way yelling at cars as they passed by.

The proximity of the new proposed site for CPR is alarmingly close to many facilities where children are present both indoors and outside.

- Notre Dame Academy, a preschool and elementary school, is less than a 3 minute walk to the proposed new location for CPR. (when accessing the 494 crossover bridge)
- 2 Pre-schools, 2 Elementary, and 1 Jr High School are within approx. 2 miles of this location
- Many school districts have bus stops within one block of this location 5 days a week
CPR has run a Drug Rehabilitation Center without strict adherence to staff training, appropriate client onboarding and abidance to state law regarding client records putting the citizens surrounding CPR at risk and danger.

A concerned citizen asked Fartun what her platform was for running for the seat on the school board. Fartun responded child safety. This concerned citizen then asked if any of her clients ever escaped from the facility and she said no. She was asked a second time if she knew of any occurrence where a client was outside of the current CPR residence without the supervision of staff and she said no.

Fartun currently runs a day care center and has had citations on that operation as well including failing to run background checks on those caring for the children. Running a day care is a full time job. Running a Drug Rehab center is more than a full time job. Fartun just won a seat on the school board using her platform for keeping kids safe in the community. Fartun may have a good heart in trying to do so much good but if you cannot handle the responsibility of two companies both caring for vulnerable children and adults well you should not be allowed to have more responsibility by increasing your cliente.

With all of the citations and police calls and dangerous situations her staff has put the clients and citizens in she has proven that she cannot handle more clients.

Fartun herself stated at the Community Neighborhood meeting on November 14th, 2017 that “we are new and learning from our mistakes.” From a person with first hand experience working with drug rehab centers if you cannot run it properly you are not helping the community but rather putting it at risk.

When Fartun was questioned about how she can justify poorly running a facility full of clients that have proven to put neighbors, citizens and children surrounding them at risk while at the same time claim that her vision and platform for Minnetonka is creating a community that is safe for kids Fartun responded

“What I do in my personal life and on the school board are two completely different things.”
I could not disagree more. Fartun has proven that she is running the current CPR facility in a manner that puts citizens at risk because of their lack of adherence to Minnesota state law regarding drug rehab centers. When your business practices directly impact the community in a way that contradicts your platform for representing the community there is a conflict of interest and inconsistency of character.

I not only strongly move to DENY the proposal for Conditional Use of property 5022 Baker Road as a Drug facility to house up to 12 adult men, but I strongly believe that this community would be better off with the drug rehab centers we have than adding one that cannot meet the state standards for success. This is not only a threat to the community but it is not serving the clients they seek to help.

As a public servant of this community I sincerely hope you take into consideration all the proof of incompetence of this organization and the points of proof that it is not fit for this community.

---

Breonna Bachman
Good Afternoon, Drew:

I am submitting additional concerns relating to the proposed rehab facility at 5022 Baker Road in Minnetonka.

1. Has anyone at the City checked the ownership of 14528 Moonlight Hill Road (Counter Point Recovery's (CPR) current site)? I was looking up ownership, and on the Hennepin County website, it says it's owned by 14528 Moonlight Hill Rd. LLC. When I google this business to try to find out who they are, I find that a business called Shoresox Systems LLC is located at that exact address. However, I can find nothing about 14528 Moonlight Hill Rd. LLC. My intent in this search was to see if I could find out why Counter Point Recovery is moving (that is, were they evicted, etc.). Now I expect that they still own it and are just operating another business out of that location.

2. In addition to their numerous code violations, it seems that one of the owners, Ms. Fartun Ahmed, also owns a daycare facility in Hopkins, amongst other businesses. I have been told that the daycare also has numerous violations, although I have not had a chance to look that information up yet.

3. I am disturbed that I am not able to look up the permit for this property. It is my understanding that there are a number of false statements on it, such as: CPR says there will be no visitation, and yet at the city meeting on November 14, they specifically said there would be. They also noted a potential expansion to a 15 stall parking structure on their application; the current house has a 3-car attached garage. Finally, building codes require 7 foot ceilings and the bedrooms in the house are 6 feet tall/high. I was not able to find any permits for the last few years at 5022 Baker Rd.

4. I believe there are sufficient facilities of this kind in Minnetonka. When combined, they make up a large percentage of Minnetonka 911 calls. This is also a neighborhood of SINGLE FAMILY HOMES. There is no easy walking access to places such as bowling alleys, movie theaters, athletic facilities or grocery stores. Many residents, such as myself, have lived here for a number of years—I don’t know if they are satisfied.

5. Property value. Is the city going to make up the difference in what we will actually receive for our houses if this facility moves in? Currently our home value is approximately $190k; I expect to lose $50k of that value if this facility moves in. Would YOU knowingly purchase a home next to a rehab facility? I think not.

6. Minnetonka has a number of new (in the last few years) apartment buildings and other businesses. I find it hard to believe that the property tax gain on this house will be worth the trouble it causes if you allow this facility to move in. What will people think if they drive up or down Baker Road and see bars on the neighbors' doors or windows like you see in some areas of Minneapolis?

7. I have a child with autism. Specifically in this situation, my concern is her lack of social skills/awareness. If I feel we need bars on our windows and doors, we will install them.
8. Proximity: we are on a slight hill above 5022 Baker Road. This means that from 5022 Baker Road, the inside of our home as well as our yard is totally viewable. Are we supposed to keep our blinds drawn 24/7? Never go in the yard?

9. 5022 Baker Road is approx. 100 feet from the footbridge that crosses over I-494. It's not only an easy escape route, but it also increases the options available if someone flees. I understand that the owners say there will be alarms, etc., but the idea that there is only one person on duty during the overnight hours is not real encouraging. A man could easily be to Glen Lake or the Crosstown before a 911 call is made and police can arrive. It's not much better during the day. Presumably these men will be working with therapists, so the notion that, say, 5 staff will be in the house, is not very comforting since many of them will be occupied with therapy.

10. In short, you are talking about placing a house full of men with varying degrees of addiction smack dab in the middle of a residential neighborhood and within a stone’s throw from a school and several neighborhood children. Some of them will be undergoing court-ordered treatment. We really have no idea what the different addictions will be, how severe they are, if the man/men would have received prison if not for the treatment option, etc.

Thank you for allowing me to submit my concerns.

Patrice Wehner, 5030 Baker Rd., Minnetonka. (Tracy is my nickname.)

Tracy Wehner
Professional Standards Coordinator

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Minnetonka Planning Commission and City Council:

We are writing to express our concerns regarding the proposed men’s drug rehab facility being proposed for 5022 Baker Road by Counter Point Recovery LLC.

A primary concern of ours is the capacity of this company to operate such a facility. This company has not had a sufficiently long-term track record managing a six person facility at 14528 Moonlight Hill Road, and they are proposing the Baker Rd. facility be a twelve person facility. The Moonlight Hill facility has had 14 emergency 911 calls and 14 Department of Health Services citations in less than one year of operation. Also, of the eight active facilities in Minnetonka providing similar services for 41 clients, 61% of the 911 calls were from the CRP facility on Moonlight Hill Rd.

CPR’s issues with the Moonlight Hill facility tie directly to our other primary concern which is security. CPR proposes to have one supervision attendant on site from 11PM until 7AM to oversee twelve adult men with various mental and chemical dependencies. This seems inadequate and does not contribute to a feeling of security in the neighborhood. This is a very quiet neighborhood with large lots and dark, woody areas at night including the lot at 5022 Baker Rd. Also, the lot is a short three-minute walk from Notre Dame Academy across the 494-crossover bridge.

The application states little exterior landscaping will be needed; however, at the Nov. 14 planning meeting, CPR stated that it would expand parking to a 15 stall structure. A 15 car parking lot would, we feel, adversely impact the neighborhood character. Despite some trees and bushes, the site is not particularly isolated from the houses on either side. At the same meeting, CPR said they would allow visitation on Wednesdays and on weekends. Their application had no visitations. We are concerned about the additional traffic that would be generated. This is not a commercial area with cars coming and going—it is supposed to be a single family residential area!

We respectfully ask the Council to deny the request to convert 5022 Baker Rd. into a drug rehabilitation facility for 12 residents.

Yours truly,

William and Susan McKnight
November 20, 2017

City of Minnetonka
Attn: Drew Ingvalson, Project Planner
14600 Minnetonka Boulevard
Minnetonka, MN 55345

RE: Counter Point Recovery Proposal for 5022 Baker Road, Minnetonka, MN

Dear Mr. Drew Ingvalson,

This letter is our formal request to deny the proposal in front of the planning committee to convert the residence at 5022 Baker Road to an addiction recovery facility.

We have lived in the neighborhood for the last 16+ years. We have watched our area receive new families and call it home. It is wonderful to see younger people and children move in! We have endured much road construction, traffic, and convenience store change-overs in the last several years. The proposal to add a chemical addiction center to the neighborhood is utterly unacceptable.

Below are some of the reasons we are vehemently opposed to having one of the homes in our neighborhood become the temporary residence for individuals recovering from substance abuse.

- This is a residential area with small children living nearby.
- There is a school on the other side of the walking path near the home.
- There is a known drug hook-up location within 2 blocks.
- Lowered property values.
- We do not believe the residents will be adequately supervised. Having practicing medical physician or licensed psychiatrist on site 24 hours a day may alleviate this concern.
- The proposed owner is not medically trained to administer care for chemically addicted individuals according to publicly available information.
- The current facility run by Counter Point Recovery has had multiple violations noted in routine license checks. Doubling the number of beds may make compliance even more challenging.
- According to Counter Point Recovery’s website: “Drug addiction can also heighten criminal activity which leads to neighborhoods and communities being disrupted.” We completely agree, that this neighborhood would be severely disrupted and become a hostile place for the residents of the treatment facility.
- Also according to the Counter Point Recovery website: “Of course chemical dependency can also relapse and come back, that possibility always exists,...”. This puts our families and security at risk simply because we are near the facility that may house the individual relapsing.
- The increased use of the property. According to the Counter Point Recovery treatment information, there would be at least 7 people (in addition to any addicts) using the property. They claim that each patient “will be assigned a treatment counselor (who) will put together a cohesive team of individuals to meet all the needs of the individual from spiritual counselor, family counselor, nurse, psychologist, case manager, dietitian, and fitness specialist.”
- On the planning commission documentation, the applicant claims that only 4 people will work in the facility during the hours of 8-5 Monday through Friday and 1-2 people in the evening with
only 1 person overnight (which doesn’t seem to match what the website for Counter Point states – see the above bullet). We do not feel this is appropriate for a 12 bed facility, especially overnight. As stated in the application, residence are supposed to be supervised at all times. This could prove difficult when only 1-2 people are on staff.

- In addition to more staff than listed on the application, food service providers, government oversight, and family visitations (per the family counseling and holistic treatment programs) will increase traffic and use of the property and Baker Road.
- Who is supervising the residents of the Counter Point Recovery facility? The former addict making $9/hour or the owner of the facility with a vested interest?
- Baker Road is a busy road. There isn’t a sidewalk or activity area nearby (other than the elementary school). Having the residence walk to the convenience store (the known drug hook-up location) and cut through all the yards of the neighbors will further diminish the opinion of facility to the area.

While we understand the need for such facilities, we do not believe 5022 Baker Road is the place to put it. We have had experience in having a child go through addiction treatment. Having seen the facilities and program being used during a treatment plan is part of why we feel so strongly against this proposal and have the concerns we do.

We, along with our friends and neighbors, urge you to reject this proposal.

Thank you for your time in this matter.

Sincerely,

Robert and Danielle Arthur
4906 Baker Road
Minnetonka, MN 55343

Cc: B Ellingson
Dear Drew Ingvalson,

My wife, Julie Brokaw and I live at 5125 Baker Road in Minnetonka, just a block from Counter Point Recovery’s (CPR) proposed Care Facility (12 bed) for men with chemical dependency.

I’m writing to communicate our strong opposition to the facility and am asking the council to deny Ms. Fartun Ahmed’s request for a conditional use permit for the facility.

The primary reasons we are opposed to the facility is the poor track record CPR and Ms. Fartun Ahmed has at its other Minnetonka facility and its reputation for mismanagement and its inconsistent in its communications.

CPR currently operates a 6-bed licensed care facility at 14528 Moonlight Hill Road, which we discovered had over a dozen 911 calls and Health Services citations in only one year of operation. The Baker Road site will have twice as many men (12) but still only 1 staff member staying overnight to deal with any issues or problems. This is just unacceptable. Additionally, Ms. Fartun gave mixed messages on what cosmetic changes will be made to the property and has suggested removing large trees, putting up a security fence and building a 15-car parking lot which totally changes the nature of our residential neighborhood.

Please vote no and deny CPR the conditional use permit for the Men’s Care Facility proposed on Baker Road.

Thank You,

Brent & Julie Brokaw
Lauren Wagner  
5101 Baker Rd.  
Minnetonka MN 55343

Dear Mayor Schneider, Councilman Ellingson, and Planner Ingvalson,

I’m writing to you today in order to voice questions and concerns regarding the proposed conditional use permit for Counter Point Recovery, 5022 Baker Rd. I moved my family from St. Louis Missouri to Minnetonka almost three years ago. We love our new community, neighborhood, and we especially love the culture of inclusion, equality, and diversity our new community values. We picked our home and neighborhood carefully. We wanted the residential feel where neighbors all knew one another and watched out for each others children. So far we have been thrilled with the neighborhood, and I didn’t realize until a few days ago that any business could go in at any of the surrounding residences. After reviewing the proposal I’m concerned that the design would adversely impact the neighborhood character & may not meet standards for 6 or 12 residents at this location.

My concerns about 6 or 12 residents occupying 5022 Baker include:

Space- based on the proposed capacity I’m not sure if residential building area would provide enough space for each overnight resident. Are ceilings in bedrooms 6 or 7 feet? Are they tall enough to meet requirements for indoor space?

Exterior evidence- 12 residents in one home is not customary for typical residential use and may require additional waste management resources like recycling and garbage containers.

Parking- adequate off-street parking for employees, & visitors would surpass parking restrictions in Minnetonka. It is also my understanding that not allowing visitors would not be an option for such a facility due to rule 31 regulations for licensing. I would not want such a facility to be limited as far as staff or visitation because of a location without adequate space to accommodate those needs.

Traffic- Baker road already has a traffic congestion issue especially when construction happens around us. I have not seen an adequate plan for handling traffic and parking on high traffic days such as visitation days or holidays.

Safety- reasonable conditions to limit the offsite impacts have not been met.

Nuisance- increased noise, increased emergency response activity, increased traffic generation, increased stress on water and sewer services for the location.
Zoning- I am unsure if building code, fire code, health code and all other applicable codes and ordinances could support 12 residents.

Future recourse options- if there are future safety concerns or negative impacts on the surrounding neighbors what recourse would we have?

No community building options- Normally when new neighbors arrive they are invited to join the lake association & attend the neighbors night out events. This new facility will have a rotation of residents that won’t afford us the opportunity to welcome them in to such community building social activities. In my opinion that negatively influences the fabric of our neighborhood structure.

I thank you for your consideration and service to our community.

Thanks,
Lauren Wagner
Cadence-Pro LLC.
www.Cadence-Pro.com
Mr. Ingvalson, Council Member Ellingson, Mayor Schneider:

I am writing with deep concern regarding the request by Counter Point Recovery for a conditional use permit to allow a licensed care facility in my neighborhood at 5022 Baker Rd. Potential impacts of introducing any commercial enterprise to a residential area should be thoroughly scrutinized, and this request has the potential to strongly negatively affect surrounding families, with little upside for the immediate community. As the location of the proposed facility is quite close to my home, I was disturbed to see that the facility currently operated by Counter Point Recovery at 14528 Moonlight Hill Rd was the site of Minnetonka police activity on at least 4 occasions in the past 9 months, including: 3/17/2017 PREDATORY Case Number: 17-1013 (https://eminnetonka.com/images/police/reports/Activity%20Report%2003-20-2017.pdf) 3/24/2017 PREDATORY Case Number: 17-1117 (https://eminnetonka.com/images/police/reports/Activity%20Report%2003-27-2017.pdf) 7/13/2017 DISTURB/DISORDERLY Case Number: 17-2919 (https://eminnetonka.com/images/police/reports/Activity%20Report%2007-17-2017.pdf) 7/14/2017 WARRANT Case Number: 17-2950 (https://eminnetonka.com/images/police/reports/Activity%20Report%2007-17-2017.pdf). These cases demonstrate a precedent of facility clientele acting disruptively (predatory!), and failure of Counter Point Recovery staff and security measures to prevent such events. With twice as many residents at the proposed Baker Road facility, incidents would likely be even more common and possibly more harmful given the relatively dense residential area and close proximity to schools. On-site presence of only 1-2 staff members outside of regular work day hours seems inadequate to provide constant supervision (which is required for this type of facility) for up to 12 clients. As a “high intensity treatment” facility, clientele are to be supervised at all times and undergo specified treatment services. However, in June 2017, a Correction Order (http://www.dhs.state.mn.us/main/idcplg?idcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=LLQ_406421) was issued to Counter Point Recovery by the Minnesota Department of Human Services Licensing Division documenting multiple citations, including: -Failure to provide “required hours of clinical services each week” (citation 1) -Requesting payment of public funds for services that were not documented as being provided as required (citation 1) -Improper client orientation (citation 2) -Failure to meet requirements regarding client comprehensive assessments and assessment summaries (citations 5, 6) -Failure to meet requirements governing progress notes and treatment plan reviews (citation 7) -Failure to meet requirements regarding continuing care recommendations upon termination of services (citation 9) -Failure to meet requirements regarding staff training (citation 11), personnel files (citation 12), and annual reviews (citation 13) This record of nonadherence by Counter Point Recovery to requirements intended to protect individuals undergoing chemical dependency treatment suggests client care does not consistently meet the definition for “high intensity treatment” and that measures to enforce the policy for residents to “follow all facility policies at all times” are likely inadequate. Even if competent supervision was fully provided, simply knowing that our neighbors are in a condition that requires constant supervision affects our sense of security to a degree that my family’s activities and use of our property would be severely restricted. My children could not play outside or wait at the school bus stop unaccompanied. Our family-friendly neighborhood would develop a different -less welcoming - character. Such a change in the local atmosphere would limit the desirability of area family homes, depressing surrounding property values and offsetting potential business tax revenues. Although my family’s security is of primary importance, other issues more generally related to business operation are important to consider as well. On-site parking as described by Counter Point Recovery will accommodate a maximum of 5 vehicles but this is inconsistent with parking accommodations noted by the company at a recent City Council meeting. How do clients get to and from the facility? Baker Road already gets quite congested at certain times of day and is ill-suited to accommodate business-related traffic in that segment. To the contrary, myself and other nearby residents would rather see the pedestrian features of Baker Road enhanced and non-local car traffic discouraged to better connect the neighborhood with nearby walking and bike paths. Adding the proposed facility would shift the neighborhood in an undesirable direction. As a resident who would be directly affected by its implementation, I strongly urge you not to grant the permit.
Good morning Drew,

I am writing the council with my reasons for objecting to the conditional use permit for Counter Point Recovery. Allow them to operate a 7-12 patient High Intensity Drug and Mental Rehabilitation facility.

After the meeting on November 14 it is apparent the owners of Counter Point Recovery were not truthful in their responses. When they disclosure as to the number and severity police responses to the current location of operation for their 6 patient facility. In addition to the number of citations and having a staff members which were not fully qualified as listed below. There are attached picture’s with our view fro 5030 Baker Rd looking into the property of 5022 baker Rd. This shows a privacy fence of 7 feet will not provide much security or prevent the facility from having a full view of our dwelling.

CPR currently operates a 6 bed licensed care facility at 14528 Moonlight Hill Road in Minnetonka which had 14 emergency 911 calls and 14 Department of Health Services citations since it’s opening in March 2016.

- CPR has a track record of non-compliance at their current location operating in Minnetonka. At this location CPR has proven incompetent with a 6-person facility, yet they are requesting expansion to double their residential capacity.
  - There are currently 6 active facilities in Minnetonka providing identical services to CPR with a capacity of 41 clients (CPR is 15% of total capacity).
  - 23 calls to 911 were made in 2017 to these 6 locations – 14 of which were from CPR’s existing site (61% of 911 calls made in 2017 to rehab facilities in Minnetonka were from CPR)
  - CPR had 4 times the 911 calls relative to their size
  - In a single inspection, CPR had 14 different citations including the license holder, CPR, submitting requests for payment of public funds for services that were not documented as being provided in the amount required.
  - In this inspection every client file reviewed for requirements governing consent to disclose suspected maltreatment of vulnerable adults did not conform to federal requirements and violated 3 Minnesota Statutes.
  - Every client file reviewed for requirements governing individual abuse prevention plans did not meet requirements. Their individual abuse prevention plans did not contain an individualized assessment of the persons’ susceptibility to abuse by other individuals, including other vulnerable adults and self abuse.
  - In this inspection a third of the files reviewed for comprehensive assessments required for clients entering the program were given 29 days late.
  - Every client file reviewed for requirements governing progress notes and treatment plan reviews did not meet requirements on 6 different levels violating 2 Minnesota Rules.
  - CPR is not responsible with client property mismanaging the personal items and money of the vulnerable adults they serve as clients:
2 out of 3 files reviewed for requirements governing client property did not contain documentation of the receipt of client funds or other property.

A third of the files reviewed for requirements governing summaries of termination of services did not include continuing care recommendations. CPR is not upholding their vision nor obligation to give their clients the resources they need to get the help they require.

Every personnel file reviewed for requirements governing staff training did not meet requirements for the required annual trainings nor the training required for those working with mental health and substance abuse.

Every personnel file reviewed for requirements governing written annual reviews did not include any annual reviews.

- The permit application has numerous inconsistencies and false responses misrepresenting their plans for the facility:
  - CPR falsified information and responses given in their application for approval of a conditional license to operate a 12 man drug rehab center.
  - In their application CPR falsely states there will be no visitation to residents admitted to the proposed facility.
  - Paragraph 5C in the application CPR states “No visitation is allowed in our program and any special events for resident family/parties will be held off site.”
  - At the City Council meeting held on Thursday November 14th, 2017 when the proprietor of CPR was asked whether visitation was allowed their verbal response was that residents will be allowed visitation on Wednesdays, Saturdays and Sundays.
  - The application states no exterior or landscaping changes will be made to be proposed facility.

- There are already 6 locations within 3 miles and 4 are within 2 miles with a total capacity of 41 clients.
- The Location proposed for their additional rehab center is not optimal given concerns regarding their ability to secure the facility.
- Upon receiving the requested police records for the current operating location of CPR over 18 individual documents were procured each containing at least 3 pages defining the overwhelming number of 911 calls made to this address since it’s opening March of 2016.
- In these documents disturbances to the community and public citizens are described.
- A resident of CPR was documented as standing at the end of the drive way yelling at cars as they passed by.
- The 911 notes also describe numerous disturbances from residents of CPR against their neighbors.
  - The proximity of the new proposed site for CPR is alarmingly close to many facilities where children are present both indoors and outside.
  - Notre Dame Academy, a preschool and elementary school, is less than a 3 minute walk to the proposed new location for CPR. (when accessing the 494 crossover bridge)
  - 2 Pre-schools, 2 Elementary, and 1 Jr High School are within approx. 2 miles of this location
  - Many school districts have bus stops within one block of this location 5 days a week

Due to the proven lack of compliance of CPR to Minnesota Laws and Legislation governing Drug Rehab facilities CPR poses a major threat to the safety of the children and vulnerable adults in the surrounding neighborhood of their new proposed location of 5022 Baker Road. In addition, the location
of this facility does not provide the life enriching activities within walking distance of the proposed location necessary for the residents to build independent living in order to be successful in the program.

- There has been a lack of transparency and consistency regarding policies, schedule and other factors that do not allow the community to have full visibility to the concerns and questions they have regarding the company.
- As a result of the non-compliance of CPR with laws governing Drug rehabilitation Centers relating directly to the training of staff, treatment of residents, the falsified information provided on their proposal application, the nature of the overwhelming number of 911 calls received regarding the current CPR location directly relating to the close proximity of the proposed location to schools, children and vulnerable adults and the failure for this proposed location to meet the needs of the residents in order for this company to have a successful impact on its residents, I move to DENY Counter Point Recovery a conditional use permit to operate a 12-person facility at the address of 5022 Baker Road, Minnetonka, Mn.

Please do not deny the overwhelming proof that CPR has not lived up the the standards of the state nor the requirements necessary for a facility of this nature to successfully serve the community.

Sincerely,
Jeff Wehner
Email Address - 
Phone - 
Cell -
Good morning.

My name is Jim Swigart and I live at 5211 Baker Road. As many of you are aware, the CPR company has recently applied for a permit to expand their high intensity rehab center while moving it to a new location.

To consider the issue, I am trying to view the perspective of the community need to help people who are trying to rehabilitate their life. My father-in-law is an example of how rehab can transform a life and understand that while most relapse, rehab facilities can be important in the recovery process. I also understand the perspective of the local community who have voiced concerns about the company who owns the facility. I am trying to take a less emotional approach to understand why this specific company and location is the ideal for expanding the total capacity of these residences in the local community.

My conclusion is that the company CPR is not being honest with the community both during the application process, the community meeting and in direct conversations with their ownership. What is also concerning to me is that CPR is not complying and has higher incident rates than other similar businesses in the community. The following are inconsistencies in the application and the discussions people in our community have had with CPR as well as concerns about how CPR is partnering with the community.

My first issue is that the application has issues and answers that the company has given are not accurate or conflicts with their own public statements. Some of the key points below:

- Twice in the the application, CPR states that there is no visitation. Once in the second paragraph of their letter and also in their answer in part 4 c. In the community meeting, the CPR leadership stated they have visitation on Wednesdays and weekends.

- In multiple places, the CPR leadership has stated there will be no exterior changes either in building or landscaping. However, when you view their parking plans they need to remove a very large tree to make space that is right in front of the southern-most of the two garage doors. You can see this on their aerial photos where the tree is versus the proposed accessible parking. In the community meeting, I was also told they discussed expanding the parking to a 15 slot parking lot. Not only does this contradict their plans, but that large of a lot (and the corresponding vehicles) will attract much more attention than any normal residential facility or the visitors will have to park on-street on Baker Road which often backs-up to the 494 underpass from 4:15 to 5:30 Monday-Fridays. There is also a low, metal fence on the south side and there are doors that lead to the backyard outside that fence, which may require a larger fence both for privacy and for containment of the residents.

- The application letter in the second paragraph states out discussing the fact that the residents are supervised at all times. On the CPR website, they discuss the location benefits and access to local spots such as Williston Fitness Center. During the community meeting, CPR discussed having a female-only staff. I didn’t think of this as a major issue, but how can females supervise male residents at a facility that has men’s locker rooms? In discussing these facilities with my father-in-law, he made a comment I hadn’t considered that locker rooms are often times where drugs are bought/sold by people going through rehab. He is now a addiction rehab counselor, so I trust his personal experience.

- The application states in section 7 that their building complies to all building codes. On their building plan, it shows the largest bedroom in the attic (about 280 sq ft) has a maximum ceiling height in the center at 66" and quickly tapers down to 48" on each wall. I tried to research all of the MN building codes and what I have seen is that a bedroom has to have a minimum ceiling height of 7’. If what I have researched is correct, CPR is not even aware that their business and building plans are not up to code, or they will be placing residents in a non-compliant bedroom.

The above concerns me a few ways. Primarily, the application is not a true representation of the business. While I understand some issues may be overlooking, not fully researching or a mis-understanding, I don’t feel that is an excuse when you are asking the community to trust you to run a high intensity rehab facility that takes a lot oversight and attention to details. Others are more concerning. CPR should be well aware of the inaccuracy regarding twice saying there is no visitation, unless they were not being
honest in the community meeting. It would seem logical to withhold this information because they state they are already limiting the parking to 5 vehicles maximum on a 4 slot driveway. If each of the proposed twelve residents had just one visitor during visiting hours, they would need to expand to around 15-16 slots, which ironically what CPR discussed in the community meeting. Even with current resident capacity of six, they could easily have 8-10 or more cars there at one time, multiple times a week.

If the application from CPR is not accurate and misleading, which I believe should be enough to deny the permit on that merit alone.

The second key point is the request regarding expanding a facility when they have not been compliant with their existing capacity. CPR has not yet shown that they can comply with a six resident facility, yet is asking the community to trust that they can run a facility with up to twelve residents. Logically to me that doesn't make sense. If there is a need for additional high intensity resident facilities, it should not be granted to the one that has the lowest compliance and most disturbances.

- If you look at other facilities in our community, there are a total of 41 resident capacity. CPR's current facility has 6. While CPR has a relatively low percentage of the residents, they have over half of the 911 calls to those facilities.

- CPR's current facility has had over 14 citations in a single inspection.

In the community meeting, the leadership of CPR stated they are "learning" since it is a relatively new business. Is it not reasonable that the community with these facilities next door expect compliance (especially relative to similar organizations) before we allow them to expand? My understanding is that CPR already plans on creating the facility regardless of whether or not they get this permit. I believe it is reasonable to deny the permit and allow CPR to learn the business as they stated. If CPR shows high improvement with consistent annual results, we as a community can discuss the expansion at that point.

The last point I will make is that people have reach out to the ownership and spoken with them directly. I have not had the opportunity to reach out to Fartun Ahmed yet, but plan to do so when I return back home to discuss the issues and my concerns above. I did briefly discuss the conversation one of our neighbors had with Fartun yesterday. Two things very much concerned me. First, Fartun was lying to this person about multiple things that are public record and known facts in order to put CPR in a more positive light. Second, there was a concern about Fartun retaliating against the community. This was in the form of relaxing security measures she would have to pay for if the "community continued to oppose her" and the second was playing the race card. I am willing to discuss details on a one-on-one basis, but the person who spoke with Fartun no longer wants to have their name used because they have kids and are in the Hopkins school district and fears retaliation, especially since Fartun now represents the community on the school board. This person is very stable and has been through the course of this discussion and it was alarming to me that a member of our community would feel this way after speaking to CPR leadership directly.

The rapid manner that the permit was applied for with little communication to the surrounding community is also causing some of the issue. I will not speak for anyone but myself, but I believe this process has left the community with more questions than answers which has fueled the emotional debate on both sides. Many people feel as if this was forced or tried to be done without any community feedback, which to a degree I believe in, especially with my own circumstance. I myself learned about the permit application just a couple days before a family vacation, which just gave me one weekday to research the permit request myself.

This is obviously a highly contentious issue. I am sure in the planning meeting there will be people who are for CPR and support Fartun as a person. There will be people who bring in emotion, which we have already seen in online discussion boards. People against the permit will bring up emotional arguments regarding neighborhood and kid safety, whether rational or not. People supporting the permit will say anyone who opposes the permit is ignorant, racist or unsympathetic to people in rehab. It is unfortunate that any member in our community is bullied, labeled or attacked without evidence, but the nature of the matter has brought up the issue on both sides of the argument.

This is why I think the above points I make are critical. In this matter I believe the council needs to look at the facts. I do not claim to have all of the facts, but I do believe that based on the facts regarding the issues with the application, the CPR leadership not being honest with the members of the community and the historical non-compliance of a smaller CPR facility, that the expansion is not justified at this point. CPR is a for-profit business which we also need to keep in mind in this situation. CPR stated they are already moving into the address at 5022 Baker Road regardless of the expansion. I just ask that we not allow the permit to expand at this time. I am not saying they shouldn't exist or even contend their ability to move into that location. I only ask that CPR not be allowed to expand at this time. I have not heard a single argument from CPR regarding why it is critical to our community to immediately allow CPR to expand.

I believe there are also other benefits to denying the permit. It allows CPR to move to the new facility and take time adjusting to the new location. It allows CPR to develop a consistent record of compliance over time, which will build trust of the neighborhood. It also allows for more conversations to occur between CPR and the community and hopefully co-develop a plan that addresses the concerns of the neighborhood while allowing up to six residents who need treatment to get help. Hopefully this will result in a better
long-term solution where CPR can leverage the location for their business and more rational discussions can happen with the people who are not over-reacting on either side of the argument.

Hopefully with time, we can build trust between the community and the businesses that reside in those neighborhoods and this issue if nothing else is about that trust.

I am returning from vacation on Tuesday evening (yes, I am writing on my vacation since this is such an important topic). If you have time, I would like to speak with each of you to discuss your knowledge and perspective as well. Please let me know if and when you have time on Wednesday to discuss.

Thank you,

Jim
Good afternoon,

I am writing to you as a Minnetonka resident and concerned citizen. I recently heard that Farzun Ahmed & Munasir Gabayre are applying for a Conditional Use Permit in the City of Minnetonka for Counter Point Recovery to use an existing single family home for a drug treatment facility serving 12 adult men.

I would like to encourage both the Planning Commission and the City Council to deny CPR’s request for a Conditional Use Permit. While I can appreciate CPR’s mission and vision the location selection for this new facility is misguided.

As our elected city leaders, you have the responsibility for a thoughtful approach to our city planning. As a resident I cannot see how allowing a residential facility with a capacity that is double what is zoned for is feasible. The use of this space although deemed as a "residential facility" it will not act like a typical residential home in the neighborhood but more like a commercial property. This will hurt the intrinsic value and fabric of our neighborhood that makes Minnetonka a highly sought after place to live. CPR would be eliminating the opportunity for another family to raise their children in a beautiful 5 bedroom home in our city.

I would like to point out that this area is not a commercial corridor. The impact of traffic coming and going from the facility and allowing a parking lot where a yard should be will erode the look and feel of the other residents properties surrounding this facility.

I also think having that many adults (13-16) including residents and employees will be incredibly taxing on the sewer, water and sanitary systems. They will require commercial level services such as frequent trash/recycling pickups, maintenance and food deliveries which will disturb surrounding residents.

If you have any questions regarding my views, please do not hesitate to reach out to me.

Sincerely,

Lindsey Wilkus
4837 Hamilton Lane
Minnetonka, MN 55345
Mr. Ingvalson, Council Member Ellingson, Mayor Schneider:

I am writing with deep concern regarding the request by Counter Point Recovery for a conditional use permit to allow a licensed care facility in my neighborhood at 5022 Baker Rd.

Potential impacts of introducing any commercial enterprise to a residential area should be thoroughly scrutinized, and this request has the potential to strongly, negatively affect surrounding families, with little upside for the immediate community.

As the location of the proposed facility is quite close to my home, I was disturbed to see that the facility currently operated by Counter Point Recovery at 14528 Moonlight Hill Rd was the site of Minnetonka police activity on at least 4 occasions in the past 9 months, including:


These cases demonstrate a precedent of facility clientele acting disruptively (predatory), and failure of Counter Point Recovery staff and security measures to prevent such events. With twice as many residents at the proposed Baker Road facility, incidents would likely be even more common and possibly more harmful given the relatively dense residential area and close proximity to schools. On-site presence of only 1-2 staff members outside regular work day hours seems inadequate to provide constant supervision (which is required for this type of facility) for up to 12 clients.

As a “high intensity treatment” facility, clientele are to be supervised at all times and undergo specified treatment services. However, in June 2017, a Correction Order (http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=LLD_406421 ) was issued to Counter Point Recovery by the Minnesota Department of Human Services Licensing Division documenting multiple citations, including:

- Failure to provide “required hours of clinical services each week” (citation 1)
- Requesting payment of public funds for services that were not documented as being provided as required (citation 1)
- Improper client orientation (citation 2)
- Failure to meet requirements regarding client comprehensive assessments and assessment summaries (citations 5, 6)
- Failure to meet requirements governing progress notes and treatment plan reviews (citation 7)
- Failure to meet requirements regarding continuing care recommendations upon termination of services (citation 9)
- Failure to meet requirements regarding staff training (citation 11), personnel files (citation 12), and annual reviews (citation 13)
This record of nonadherence by Counter Point Recovery to requirements intended to protect individuals undergoing chemical dependency treatment suggests client care does not consistently meet the definition for “high intensity treatment” and that measures to enforce the policy for residents to “follow all facility policies at all times” are likely inadequate.

Even if competent supervision was fully provided, simply knowing that our neighbors are in a condition that requires constant supervision affects our sense of security to a degree that my family's activities and use of our property would be severely restricted. My children could not play outside or wait at the school bus stop unaccompanied. Our family-friendly neighborhood would develop a different—less welcoming—character. Such a change in the local atmosphere would limit the desirability of area family homes, depressing surrounding property values and offsetting potential business tax revenues.

Although my family's security is of primary importance, other issues more generally related to business operation are important to consider as well. On-site parking as described by Counter Point Recovery will accommodate a maximum of 5 vehicles but this is inconsistent with parking accommodations noted by the company at a recent City Council meeting. How do clients get to and from the facility? Baker Road already gets quite congested at certain times of day and is ill-suited to accommodate business-related traffic in that segment. To the contrary, myself and other nearby residents would rather see the pedestrian features of Baker Road enhanced and non-local car traffic discouraged to better connect the neighborhood with nearby walking and bike paths.

Adding the proposed facility would shift the neighborhood in an undesirable direction. As a resident who would be directly affected by its implementation, I strongly urge you not to grant the permit.

Sincerely,

Elizabeth Davis

13020 Maywood Ln

Minnetonka 55343
We have lived in the City of Minnetonka since 1950! We built two homes at Wayzata Blvd (now 394) and County Rd 73 and after 28 years office buildings and apartment buildings were starting to surround us.....

SO....we built our present home in 1978 in a RESIDENTIAL AREA. We live on Jane Ln - in the area of 5025 Baker Rd. A few years ago there was a proposal to build an apartment complex in the area of Baker Rd and Rowland Rd - we attended meetings and thankfully - the Council listened to our concerns and it was not built.

NOW I sincerely hope that the Council will take into consideration OUR concerns for our neighborhood. At first we thought it was okay -- but now we have heard there are multiple issues: 1) Limited staff and low security; 2) Frequent 911 calls (and citations) on record at current facility; 3) Numerous compliances in the business plan submitted to the city.

PLEASE listen to the residents who will be affected by this change in our status from RESIDENTIAL to WHAT??

Thank you so much for your consideration.

Arne and Joy Brinwall
13013 Jane Ln
Mtka 55343
Dear Drew Ingvalson, City Planner; Terry Schneider, Mayor of Minnetonka; Bob Ellington, Council Member Ward 1,

I am writing to you in regards to the proposed Counter Point Recovery drug rehabilitation center at 5022 Baker Road, and the allowances and variances they are proposing in conjunction to the development of a high density occupancy in a residential zone.

I am passionately opposed to this proposed project for multiple reasons. It is irresponsible to allow an organization with a documented paper trail of violations and citations at their current facility, to be allowed to move into a residential zone and double their size and patient occupancy. The proposed plan and drawings submitted on file show a dangerous combination of small, inadequate use of space in what was once a single family home, now projected for 12 people to live in and staff to oversee, as well as a complete lack of safety for the patients and staff and the neighbors and community. There is a documented history of non-compliance by this organization on healthcare services, safety and financial levels.

The location of the project is on a very busy street with no sidewalks, directly across from a school bus pick up, near to elementary schools and 1000 feet from my house with 2 little girls. What it does not have that would be critical to a health facility is proximity to emergency medical facilities; there is no road infrastructure or driveway design to support a density of this magnitude, no safety precautions offered to patients and the community other than 1 person in charge of 12 men over night with locks on the windows and doors, and a direct violation to the commercial use, character and fabric of the neighborhood.

This proposed project will directly hurt the safety and financial wellbeing of the community. As documented in public record at their current location, the amount of projected 911 calls and emergency response will increase exponentially in a neighborhood that has not experienced this before. The City of Minnetonka will need to direct this new need with an increased amount of public and safety resources.

If this project is approved, the City of Minnetonka will also be held responsible for the safety of the community and the effects that the Counter Point Recovery drug rehabilitation center has on its residents and neighbors. The potential legal backlash from the residents of the community could be extensive. My husband and I built our home 5 years ago in what we thought was one of the most beautiful, quiet neighborhoods with good schools and a safe community to raise our two little girls and live the rest of our lives here. Allowing a project like this from an organization that has a well documented trail of non-compliance, poor safety and health standards, questionable financial practices and inadequate training for staff that are dealing with a very critical condition, will tear apart the fabric of our community and plummet the tax base.

In the most sincere and strongest of terms, both emotionally as a parent, a resident and a fellow community member that also wants the best for these patients, I urge the City of Minnetonka to NOT ALLOW this project to become a reality at 5022 Baker Road.

Sincerely,
Heather Novak-Peterson, resident at 12930 Maywood Lane, Minnetonka, MN 55343
Dear Mayor Schneider,

I’m writing you today to express my vehement opposition to the proposed Counter Point Recovery drug rehabilitation center at 5022 Baker Road. This is completely out of character for the neighborhood. This site should not be allowed to increase in density and our neighborhood shouldn’t have to suffer the increased security risk that would come with 6-12 men with chemical dependency problems being dropped into it (realistically you know a business is going to cram in 12). Looking at the plan I see that they propose having auto-locking doors at 5pm and window sensors as security precautions... this gives me anything but confidence, this demonstrates the inherent risk our neighborhood is being asked to suffer.

This site is directly across the street from school bus stops, 600 feet from a school and 1000 feet from my own home. Further, a quick search turns up license violations posted by http://www.dhs.state.mn.us showing the company has a history of not complying with their commitments at their current, smaller facility. These violations include not providing the specified amount of counseling for their clients, not properly orientating their clients, delayed assessment of their clients risk to be abused by others, not completing comprehensive assessments of their clients in a timely manner, not keeping treatment plan progress notes regarding their clients progress and mental health. Additionally, they’ve been cited for not properly training staff. I could go on, but have included a link for reference. I can only imagine more evidence of poor business practices would surface if one were to look further.

When we built our home a few years ago we took a careful look at the surrounding community and frankly would not have proceeded to build had this facility been in place at the time. I would expect any potential future home buyer to do the same, likely directly causing us to suffer a financial penalty in addition to the unacceptable additional risk that would come to our children and community if this proposal is allowed to proceed.

This does NOT belong in our community.

Douglas Peterson
12930 Maywood Lane
Minnetonka, MN 55343

Enclosed for reference:

Minnesota Department of Human Services
http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=LLO_406421

Douglas Peterson
Senior UX Architect

RBA | A Digital and Technology Consultancy
Email: [REDACTED]
Hi Drew,

I am emailing you a copy of what I sent to the mayor, council members and Brian Kirk.

I want to express my concern and opposition to the Counter Point Recovery, LLC from Operating A 12 Bed Licensed Care Facility for Adult Men with Chemical Dependencies at 5022 Baker Road. Between the Boy’s Home (yes, I am a 50 year resident of Minnetonka and I still refer to it as the Boy’s Home) and the battered woman shelter on Baker Road, we in Minnetonka have done our fair share of social rehabilitation programs. A facility of this nature is not appropriate in a neighborhood and especially so close to an elementary school.

Additionally, the management of the organization and their other facility has been a drain on community services I would greatly appreciate it if you were to oppose the approval of this facility. Here are the details.

- The company requesting does not currently have a track record of compliance with a six person facility, yet is requesting to expand to double their residential capacity
  o There are currently 8 active facilities in Minnetonka providing identical services with a capacity of 41 clients (CPR is 15% of total capacity)
  o 23 calls to 911 were made in 2017 made to these 6 locations – 14 of which was from CPR’s existing location (61% of calls were from CPR)
  o CPR had 4 times the 911 calls relative to their size
  o In a single inspection, CPR had 14 different citations
- The application for the permit has many inaccuracies or misrepresents their plans for the facility
  o Multiple times in the application, CPR states there is no visitation, but in the community meeting held Nov 14th, CPR leadership stated there are visitation hours on Wednesdays and weekends
  o The application states no exterior or landscaping changes will be made, but will need to build a fence, remove trees and change their parking to accommodate their building plans. CPR leadership on Nov 14th also stated potential expansion to a 15 stall parking structure.
  o The existing building plans have bedrooms that do not currently meet building codes
    o There are already 6 locations within 3 miles and 4 are within 2 miles with a total capacity of 41 clients
    o Location is not optimal given concerns regarding their ability to secure the facility
    o Notre Dame Academy is less than a 3 minute walk (when accessing the 494 crossover bridge)
    o 2 Pre-schools, 2 Elementary, and 1 Jr High School within approx. 2 miles of this location
    o Many school districts have bus stops within one block of this location 5 days a week
    o Lack of walking-accessible life enrichment activities to help build independent living

There has been a lack of transparency regarding policies, schedule and other factors that does not allow the community to have full visibility to the concerns and questions they have regarding the company.

We are long time Minnetonka residents, we have live on Minnetog Terrace since 1987 (and my wife and I purchased our home that was a built in the 50’s from my parents).
Thank you in advance for your consideration.

Jay

Jay F. Hromatka
Executive Vice President
8500 Normandale Lake Blvd., Suite 540 | Bloomington, MN 55437-1069

Sent from my iPhone
Dear Mr. Drew Ingvalson,

This is Reed Nelson at 13018 Jane Lane.

I am concerned about the Center Point Drug Rehab Recovery facility that is trying to get approved kitty corner from my home. While I am certainly not against programs like this, I believe that this is really a bad location. I know of many people in the area - young families with little kids and this is not a good combination. Also these men will need exercise and Baker Road is a death trap to walk on as it is. I understand that there will be absolutely no visitation which is surprising. When I got the note in the mail it said nothing about a Drug Rehab Facility (which seems wrong to not share) We imagined that it was for a daycare; and that seemed fine with us. Drug Rehab facility not fine with us. This will also be a deterrent for people looking for a friendly neighborhood when we come to sell someday. People don't want to move into a neighborhood with men who cannot be left alone. Let alone people who are coming and going every 90 days.

We ask you to please vote against this project moving forward at this location.

Sincerely,
Reed & Kelli Nelson

Reed Nelson
Vintage Leather Goods Shop Owner & Leather Craftsman

http://www.ebay.com/usr/725beautifulbags
reederang.com
reednelson.com
heartssetapart.com
prayersfortheweek.com

Sent from my Smith-Corona Sterling :-)

Virus-free. www.avast.com
While this is a good cause, the facility does not belong in our neighborhood. I'm concerned because of all the emergency calls and Department of Health citations at Ms Ahmed's other CPR facility. This certainly raises a red flag and shows that there could be major problems with CPR and those living in the facility. Let's not experiment with our neighborhood. Please turn down the request for a permit.

Linda L. Peine

5451 Butternut Circle
Minnetonka, MN 55343
On November 14th my wife was forwarded an email with a notice of a meeting to discuss the conditional permit requested by the owners of Counter Point Recovery. Some concerned neighbors of mine were able to attend the meeting on short notice and reported the professionalism of the representatives left them concerned. They reported several inconsistencies in their written plan and what was said. My mother is a recovered drug addict, so, this is an issue that I understand well.

After hearing my neighbors concerns, I decided to complete an internet search on this for profit business. After viewing their compliance report from 6/16/2017 and seeing there were 14 violations, I have become very concerned with their plan to expanded their business into the neighborhood I’ve chosen to raise my children. After reviewing the citations I began to feel like this business was looking to generate a healthy profit under the guise of providing a service to people in need.

Counter Point’s plan for 5022 Baker Rd. states their looking to house 12 adult men in the 6 bedrooms in the house. The “bedroom” on the top floor only has 6’6” ceilings which, doesn’t meet the code for a legal bedroom. Their plan also states there will not be any exterior changes made to the building or landscape, but, they stated at the meeting they would be installing a privacy fence. In addition to this their plans state they would be installing a four-stall parking area, but they also state there would be no more than five cars on site at one time. Another inconsistency was that their plan states the residents do not have visitation hours, but at the meeting, they stated visitation would be allowed on Wednesday’s 5-7pm and on Saturday’s 10-noon.

In their plan they admit that their residents are dealing with mental health issues as well as extreme addiction to opioids. Having dealt with this type of addiction on a personal level, I know how dangerous it can be. I had to cut all forms of communication off with my mother for a decade while she and her boyfriend were addicted to opioids. I was lied to, stole from and emotionally abused by the person who brought me into this world, was a hockey mom and became addicted. With all that being said, I don’t feel only having one staff member overnights will provide the containment and security for both their staff and the neighborhood. Mentally ill drug addicts should not be near an elementary school, homes with vulnerable senior citizens and families with young children.

I understand the need for these types of facilities with the opioid epidemic our nation is facing, but, I don’t feel like the owner(s) of Counter Point Recovery have shown they understand the necessary requirements of a facility dealing with these types of issues. This is clear by receiving 14 violations on their compliance report, having inconsistencies in their written plan and what was stated at the meeting and not providing enough staffing or security to deal with people dealing with type of addiction.

Justin Hamm
5303 Baker Rd.
Minnetonka, MN, 55343.
The proposed Counter Point Recovery business that is proposed for 5022 Baker Road is very inappropriate for this neighborhood and will place at risk children and families. It is very near an elementary school and the request for their expansion should be denied.

Please don’t hesitate to contact me if you have any further questions.

Neil Pursley
homeowner
5300 Rogers Drive
I am writing to voice my opposition to Counter Point Recovery’s request for a Conditional Use Permit to operate a licensed care facility at 5022 Baker Road, Minnetonka. I hardly feel that this location is suitable for a project of this nature for the following reasons:

1. Proposed facility is in close proximity to pre-schools, elementary schools and a junior high school.
2. Proposed facility is in close proximity to school bus stops which are utilized Monday-Friday.
3. As residents will not have access to a car, they will likely rely on walking as a means of transportation. The proposed facility is located on a heavily travelled street without sidewalks. This is dangerous for both drivers and residents.
4. Unsafe staff to resident ratio – particularly overnight. One staff member supervising twelve residents is dangerous for staff and those in the surrounding neighbourhood.
5. There is a lack of transparency about how the facility will be secured and what types of protocols/lock-down procedures will be utilized.
6. Proposed addition of a parking structure would alter the original character of the home and provide exterior evidence of a use not customary for typical residential use.
7. Visitation could result in increased traffic which the existing driveway is not suitable to support.
8. Without adequate parking/access during times of visitation, it may be difficult for emergency personnel to reach the premises.

While commendable, I do not feel that this location is suitable or appropriate for the proposed care facility and I urge you to oppose its approval.

Thank you in advance for your consideration,
Nicole Schubert
Dear Mr. Ingvalson:

I am writing to present my opposition to the proposed rehab facility under consideration for a conditional use permit for 5022 Baker Rd.

I live at 13020 Maywood Lane, pretty much directly across Baker Rd from the proposed facility.

I oppose this proposal on the following grounds:

- It is not appropriate to have a commercial, for-profit business in this neighborhood. You wouldn’t allow a 12 room hotel in this zone, so why is this different?
- Baker Rd is already way over taxed with vehicle traffic, particularly at rush hour. It can easily take me 5 minutes to move from my house on Maywood Ln to the Excelsior intersection, due to the enormous volume of thru traffic using Baker. Any plan that would increase usage of Baker Rd ought to be opposed until the City can find a way to reduce the current congestion levels.
- There is nothing in the provided plan documents to speak about security. Are these people committed? Are they there voluntarily? Are they free to leave at any time? There is no public transportation on Baker road and the patients will not have cars. How are they getting to and from the facility?
- the plan documents state that there is a 1:12 staff to patient ratio overnight. What is the plan for that one staff member to maintain security of the facility?

I’m not opposed to the idea of a small-group rehab facility. I imagine that there are a number of benefits to that approach. I also recognize that a small group facility might have trouble being financially viable were it located in a more appropriate (and expensive) location. I believe if the City wishes to support such a thing, the answer is not to allow inappropriate development, but rather provide incentives to these enterprises to offset the cost of the real estate.

Please convey my opinion to the planning commission that this Conditional Use Permit be denied.

Thank you for your time,
-Jake Davis
Drew Ingvalson

From: John Anderson <************>
Sent: Wednesday, November 15, 2017 1:09 PM
To: Drew Ingvalson
Subject: Counter Point Recovery (CPR)

Drew - my wife and I live at 4934 Baker Road. We moved here because of the proximity to work, shopping and ease of freeway access. We also moved because it's a quiet neighborhood with friendly neighbors. I do not believe a facility such as CPR belongs in a residential neighborhood and would be better located in a more commercial or industrial area. Please reconsider allowing the proposed plan to move into the Baker road location.

Thank you

John Anderson

Sent from my iPhone
I am writing to you in hopes that the City of Minnetonka WOULD NOT approve a project that would support this type of facility on a street with multiple child bus stops and mere feet from schools and parks and a freeway. I can't imagine that people in a family neighborhood are going to be in favor of this - it is almost the worst possible location that I can think of in terms of child safety and the unpredictable nature of chemically altered human behavior. There has to be a better location that is further off the beaten path to ensure that Minnetonka residents can maintain the sense of safety that we would expect.

Thank you for your consideration.

Adam Schubert
5548 Rowland Road
Minnetonka, MN 55343
Hello,
I'm writing concerning the proposed 7-12 bed rehabilitation facility across the street from my home (we live in 5201 Baker Rd). This project is very troubling, because our street does not have access to public transportation. Assuming patients in a rehab centers might have suspended licenses, the location will force 7-12 drug affected men to join the foot traffic down our traffic-clogged street. This concern is intensified by the fact that most of our foot traffic is comprised of school aged children. I believe their sobriety would be better supported closer to the heart of the city's infrastructure.

Le Roy Chappell, Ed.D
From: [Redacted]
Sent: Wednesday, November 15, 2017 7:24 AM
To: Drew Ingvalson
Subject: CPR Drug Rehabilitation Facility

Drew,

I would like to express my strong opposition to the planned drug rehabilitation facility proposal at 5022 Baker Road. This is a residential area with many children and I worry of theirs and my other neighbors' safety. I also worry of the negative impact on our property values and must note that I found out about this project the same day as I received a proposal to raise my property taxes by 8%. Drug rehabilitation may be a noble cause but with the extremely high failure rate I don't want it in my neighborhood.

Michael Reyes
5215 Baker Road

Sent From My Sprint Phone.
It has been brought to my attention that a drug rehab facility is in talks at the address of 5022 Baker Rd. As a resident living on Baker Rd with small children this concerns me greatly. I believe there are great safety issues related to this. I'm all for helping others and I actually work in a job that helps these kind of people. But let's help them outside of a community with small children and families. I see everyday the bad that comes along with addiction. It is not something I am willing to surround my small children with or live around. That is why I chose to live where I live. We have a tight, safe community here on Baker road and the Lake Minnetonka community. I'm not willing to risk the safety of our homes and children. Therefore, I am expressing my great concerns to you and will fight to put a stop to this project.

How is it ok to have something like this so close to schools? There are so many things wrong with this. I think you gentlemen need to ask yourselves, would you want to live by this and put your families safety at risk? My guess is no.

Thank you for your time,
Jennifer Hamm
5303 Baker Rd

Sent from my iPad
I am writing this letter in hopes of stopping the conditional permit for the address of 5022 Baker Rd requested by Counter Point Recovery. While I did write an email upon learning of this out of pure emotion. After thinking about this situation longer I realized that we do need to help those who are struggling with addiction and mental health. So I started to research this company more. While I really want to believe they are out to do good for people I have also found a lot of issues within the company that raises red flags and should stop them from expanding in our community. I am aware that they are able to hold a six person house there without any permits. What I am asking from you all is to bar the conditional permit to expand to 12 until they have more solid experience in this industry.

There are many reasons this permit should not be accepted.

-CRR has multiple violations with DHS, one of the most disturbing being that they submitted requests for payment for 30 hours of treatment on these residents; however, the documents show residents were not being provided with 30 hours of treatment/week. These are vulnerable adults who are in the facility for treatment and are not even getting what they are required by law.

-Personnel files reviewed for required staff training did not meet the annual requirements for training for those working with patients with mental health and drug abuse issues.

-No annual reviewed were documented on staff members.

 There have been multiple 911 calls from the current facility. Also concerning with placing a larger facility in a heavily populated neighborhood with small children and schools near by. It has not been made clear to neighbors surrounding this facility what their plan is for safety and security of both the residents seeking treatment and the community surrounding it is.

 There have been inconsistencies in their plan for the facility. In the application it states no exterior or landscaping changes are to be made. Meanwhile, during the community meeting that was held they spoke up erecting a large wall and building a parking structure to accommodate 15 cars. This would involve large tree removal on the lot, making changes to landscaping.

 I do believe there to be better places within Minnetonka to house these individuals. This location is not optimal to the safety of the residents there, being on a heavily traveled street. There are limited life enrichment activities for these people anywhere near by. The only places within walking distance are the gas stations.

 Until CPR can prove themselves as a compliant company looking out for the best of their residents I do not believe they should be allowed to expand. It is evident that the wellbeing of the vulnerable adults they care for is not their intent. If they intended to be in this business to help others they would not have so many DHS citations against them. These very vulnerable people would be getting all they help they need and deserve and the company would not be falsifying their submission for payments from the state. CPR has clearly not lived up to the standard of the state or the requirements needed for a facility like this to successfully serve the community.

Respectfully,

Jennifer Hamm

5303 Baker Rd
Good evening Mayor Schneider & Councilman Ellingson:

My wife (Emily Dalager) and I (Derrick Banks) are writing to express our concerns with the conditional use permit for 5022 Baker Road which has been requested by Counter Point Recovery, LLC (CPR). We were fortunate to attend the community meeting where we heard the owner and staff of CPR express their plans, business model, and operating experience to us and approximately ten of our neighbors. After evaluating the information we received from them, reviewing their application online, and researching the organization, we find great concerns with this location for a treatment facility of this size, this organization’s ownership and staffing model, and their history of operating a similar business in the area. We respectfully request that you reject CPR’s request for a conditional use permit based on the following:

1. We believe CPR is either dishonest or extremely disorganized, neither of which is appropriate for a company treating such medically sensitive clients in a high intensity environment. This is based on the discrepancies discussed with CPR in the community meeting versus their responses in the application; including but not limited to the following:

A. the owner/staff stated there would be visitation on Wednesday and the weekends. But in response to question 5C of the application, they state that no visitation would be permitted.

B. the owner/staff stated that there would be construction for parking to accommodate 15 vehicles. But in response to question 6 of the application, they state that there will be “no more than 5 vehicles” on the site at the same time.

C. the owner/staff stated that they would construct a security fence to shield the neighbors that are to the south of the property. They also were not sure at the time if it would be tree-lined or a material constructed fence; nor did they know the height of the fence. But in response to question 8 of the application, they state that there would be no change in landscape or exterior buildings.

D. In response to question 9 of the application, they state that there is a "submitted activity schedule" for their residents of which we have not seen. But when asked in the meeting what local activities would their residents participate, we were simply told “there would be walks to the SA” in reference to Super America on the corner of Baker and Excelsior. By this response, it is clear to both us and CPR that this area lacks the amenities conducive to providing activities outside of the home for their clients.

2. The vicinity where 5022 Baker Road is located is already serving most of Minnetonka’s residential adult chemically dependent population. Of the 8 DHS licensed facilities actively serving adults over the age of 18, 6 of those facilities are within a 3 mile radius of 5022 Baker Road; and 4 of those facilities are within a 2 mile radius.

A. Counter Point Recovery, LLC (on Moonlight Hill Road) - 1.8 miles - services 6 adult males
B. One Twelve (on Lake St. Ext) - 1.7 miles - services 6 adult males
C. One Twelve (on Shady Oak Road) - 1.9 miles - services 5 adults (male/female)
D. River Ridge (on Glen Avenue) - 2.0 miles - services 6 adult males
E. One Twelve (on Shady Oak Road) - 2.6 miles - services 6 adult males
F. One Twelve (on Minnetonka Blvd) - 2.6 miles - services 12 adult males

3. After extensive research, we identified additional facts leading us to question CPR's credibility, experience, and ability to operate a facility of this size and complexity regarding addiction/recovery and mental health:

A. the mis-information about the ownership/closing of the property: on 2 different occasions, Ms. Ahmed stated to the community that she already purchased and owned the property and assured us a 6 bed facility was opening regardless of opposition. However, we were able to verify that there has not been a closing or transfer of ownership as of 11/19/2017.

B. the Operations Manager for CPR is Munasir Gabeyre. Ms. Ahmed and Mr. Gabeyre essentially have a family business as they have been married since August 2016 and are working together. Please understand that it is not important, nor an issue, to us that they did not disclose this fact, but what does concern us is that Mr. Gabeyre is also listed as the owner of another treatment facility named “Milestones Recovery Inc” located at 5136 Willow Lane, Minnetonka, MN 55345 (according to the NPI database). In the community meeting, CPR stated that Mr. Gabeyre would be onsite at the 5022 Baker Road property between 8am and 5pm. We are concerned that with his limited experience in this industry and obligations to other facilities, that he will truly be able to both own and operate multiple facilities; especially given the number of citations by DHS (15 upon initial site visit) and emergency 911 calls (14 for the year 2017) which occurred under his supervision at their current one and only operational facility on Moonlight Hill Road.

C. Ms. Ahmed is listed as the Executive Director of the Family Resources and Child Care Center facility in Hopkins. Although we find it commendable and plausible to have multiple business interests at once, we have found that in April 2015, Ms. Ahmed’s childcare facility had 24 citations (food, medical and safety related) issued by DHS and 2 additional critical citations (concerning staff background checks) issued that same month which resulted in an $800 fine. The 2 critical citations related to background checks for the daycare issued in April 2015 were of the same nature as 2 of the 15 citations issued to Moonlight Hill Road in June 2017. It’s clear that, for over 2 years, Ms. Ahmed’s business practices still had not matured enough to correct hiring procedures and policies mandated by the state.

Thank you for your time and attention to our concerns. Again, we are requesting you please reject any conditional use permit for this organization at this location.

Derrick Banks & Emily Dalager
5135 Baker Road
Minnetonka, MN 55343
Email: [redacted]
Dear Drew,

I want to first and foremost thank you for your service to our community and for taking time to read this letter. It is not lost on me that civic leadership is no small endeavor and for that, I am grateful. I am writing to you in reference to the Conditional Use Permit that has been requested in order to renovate and operate 5022 Baker Road as a 12 bed adult men's chemical dependency rehabilitation facility.

When we first moved to our home 4 years ago, it was really supposed to be our starter home. We would be here for 5 years and move to accommodate a growing family. However, within the first year, we fell in love with this community and area. Our dream changed. We decided we wanted to really put down roots and stay here to raise our family long term. Now, as a wife and mother to two small children (ages 3 and 1) it has come to my attention that Counter Point Recovery (CPR) is seeking to expand and place their facility across the street and slightly North of our home. In full transparency, this has shaken our dream to the core.

I have a heart for these men who have and will be going through the program as my brother has gone through a painful battle with chemical dependency. He has come through to the other side a new man who now has his own family and is a very positive contributor to his community. These are not bad men. They just need the care and services to help them move through the healing process with the right resources. Unfortunately, this location, timing, and scale of expansion for CPR would not be the right fit to accommodate these goals.

CPR currently operates a 6 bed licensed care facility at 14528 Moonlight Hill Road. The current location has not been yet been able to establish a stable facility operationally with a track record of compliance. From both the perspective of what can best serve the clients as well as be a positive influence to the community, it is clear that they are not yet established enough to handle and expansion to double their capacity.

- In a single inspection, CPR had 14 different citations ranging from artificially inflating service hours provided to patients to lack of preparation and documentation pertaining to resident abuse prevention plans.
  - Source: Here is a link to the citations for your reference.
- In 2017, 61% of the 911 calls made from these 6 locations were generated from CPR.
  - They are 15% of the total capacity of these facilities.
  - CPR: 14 calls; Total calls from facilities: 23
  - Source: Minnetonka PD
  - Verbiage from several of these calls has been included at the end of this letter.
- In the neighborhood meeting, CPR attempted to downplay these metrics by stating "they are still in the learning process", which is alarming knowing their intent is to pursue expansion. As a sister who has had a front row seat to the full recovery process, I am painfully aware that healing doesn't happen in a vacuum and the risk is too high for both the residents and neighboring community to still be "in the learning process" while attempting to expand prematurely.
- Minnetonka already has a positive track record of serving this need through the 6 active facilities providing identical services serving a total of 41 clients.
  - Source: Here is a link to search other facilities in the area. Enter Minnetonka and Chemical Dep Treatment as the criteria. Select Residential Treatment.

Although the current proposed site may meet city and state requirements, in haste to move forward, it is evident that the actual location was not reviewed closely enough to warrant that the resources are a good fit to meet the needs of the clients while also ensuring the community's best interests are served.
• Notre Dame Academy, a preschool and elementary school, is less than a 3 minute walk from the facility due to the 494 pedestrian bridge
  o When I asked Fartun Ahmed (owner of CPR) in a call (11/17/17 at 3:33PM) if she was aware of the proximity (since she has recently been elected to the Hopkins School Board), she said: yes she was aware but the requirements said nothing about proximity to schools so she moved forward anyway. This is highly concerning as her election platform was based on ensuring the best interest for students is served. She was very reluctant to state she would be comfortable with her 7 younger siblings living next to the facility.
• Several school districts have bus stops across the street and within one block of this location 5 days a week
• There is a lack of walkable venues to support resident enrichment activities.
  o Baker Rd is a high traffic county rd that is not conducive to group walks. This poses a risk to CPR residents and drivers accessing Baker Rd (basis Fartun’s comments, at least two staff members will accompany clients during walk outings).
  o At the neighborhood meeting on 11/14/17, CPR staff mentioned one of their enrichment activities would be to walk to Super America (Read: lack of walkable establishments for clients to access).
• There are, however, 2 Pre-schools, 2 Elementary schools, and 1 Jr High School within approx. 2 miles of this location

There has been a lack of consistency regarding what has been disclosed publicly via the neighborhood meeting and phone conversations vs. what’s actually occurring.
• Fartun Ahmed stated in a phone call on (11/18/17 11:08AM) that she is reconsidering whether additional safety measures (security locks, additional staff beyond requirements, fence on South side) communicated in the 11/14 neighborhood meeting would be implemented if the conditional permit would not move forward.
  o This ultimatum was not stated in the neighborhood meeting and she did not specify that the safety measures were conditional on the number of clients.
  o When I asked on the phone call, she would not commit to putting any agreement to safety measures in writing either way.
• Fartun Ahmed stated the property has already been closed in the 11/14 neighborhood meeting and confirmed this on a phone call (11/18/17 11:08 AM) stating that the 6 resident project was moving forward regardless of the permit.
  o The close date is not scheduled until 11/30/17.
• In a phone call on (11/17/17 3:33 PM) Fartun Ahmed assured me multiple times that no clients have ever escaped the premises at the current CPR facility.
  o Per 6/18/17 Police report: “Client ran and took off into the woods; threatened another client and was about to hit another.”
  o Per 9/4/17 Police report: “Client left on foot; last seen headed South on Woodhill; Male is court ordered.”

It is my understanding (please advise if you know otherwise) that there will be no recourse to prevent a 6 bed facility from entering our neighborhood. However I ask that you do not grant the conditional use permit to allow additional beds within the facility. One solution would be to deny the permit at this time but give the facility at least another year to work through their “learnings”, gain the trust of the surrounding community, and demonstrate the ability to manage their current 6 beds before expanding further. At that time, they could consider reapplying.

The future and vitality of any city is in part driven by attracting and retaining young families to build our future generations. If this permit passes, I fear it will send the message that the City of Minnetonka does not prioritize the well being of their young families and those seeking a community to raise their families will search elsewhere. We love this area. We love this home. My plea is to please consider not moving forward with this permit at this time.
In closing, my last request would be to sincerely ask yourself this question: Given the current track record CPR has displayed, would you feel comfortable with this facility moving forward and expanding if it were next door to you and your family? I encourage you also to read the verbatim taken from several of the 911 calls regarding the current facility within the last year or so.

Thank you once again for your time and consideration. I am truly grateful for your service and hope you enjoy (or have enjoyed) your time this Thanksgiving with your friends and family.

Sincerely with Care,
Angela Hansen

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**Note:** Below verbiage from several calls basis police reports to provide a flavor of the nature of these incidents for you reference. Please feel free to let me know if you would like the full PDF format for any of these instances below.

<table>
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<th>User Type</th>
<th>Conf.</th>
<th>Comments</th>
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<tbody>
<tr>
<td>11/04/2016</td>
<td>11:08:36</td>
<td>MDP48MM Response</td>
<td></td>
<td>[1] 27 YO MALE CLIENT - REFUSING TO LEAVE, TOLD HIM THAT HE COULDN'T TREAT HIM OR TRANSPORT HIM</td>
</tr>
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**HEALTH CRISIS** by Minnetonka Police

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<tr>
<td>01/17/2017</td>
<td>22:55:28</td>
<td>MDP29MP Response</td>
<td></td>
<td>[3] RP said there was a male in driveway yelling at cars coming and going</td>
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<tr>
<td>01/17/2017</td>
<td>23:05:00</td>
<td>MDP34MS Response</td>
<td></td>
<td>[9] Y075214674512 RE</td>
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<tr>
<td>03/04/2017</td>
<td>14:53:40</td>
<td>MDP49JR Response</td>
<td></td>
<td>[1] off his meds - very violent</td>
</tr>
<tr>
<td>03/04/2017</td>
<td>14:53:56</td>
<td>MDP49JR Response</td>
<td></td>
<td>[2] out of control</td>
</tr>
<tr>
<td>03/04/2017</td>
<td>14:59:44</td>
<td>MDP49JR Response</td>
<td></td>
<td>[4] home on standby to areas</td>
</tr>
<tr>
<td>03/04/2017</td>
<td>15:17:25</td>
<td>PASCHKE, STEVEN - MP Response</td>
<td>[5]</td>
<td>abdullahi, abdrahman 01/01/89</td>
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**Date Time User Type Conf. Comments**

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<th>Comments</th>
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<tr>
<td>06/18/2017</td>
<td>20:34:41</td>
<td>MDP51TW Response</td>
<td></td>
<td>[2] client took off</td>
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<tr>
<td>06/18/2017</td>
<td>20:35:00</td>
<td>MDP51TW Response</td>
<td></td>
<td>[3] ran into the woods</td>
</tr>
<tr>
<td>06/18/2017</td>
<td>20:37:28</td>
<td>MDP51TW Response</td>
<td></td>
<td>[4] late 30's early 30's, w/m, wearing sweater x-mas - egg colored, it b/o sweater over the enzyma</td>
</tr>
<tr>
<td>06/18/2017</td>
<td>20:39:09</td>
<td>MDP51TW Response</td>
<td></td>
<td>[5] he was supposed to be his chores</td>
</tr>
<tr>
<td>06/18/2017</td>
<td>20:38:36</td>
<td>MDP51TW Response</td>
<td></td>
<td>[6] threatened another client, calling people names, was about to hit another client</td>
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</tbody>
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**Date Time User Type Conf. Comments**

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<th>User Type</th>
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<td>07/08/2017</td>
<td>00:33:59</td>
<td>MDP56DF Response</td>
<td></td>
<td>[1] client slammed the door on the rps arm</td>
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<tr>
<td>07/08/2017</td>
<td>00:34:07</td>
<td>MDP56DF Response</td>
<td></td>
<td>[2] rp declining ambulance</td>
</tr>
<tr>
<td>07/08/2017</td>
<td>00:35:01</td>
<td>MDP56DF Response</td>
<td></td>
<td>[3] rp will meet officers outside</td>
</tr>
<tr>
<td>07/08/2017</td>
<td>00:35:21</td>
<td>MDP56DF Response</td>
<td></td>
<td>[4] client is in his room and doesn't know the police have been called</td>
</tr>
</tbody>
</table>
Date Time User Type Conf. Comments
09/04/2017 22:48:03 SYS Response [1] A cellular re-bid has occurred, check the ANI/ALI Viewer for details

Preliminary Information
On 03-06-17 at 1559 hours Officer Bauer and I were dispatched to 14528 Moonlight Hill Rd on a health & welfare check.

Officer Actions/Observations
• Dispatch advised that the residence was a group home, CounterPoint Recovery.
• They stated that a male, later identified as Abdinmman Eluea Abdullahi [redacted] called and stated that the staff was not giving him his meds, that he was being discriminated against, and that he was going to go across the street to the judges.
• Dispatch stated that the male was talking very fast and seemed to be in a manic state.
• Dispatch then advised that a staff member was calling and stating that Abdullahi is schizophrenic and bipolar and that he was in a manic state now.
• The staff member, identified as Munir Abdullahi Jaberye DOB [redacted], stated that Abdullahi had become aggressive with staff.
• I arrived on scene first with HCMC paramedics.
• I met with Abdullahi in the kitchen of the residence.
• Abdullahi was definitely in a manic state; he was talking very fast, was repeating himself, and he was agitated.
• Abdullahi was upset because his medication had been changed by what he believed was a "fake" doctor and staff would not give him the medication that he had originally been prescribed by his real doctor.
• Abdullahi would not listen to reason and became increasingly agitated.
• Abdullahi stated that the only person he would listen to is his Psychiatrist, who we could not get a hold of.
• Abdullahi was cooperative but on edge and volatile.
• Jaberye stated that Abdullahi had not been sleeping and had been hearing voices.
• He stated that Abdullahi's medication had recently been changed, and since that had occurred there had been a very rapid decline in his mental health.
• Staff was afraid of Abdullahi and what he would do if officers left.
• Jaberye stated that Abdullahi had been at the home since January, and that this is the worst he has ever been.
• I spoke with the paramedics, who were very concerncd about Abdullahi based on the drastic medication change that had recently occurred.
• The paramedics did not feel that Abdullahi would calm down, and that his behavior would only worsen.
• Abdullahi would not go to the hospital voluntarily.
• Based on his current behavior and the fear the staff, medics, and I had about him becoming increasingly worse, we determined that he would be sent to the hospital on a health & welfare hold.
• Abdullahi was handcuffed for safety and escorted to the ambulance (I was assisted by Officers Bauer, Bruckner, and Sanchez).
Drew Ingvason

From: Kayla Tooley
Sent: Sunday, November 19, 2017 9:04 PM
To: Bob Ellingson; Drew Ingvason; Terry Schneider

Drew, Terry, and Bob,

I am a concerned wife and mother of three young children regarding the proposal of Counter Point Recovery securing a residence near our home. Based on my research the business is being poorly run, is not reputable, and shows no proof of success in helping men recover from chemical dependency. It also seems like 12 adult males plus employee(s)(?) in one house would exceed occupancy ratings in a single family home residential zone.

I am also concerned about the location regarding the practicality for those men court-ordered to be there: there are no proper destinations for activities for those under treatment within walking distance or is it easily accessible by public transportation. Just homes and schools and a gas station are nearby. My children will not be bussed to schools in the Hopkins district for a few reasons, but I am concerned for the kids that are. The drivers that ignore the “do not pass” sign on the road are enough of a danger to children and pedestrians, let alone the potential of ill intentions from someone of not sound mind with no where else to go and nothing else to do with their time. The pedestrian bridge over 494 connects the house in question almost directly to Norte Dame Academy which serves pre-K through 8th grade children, including our beloved babysitter who can walk to school. What if this 12 year old girl was walking home and she were approached or even accosted by a man wandering about on the 1.2 acre lot? Or what about the other people in the neighborhood who regularly use that bridge and enjoy walking in the neighborhood, including myself and three kids under four, who currently feel welcomed and safe in their own community, are all of a sudden put in potential or perceived or even real danger by a man/men with nothing productive or life-enriching to do with his/their time?

It doesn’t appear that there is any curriculum or recovery methodology or research mentioned in the company website, which is a concern. They name some places in Minnetonka and talk about the great community, but there is nothing tangible that refers to treatment methodology behind their broad-brush statements that can be found in any google search of “places near Minnetonka”.

There are so many other places within the inner ring suburbs and city of Minneapolis where individuals can currently go that need help in their recovery which make much more sense. At the requested location on Baker Road they would be an island unto themselves, hidden in a house behind overgrown shrubbery and trees, and supervised quite loosely, which may only create unforeseen problems for local citizens.

My husband and I have been watching home values around the area for a few years now, and understand that the properties for sale on Baker Road have been sitting on the market for quite some time. Opportunity for Ms. Ahmed and her inexperienced business and unproven business model will come at the expense of many others’ safety and security. It would be interesting to understand the benefits for the community that outweigh the risks for nearby children and families.

This request to operate out of the location on Baker Road in addition to their current location is blatantly opportunistic for the company because there are no statistics or data on the success rate of CPR’s program for the men living in the house or what their lives are like after leaving the house. What is the percentage of relapse in 4 years? In 10? I am a Christian and believe in second chances for everyone, but because there is nothing to prove success rates under their current capabilities (only increased 911 activity which stresses our community resources), I have to strongly encourage you to not allow this company to operate in our neighborhood.
The fact that they want to double their capacity in addition to their current facility without adequate personnel, and based on the current unemployment rate being so low in the Twin Cities, I would question CPR’s ability to retain enough top talent to be capable of handling the multitude of needs and safety these individuals will need to recover and to integrate back into society.

Best of luck to you all as you wrestle with this decision. Thank you for serving our community. We do love living in Minnetonka and consider it a privilege.

Regards,
Kayla
Attention: Drew Ingvalson

November 19, 2017

As a current home owner and resident of Minnetonka for the past 20 years, I am greatly distressed to find out that there is up for consideration talk of building a Men’s Drug Rehabilitation Facility in my neighborhood. It is my understanding that Center Point Recovery, is trying to get the approval to build and operate a residential chemical dependency rehab center at the location of 5022 Baker Road, Minnetonka. This proposed site is only 2 doors down from where I live on Baker Road.

The idea of allowing a facility like this in our neighborhood just does not make any sense and in my opinion is very bad idea. We are a neighborhood of families and homes, not a commercial zoned business area for a drug rehab. This is a family community where many young families with children live as well as the elderly. We know our neighbors and watch out for each other.

There are many reasons that come to mind why this is so troubling to me but the first is “safety, security and crime”. One big concern is that men from this rehab are naturally at some point going need to go for walks for exercise or just to get away from the facility for a while. The men that attend this rehab are more than likely coming from troubled backgrounds and are probably court ordered to attend the facility. They are not part of our tight knit community and probably have no desire to be. They would be here because they have to be not because they want to be. This does not give me peace of mind as a homeowner especially knowing that when I am gone or when I have to go to work, these men may walking around my neighborhood or past my house on Baker Road to go down the corner Super America store.

I use to live in the Stevens Community area of Mpls where there were a number of Drug Rehab facilities down from my block. There was always trouble on those properties and often a police presence. I moved to Minnetonka to get away from all that and I have lived in my current home for the past 20 years with the peace of mind of a safe neighborhood and knowing my neighbors and not having to worry about strangers potentially walking around our place of residence especially during the day when most of us are at work.

Over the past ten years, I have been a mentor for young men with chemical substance abuse issues at Minnesota Adult & Teen Challenge. I want to make it clear that I am all for drug and alcohol treatment centers and we certainly need them in this day and age, but location is key and this location is not at all a good place for such a facility to try and integrate into our safe neighborhood. I am GREATLY OPPOSED to the idea of having this facility built in my neighborhood and at such close proximity to where I live and call home.

Please take a moment to consider how you would personally feel if you were to have such a facility built in your own neighborhood or worse yet next to your home. Thank you.
Sincerely,

Timothy W. Eiswald

5006 Baker Road

Minnetonka, MN
Dear Mr. Ingvalson,

We’re writing you to express our concerns for the Counter Point Recovery residence that’s currently being proposed at 5022 Baker Road. There are multiple reasons we’d like to encourage you to deny the permit for the drug rehab care facility and STOP this from moving forward.

**Emergencies:** Counter Point’s current Minnetonka facility (with half the number of residents) has made 14 different 911 calls so far this year, which accounts for 61% of the total calls made by the 8 active care facilities in Minnetonka. This increased emergency traffic is concerning, especially considering the already high traffic (and back up traffic during rush hour) on Baker Road.

**Citations:** Counter Point management does not focus on details and is not concerned with having things up to code. In a single recent inspection at their current facility, they received 14 different citations from the state, showing the owners lack of experience and gross incompetence.

**Inconsistencies:** The application Counter Point submitted to the city has many holes and inconsistencies based on what we heard during a recent public meeting Counter Point held. One example is their visitation policy - paperwork states no visitation, yet they told us there are visiting hours three days a week. There are also conflicting statements regarding parking plans. Are the owners being deceptive?

**Security:** Based on house layout plans submitted with the permit application, the residence seems to provide major challenges regarding security. There are many sliding doors, (including in bedrooms) multiple levels and “odd” spaces. Counter Point is only staffed with one person in the evenings; will they be able to manage that many people in this type of space? Additionally, the high tree coverage creates limited visibility and therefore, concerns with security in general.

**Safety:** Counter Point is not just focused on drug rehab, they also focus on helping those with mental issues, as clearly stated on their business website. There are a number of preschools, schools and children's bus stops located within feet of the residence. It is concerning to think that there could be a number of unstable men in such close proximity to so many young children.
**Questionable Recreation:** Counter Point’s website mentions that they are advocates of outdoor recreation, specifically walks, in an effort to build a sense of independence in their residents. With Baker Road being a main road, there are not many safe walking options.

To conclude, we feel this type of facility is not a good fit for a neighborhood filled with families and children. When we bought our house five years ago, we knew it would be a safe and peaceful place to start and raise a family. Now, we have a three year old and one year old... and feel our outlook could change if Counter Point becomes a "neighbor." Please work with us to deny their permit application.

Thank you for your sincere consideration. We’d be happy to sit down with you in person to discuss, if there is interest.

Cordially,

Aaron and Becky Mielke
5326 Rogers Drive
Minnetonka, MN 55343
Greetings,

My name is Angeles Robles. I am a resident of Minnetonka and I live in 5109 Baker Rd. My house is right across from 5022 Baker Rd, the property which is asking for a permit to run a 12 bed chemical dependency rehabilitation center. Many of my neighbors and my family and of course me; believe that this facility will cause more harm than good to our neighborhood.

I have attached a letter for you to take into consideration.

Regards,

Angeles R
Dear Whom May Concern,

I know that you are a mayor and that you are always very busy making the city a better place; thank you for that. I have come to find that I am worried for my friends, and for my family, not just worried but, scared and terrified. If you have kept on reading I thank you for your time it will only take you a couple minutes and I only ask you to read it, pretty please.

As a girl growing up was filled with unicorns, barbies, and legos I had a fun life but there was also hopes, dreams and imaginations. I used to live in a basement and I didn’t care I had a lot of love for everyone who lived there and for our tiny house itself. I had a lot of friends and a lot of people that were really nice to me they eventually became like family. But when I grew up a little more then I learned about “troubled people”. I always wanted to make the world a better place and one of the best places that makes the world better is rehabilitation for drug addicts. I loved that people who once had made a mistake could become better and people of good. But, I think that having a drug addiction rehabilitation center right in a middle of a neighborhood is not such a good idea.

I have seen many things good, bad, live, and on television. But, even though I am happy for the people going to rehab and have a chance to a fresh start. I am scared and, I know there are others who are scared too. I know that in the beginning the people will struggle in a new place trying to overcome and some may try to escape. Some maybe will escape. Imagine what could happen especially at night it is dark and our houses are far away from one another and there is also a lot of land for someone to roam around and I know that there are people who will do anything for money for drugs. I also know that there are just some people who can’t be fixed who will try to escape not just in the beginning but, all the time. My bus stop [Maywood Lane and Baker Road] is right in front of what will be the rehab center; [5022 Baker Road] and let’s not even say that my house is a couple steps from the center. [5109 Baker Road]. And my little brother walks to his bus stop and passes the center. [Deerwood Drive and Excelsior Boulevard] Also, my brother’s school Glen Lake Elementary School [4801 Woodridge Road] is not far either. Even my school, West Junior High [3830 Baker Rd] isn’t far. My whole life is surrounded around that place. If someone escapes I don’t know what would happen.

I know what you may be thinking “what does a 12 year old know about these things?” Well I know more than you may think. I lived in North Minneapolis for around six years and My brain has seen a lot. I have been physically bullied twice, my mom got harassed because a drug addict wanted money so he cut her pockets cutting her stomach. Our neighbors were drug
addicts. They stole our cat, and they once robbed our house, I never felt safe. Then I moved to Brooklyn Center and I lived there for 4 years I finally started to feel safe. Then my parents found out that our neighbors sold drugs so we moved again to Minnetonka with a lot of effort we got enough money to buy this house a safe area and environment but if someone escapes will it be? Will I and others be safe?

This problem is also causing our happy neighborhood to chaos. There is an app called "Nextdoor" and a lot of people are fighting with each other calling themselves ignorant and they were involving Jesus and other religious beliefs. There is a lot of disrespect happening and that is not ok. I would love to see a drug addiction rehabilitation center but as I said I don't think the location is that wise. I would like you to please consider what I am saying and if you don't at least try to consider the amount of people that should be allowed to live in the rehabilitation center.

My name is Angeles Robles and I am a 12 year old who has something to say just like everybody else.

Thanks for everything you do I hope you consider it.

Angeles R.
Hello Mr. Ingvalson: We just found out about this Drug Rehab Facility they want to put in on Baker Road and we aren't at all happy to hear this or in favor of this. We do not think it will do anything good for the neighborhood or the City of Minnetonka.

We can see lots of potential problems in our neighborhood developing because of this and hope that you will advocate for our neighborhood and find another place for this facility that isn't a residential area. We would worry about safety issues for children in the neighborhood and adults as well.

This isn't a good scenario at all and we would appreciate whatever you can do to help facilitate another better plan for this proposed drug rehab facility. We do not want to hear that it will be passed by the Planning Commission.

We have heard that the current drug rehab facility has low security, and not the best record. Numerous complaints. All the more reason for you and others to absolutely vote NO.

Sincerely,

Rick and Kathy Riley
Minnetonka Residents

Our e-mail address: [redacted]

kmr
Dear City of Minnetonka Staff, Planning Commission and City Council,

I am writing in support of Counter Point Recovery operating at 5022 Baker Rd, which is located within 400 feet of my home. This facility will be owned and operated by Fartun Ahmed, who is our neighbor living just a few blocks away, and soon serves as our newly elected school board member. She is fully committed to our community, and we have entrusted her to make good decisions for our school children. Counter Point will serve adult men with a 90 day program. With 24-hour staffing, supervised outings, egress alarms, security cameras, visitor restrictions, and a complete abstinence requirement, I do not see this facility endangering the neighborhood. Everybody has family members or friends who struggle with mental health, alcohol and chemical abuse issues, and I applaud Fartun Ahmed, the counselors and the clients of Counter Point Recovery for their work toward better lives.

Peggy Kvam
13012 Jane Lane
Minnetonka, MN 55343
Dear Bob,

The residential care conditional permit request by CPR should not be granted for 5022 Baker Road. Per police reports and DHS citations, CPR is not ready to handle a larger facility than they currently operate in Minnetonka. Per their application, I note their employee:resident ratio numbers indicate they are not planning to hire more people (particularly at night) despite almost doubling their size.

There already exists a zoned area (the Hennepin County Home School) within 2-3 miles where neighbors purchased their properties with full awareness of larger scale mental and chemical rehabilitation nearby. If the need exists for increased residential rehabilitation capacity, why doesn’t the city direct rehabilitation companies to that property as a first-choice location?

Thank you for your attention to this issue and concern.

Kindly,
Kathryn Hernke
5235 Minnetoga Terrace
Minnetonka, MN 55343
Dear Mayor Scheider and Councilman Ellingson:

I support the petition to deny Counter Point Recovery, LLC a conditional use permit to operate a 12-bed licensed care facility for adult men with chemical dependencies at 5022 Baker Road.

My reasons for asking you to deny the permit are as follows:

1. CRP has a track record of non-compliance at their current location operating in Minnetonka. At this location CRP has proven incompetent with a 6-person facility, yet they are requesting expansion to double their residential capacity.
2. The permit application has numerous inconsistencies and false responses misrepresenting their plans for the facility.
3. There are already six locations within three miles, and four are within two miles—with a total capacity of 41 clients.
4. The location is not optimal given concerns regarding their ability to secure the facility.
5. The location does not have walking-accessible life enrichment activities to help build independent living.
6. There has been a lack of transparency regarding policies, schedule, and other factors that prevent the community from having full visibility to the concerns and questions they have regarding the company.

During this time of a national knee-jerk-style of “relaxing and/or elimination of protections,” I rely on my local governments and agencies to act responsibly and continue in the traditions of Minnesota and Minnetonka—traditions that include an active, thoughtful government that serves the people first before bowing reflexively to business interests.

There have been instances in the past where business developers have duped the council by using false information and the community has paid the price. Given CPR’s history, there is sufficient evidence to deny their conditional use permit, and I ask that you do that.

Sincerely,

Leighton Wilkening

5316 Minnetogar Terrace
Minnetonka, MN 55343
Dear Mayor Schneider,

I am writing you regarding my recent notification for a conditional use permit to allow an Adult Rehabilitation Facility at 5022 Baker Road. I am very concerned that this would impact our immediate neighborhood in a number of ways including:

1) Safety of children in our neighborhood walking to school at near by Notre Dame Academy via the pedestrian bridge over 494.
2) Placing additional service load on Minnetonka's police and emergency services (as evident by logged 911 calls to the CPR facility located at:14528 Moonlight Hill Rd, Minnetonka, MN.
3) Negative impact on property values.
4) Request for permit does not meet current zoning requirements for such a facility at this location.

I am hopeful that you and other council members will take community and the immediate neighborhood's concerns into consideration when reviewing Ms. Ahmed's request.

I, as well as other Minnetonka residents plan to attend upcoming meetings on 11/30 and 12/4 and expect that our Minnetonka representatives act on our behalf.

Sincerely,

Jeff Weiss
12910 Maywood Lane
Minnetonka, MN 55343
Count me among the concerned citizens objecting to the chemical dependency treatment facility proposed for our neighborhood due to:

- Location in highly residential zoned neighborhood
- Proximity to preschool, elementary school, and school bus stops
- Limited staff and low security
- Frequent 911 calls and citations on record at current facility owned by proposed project owner
- Numerous compliance evident in the business plan submitted to the city
- Encroaching zoning changes forced upon our residential neighborhoods along Baker Road and directly entering into our neighborhoods. Most recent approval being a senior care group home business at 5215 Rogers Drive.
Drew Ingvalson

From: Melissa Wagner
Sent: Saturday, November 18, 2017 11:17 PM
To: Bob Ellingson; Terry Schneider; Drew Ingvalson
Subject: Conditional Use Permit for 5022 Baker Road

Melissa Wagner
5101 Baker Road
Minnetonka, MN 55343

Dear Mayor Schneider, Councilman Ellingson, and Planner Ingvalson,

I am writing to you in regards to the proposed conditional use permit for the property 5022 Baker Road. First, as a local healthcare provider I want to commend Counter Point Recovery for seeking an expansion of their current chemical dependency treatment program to meet a valuable need of our community. Chemical dependency Rule 31 treatment centers are unable to keep up with the demands that I see on a daily basis with my practice at a local hospital. As a mother, resident of Minnetonka, and healthcare provider I was quite interested in the plan proposed by Counter Point Recovery which is requesting a conditional use permit for a property located very close to mine. I hope that Minnetonka is able to develop and provide enduring residential facilities, like Counter Point Recovery, to promote healthy residents within our community. When clients arrive to a Rule 31 treatment center they are considered vulnerable adults and it is imperative that the companies treating these clients follow the Minnesota statues and rules for a Rule 31 property.

That being said, I was quite surprised when I reviewed the proposal from Munasir Gabeyre, Operations Manager for Counter Point Recovery, and found the statement “There are no visitation hours in our high intensity treatment program.” As a healthcare professional I understand the importance of maintaining strict rules of conduct for the clients in these facilities but the right to have visitors is one that is clearly stated in the Minnesota statues and rules for licensed residential treatment.

“9530.6505 REQUIREMENTS FOR LICENSED RESIDENTIAL TREATMENT

Subpart 2. Visitors. Clients must be allowed to receive visitors at time prescribed by the license holder. The license holder must set and post a notice of visiting rules and hours, including both day and evening times. A client’s right to receive visitors other than a personal physician, religious advisor, county case manager, parole or probation officer, or attorney may be subject to visitation hours...
established by the license holder for all clients. The treatment director or designee may impose limitations as necessary for the welfare of the client provided that limitations and reasons are documented in client’s file. Clients must be allowed to receive visits at all reasonable times from their personal physicians, religious advisors, county case managers, parole or probation officers, and attorneys.”

I am unsure why Counter Point recovery would be taking such a strict policy on visitors which violates the rights of the vulnerable adults that they serve. Being that I work in the inpatient setting, I am unsure if there is an exemption to this statute that Counter Point Recovery has to allow them to continue to maintain their license without allowing visitors. Allowing loved ones to be a part of the recovery program is pertinent to client’s ability to return to sober healthy living outside of the treatment facility. A program which asks clients to be subjected to 90 days of seclusion from their loved ones may be imparting an undue burden on the client’s they serve.

If Counter Point Recovery were to change their visitor policy to comply with the current statues and to provide compassionate care to these individuals, the property they are proposing for the conditional use permit is inadequate. A facility serving 12 clients and 4 staff members plus a 12 person van on site would not be able to accommodate the additional traffic and parking that would be needed for loved ones to be able to visit during allotted visiting hours. Even if Counter Point Recovery wishes to stick to their no visitor policy, it would be inhumane to deprive clients of access to personal physicians, religious advisors, case managers, parole or probation officers, and attorneys. With serving 12 clients, even this bare bones visitation policy would be problematic for the property that is proposed when it comes to parking and traffic.

I want very much for Counter Point Recovery to become a successful treatment program for our citizens and to fill a need that our community has. Building a program which can become a pillar in our community for years is of utmost importance and taking the time to find the right location and property to serve these community members is prudent. Finding a space that can accommodate visitors and allow the loved ones of the vulnerable adults they serve to be part of this recovery process is imperative. A property that is near public parking or has more space for off-site parking would be much better suited for this residential treatment facility. Simply stating "no visitors would be allowed" to make the proposed property “work” when it clearly doesn’t is not only a disservice to the men it treats, but will also cause future problems. One such problem could arise when the property needs to be adapted to accommodate visitors to be in accordance with the current statues. I want to see Counter Point Recovery provide compassionate care to our community members who need it and respect the rights of the clients it serves.

Thank you for your consideration,

Melissa Wagner
To Whom It May Concern:

We are writing in support of the City of Minnetonka issuing a conditional use permit to Counter Point Recovery to purchase, renovate, and operate their business at 5022 Baker Road. We are residents of Minnetonka and live less than a mile from the proposed site. Based on what we have read, CPR meets every requirement contained in the relevant City of Minnetonka codes and ordinances to operate their business on this property.

We spoke at length with the owners, Fartun Ahmed and Munasir Gabeyre, regarding the concerns about the proposed site and expansion expressed in the petition that has been signed by some Minnetonka residents. Their thoughtful, well-informed responses provided much clarification. I appreciate their willingness to take the time to meet with neighbors, educate us, and respond so clearly and openly to our questions. This is above and beyond what they are required to do to operate a business in the City of Minnetonka.

We live in a culture where those experiencing and trying to heal from chemical dependency are stigmatized and judged solely on the basis of their illness. When we refuse residential treatment facilities in our community, we send a dangerous message to our neighbors who are secretly struggling with addiction—if they choose to seek treatment, they will no longer be welcome here. Furthermore, we send the message that only certain types of people belong and are entitled to experience the benefits of residing in Minnetonka.

I trust that the City of Minnetonka Planning Commission and City Council will work to ensure that Minnetonka is a place that is welcoming to all, and a place where all residents have access to the resources they need to live full and healthy lives.

Sincerely,

Jen and Michael Bouchard

4640 Caribou Drive

Minnetonka, MN 55345
Mr. Ingvalson, Council Member Ellingson, Mayor Schneider: I am writing with deep concern regarding the request by Counter Point Recovery for a conditional use permit to allow a licensed care facility in my neighborhood at 5022 Baker Rd. Potential impacts of introducing any commercial enterprise to a residential area should be thoroughly scrutinized, and this request has the potential to strongly, negatively affect surrounding families, with little upside for the immediate community. As the location of the proposed facility is quite close to my home, I was disturbed to see that the facility currently operated by Counter Point Recovery at 14528 Moonlight Hill Rd was the site of Minnetonka police activity on at least 4 occasions in the past 9 months, including: 3/17/2017 PREDATORY Case Number: 17-1013 (https://eminnetonka.com/images/police/reports/Activity%20Report%202017-01-31%20-%202017-10-31.pdf) 3/24/2017 PREDATORY Case Number: 17-1117 (https://eminnetonka.com/images/police/reports/Activity%20Report%202017-03-27-2017.pdf) 7/13/2017 DISTURB/DISORDERLY Case Number: 17-2919 (https://eminnetonka.com/images/police/reports/Activity%20Report%202017-07-14-2017.pdf) 7/14/2017 WARRANT Case Number: 17-2950 (https://eminnetonka.com/images/police/reports/Activity%20Report%202017-07-15-2017.pdf) These cases demonstrate a precedent of facility clientele acting disruptively (predatory!), and failure of Counter Point Recovery staff and security measures to prevent such events. With twice as many residents at the proposed Baker Road facility, incidents would likely be even more common and possibly more harmful given the relatively dense residential area and close proximity to schools. On-site presence of only 1-2 staff members outside of regular workday hours seems inadequate to provide constant supervision (which is required for this type of facility) for up to 12 clients. As a “high intensity treatment” facility, clientele are to be supervised at all times and undergo specified treatment services. However, in June 2017, a Correction Order (http://www.dhs.state.mn.us/main/idcpkg?idcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=LLO_406421) was issued to Counter Point Recovery by the Minnesota Department of Human Services Licensing Division documenting multiple citations, including: -Failure to provide “required hours of clinical services each week” (citation 1) -Requesting payment of public funds for services that were not documented as being provided as required (citation 1) -Improper client orientation (citation 2) -Failure to meet requirements regarding client comprehensive assessments and assessment summaries (citations 5, 6) -Failure to meet requirements governing progress notes and treatment plan reviews (citation 7) -Failure to meet requirements regarding continuing care recommendations upon termination of services (citation 9) -Failure to meet requirements regarding staff training (citation 11), personnel files (citation 12), and annual reviews (citation 13) This record of nonadherence by Counter Point Recovery to requirements intended to protect individuals undergoing chemical dependency treatment suggests client care does not consistently meet the definition for “high intensity treatment” and that measures to enforce the policy for residents to “follow all facility policies at all times” are likely inadequate. Even if competent supervision was fully provided, simply knowing that our neighbors are in a condition that requires constant supervision affects our sense of security to a degree that my family’s activities and use of our property would be severely restricted. My children could not play outside or wait at the school bus stop unaccompanied. Our family-friendly neighborhood would develop a different—less welcoming—character. Such a change in the local atmosphere would limit the desirability of area family homes, depressing surrounding property values and offsetting potential business tax revenues. Although my family’s security is of primary importance, other issues more generally related to business operation are important to consider as well. On-site parking as described by Counter Point Recovery will accommodate a maximum of 5 vehicles but this is inconsistent with parking accommodations noted by the company at a recent City Council meeting. How do clients get to and from the facility? Baker Road already gets quite congested at certain times of day and is ill-suited to accommodate business-related traffic in that segment. To the contrary, myself and other nearby residents would rather see the pedestrian features of Baker Road enhanced and non-local car traffic discouraged to better connect the neighborhood with nearby walking and bike paths. Adding the proposed facility would shift the neighborhood in an undesirable direction. As a resident who would be directly affected by its implementation, I strongly urge you not to grant the permit.
Hello,

I am writing about the proposed recovery site for chemical dependency at 5022 Baker Road. We would like to ask you to vote against this. We are not disputing there is a need for this type of service. We just feel that our residential area is not the place for this male rehab center. We have concern for safety of the neighborhood as we have read about limited staff, low security and frequent 911 calls. We also have many school bus stops within a block-3 blocks of this site with various ages of kids getting off alone.

Please keep this location a single family residence.

Regards,

Mia and Steve Nelson
Please not another CPR facility in Minnetonka! And if you’re going to do one, why the HELL does it need to be SO close the existing one on Moonlight Hill Road?!!
From: Geralyn Barone  
Sent: Tuesday, November 21, 2017 9:30 AM  
To: Drew Ingvalson  
Cc: Loren Gordon; Julie Wischnack  
Subject: Fwd: STOP CPR expansion in Mtka.!!

Begin forwarded message:

From: Terry Schneider <tschneider@eminnetonka.com>  
Date: November 20, 2017 at 12:23:15 PM CST  
To: Andrew Chollar  
Cc: Geralyn Barone <gbarone@eminnetonka.com>  
Subject: RE: STOP CPR expansion in Mtka.!!

Andrew,

Thank you for your feedback regarding the proposed Counter Point Recovery group home at 5022 Baker Rd. I will factor your comments into my thought process when the item comes before the city council. One of the responsibilities of a council member is to keep an open mind until we have heard all relevant facts related to consideration of any approvals required by the project. That includes feedback from citizens, city staff, Planning Commission and the applicant before we make up our mind where we individually stand on the project. While the official public hearing happens at the Planning Commission meeting, the council does allow additional public feedback when it is our agenda. I generally always wait until that has happen before I form a firm opinion on the project.

Terry Schneider  
Minnetonka Mayor

From: Andrew Chollar  
Sent: Monday, November 20, 2017 8:24 AM  
To: Terry Schneider <tschneider@eminnetonka.com>  
Subject: STOP CPR expansion in Mtka.!!

Terry,

Clearly, CPR has a track record littered with citations and and an over-the-top percentage of 911 calls compared to all similar facilities. This is a proven danger to our community. Your citizens are not “asking”, rather we are demanding that you respond to our wishes and stop CPR expansion in our community.

I would ask that you also revisit the policy whereby only those residing within a few hundred feet of a proposed facility are notified. It's an incredibly deceiving way to "slip in" such facilities under the cover of lack of awareness without the city receiving the kind of outcry and resistance it otherwise would and should.
Thank you,

Andrew Chollar
Dear Mayor Schneider, Councilman Ellingson and Planner Ingvalson,

We write in opposition to the requested Conditional Use Permit for a Licensed Care Facility that provides chemical dependency/mental health treatment for adult men, to be located in our residential neighborhood at 5022 Baker Road in Minnetonka. The request, filed by a Mr. Munasir Gabeyre on behalf of entity called "Counter Point Recovery," proposes to initiate a 12-man treatment facility approximately 800 feet from our residence at 13002 Jane Lane in Minnetonka.

As an initial matter, we must say that we applaud Mr. Gabeyre's efforts to provide chemical dependency and mental health "high intensity treatment" for single adult men, whom we believe to be an underserved population. However, in our view, a facility of this size is more appropriately located at a bona fide hospital facility where appropriate security precautions can be taken. As others have pointed out, the requested location is only feet away from school bus stops at Baker Rd. and Mayfield and at Baker Rd. and Jane Lane, and is in the vicinity of a pre-school, an elementary school, and a junior high school. We must assume, having no evidence to the contrary, that many if not most of the individual enrollees have criminal records, although we are certainly open to hearing opposing evidence. Moreover, Mr. Gabeyre's assurances that none of its patients have "arson or criminal sexual conduct charges on their record" does little to provide comfort to area residents who are concerned with other types of criminal behavior.

Additionally, we are concerned with the impact that granting Mr. Gabeyre's Conditional Use Permit may have on our area home values. We are concerned that people considering the purchase of a home in our neighborhood may be inclined to pay less than the value that our home may otherwise bring in the absence of a mental health facility 800 feet from our lot.

Moreover, other neighborhood residents have noted that Mr. Gabeyre's current 6-man location at 14528 Moonlight Hill Road in Minnetonka (which we understand was previously named "Milestones Recovery, Inc.") has been the subject of "frequent 911 calls (and citations) on record at current facility." Residents have also complained about limited staff and low security at the current facility, which they are concerned could translate to the new facility. We do not relish the prospect of frequent 911 calls upsetting the quiet enjoyment of our neighborhood and reducing our home values.

At the end of the day, we believe that a balance of the equities requires that Mr. Gabeyre locate his proposed 12-man chemical dependency/mental health facility at a bona fide hospital location outside of our residential neighborhood.

Sincerely,

Sally T. and Michael P. McNamee
13002 Jane Lane
Minnetonka, MN 55343
From: Terry Schneider <tschneider@eminnetonka.com>
Date: November 20, 2017 at 12:12:08 PM CST
To: Chuck Dahlmeir <[redacted]>
Cc: Geralyn Barone <gbarone@eminnetonka.com>
Subject: RE: CPR 5022 Baker Road

Chuck,

Thank you for your feedback regarding the proposed Counter Point Recovery group home at 5022 Baker Rd. I will factor your comments into my thought process when the item comes before the city council. One of the responsibilities of a council member is to keep an open mind until we have heard all relevant facts related to consideration of any approvals required by the project. That includes feedback from citizens, city staff, Planning Commission and the applicant before we make up our mind where we individually stand on the project. While the official public hearing happens at the Planning Commission meeting, the council does allow additional public feedback when it is our agenda. I generally always wait until that has happen before I form a firm opinion on the project.

Terry Schneider
Minnetonka Mayor

From: Chuck Dahlmeir <[redacted]>
Sent: Sunday, November 19, 2017 7:54 PM
To: Terry Schneider <tschneider@eminnetonka.com>; Bob Ellingson <bellingson@eminnetonka.com>; Tony Wagner <twagner@eminnetonka.com>; Brad Wiersum <bwiersum@eminnetonka.com>; Tim Bergstedt <tbergstedt@eminnetonka.com>; Patty Acomb <pacomb@eminnetonka.com>
Subject: CPR 5022 Baker Road

Hello,

Thank you in advance for taking the time to hear my/residents of Moonlight Hill concerns, regarding the CPR proposal at 5022 Baker Road. I have been a resident at 14512 Moonlight Hill Rd since 2003 when I found the perfect neighborhood in a great community to raise my family. Many of us on the block have made significant investments in our properties and are very proud of where we live. The very quiet and safe feeling of a neighborhood is valued and appreciated by many of us and I’m
sure you feel the same about your neighborhood. That all changed for us on Moonlight Hill a few years back when we had renters in the property at 14528. There were late night parties, loud music, cars and loud motorcycles up and down the street at all hours, unkept property and honestly really rude and disrespectful renters in general. Those renters moved on and we were all very excited to reclaim the neighborhood. Several months later CPR took over the property and nobody in the neighborhood knew what was about to happen next. We were blown away that a recovery center can just move into a neighborhood with no notice at all. It has been a disaster! We had trash problems, parking issues in the cul-de-sac, un-kept property, people out smoking having loud conversations at late hours, shouting, several police cars rolling up the street to diffuse situations. We finally had enough and gathered at city hall with all parties to discuss our concerns. We were basically told the city cannot control this as it is a state issue. Things have improved since that meeting, but still lots of traffic and police visits. As I understand, you could not do anything to stop them from coming into our neighborhood, but you can certainly stop them from expanding in this great city. Do we really want another problem place that uses tax payer money to deploy resources when they clearly are not a buttoned up operator in so many ways? Recent regulatory inspections back that statement up as you know. I urge you to not allow this to happen.

Best Regards,

Chuck Dahlmeir
Begin forwarded message:

From: Terry Schneider <tschneider@eminnetonka.com>
Date: November 20, 2017 at 11:59:27 AM CST
To: Michael Arvidson [mailto:]
Cc: Geralyn Barone <gbarone@eminnetonka.com>
Subject: RE: Men's drug rehab

Michael,

Thank you for your feedback regarding the proposed Counter Point Recovery group home at 5022 Baker Rd. I will factor your comments into my thought process when the item comes before the city council. One of the responsibilities of a council member is to keep an open mind until we have heard all relevant facts related to consideration of any approvals required by the project. That includes feedback from citizens, city staff, Planning Commission and the applicant before we make up our mind where we individually stand on the project. While the official public hearing happens at the Planning Commission meeting, the council does allow additional public feedback when it is our agenda. I generally always wait until that has happen before I form a firm opinion on the project.

Terry Schneider
Minnetonka Mayor

From: Michael Arvidson [mailto:]
Sent: Sunday, November 19, 2017 11:25 AM
To: Terry Schneider <tschneider@eminnetonka.com>
Subject: Men's drug rehab

I’m not on board with a rehab facility. This has been tried before. Why is this the area they keep going to? Kids catch the bus on Baker road. How would that benefit the city?

Sent from Mail for Windows 10
John,

Thank you for your feedback regarding the proposed Counter Point Recovery group home at 5022 Baker Rd. I will factor your comments into my thought process when the item comes before the city council. One of the responsibilities of a council member is to keep an open mind until we have heard all relevant facts related to consideration of any approvals required by the project. That includes feedback from citizens, city staff, Planning Commission and the applicant before we make up our mind where we individually stand on the project. While the official public hearing happens at the Planning Commission meeting, the council does allow additional public feedback when it is on our agenda. I generally always wait until that has happen before I form a firm opinion on the project.

Terry Schneider
Minnetonka Mayor

-----Original Message-----
From: John Anderson [mailto:]
Sent: Thursday, November 16, 2017 3:33 PM
To: Terry Schneider <tschneider@eminnetonka.com>
Subject: Counter Point Recovery (CPR)

Terry - I strongly oppose the proposed location of the CPR facility on Baker Road. I live 2-3 doors down from this facility and I do not believe this type of facility belongs in a residential setting. Based on other CPR location(s) there have been numerous 911 calls and other issues. This location is too close to schools, bus stops and neighbors. This type of facility seems better suited for a commercial or industrial setting. I urge you to please oppose this plan.

John Anderson
4934 Baker Road
Sent from my iPhone
Dear Drew,

Sent from my iPad

Begin forwarded message:

From: Terry Schneider <tschneider@eminnetonka.com>
Date: November 20, 2017 at 11:26:24 AM CST
To: Ann [mailto:ann@eminnetonka.com]
Cc: Geralyn Barone <gbarone@eminnetonka.com>
Subject: RE: Drug rehab house

Ann,

Thank you for your feedback regarding the proposed Counter Point Recovery group home at 5022 Baker Rd. I will factor your comments into my thought process when the item comes before the city council. One of the responsibilities of a council member is to keep an open mind until we have heard all relevant facts related to consideration of any approvals required by the project. That includes feedback from citizens, city staff, Planning Commission and the applicant before we make up our minds where we individually stand on the project. While the official public hearing happens at the Planning Commission meeting, the council does allow additional public feedback when it is on our agenda. I generally always wait until that has happened before I form a firm opinion on the project.

Terry Schneider
Minnetonka Mayor

From: Ann [mailto:ann@eminnetonka.com]
Sent: Thursday, November 16, 2017 2:50 PM
To: Terry Schneider <tschneider@eminnetonka.com>
Subject: Drug rehab house

•Does not have a good track record.
•There are already other facilities in Minnetonka.
•No!!

Ann Longtin
5554 Rowland Road
Minnetonka 55343
Good evening,

My family and I are Minnetonka residents, and our address is 4930 Baker Road. It is our understanding that Counter Point Recovery Center has the intention to purchase the house referenced above, which is located less than a mile from our home. That residential home will become a Men's Drug Rehab Facility.

Our main concern is the safety in our neighborhood, specially the safety and well being of our teenage daughter. Our daughter is just one of many teen aged girls within 1/2 mile of this proposed facility. These young ladies often times enjoy walking up and down Baker Road either to go to the corner store (SA), or to each other's homes. It is not right that they would have to feel uncomfortable or threatened doing their normal activities.

We believe that having a Rehabilitation facility in the same location where we walk our dogs, ride our bikes, and our kids walk to the bus stop, will impact these daily activities and our way of life due to the following:

We are a highly residential area
Close proximity to preschools, Middle School, and bus stops
We understand that Counter Point Recover typically keeps low staff and low security
Frequent 911 calls (and citations) on record at current facility

We ask that you please help us keep our neighborhood safe and don't allow Counter Point Recovery in our neighborhood.

Many thanks,

Emely and Trent Steel
Dear Sirs,

My name is Dave Lighthall. I live at 4721 Deerwood Dr in Minnetonka. I reside here with my wife and daughter whom just recently moved home from out of state. We bought this house in 2014 because of the quaintness, quietness and safety of the area. The Glen Lake area is perfect for us for many reasons I won't bore you with.

When I got home from work this evening, on my door was a flyer informing me that a little over 2 blocks from my home, there is a drug rehab facility being proposed. I was shocked by this news and told my wife, who also was taken aback by it. None of the people in my household, nor the neighbors I have spoken with are ok with this or have anything positive to say about it. A place like this is not what we want where we live. It has the very real opportunity to bring less than desirable people and activity to our peaceful and quiet area. This is a very highly residential area, which is close to a preschool and elementary school. There are also numerous bus stops in the area due to the proximity to these schools. A facility like this should not be in this area. Drug abusers, whether getting clean or still mightily struggling with these issues, do not belong around our kids.

I also feel that having this facility close to my home is dangerous for my family, too. Who knows what could happen should a resident decide to take a walk, or have a relapse, and suddenly appear at my door or wander aimlessly in my yard or neighborhood. If I am not home, its just my wife and daughter, who may not be able to defend themselves against a man under the influence. I will be having grandchildren in the very near future, and am frankly a little scared of this kind of type of residence being close to the people I love. I don't know if any or all of you have spouses or children, or even grandchildren, but I'd bet my life you wouldn't want them in any kind of danger that could arise from the drug and rehab house being in YOUR neighborhood. It is an extreme issue that Center Point Recovery is known to employ limited staff and not near enough security for the people living at the property. It is also a known fact that there have been frequent 911 calls to the current facility, and many citations given out due to lack of respect for the community around them and the people living near their facility.

I, under no circumstances, want this drug rehab house in my neighborhood. In addition to posing an unnecessary danger to the public in this peaceful and revered community, it also will end up bringing down the value of my home, and many other homes, due to the fact no one is going to want to move into a neighborhood that has the potential dangers that this place brings. Why can't it stay where it is? There's no reason to relocate it in my mind. If they need more room, bring it into the inner city and buy up some of the houses there that are unoccupied. I'm sure the half million dollar amount that is being banded around for this new property could cover the cost it would take to buy a larger area of property elsewhere. We moved into a community like this specifically to avoid being around these types of undesirable properties and people. By bringing this type of property into our neighborhood, we will be exposed to the dangers we worked so hard to avoid. A property like this just doesn't belong in our upper middle class community.
I will be at the meeting on the 30th to voice my opinion again. Please take all this into consideration when making the decision on this. If this was in your neighborhood, near your children, grandchildren, or anyone else in your community, would this still be considered?

Thank you for your time,

Dave Lighthall
November 20, 2017

Dear Mr. Ingvalson,

This letter is regarding project #99066 17a. I have lived at 5014 Baker Road since 2012. It is a well-established and well-connected neighborhood with long-time residents.

We are a strong community, not a transient neighborhood with people coming and going every few months. I oppose Counter Point Recovery, a drug rehabilitation facility, coming into our neighborhood. I have read the record of the violations that they have committed at their current facility as well as a high number of police calls and people wandering from the facility in a relatively short amount of time. Due to this track record, this facility presents a risk to our community, and I am personally concerned about this because I will share the northern property line with the facility.

Please call me if you have any questions or need further clarification on my position. Thank you.

Sincerely,

Carol Erickson
5014 Baker Road
Minnetonka, MN
November 20, 2017

Dear Mr. Ingvalson,

Thank you for chairing the informational meeting regarding project #99066 17a.

This letter is regarding project #99066 17a. I have lived at 5014 Baker Road for just short of 50 years. I moved to my current location in July of 1968. It is a well-established and well-connected neighborhood with long-time residents. I have hosted Minnetonka Night for Neighbors for the past eight years and it has always been well attended. For two years, we were first place in Minnetonka for collecting over 1200 pounds of food for the ICA Food Self, and one year we were in second place.

We are a strong community, not a transient neighborhood. I oppose Counter Point Recovery, a drug rehabilitation facility for up to twelve men, coming into our neighborhood. This facility presents a risk to our community, and I am personally concerned about this because I will share the northern property line with the facility.

Please call me if you have any questions or need further clarification on my position. Thank you.

Sincerely,

Maurine Burke
5014 Baker Road
Minnetonka, MN
Good Morning Drew,

Please see my below message to be included in the planning committee report for the November 30th meeting. Will you please respond to verify you received my message? Thanks.

I am writing to express my concern and disapproval of a request from Counter Point Recovery (CPR) to establish a 12 bed home drug rehabilitation center in my neighborhood and would ask that you too would deny this request. I live less than a quarter mile from the 5022 Baker Road residence and upon research of this proposed project and the company’s history, I do not feel like this expansion project is beneficial for anyone other than owner’s financial gain. I fully understand that this was not necessarily the first choice for a location for CPR, but due to regulations and ordinances they were not able to move forward with other locations up to this point. However, it concerns me that they have decided to throw out all other criteria for a location that would be beneficial to the clients they are treating and the surrounding community to move forward with the project. I attended the neighborhood information session on 11/14/17, and when the question was proposed about what criteria they used to select a location that would be the best fit for their clients, they did not provide any criteria except that it met the city ordinances. This lack of planning and consideration for the clients that would be served by the business is alarming to me. I believe that the following conditions are not conducive for the proposed location:

- Very limited lighting on Baker Rd after dark
- Lots of tree coverage and areas to quickly “disappear” in
- Bridge across 494 less than 100 yards away
- High traffic during rush hour
- No sidewalk
- Limited number of public recreation or facilities within close walking distance (CPR indicated they like to take group walks for therapy.)
During the November 14th neighborhood meeting, I also was made aware that CPR is a relatively new company (less than 2 years old), and CPR has had a number of citations from HHS within the last 6 months that included billing for undocumented services and failing to provide the required amount of weekly treatment services on multiple occasions. Here is the link to the compliance report issued 6/16/17:
http://www.dhs.state.mn.us/main/ideplg?idcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=LLO_406421. Based on the findings from DHS, it is evident that there is a lack of organization and lack of attention to detail at the level you would expect from a care facility. I can only assume that this same lack of organization and attention to detail is present in their safety and security measures. In fact, when looking at the detailed police reports, there does appear that they have had some significant situations to include an individual who escaped from their facility and ran into the woods on 6/18/17, clients indulging in alcohol within the facility, and probation violations.

The items identified above all happened at their current place of business that is a 6 bed residence. They are now requesting to expand to a 12 bed residence, but do not have a track record of compliance or best practices. A vote to deny their conditional use permit for 5022 Baker Road is the right thing to do until they can show that they can adhere to all regulations and requirements and effectively serve their clients. After extensive research, it is clear that denying this conditional use permit is in the best interest of the neighborhood, the city, and the clients that are in need of recovery assistance.

Thanks,

Luke Hansen
Minnetonka Police Department
14600 Minnetonka Blvd Minnetonka, MN 55345
(952) 939-8510

Case #: MP17004699
Incident #: MP17004699

14528 MOONLIGHT HILL RD MINNETONKA, MINNESOTA 55345

Description of Incident: WARRANT
Reported Date/Time: 10/26/2017 14:23:00
Incident Start Date/Time: 10/26/2017 14:23:00
Brief synopsis of incident: APPREHEND AND DETAIN ORDER FROM BLUE EARTH COUNTY PROBATION OFFICER BURKE FOR MOHAMED ABDI ABDULLAHI. ABDULLAHI WAS ARRESTED AND TAKEN TO THE HENNEPIN COUNTY ADULT DETENTION CENTER.
Disposition: INACTIVE
Case Status: ARREST OF ADULT/ADULT AND JUVENILE

Suspects (1)

ABDULLAHI, MOHAMED ABDI
Related Offenses: MISWA MISC OFCR WARRANT ARREST 9000 NON-REPORTABLE 9999
Address: 117 URIAH CT
Was Suspect Arrest Y/N: YES
Date / Time Arrested: 10/26/2017 15:00:00
Juvenile: NO
City: MANKATO
State: MINNESOTA
Zip Code: 56001
DOB: 01/01/1988
Age: 29
Driver’s License Number: X81423347013
Sex: MALE
Race: BLACK OR AFRICAN AMERICAN OF HISPANIC OR LATINO ORIGIN
Height: 507
Weight: 181
Eye Color: Brown

Offenses (1)

MISWA MISC OFCR WARRANT ARREST 9000 NON-REPORTABLE 9999
Offense Status (Office Use Only): ARREST OF ADULT/ADULT AND JUVENILE
UCR Hierarchy: 90614
Reportable: No

Narrative (1)

MAIN REPORT
FIERST, CHAD 165

10/26/2017

APPREHEND AND DETAIN ORDER FROM BLUE EARTH COUNTY PROBATION OFFICER BURKE FOR MOHAMED ABDI ABDULLAHI(DOB:   ), ABDULLAHI WAS ARRESTED AND TAKEN TO THE HENNEPIN COUNTY ADULT DETENTION CENTER
### Officer (2)

| Reporting Officer: | FIERST, CHAD (165) | 10/26/2017 15:06:00 |
| Approving Officer: | KNIS, STEVE (29)   | 10/26/2017 15:14:37 |

### Attachment Data (1)

| Description: |
| Description: |
| Description: |
| Description: |
| Description: |

| File Name: | 17004699 ATD.pdf |
| File Name: | 17004699 ATD.pdf |
| File Name: | 17004699 ATD.pdf |
| File Name: | 17004699 ATD.pdf |
| File Name: | 17004699 ATD.pdf |

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Printed On 11/16/2017  Page 2 of 2 Printed By KOWALSKI, LISA
# Event

14528 MOONLIGHT HILL RD MINNETONKA, MINNESOTA 55345

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<tr>
<th>Description of Incident:</th>
<th>WARRANT</th>
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<td>Reported Date/Time:</td>
<td>07/14/2017 16:54:00</td>
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<tr>
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<td>07/14/2017 16:54:00</td>
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<tr>
<td>Brief synopsis of incident:</td>
<td>ASSIST TO HENN CO PROBATION ON A WARRANT PICK UP, MALE ARRESTED AND TRANSPORTED TO JAIL.</td>
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<td>Disposition:</td>
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<tr>
<td>Case Status:</td>
<td>Adult Arrest</td>
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### Suspects (1)

**SALAT, MUSLA ABDULKADIR**

| Related Offenses:              | MISWA MISC OFCR WARRANT ARREST 9000 NON-REPORTABLE 9999 |
| Address:                       | 14528 MOONLIGHT HILL RD                      |
| Was Suspect Arrest Y/N:        | YES                                         |
| Date / Time Arrested:          | 07/14/2017 17:23:00                         |
| Juvenile:                      | NO                                          |
| City:                          | MINNETONKA                                  |
| State:                         | MINNESOTA                                   |
| Zip Code:                      | 55345                                       |
| DOB:                           | 01/01/1995                                  |
| Age:                           | 22                                          |
| Sex:                           | MALE                                        |
| Race:                          | BLACK OR AFRICAN AMERICAN OF HISPANIC OR LATINO ORIGIN |

### Person Reporting Incident Data (2)

**KIRCH, ANDREW**

| Cell Phone Number:            | 612-387-7447                               |
| Sex:                          | MALE                                       |
| Race:                         | WHITE                                      |

**HENNEPIN COUNTY PROBATION**

| Address:                      | 3220 COUNTY ROAD 10                       |
| Related Offense:              | MISWA MISC OFCR WARRANT ARREST 9000 NON-REPORTABLE 9999 |
| Apartment / Suite:            | 1                                          |
| City:                         | BROOKLYN CENTER                            |
| State:                        | MINNESOTA                                  |
| Zip Code:                     | 55429                                      |
### Offenses (1)

**MISWA MISC OFCR WARRANT ARREST 9000 NON-REPORTABLE 9999**

- **Felony/Misdemeanor:** FELONY
- **Offense Status (Office Use Only):** Adult Arrest
- **UCR Hierarchy:** 90614
- **Reportable:** No

### Narrative (1)

**MAIN REPORT**

TAIT, JASON 42  
07/14/2017

**Preliminary Information:**

On 07/14/17 at 1656hrs Officer Eggleston and I were dispatched to 14528 Moonlight Hill Dr to assist Hennepin County Probation with a warrant pick up.

**Officer’s Actions/ Observations:**

- Met with Probation Officer Drew Kirch.
- Learned Salat, Musla Abdulkadir had two confirmed warrants for his arrest for probation violations.
- Responded to the address and met with Salat inside.
- Placed Salat under arrest for the warrants at 1723hrs.
- Handcuffed Salat, double locking and checking for tightness.
- Salat was ultimately transported to Hennepin County Jail by Officer Carlson.

**Disposition:**

- Assist to probation on a warrant pick up.
- Adult male arrested and transported to jail.

### Officer (2)

- **Approving Officer:** MEEHAN, RACHAEL [37]  
  07/14/2017 17:42:17
- **Reporting Officer:** TAIT, JASON (42)  
  07/14/2017 17:31:00

### Attachment Data (1)

- **Description:**
- **File Name:** 17002950ATD.pdf
14528 MOONLIGHT HILL RD MINNETONKA, MINNESOTA 55345

Description of Incident: MENTAL HEALTH
Reported Date/Time: 07/13/2017 00:55:00
Incident Start Date/Time: 07/13/2017 00:55:00
Brief synopsis of incident: Two adult males kicked out of in patient treatment for being intoxicated, transported to HCMC special care, unable to care for themselves.

Disposition: INACTIVE
Case Status: ASSISTED/ ADVISED

ABSHIR, MUSTAFA MOHAMED
Address: 14528 MOONLIGHT HILL RD
DOB: [redacted]
Age: 36
Driver's License Number: A1265538100104
Driver's License State: WISCONSIN
City: MINNETONKA
State: MINNESOTA
Sex: MALE
Race: BLACK OR AFRICAN AMERICAN OF HISPANIC OR LATINO ORIGIN
Zip Code: 55345
Victim of: MDCMR MEDICAL CRISIS 9000 NON-REPORTABLE 9999
Wears Glasses: NO
Drug/Alcohol Use: NO

SALAT, MUSLA ABDULKADIR
Address: 14528 MOONLIGHT HILL RD
DOB: [redacted]
Age: 22
City: MINNETONKA
State: MINNESOTA
Sex: MALE
Race: BLACK OR AFRICAN AMERICAN OF HISPANIC OR LATINO ORIGIN
Zip Code: 55345
Victim of: MDCMR MEDICAL CRISIS 9000 NON-REPORTABLE 9999
Wears Glasses: NO
Drug/Alcohol Use: NO
GABEYRE, NASIR ABDULLAHI

Address: 14528 MOONLIGHT HILL RD
DOB: [redacted]
Age: 26
City: MINNETONKA
State: MINNESOTA
Zip Code: 55345
Cell Phone Number: 404-580-2540
Sex: MALE
Race: BLACK OR AFRICAN AMERICAN OF HISPANIC OR LATINO ORIGIN

Offenses (1)

MEDCR MEDICAL CRISIS 9000 NON-REPORTABLE 9999
Offense Status (Office Use Only): ASSISTED/ADvised
UCR Hierarchy: 90492
Reportable: No

Narrative (1)

MAIN REPORT - P. CARLSON 180
CARLSON, PETER 180
07/13/2017

Initial Information:

On 07/13/2017 at approximately 0059 hours I, Officer Carlson, along with Officer Gilbertson, was dispatched to 14528 Moonlight Hill Rd for a report of a disturbance involving two residents of an inpatient treatment program. Call notes said the residents were arguing and getting loud, are roommates and not separated.

Officers Actions/Observations:

- I arrived with Officer Gilbertson
- We were met by the caller Nasir Abdullahi Gabeyre DOB [redacted], who is the director of the treatment program
- The facility houses approximately 6 males that are receiving inpatient treatment for drug and alcohol abuse
- On our arrival Nasir was in the kitchen of the facility with Musla Abdulkadir Salat
- I immediately noticed the strong odor of an alcoholic beverage coming from Musla
- Musla’s eyes were very red and watery, he had slurred speech and difficulty standing/balancing
- Musla claimed he had not been drinking and that his roommate had “snuck the booze in”
- Nasir said he gave Musla a “breathalyzer” test and it registered .09 BAC
- Musla was very repetitive in his questions for officers, demanding that officers get his wallet and cigarettes back from his roommate
Musla said that his roommate assaulted him, scratching his elbow and bruising his head.
Roommate was identified by staff as Mustafa Mohamed Abshir DOB [redacted] Nasir said Musla and Mustafa are friends and roommates and were not fighting/there was no assault. They were "play fighting" over cigarettes. Mustafa was still in the bedroom that he and Musla share. Nasir said the he believed Mustafa was also intoxicated but he refused a "breathalyzer". I entered Mustafa's room with Nasir where I found Mustafa asleep lying in his bed, I immediately noticed the strong smell of an alcoholic beverage coming from Mustafa. I attempted twice to wake Mustafa up verbally with no response, I attempted to wake Mustafa up with a sternal rub which was successful after approximately three seconds. Mustafa had very red/bloodshot/watery eyes and appeared confused with slurred speech. Mustafa became agitated and upset about being questioned about the events of the night and told me to leave the room. Mustafa denied drinking alcohol or using drugs, but refused a PBT. Musla blew a 0.092 on Officer Gilbertson's PBT. Nasir said that both Musla and Mustafa had violated the terms of their treatment and were going to kicked out immediately. Neither Mustafa or Musla were able to care for themselves due to the intoxication. Both parties also have a history of drug abuse (heroin, meth, cocaine, marijuana, alcohol). I placed Mustafa in handcuffs behind his back with proper gap and double locked and placed him on a crisis hold for being unable to care for himself. Officer Gilbertson placed Musla in handcuffs behind his back with proper gap and double locked and placed him on a crisis hold for not being able to care for himself. Officer Gilbertson transported Mustafa to HCMC Special Care on a transport/Crisis hold. I transported Mustafa to HCMC Special Care on a transport/crisis hold. Both parties were transferred to HCMC staff without incident. Disposition: Two adult males were transported to HCMC Special Care from an in patient treatment facility. Both parties were intoxicated and kicked out of the treatment facility for violating the conditions. Both parties were unable to care for themselves.

Officer (2)

Approving Officer: RIEGERT, DAVID [33] 07/13/2017 05:24:12

Printed On 11/16/2017  Page 3 of 4 Printed By KOWALSKI, LISA
Attachment Data (1)

Description:

File Name: Mental Health.pdf
14528 MOONLIGHT HILL RD MINNETONKA, MINNESOTA 55345

Description of Incident: MENTAL HEALTH
Reported Date/Time: 03/06/2017 16:00:00
Incident Start Date/Time: 03/06/2017 16:00:00
Brief synopsis of incident: Adult Male sent to the hospital on a health & welfare hold.

Disposition: INACTIVE
Case Status: ASSISTED/ADvised

Abdullahi, Abdirahman Elyas
Address: 14528 MOONLIGHT HILL RD
DOB: [redacted]
Age: 26
Driver's License Number: KS31113247209
City: MINNETONKA
State: MINNESOTA
Sex: MALE
Race: BLACK OR AFRICAN AMERICAN
Zip Code: 55345
Height: 5'11
Weight: 140
Eye Color: BROWN
Hair Color: BLACK
Victim of: MEDCR MEDICAL CRISIS 9000 NON-REPORTABLE 9999
Wears Glasses: NO
Drug/Alcohol Use: NO

Jabeyre, Munasir abdullahi
Address: 14528 Moonlight Hill Rd
DOB: [redacted]
Age: 26
City: MINNETONKA BEACH
State: ALABAMA
Zip Code: 55345
Cell Phone Number: 404-580-2540
Sex: MALE
Race: BLACK OR AFRICAN AMERICAN
Preliminary Information

On 03-06-17 at 1559 hours Officer Bauer and I were dispatched to 14528 Moonlight Hill Rd on a health & welfare check.

Officer Actions/Observations

- Dispatch advised that the residence was a group home, CounterPoint Recovery.
  - They stated that a male, later identified as Abdirahman Elyas Abdullahi DOB [redacted] called and stated that the staff was not giving him his meds, that he was being discriminated against, and that he was going to go across the street to the judges.
  - Dispatch stated that the male was talking very fast and seemed to be in a manic state.
- Dispatch then advised that a staff member was calling and stating that Abdullahi is schizophrenic and bipolar and that he was in a manic state now.
  - The staff member, identified as Munasir Abdullahi Jabeyer DOB [redacted] stated that Abdullahi had become aggressive with staff.
  - I arrived on scene first with HCMC paramedics.
  - I met with Abdullahi in the kitchen of the residence.
  - Abdullahi was definitely in a manic state; he was talking very fast, was repeating himself, and he was agitated.
  - Abdullahi was upset because his medication had been changed by what he believed was a "fake" doctor and staff would not give him the medication that he had originally been prescribed by his real doctor.
  - Abdullahi would not listen to reason and became increasingly agitated.
  - Abdullahi stated that the only person he would listen to is his Psychiatrist, who we could not get a hold of.
  - Abdullahi was cooperative but on edge and volatile.
  - Jabeyer stated that Abdullahi had not been sleeping and had been hearing voices.
  - He stated that Abdullahi’s medication was recently changed, and since that had occurred there had been a very rapid decline in his mental health.
  - Staff was afraid of Abdullahi and what he would do if officers left.
  - Jabeyer stated that Abdullahi had been at the home since January, and that this is the worst he has ever been.
  - I spoke with the paramedics, who were very concerned about Abdullahi based on
the drastic medication change that had recently occurred.
- The paramedics did not feel that Abdullahi would calm down, and that his behavior would only worsen.
- Abdullahi would not go to the hospital voluntarily.
- Based on his current behavior and the fear the staff, medics, and I had about him becoming increasingly worse, we determined that he would be sent to the hospital on a health & welfare hold.
- Abdullahi was handcuffed for safety and escorted to the ambulance (I was assisted by Officers Bauer, Bruckner, and Sanchez).

**Disposition**
- HCMC Paramedics transported Abdirahman Abdullahi to Fairview Riverside on a health & welfare hold.

**Officer (2)**

| Reporting Officer: | MEEHAN, RACHAEL (37) | 03/07/2017 08:10:00 |
| Approving Officer:  | MEEHAN, RACHAEL (37)  | 03/07/2017 10:53:38 |

**Attachment Data (1)**

| Description: |
| File Name: | 17000840 Mental Health Form.pdf |
Incident Detail Report

Data Source: Data Warehouse
Incident Status: Closed
Incident Number: MP161104-025560
Case Numbers: 11/04/2016 11:07:38

Incident Information
Incident Type: BIRCH-2 CL
Priority: 1
Determinant: 
Base Response#: 
Confirmation: 
Taken By: MCEACHERN, JORDAN THOMAS - MP
Response Area: MP03
Response Plan: 
Division: MPR Area 12
Battalion: MPR Area 12
Command Ch: BIRCH-2 CL
Jurisdiction: Minnetonka PD
Agency: Minnetonka Police

Incident Status: Closed
Incident Location: AP
Location Type: 
Address: 14528 Moonlight Hill Rd
City, State, Zip: MINNETONKA MN 55345
County: HENNEPIN
Supplemental Information - Person
PERSON 1
Name: MCEACHERN, JORDAN THOMAS
DOB: 
Age: 27
Call Receipt
Caller Name: DEB HAGEN
Method Received: 
Caller Type: 
Call Back Phone: (404) 509-2540
Caller Location: 

Time Stamps
Description
Date
Time
User
User

Phone Pickup
11/04/2016
11:07:33
MCEACHERN, JORDAN THOMAS - MP
Received to In Queue
11:10:50
Call Taking
11:16:34
MCEACHERN, JORDAN THOMAS - MP
In Queue to 1st Assign
11:11:41
1st Unit Assigned
11:12:28
1st Unit Enroute
11:15:56
1st Unit Arrived
11:49:38
Closed

Elapsed Times
Description
Time
Time

00:03:12

00:08:56

00:05:51

00:04:18

00:05:20

00:03:28

00:45:05

Resources Assigned
Primary
Unit
Flag
Assigned
Disposition
Enroute
Staged
Arrived
At Patient
Delay
Complete
Odms. Enroute
Odms. Arrived
Cancel Reason

19T
Y
11:11:41
ASSISTED/ADVISED 11:16:43
11:16:43
11:18:29
11:49:28

13A
N
11:12:08
ASSISTED/ADVISED 11:16:43
11:16:57
11:18:26
11:45:13

Personnel Assigned
Unit
Name

19T
FIERST, CHAD - MP (MP185C)

13A
COGAR, SHANNON - MP (MP144SO)

Pre-Scheduled Information
No Pre-Scheduled Information

Transports
No Transports Information

Transport Logs
No Transports Information

Comments
Date
Time
User
Type
Conf.
Comments

11/04/2016
11:08:56
MPD48MM
Response
27 YO MALE CLIENT - REFUSING TO LEAVE- TOLD HIM THAT HE COULDN'T TREAT HIM OR TRANSFER HIM

11/04/2016
11:09:30
MPD48MM
Response
DELUSIONAL - ON METHADONE

11/04/2016
11:10:08
MPD48MM
Response
JORDAN THOMAS MCEACHERN DOB:06/21/1985

11/04/2016
11:10:28
MPD48MM
Response
OUTSIDE THE BUILDING

11/04/2016
11:10:40
MPD48MM
Response
CAN BE COMBATIV

11/04/2016
11:10:48
MPD48MM
Response
NO WEAPONS

11/04/2016
11:12:57
MPD48MM
Response
Query, Power, Inc Name DOB Check: M, MCEACHERN, JORDAN, THOMAS, 19890801

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<th>Activity</th>
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<th>User</th>
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<td>[14] JORDAN'S GRANDMOTHER WILL PICK HIM UP AT 6700. NO THREATS OF HARM TO SELF OR OTHERS.</td>
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<td></td>
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<td>User</td>
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**Custom Time Stamps**
- Accident Date: 11/04/2016
- Time: 11:08:13
- User: M26B
- Location: 14528 MOONLIGHT HILL RD
- Status: Dispatch

**Custom Data Fields**
- Description: Custom
- AMB: NOT FOUND
- Test: False

**Attachments**
- No Attachment
Incident Detail Report

Data Source: Data Warehouse
Incident Status: Closed
Incident number: MP171022-034488
Case Numbers:
Incident Date: 10/23/2017 14:24:40

Incident Information
Incident Type: MAPLE-1 CL
Priority: 1
Determinant: 
Base Response#: 
Confirmation#: 
Taken By: WITSCHEN, TANYA - MP
Response Area: MPD23
Disposition: ASSISTED/ADVEDE -MPAST
Cancel Reason: 
Incident Status: Closed
Certification: 
Longitude: 93485903

Incident Location
Location Name: COUNTERPOINT RECOVERY
Address: 14528 Moonlight Hill Rd
Apartment: 
Building: 
City, State, Zip: MINNETONKA MN 55345

Call Receipt
Caller Name: Terry Pontrell
Method Received: 
Caller Type: 
Call Back Phone: (952) 769-4869
Caller Location: 

Time Stamps
Description
Date Time User Description Time
Phone Pickup 10/23/2017 14:24:22 
1st Key Stroke 10/23/2017 14:24:22 
In Waiting Queue 10/23/2017 14:26:30 
Call Taking Complete 10/23/2017 14:27:57 WITSCHEN, TANYA - MP
1st Unit Assigned 10/23/2017 14:27:35 
1st Unit Enroute 10/23/2017 14:27:48 
1st Unit Arrived 10/23/2017 14:47:36 Mobile1
Closed 10/23/2017 14:47:36

Resources Assigned
Primary
Unit Flag Assigned Disposition Enroute Staged Arrived Delay Complete Odm. At Patient Avail
12A Y 14-27-35 ASSISTED/ADVEDE -MPAST

Personnel Assigned
Unit Name
12A SPINKS, ERIN - MP (MP17965)

Pre-Scheduled Information
No Pre-Scheduled Information

Transports
No Transports Information

Transport Logs
No Transports Information

Comments
Date Time User Type Conf. Comments
10/22/2017 14:24:42 SYS Response [1] 
[1] A cellular re-bid has occurred, check the ATN/ALI Viewer for details
10/23/2017 14:25:03 MPD1TW Response [2] 
[2] client male, 52 yoa
[3] sb pain
[4] in the group room
[5] doesn't want lights/ivs
[6] pancreatitis
10/22/2017 14:47:34 Mobile1 Response Y [7] 
[7] HCMT TRANSPORTED TO UNK HOSPITAL

Address Changes
No Address Changes

Priority Changes
No Priority Changes

Alarm Level Changes
Date Time User Change to Alarm
10/22/2017 14:27:35 T-W 1

## Activity Log

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Radio</th>
<th>Activity</th>
<th>Location</th>
<th>Log Entry</th>
<th>User</th>
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<td>Incident Priority Change</td>
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<td></td>
<td>MPD51TW</td>
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<tr>
<td>10/23/2017</td>
<td>14:28:31</td>
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<td>ANHLM Statistics</td>
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<td>12A</td>
<td>Read Incident</td>
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<td>14:27:35</td>
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<td>DI</td>
<td>14528 Moonlight Hill Rd ([COUNTERPOINT RECOVERY])</td>
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## Edit Log

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## Custom Time Stamps

### Description
- AMBULANCE NOTIFIED - AMB

### Custom Data Fields

#### Description
- RD
- AMB

### Attachments
- No Attachment
**Incident Detail Report**

**Data Source:** Data Warehouse  
**Incident Status:** Closed  
**Incident number:** MP170904-027993  
**Case Numbers:**  
**Incident Date:** 08/04/2017 22:48:05  
**Report Generated:** 11/10/2017 13:27:04

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<td><strong>Priority:</strong></td>
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<td><strong>Base Response:</strong></td>
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<td><strong>Confirmation:</strong></td>
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<td><strong>Taken By:</strong></td>
<td>FORSMAN, DANIELLE - MP</td>
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<td><strong>Response Area:</strong></td>
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<td><strong>Disposition:</strong></td>
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<td><strong>Cancel Reason:</strong></td>
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<td><strong>Longitude:</strong></td>
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<td>COUNTERPOINT RECOVERY</td>
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<td><strong>Address:</strong></td>
<td>14528 Moonlight Hill Rd</td>
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<tr>
<td><strong>Building:</strong></td>
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</tr>
<tr>
<td><strong>City, State, Zip:</strong></td>
<td>MINNETONKA MN 55345</td>
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**Call Recipient**  
**Caller Name:** Nasir  
**Method Received:**  
**Call Type:**  
**Call Back Phone:** (404) 580-2540  
**Caller Location:**  

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<td>Phone Pickup</td>
<td>08/04/2017</td>
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<tr>
<td>1st Key Stroke</td>
<td>08/04/2017</td>
</tr>
<tr>
<td>In Waiting Queue</td>
<td>08/04/2017</td>
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<tr>
<td>Call Taking Complete</td>
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<tr>
<td>1st Unit Assigned</td>
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<tr>
<td>13C</td>
<td>Y</td>
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<tr>
<td>23:03:05</td>
<td>ASSISTED/ADVISED-MPAST</td>
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<td>Mobile1</td>
<td>23:03:30</td>
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**Personnel Assigned**  
**Unit Name:** OLSON, HEATHER - MP (MP147HO)  

**Pre-Scheduled Information**  
**No Pre-Scheduled Information**  

**Transports**  
**No Transports Information**  

**Transport Logs**  
**No Transport Logs**  

**Comments**  
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<tr>
<td>09/04/2017</td>
<td>22:48:03</td>
<td>SYS</td>
<td>Response</td>
<td>[1]</td>
<td>A cellular re-obid has occurred, check the ANI/ALI Viewer for details</td>
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<td>09/04/2017</td>
<td>23:00:25</td>
<td>MPD65OF</td>
<td>Response</td>
<td>[7]</td>
<td>No weapons, no drugs and has been drinking</td>
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<td>[10]</td>
<td>Non violent as far as the RP knows</td>
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**Address Changes**  
**No Address Changes**  

**Priority Changes**  
**No Priority Changes**

### Alarm Level Changes

**No Alarm Level Changes**

### Activity Log

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<tr>
<th>Date</th>
<th>Time</th>
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<tr>
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### Edit Log

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<td>22:51:10</td>
<td>Problem</td>
<td>MISSING PERSON</td>
<td>Response Master Incident DISPATCH2</td>
<td>MPD65DF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>09/04/2017</td>
<td>22:51:10</td>
<td>Response Plan</td>
<td>MAPLE-1 CL</td>
<td>Response Master Incident DISPATCH2</td>
<td>MPD65DF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>09/04/2017</td>
<td>22:51:10</td>
<td>Dispatch Level</td>
<td>Default</td>
<td>Response Master Incident DISPATCH2</td>
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<td>09/04/2017</td>
<td>22:51:10</td>
<td>Response Plan Type</td>
<td>1</td>
<td>Response Master Incident DISPATCH2</td>
<td>MPD65DF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>09/04/2017</td>
<td>22:51:10</td>
<td>Priority Description</td>
<td>2</td>
<td>Response Master Incident DISPATCH2</td>
<td>MPD65DF</td>
<td></td>
<td></td>
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<tr>
<td>09/04/2017</td>
<td>22:51:10</td>
<td>Priority Number</td>
<td>2</td>
<td>Response Master Incident DISPATCH2</td>
<td>MPD65DF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>09/04/2017</td>
<td>22:51:10</td>
<td>Incident Type</td>
<td>MAPLE-1 CL</td>
<td>Response Master Incident DISPATCH2</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>09/04/2017</td>
<td>22:54:12</td>
<td>Read Call</td>
<td>False</td>
<td>Response Master Incident DISPATCH2</td>
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### Custom Data Fields

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<tr>
<td>RD</td>
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<td>M288</td>
<td>MPD65DF</td>
</tr>
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<td>AMB</td>
<td></td>
<td>HCMMC</td>
<td>MPD65DF</td>
</tr>
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</table>

### Attachments

No Attachment

---

Incident Detail Report

Data Source: Data Warehouse
Incident Status: Closed
Incident number: MP17075-025693
Case Numbers:
Incident Date: 07/08/2017 00:34:13

Incident Information
Incident Type: PINE-3 CL
Priority: 1
Deterrentnt:
Base Responded:
Confirmation:
Taken By: FORSMAN, DANIELLE - MP
Response Area: MPD23
Disposition: ASSISTED/ADVISED -MPAST
Cancel Reason: Closed
Incident Status:
Certification:
Longitude: 93-65933

Incident Location
Location Name: COUNTERPOINT RECOVERY
Address: 14528 Moonlight Hill Rd
City, State, Zip: MINNETONKA MN 55345
Building:
County:
Location Type:
Cross Street:
Map Reference:

Supplemental Information - Person
PERSON 1
Name: Abtar Mustafa Mohamed - Involved
Height: 62
Weight: 190
OLN: DOB: A76559040100104
Gender: Male
Eyes: Brown
Age:
PERSON 2
Name: Gabye Gabye Abdulla - Involved
Height: 61
Weight:
OLN: DOB: P75976707
Gender: Male
Eyes: Brown
Age:

Supplemental Information - Vehicle
VEHICLE 1
License:
Call Receipt
Caller Name: Gabye Gabye
Method Received:
Caller Type:
Call Back Phone:
Caller Location:

Time Stamps
Date: 07/08/2017
Time: 00:34:13
User: FORSMAN, DANIELLE - MP
Description: Received to In Queue

Resources Assigned
Unit Flag Assigned Disposition Enroute Staged Arrived At Patient Delay Odm. Odm. Cancel Reason
12C Y 00:37:24 ASSISTED/ADVISED 00:39:45 00:46:50 00:49:15
15C N 00:37:24 REASSIGNED - MPPA 00:39:45
10C N 00:42:40 ASSISTED/ADVISED 00:42:40 00:50:15

Personnel Assigned
Unit Name
12C CARLSON, PETER - MP (MP180PC)
15C ESCHENS, MARK - MP (MP172ME)
10C HAEDTKE, SHELDON - MP (MP170SH)

### Transports

No Transports Information

### Transport Logs

No Transports Information

### Comments

<table>
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<tr>
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<td>07/08/17</td>
<td>00:33:59</td>
<td>MPD65DF</td>
<td>Response</td>
<td>[1] client slams the door on the rps arm</td>
<td></td>
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<tr>
<td></td>
<td>00:34:07</td>
<td>MPD65DF</td>
<td>Response</td>
<td>[2] rp deciding ambulance</td>
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<tr>
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<td>00:35:01</td>
<td>MPD65DF</td>
<td>Response</td>
<td>[3] rp will meet officers outside</td>
<td></td>
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<tr>
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<td>00:35:21</td>
<td>MPD65DF</td>
<td>Response</td>
<td>[4] client is in his room and doesn't know the police have been called</td>
<td></td>
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<tr>
<td>07/08/17</td>
<td>00:52:56</td>
<td>MPD65DF</td>
<td>Response</td>
<td>[6] [Query] MPD10C, PowerLine NameDB Check:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>MN.abd.and.muslims.mohammed,1891010</td>
<td></td>
</tr>
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<td>07/08/17</td>
<td>00:54:22</td>
<td>MPD65DF</td>
<td>Response</td>
<td>[7] [Query] MPD10C, PowerLine OLN Check: MN.A1265536100104</td>
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<td>00:54:26</td>
<td>MPD65DF</td>
<td>Response</td>
<td>[8] [Query] MPD10C, PowerLine OLN Check: MN.A1265536100104</td>
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<tr>
<td>07/08/17</td>
<td>00:56:11</td>
<td>MPD65DF</td>
<td>Response</td>
<td>[9] [Query] MPD10C, PowerLine NameDB Check:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>MN.abe.es, osman, abdullah.19506126</td>
<td></td>
</tr>
<tr>
<td>07/08/17</td>
<td>00:58:07</td>
<td>MPD65DF</td>
<td>Response</td>
<td>[10] [Query] MPD10C, PowerLine NameDB Check:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>OA.abe.es, osman, abdullah.19506126</td>
<td></td>
</tr>
<tr>
<td>07/08/17</td>
<td>01:05:59</td>
<td>CARLSON, PETER</td>
<td>Response</td>
<td>PHONE PER POLICY. NO ASSAULT TOOK PLACE. ADVISED STAFF TO DOCUMENT IT</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- MP</td>
<td></td>
<td>AND REPORT TO SUPERVISOR</td>
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### Address Changes

No Address Changes

### Priority Changes

No Priority Changes

### Alarm Level Changes

<table>
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<th>Log Entry</th>
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<tr>
<td>07/08/17</td>
<td>00:37:24</td>
<td>D-F</td>
<td>1</td>
<td>From Sector No Sector to Sector ML</td>
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### Activity Log

<table>
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<th>Activity</th>
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<th>Log Entry</th>
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<tbody>
<tr>
<td>07/08/17</td>
<td>00:34:21</td>
<td></td>
<td>Incident Priority Change</td>
<td>ANA/AL Statistics</td>
<td>Incident priority changed from &lt;none&gt; to 1</td>
</tr>
<tr>
<td>07/08/17</td>
<td>00:37:08</td>
<td></td>
<td>UserAction</td>
<td>14528 Moonlight Hill Rd</td>
<td>Incident 196 was marked as read.</td>
</tr>
<tr>
<td>07/08/17</td>
<td>00:37:24</td>
<td></td>
<td>Can't Send Resource</td>
<td>14528 Moonlight Hill Rd</td>
<td>Resource not available. Core patrol</td>
</tr>
<tr>
<td>07/08/17</td>
<td>00:38:18</td>
<td></td>
<td>UserAction</td>
<td>14528 Moonlight Hill Rd</td>
<td>User clicked Exit/Save</td>
</tr>
<tr>
<td>07/08/17</td>
<td>00:38:49</td>
<td></td>
<td>Interface: mcd/mst</td>
<td>14528 Moonlight Hill Rd</td>
<td>Supplemental Vehicle record 418701 was added for License plate 571LRJ</td>
</tr>
<tr>
<td>07/08/17</td>
<td>00:38:49</td>
<td></td>
<td>License Plate</td>
<td>14528 Moonlight Hill Rd</td>
<td>Plate number 571LRJ has been added.</td>
</tr>
<tr>
<td>07/08/17</td>
<td>00:39:27</td>
<td>15C</td>
<td>Reassign Vehicle</td>
<td>14528 Moonlight Hill Rd</td>
<td>Reassign reason: FREE/REASSIGN-MPFR</td>
</tr>
<tr>
<td>07/08/17</td>
<td>00:39:34</td>
<td></td>
<td>Usership Response</td>
<td>14528 Moonlight Hill Rd</td>
<td>Clearing Primary Vehicle Flag</td>
</tr>
<tr>
<td>07/08/17</td>
<td>00:39:34</td>
<td></td>
<td>Supplemental Information</td>
<td>14528 Moonlight Hill Rd</td>
<td>Supplemental vehicle record 418701 was added for License plate 571LRJ</td>
</tr>
<tr>
<td>07/08/17</td>
<td>00:39:34</td>
<td></td>
<td>License Plate</td>
<td>14528 Moonlight Hill Rd</td>
<td>Plate number 571LRJ has been added.</td>
</tr>
<tr>
<td>07/08/17</td>
<td>00:42:40</td>
<td>15C</td>
<td>DI</td>
<td>14528 Moonlight Hill Rd</td>
<td>Responding from: RAMP/MCGINTY RD W</td>
</tr>
<tr>
<td>07/08/17</td>
<td>00:42:40</td>
<td>10C</td>
<td>EN</td>
<td>14528 Moonlight Hill Rd</td>
<td>Responding from: RAMP/MCGINTY RD W</td>
</tr>
<tr>
<td>07/08/17</td>
<td>00:42:40</td>
<td>12C</td>
<td>Unit Backed up</td>
<td>14528 Moonlight Hill Rd</td>
<td>Backed up with MPD10C - Response Priority</td>
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</table>

<table>
<thead>
<tr>
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<th>Field</th>
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<th>Changed To</th>
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<tr>
<td>07/08/2017</td>
<td>00:45:50</td>
<td>12C</td>
<td>AR</td>
<td>RECOVERY</td>
</tr>
<tr>
<td>07/08/2017</td>
<td>00:49:51</td>
<td>Incident Latent Timer</td>
<td>C4</td>
<td>14528 Moonlight Hill Rd [COUNTERPOINT RECOVERY]</td>
</tr>
<tr>
<td>07/08/2017</td>
<td>00:50:15</td>
<td>Custom Timer</td>
<td>C4</td>
<td>14528 Moonlight Hill Rd [COUNTERPOINT RECOVERY]</td>
</tr>
<tr>
<td>07/08/2017</td>
<td>00:50:15</td>
<td>10C</td>
<td>C4</td>
<td>14528 Moonlight Hill Rd [COUNTERPOINT RECOVERY]</td>
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<tr>
<td>07/08/2017</td>
<td>00:52:55</td>
<td>MPD10C</td>
<td>[Query]</td>
<td>14528 Moonlight Hill Rd [COUNTERPOINT RECOVERY]</td>
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<td>07/08/2017</td>
<td>00:56:11</td>
<td>MPD12C</td>
<td>[Query]</td>
<td>14528 Moonlight Hill Rd [COUNTERPOINT RECOVERY]</td>
</tr>
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<td>07/08/2017</td>
<td>00:58:06</td>
<td>Supplemental Information</td>
<td>C4</td>
<td>14528 Moonlight Hill Rd [COUNTERPOINT RECOVERY]</td>
</tr>
<tr>
<td>07/08/2017</td>
<td>00:58:06</td>
<td>Supplemental Information</td>
<td>C4</td>
<td>14528 Moonlight Hill Rd [COUNTERPOINT RECOVERY]</td>
</tr>
</tbody>
</table>

**Reason:** MPD65DF

**Table:** Incident SupplementalPersonReport

**Workstation:** MPD65DF

**User:** M12C

---

Incident Detail Report

Data Source: Data Warehouse
Incident Status: Closed
Incident Number: MP170618-018461
Case Numbers:
Incident Date: 06/18/2017 20:34:28

Incident Information
Incident Type: BIRCH-2 CL
Priority: 1
Determinate: 
Confirmation: 
Taken By: WITSCHE, TANYA - MP
Response Area: MPD23
Disposition: ASSISTED/ADvised - MPAST
Cancel Reason: 
Incident Status: Closed
Certification: 
Longitude: 9346693
Latitude: 44919981

Incident Location
Location Name: COUNTERPOINT RECOVERY
Address: 14528 Moonlight Hill Rd
Apartment: 
Building: 
City, State, Zip: MINNETONKA MN 55346

County: HENNEPIN
Location Type: Group Home
Map Reference: WOODHILL RD/Dead End

Supplemental Information
PERSON 1
Name: STEINKOPF BRENDA - Involved
DLN: 2767171495318
DOB: 

PERSON 2
Name: 
DLN: 7471171495816
DOB: 

PERSON 3
Name: 
DLN: 
DOB: 

PERSON 4
Name: 
DLN: 7471171495816
DOB: 

Call Receipt
Caller Name: gabeysa.odman
Method Received: 
Call Back Phone: (404) 514-2558
Caller Location: 

Time Stamps
Description: Date Description
Phone Pickup 06/18/2017 20:34:28 Received to In Queue
1st Key Stroke 06/18/2017 20:34:10 Call Taking
In Waiting Queue 06/18/2017 20:37:30 In Queue to 1st Assign
Call Taking Complete 06/18/2017 20:43:51 WITSCHE, TANYA - MP
1st Unit Assigned 06/18/2017 20:40:05 Call Received to 1st Assign
1st Unit Enroute 06/18/2017 20:42:01 Assigned to 1st Enroute
1st Unit Arrived 06/18/2017 20:42:01 Enroute to 1st Arrived
Closed 06/18/2017 21:05:20 Incident Duration

Resources Assigned

Primary
Unit Flag Assigned Disposition Enroute Staged Arrived At Patient Delay Avail Complete Odm. Enroute Odm. Arrived Cancel Reason
12C N 20.40:05 ASSISTED/ADVISED 20.50:49 21:00:43

Personnel Assigned
Unit Name
10C REIS, SCOTT - MP (MP9815)
12C ROBERTS, TREVOR - MP (MP17535)
13C BAUER, PETER - MP (MP17335)

Pre-Scheduled Information
No Pre-Scheduled Information

Transports
No Transports Information

Transport Logs
No Transports Information

Inform Browser: 5.739.52.0 - Reports - Incident Report

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<th>Comments</th>
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<tbody>
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<td>SYS</td>
<td>Response</td>
<td></td>
<td>[1] A cellular re-bid has occurred, check the ANUALI Viewer for details</td>
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<tr>
<td>08/18/2017 20:34:41</td>
<td>MPD51TW</td>
<td>Response</td>
<td></td>
<td>[2] Client took off</td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/18/2017 20:35:00</td>
<td>MPD51TW</td>
<td>Response</td>
<td></td>
<td>[3] Run into the woods</td>
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</tr>
<tr>
<td>08/18/2017 20:35:15</td>
<td>MPD51TW</td>
<td>Response</td>
<td></td>
<td>[4] Late 30's early 40's, W/M, wearing purple set - egg colored, it's a sweater over the xmas sweater, and 3/4 pants.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/18/2017 20:38:00</td>
<td>MPD51TW</td>
<td>Response</td>
<td></td>
<td>[5] He was supposed to his chores</td>
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<td></td>
</tr>
<tr>
<td>08/18/2017 20:38:36</td>
<td>MPD51TW</td>
<td>Response</td>
<td></td>
<td>[6] Investigated another citizen, calling people names, was about to hit another citizen</td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/18/2017 20:42:00</td>
<td>MPD51TW</td>
<td>Response</td>
<td></td>
<td>[8] Client is steinbop brett david dob?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/18/2017 20:42:19</td>
<td>MPD51TW</td>
<td>Response</td>
<td></td>
<td>[9] Client is steinbop brett david dob?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/18/2017 20:45:43</td>
<td>MPD51TW</td>
<td>Response</td>
<td></td>
<td>[10] 10c pos out with him? williston mid country bank</td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/18/2017 21:05:20</td>
<td>Mobile1</td>
<td>Response</td>
<td></td>
<td>[12] Secondary Location for MPD12C: MID COUNTRY BANK (14617), 14617 HIGHWAY 7 Bldg. REG 2017,MN54256</td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/18/2017 21:05:20</td>
<td>Mobile1</td>
<td>Response</td>
<td></td>
<td>[13] Primary Location for MPD10C: COUNTERPOINT RECOVERY, 14528 MOONLIGHT HILL RD, MINNETONKA, MN 55345</td>
<td></td>
<td></td>
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<tr>
<td>08/18/2017 21:05:20</td>
<td>Mobile1</td>
<td>Response</td>
<td></td>
<td>[14] Released back to group home</td>
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<td></td>
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Address Changes
No Address Changes

Priority Changes
No Priority Changes

Alarm Level Changes
No Alarm Level Changes

Activity Log

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<tr>
<td>08/18/2017 20:34:34</td>
<td>SYS</td>
<td>Change to Alarm</td>
<td>Sector Change</td>
<td>From Sector No Sector ML to Sector ML</td>
<td>Incident priority changed from normal to 1 INT</td>
<td>MPD51TW</td>
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<tr>
<td>08/18/2017 20:34:41</td>
<td>MPD51TW</td>
<td>Change to Alarm</td>
<td>Incident Priority Change</td>
<td>INT Insert Jun 18 2017 20:34:06</td>
<td>INT</td>
<td>MPD51TW</td>
</tr>
<tr>
<td>08/18/2017 20:35:00</td>
<td>MPD51TW</td>
<td>Change to Alarm</td>
<td>ANUALI Statistics</td>
<td>SandNP-Jun 18 2017 20:34:09</td>
<td>WS</td>
<td>MPD51TW</td>
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<td>08/18/2017 20:38:00</td>
<td>MPD51TW</td>
<td>Change to Alarm</td>
<td>Pending Incident Time Warning</td>
<td>RevNWP-Jun 18 2017 20:34:05</td>
<td>WS</td>
<td>MPD51TW</td>
</tr>
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<td>08/18/2017 20:38:36</td>
<td>MPD51TW</td>
<td>Change to Alarm</td>
<td>Incident Late</td>
<td>Process Jun 18 2017 20:34:06</td>
<td>WS</td>
<td>MPD51TW</td>
</tr>
<tr>
<td>08/18/2017 20:42:00</td>
<td>MPD51TW</td>
<td>Change to Alarm</td>
<td>Initial Assignment</td>
<td>Pending Incident Time Warning timer expired</td>
<td>MPD51TW</td>
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</tr>
<tr>
<td>08/18/2017 20:42:01</td>
<td>MPD51TW</td>
<td>Change to Alarm</td>
<td>Initial Assignment</td>
<td>User clicked Initial Assign</td>
<td>MPD51TW</td>
<td></td>
</tr>
<tr>
<td>08/18/2017 20:45:43</td>
<td>MPD51TW</td>
<td>Change to Alarm</td>
<td>Initial Assignment</td>
<td>User clicked Initial Assign</td>
<td>MPD51TW</td>
<td></td>
</tr>
<tr>
<td>08/18/2017 20:48:41</td>
<td>MPD51TW</td>
<td>Change to Alarm</td>
<td>Initial Assignment</td>
<td>User clicked Initial Assign</td>
<td>MPD51TW</td>
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<td>06/18/2017</td>
<td>20:52:51</td>
<td>MiddleName</td>
<td>DAVID</td>
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<tr>
<td>06/18/2017</td>
<td>20:52:51</td>
<td>OperatorLicenseState</td>
<td>MN</td>
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Custom Time Stamps:
No Custom Time Stamps

Custom Data Fields:
- Description
  - RD
  - AMB

Attachments:
No Attachment

Person Record
- Edited Record ID: 202272
- Supplement Person Record Edited Record ID: 202272
- Incident: Supplement Person DISPATCH1 MPD51TW

Data
- M2BE
- HCMC

User
- MPD51TW

Incident Detail Report

Data Source: Data Warehouse
Incident Status: Closed
Incident number: MP170428-012372
Case Numbers:
Incident Date: 04/28/2017 22:55:08

Incident Information
Incident Type: WALNUT-2 SEC.
Priority: 3
Determinant:
Base Responsible:
Confirmation:
Taken By: STRICKLAND, HEATHER - MP
Receiving Area: MPD93
Disposition: ASSISTED/ADVEID - MAST
Cancel Reason: Closed
Incident Status:
Certification:
Longitude: 93469633

Incident Location
Location Name: AP
Address: 14528 MOONLIGHT HILL RD
Apartment:
Building:
City, State, Zip: MINNETONKA MN 55346
County: HENNEPIN
Location Type:
Cross Street:
Map Reference: WOODHILL RD/DEAD END

Supplemental Information - Vehicle
VEHICLE 1
License:
854TCR - MN

Call Receipt
Caller Name: AT&T MOBILITY 800-635-8640
Method Received:
Caller Type:
Call Back Phone:
Caller Location:
(404) 580-2540

Time Stamps
Description
Elapsed Times
Date
Time
User
Description
Time

Phone Pickup
04/28/2017 22:55:01
00:00:26

1st Key Stroke
04/28/2017 22:55:01
00:00:26

In Route to Call
04/28/2017 22:55:34
00:03:37.9

Call Taking Complete
04/28/2017 22:58:09
00:04:10.9

1st Unit Assigned
04/28/2017 22:59:11
00:12:38

1st Unit Enroute
04/28/2017 22:59:11

1st Unit Arrived
04/28/2017 23:07:39

Closed

Resources Assigned
Unit Flag Assigned
12C Y ASSISTED/ADVEID - MAST

Primary Personnel Assigned
Unit Name
12C HAEDTKE, SHELDON - MP (MP1705H)

Pre-Scheduled Information
No Pre-Scheduled Information

Transports
No Transports Information

Transport Logs
No Transports Information

Comments

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<tr>
<th>Date</th>
<th>Time</th>
<th>User</th>
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Address Changes

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<tbody>
<tr>
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<td>AP / 4525 WILLSTON RD</td>
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Priority Changes

User: H-3
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<tr>
<td>04/29/2017</td>
<td>22:55:05</td>
<td></td>
<td>Incident Priority Change</td>
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<td>Incident priority changed from &lt;none&gt; to 3.</td>
<td>MPD50HS</td>
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<td>From Sector No Sector to Sector ML.</td>
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<td>04/29/2017</td>
<td>22:59:33</td>
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<td>Premise History Access</td>
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<td>User clicked Exit/Save</td>
<td>MOB</td>
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<td>04/29/2017</td>
<td>23:00:18</td>
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<td>UserAction</td>
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<td>Incident 385 was Marked as Read. Premise History Viewed</td>
<td>MPD50HS</td>
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<tr>
<td>04/29/2017</td>
<td>23:00:35</td>
<td>12C</td>
<td>Read Incident</td>
<td></td>
<td>User clicked Exit/Save</td>
<td>MOB</td>
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<tr>
<td>04/29/2017</td>
<td>23:00:35</td>
<td></td>
<td>Interface incidentlist</td>
<td></td>
<td>12C. Record check query data. Query Type: Vehicle Check. Query Criteria: incidencid 3753385, lcl 864TCP, lsn 1 MN, lsl PN, lcy 1 2017, lcl 864TCP, lsn 2 MN, lsl PN, lcy 2 2017, dosex,pli1, true, lcl 864TCP, lsn 10 MN, lsl 10 MN.</td>
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<td>23:08:35</td>
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<td>Supplemental Information</td>
<td>14528 MOONLIGHT HILL RD</td>
<td>dossupplement true, lcl 864TCP, lsn 10 MN, true, lcl 864TCP, lsn 10 MN.</td>
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<td>23:08:35</td>
<td>12C</td>
<td>License Plate</td>
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<td>Plate Number 864TCP has been added.</td>
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<td>Response Disposition: ASSISTED/ADVISED - MPAST</td>
<td>M12C</td>
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<td>AV</td>
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<td>WALNUT-2 SEC</td>
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<td>Cross_Street</td>
<td>SOUTH SERVICE DR/HIGH POINT CT</td>
<td>WOODHILL RD/Dead End</td>
<td>Responsa_Master_incident DISPATCH2</td>
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<td>04/29/2017</td>
<td>22:58:00</td>
<td>Address</td>
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Custom Time Stamps
No Custom Time Stamps

Custom Data Fields
Description
RD
AMB

Attachments
No Attachment

Data
M268
HCME

User
MPD50HS
MPD50HS
Incident Detail Report
Data Source: Data Warehouse
Incident Status: Closed
Incident Number: MP170324-000481
Case Numbers:
Incident Date: 03/24/2017 12:38:50

Incident Information
Incident Type: BIRCH-2 CL
Priority: 1
Determinant: MENTAL HEALTH CRISIS
Base Response: Response Plan:
Confirmation: Command Ch:
Taken By: ROEHLKE, JEAN - MP
Disposition: ASSISTED/ ADVISED-MPAST
Cancel Reason: Closed
Incident Status: MENTAL HEALTH CRISIS
Certification: Latitude: 44919681
Longitude: 93465933

Incident Location:
Location Name: COUNTERPOINT RECOVERY
Address: 14528 Moonlight Hill Rd
City, State, Zip: MINNETONKA MN 55345

Supplemental Information - Person
PERSON 1
Name: ABDIRAHMAN ABDULLAH
DOB: 
Age: 36

PERSON 2
Name: ABDULLAH ABDIRAHMAN
DOB: 
Age: 36

Call Received
Caller Name: KRISTINE TURES
Method Called: Call Back Phone: (812) 588-2065
Caller Location: 

Time Stamps
Description Date Time User Elapsed Time
Phone Pickup 03/24/2017 12:37:50 00:00:03
1st Key Stroke 03/24/2017 12:37:50 00:00:03
In Waiting Queue 03/24/2017 12:40:08 00:02:18
Call Taking Complete 03/24/2017 12:44:35 00:00:33
1st Unit Assigned 03/24/2017 12:40:19 00:00:24
1st Unit Enroute 03/24/2017 12:41:24 00:00:55
1st Unit Arrived 03/24/2017 12:44:50 00:00:24
Closed 03/24/2017 13:09:47 00:00:57

Resources Assigned
Primary Unit Flag Assigned Disposition Enroute Staged Arrived At Patient Delay Complete Odm Enroute Odm Arrived Cancel Reason

Personal Assigned
Unit Name
12A PASCHKE, STEVEN - MP (MP126SP)
10A EGLOSTON, PATRICK - MP (MP160PE)

Pre-Scheduled Information
No Pre-Scheduled Information

Transports
No Transports Information

Transport Logs
No Transport Logs Information

Comments
Date Time User Type Conf. Comments
03/24/2017 12:38:14 SYS Response [1] A caller re-bid has occurred, check the ANIMAL Viewer for details
03/24/2017 12:39:40 MPD40JR Response [2] CLIENT NEEDS TO BE REMOVE - ACT OUT - YELLING -- ABDIRAHMAN -
03/24/2017 12:40:06 MPD40JR Response [3] HAVE NOT ASKED HIM TO LEAVE BECAUSE THEY ARE AFRAID OF HIS MENTAL
03/24/2017 12:42:04 MPD40JR Response STATUS - STATES HE IS UNSTABLE
[5] HMC STARTED TO AREA

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<td>03/24/2017</td>
<td>12:49:58</td>
<td>MPD4JR</td>
<td>Response Y</td>
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<td>03/24/2017</td>
<td>12:52:12</td>
<td>MPD4JR</td>
<td>Response Y</td>
</tr>
<tr>
<td>03/24/2017</td>
<td>12:54:53</td>
<td>MPD6JS</td>
<td>Response Y</td>
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<td>03/24/2017</td>
<td>13:07:52</td>
<td>PASCHKE, STEVEN - MPD</td>
<td>Response Y</td>
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<tr>
<td>03/24/2017</td>
<td>13:08:47</td>
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Incident Detail Report

Data Source: Data Warehouse
Incident Status: Closed
Incident number: MP170304-006140
Case Numbers:
Incident Date: 03/04/2017 14:53:06

Incident Information
Incident Type: BIRCH-2 CL
Priority: 1
Determinant: Alarm Level: MENTAL HEALTH CRISIS
Base Responsibility: Problem: 1
Confirmation: Agency: MInneapolis Police
Taken By: MPD-23 Jurisdiction: Minneapolis PD
Response Area: ASSISTED/ADVISED-MPAST Division: MPD Area 12
Disposition: Battalion: MPD Area 12
Cancel Reason: Command Ch: BIRCH-2 CL
Incident Status: Primary TAC:
Certification: Secondary TAC:
Closed Delay Reason (If any):
Latitude: 44919681
Longitude: 93469283

Incident Location
Location Name: AP
Address: 14529 Moonlight Hill Rd
City, State, Zip: MINNEAPOLIS MN 55345
County: HENNEPIN
Location Type: WOOLLY HILL RD/Dead End
Map Reference:

Supplemental Information - Person
PERSON 1
Name: abdi. abdirahman
DOB: 07/26/1990
Sex: M
Race: HISPANIC

Call Receipt
Caller Name: saraus
Method Received: Call Back Phone: (651) 248-8666
Caller Type:

Time Stamps

Description Date Time User Elapsed Time Description Time
Phone Pickup 03/04/2017 14:53:05 Received to In Queue 00:00:34
1st Key Stroke 03/04/2017 14:53:05 Call Taking 00:00:26
In Waiting Queue 03/04/2017 14:53:40 In Queue to 1st Assign 00:01:21
Call Taking Complete 03/04/2017 15:02:32 Call Received to 1st Assign 00:01:56
1st Unit Assigned 03/04/2017 15:05:01 Assigned to 1st Enroute 00:02:34
1st Unit Enroute 03/04/2017 14:56:50 Enroute to 1st Arrived 00:04:28
1st Unit Arrived 03/04/2017 15:01:18 Incident Duration 00:37:02
Closed 03/04/2017 15:30:07 Mobile 1

Resources Assigned

Unit Flag Assigned Disposition Enroute Staged At Patient Delay Complete Odm Enroute Odm Arrived Cancel Reason
13A N 14:55:48 MPREA 14:57:09 15:04:09 15:06:52 00:12:43 00:37:02

Personnel Assigned

Unit Name
12A PASCHKE, STEVEN - MP (1928P)
10A COLESTON, PATRICK - MP (1904P)
13A CHRISTIANSEN, MARK - MP (1120M)

Pre-Scheduled Information
No Pre-Scheduled Information

Transports
No Transports Information

Transport Logs
No Transports Information

Comments

Date Time User Type Conf. Comments
03/04/2017 14:53:40 MPD49JR Response [1] off his meds - very violent
03/04/2017 14:53:56 MPD49JR Response [2] out of control
03/04/2017 14:56:44 MPD49JR Response [4] home on sanctuary to area
03/04/2017 15:17:25 PASCHKE, STEVEN - MP Response Y [5] abdulrahman 01/01/89

03/04/2017 15:29:18  PASCHKE, STEVEN - MP Response Y [8] 5 bed in-patient facility
03/04/2017 15:30:06  Mobile1 Response

Address Changes
No Address Changes

Priority Changes
No Priority Changes

Alarm Level Changes
Date Time User Change to Alarm
03/04/2017 14:36:01 J-R 1

Activity Log
Date Time Radio Activity Location Log Entry User
03/04/2017 14:53:08 Sector Change 14528 Moonlight Hill Rd [AP] From Sector No Sector to Sector ML M0404JR
03/04/2017 14:53:29 Sector Change 14528 Moonlight Hill Rd [AP] Incident priority changed from <none> to 1 M0404JR
03/04/2017 14:54:10 Pending Incident Time Warning Incident Late M0404MM
03/04/2017 14:54:30 Read Incident Incidents 14528 Moonlight Hill Rd [AP] Incident 577 was marked as Read. M0404JR
03/04/2017 14:54:33 Incident History Viewed Incident 577 was marked as Read. M0404JR
03/04/2017 14:54:53 User Action Incident 577 was marked as Read. M0404MM
03/04/2017 14:54:53 Initial Assignment The following unit(s) is (are) recommended for initial assignment: M0404JR
03/04/2017 14:55:01 IA DI 14528 Moonlight Hill Rd [AP] Incident 577 was marked as Read. M0404JR
03/04/2017 14:55:01 10A DI 14528 Moonlight Hill Rd [AP] Incident 577 was marked as Read. M0404JR
03/04/2017 14:55:02 Incident Timer Clear Incident 577 was marked as Read. M0404JR
03/04/2017 14:56:36 Incident Timer Clear Incident 577 was marked as Read. M0404JR
03/04/2017 14:55:46 13A DI 14528 Moonlight Hill Rd [AP] Incident 577 was marked as Read. M0404JR
03/04/2017 14:55:50 12A EN HIGHWAY 1I SHADY OAK RD M0404JR
03/04/2017 14:56:58 13A EN BRENFOELT RD M0404JR
03/04/2017 15:01:18 12A AR 14528 Moonlight Hill Rd [AP] User clicked Exit/Save M0404JR
03/04/2017 15:02:09 13A AR 14528 Moonlight Hill Rd [AP] User clicked Exit/Save M0404JR
03/04/2017 15:02:19 13A AR 14528 Moonlight Hill Rd [AP] User clicked Exit/Save M0404JR
03/04/2017 15:02:32 User Action Incident 577 was marked as Read. M0404JR
03/04/2017 15:02:32 User Action Incident 577 was marked as Read. M0404JR
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03/04/2017 15:05:18 12A Custom Timer Incident 577 was marked as Read. M0404JR
03/04/2017 15:05:18 12A Custom Timer Incident 577 was marked as Read. M0404JR
03/04/2017 15:06:30 12A Custom Timer Incident 577 was marked as Read. M0404JR
03/04/2017 15:06:32 12A Custom Timer Incident 577 was marked as Read. M0404JR
03/04/2017 15:06:52 12A C4 14528 Moonlight Hill Rd [AP] Incident 577 was marked as Read. M0404JR
03/04/2017 15:06:55 12A C4 MOONLIGHT HILL/ WOODHILL RD M0404JR
03/04/2017 15:15:45 10A AV WOODHILL/ATRIUM WAY M0404JR
03/04/2017 15:19:22 Supplemental Information 14528 Moonlight Hill Rd M0404JR
03/04/2017 15:30:06 Response Closed 14528 Moonlight Hill Rd Response Disposition: ASSISTED/ADVISED - M0404JR
03/04/2017 15:30:07 12A AV WOODHILL/ATRIUM WAY M0404JR

Edit Log
Date Time Field Changed From Changed To Reason Table Workstation User
03/04/2017 14:53:05 Cell_Back_Phone (Blank) (651) 249-8955 (Response Viewer)Response_Master_Incident DISPATCH2 M0404JR
03/04/2017 14:53:05 Address (Blank) 14702-14713 HIGH POINT CT M0404JR
03/04/2017 14:53:05 Jurisdiction Minnetonka PD (Response Viewer)Response_Master_Incident DISPATCH2 M0404JR
03/04/2017 14:53:05 Battalion M0404JR
03/04/2017 14:53:05 Response_Area M0404JR
03/04/2017 14:53:05 Response_Type Type 0 M0404JR
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03/04/2017 14:53:06 Latitude 0 44019523 Entry Verified Response_Master_Incident DISPATCH2 M0404JR
03/04/2017 14:53:06 Longitude 0 M0404JR
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03/04/2017 14:53:22 Response_Type Type 0 M0404JR
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03/04/2017 14:53:22 Longitude 90460569 Entry Verified Response_Master_Incident DISPATCH2 M0404JR
03/04/2017 14:53:22 Longitude 90460569 Entry Verified Response_Master_Incident DISPATCH2 M0404JR

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**Custom Time Stamps**
- AMBULANCE NOTIFIED - AMB

**Custom Data Fields**
- Description
- RD
- AMB
- Test

**Attachments**
- No Attachment
**Incident Detail Report**

**Data Source:** Data Warehouse  
**Incident Status:** Closed  
**Reference Number:** MP170117-001566  
**Case Numbers:**  
**Incident Date:** 01/17/2017 22:54:05  
**Report Generated:** 11/16/2017 13:19:15

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**Supplemental Information - Person**

**PERSON 1**
- **Name:** MCDAVID STEVEN LAMONT - Involved
- **Age:** 25
- **Height:** 5'7
- **Weight:** 145
- **Gender:** Male
- **QLN:** MN
- **DOB:** 07/06/1990
- **Call Back Phone:** (404) 560-2540

**PERSON 2**
- **Name:** GABEYRE MUNASIR ABDULLAH - Involved
- **Age:** 25
- **Height:** 6'2
- **Weight:** 215
- **Gender:** Male
- **QLN:** MN
- **DOB:** 04/14/1984

**Call Receipt**
- **Caller Name:** NASIR
- **Method Received:** \_
- **Caller Type:** \_

**Time Stamps**

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**Personnel Assigned**

**Unit:**
- **Name:** PALUMBO, MATT - MP (MP17/MO)
- **Name:** REIS, SCOTT - MP (MP99/SR)
- **Name:** MATHORWITZ, JEFFREY - MP (MP174/M)
- **Name:** REIS, SCOTT - MP (MP99/SR)

**Pre-Scheduled Information**

**No Pre-Scheduled Information**

**Transports**

**No Transports Information**

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Transport Logs

No Transport Information

Address Changes

No Address Changes

Priority Changes

No Priority Changes

Alarm Level Changes

Activity Log

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Response Disposition: ASSISTED/ADVISED - MPAST
03/04/2017 14:57:44 User Action

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Petition to Keep Counter Point Recovery, LLC from Operating A 12 Bed Licensed Care Facility for Adult Men with Chemical Dependencies at 5022 Baker Road

| Petition summary and background | Counter Point Recovery, LLC, owned and operated by Ms. Fartun Ahmed, is requesting a Conditional Use Permit in order to purchase, renovate, and operate 5022 Baker Road as a 12 bed licensed care facility to treat up to 12 adult men with various mental and chemical dependencies. CPR currently operates a 6 bed licensed care facility at 14528 Moonlight Hill Road, which had 14 (fourteen) emergency 911 calls and 14 (fourteen) Department of Health Services citations in less than 1 (one) year of operation. CPR has stated a part of their model of operation will be to have 1 (one) supervised attendant on sight from the hours of 11pm to 7am to monitor and supervise 12 "clients". |
| Reasoned argument | • The company requesting does not currently have a track record of compliance with a six person facility, yet is requesting to expand to double their residential capacity  
  o There are currently 8 active facilities in Minnetonka providing identical services with a capacity of 41 clients (CPR is 15% of total capacity)  
  o 23 calls to 911 were made in 2017 made to these 6 locations – 14 of which was from CPRs existing location (61% of calls were from CPR)  
  o CPR had 4 times the 911 calls relative to their size  
  o In a single inspection, CPR had 14 different citations  
• The application for the permit has many inaccuracies or misrepresents their plans for the facility  
  o Multiple times in the application, CPR states there is no visitation, but in the community meeting held Nov 14th, CPR leadership stated there are visitation hours on Wednesdays and weekends  
  o The application states no exterior or landscaping changes will be made, but will need to build a fence, remove trees and change their parking to accommodate their building plans. CPR leadership on Nov 14th also stated potential expansion to a 15 stall parking structure  
  o The existing building plans have bedrooms that do not currently meet building codes  
• There are already 6 locations within 3 miles and 4 are within 2 miles with a total capacity of 41 clients  
• Location is not optimal given concerns regarding their ability to secure the facility  
  o Notre Dame Academy is less than a 3 minute walk (when accessing the 494 crossover bridge)  
  o 2 Pre-schools, 2 Elementary, and 1 Jr High School within approx. 2 miles of this location  
  o Many school districts have bus stops within one block of this location 5 days a week  
• Lack of walking-accessible life enrichment activities to help build independent living  
• There has been a lack of transparency regarding policies, schedule and other factors that does not allow the community to have full visibility to the concerns and questions they have regarding the company |
<p>| Action petitioned for | We, the undersigned, are concerned citizens who urge the members of the City Planning Committee to recommend against this permit. And request that our Mayor and City Council Members act to not approve the request for this conditional use permit. |</p>
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Petition to Deny Counter Point Recovery a Conditional Use Permit to Operate a 12-Bed Licensed Care Facility for Adult Men with Chemical Dependencies at 5022 Baker Road, Minnetonka, Mn 55343

Counter Point Recovery, LLC, (hereby referred to as CPR) owned and operated by Ms. Fartun Ahmed, is requesting a Conditional Use Permit in order to purchase, renovate, and operate 5022 Baker Road in Minnetonka as a 12 bed licensed care facility to treat up to 12 adult men with various mental and chemical dependencies. CPR currently operates a 6 bed licensed care facility at 14528 Moonlight Hill Road in Minnetonka which had 14 emergency 911 calls and 14 Department of Health Services citations since it’s opening in March 2016.

- CPR has a track record of non-compliance at their current location operating in Minnetonka. At this location CPR has proven incompetent with a 6-person facility, yet they are requesting expansion to double their residential capacity.
  - There are currently 6 active facilities in Minnetonka providing identical services to CPR with a capacity of 41 clients (CPR is 15% of total capacity).
  - 23 calls to 911 were made in 2017 to these 6 locations – 14 of which were from CPR’s existing site (61% of 911 calls made in 2017 to rehab facilities in Minnetonka were from CPR)
  - CPR had 4 times the 911 calls relative to their size
  - In a single inspection, CPR had 14 different citations including the license holder, CPR, submitting requests for payment of public funds for services that were not documented as being provided in the amount required.
  - In this inspection every client file reviewed for requirements governing consent to disclose suspected maltreatment of vulnerable adults did not conform to federal requirements and violated 3 Minnesota Statutes.
  - Every client file reviewed for requirements governing individual abuse prevention plans did not meet requirements. Their individual abuse prevention plans did not contain an individualized assessment of the persons’ susceptibility to
abuse by other individuals, including other vulnerable adults and self abuse.

- In this inspection a third of the files reviewed for comprehensive assessments required for clients entering the program were given 29 days late.
- Every client file reviewed for requirements governing progress notes and treatment plan reviews did not meet requirements on 6 different levels violating 2 Minnesota Rules.
- CPR is not responsible with client property mismanaging the personal items and money of the vulnerable adults they serve as clients:
  - 2 out of 3 files reviewed for requirements governing client property did not contain documentation of the receipt of client funds or other property.
- A third of the files reviewed for requirements governing summaries of termination of services did not include continuing care recommendations. CPR is not upholding their vision nor obligation to give their clients the resources they need to get the help they require.
- Every personnel file reviewed for requirements governing staff training did not meet requirements for the required annual trainings nor the training required for those working with mental health and substance abuse.
- Every personnel file reviewed for requirements governing written annual reviews did not include any annual reviews.

The permit application has numerous inconsistencies and false responses misrepresenting their plans for the facility:

- CPR falsified information and responses given in their application for approval of a conditional license to operate a 12 man drug rehab center.
- In their application CPR falsely states there will be no visitation to residents admitted to the proposed facility.
- Paragraph 5C in the application CPR states “No visitation is allowed in our program and any special events for resident family/parties will be held off site.”
- At the City Council meeting held on Thursday November 14th, 2017 when the proprietor of CPR was asked whether visitation was allowed their verbal response was that residents will be allowed visitation on Wednesdays, Saturdays and Sundays.
- The application states no exterior or landscaping changes will be made to be proposed facility. This is a direct contradiction to their response to this question at the City Council meeting. In the meeting CPR proposed erecting a large fence on the
premises in an attempt to provide security from the CPR residents and Minnetonka residents.

- On their application CPR proposed a parking plan that requires them to remove a large tree.
- CPR leadership on Nov 14th also stated potential expansion to a 15 stall parking structure.
- The existing structure does not meet the requirements necessary to be used as a Drug Rehab center. Building codes require ceilings to be a height of 7 feet tall and bedrooms have ceilings at the height of only 6 feet tall.
- There are already 6 locations within 3 miles and 4 are within 2 miles with a total capacity of 41 clients
- The Location proposed for the additional rehab center is not optimal given concerns regarding their ability to secure the facility
- Upon receiving the requested police records for the current operating location of CPR over 18 individual documents were procured each containing at least 3 pages defining the overwhelming number of 911 calls made to this address since it’s opening March of 2016.
- In these documents disturbances to the community and public citizens are described.
- A resident of CPR was documented as standing at the end of the drive way yelling at cars as they passed by.
- The 911 notes also describe numberous disturbances from residents of CPR against their neighbors.
  - The proximity of the new proposed site for CPR is alarmingly close to many facilities where children are present both indoors and outside.
  - Notre Dame Academy, a preschool and elementary school, is less than a 3 minute walk to the proposed new location for CPR. (when accessing the 494 crossover bridge)
  - 2 Pre-schools, 2 Elementary, and 1 Jr High School are within approx. 2 miles of this location
  - Many school districts have bus stops within one block of this location 5 days a week

Due to the proven lack of compliance of CPR to Minnesota Laws and Legislation governing Drug Rehab facilities CPR poses a major threat to the safety of the children and vulnerable adults in the surrounding neighborhood of their new proposed location of 5022 Baker Road. In addition, the location of this facility does not provide the life enriching activities within walking distance of the proposed location necessary for the residents to build independent living in order to be successful in the program
There has been a lack of transparency and consistency regarding policies, schedule and other factors that do not allow the community to have full visibility to the concerns and questions they have regarding the company.

As a result of the non-compliance of CPR with laws governing Drug rehabilitation Centers relating directly to the training of staff, treatment of residents, the falsified information provided on their proposal application, the nature of the overwhelming number of 911 calls received regarding the current CPR location directly relating to the close proximity of the proposed location to schools, children and vulnerable adults and the failure for this proposed location to meet the needs of the residents in order for this company to have a successful impact on its residents, I move to DENY Counter Point Recovery a conditional use permit to operate a 12-person facility at the address of 5022 Baker Road, Minnetonka, Mn.

Please do not deny the overwhelming proof that CPR has not lived up the the standards of the state nor the requirements necessary for a facility of this nature to successfully serve the community.

- Michelle Kallas
- Charles Hawkins
- Deb Wagner
- Elaine Hromatka
- Patrice Wehner
- Steve Belrose
- Brent Frank
- Becky Mielke
- Nicholas Hansen
- Susan Wilkening
- Aaron Schlagel
- Andrew Bratsch
- Carina Plotnick
- Pamela M Kerber
- Jeff Wehner
- Sarah Schlagel
- Vanessa bratsch
- Donna Bratsch
- Carston Hernke
- Liz Maddy
- Brent Brokaw
- Julie Brokaw
- Michael McNamee
- Collin Koenen
- Deanna Koenen
- Jim Koenen
- Ali Lacey
- Nathaly Maidonado
- Sandy Syfko
- Holly Birkeland
- Robert Wagner
- Adam J Amato
- Lori Lundell
- Mary Quain
- Kai Negaaard
- Le Roy JD Chappell
- Melissa Wagner
- Donna Bratsch
- Heidi Huset
- Ann Blatzheim
- Thomas and Jacqueline Jacobson
- Robyn Barton
- Nolan Bachman
- Michael Lang
- Jennifer Morocho
- Leighton Wilkening
- Heather Rider
- Jane Hawkins
- Andrew Chollar
- Judith Perry
- Aaron Mielke
- LuAnne Knoblauch
- Michael Reyes
- Heidi Knight
- Jeff hysjulien
- Heather Reyes
- Luke Hansen
- Mary Newhall
- Anna Hansen
- Lindsey Wilkus
- Nancy Hansen
- Denise Anderman
- Jacob Davis
- Angela Hansen
- Lauren Wagner
- Karen Wardrope
- Philip Newhall
- Elizabeth Davis
• Kathryn Hernke
• John A Kallas
• Jeff Weiss
• Heather Novak-Peterson
• Douglas Peterson
• Jennifer Hamm
• John Bergervoet
• Sig Birkeland
• Diane Froehlich
• Beth G Timm
• Justin Hamm
• Jay Hromatka
• Jon Rausch
• Breonna Bachman

Filter
• Michelle Kallas United States
  Nov 20, 2017
  I will follow up with letters to my representatives!

• Elaine Hromatka United States, Fargo
  Nov 20, 2017
  This absolutely does not belong in this area and the track record of CPR shows
  that this does not belong in Minnetonka.

• Patrice Wehner United States, Minneapolis
  Nov 20, 2017
  Minnetonka, MN - next door: This has always been a residential, single family
  homes neighborhood. We moved here 18 years ago with the expectation it would
  stay that way. We do not want a business with a transient population here. In light
  of the number of children as well as a school which is within a stone's throw of this
  "facility," this is no place for people with a wide assortment of chemical addictions.
  In addition, we cannot screen these people. We are left to trust that a facility with
  numerous violations and a very short track record is going to be looking out for our
  best interests. We did not feel that the owners and management were being
  honest with us at the community meeting last week in regards to their past
  violations, history or future plans. In addition, we feel that there are a number of
  additional questions that need to be addressed, such as what level of severity of
  addition do these people fall under, how do they end up there and why is this
or capability to successfully operate a treatment center of this size. This is evidenced by the relative frequency of 911 calls to their current facility (4x average), a misleading application to the City of Minnetonka, and the frequent MN DHS citations.

- **Collin Koenen**
  United States, Minneapolis  
  Nov 18, 2017  
  As a recent high school graduate I do not support the proposed facility.

- **Jim Koenen**
  United States, Minneapolis  
  Nov 18, 2017  
  I am a new resident to the area and oppose the proposed facility.

- **Nathaly Maldonado**
  United States, Minneapolis  
  Nov 18, 2017  
  I do not think a facility liked this should be placed in a residential neighborhood. I am concern about my children and the children of my neighborhood. Facilities like this are very good because they help people that need to recover from drug abuse, but this is not the right place for this facility.

- **Sandy Syfko**
  United States, Hopkins  
  Nov 18, 2017  
  Basis for Concern:

  Over-occupancy of dwelling units creates health and safety dangers to home
A history of Non-Compliance and close proximity to a local population of young families with children make this site unsuitable. The security of these families and children take precedence over the proposed usage of this property.

- **Mary Quain**
  - United States, Saint Paul
  - Nov 18, 2017
  - Not only should the expansion not be approved, but the company should be forced to close the facility or shut down completely for failure to comply, even after so many violations.

- **Leighton Wilkening**
  - United States, Minneapolis
  - Nov 18, 2017
  - Please deny the permit based on the following concerns:
    1) CPR's track record of non-compliance at their current location operating in Minnetonka concerns me.
    2) The permit application has numerous inconsistencies and false responses misrepresenting CPR's plans for the facility.
    3) Density issues: There are already six locations within three miles and four are within two miles with a total capacity of 41 clients.
    4) Location is not optimal for ensuring a secure facility.
    5) No walking-accessible life enrichment activities to help build independent living.
    6) CPR has not been transparent regarding policies, schedule and other factors. The community does not have full visibility to the concerns and questions they have regarding the company.

  L. Wilkening

- **Andrew Chollar**
  - United States, Hopkins
  - Nov 17, 2017
  - Clearly, CPR has a track record littered with citations and an over-the-top percentage of 911 calls compared to all similar facilities. This is a proven danger to
our community. We demand that our city council respond to the wishes of its own citizens and stop CPR expansion in our community. We also need to revisit the policy whereby only those residing within a few hundred feet of a proposed facility are notified. It's an incredibly deceiving way to "slip in" such facilities under the cover of lack of awareness without the city receiving the kind of outcry and resistance it otherwise would and should.

- **Judith Perry**
  United States, Minnetonka
  Nov 17, 2017
  The city of Minnetonka doesn't seem to listen to their home owners. So good luck

- **LuAnne Knoblauch**
  United States, Hopkins
  Nov 17, 2017
  This location is directly across the freeway from an elementary school, easy access over the walking bridge. Please vote NO!!!!

- **Michael Reyes**
  United States, Hopkins
  Nov 17, 2017
  Reside at 5215 Baker, do not want this in my neighborhood.

- **Denise Anderman**
  United States, Minnetonka
  Nov 17, 2017
  There are many concerns, including property values, multiple DHS violations, high number of 911 calls, quality of care, security and parking. This is not an appropriate site for this facility.

- **Heather Novak-Peterson**
  United States, Minneapolis
  Nov 17, 2017
  There is extreme concern for the quality of care and the security that CPR has demonstrated at their current facility. Having them move to a heavily residential facility off of a very busy street with no sidewalks or amenities that can help support a healthy outcome for their patients is very troubling.

- **Jeff Weiss**
  United States, Minneapolis
  Nov 17, 2017
  It is apparent from the information received about CRP's past history that they are not ready to expand their services due to numerous non compliance issues. Additionally, the high rate of 911 calls initiated at CRP tax the use of these resources for other Minnetonka residents. As mentioned by others... neighborhood safety and property devaluation is also a concern.
Thank you,
Jeff Weiss
12910 Maywood Lane

- **Douglas Peterson** United States, Minneapolis
  Nov 17, 2017
  I would add that the location service being used by this online service is inaccurate if used as any sort of excuse or suggestion that comments may be coming from outside the community. I live within 1000 feet of the proposed site.

- **Douglas Peterson** United States, Minneapolis
  Nov 17, 2017
  The fact that their plan includes timed locked doors and window sensors suggests a very high security risk is about to be dropped into our neighborhood. This is completely inappropriate.

- **Jennifer Hamm** United States, Hopkins
  Nov 17, 2017
  CPR is not a well established business. Multiple citations over the one year they have been in business. They have provided the community with conflicting information regarding their plan for what is to occur at this residence. This is not a good fit for our community at this time

- **Sig Birkeland** United States, Saint Paul
  Nov 17, 2017
  CPR’s short history does not reflect a careful, responsible organization, and could negatively impact the safety of our children and the neighborhood.

- **Diane Froehlich** United States, Minneapolis
  Nov 17, 2017
  There are too many issues attached to this that to have this facility in a residential neighborhood.

- **Beth G Timm** United States, Minneapolis
  Nov 17, 2017
  Based on CPR’s current facility operations, this applicant has proven that they do not have the experience or qualification to operate a successful facility in the community. Further, this site location is not appropriate for the proposed size and use and will be a detriment, not an enhancement to this neighborhood.
• Justin Hamm
  United States, Minneapolis
  Nov 17, 2017
  Counter Point isn’t ready to expand its business. They haven’t shown they can handle their first home by receiving 14 violations.

• Jay Hromatka
  United States, Phoenix
  Nov 17, 2017
  This is not an appropriate site for this size facility.

• Jon Rausch
  United States, Saint Paul
  Nov 17, 2017
  PLEASE CONSIDER THE APPLICANT’S LACK OF EXPERIENCE AND NUMBER OF VIOLATIONS. Additionally, this Property use WILL reduce the Neighbors Property Values.

  Thank you,
  Jon Rausch, Executive Director Cushman and Wakefield

• Breonna Bachman
  United States, Minneapolis
  Nov 17, 2017
  I willfully and adamantly sign this petition
Resolution No. 2017-

Resolution approving a conditional use permit for a 7 to 12 resident licensed residential care facility at 5022 Baker Road

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

Section 1. Background.

1.01 Counter Point Recovery has requested a conditional use permit to operate a 7 to 12 resident licensed residential care facility at 5022 Baker Road.

1.02 The property is legally described as:

Auditor’s Subd. No. 321, N 165 Ft Of The E 310 Ft Of Lot 5 And That Part Of Lot 8 Lying N Of N Line Of Lot 5 And E Of The W Line Of Lot 5 Extended Except Hwy

1.03 On November 30, 2017, the planning commission held a public 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. Standards.

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

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

1. 3,000 square feet of lot area for each overnight resident, based on proposed capacity;
2. 300 square feet of residential building area for each overnight resident, based on proposed capacity;

3. in R-1 and R-2 districts, for new construction including additions, a floor area ratio (FAR) that is no more than 100% of the highest FAR of the homes within 400 feet of the lot lines and within 1,000 feet of the lot along the street where it is located, including both sides of the street. The FAR applies to an existing structure only if it seeks to expand. The city may exclude a property that the city determines is not visually part of the applicant's neighborhood and may add a property that the city determines is visually part of the applicant's neighborhood. The city may waive or modify the floor area requirement where:
   a) the proposed use would be relatively isolated from the rest of the neighborhood by slopes, trees, wetlands, undevelopable land, or other physical features; or
   b) the applicant submits a specific building design and site plan, and the city determines that the proposed design would not adversely impact the neighborhood character because of such things as setbacks, building orientation, building height, or building mass. In this case, the approval is contingent upon implementation of the specific site and building plan.

4. no external building improvements undertaken in R-1 and R-2 districts which alter the original character of the home unless approved by the city council. In R-1 and R-2 districts, there must be no exterior evidence of any use or activity that is not customary for typical residential use, including no exterior storage, signs, and garbage and recycling containers;

5. traffic generation: a detailed documentation of anticipated traffic generation must be provided. In order to avoid unreasonable traffic impacts to a residential neighborhood, traffic limitations are established as follows:
   a) in R-1 and R-2 districts, the use is not permitted on properties that gain access by private roads or driveways that are used by more than one lot;
b) the use must be located on, and have access only to, a collector or arterial roadway as identified in the comprehensive plan;

c) the use must prepare, and abide by, a plan for handling traffic and parking on high traffic days, such as holidays, that has been reviewed and approved by city staff.

6. no on-street parking to be allowed. Adequate off-street parking will be required by the city based on the staff and resident needs of each specific facility. In R-1 and R-2 districts, the parking area must be screened from the view from other R-1 and R-2 residential properties. Private driveways must be of adequate width to accommodate effective vehicle circulation and be equipped with a turnaround area to prevent backing maneuvers onto public streets. Driveways must be maintained in an open manner at all times and be wide enough for emergency vehicle access. Driveway slope must not exceed 8 percent unless the city determines that site characteristics or mitigative measures to ensure safe vehicular circulation are present. Adequate sight distance at the access point must be available;

7. all facilities to conform to the requirements of the Minnesota state building code, fire code, health code, and all other applicable codes and city ordinances;

8. landscape buffering from surrounding residential uses to be provided consistent with the requirements contained in section 300.27 of this ordinance. A privacy fence of appropriate residential design may be required to limit off-site impacts. Landscape screening from surrounding residential uses may be required by the city depending on the type, location and proximity of residential areas to a specific facility;

9. submission of detailed program information including goals, policies, activity schedule, staffing patterns and targeted capacity which may result in the imposition of reasonable conditions to limit the off-site impacts;

10. submission of a formal site and building plan review if a new building is being constructed, an existing building is being modified, or the city otherwise determines that there is a need for such review; and
11. additional conditions may be required by the city in order to address the specific impacts of a proposed facility.

Section 3. Findings.

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

3.02 The proposal meets the specific conditional use permit standards outlined in City Code 300.16 Subd.3(g)

1. The subject property is 54,760 square feet in size. This area exceeds the 36,000 square foot area needed for 12 residents.

2. The existing building is 3,928 square feet in size, exceeding the 3,600 square feet required for 12 residents.

3. No new additions are being proposed for the subject home.

4. No external building improvements are proposed that would alter the original character of the home.

5. The property is located on Baker Road, an arterial county road, includes a three-stall garage, and outdoor parking space for at least four vehicles. City code limits outdoor vehicle parking to four vehicles at any time, excluding vehicles of occasional guests who do not work or reside on the property. The 7 on-site parking spaces would limit traffic on site while still accommodating the residents, staff and limited guests expected on the site.

6. The property includes a three-stall garage and outdoor parking for at least four vehicles. The applicant indicates that drivers/parkers at the proposed 12-resident facility would include:

   • four day time staff members,
   
   • one to two staff members during the evening/night; and
   
   • a 12 passenger vehicle for outside activities.

As proposed, residents are not allowed to have vehicles on the premises, so they have not been included in this list. The existing garage and proposed driveway could accommodate all of these drivers/parkers even were all to be on site at the same time.
7. Per a condition of this resolution, the facility must conform to the requirements of the Minnesota state building code, fire code, health code, and all other applicable codes and city ordinances;

8. The subject property is bordered by vegetation to the north and east and a highway wall to the west. The subject home is located over:

   - 200 feet from Baker Road;
   - 100 feet from the northern home; and
   - 140 feet from the southern home.

The existing vegetation and physical separation create adequate buffering from the subject structure, which is not being exteriorly altered, and neighboring homes.

9. This information has been submitted and was attached to the staff report.

10. No new construction or exterior building/site changes are proposed.

11. Additional conditions may be required by the city in order to address the specific impacts of a proposed facility.

Section 4. City Council Action.

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

1. Prior to occupancy by more than six residents:
   a) This resolution must be recorded with Hennepin County.
   b) The facility must be licensed by the Minnesota Department of Human Services to provide care to up to 12 people.
   c) The facility must be brought into compliance with all requirements of the Minnesota state building code, fire code, and health code.
   d) The applicant must submit detailed program information including goals, policies, activity schedule, and staffing patterns.
e) The applicant must apply for and receive a lodging and food license from the City of Minnetonka.

2. If the driveway will be paved, paving must extend to Baker Road. The applicant must secure permits as required by Hennepin County for driveway work.

3. The final drive pavement and any utility work needed should be adjusted to minimize tree loss and tree impacts and erosion control and tree protection to be installed and maintained as needed.

4. The property must comply with all provisions of City Code §845, Public Nuisances.

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

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on December 4, 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 December 4, 2017.

David E. Maeda, City Clerk
Minnetonka Planning Commission Meeting

November 30, 2017

Agenda Item 9

Other Business
MINNETONKA PLANNING COMMISSION
November 30, 2017

**Brief Description**  Concept plan review for Ridgedale Executive Apartments at 12501 Ridgedale Drive.

**Action Requested**  Discuss concept plan with the applicant. No formal action required.

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**Background**

Rotenberg Companies is proposing to redevelop portions of the existing commercial property located at 12501 Ridgedale Drive. The Ridgedale Executive Apartments concept plan contemplates redevelopment of the former RS Sports Grill portion of the property with a 6-story, 112-unit luxury apartment building. The existing office building located on the same property would continue to remain.

The proposed housing will provide a mix of 1 to 2 bedroom units. A number of on-site amenities are included in the building including fitness facilities, a community room and an outdoor patio and pool area. (See attached plans)

The existing property includes two buildings – a former restaurant (RS Sports Grill, previously Redstone) and an office building which are located on the northern half of the site. Parking lots shared in common surround the buildings. The parking lot also extends onto the YMCA site to the east which is secured through a lease arrangement between the property owners. The south half of the site is an undeveloped wooded area that is protected with a conservation easement. The land along the south property line is approximately 30 feet higher in elevation than the pond and approximately 20 feet higher in elevation than the developed portion of the site. There are likely wetland features at the edges of the pond that may also extend into the eastern portion of the site.

Neighboring properties include Ridgedale Mall to the north and Ridgedale YMCA to the east. A stormwater pond which treats surface water runoff from Ridgedale Mall is west of the property. The Hennepin County Ridgedale Service Center and Library is located west of the pond. Immediately south of the site are single-family residential homes.

The site is zoned PID Planned I-394 District and guided for mixed use in the 2030 comprehensive plan. The Ridgedale Vision 2035 plan identifies this area for residential housing opportunity with potential for 300 housing units. (See attachments).
Key Issues

City staff has identified the following considerations for any development of the subject properties:

- **Change of land use:** A change from commercial to residential would change the characteristics of people traveling to and from the site. Further analysis of traffic impacts would be needed.

- **Site Plan:** The proposed site plan would intensify development on the site. Site circulation for residents and emergency response, snow removal, pedestrian connections become more important as site use intensifies.
- **Building Character**: Building elevations have been provided with fairly significant character details. Input on building massing and desired character is important.

**Review Process**

Staff has outlined the following review process for the proposal. At this time, a formal application has not been submitted.

- **Neighborhood Meeting**. The developer held a neighborhood meeting on November 6, 2017. Approximately 30 people attended the meeting raising concerns about building height and scale, trail connections, occupancy and crime.

- **Planning Commission Concept Plan Review**. The planning commission Concept Plan Review is intended as a follow-up to the neighborhood meeting. The objective of this meeting is to identify major issues and challenges in order to inform the subsequent review and discussion. The meeting will include a presentation by the developer of conceptual sketches and ideas, but not detailed engineering or architectural drawings. No staff recommendations are provided, the public is invited to offer comments, and planning commissioners are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

- **City Council Concept Plan Review**. The city council Concept Plan Review is intended as a follow-up to the planning commission meeting and would follow the same format as the planning commission Concept Plan Review. No staff recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

**Staff Recommendation**

Staff recommends the planning commission provide comment 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.

Originator: Loren Gordon, AICP, City Planner
ADDITIONAL INFORMATION

Next Steps

- **Formal Application.** If the developer chooses to file a formal application, notification of the application would be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city’s website. Through recent website updates: (1) staff can provide residents with ongoing project updates, (2) residents can “follow” projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on project; and (4) and staff can review resident comments.

- **Neighborhood Meeting.** Prior to the planning commission meeting and official public hearing, an additional public meeting would be held with neighbors to discuss specific engineering, architectural and other details of the project, and to solicit feedback. This extends the timing that has historically been provided in advance of the planning commission review to allow more public consideration of the project specifics.

- **Council Introduction.** The proposal would be introduced at a city council meeting. At that time, the council would be provided another opportunity to review the issues identified during the initial concept plan review meeting, and to provide direction about any refinements or additional issues they wish to be researched, and for which staff recommendations should be prepared.

- **Planning Commission Review.** The planning commission would hold an official public hearing for the development review and would subsequently recommend action to the city council.

- **City Council Action.** Based on input from the planning commission, professional staff and general public, the city council would take final action.

Roles and Responsibilities

- **Applicants.** Applicants are responsible for providing clear, complete and timely information throughout the review process. They are expected to be accessible to both the city and to the public, and to respect the integrity of the public process.

- **Public.** Neighbors and the general public will be encouraged and enabled to participate in the review process to the extent they are interested. However, effective public participation involves shared responsibilities. While the city has an obligation to provide information and feedback opportunities, interested residents are expected to accept the responsibility to educate themselves about the project
and review process, to provide constructive, timely and germane feedback, and to stay informed and involved throughout the entire process.

- **Planning Commission.** The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and concerns prior to the council’s consideration by carefully balancing the interests of applicants, neighbors, and the general public.

- **City Council.** As the ultimate decision maker, the city council must be in a position to equitably and consistently weigh all input from their staff, the general public, planning commissioners, applicants and other advisors. Accordingly, council members traditionally keep an open mind until all the facts are received. The council ensures that residents have an opportunity to effectively participate in the process.

- **City Staff.** City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.
Location Map

Applicant: Rotenberg Companies
Address: 12501 Ridgedale Dr

City of minnetonka
Where quality is our nature
Project Narrative For Concept Review
November 20, 2017

Developer: Ridgedale Executive Apartments, LLC
12455 Ridgedale Drive, Suite 103
Minnetonka, MN 55305
(Mr. Richard J. Rotenberg – Principal)
952-545-9059

Property Owner: The Rotenberg Companies, Inc.

Architect: Momentum Design Group
Jesse Hamer, LEED AP, 612-859-5833

Civil Engineer/
Landscape Architect: Civil Site Group, PC
Patrick Sarver, Landscape Architect
A. **SUBMITTAL CONTENTS**
Included in this submittal is this Project Narrative and the preliminary development plans and drawings listed on the attached Schedule of Plans & Drawings.

B. **PROJECT LOCATION**
The 12501 Ridgedale project site lies just south of Ridgedale Center on Ridgedale Drive generally between the YMCA (to the east) and the Hennepin County Government Center/Library (and pond) to the west. It is located within a “Mixed Use” land use category area in the City’s 2030 Comprehensive Guide Plan and is included in the study area of RIDGEDALE; A VISION FOR 2035 commissioned by the City of Minnetonka and dated September 2012.

C. **PROPERTY – EXISTING CONDITIONS**
The property on which the project is to be located is a single lot totaling approximately 193,047 square feet or about 4.43 acres in area. The re-development project is to be located at the north end of the property. The south end of the property has been maintained as a wooded bluff, with some wetland area below leading from the pond situated to the west of the property. Minimal or no impact on the south end of the property is expected. The northern part of the property is currently improved with a two-story office building and a one-story brick building (previously occupied as a branch bank by Norwest Bank and more recently as a restaurant by Redstone Grill). That so-called “Redstone” building would be removed as part of this re-development project. Parking lot improvements make up most of the rest of that north end. The current parking lot was extended onto the YMCA property to the east to accommodate the parking requirements of Redstone Grill. Those so-called YMCA parking lot improvements are expected to be removed.

Legal Description: Lot 3, Block 1, Ridgedale Center Fifth Addition, Hennepin County, Minnesota.
Ownership: The Rotenberg Companies, Inc.
PIN: 02-117-22-33-0009

D. **SUMMARY OF THE PROPOSED PROJECT**
The proposed 12501 Ridgedale project is the development of a new 111 unit apartment building which will include below grade and at grade indoor parking facilities. The building is designed to be located on the northerly part of the property, basically laid out along Ridgedale Drive and facing the Ridgedale Mall. It will be over the space now occupied by the restaurant building (which will be removed along with a substantial portion of the existing asphalt surface parking near the restaurant building). The office building (and its parking lot located just the east of the office building) will remain. The apartment units will be one and two bedrooms (and possibly one three bedroom). A few units may be larger, any more spacious apartments to be located on the first and/or sixth floors. Two levels of in-structure parking will be reserved for the apartment residents. One level will be underground and the other will be indoor parking within the first level of the building, as shown on the attached plans for parking. Forty-five (45) spaces of surface parking will be constructed on site and an existing 13 spaces are to remain, bringing the total of surface parking to 58 spaces.

E. **PROJECT CONCEPT**
Redstone's departure to join other restaurants at the mall has presented an excellent opportunity to participate in the transformation of the Ridgedale Village area. Our project is proposed to bring luxury apartment homes to what will become the Ridgedale Parkway, together with life and vitality to energize the Ridgedale Village as it grows and matures. Though only to include 111 apartments, the extraordinarily high quality of the 12501 Ridgedale project is anticipated to provide a substantial boost toward the critical mass necessary to achieve the City's vision for Ridgedale. The project is designed to introduce the diversity of upscale housing and fill the niche for it. We expect to satisfy the demand of empty nester baby boomers for the highest quality home coupled with the freedom and amenities of a luxury apartment -- an apartment home equivalent to the beautiful Minnetonka homes they’re now leaving. These apartment homes will also attract young professionals and other newcomers to the City whose communities lack the means and/or the foresight to provide this sort of housing opportunity. As
described in the City's Vision statement for Ridgeland Village, the 12501 Ridgeland project will bring residents who wish to urbanize and engage in the walkable community envisioned for the Ridgeland Village. The close, very walkable, proximity of the project to the parkway and shops, restaurants and events in the Ridgeland Village Center will certainly integrate the project with the Ridgeland Village Center so that each will be an especially desirable attribute of the other.

As said, the 12501 Ridgeland project will feature one and two bedroom luxury apartment homes designed and constructed to the highest condominium-caliber standards, offering residents the convenience of leasing, coupled with a thoughtfully programmed living environment. The apartments themselves will feature elegantly flowing floorplans, wide plank hardwood flooring, master bedroom suites with spacious walk-in closets and luxurious baths, private patios and gourmet kitchens. Many will offer expansive views of the adjacent pond and/or the wooded bluff to the south of the property. Upscale features at the project will include a well-appointed sun terrace offering a heated pool, poolside chaise lounging and an outdoor chef's kitchen complete with large Viking grills and warming drawers. There will also be an additional wide array of amenities available to the residents, including multi-level heated parking for all residents, electric vehicle recharging stations, an indoor car wash bay at the lower parking garage, a state-of-the-art fitness center, a private yoga/dance studio, a sauna, a community room, a game room, virtual golf and a putting green as well as a beautifully appointed boardroom outfitted with video conferencing equipment and a TV monitor for presentations. There will be a remarkable attention to detail with an unparalleled commitment to the residents' experience. A 24-hour on-site lifestyle concierge will offer the highest level of service, such as last minute dinner reservations, personal shopping, arranging for airport transportation, event planning, housekeeping and more.

The 12501 Ridgeland project is being designed to add an iconic identity to the Ridgeland Village and enhanced sense of place, while also maintaining (and improving) compatibility with the surrounding neighborhood. The building is designed with an elegant stone facade and clean white features to pair the welcoming and familiar style of the neighborhood with modern and luxurious finishes. The design sets a grand example for future development in the Ridgeland Village Center using upscale finishes and materials both on the interior and exterior of the building. This building design compliments the existing office building, integrating similar stone finishes, as well as continuing a similar warm, bright color pallet. These characteristics will provide a building at 12501 Ridgeland that residents and neighbors will both appreciate and enjoy as a striking enhancement of the neighborhood and will, hopefully, become an iconic addition to the regional community.

Of special concern in regard to compatibility was the goal to respect, and minimize the impact on, the residential neighborhoods located to the south of the project. To that end, the building has been sited on the property as far north as possible, lying along Ridgedale Drive, and designed to face northerly away from those residences and rather toward the mall. As the 12501 Ridgeland project is currently designed, the closest home is at least 430 feet away from the nearest point of the proposed building. The expectation has been that the heavily wooded bluff located at the south end of the project property between the neighbors to the south and the proposed project building to the north would effectively screen the project and serve as an adequate buffer. While foliage is on the trees and understory in those woods, the screening effect of those woods should be excellent. During the neighborhood meeting recently hosted by the developer, concern was raised by the neighbors about the visibility of the project building from their homes through the woods, especially during the times when the foliage is down. Though some screening would still be effected by the woods during those seasons, it appears that at least some of the building would be visible from several of the homes. In response to those concerns, the developer is committed to working with the affected residents to develop supplemental screening. Installation of evergreens at the top of the bluff may be a viable solution, perhaps even providing some additional screening for those neighbors from the views and lights of the mall itself (to the extent not screened by the proposed building itself).

It may be worthy of noting in regard to compatibility too that the restaurant that had been operating on the site, especially when busy, generated quite a bit of noise, lights and traffic (not to mention occasional police activity) — material aspects of which should be substantially reduced or eliminated by virtue of the change in use.

An additional concern voiced by the neighbors was the potential incompatibility of placing a public walking path through those woods as has been suggested by the city (staff) — both from a tree removal standpoint and also, likely more importantly, from a security standpoint. The developer expects to
evaluate these issues further with the city and work with both it and the neighbors in effort to resolve these issues.

As noted, the project has been designed to respect and preserve the beautiful natural features of the property – the wooded bluff, natural wetlands and the pond. But for the possible path, it is expected that these natural areas will be preserved as they are. The proposal also allows the easternmost portion of the existing parking lot to return to a natural green space. This allows future natural growth to integrate into the wetland and forested spaces of the site, improving the quality of the neighborhood and the environment. In addition to natural growth, water infiltration will increase in this location as it was previously an impervious surface. Through studies and design work from the civil engineer and landscape architect, the project strives to accomplish a sufficient and environmentally friendly site design in respect to its current surroundings, meeting the expectations for a high-quality development for the Ridgedale Village Center.

It is also expected that the building itself will integrate nicely with the new Ridgedale Parkway and Ridgedale Mall to the north of the building, with its high quality exterior finish (including natural cut stone) being compatible with the most recent improvements to the exterior materials at the mall. Its appearance viewed from the north is also expected to be buffered by the trees and vegetation along the Ridgedale Parkway. Our multi-family residential project will create a transition from the high intensity commercial retail mall and the residential neighborhoods to the south.

Finally, the 12501 Ridgedale project, offering a front row seat to the vibrant transformation of the Ridgedale Village Center, should serve as a beacon to empty nesters and young professionals throughout the metro area. The project offers a housing alternative that appears especially important and necessary to retain affluent baby boomers who are now empty nesting and want to downsize in Minnetonka. Though wanting the convenience of apartments, they do not want to downsize into lesser quality. Successful young professionals share similar values. Housing necessary to satisfy this niche is not currently available in Minnetonka. Without the leasing opportunity presented by the project, there will certainly be Minnetonka empty nesters that move to other communities that do offer such high quality apartment homes. Moreover, this project should attract similarly situated persons from other communities, including young professionals, whether baby boomers, Gen X or Gen Y. As mentioned in the 2035 vision statement, this is the demographic that want to urbanize and engage in a high quality experience within their community. Accordingly, the future residents of the 12501 Ridgedale project will be exactly those persons that will energize the Ridgedale Village envisioned by the city. They will be out and about, supporting and vitalizing Ridgedale Village Center – shopping, enjoying the broad array of other retail destinations and partaking of its fine dining opportunities - all within a short walk of the 12501 Ridgedale project. Accordingly, the 12501 Ridgedale project, if approved, and the residents it will bring, should provide a framework for the future investment and improvements necessary to successfully realize the vision that is the Ridgedale Village Center. Perhaps suffice to say, we expect the 12501 Ridgedale project would serve well the City’s goals for the transformation of Ridgedale and, as importantly, strengthen the entire image of Minnetonka.

F. ADDITIONAL PROJECT DETAILS*

1. A. Unit Count, Floor Areas (approx.)

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<td>Common and Amenity Areas</td>
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B. Parking Count

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C. Unit Breakdown Per Floor

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<td>111</td>
</tr>
</tbody>
</table>

2. Other Details

- GROSS SITE AREA: 4.43 Acres; 193,047 sf
- GROSS BUILDING AREA: 14,361 sf Office Building;
  253,404 sf Apartment Building
- NET FAR: 1.06
- APARTMENT UNITS: 111 Units
- RESIDENTIAL DENSITY: 25.05 Units/Acre

* These details are current as of November 20, 2017 – the numbers may be modified as the project design matures.
| 1.   | Context Plan         |
| 2.   | Architectural Site plan |
| 3.   | Floor Plans          |
| 4.   | 3D Views             |
| 5.   | Elevations           |
| 6.   | Site Sections        |
| 7.   | Site Views           |
| 8.   | Site Survey          |
| 9.   | Civil Site Plan      |