



**Agenda  
Minnetonka City Council  
Regular Meeting  
March 7, 2022  
6:30 p.m.  
Council Chambers**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Calvert-Schaeppi-Coakley-Kirk-Schack-Wilburn-Wiersum
4. Approval of Agenda
5. Approval of Minutes: None.
6. Special Matters: None.
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases:
  - A. Bids for the Ridgedale Drive Trail Project  
Recommendation: Award the contract (5 votes)
  - B. Bids and Resolution for the Opus Area Bridge Improvements – Phase III Project  
Recommendation: Award the contract and adopt the resolution (5 votes)
10. Consent Agenda - Items Requiring a Majority Vote:
  - A. Ordinance amending the existing Minnetonka Corporate Center master development plan as it pertains to 6000 Clearwater Drive  
Recommendation: Adopt the ordinance (4 votes)
11. Consent Agenda - Items Requiring Five Votes: None.
12. Introduction of Ordinances:

Minnetonka City Council meetings are broadcast live on Comcast: channel 16 (SD), channel 859 (HD); CenturyLink Prism: 238 (SD), 1238 (HD).  
Replays of this meeting can be seen during the following days and times: Mondays, 6:30 p.m., Wednesdays, 6:30 p.m., Fridays, 12 p.m., Saturdays, 12 p.m. The city's website also offers video streaming of the council meeting.  
For more information, please call 952.939.8200 or visit <https://www.minnetonkamn.gov>

- A. Ordinance establishing ward boundaries  
Recommendation: Introduce the ordinance (4 votes)
- B. Items concerning Glen Lake Apartments at 14317 Excelsior Blvd  
Recommendation: Introduce the ordinance and refer it to the planning commission (4 votes)
- 13. Public Hearings: None.
- 14. Other Business: None.
- 15. Appointments and Reappointments:
  - A. Appointment of Advisors for the 2022 Local Board of Appeal and Equalization  
Recommendation: Approve appointment of Advisors (4 votes)
  - B. Appointments of representatives to various advisory boards, commissions and committees  
Recommendation: Approve the appointments (4 votes)
- 16. Adjournment



**City Council Agenda Item 9A  
Meeting of March 7, 2022**

**Title:** Bids for the Ridgedale Drive Trail Project

**Report From:** Chris Long, P.E., Assistant City Engineer

**Submitted through:** Mike Funk, Acting City Manager  
Darin Nelson, Finance Director  
Will Manchester, P.E., Public Works Director  
Phil Olson, P.E., City Engineer  
Kelly O'Dea, Recreation Director

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**Action Requested:**  Motion     Informational     Public Hearing

**Form of Action:**     Resolution     Ordinance     Contract/Agreement     Other     N/A

**Votes needed:**     4 votes     5 votes     N/A     Other

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**Summary Statement**

On Jan. 10, 2022, the city council adopted a resolution accepting plans and specifications and authorizing the advertisement of bids for the Ridgedale Drive Trail, which includes paving (mill & overlay) of the road. Staff proposes to maximize construction efficiencies and minimize neighborhood disruption by combining this project with the 2026 Ridgedale Drive mill and overlay project.

**Recommended Action**

1. Award the contract for the Ridgedale Drive Trail Project, Project No. 21206, to Valley Paving, Inc. in the amount of \$810,127.49.
2. Amend the Capital Improvement Program (CIP) by reassigning the 2026 Ridgedale Drive mill and overlay project from year 2026 to year 2022; and to utilize \$400,000 from the street improvement fund.
3. Authorize the city engineer to expend the allocated funds for project costs, without further council approval, provided the total project costs do not exceed the project budget of \$1,700,000.

**Strategic Profile Relatability**

- |   |   |
|---|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence  | <input type="checkbox"/> Safe & Healthy Community           |
| <input type="checkbox"/> Sustainability & Natural Resources           | <input type="checkbox"/> Livable & Well-Planned Development |
| <input checked="" type="checkbox"/> Infrastructure & Asset Management | <input type="checkbox"/> Community Inclusiveness            |
| <input type="checkbox"/> N/A  |   |

Statement: The Ridgedale Drive Trail Project includes the construction of a top priority trail segment and pavement resurfacing, enhancing the trail network connectivity and city infrastructure.

### **Financial Consideration**

Is there a financial consideration?    No                    Yes \$1,700,000  
Financing sources:                    Budgeted        Budget Modification    New Revenue Source  
   Use of Reserves        Other [Enter]

Statement: The Ridgedale Drive Trail is budgeted in 2022 of the 2022-2026 Capital Improvements Program (CIP). The Ridgedale Drive mill and overlay is currently budgeted in 2026 of the 2022-2026 CIP; however, is proposed to be advanced to 2022 to be completed with the trail improvements. It is not proposed to increase funding in the five year 2022-2026 CIP for the mill and overlay segment, but advance the segment to 2022. Staff recently closed out the Parkers Lake Road/Twelve Oaks Center Drive project in which approximately \$450,000 in savings were realized and will allow for a street fund balance to support this CIP amendment request.

### **Background**

On Jan. 10, 2022, city council adopted a resolution accepting plans and specifications and authorizing the advertisement of bids for the Ridgedale Drive Trail, a new eight-foot wide, off-road, multi-use bituminous trail on the south side of Ridgedale Drive from White Birch Road to 700 feet east of Essex Road. Council also approved an agreement with Xcel Energy for overhead power burial along Ridgedale Drive. This trail segment allows connectivity to residential and commercial areas, including Ridgedale Mall.

### **Bid Opening**

Bids were opened electronically for the project on Feb. 17, 2022. Five bids were received in response to the call for bids, and the results are as follows:

<b>Contractor</b>	<b>Total Bid</b>
<b>Valley Paving, Inc.</b>	<b>\$810,127.49</b>
GMH Asphalt Corporation	\$821,933.24
Park Construction Company	\$851,493.45
Bituminous Roadways, Inc.	\$961,977.70
Urban Companies	\$963,178.10
<b>Engineer's Estimate</b>	<b>\$815,000.00</b>

The low bidder, Valley Paving, Inc. has satisfactorily completed similar projects in Minnetonka.

### **Estimated Project Costs and Funding**

The total estimated construction cost, including engineering, administration and contingency, is \$1,700,000. The Ridgedale Drive Trail is budgeted in 2022 of the 2022-2026 Capital

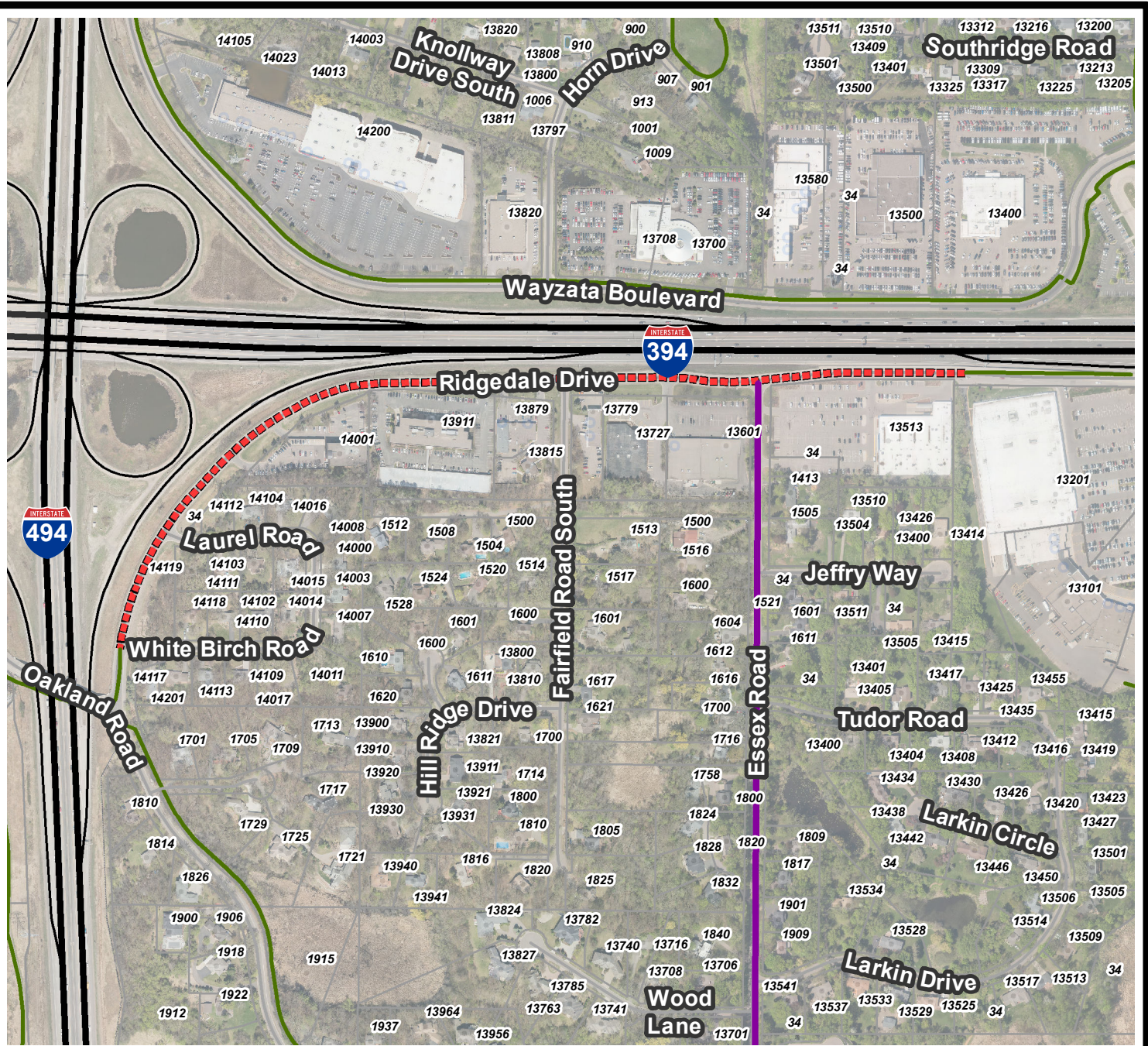
Improvements Program (CIP). The Ridgedale Drive mill and overlay is budgeted in 2026 of the 2022-2026 CIP, but staff is requesting an amendment to the CIP in the amount of \$400,000 to allow for this work to be completed in concurrence with the trail improvements.

The budgeted amounts for the project are shown below and the fund balances currently can support the estimated project costs.

	<b>Budget Amount</b>	<b>Proposed Funding</b>	<b>Expense</b>
Construction Costs			\$810,000
Contingency			\$150,000
Engineering, Administration, and Indirect Costs			\$200,000
Easement Acquisition			\$140,000
Overhead Power Burial			\$400,000
Trail System Expansion Fund	\$900,000	\$900,000	
Electric Franchise Fund	\$500,000	\$400,000	
Street Improvement Fund	\$0	\$400,000	
<b>Total Budget</b>	<b>\$1,400,000</b>	<b>\$1,700,000</b>	<b>\$1,700,000</b>

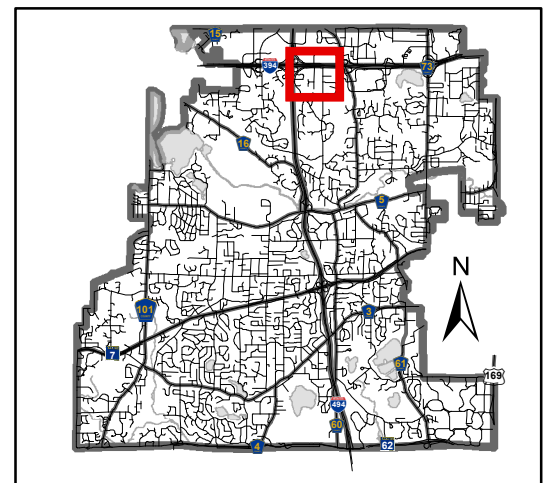
**Schedule**

If the recommended actions are approved by council, construction would likely begin in spring 2022 and be completed in the fall.



# Ridgedale Drive Trail Project

- Future Trail
- - - - Proposed Trail & Mill and Overlay
- Existing Trails / Sidewalk



This map is for illustrative purposes only.



**City Council Agenda Item 9B  
Meeting of March 7, 2022**

**Title:** Bids and Resolution for the Opus Area Bridge Improvements – Phase III project

**Report From:** Chris Long, P.E., Assistant City Engineer

**Submitted through:** Mike Funk, Acting City Manager  
Darin Nelson, Finance Director  
Will Manchester, P.E., Public Works Director  
Corrine Heine, City Attorney  
Phil Olson, P.E., City Engineer

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**Action Requested:**  Motion     Informational     Public Hearing  
**Form of Action:**     Resolution     Ordinance     Contract/Agreement     Other     N/A  
**Votes needed:**     4 votes     5 votes     N/A     Other

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**Summary Statement**

The Opus Area Bridge Improvements – Phase III project proposes the replacement of three bridges on Bren Road East and Bren Road West.

**Recommended Action**

1. Award the contract for the Opus Area Bridge Improvements – Phase III, Project No. 21606 to S.M. Hentges & Sons, Inc. in the amount of \$4,795,475.44 and amend the Capital Improvements Program (CIP).
2. Authorize the city engineer to expend the allocated funds for project costs, without further council approval, provided the total project costs do not exceed the project budget of \$7,400,000.
3. Adopt the attached resolution authorizing execution of the Local Bridge Replacement Program Grant Agreement, subject to non-material changes as recommended by the city attorney.

**Strategic Profile Relatability**

- |   |   |
|---|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence  | <input type="checkbox"/> Safe & Healthy Community           |
| <input type="checkbox"/> Sustainability & Natural Resources           | <input type="checkbox"/> Livable & Well-Planned Development |
| <input checked="" type="checkbox"/> Infrastructure & Asset Management | <input type="checkbox"/> Community Inclusiveness            |
| <input type="checkbox"/> N/A  |   |

Statement: The Opus Area Bridge Improvements – Phase III project enhances infrastructure by replacing three bridges and associated utilities.

**Financial Consideration**

Is there a financial consideration?  No  Yes \$7,400,000  
 Financing sources:  Budgeted  Budget Modification  New Revenue Source  
 Use of Reserves  Other [Enter]

Statement: The Opus Area Bridge Improvements – Phase III project is budgeted in 2021 and 2022 of the 2021 - 2025 CIP, and is proposed to be amended to include state bridge grant funding.

**Background**

On March 14, 2016, council approved a layout and initiated plans and specifications for 10 bridges and the reversal of Red Circle Drive. Three of the 10 bridges were required to be constructed concurrently with the Southwest LRT project, and these were completed in 2020. Four additional bridges were completed in 2021. The remaining three bridges were proposed to be completed in future stages to reduce impacts to traffic operations.

In 2016, the city applied for state bridge bond money to assist with funding the replacement of 10 pedestrian bridges. This state grant funding allows for bridge components that are deemed eligible to be paid by the state.

To date, the city has completed seven of the ten pedestrian bridges with grant funding received from the state in the amount of \$2,800,000.

The city was again successful in securing state bridge bond funding in the amount of \$1,300,000 to replace the three remaining bridges in 2022 and 2023. The CIP reflects the funding for the upcoming remaining bridge projects in the Opus Area.

**Bid Opening**

Bids were opened electronically for the project on Feb. 1, 2022. Two bids were received in response to the call for bids, and the results are as follows:

Contractor	Total Bid
<b>S.M. Hentges &amp; Sons, Inc.</b>	<b>\$4,795,475.44</b>
Meyer Contracting Inc.	\$4,880,243.19

The low bidder, S.M. Hentges & Sons, Inc. has satisfactorily completed similar projects in Minnetonka and is the contractor completing the Opus Area Bridge Improvements – Phase II project, which began last year.

**Estimated Project Costs and Funding**

The total estimated construction cost, including engineering, administration, easement acquisition and contingency, is \$7,400,000. The table below shows the funding necessary for the project, which is identified in the 2021 and 2022 funding year in the 2021-2025 CIP.



As determined with MnDOT, the city will receive approximately \$1,300,000 of grant funding from state bridge funding for the three bridges associated with this project. Final funding is based on bids and is included in the agreement with MnDOT. An amendment to the CIP is needed to include the bridge bond funding with the project.

	<b>Budget Amount</b>	<b>Proposed Funding</b>	<b>Expense</b>
Construction Costs			\$4,800,000
Contingency			\$600,000
Engineering and Administration			\$1,000,000
Easement Acquisition			\$1,000,000
State Bridge Bonds	\$0	\$1,300,000	
Street Improvement Fund	\$5,600,000	\$4,600,000	
Utility Fund	\$750,000	\$750,000	
Storm Water Fund	\$1,250,000	\$750,000	
<b>Total Budget</b>	<b>\$7,600,000</b>	<b>\$7,400,000</b>	<b>\$7,400,000</b>

### **Easements**

Permanent and temporary easements are necessary from ten properties. The formal easement acquisition process is in progress, which ensures that the needed easements will be acquired for the project.

### **Agreements**

As noted, city staff was successful in obtaining \$1,300,000 in funding assistance for this project through the State of Minnesota. An agreement is necessary with MnDOT to define the grant requirements for this project. The city attorney has reviewed the attached agreement.

### **Schedule**

If the recommended actions are approved by council, construction on the first two bridges will begin in the spring of 2022 and is planned for completion in the fall of 2022. Construction of the third bridge on Bren Road East will begin in the spring of 2023 and is planned for completion in the fall of 2023. The multi-year project is necessary to maintain traffic in the area during construction.

**Resolution No. 2022-**

**Resolution for grant agreement to state transportation fund (local bridge replacement program), grant terms and conditions for the Opus Area Bridge Improvements – Phase III project: SAP 142-148-007 / SAP 142-594-001 / SAP 142-594-002**

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

Section 1. Background.

- 1.01 The City of Minnetonka has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge Nos. 27C26, 27C27, 27C21; and
- 1.02 The Commissioner of Transportation has given notice that funding for this project is available; and
- 1.03 The amount of the grant has been determined to be \$1,332,612.70 by reason of the lowest responsible bid;

Section 2. Council Action.

- 2.01 The City of Minnetonka does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required. The proper city officers are authorized to execute a grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above-referenced grant.

Adopted by the City Council of the City of Minnetonka, Minnesota, on March 7, 2022.

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Brad Wiersum, Mayor  
ATTEST:

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Becky Koosman, City Clerk

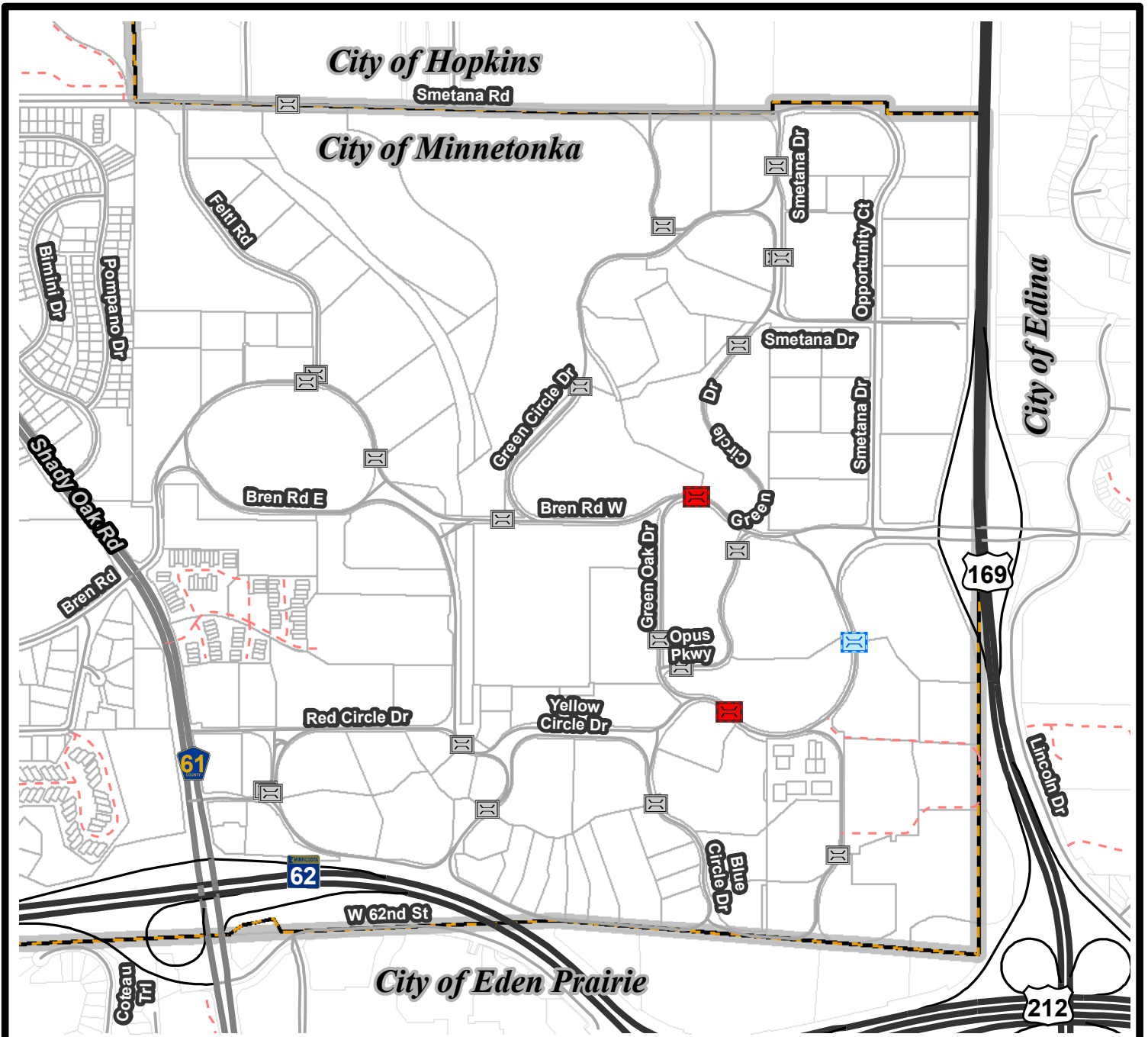
**Action on this resolution:**

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




I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on March 7, 2022.

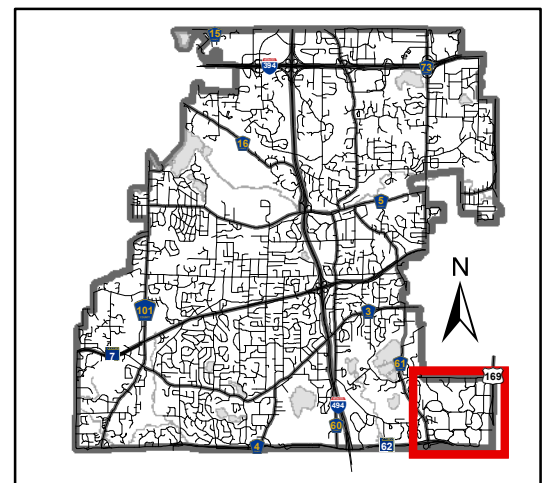
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Becky Koosman, City Clerk



## Opus Area Bridge Improvements – Phase III

-  Existing Bridge
-  Proposed 2022 Bridge Replacement (2 Bridges)
-  Proposed 2023 Bridge Replacement (1 Bridge)



This map is for illustrative purposes only.

STATE OF MINNESOTA  
LOCAL BRIDGE REPLACEMENT PROGRAM  
GRANT AGREEMENT

This agreement is between the State of Minnesota, acting through its Commissioner of Transportation ("State"), and ("Grantee"):

Public Entity (Grantee) name, address and contact person:

City of Minnetonka  
14600 Minnetonka Boulevard  
Minnetonka, MN 55345

Contact: Phil Olson

**RECITALS**

1. Minnesota Statutes § 174.50, subd. 6-7 authorize the State to enter into this agreement.
2. General Funds were appropriated for the Local Bridge Replacement Program in Minnesota Laws 2021, First Special Session, Chapter 5, Article 1, Section 2, Subdivision 4(c)(1).
3. Grantee has been awarded Local Bridge Replacement Program (LBRP) funds under Minn. Stat. § 174.50, subd. 6-7.
4. Grantee represents that it is duly qualified and agrees to perform all services described in this agreement to the satisfaction of the State. Pursuant to [Minn.Stat.§16B.98](#), Subd.1, Grantee agrees to minimize administrative costs as a condition of this agreement.

**AGREEMENT TERMS****1 Term of Agreement, Survival of Terms, and Incorporation of Exhibits**

- 1.1 **Effective Date.** This agreement will be effective on the date the State obtains all required signatures under [Minn. Stat.§16B.98](#), Subd. 5. As required by [Minn.Stat.§16B.98](#) Subd. 7, no payments will be made to Grantee until this agreement is fully executed. Grantee must not begin work under this agreement until this agreement is fully executed and Grantee has been notified by the State's Authorized Representative to begin the work.
- 1.2 **Expiration Date.** This agreement will expire on **December 31, 2025**, or when all obligations have been satisfactorily fulfilled, whichever occurs first.
- 1.3 **Survival of Terms.** All clauses which impose obligations continuing in their nature and which must survive in order to give effect to their meaning will survive the expiration or termination of this agreement, including, without limitation, the following clauses: 8. Liability; 9. State Audits; 10. Government Data Practices and Intellectual Property; 11. Workers Compensation; 12. Governing Law, Jurisdiction, and Venue; and 14. Data Disclosure.
- 1.4 **Exhibits.** Exhibits A-1, A-2, A-3: Sources and Uses of Funds Schedule; Exhibit B: Grant Application; and Exhibit C: Grantee Resolution Approving Grant Agreement are attached and incorporated into this agreement.

**2 Grantee's Duties**

- 2.1 Grantee will conduct one or more of the following activities in accordance with its grant application, or in the case of legislatively selected projects, in accordance with the enabling session law, which is attached to this Agreement as Exhibit B: (i) constructing or reconstructing a bridge, (ii) abandoning an existing bridge that is deficient and in need of replacement, but where no replacement will be made, or (iii) constructing a road to facilitate the abandonment or removal of an existing bridge determined to be deficient.
- 2.2 Grantee will comply with all required grants management policies and procedures set forth through [Minn.Stat.§16B.97](#), Subd. 4 (a) (1).
- 2.3 **Asset Monitoring.** If Grantee uses funds obtained by this agreement to acquire a capital asset, the Grantee is required to use that asset for a public purpose for the normal useful life of the asset. Grantee may not sell or change the purpose of use for the capital asset(s) obtained with grant funds under this agreement without the prior written consent of the State and an agreement executed and approved by the same parties who executed and approved this agreement, or their successors in office.

### 3 Time

3.1 Grantee must comply with all the time requirements described in this agreement. In the performance of this grant agreement, time is of the essence.

### 4 Consideration and Payment

4.1 **Consideration.** The State will pay for all services performed by Grantee under this agreement as follows:

4.1.1 **Compensation.** Grantee will be reimbursed for actual, incurred costs that are eligible under Minn. Stat. § 174.50, subd 6-7. Grantee shall use this grant solely to reimburse itself for expenditures it has already made to pay for the costs of one or more of the activities listed under section 2.1.

4.1.2 **Sources and Uses of Funds.** Grantee represents to State that the Sources and Uses of Funds Schedule attached as Exhibit A accurately shows the total cost of the project and all of the funds that are available for the completion of the project. Grantee agrees that it will pay for any costs that are ineligible for reimbursement and for any amount by which the costs exceed State's total obligation in section 4.1.3. Grantee will return to State any amount appropriated but not required.

4.1.3 **Total Obligation.** The total obligation of the State for all compensation and reimbursements to Grantee under this agreement will not exceed **\$1,332,612.70**.

#### 4.2 Payment

4.2.1 **Invoices.** Grantee will submit state aid pay requests for reimbursements requested under this grant agreement. The State will promptly pay Grantee after Grantee presents an itemized invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services.

4.2.2 **All Invoices Subject to Audit.** All invoices are subject to audit, at State's discretion.

4.2.3 **State's Payment Requirements.** State will promptly pay all valid obligations under this agreement as required by Minnesota Statutes §16A.124. State will make undisputed payments no later than 30 days after receiving Grantee's invoices and progress reports for services performed. If an invoice is incorrect, defective or otherwise improper, State will notify Grantee within ten days of discovering the error. After State receives the corrected invoice, State will pay Grantee within 30 days of receipt of such invoice.

4.2.4 **Grant Monitoring Visit and Financial Reconciliation.** During the period of performance, the State will make at least annual monitoring visits and conduct annual financial reconciliations of Grantee's expenditures.

4.2.4.1 The State's Authorized Representative will notify Grantee's Authorized Representative where and when any monitoring visit and financial reconciliation will take place, which State employees and/or contractors will participate, and which Grantee staff members should be present. Grantee will be provided with at least seven calendar days of notice prior to any monitoring visit or financial reconciliation.

4.2.4.2 Following a monitoring visit or financial reconciliation, Grantee will take timely and appropriate action on all deficiencies identified by State.

4.2.4.3 At least one monitoring visit and one financial reconciliation must be completed prior to final payment being made to Grantee.

4.2.5 **Unexpended Funds.** The Grantee must promptly return to the State at grant closeout any unexpended funds that have not been accounted for in a financial report submitted to the State.

4.2.6 **Closeout.** The State will determine, at its sole discretion, whether a closeout audit is required prior to final payment approval. If a closeout audit is required, final payment will be held until the audit has been completed. Monitoring of any capital assets acquired with grant funds will continue following grant closeout.

4.3 **Contracting and Bidding Requirements.** If Grantee is a municipality as defined by Minn. Stat. § 471.345, subdivision 1, then Grantee shall comply with the requirements of Minn. Stat. § 471.345 for all procurement under this Agreement.

### 5 Conditions of Payment

All services provided by Grantee under this agreement must be performed to the State's satisfaction, as determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state, or local law.

### 6 Authorized Representatives

6.1 The State's Authorized Representative is:

Marc Briese,  
Programs Engineer,  
MnDOT State Aid Office  
395 John Ireland Boulevard, MS 500  
St. Paul, MN 55155  
Office: 651-366-3802  
marc.briese@state.mn.us

or his/her successor. State's Authorized Representative has the responsibility to monitor Grantee's performance and the authority to accept the services provided under this agreement. If the services are satisfactory, the State's Authorized Representative will certify acceptance on each invoice submitted for payment.

6.2 Grantee's Authorized Representative is:

**Phil Olson, City Engineer, 14600 Minnetonka Boulevard, Minnetonka, MN 55345, 952-939-8239, polson@minnetonkamn.gov.** If Grantee's Authorized Representative changes at any time during this agreement, Grantee will immediately notify the State.

## 7 Assignment Amendments, Waiver, and Grant Agreement Complete

7.1 **Assignment.** The Grantee may neither assign nor transfer any rights or obligations under this agreement without the prior written consent of the State and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this agreement, or their successors in office.

7.2 **Amendments.** Any amendments to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.

7.3 **Waiver.** If the State fails to enforce any provision of this agreement, that failure does not waive the provision or the State's right to subsequently enforce it.

7.4 **Grant Agreement Complete.** This grant agreement contains all negotiations and agreements between the State and Grantee. No other understanding regarding this agreement, whether written or oral, may be used to bind either party.

## 8 Liability

Grantee and State agree that each will be responsible for its own acts and the results thereof to the extent authorized by law, and neither shall be responsible for the acts of the other party and the results thereof. The liability of State is governed by the provisions of Minn. Stat. Sec. 3.736. If Grantee is a "municipality" as that term is used in Minn. Stat. Chapter 466, then the liability of Grantee is governed by the provisions of Chapter 466. Grantee's liability hereunder shall not be limited to the extent of insurance carried by or provided by Grantee, or subject to any exclusion from coverage in any insurance policy.

## 9 State Audits

Under Minn. Stat. § 16B.98, Subd.8, the Grantee's books, records, documents, and accounting procedures and practices of Grantee, or other party relevant to this grant agreement or transaction, are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this agreement, receipt and approval of all final reports, or the required period of time to satisfy all state and program retention requirements, whichever is later. Grantee will take timely and appropriate action on all deficiencies identified by an audit.

## 10 Government Data Practices and Intellectual Property Rights

10.1 **Government Data Practices.** Grantee and State must comply with the Minnesota Government Data Practices Act, [Minn. Stat. Ch. 13](#), as it applies to all data provided by the State under this grant agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this agreement. The civil remedies of [Minn. Stat. §13.08](#) apply to the release of the data referred to in this clause by either Grantee or the State.

## 11 Workers Compensation

The Grantee certifies that it is in compliance with [Minn. Stat. §176.181](#), Subd. 2, pertaining to workers' compensation

insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

## 12 Governing Law, Jurisdiction, and Venue

Minnesota law, without regard to its choice-of-law provisions, governs this agreement. Venue for all legal proceedings out of this agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

## 13 Termination; Suspension

13.1 **Termination by the State.** The State may terminate this agreement with or without cause, upon 30 days written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

13.2 **Termination for Cause.** The State may immediately terminate this grant agreement if the State finds that there has been a failure to comply with the provisions of this agreement, that reasonable progress has not been made, that fraudulent or wasteful activity has occurred, that Grantee has been convicted of a criminal offense relating to a state grant agreement, or that the purposes for which the funds were granted have not been or will not be fulfilled. The State may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

13.3 **Termination for Insufficient Funding.** The State may immediately terminate this agreement if:

13.3.1 It does not obtain funding from the Minnesota Legislature; or

13.3.2 If funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the Grantee. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. The State will provide the Grantee notice of the lack of funding within a reasonable time of the State's receiving that notice.

13.4 **Suspension.** The State may immediately suspend this agreement in the event of a total or partial government shutdown due to the failure to have an approved budget by the legal deadline. Work performed by the Grantee during a period of suspension will be deemed unauthorized and undertaken at risk of non-payment.

## 14 Data Disclosure

Under [Minn. Stat. § 270C.65](#), Subd. 3, and other applicable law, Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any.

15 **Fund Use Prohibited.** The Grantee will not utilize any funds received pursuant to this Agreement to compensate, either directly or indirectly, any contractor, corporation, partnership, or business, however organized, which is disqualified or debarred from entering into or receiving a State contract. This restriction applies regardless of whether the disqualified or debarred party acts in the capacity of a general contractor, a subcontractor, or as an equipment or material supplier. This restriction does not prevent the Grantee from utilizing these funds to pay any party who might be disqualified or debarred after the Grantee's contract award on this Project.

16 **Discrimination Prohibited by Minnesota Statutes §181.59.** Grantee will comply with the provisions of Minnesota Statutes §181.59 which requires that every contract for or on behalf of the State of Minnesota, or any county, city, town, township, school, school district or any other district in the state, for materials, supplies or construction will contain provisions by which Contractor agrees: 1) That, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no Contractor, material supplier or vendor, will, by reason of race, creed or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; 2) That no Contractor, material supplier,



or vendor, will, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in clause 1 of this section, or on being hired, prevent or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed or color; 3) That a violation of this section is a misdemeanor; and 4) That this contract may be canceled or terminated by the state of Minnesota, or any county, city, town, township, school, school district or any other person authorized to grant contracts for employment, and all money due, or to become due under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this Agreement.

17 **Limitation.** Under this Agreement, the State is only responsible for receiving and disbursing funds. Nothing in this Agreement will be construed to make the State a principal, co-principal, partner, or joint venturer with respect to the Project(s) covered herein. The State may provide technical advice and assistance as requested by the Grantee, however, the Grantee will remain responsible for providing direction to its contractors and consultants and for administering its contracts with such entities. The Grantee's consultants and contractors are not intended to be third party beneficiaries of this Agreement.

## 18 Additional Provisions

18.1 **Prevailing Wages.** Grantee agrees to comply with all of the applicable provisions contained in Minnesota Statutes Chapter 177, and specifically those provisions contained in Minn. Stat. §. 177.41 through 177.435 as they may be amended or replaced from time to time with respect to the project. By agreeing to this provision, Grantee is not acknowledging or agreeing that the cited provisions apply to the project.

18.2 **E-Verification.** Grantee agrees and acknowledges that it is aware of Minn.Stat. § 16C.075 regarding e-verification of employment of all newly hired employees to confirm that such employees are legally entitled to work in the United States, and that it will, if and when applicable, fully comply with such order.

18.3 **Telecommunications Certification.** If federal funds are included in Exhibit A, by signing this agreement Grantee certifies that, consistent with Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. 115-232 (Aug. 13, 2018), Grantee does not and will not use any equipment, system, or service that uses "covered telecommunications equipment or services" (as that term is defined in Section 889 of the Act) as a substantial or essential component of any system or as critical technology as part of any system. Grantee will include this certification as a flow down clause in any contract related to this agreement.

18.4 **Title VI/Non-discrimination Assurances.** Grantee agrees to comply with all applicable US DOT Standard Title VI/Non-Discrimination Assurances contained in DOT Order No. 1050.2A, and in particular Appendices A and E, which can be found at: [https://edocs-public.dot.state.mn.us/edocs\\_public/DMResultSet/download?docId=11149035](https://edocs-public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=11149035). Grantee will ensure the appendices and solicitation language within the assurances are inserted into contracts as required. State may conduct a review of the Grantee's compliance with this provision. The Grantee must cooperate with State throughout the review process by supplying all requested information and documentation to State, making Grantee staff and officials available for meetings as requested, and correcting any areas of non-compliance as determined by State.

18.5 **Use, Maintenance, Repair and Alterations.** The Public Entity shall not, without the written consent of MnDOT and the Commissioner, (i) permit or allow the use of any of the property improved with these grants funds (the Real Property) for any purpose other than in conjunction with or for the operation of a county highway, county state-aid highway, town road, or city street or for other uses customarily associated therewith, such as trails and utility corridors, (ii) substantially alter any of the Real Property except such alterations as may be required by laws, ordinances or regulations, or such other alterations as may improve the Real Property by increasing its value or which improve its ability to be used for the purposes set forth in section (i), (iii) take any action which would unduly impair or depreciate the value of the Real Property, (iv) abandon the Real Property, or (v) commit or permit any act to be done in or on the Real Property in violation of any law, ordinance or regulation.

If the Public Entity fails to maintain the Real Property in accordance with this Section, MnDOT may perform whatever acts and expend whatever funds necessary to so maintain the Real Property, and the Public Entity irrevocably authorizes MnDOT to enter upon the Real Property to perform such acts as may be necessary to so

maintain the Real Property. Any actions taken or funds expended by MnDOT shall be at its sole discretion, and nothing contained herein shall require MnDOT to take any action or incur any expense and MnDOT shall not be responsible, or liable to the Public Entity or any other entity, for any such acts that are performed in good faith and not in a negligent manner. Any funds expended by MnDOT pursuant to this Section shall be due and payable on demand by MnDOT and will bear interest from the date of payment by MnDOT at a rate equal to the lesser of the maximum interest rate allowed by law or 18% per year based upon a 365-day year.

**[The remainder of this page has intentionally been left blank.]**

**GRANTEE**

*The Grantee certifies that the appropriate person(s) have executed the grant agreement on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.*

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_  
(with delegated authority)

Title: State Aid Programs Engineer

Date: \_\_\_\_\_

**DEPARTMENT OF TRANSPORTATION  
OFFICE OF FINANCIAL MANAGEMENT – GRANT UNIT**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**DEPARTMENT OF TRANSPORTATION  
CONTRACT MANAGEMENT**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT A-1**

**SOURCES AND USES OF FUNDS SCHEDULE**  
 Br No 27C26; SAP 142-148-007

<b>SOURCES OF FUNDS</b>		<b>USES OF FUNDS</b>	
<b>Entity Supplying Funds</b>	<b>Amount</b>	<b>Expenses</b>	<b>Amount</b>
<b>State Funds:</b>		<b>Items Paid for with LBRP</b>	
LBRP General Fund Grant	\$273,499.56	<b>General Fund Grant</b>	
		<b>Funds:</b>	
Other:		<u>Bridge Construction</u>	\$263,387.53
	\$	<u>Road Construction</u>	\$10,112.03
	\$		\$
	\$		\$
Subtotal	\$273,499.56	Subtotal	\$273,499.56
<b>Public Entity Funds:</b>		<b>Items paid for with Non-</b>	
Matching Funds		<b>LBRP General Fund</b>	
		<b>Grant Funds:</b>	
Local Match	\$1,355,578.10	<u>Bridge Construction</u>	\$297,725.78
		<u>Road Construction</u>	\$597,815.54
Other:		<u>Utility Construction</u>	\$238,949.63
		<u>Storm Construction</u>	\$221,087.15
Subtotal	\$1,355,578.10	Subtotal	\$1,355,578.10
<b>TOTAL FUNDS</b>	<b>\$1,629,077.66</b>	<b>= TOTAL PROJECT COSTS</b>	<b>\$1,629,077.66</b>

**EXHIBIT A-2**

**SOURCES AND USES OF FUNDS SCHEDULE**  
 Br No 27C27; SAP 142-594-001

**SOURCES OF FUNDS**

<b>Entity Supplying Funds</b>	<b>Amount</b>
<b>State Funds:</b>	
LBRP General Fund Grant	<u>\$548,492.10</u>
Other:	
	\$
	\$
	\$
Subtotal	<u>\$548,492.10</u>
<b>Public Entity Funds:</b>	
Matching Funds	
Local Match	<u>\$915,381.28</u>
Other:	
	\$
Subtotal	<u>\$915,381.28</u>
<b>TOTAL FUNDS</b>	<u>\$1,463,873.38</u>

**USES OF FUNDS**

<b>Expenses</b>	<b>Amount</b>
<b>Items Paid for with LBRP</b>	
<b>General Fund Grant</b>	
<b>Funds:</b>	
<u>Bridge Construction</u>	<u>\$527,111.06</u>
<u>Road Construction</u>	<u>\$21,381.04</u>
	\$
	\$
Subtotal	<u>\$548,492.10</u>
<b>Items paid for with Non-</b>	
<b>LBRP General Fund</b>	
<b>Grant Funds:</b>	
<u>Bridge Construction</u>	<u>\$34,338.25</u>
<u>Road Construction</u>	<u>\$513,328.40</u>
<u>Utility Construction</u>	<u>\$285,257.97</u>
<u>Storm Construction</u>	<u>\$82,456.66</u>
Subtotal	<u>\$915,381.28</u>
<b>TOTAL PROJECT COSTS</b>	<u>\$1,463,873.38</u>

=

**EXHIBIT A-3**

**SOURCES AND USES OF FUNDS SCHEDULE**  
 Br No 27C21; SAP 142-594-002

<b>SOURCES OF FUNDS</b>		<b>USES OF FUNDS</b>	
<b>Entity Supplying Funds</b>	<b>Amount</b>	<b>Expenses</b>	<b>Amount</b>
<b>State Funds:</b>		<b>Items Paid for with LBRP</b>	
LBRP General Fund Grant	\$510,621.04	<b>General Fund Grant</b>	
<b>Other:</b>		<b>Funds:</b>	
	\$	Bridge Construction	\$494,446.96
	\$	Road Construction	\$16,174.08
	\$		\$
	\$		\$
Subtotal	\$510,621.04	Subtotal	\$510,621.04
<b>Public Entity Funds:</b>		<b>Items paid for with Non-</b>	
Matching Funds	\$	<b>LBRP General Fund</b>	
		<b>Grant Funds:</b>	
Local Match	\$1,191,903.36	Bridge Construction	\$34,406.15
	\$	Road Construction	\$840,215.87
Other:	\$	Utility Construction	\$91,699.88
		Storm Construction	\$225,581.46
Subtotal	\$1,191,903.36	Subtotal	\$1,191,903.36
<b>TOTAL FUNDS</b>	<b>\$1,702,524.40</b>	<b>TOTAL PROJECT COSTS</b>	<b>\$1,702,524.40</b>

**EXHIBIT B**

GRANT APPLICATION

Attach the grant application for the project



# APPLICATION FOR BRIDGE FUNDS

State of Minnesota - Department of Transportation  
State Aid for Local Transportation

<b>Identification</b>	Project Number	<u>142-148-007</u>	Old Bridge Number	<u>L9618</u>
	New Bridge No.	<u>27C26</u>	Over	<u>Ped- Bike</u>
	County of	<u>Hennepin</u>	Road or Street No.	<u>MSAS 148</u>
	Township of	<u>Minnetonka (MUN)</u>	Road or Street Name	<u>Bren Road West</u>
	Municipality of		Proposed Const Year	<u>2016-2018</u>
	Does the municipality have a population of 5,000 or less? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>Eligibility</b>	Bridge Sufficiency Rating <u>79.0</u>		Is this bridge hydraulically deficient? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Adequacy Status from Structure Inventory <input type="checkbox"/> Structurally Deficient <input checked="" type="checkbox"/> Functionally Obsolete <input type="checkbox"/> Adequate			
	Date of Council/Board action prioritizing this bridge <u>02-09-2015</u>			
	Is this a road-in-lieu of bridge project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>Prioritization</b>	How many people are affected by this deficiency? <u>51,368</u>		What is the ADT on this bridge? <u>7101</u>	
	Describe the economic importance of replacing this bridge.			
	Opus II Business Park is classified as an area of major change. The City of Minnetonka expects significant redevelopment within Opus over the next 20 years due to the SWLRT line and station. Additionally, the current bridges are functionally obsolete. The replacement bridges will incorporate current MnDOT State Aid standards for vertical clearance as well accommodate City of Minnetonka maintenance equipment requirements. The new bridges will be constructed using innovate and cost effective abutments known as Geosynthetic Reinforced Soil (GRS) abutments.			
	Is the road designated or planned to be designated as a Minimum Maintenance road? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	(Attach additional sheets for explanation if necessary)			
Is the township net tax capacity less than \$300,000? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Is the bridge listed on the National Register of Historic Places or been determined to be eligible? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
National Register of Historic Places link here: <a href="http://www.nps.gov/history/nr/research/">http://www.nps.gov/history/nr/research/</a>				
<b>Cost Estimate</b>		<b>Eligible Amount</b>		<b>Ineligible Amount</b>
	Structure Costs	\$ 344,945.00	\$ 28,910.40	
	Approach Costs	\$ 31,848.85	\$ 600,044.99	
	Engineering Costs	\$ 0.00	\$ 57,666.00	
	Total Costs	\$ 376,793.85	\$ 686,621.39	
	Total Project Cost		\$ 1,063,415.24	
_____ County/City Engineer		_____ Date <u>4-20-16</u>		
<b>DSAE</b>	DISTRICT STATE AID ENGINEER RECOMMENDATION			
	Replace <u>X</u>	Defer _____	For  _____ District State Aid Engineer Signature	
				Date <u>4-27-16</u>
<b>Approval</b>	STATE AID USE ONLY		Federal-Aid	\$
			State-Aid	\$
			Local/Other	\$
			Town Bridge	\$
			Unallocated Town Bridge	\$
			State Bridge Funds	\$
			Total	\$





# APPLICATION FOR BRIDGE FUNDS

State of Minnesota - Department of Transportation  
State Aid for Local Transportation

Identification	Project Number	<u>142-594-001</u>	Old Bridge Number	<u>L9619</u>	
	New Bridge No.	<u>27C27</u>	Over	<u>Ped - Bike</u>	
	County of	<u>Hennepin</u>	Road or Street No.	<u>MUN 780</u>	
	Township of	<u>Minnetonka (MUN)</u>	Road or Street Name	<u>Bren Road East</u>	
	Municipality of		Proposed Const Year	<u>2016-2018</u>	
	Does the municipality have a population of 5,000 or less? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Eligibility	Bridge Sufficiency Rating <u>78.8</u>		Is this bridge hydraulically deficient? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
	Adequacy Status from Structure Inventory <input type="checkbox"/> Structurally Deficient <input checked="" type="checkbox"/> Functionally Obsolete <input type="checkbox"/> Adequate				
	Date of Council/Board action prioritizing this bridge <u>02-09-2015</u>		Is this a road-in-lieu of bridge project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Prioritization	How many people are affected by this deficiency? <u>51,368</u>		What is the ADT on this bridge? <u>7591</u>		
	Describe the economic importance of replacing this bridge.				
	Opus II Business Park is classified as an area of major change. The City of Minnetonka expects significant redevelopment within Opus over the next 20 years due to the SWLRT line and station. Additionally, the current bridges are functionally obsolete. The replacement bridges will incorporate current MnDOT State Aid standards for vertical clearance as well accommodate City of Minnetonka maintenance equipment requirements. The new bridges will be constructed using innovate and cost effective abutments known as Geosynthetic Reinforced Soil (GRS) abutments.				
	Is the road designated or planned to be designated as a Minimum Maintenance road? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		(Attach additional sheets for explanation if necessary)		
	Is the township net tax capacity less than \$300,000? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Is the bridge listed on the National Register of Historic Places or been determined to be eligible? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
National Register of Historic Places link here: <a href="http://www.nps.gov/history/nri/research/">http://www.nps.gov/history/nri/research/</a>					
Cost Estimate		Eligible Amount		Ineligible Amount	
	Structure Costs	\$ 345,407.00	\$ 28,910.40		
	Approach Costs	\$ 30,582.91	\$ 445,181.71		
	Engineering Costs	\$ 0.00	\$ 57,666.00		
	Total Costs	\$ 375,989.91	\$ 531,758.11		
	Total Project Cost		\$ 907,748.02		
County/City Engineer		Date <u>4-20-16</u>			
DSAE	DISTRICT STATE AID ENGINEER RECOMMENDATION				
	Replace <input checked="" type="checkbox"/>	Defer <input type="checkbox"/>	District State Aid Engineer Signature <u>Jacqui Dresel</u> Date <u>4-27-16</u>		
Approval	STATE AID USE ONLY		Federal-Aid	\$	
			State-Aid	\$	
			Local/Other	\$	
			Town Bridge	\$	
			Unallocated Town Bridge	\$	
			State Bridge Funds	\$	
			Total	\$	



# APPLICATION FOR BRIDGE FUNDS

State of Minnesota - Department of Transportation  
State Aid for Local Transportation

<b>Identification</b>	Project Number	<u>142-594-002</u>	Old Bridge Number	<u>L9607</u>
	New Bridge No.	<u>27C21</u>	Over	<u>Ped Bike</u>
	County of	<u>Hennepin</u>	Road or Street No.	<u>MUN 780</u>
	Township of	<u>Minnetonka (MUN)</u>	Road or Street Name	<u>Bren Road East</u>
	Municipality of		Proposed Const Year	<u>2016-2018</u>
	Does the municipality have a population of 5,000 or less? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>Eligibility</b>	Bridge Sufficiency Rating <u>75.6</u>		Is this bridge hydraulically deficient? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Adequacy Status from Structure Inventory <input type="checkbox"/> Structurally Deficient <input checked="" type="checkbox"/> Functionally Obsolete <input type="checkbox"/> Adequate		Date of Council/Board action prioritizing this bridge <u>02-09-2015</u>	
	Is this a road-in-lieu of bridge project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>Prioritization</b>	How many people are affected by this deficiency? <u>51,368</u>		What is the ADT on this bridge? <u>7450</u>	
	Describe the economic importance of replacing this bridge.			
	Opus II Business Park is classified as an area of major change. The City of Minnetonka expects significant redevelopment within Opus over the next 20 years due to the SWLRT line and station. Additionally, the current bridges are functionally obsolete. The replacement bridges will incorporate current MnDOT State Aid standards for vertical clearance as well accommodate City of Minnetonka maintenance equipment requirements. The new bridges will be constructed using innovate and cost effective abutments known as Geosynthetic Reinforced Soil (GRS) abutments.			
	Is the road designated or planned to be designated as a Minimum Maintenance road? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		(Attach additional sheets for explanation if necessary)	
	Is the township net tax capacity less than \$300,000? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Is the bridge listed on the National Register of Historic Places or been determined to be eligible? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
National Register of Historic Places link here: <a href="http://www.nps.gov/history/nr/research/">http://www.nps.gov/history/nr/research/</a>				
<b>Cost Estimate</b>		Eligible Amount		Ineligible Amount
	Structure Costs	\$ 338,556.25	\$ 29,708.40	
	Approach Costs	\$ 23,879.24	\$ 737,526.10	
	Engineering Costs	\$ 0	\$ 57,666.00	
	Total Costs	\$ 362,435.49	\$ 824,900.50	
	Total Project Cost		\$ 1,187,335.99	
			<u>4-20-16</u> Date	
	County/City Engineer			
<b>DSAE</b>	DISTRICT STATE AID ENGINEER RECOMMENDATION			
	Replace <input checked="" type="checkbox"/>	Defer <input type="checkbox"/>	For	
			District State Aid Engineer Signature	
			<u>4-27-16</u> Date	
<b>Approval</b>	STATE AID USE ONLY		Federal-Aid	\$
			State-Aid	\$
			Local/Other	\$
			Town Bridge	\$
			Unallocated Town Bridge	\$
			State Bridge Funds	\$
			Total	\$

**EXHIBIT C**

**GRANTEE RESOLUTION APPROVING GRANT AGREEMENT**

**Resolution No. 2022-**

**Resolution for grant agreement to state transportation fund (local bridge replacement program), grant terms and conditions for the Opus Area Bridge Improvements – Phase III project: SAP 142-148-007 / SAP 142-594-001 / SAP 142-594-002**

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

Section 1. Background.

- 1.01 The City of Minnetonka has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for construction of Bridge Nos. 27C26, 27C27, 27C21; and
- 1.02 The Commissioner of Transportation has given notice that funding for this project is available; and
- 1.03 The amount of the grant has been determined to be \$1,332,612.70 by reason of the lowest responsible bid;

Section 2. Council Action.

- 2.01 The City of Minnetonka does hereby agree to the terms and conditions of the grant consistent with Minnesota Statutes, section 174.50, and will pay any additional amount by which the cost exceeds the estimate, and will return to the Minnesota State Transportation Fund any amount appropriated for the bridge but not required. The proper city officers are authorized to execute a grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above-referenced grant.

Adopted by the City Council of the City of Minnetonka, Minnesota, on March 7, 2022.

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Brad Wiersum, Mayor  
ATTEST:

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Becky Koosman, City Clerk

**Action on this resolution:**

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on March 7, 2022.

---

Becky Koosman, City Clerk



**City Council Agenda Item 10A  
Meeting of March 7, 2022**

**Title:** Ordinance amending the existing Minnetonka Corporate Center master development plan as it pertains to 6000 Clearwater Drive

**Report From:** Susan Thomas, AICP, Assistant City Planner

**Submitted through:** Mike Funk, Acting City Manager  
Julie Wischnack, AICP, Community Development Director

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**Action Requested:**  Motion     Informational     Public Hearing  
**Form of Action:**     Resolution     Ordinance     Contract/Agreement     Other     N/A  
**Votes needed:**     4 votes     5 votes     N/A     Other

---

**Summary Statement**

King Technology is proposing to convert underground parking in the 6000 Clearwater Drive building to research and development space. As the property is designated for office use, this conversion requires an amendment to the site's existing master development plan. Amendments of this type can only be done by ordinance.

**Recommended Action**

Adopt the ordinance approving the amendment.

**Strategic Profile Relatability**

- |  |   |
|--|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community           |
| <input type="checkbox"/> Sustainability & Natural Resources          | <input type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management           | <input type="checkbox"/> Community Inclusiveness            |
| <input checked="" type="checkbox"/> N/A                              |   |

Statement: N/A

**Financial Consideration**

Is there a financial consideration?     No     Yes [Enter estimated or exact dollar amount]  
Financing sources:     Budgeted     Budget Modification     New Revenue Source  
 Use of Reserves     Other [Enter]

Statement: N/A

**Planning Commission Meeting**

The planning commission considered the master development plan on March 3, 2022. Specific commission discussion and vote were not available at the time of the report. This information will be provided to the council by change memo on March 7, 2022.

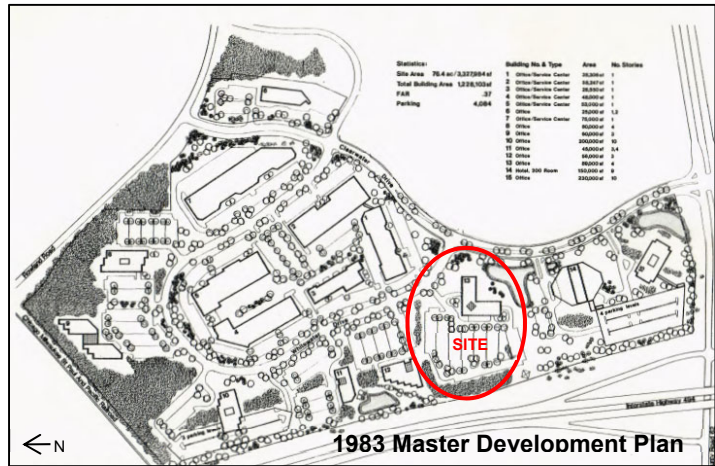
**MINNETONKA PLANNING COMMISSION**  
**March 3, 2022**

**Brief Description** Ordinance amending the existing Minnetonka Corporate Center master development plan as it pertains to 6000 Clearwater Drive

**Recommendation** Recommend the city council adopt the ordinance.

**Background**

The subject property is located within the 77-acre Minnetonka Corporate Center and is subject to the Minnetonka Corporate Center master development plan. The plan was approved in 1983 and originally envisioned a business park containing 15 development sites. The plan designated each of the sites for general office, service center, and hotel uses. Since its approval, the Minnetonka Corporate Center master development plan has been amended on several occasions.



**Proposal**

King Technology specializes in recreational water sanitizing solutions. (For more information, see their [website](#).) The company has outgrown its current location in Hopkins and proposes purchasing and occupying the four-story office building at 6000 Clearwater Drive. The building's existing underground parking area would be converted to research and development space to accommodate King Technology. As the property is designated for general office use, the master development plan must be amended to allow for this non-office use.

**Staff Analysis**

The proposed amendment is reasonable for two primary reasons:

- **Parking.** The conversion of the parking area to useable space would reduce on-site parking while at the same time increasing the building's parking requirement. Nevertheless, city code parking standards would continue to be met on-site through the use of proof-of-parking.

Parking Stalls Required	Existing Use	Proposed Use
Office Use	375	375
Research and Development	-	26



Storage	-	13
<b>TOTAL REQUIRED</b>	<b>375 stalls</b>	<b>414 stalls</b>
<b>TOTAL AVAILABLE</b>	374 constructed surface stalls + 43 proof-of-parking = <b>417 stalls</b>	

The applicant anticipates that the existing, constructed stalls would meet their current and future business needs. As a condition of approval, the proof-of-parking stalls would be constructed in the future only after the city has confirmed that parking demand regularly exceeds parking supply.

- **Intensity of Use.** As described to staff, the research and development component of King Technology would not be independently staffed – meaning individual staff would utilize this area *in addition to* their offices in other parts of the building, not *instead of* offices in other parts of the building – and no manufacturing would occur in the building. The staff-drafted amendment specifies these conditions, putting any future building owner or tenant on notice as to how this space could be used.

### Staff Recommendation

Recommend that the city council adopt the ordinance amending the existing Minnetonka Corporate Center master development plan as it pertains to 6000 Clearwater Drive.

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

**Supporting Information**

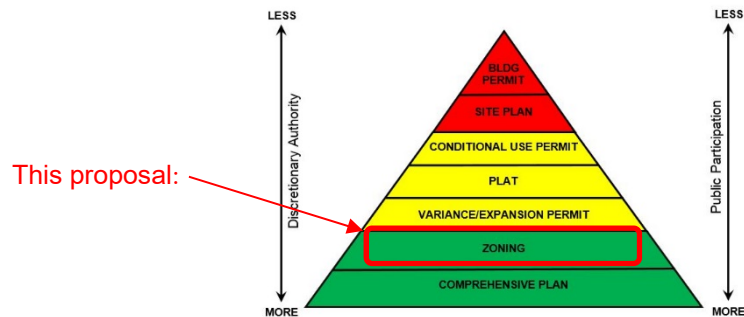
**Surrounding Land Uses**  
 North: Office building, zoned PUD  
 South: Daycare and hotel, zoned PUD  
 East: Office building, zoned PUD  
 West: Interstate 494

**Planning**  
 Guide Plan designation: mixed-use  
 Zoning: PUD, planned unit development

**Parking Easements** The subject property is encumbered by and, conversely, benefits from parking easements. The 374 constructed stalls noted in this report as “available” accounts for these easements.

	Parking Stalls
On-site surface stalls at 6000 Clearwater Drive	427
On-site surface stalls for the use of 12900 Whitewater	-100
Off-site surface stalls for the use of 6000 Clearwater	+47
<b>TOTAL STALLS for the exclusive use of 6000 Clearwater</b>	<b>374</b>

**Pyramid of Discretion**



**Voting Requirement** The planning commission will make a recommendation to the city council. Both the commission’s recommendation and the city council’s final decision require an affirmative vote of a simple majority.

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

1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution denying the request.
2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council approve the request. This motion must include a statement as to how the ordinance standards are 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 45 area property owners and received no responses to date.

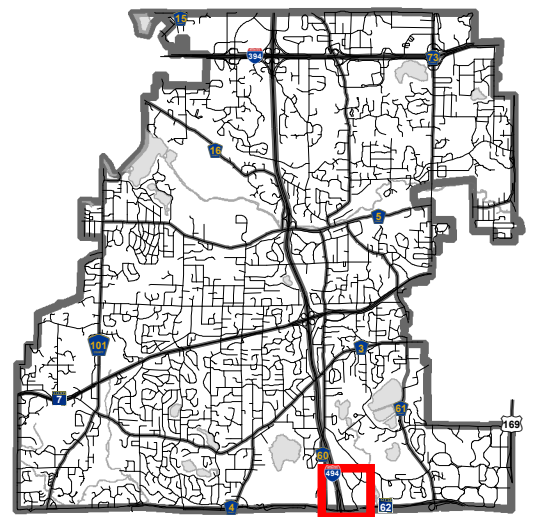
**Deadline for  
Decision**

**May 28, 2022**



### Location Map

Project: King Technology  
Address: 6000 Clearwater Drive



**City of Minnetonka  
Master Development Plan Application - Amendment  
King Technology, Inc.  
January 19, 2022**

**Background - King Technology, Inc.**

King Technology, Inc. is a researcher, developer, and manufacturer of specialized sanitizing solutions for the recreational water industry. The company was started in 1979 in Hopkins, MN, and is a privately owned business run by the King family since inception. This year represented the 25 year anniversary of the FROG brand of patented products which are uniquely designed to sanitize hot tubs and pools using minerals plus chlorine or bromine. King has enjoyed tremendous growth due to dedication to inventing products that work and are easy to use.

The pool and hot tub industry has experienced solid, steady growth over the past twenty years. Consumers continue to install new pools and spas every year, and the demand for these products has only increased with the advent of the pandemic, with short and long term prospects painting a positive picture over the coming years. King Technology has developed strategic partnerships with the major pool and hot tub manufacturers and distributors such as Jacuzzi, Hot Springs and Bullfrog to bundle King's chemical delivery solution on new system sales. With its unique delivery, chemistry, and ease of use, the FROG brand is becoming the industry standard, as evidenced by King's ability to gain market share and traction at an exponential pace.

King Technology, Inc., is proposing a major capital investment through the purchase and renovation of an existing building at 6000 Clearwater, Minnetonka, Minnesota. The intent is to expand operations to allow for anticipated growth in a larger footprint. The new location will house all of the company's existing departments, including Research & Development, Marketing, Sales, Operations, Human Resources, IT, Finance and the Executive team. The building is owned by Associated Bank, and is comprised of 100,000 square feet of office space, plus an underground level.

The office layout on the first two floors will be redesigned and expanded to accommodate the footprint for existing employees and future growth. The plan includes enhancement of the kitchen/cafeteria along with a micro-market, provision of ample training and conference areas, addition of a fitness center, building of internal stairs to connect the first two floors, and prominent display of company and product history in the lobby entrance.

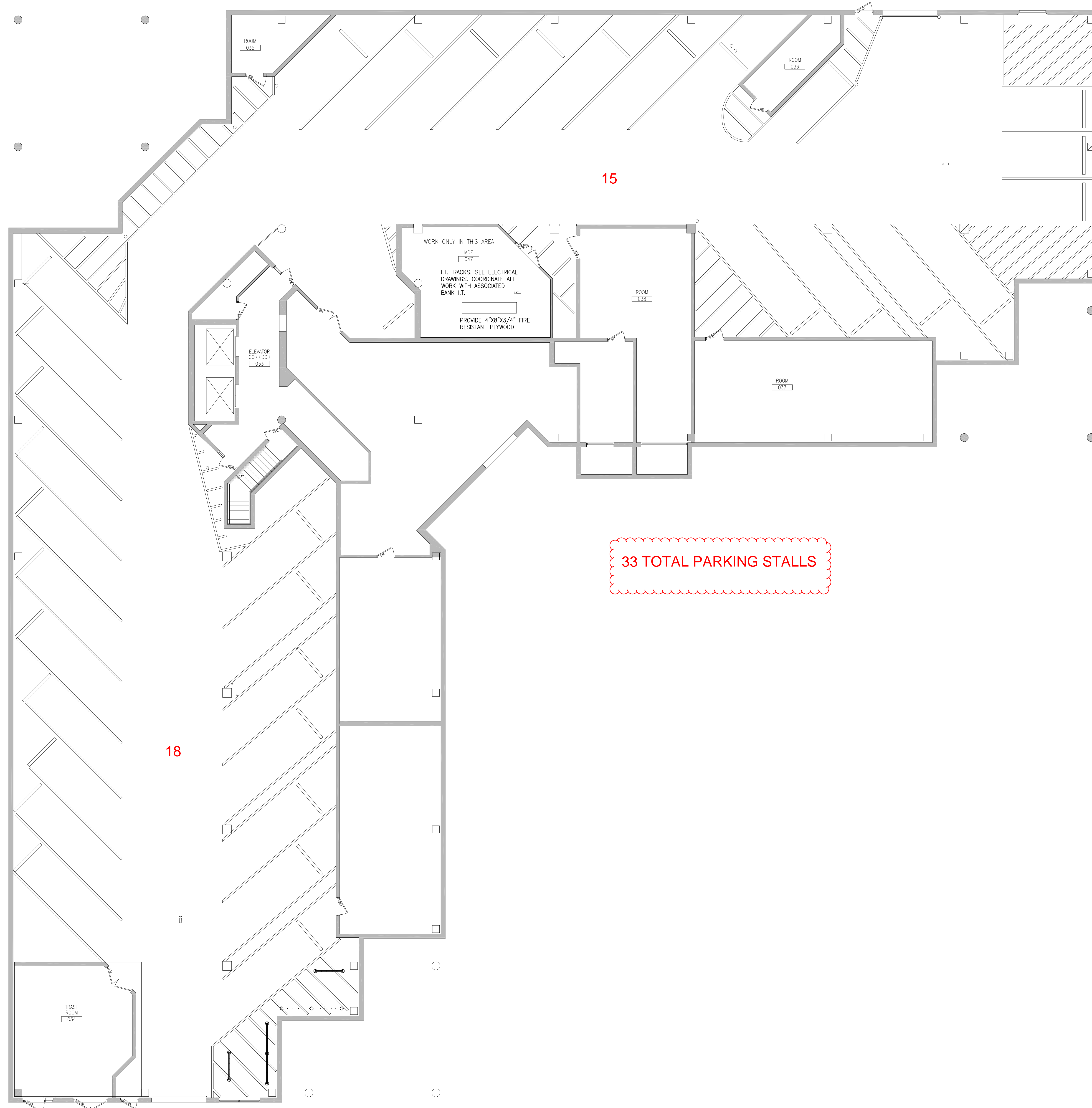
**Utilization of Lower Level - King Technology, Inc.**

The lower, or underground, level of the building will be transformed from underground parking into an Innovation Center to support the technical research and development activities of the company. As an enterprise focused on research and development, King will use the space to house hot tubs, swim spas and other small bodies of water to conduct tests on the sanitizing efficacy of King products as well as competitive solutions. A collaboration space will be added for creative meetings with marketing, sales and external customers to develop new product concepts, while additional space will be allocated for lab and bench testing. The underground level will also be used for warehouse and excess storage space.

**Existing Parking - King Technology, Inc.**

King has analyzed the existing parking at 6000 Clearwater, and has determined that it is more than adequate to meet the current and future business needs of the company and other tenants in the building.

Current lower level plan







**CITY OF  
MINNETONKA**

**6000 Clearwater Drive**

**PROOF-OF-PARKING  
AREAS**

**NOT AN ACCURATE SURVEY  
For illustrative purposes only.**



## **Ordinance No. 2022-**

### **An ordinance rezoning the property at 14317 Excelsior Boulevard from R-1, low density residential district, to PUD, planned unit development, and adopting a master development plan**

---

The City Of Minnetonka Ordains:

#### Section 1.

- 1.01 The property at 14317 Excelsior Boulevard is hereby rezoned from R-1, low-density residential, to planned unit development, PUD.
- 1.02 The property is legally described as Lot 1, Block 1, GLEN LAKE APARTMENTS.

#### Section 2.

- 2.01 This ordinance is based on the following findings:
1. The rezoning to PUD would result in a development compatible with the existing surrounding development type and intensity.
  2. The rezoning would be consistent with the intent of the zoning ordinance and the comprehensive guide plan.
  3. The rezoning would be consistent with the public health, safety, and welfare.
- 2.02 This ordinance is subject to the following conditions:
1. The site must be developed and maintained in substantial conformance with the following plans:
    - Site Plan, dated Jan. 31, 2022
    - Grading Plan, dated Jan. 31, 2022
    - Utility Plan, dated Jan. 31, 2022
    - Landscape Plan, dated Jan. 31, 2022
    - Building Elevations, dated Jan. 31, 2022

The above plans are hereby adopted as the master development plan for the site.

- 2. The development must further comply with all conditions outlined in City Council Resolution No. 2022-\_\_\_\_, adopted by the Minnetonka City Council on \_\_\_\_\_, 2022.

Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Brad Wiersum, Mayor

Attest:

\_\_\_\_\_  
Becky Koosman, City Clerk

**Action on this ordinance:**

Date of introduction: March 7, 2022  
 Date of adoption:  
 Motion for adoption:  
 Seconded by:  
 Voted in favor of:  
 Voted against:  
 Abstained:  
 Absent:  
 Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Becky Koosman, City Clerk



**City Council Agenda Item 12A  
Meeting of March 7, 2022**

**Title:** Ordinance establishing ward boundaries  
**Report From:** Becky Koosman, City Clerk  
**Submitted through:** Mike Funk, Acting City Manager  
Moranda Dammann, Acting Assistant City Manager  
Corrine Heine, City Attorney

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**Action Requested:** Motion    Informational    Public Hearing  
**Form of Action:**    Resolution    Ordinance    Contract/Agreement    Other    N/A  
**Votes needed:**    4 votes    5 votes    N/A    Other

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**Summary Statement**

Staff is proposing revision to the city ordinance section 105.010 establishing ward boundaries. These updates are due to the 2020 national census and redistricting process.

**Recommended Action**

Introduce the ordinance.

**Strategic Profile Relatability**

Financial Strength & Operational Excellence    Safe & Healthy Community  
Sustainability & Natural Environment    Livable & Well-Planned  
Development  
Infrastructure & Asset Management    Community Inclusiveness  
N/A

Statement: The proposed ordinance reflects the city's strategic priorities to ensuring fair and safe elections with access for all voters.

**Financial Consideration**

Is there a financial consideration?    No    Yes [Enter estimated or exact dollar amount]  
Financing sources:    Budgeted    Budget Modification    New Revenue Source  
Use of Reserves    Other [Enter]

## **Background**

The United States conducts a national census every ten years. A redistricting process follows the release of the census data with the goal of ensuring equal population distribution at various levels.

The first step that affects local redistricting is the drawing of the legislative and congressional district lines. These lines were drawn by a court appointed panel and released Feb. 15, 2022.

The second step is the drawing of the local ward boundaries. Each city must have adopted its redistricting plan by March 29, 2022. In considering the redistricting of ward boundaries statutory considerations are:

- Creating wards as equal in population as practicable
- Creating wards that are composed of compact and contiguous territory

Minnetonka's population is now 53,776. The population after the 2010 census was 49,734. The city's charter requires that: wards be compact and contiguous; the population of wards be as equal as practical (the equal number is the total city population, divided by the number of wards); and the difference between the ward with the lowest population and the ward with the highest population be no greater than 10 percent of the equal number. The following is the 2020 census data for each existing ward:

Ward 1: 13,582  
Ward 2: 13,368  
Ward 3: 14,004  
Ward 4: 12,822  
**Total: 53,776**

Staff is proposing one change to the ward boundaries. Maps are attached showing the current ward boundaries and the proposed changes.

Based on the census data, the equal number is 13,444. Although the population within existing Wards 1 and 2 are close to the equal number, the populations in existing Wards 3 and 4 are less close. The difference between the populations of Wards 3 and 4 is 1,182. Although that number is less than 10 percent of the equal number, the current ward lines do not produce a population that is "as equal as practical," as required by the charter. Staff produced a minor adjustment to achieve populations that are as equal as possible. The proposal would move part of Ward 3 into Ward 4. In the proposed adjustment, a section of Ward 3 lying west of County Road No. 101, between Valley Cove Court on the north and Minnetonka Regional Trail on the south, would move into Ward 4.

By making the proposed adjustment, the new ward population numbers are:

Ward 1: 13,582  
Ward 2: 13,368  
Ward 3: 13,735  
Ward 4: 13,091  
**Total: 53,776**

The city council is required to adopt an ordinance to change its boundaries. An ordinance accomplishing this redistricting is provided for introduction by the city council.

A public hearing notice will be published indicating that the city council will hold a public hearing on March 21 before adopting the ordinance. The ordinance must be adopted before March 29, but its effective date is Aug. 8, 2022, the date of the 2022 state primary.

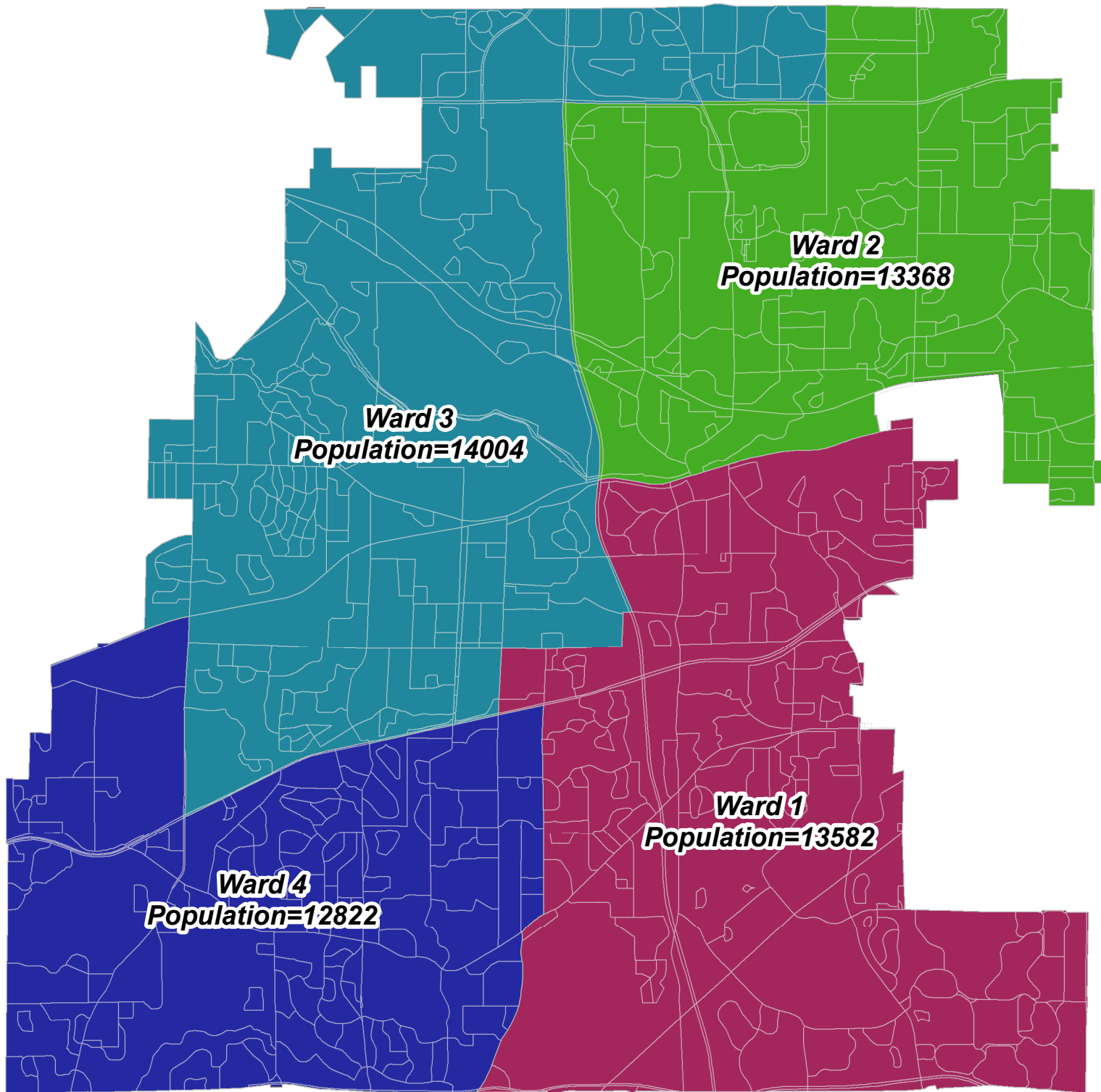
Hennepin County will be mailing notices to all residents advising them of their polling location for the 2022 election. Staff will also publicize this information through the *Minnetonka Memo* and the city website.

As a result of the redistricting, the city's precincts will also need modification. Those changes will need to be adopted by a resolution and will be presented for council consideration on March 21.

**Legend**

- Ward 1, Pop 13,582
- Ward 2, Pop 13,368
- Ward 3, Pop 14,004
- Ward 4, Pop 12,822

**Total Population=53,776**



**DISCLAIMER**

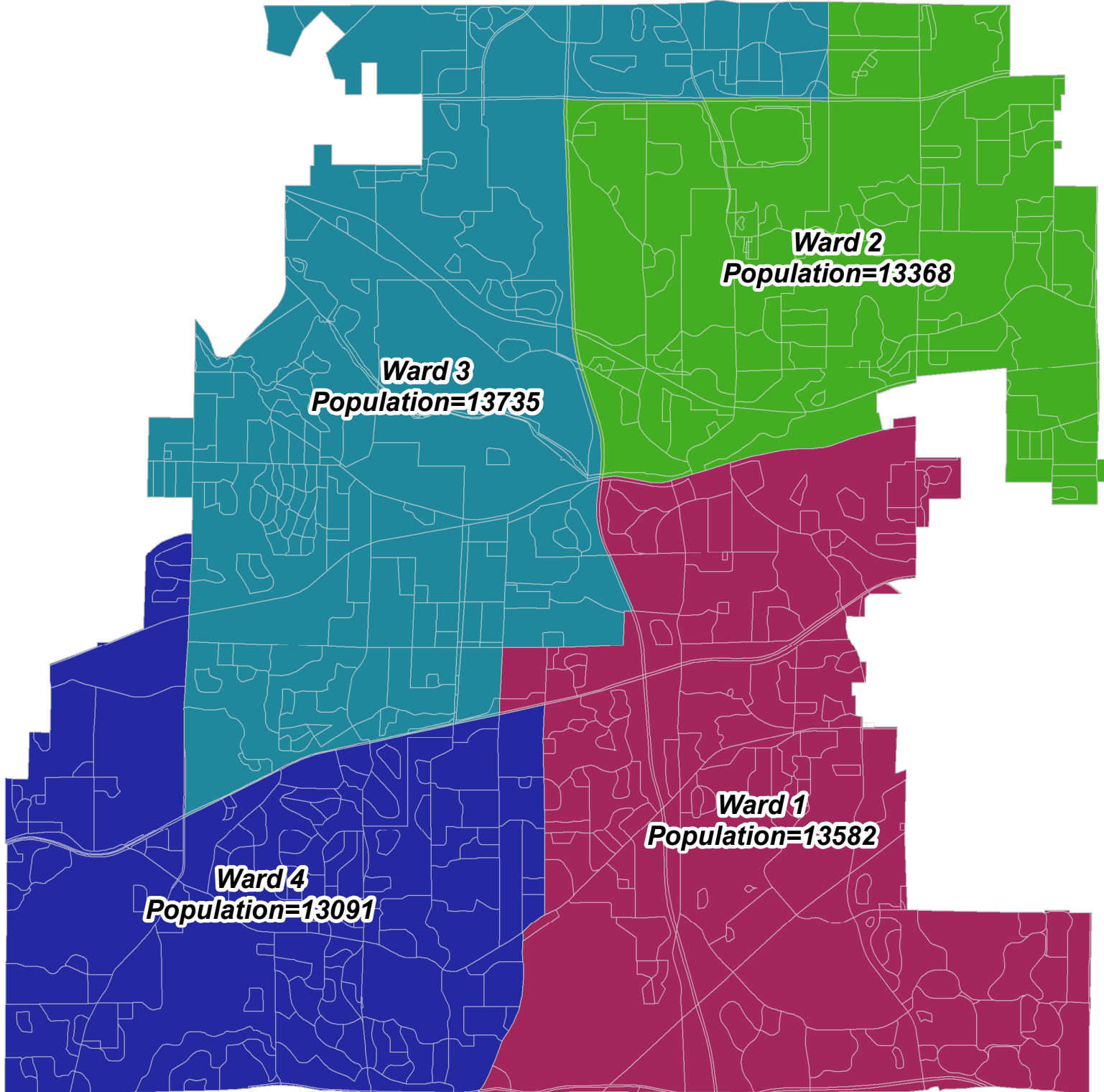
The GIS Data was developed for internal business purposes. The City of Minnetonka does not represent or warrant that the GIS Data or the data documentation are error free, complete, current, or accurate. You are responsible for any consequences resulting from your use of the GIS Data or your reliance on the GIS Data.

**Existing  
Council Wards**

**Legend**

- Ward 1, Pop 13,582
- Ward 2, Pop 13,368
- Ward 3, Pop 13,735
- Ward 4, Pop 13,091

**Total Population=53,776**








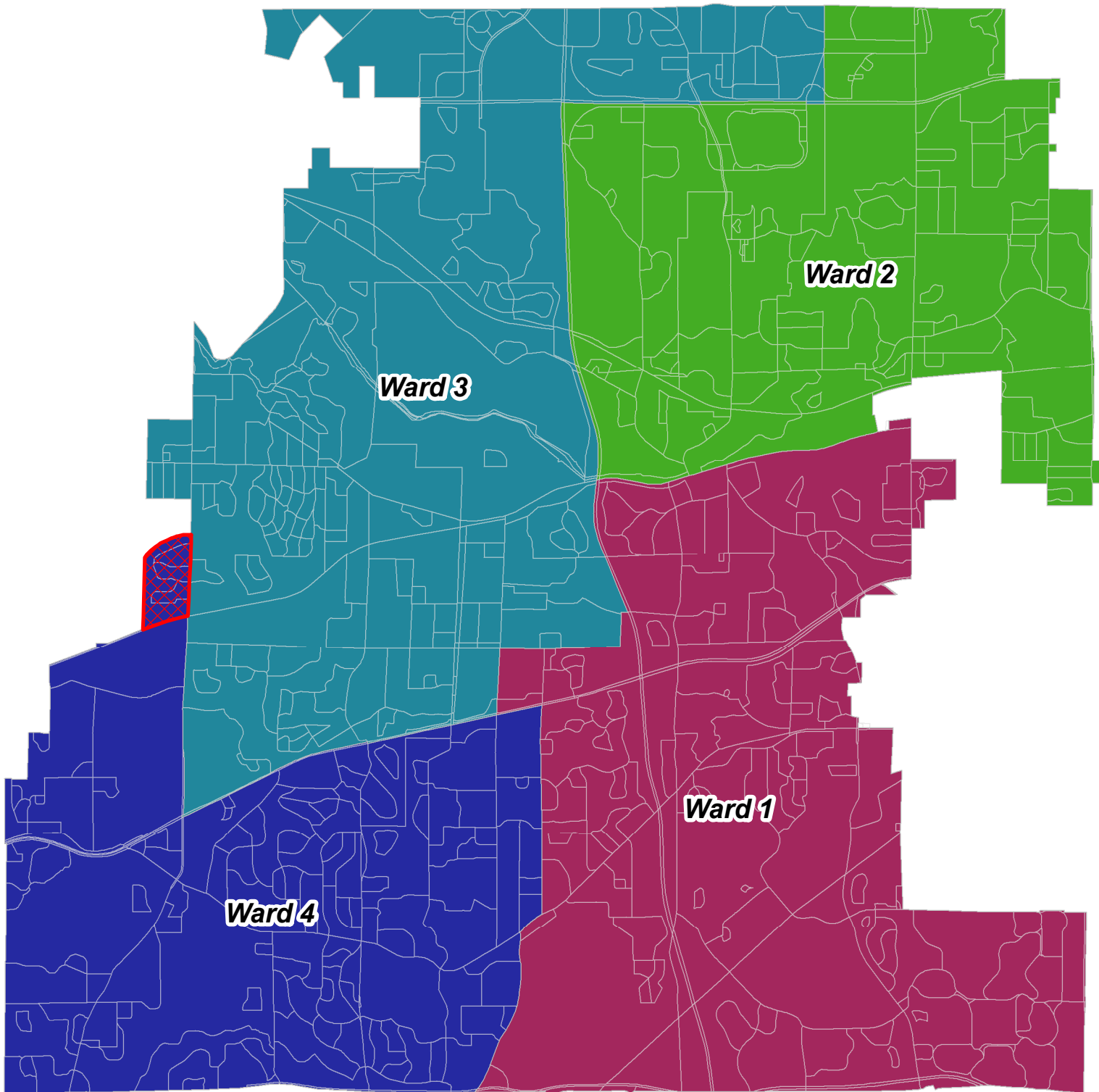
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**Proposed  
Council Wards**

**Legend**

-  Area Transferred from Ward 3 to Ward 4
-  Ward 1
-  Ward 2
-  Ward 3
-  Ward 4



**DISCLAIMER**

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**Proposed  
Council Wards**



**Ordinance No. 2022-**

**An Ordinance amending Minnetonka City Code  
Section 105.10; establishing ward boundaries**

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The City of Minnetonka Ordains:

Section 1. Preamble. In accordance with the United States Constitution and laws, the United States Census Bureau has completed the 2020 federal census. In accordance with the Minnesota Constitution and state laws, the State of Minnesota has completed the process for redistricting congressional and state legislative districts. In accordance with Section 2.04 of the Minnetonka City Charter, the city council is required to change the boundaries of wards within the city to achieve a population in each ward that is as equal as practical. The difference in population between the wards with the highest and lowest populations may not be greater than 10 percent of the total city population, divided by the number of wards. Based on the 2020 census results, the city council has determined that the existing boundaries for Ward 1 and Ward 2 continue to satisfy the charter requirements, but that the boundaries of Ward 3 and Ward 4 require adjustment.

Section 2. Section 105.010 of the Minnetonka City Code, a copy of which is attached, is repealed in its entirety and replaced with the following:

**105.010. Wards.**

1. Ward No. 1 consists of all that part of the city of Minnetonka lying within the following described area:

Commencing at the intersection of Interstate Highway 494 and County Road 5 (Minnetonka Boulevard); thence easterly along County Road 5 to a point approximately 364 feet east of Honeywood Lane, where County Road 5 forms a part of the city's border; thence continuing in a generally clockwise direction along the easterly border to the southeast corner of the city, near the intersection of U.S. Highway 169 and County Road 62; thence westerly along County Road 62 and the city's southerly border to County Road 4 (Eden Prairie Road); thence northerly along County Road 4 to its intersection with County Road 3 (Excelsior Boulevard); thence northeasterly along County Road 3 to its intersection with Woodhill Road; thence northerly along Woodhill Road to its intersection with State Highway 7; thence westerly along State Highway 7 to its intersection with Williston Road; thence northerly along Williston Road to its intersection with Lake Street Extension; thence easterly along Lake Street Extension to its intersection with Spring Lake Road; thence northerly along Spring Lake Road to the point where Spring Lake Road turns to the west; thence easterly along the easterly extension of Spring Lake Road to its intersection with the westerly right-of-way line of Interstate Highway 494; thence northeasterly to a point of intersection of Interstate Highway 494 and the westerly extension of Smith Drive; thence northerly along Interstate Highway 494 to the point of commencement and there terminating.

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The ~~stricken~~ language is deleted; the underlined language is inserted.

2. Ward No. 2 consists of all that part of the City of Minnetonka lying within the following described area:

Commencing at a point on the city's northerly border that is the intersection of Ridgemount Avenue and Park Lane South; thence easterly along the northerly border to the city's northeast corner; thence continuing along the city's easterly border in a generally clockwise direction to a point on County Road 5 (Minnetonka Boulevard), approximately 364 feet east of Honeywood Lane, where County Road 5 forms a part of the city's border; thence westerly along County Road 5 to its intersection with Interstate Highway 494; thence northerly along Interstate Highway 494 to its intersection with Interstate Highway 394; thence easterly along Interstate Highway 394 to its intersection with the southerly extension of Park Lane South; thence northerly along Park Lane South and its southerly extension to the point of commencement and there terminating.

3. Ward No. 3 consists of all that part of the city of Minnetonka lying within the following described area:

Commencing at the northwesterly corner of the city of Minnetonka boundary, which lies within Gleason Lake; thence easterly along the city's northerly boundary to Park Lane South; thence southerly along Park Lane South and its southerly extension to a point of intersection with Interstate Highway 394; thence westerly along Interstate Highway 394 to its intersection with Interstate Highway 494; thence southerly along Interstate Highway 494 to its intersection with the westerly extension of Smith Drive; thence southwestly to a point on the westerly right-of-way line of Interstate Highway 494 that intersects with the easterly extension of Spring Lake Road; thence westerly along the easterly extension of Spring Lake Road to a point where Spring Lake Road turns south; thence south along Spring Lake Road to its intersection with Lake Street Extension; thence westerly along Lake Street Extension to its intersection with Williston Road; thence southerly along Williston Road to its intersection with State Highway 7; thence westerly along State Highway 7 to its intersection with County Road 101; thence northerly along County Road 101 to Valley Cove Court, where County Road 101 becomes the westerly border of the city; thence continuing along the westerly border of the city in a generally northerly and clockwise direction to the point of commencement and there terminating.

4. Ward No.4 consists of all that part of the city of Minnetonka lying within the following described area:

Commencing at the intersection of Valley Cove Court and County Road 101; thence southerly along County Road 101 to its intersection with State Highway 7; thence easterly along State Highway 7 to its intersection with Woodhill Road; thence southerly along Woodhill Road to County Road 3 (Excelsior Boulevard); thence westerly along County Road 3 to its intersection with County Road 4 (Eden Prairie Road); then southerly along County Road 4 to the southern border of the city; thence westerly along the city's

southern border to the southwest corner of the city's boundary; thence northerly along the western border to the point of commencement and there terminating.

5. To the extent that there is any ambiguity in discerning the boundaries of any ward, it is the intention that no ward boundary may divide a census block as determined by the United States Census Bureau in the 2020 census.

Section 3. This ordinance is effective 30 days after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on \_\_\_\_\_, 2022.

---

Brad Wiersum, Mayor

Attest:

---

Becky Koosman, City Clerk

**Action on this Ordinance:**

Date of introduction:

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

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

---

Becky Koosman, City Clerk

EXHIBIT A  
Ordinance to be repealed

**105.010. Wards.**

1. Ward No. 1 consists of all that part of the City of Minnetonka lying easterly and southerly of the following described boundary:

Point of beginning commencing at the intersection of County Road 62 with County Road 4; thence northerly along County Road 4 to its intersection with County Road 3; thence northeasterly along County Road 3 to its intersection with Woodhill Road; thence northerly on Woodhill Road to its intersection with Highway 7; thence westerly along Highway 7 to its intersection with Williston Road; thence northerly to Lake Street Extension; thence easterly to its intersection with Interstate Highway 494; thence northerly on Interstate Highway 494 to its intersection with County Road 5; thence easterly on County Road 5 to the municipal boundary located at the southeast corner of city's Public Works facility on County Road 5; then following the city boundary in a clockwise manner to the southeast corner of the city; thence westerly along the southern boundary of the City of Minnetonka and there terminating at point of beginning.

2. Ward No. 2 consists of all that part of the City of Minnetonka lying easterly and northerly of the following described boundary:

Point of beginning commencing at the intersection of Interstate Highway 494 and County Road 5 traveling eastbound to municipal boundary located at the southeast corner of the city's Public Works facility on County Road 5; thence following the City of Minnetonka's boundary in a counterclockwise manner generally northerly and easterly to the northeast corner of the city; thence westerly along Ridgemount Avenue to Park Lane South; thence southerly on Park Lane South and the extension of Park Lane South to Interstate Highway 394; thence west on Interstate Highway 394 to its intersection with Interstate Highway 494; thence southerly to County Road 5 and there terminating at the point of beginning.

3. Ward No. 3 consists of all that part of the City of Minnetonka lying westerly and northerly of the following described boundary:

Point of beginning commencing at the intersection of Interstate Highway 494 and Lake Street Extension; thence northerly to Interstate Highway 394; thence easterly to the southerly extension of Park Lane South; thence northerly to the northern city boundary; thence westerly along the northern boundary line of the City of Minnetonka to the northwest corner of the city; thence southerly along the western boundary of the City of Minnetonka to the legislative boundary between state legislative districts 48 and 44; then easterly to the intersection of County Road 101; thence southerly to Highway 7; thence easterly to Williston Road; thence northerly to Lake Street Extension; thence easterly to Interstate Highway 494 and there terminating at the point of beginning.

4. Ward No.4 consists of all that part of the City of Minnetonka lying southerly and westerly of the following described boundary:

Point of beginning commencing at the intersection of Highway 7 and Woodhill Road traveling southbound on Woodhill Road to County Road 3; thence westerly on County Road 3 to County Road 4; thence southerly on County Road 4 to the southern border of the City of Minnetonka; thence westerly along the southern border of the City of Minnetonka to the southwest corner of the city's boundary; thence northerly along the western boundary of the City of Minnetonka to the legislative boundary between state legislative districts 48 and 44; thence easterly along the legislative boundary to the intersection of County Road 101; thence southerly on County Road 101 to Highway 7; thence easterly on Highway 7 to Woodhill Road and there terminating at the point of beginning.



**City Council Agenda 12B  
Meeting of March 7, 2022**

**Title:** Items concerning Glen Lake Apartments at 14317 Excelsior Blvd:

- 1) Rezoning from R-1, low-density residential, to PUD, planned unit development;
- 2) Master development plan;
- 3) Site and building plan review;
- 4) Right-of-way vacation; and
- 5) Preliminary and final plats.

**Report From:** Susan Thomas, AICP, Assistant City Planner

**Submitted through:** Mike Funk, Acting City Manager  
Julie Wischnack, AICP, Community Development Director

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**Action Requested:**  Motion     Informational     Public Hearing  
**Form of Action:**     Resolution     Ordinance     Contract/Agreement     Other     N/A  
**Votes needed:**     4 votes     5 votes     N/A     Other

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**Summary Statement**

Abdo Market House is proposing to redevelop the property at 14317 Excelsior Blvd. As presented during the concept plan review process earlier this year, the existing home would be removed, and a four-story, 36-unit apartment building would be constructed. The proposal requires a rezoning from R-1, low-density residential, to PUD, planned unit development.

**Recommended Action**

Introduce the rezoning ordinance and refer to the planning commission.

**Strategic Profile Relatability**

- |  |   |
|--|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community           |
| <input type="checkbox"/> Sustainability & Natural Resources          | <input type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management           | <input type="checkbox"/> Community Inclusiveness            |
| <input checked="" type="checkbox"/> N/A                              |   |

Statement: N/A

### Financial Consideration

Is there a financial consideration?  No  Yes [Enter estimated or exact dollar amount]  
Financing sources:  Budgeted  Budget Modification  New Revenue Source  
 Use of Reserves  Other [Enter]

Statement: N/A

### Background

The proposal requires approval of:

- **Rezoning.** To facilitate the proposed development, the applicant requests the property be rezoned to PUD.
- **Master Development Plan.** Under the zoning ordinance, a master development plan is required in conjunction with PUD zoning.
- **Final Site and Building Plans.** By city code, site and building plan review is required in conjunction with PUD zoning.
- **Right-of-Way Vacation.** Consistent with a previous request and approval on the adjacent property to the west, the applicant is requesting the vacation of an unused area of right-of-way along the north property line.
- **Preliminary and Final Plats.**

### Issue Identification

The purpose of introducing an ordinance is to give the city council the opportunity to review a new application before sending it to the planning commission for a recommendation. Introducing an ordinance does not constitute approval. The tentative planning commission date is March 17, 2022. Based on a preliminary review of the proposal, staff has identified the following issues for further analysis and discussion:

- **Zoning.** Staff will analyze the use of PUD zoning. In particular, staff will consider whether the proposed development is “compatible with the existing surrounding development type and intensity.”<sup>1</sup>
- **Site Design.** Staff will evaluate proposed site massing, parking, building setbacks, and green space/landscaping.
- **Right of Way Vacation.** Staff will determine the appropriate procedure for releasing excess right-of-way, previously controlled by Hennepin County but “turned back” to the city.

---

<sup>1</sup> City Code §300.22, Subd. 2(e), Planned Unit Development District



**Affordable Housing**

The project will need to comply with the city's housing policy. The details and commitments for affordability will be presented when the project is back to the city council.

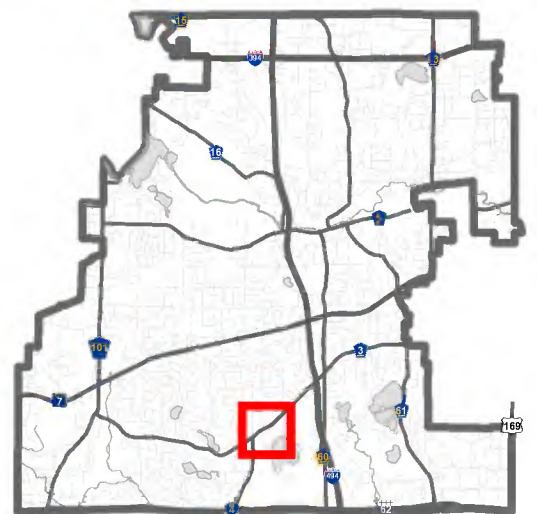
**Staff Recommendation:**

- 1) Introduce the attached rezoning ordinance and refer it to the planning commission.
- 2) Approve or modify the attached notification area. This is the same area used for the previous concept plan.



**Location Map**

Project: DJR Architecture  
Address: 14317 Excelsior Blvd





333 Washington Ave N  
Suite 210 | Union Plaza  
Minneapolis MN 55401  
612.676.2700 | www.djrarch.com

Monday, January 31, 2021

Susan Thomas  
City of Minnetonka  
14600 Minnetonka Blvd  
Minnetonka, MN 55345

**RE: Glen Lake Apartments Project Narrative**

Abdo Market House is proposing a 4 story, 36-unit apartment building over a partially exposed below grade parking garage on the property located at 14317 Excelsior Boulevard.

The proposed apartment building is to have a mix of one bedroom, one bedroom plus den, two bedrooms, and two bedrooms plus den units. Amenity spaces will include underground parking, clubroom, fitness room, business center and four seasons porch with patio at level one. All units will have either a metal balcony or concrete patio. Rents are expected to be market rate. Four units will be affordable to comply with the City of Minnetonka's affordable housing policy. Two units will be at 50% AMI and two will be at 60% AMI (which represents 10% of the units as affordable). This level of affordability meets the policy's minimum requirement for projects requiring a zoning change. We are not requesting financial assistance and will maintain the affordability for 30 years.

**Rezoning:**

Zoning for the property is currently R-1. The proposed residential use requires a rezoning from R-1 to PUD.

The City's 2040 Comprehensive Guide Plan guides the site for Mixed Use. The proposed housing would qualify the project for the public benefit under the planned unit development zoning district. Proposed density is 36 units on 1.31 acres (inclusive of Excelsior Blvd turn back area) which equals 27.5 units per acre. Proposed 36 units/ 1.31 acre.

**Building & Site Design:**

The proposed four-story building with partial exposed underground parking is design with a flat roof to lower the overall height of the building. The proposed building will be lower in height than the neighboring building to the west. The linear building was placed on the site to minimize the structure's impact on the property and to preserve the maximum number of existing trees. Placement of the building will also allow ample space for landscaping along the southside of the building along Stewart Lane. The Main entrance and guest parking will be accessed from Stewart Lane. To take advantage of the existing topography of the site, the enclosed parking is also accessed from Stewart Lane as this is the low point of the site.

**Stormwater Management:**

Stormwater runoff from the site will be collected in an underground storage tank system proposed to be located below the guest parking area of the site. This chamber system is designed to store and percolate the water into the soils below it. This system will discharge storm water to the existing storm sewer system in Stewart Lane and has been designed to meet the requirements of both the City and the Watershed District. A storm water management plan is included as part of this application.

**Traffic:**

The 2040 Comprehensive Plan Designated Commercial use and many other potential uses for the site under the Mixed Use guidance could generate considerably more traffic than our proposed project.

Based on a larger previously proposed project on this site it was determined there would be little to no effect on current traffic in the area including both surface parking lot and the parking garage access to Stewart Lane.

At this time a traffic study has not been requested or completed. If requested, we would be willing to provide one.

**PROJECT RECAP**

LEGAL DESCRIPTION  
PID: 2711722330034

ZONING

CURRENT PRIMARY ZONING: R1  
PROPOSED REZONING: PUD (R5)

SITE

TOTAL AREA: 57,251 SF (1.314 AC.)  
SITE AREA - BUILDING FOOTPRINT: 19,081 SF

FAR\*

PROPOSED FAR = 55,854/57,251 = 0.97

BUILDING HEIGHT

4 STORIES WITH PARTIALLY EXPOSED PARKING  
EXCELSIOR BLVD. = 48'-0 3/4"  
STEWART LANE = 59'-8 3/4"

AFFORDABLE HOUSING:

(2) UNITS 50% AMI  
(2) UNITS 60% AMI

VEHICULAR PARKING

PARKING REQUIRED 36 ENCLOSED SPACES  
PARKING PROVIDED 36 ENCLOSED SPACES  
27 ENCLOSED TANDEM SPACES  
5 GUEST SURFACE SPACES  
2 GUEST STREET SPACES  
1 LOADING/ DROP OFF ZONE  
**TOTAL: 70 SPACES**

BIKE PARKING

BIKE PARKING REQUIRED 36 SPACES  
(1 space per dwelling unit)  
PROVIDED 36 SPACES

REQUIRED APPLICATIONS

REZONING ORDINANCE (R-1 TO PUD)  
MASTER DEVELOPMENT PLAN  
FINAL SITE AND BUILDING PLAN  
VACATION OF EASEMENT/ROW  
PRELIMINARY / FINAL PLAT

**SHEET INDEX**

SHEET NUMBER  
A0.0

C0.0

V1.0

C1.0

C1.1

C2.0

C3.0

C4.0

C5.0

C5.1

L1.0

L1.1

SW1.0

SW1.1

SW1.2

SW1.3

SW1.4

SW1.5

A0.1

A1.0

A1.1

A1.2

A1.3

A1.4

A1.5

A2.0

A2.1

A3.0

A3.1

SHEET NAME

PROJECT INFORMATION

TITLE SHEET

SITE SURVEY

REMOVALS PLAN

TREE PRESERVATION PLAN

SITE PLAN

GRADING PLAN

UTILITY PLAN

CIVIL DETAILS

CIVIL DETAILS

LANDSCAPE PLAN

LANDSCAPE PLAN NOTES & DETAILS

SWPPP - EXISTING CONDITIONS

SWPPP - PROPOSED CONDITIONS

SWPPP - DETAILS

SWPPP - NARRATIVE

SWPPP - ATTACHMENTS

SWPPP - ATTACHMENTS

ARCHITECTURAL SITE PLAN

FLOOR PLAN - LEVEL P1

FLOOR PLAN - LEVEL 1

FLOOR PLAN - LEVEL 2

FLOOR PLAN - LEVEL 3

FLOOR PLAN - LEVEL 4

ROOF PLAN

EXTERIOR ELEVATIONS

EXTERIOR ELEVATIONS

EXTERIOR RENDERING

EXTERIOR RENDERING



View from Stewart Lane

AREA SCHEDULE - GROSS	
Name	Area
BIKE	338 SF
CIRCULATION	690 SF
MEP	583 SF
PARKING	17,249 SF
TRASH	220 SF
LEVEL P1	19,081 SF
1BR	2,534 SF
2BR	2,602 SF
2BR+D	4,654 SF
AMENITY	2,483 SF
CIRCULATION	1,516 SF
MEP	35 SF
TRASH	133 SF
LEVEL 1	13,956 SF
1BR	2,340 SF
2BR	5,061 SF
2BR+D	3,026 SF
AMENITY	1,300 SF
CIRCULATION	1,504 SF
MEP	35 SF
TRASH	133 SF
LEVEL 2	13,397 SF

AREA SCHEDULE - GROSS	
Name	Area
1BR	2,340 SF
1BR+D	918 SF
2BR	5,060 SF
2BR+D	3,032 SF
AMENITY	313 SF
CIRCULATION	1,504 SF
MEP	35 SF
TRASH	133 SF
LEVEL 3	13,334 SF
1BR	1,559 SF
1BR+D	918 SF
2BR	5,060 SF
2BR+D	3,812 SF
AMENITY	312 SF
CIRCULATION	1,504 SF
MEP	35 SF
TRASH	133 SF
LEVEL 4	13,334 SF
GRAND TOTAL	73,103 SF
TOTAL AREA W/O GARAGE*	55,854 SF

UNIT COUNT/TYPE	
UNIT TYPE	COUNT
1BR	11
1BR+D	2
2BR	14
2BR+D	9
Unit Count: 36	

**PROJECT NARRATIVE**

Abdo Market House is proposing a 4 story, 36 unit apartment building over a partially exposed below grade parking garage on the property located at 14317 Excelsior Boulevard.

The proposed apartment building is to have a mix of one bedroom, one bedroom plus den, two bedrooms, and two bedrooms plus den. Amenity spaces will include underground parking, clubroom, fitness room, business center and four seasons porch with patio at level one. All units will have either a metal balcony or concrete patio. Rents are expected to be market rate. Four units will be affordable to comply with the City of Minnetonka's affordable housing policy. Two units will be at 50% AMI and two will be at 60% AMI (which represents 10% of the units as affordable). This level of affordability meets the policy's minimum requirement for projects requiring a zoning change or comprehensive plan amendment. We are not requesting assistance and will maintain the affordability for 30 years.

**PROJECT TEAM**

**Development**  
ABDO Markethouse  
601 Marquette Ave. S #100  
Minneapolis, MN 55402  
612.382.0066

**Architecture**  
DJR Architecture, Inc.  
333 N Washington Avenue #210  
Minneapolis, MN, 55401  
612.676.2700

**Civil Engineering & Landscape Architect**  
Civil Site Group  
4931 W 35th St,  
St Louis Park, MN 55416  
612.615.0060

# PRELIMINARY PLAT: GLEN LAKE APARTMENTS

## PRELIMINARY PLAT GENERAL NOTES

### PROPERTY DESCRIPTION:

Par 1: Tracts A and B, Registered Land Survey No. 207, Hennepin County, Minnesota.

Par 2: That part of Lot 10, "Glen Lake Park" described as follows: Beginning at the point of intersection of the Southeastery line thereof and the West line of the Northwest Quarter of the Northeast Quarter of Section 34, Township 117, Range 22; thence Northwesterly along the Southeastery line thereof a distance of 136.3 feet to the point of beginning of the tract to be described; thence Northwesterly at an angle to the left of 65 degrees and 45 minutes a distance of 82.4 feet, more or less to the North line of said Section 34; thence East along the North line thereof to the most Easterly corner of said Lot 10; thence Southwesterly along the Southeastery line of said Lot 10 a distance of 88.15 feet, more or less to the point of beginning.

That part of the abandoned right of way of the St. Paul, Minneapolis and Milwaukee Railway in Section 34, Township 117, Range 22 described as follows: Beginning at the point of intersection of the Southeastery line of Lot 10, "Glen Lake Park" and the West line of the Northwest Quarter of the Northeast Quarter of Section 34, Township 117, Range 22; thence Northwesterly along the Southeastery line thereof a distance of 116.3 feet to the point of beginning of the tract to be described; thence Southwesterly to the right, deflection angle 85 degrees 47 minutes, a distance of 103.3 feet, more or less to the Southeastery line of said abandoned railway right of way; thence Northwesterly along said abandoned railway right of way a distance of 86.52 feet, more or less to the Southeastery line of said Lot 10; thence East along the North line thereof to the most Easterly corner of said Lot 10; thence Southwesterly along the Southeastery line of said Lot 10 a distance of 88.15 feet, more or less to the point of beginning.

That part of Lot 68, Auditor's Subdivision No. 321, Hennepin County, Minn., described as follows: Beginning at the most Easterly corner of Lot 68; thence Northwesterly along the Northwesterly line of said Lot 68 a distance of 86.2 feet; thence Southeastery a distance of 56.2 feet, more or less to the most Easterly corner of said Lot 68; thence Southwesterly along the South line of said Lot 68 a distance of 102 feet, more or less to the point of beginning.

### AND

That part of the Northeast Quarter of the Northeast Quarter of Section 34 and the Southeast Quarter of the Southwest Quarter of Section 37, in Township 117, Range 22, Hennepin County, Minnesota, being described as follows and with the Northwesterly line of the recorded plat of THE EXCELSIOR:

Beginning at a point on the Southeastery line of HENNEPIN COUNTY STATE AID HIGHWAY NO. 3, PLAT 43, distant 1373.48 feet Northwesterly from the most Southerly corner of said PLAT 43, an intersection along said Southeastery line, thence North 38 degrees 02 minutes 21 seconds West (true) past being the base of bearing 111.23 feet, at right angles to said Southeastery line, thence South 45 degrees 51 minutes 24 seconds East 238.46 feet, thence Northwesterly 296.51 feet, central angle 25 degrees 47 minutes 47 seconds and chord bearing North 16 degrees 15 minutes 02 seconds East; thence North 64 degrees 21 minutes 47 seconds East 332.70 feet, tangent to said corner; thence South 35 degrees 07 minutes 07 seconds East 179.89 feet to the Southeastery line of said PLAT 43; thence Southwesterly along said Southeastery line to the point of beginning.

### DATE OF PREPARATION:

01-27-2022

Please note that the background survey information is per a survey performed by Verco Associates Inc. dated 7/18/2018 provided to us by the client.

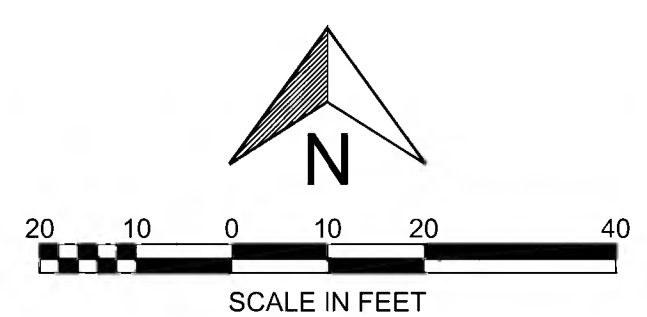
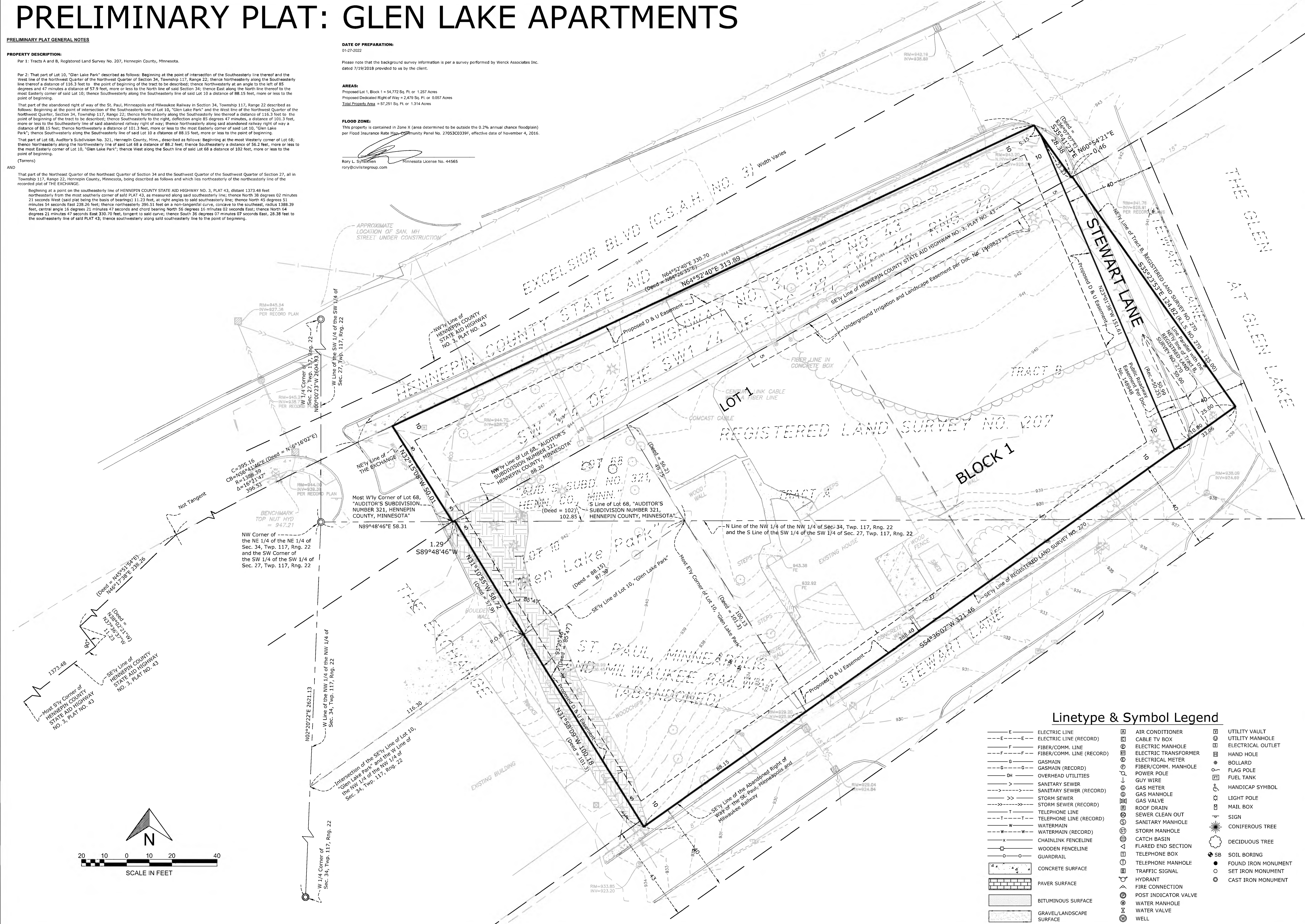
### AREAS:

Proposed Lot 1, Block 1 = 54,772 Sq. Ft. or 1.267 Acres  
Proposed Dedicated Right of Way = 2,478 Sq. Ft. or 0.057 Acres  
Total Property Area = 57,251 Sq. Ft. or 1.314 Acres

### FLOOD ZONE:

This property is contained in Zone X (area determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Study Community Panel No. 779520339, effective date of November 4, 2016.

Rory L. Szymbtelien Minnesota License No. 44585  
rory@civilsitegroup.com



### Linetype & Symbol Legend

—E—E—E—	ELECTRIC LINE	⊠	AIR CONDITIONER	⊠	UTILITY VAULT
---E---E---	ELECTRIC LINE (RECORD)	⊠	CABLE TV BOX	⊠	UTILITY MANHOLE
---F---F---	FIBER/COMM. LINE	⊠	ELECTRIC MANHOLE	⊠	ELECTRICAL OUTLET
---F---F---	FIBER/COMM. LINE (RECORD)	⊠	ELECTRIC TRANSFORMER	⊠	HAND HOLE
---G---G---	GASMAIN	⊠	ELECTRICAL METER	⊠	BOLLARD
---G---G---	GASMAIN (RECORD)	⊠	FIBER/COMM. MANHOLE	⊠	FLAG POLE
---OH---OH---	OVERHEAD UTILITIES	⊠	POWER POLE	⊠	FUEL TANK
---S---S---	SANITARY SEWER	⊠	GUY WIRE	⊠	HANDICAP SYMBOL
---S---S---	SANITARY SEWER (RECORD)	⊠	GAS METER	⊠	LIGHT POLE
---SD---SD---	STORM SEWER	⊠	GAS MANHOLE	⊠	MAIL BOX
---SD---SD---	STORM SEWER (RECORD)	⊠	GAS VALVE	⊠	SEWER CLEAN OUT
---T---T---	TELEPHONE LINE	⊠	ROOT DRAIN	⊠	SANITARY MANHOLE
---T---T---	TELEPHONE LINE (RECORD)	⊠	SEWER CLEAN OUT	⊠	STORM MANHOLE
---W---W---	WATERMAIN	⊠	SEWER MANHOLE	⊠	FIBER/COMM. MANHOLE
---W---W---	WATERMAIN (RECORD)	⊠	STORM MANHOLE	⊠	FLARED END SECTION
---C---C---	CHAINLINK FENCELINE	⊠	CATCH BASIN	⊠	TELEPHONE BOX
---W---W---	WOODEN FENCELINE	⊠	FLARED END SECTION	⊠	TELEPHONE MANHOLE
---G---G---	GUARDRAIL	⊠	TELEPHONE BOX	⊠	HYDRANT
---C---C---	CONCRETE SURFACE	⊠	TELEPHONE MANHOLE	⊠	FIRE CONNECTION
---P---P---	PAVER SURFACE	⊠	HYDRANT	⊠	POST INDICATOR VALVE
---B---B---	BITUMINOUS SURFACE	⊠	FIRE CONNECTION	⊠	WATER MANHOLE
---L---L---	GRAVEL/LANDSCAPE SURFACE	⊠	POST INDICATOR VALVE	⊠	WATER VALVE
		⊠	WATER MANHOLE	⊠	WELL
		⊠	WATER VALVE	⊠	
		⊠	WELL	⊠	

**CivilSite**  
GROUP  
Civil Engineering • Surveying • Landscape Architecture  
5000 Glenwood Avenue  
Golden Valley, MN 55422  
civilsitegroup.com 612-615-0800

**PROJECT**  
Glen Lake Apartments  
14317 Excelsior Blvd, Minneapolis, Minnesota, Minnesota 55345

**CLIENT**  
Abdo Market House  
601 Marquette Ave S, Suite 100, Minneapolis, MN 55402

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

RORY L. SZYMBTELLEN  
DATE: 1-27-2022 LICENSE NO. 44585

QA/QC

FIELD CREW  
DRAWN BY: CJ  
REVIEWED BY: RS  
UPDATED BY:

VICINITY MAP

REVISION SUMMARY

DATE	DESCRIPTION

PROJECT NO: 21476

**PRELIMINARY PLAT**

**V2.0**  
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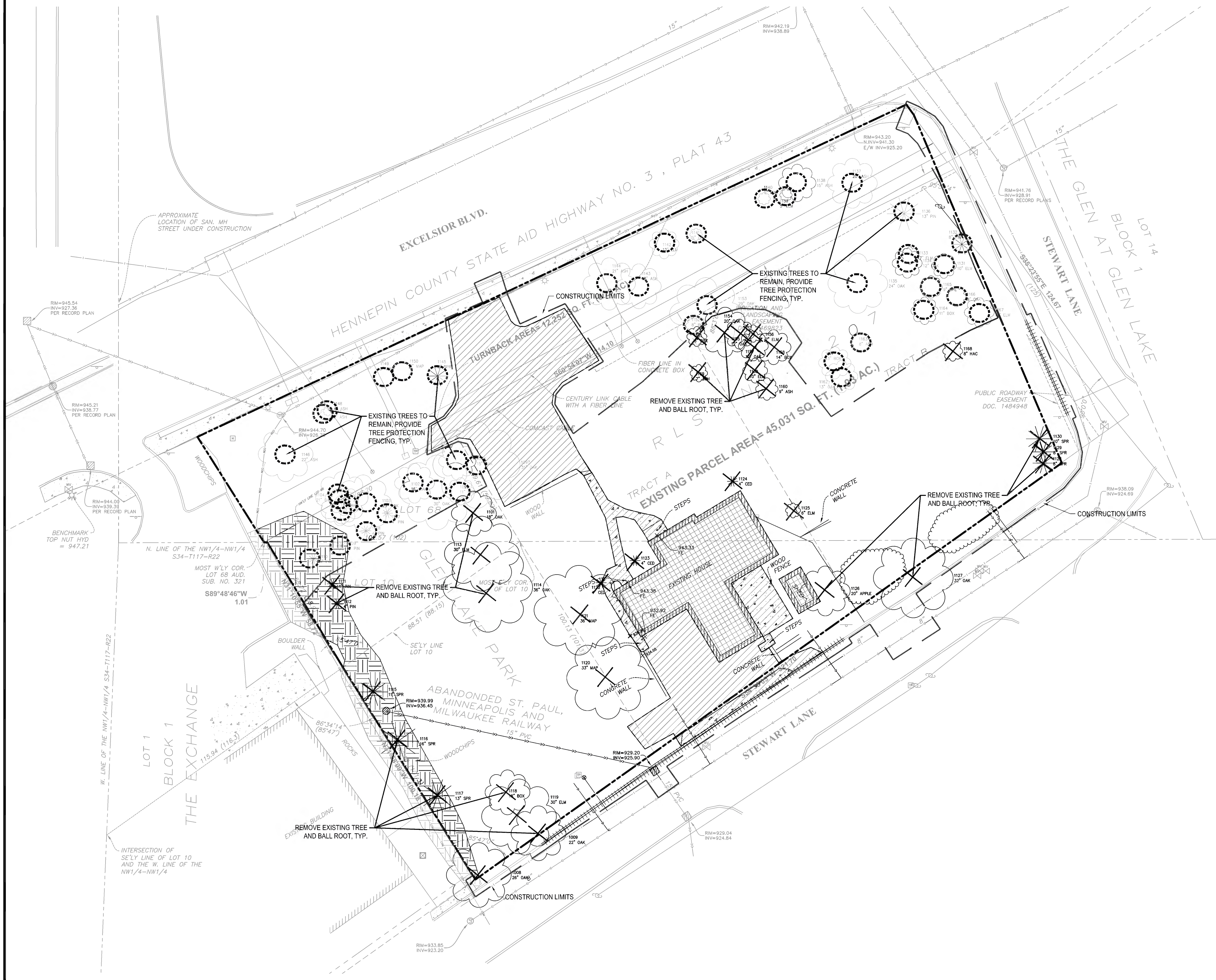


**PRELIMINARY:  
NOT FOR  
CONSTRUCTION**

**GLEN LAKE APARTMENTS**  
14317 EXCELSIOR BLVD, MINNETOKA MN, 55345  
**ABDO MARKET HOUSE**  
601 MARQUETTE AVE SOUTH SUITE 100, MINNEAPOLIS, MN 55402

PROJECT  
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DAILY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
*Matthew R. Pavuk*  
DATE: 01/31/22 LICENSE NO. 44263  
ISSUE/SUBMITTAL SUMMARY  
DATE | DESCRIPTION  
01/31/22 | CITY SUBMITTAL

TREE PRESERVATION PLAN  
**C1.1**



**TREE SURVEY:**

TREE NO.	SPECIES	TRUNK SIZES			REMOVED	SOUND	HIGH PRIORITY	NOTES
		1	2	3				
1008	OAK	26			X		X	
1009	OAK	22			X		X	
1097	OAK	35					X	
1098	OAK	15					X	
1099	OAK	11					X	
1100	OAK	30					X	
1101	OAK	18			X		X	
1102	OAK	16					X	
1103	OAK	23					X	
1104	OAK	21					X	
1105	OAK	12					X	
1106	OAK	15					X	
1107	PINE	4			C			
1108	PINE	4			C			
1109	PINE	4			C			
1110	PINE	4			C			
1111	PINE	4			X			
1112	PINE	4			C			
1113	ELM	30			D		X	
1114	OAK	36			D		X	
1115	SPRUCE	11			X		X	
1116	SPRUCE	16			X		X	
1117	SPRUCE	13			C		X	
1118	BOX ELDER	18			D		X	
1119	ELM	30			D		X	
1120	MAPLE	33			D		X	
1121	MAPLE	36			D		X	
1122	CEDAR	4			C		X	
1123	CEDAR	4			C		X	
1124	CEDAR	4			C		X	
1125	ELM	6			D		X	
1126	CRABAPPLE	20			D		X	
1127	OAK	32			C		X	
1128	SPRUCE	8			C		X	HIGH PRIORITY DUE TO GROUPED CONDITION
1129	SPRUCE	8			C		X	HIGH PRIORITY DUE TO GROUPED CONDITION
1130	SPRUCE	10			C		X	HIGH PRIORITY DUE TO GROUPED CONDITION
1131	ELM	10			D		X	
1132	PINE	8			C			
1133	ELM	7			D		X	
1134	OAK	12			D		X	
1135	OAK	24			D		X	
1136	PINE	13			C		X	
1137	ASH	20			D		X	
1138	ASH	15			D		X	
1139	ELM	5			D		X	
1140	ELM	5			D		X	
1141	ELM	5			D		X	
1142	ELM	12			D		X	
1143	ASH	18			D		X	
1144	ASH	21			D		X	
1145	SPRUCE	8			C			
1146	ASH	22			D		X	
1147	ASH	5			D		X	
1148	ASH	4			D		X	
1149	MAPLE	8			D		X	
1150	MAPLE	8			D		X	
1151	BOX ELDER	8			D		X	
1152	BOX ELDER	8			D		X	
1153	OAK	29			D		X	
1154	OAK	20			D		X	
1155	OAK	12			D		X	
1156	ELM	7			D		X	HIGH PRIORITY DUE TO GROUPED CONDITION
1157	OAK	12			D		X	
1158	BOX ELDER	14			D		X	
1159	ELM	10			D		X	
1160	ASH	9			D		X	
1161	BOX ELDER	13			D		X	
1162	OAK	13			D		X	
1163	ASH	8			D		X	
1164	BOX ELDER	11			D		X	
1165	CHERRY	9			D		X	
1166	OAK	8			D		X	
1167	ELM	12			D		X	
1168	HACKBERRY	8			D		X	
1169	ASH	7			D		X	

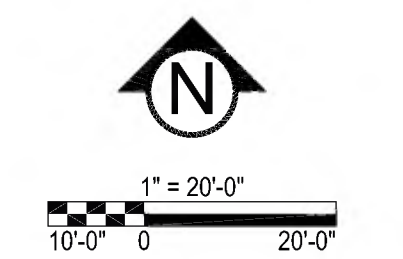
These trees are shown in the calculation as removed since more than 40% of the root ball area may be effected by grading operations, but will not be removed as part of the demolition plan

**TREE REPLACEMENT CALCULATIONS:**

EXISTING TREE SUMMARY	NUMBER	CAL. INCHES	NOTES
HIGH PRIORITY TREES	46	852	
SIGNIFICANT TREES	18	131	
COMMON TREES	11	52	
TOTAL ON-SITE	75	1035 TOTAL	
ALLOWABLE REMOVAL WITHOUT REPLACEMENT	35%	26 362	
<b>REPLACEMENT CALCULATIONS</b>			
REMOVED TREES	NUMBER	CAL. IN.	
HIGH PRIORITY	23	442	
SIGNIFICANT	13	38	
COMMON	5	20	
ALLOWABLE REMOVAL WITHOUT REPLACEMENT (ARWR)	26	362	
<b>NET REMOVED TREES</b>	NUMBER	CAL. IN.	
HIGH PRIORITY	15	138	COMMON & SIGNIFICANT TREES WERE SUBTRACTED FROM THE ARWR NUMBER BEFORE THE HIGH PRIORITY TREES. DUE TO THE COMBINED REMOVAL OF COMMON AND SIGNIFICANT TREES NOT EQUALING MORE THAN THE ARWR NUMBER, NET REPLACEMENTS ARE ONLY NEEDED TO BE CALCULATED FOR THE HIGH PRIORITY CATEGORY TREES THAT ARE LEFT.
SIGNIFICANT	0	0	
COMMON	0	0	
<b>REPLACEMENT OBLIGATION</b>	NUMBER	CAL. IN.	
HIGH PRIORITY (1 CAL. IN. REPLACEMENT / 1 CAL. IN. REMOVAL)	15	138	
SIGNIFICANT (2 CAL. IN. REPLACEMENT / TREE REMOVAL)	0	0	
COMMON (NO REPLACEMENT REQUIRED)	0	0	
<b>REPLACEMENT TREES @ 2.5 CAL. IN.</b>		<b>66</b>	

**TREE PRESERVATION LEGEND:**

- EX. 1' CONTOUR ELEVATION INTERVAL
- REMOVAL OF PAVEMENT AND ALL BASE MATERIAL, INCLUDING BIT., CONC., AND GRAVEL PAVTS.
- REMOVAL OF STRUCTURE INCLUDING ALL FOOTINGS AND FOUNDATIONS.
- REMOVE CURB AND GUTTER. IF IN RIGHT-OF-WAY, COORDINATE WITH LOCAL GOVERNING UNIT.
- TREE PROTECTION
- TREE REMOVAL - INCLUDING ROOTS AND STUMPS



**PRELIMINARY:  
NOT FOR CONSTRUCTION**

**GLEN LAKE APARTMENTS**  
14317 EXCELSIOR BLVD, MINNETONKA, MN, 55345  
**ABDO MARKET HOUSE**  
601 MARQUETTE AVE SOUTH SUITE 100, MINNEAPOLIS, MN 55402

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Matthew R. Pavlek  
DATE: 01/31/22 LICENSE NO. 44263

ISSUE/SUBMITTAL SUMMARY  
DATE | DESCRIPTION  
01/31/22 | CITY SUBMITTAL

DRAWN BY: MS\_JR REVIEWED BY: PS\_RL  
PROJECT NUMBER: 21476

REVISION SUMMARY  
DATE | DESCRIPTION

DATE | DESCRIPTION

SITE PLAN  
**C2.0**  
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**SITE LAYOUT NOTES:**

- ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTACT "GOPHER STATE ONE CALL" (651-454-0002 OR 800-252-1166) FOR UTILITY LOCATIONS. 48 HOURS PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL REPAIR OR REPLACE ANY UTILITIES THAT ARE DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.
- CONTRACTOR SHALL VERIFY LOCATIONS AND LAYOUT OF ALL SITE ELEMENTS PRIOR TO BEGINNING CONSTRUCTION, INCLUDING BUT NOT LIMITED TO, LOCATIONS OF EXISTING AND PROPOSED PROPERTY LINES, EASEMENTS, SETBACKS, UTILITIES, BUILDINGS AND PAVEMENTS. CONTRACTOR IS RESPONSIBLE FOR FINAL LOCATIONS OF ALL ELEMENTS FOR THE SITE. ANY REVISIONS REQUIRED AFTER COMMENCEMENT OF CONSTRUCTION, DUE TO LOCAL ADJUSTMENTS SHALL BE CORRECTED AT NO ADDITIONAL COST TO OWNER. ADJUSTMENTS TO THE LAYOUT SHALL BE APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF MATERIALS. STAKE LAYOUT FOR APPROVAL.
- THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION, INCLUDING A RIGHT-OF-WAY AND STREET OPENING PERMIT.
- THE CONTRACTOR SHALL VERIFY RECOMMENDATIONS NOTED IN THE GEO TECHNICAL REPORT PRIOR TO INSTALLATION OF SITE IMPROVEMENT MATERIALS.
- CONTRACTOR SHALL FIELD VERIFY COORDINATES AND LOCATION DIMENSIONS & ELEVATIONS OF THE BUILDING AND STAKE FOR REVIEW AND APPROVAL BY THE OWNERS REPRESENTATIVE PRIOR TO INSTALLATION OF FOOTING MATERIALS.
- LOCATIONS OF STRUCTURES, ROADWAY PAVEMENTS, CURBS AND GUTTERS, BOLLARDS, AND WALKS ARE APPROXIMATE AND SHALL BE STAKED IN THE FIELD, PRIOR TO INSTALLATION, FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT.
- CURB DIMENSIONS SHOWN ARE TO FACE OF CURB. BUILDING DIMENSIONS ARE TO FACE OF CONCRETE FOUNDATION. LOCATION OF BUILDING IS TO BUILDING FOUNDATION AND SHALL BE AS SHOWN ON THE DRAWINGS.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OR SAMPLES AS SPECIFIED FOR REVIEW AND APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO FABRICATION FOR ALL PREFABRICATED SITE IMPROVEMENT MATERIALS SUCH AS, BUT NOT LIMITED TO THE FOLLOWING: FURNISHINGS, PAVEMENTS, WALLS, RAILINGS, BENCHES, FLAGPOLES, LANDING PADS FOR CURB RAMPS, AND LIGHT AND POLES. THE OWNER RESERVES THE RIGHT TO REJECT INSTALLED MATERIALS NOT PREVIOUSLY APPROVED.
- PEDESTRIAN CURB RAMPS SHALL BE CONSTRUCTED WITH TRUNCATED DOME LANDING AREAS IN ACCORDANCE WITH A.D.A. REQUIREMENTS-SEE DETAIL.
- CROSSWALK STRIPING SHALL BE 24" WIDE WHITE PAINTED LINE, SPACED 48" ON CENTER PERPENDICULAR TO THE FLOW OF TRAFFIC. WIDTH OF CROSSWALK SHALL BE 5' WIDE. ALL OTHER PAVEMENT MARKINGS SHALL BE WHITE IN COLOR UNLESS OTHERWISE NOTED OR REQUIRED BY ADA OR LOCAL GOVERNING BODIES.
- SEE SITE PLAN FOR CURB AND GUTTER TYPE, TAPER BETWEEN CURB TYPES-SEE DETAIL.
- ALL CURB RADII ARE MINIMUM 3' UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL REFER TO FINAL PLAT FOR LOT BOUNDARIES, NUMBERS, AREAS AND DIMENSIONS PRIOR TO SITE IMPROVEMENTS.
- FIELD VERIFY ALL EXISTING SITE CONDITIONS, DIMENSIONS.
- PARKING IS TO BE SET PARALLEL OR PERPENDICULAR TO EXISTING BUILDING UNLESS NOTED OTHERWISE.
- ALL PARKING LOT PAINT STRIPING TO BE WHITE, 4" WIDE TYP.
- BITUMINOUS PAVING TO BE "LIGHT DUTY" UNLESS OTHERWISE NOTED. SEE DETAIL SHEETS FOR PAVEMENT SECTIONS.
- ALL TREES THAT ARE TO REMAIN ARE TO BE PROTECTED FROM DAMAGE WITH A CONSTRUCTION FENCE AT THE DRIP LINE. SEE LANDSCAPE DOCUMENTS.

**CITY OF MINNETONKA SITE SPECIFIC NOTES:**

- RESERVED FOR CITY SPECIFIC NOTES.

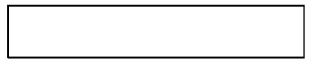
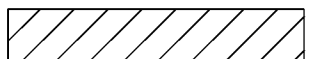
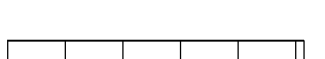






**OPERATIONAL NOTES:**

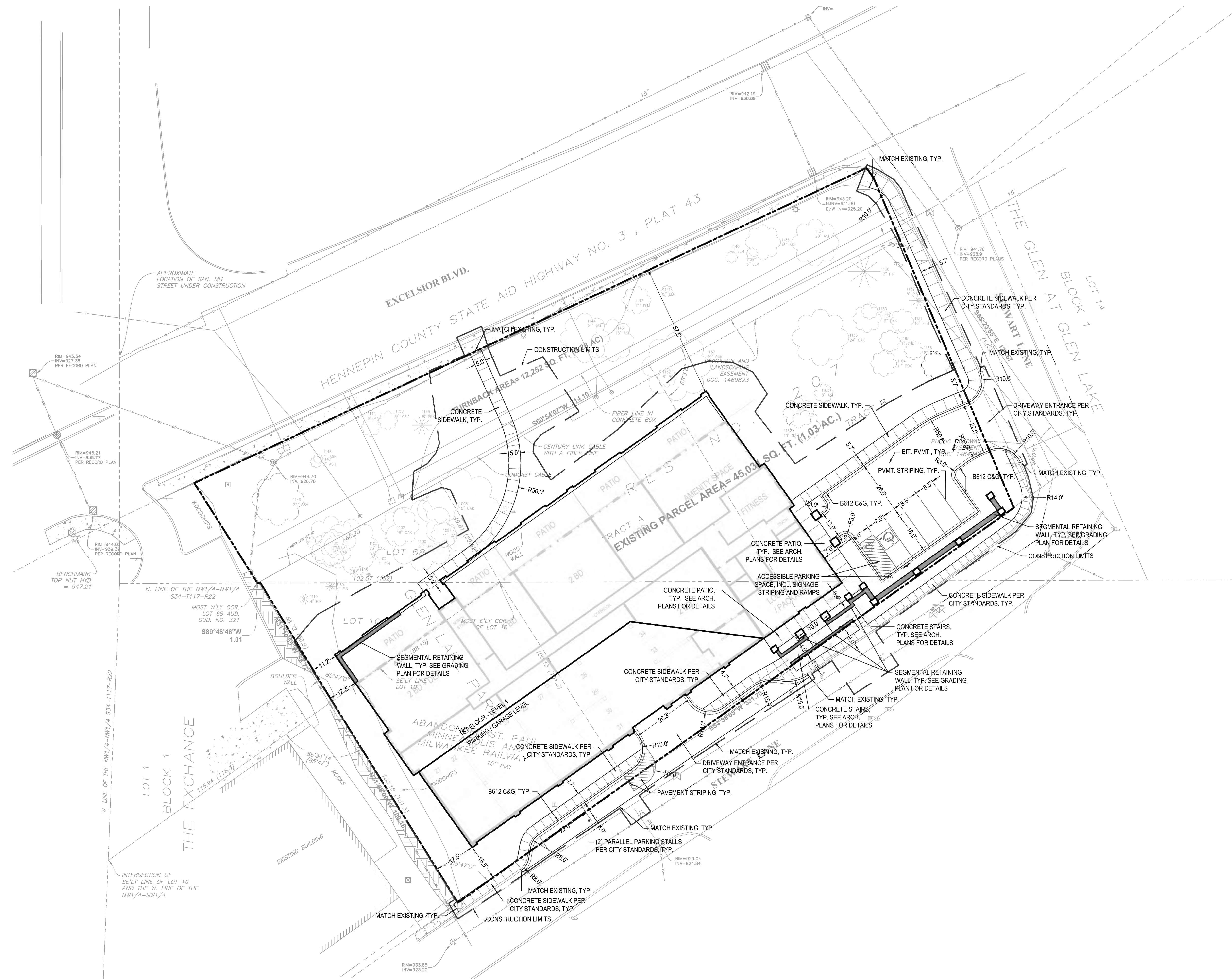
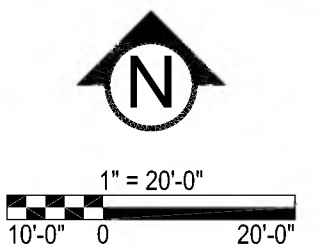
SNOW REMOVAL	ALL SNOW SHALL BE STORED ON-SITE ON LANDSCAPED AREAS. WHEN FULL, REMOVAL CO. SHALL REMOVE EXCESS OF-SITE
TRASH REMOVAL	TRASH SHALL BE WHEELED OUT AT TIME OF TRASH REMOVAL. COORD. W/ COMMERCIAL CO.
DELIVERIES	DELIVERIES SHALL OCCUR AT THE FRONT DOOR VIA STANDARD COMMERCIAL DELIVERY VEHICLES (UPS, FED-EX, USPS)

**SITE AREA TABLE:**

SITE AREA CALCULATIONS	EXISTING CONDITION	PROPOSED CONDITION
BUILDING COVERAGE	2,437 SF 4.4%	19,071 SF 34.8%
ALL PAVEMENTS	5,913 SF 10.8%	6,090 SF 11.1%
ALL NON-PAVEMENTS	46,423 SF 84.8%	29,612 SF 54.1%
<b>TOTAL SITE AREA</b>	<b>54,773 SF 100.0%</b>	<b>54,773 SF 100.0%</b>
IMPERVIOUS SURFACE		
EXISTING CONDITION	8,350 SF 15.2%	
PROPOSED CONDITION	25,161 SF 45.9%	
DIFFERENCE (EX. VS PROP.)	16,811 SF 30.7%	

**SITE PLAN LEGEND:**

-  LIGHT DUTY BITUMINOUS PAVEMENT (IF APPLICABLE). SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & WEAR COURSE DEPTH. SEE DETAIL.
-  HEAVY DUTY BITUMINOUS PAVEMENT (IF APPLICABLE). SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & WEAR COURSE DEPTH. SEE DETAIL.
-  CONCRETE PAVEMENT (IF APPLICABLE) AS SPECIFIED (PAD OR WALK) SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & CONCRETE DEPTHS. WITHIN ROW SEE CITY DETAIL. WITHIN PRIVATE PROPERTY SEE CSG DETAIL.
-  PROPERTY LINE
-  CONSTRUCTION LIMITS
-  CURB AND GUTTER-SEE NOTES (T.O.) TIP OUT GUTTER WHERE APPLICABLE-SEE PLAN
-  TRAFFIC DIRECTIONAL ARROW PAVEMENT MARKINGS
-  SIGN AND POST ASSEMBLY. SHOP DRAWINGS REQUIRED.  
HC = ACCESSIBLE SIGN  
NP = NO PARKING FIRE LANE  
ST = STOP  
CP = COMPACT CAR PARKING ONLY
-  ACCESSIBILITY ARROW (IF APPLICABLE) DO NOT PAINT.







**PRELIMINARY:  
NOT FOR  
CONSTRUCTION**

**GLEN LAKE APARTMENTS**  
14317 EXCELSIOR BLVD, MINNETONKA, MN, 55345  
**ABDO MARKET HOUSE**  
601 MARQUETTE AVE SOUTH SUITE 100, MINNEAPOLIS, MN 55402

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DAILY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Matthew R. Pavlik*  
Matthew R. Pavlik  
DATE 01/31/22 LICENSE NO. 44263

ISSUE/SUBMITTAL SUMMARY  
DATE DESCRIPTION  
01/31/22 CITY SUBMITTAL

REVISION SUMMARY  
DATE DESCRIPTION

DRAWN BY: MSJR REVIEWED BY: PS, RL  
PROJECT NUMBER: 21476

GRADING PLAN

**C3.0**  
© COPYRIGHT 2021 CIVIL SITE GROUP, INC.

**GENERAL GRADING NOTES:**

- CONTRACTOR SHALL VERIFY ALL BUILDING ELEVATIONS, (FFE, LFE, GFE), PRIOR TO CONSTRUCTION BY CROSS CHECKING WITH ARCHITECTURAL, STRUCTURAL AND CIVIL ELEVATIONS FOR EQUIVALENT "100" ELEVATIONS. THIS MUST BE DONE PRIOR TO EXCAVATION AND INSTALLATION OF ANY FOOTING MATERIALS. VERIFICATION OF THIS COORDINATION SHALL BE CONFIRMED IN WRITING BY CIVIL, SURVEYOR, ARCHITECTURAL, STRUCTURAL AND CONTRACTOR PRIOR TO CONSTRUCTION.
- ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTACT "GOPHER STATE ONE CALL" (651-454-0002 OR 800-252-1166) FOR UTILITY LOCATIONS, 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY UTILITIES THAT ARE DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.
- SEE SITE PLAN FOR HORIZONTAL LAYOUT & GENERAL GRADING NOTES.
- THE CONTRACTOR SHALL COMPLETE THE SITE GRADING CONSTRUCTION (INCLUDING BUT NOT LIMITED TO SITE PREPARATION, SOIL CORRECTION, EXCAVATION, EMBANKMENT, ETC.) IN ACCORDANCE WITH THE REQUIREMENTS OF THE OWNER'S SOILS ENGINEER. ALL SOIL TESTING SHALL BE COMPLETED BY THE OWNER'S SOILS ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOIL TESTS AND INSPECTIONS WITH THE SOILS ENGINEER.
- ANY ELEMENTS OF AN EARTH RETENTION SYSTEM AND RELATED EXCAVATIONS THAT FALL WITHIN THE PUBLIC RIGHT OF WAY WILL REQUIRE A "RIGHT OF WAY EXCAVATION PERMIT". CONTRACTOR IS RESPONSIBLE FOR ACQUIRING THIS PERMIT PRIOR TO CONSTRUCTION IF APPLICABLE.
- ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTACT "GOPHER STATE ONE CALL" (651-454-0002 OR 800-252-1166) FOR UTILITY LOCATIONS, 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY UTILITIES THAT ARE DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.
- GRADING AND EXCAVATION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS & PERMIT REQUIREMENTS OF THE CITY.
- PROPOSED SPOT GRADES ARE FLOW-LINE FINISHED GRADE ELEVATIONS, UNLESS OTHERWISE NOTED.
- GRADES OF WALKS SHALL BE INSTALLED WITH 5% MAX. LONGITUDINAL SLOPE AND 1% MIN. AND 2% MAX. CROSS SLOPE, UNLESS OTHERWISE NOTED.
- PROPOSED SLOPES SHALL NOT EXCEED 3:1 UNLESS INDICATED OTHERWISE ON THE DRAWINGS. MAXIMUM SLOPES IN MAINTAINED AREAS IS 4:1
- PROPOSED RETAINING WALLS, FREESTANDING WALLS, OR COMBINATION OF WALL TYPES GREATER THAN 4' IN HEIGHT SHALL BE DESIGNED AND ENGINEERED BY A REGISTERED RETAINING WALL ENGINEER. DESIGN DRAWINGS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF GRADE STAKES THROUGHOUT THE DURATION OF CONSTRUCTION TO ESTABLISH PROPER GRADES. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR A FINAL FIELD CHECK OF FINISHED GRADES ACCEPTABLE TO THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO TOPSOIL AND SODDING ACTIVITIES.
- IF EXCESS OR SHORTAGE OF SOIL MATERIAL EXISTS, THE CONTRACTOR SHALL TRANSPORT ALL EXCESS SOIL MATERIAL OFF THE SITE TO AN AREA SELECTED BY THE CONTRACTOR, OR IMPORT SUITABLE MATERIAL TO THE SITE.
- EXCAVATE TOPSOIL FROM AREAS TO BE FURTHER EXCAVATED OR REGRADED AND STOCKPILE IN AREAS DESIGNATED ON THE SITE. THE CONTRACTOR SHALL SALVAGE ENOUGH TOPSOIL FOR RESPREADING ON THE SITE AS SPECIFIED. EXCESS TOPSOIL SHALL BE PLACED IN EMBANKMENT AREAS, OUTSIDE OF BUILDING PADS, ROADWAYS AND PARKING AREAS. THE CONTRACTOR SHALL SUBCUT OUT AREAS, WHERE TURF IS TO BE ESTABLISHED, TO A DEPTH OF 6 INCHES. RESPREAD TOPSOIL IN AREAS WHERE TURF IS TO BE ESTABLISHED TO A MINIMUM DEPTH OF 6 INCHES.
- FINISHED GRADING SHALL BE COMPLETED. THE CONTRACTOR SHALL UNIFORMLY GRADE AREAS WITHIN LIMITS OF GRADING, INCLUDING ADJACENT TRANSITION AREAS. PROVIDE A SMOOTH FINISHED SURFACE WITHIN SPECIFIED TOLERANCES, WITH UNIFORM LEVELS OR SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN, OR BETWEEN SUCH POINTS AND EXISTING GRADES. AREAS THAT HAVE BEEN FINISH GRADED SHALL BE PROTECTED FROM SUBSEQUENT CONSTRUCTION OPERATIONS, TRAFFIC AND EROSION. REPAIR ALL AREAS THAT HAVE BECOME RUTTED BY TRAFFIC OR ERODED BY WATER OR HAS SETTLED BELOW THE CORRECT GRADE. ALL AREAS DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED TO EQUAL OR BETTER THAN ORIGINAL CONDITION OR TO THE REQUIREMENTS OF THE NEW WORK.
- PRIOR TO PLACEMENT OF THE AGGREGATE BASE, A TEST ROLL WILL BE REQUIRED ON THE STREET AND/OR PARKING AREA SUBGRADE. THE CONTRACTOR SHALL PROVIDE A LOADED TANDEM AXLE TRUCK WITH A GROSS WEIGHT OF 25 TONS. THE TEST ROLLING SHALL BE AT THE DIRECTION OF THE SOILS ENGINEER AND SHALL BE COMPLETED IN AREAS AS DIRECTED BY THE SOILS ENGINEER. THE SOILS ENGINEER SHALL DETERMINE WHICH SECTIONS OF THE STREET OR PARKING AREA ARE UNSTABLE. CORRECTION OF THE SUBGRADE SOILS SHALL BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOILS ENGINEER. NO TEST ROLL SHALL OCCUR WITHIN 10' OF ANY UNDERGROUND STORM RETENTION/DETENTION SYSTEMS.
- TOLERANCES
- THE BUILDING SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.30 FOOT ABOVE, OR 0.30 FOOT BELOW, THE PRESCRIBED ELEVATION AT ANY POINT WHERE MEASUREMENT IS MADE.
- THE STREET OR PARKING AREA SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.05 FOOT ABOVE, OR 0.10 FOOT BELOW, THE PRESCRIBED ELEVATION OF ANY POINT WHERE MEASUREMENT IS MADE.
- AREAS WHICH ARE TO RECEIVE TOPSOIL SHALL BE GRADED TO WITHIN 0.30 FOOT ABOVE OR BELOW THE REQUIRED ELEVATION, UNLESS DIRECTED OTHERWISE BY THE ENGINEER.
- TOPSOIL SHALL BE GRADED TO PLUS OR MINUS 1/2 INCH OF THE SPECIFIED THICKNESS.
- MAINTENANCE
- THE CONTRACTOR SHALL PROTECT NEWLY GRADED AREAS FROM TRAFFIC AND EROSION, AND KEEP AREA FREE OF TRASH AND DEBRIS.
- CONTRACTOR SHALL REPAIR AND REESTABLISH GRADES IN SETTLED, ERODED AND RUTTED AREAS TO SPECIFIED TOLERANCES. DURING THE CONSTRUCTION, IF REQUIRED, AND DURING THE WARRANTY PERIOD, ERODED AREAS WHERE TURF IS TO BE ESTABLISHED SHALL BE RESEEDED AND MULCHED.
- WHERE COMPLETED COMPACTED AREAS ARE DISTURBED BY SUBSEQUENT CONSTRUCTION OPERATIONS OR ADVERSE WEATHER, CONTRACTOR SHALL SCARIFY, SURFACE, RESHAPE, AND COMPACT TO REQUIRED DENSITY PRIOR TO FURTHER CONSTRUCTION.

**EROSION CONTROL NOTES:**  
SEE SWPPP ON SHEETS SW1.0 - SW1.5

**CITY OF MINNETONKA GRADING NOTES:**

- RESERVED FOR CITY SPECIFIC GRADING NOTES.

**GRADING PLAN LEGEND:**

- 11.25 --- EX. 1' CONTOUR ELEVATION INTERVAL
- 11.37 --- 1.0' CONTOUR ELEVATION INTERVAL
- 41.26 --- SPOT GRADE ELEVATION (GUTTER/FLOW LINE UNLESS OTHERWISE NOTED)
- 891.00 G --- SPOT GRADE ELEVATION GUTTER
- 891.00 TC --- SPOT GRADE ELEVATION TOP OF CURB
- 891.00 BS/TS --- SPOT GRADE ELEVATION BOTTOM OF STAIRS/TOP OF STAIRS
- 891.00 ME --- SPOT GRADE ELEVATION MATCH EXISTING
- GRADE BREAK - HIGH POINTS
- CURB AND GUTTER (T.O. = TIP OUT)

EMERGENCY OVERFLOW  
EOF=1135.52



Know what's below.  
Call before you dig.



1" = 20'-0"  
0 20'-0"





**LANDSCAPE NOTES:**

1. ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTACT "Gopher State One Call" (855-454-0002 OR 800-252-1166) FOR UTILITY LOCATIONS 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY UTILITIES THAT ARE DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.
2. WHERE SHOWN, SHRUB & PERENNIAL BEDS SHALL BE MULCHED WITH 4" DEPTH (MINIMUM AFTER INSTALLATION AND/OR TOP DRESSING OPERATIONS) OF SHREDDED CEDAR MULCH.
3. ALL TREES SHALL BE MULCHED WITH SHREDDED CEDAR MULCH TO OUTER EDGE OF SAUCER OR TO EDGE OF PLANTING BED, IF APPLICABLE. ALL MULCH SHALL BE KEPT WITHIN A MINIMUM OF 2' FROM TREE TRUNK.
4. IF SHOWN ON PLAN, RANDOM SIZED LIMESTONE BOULDERS COLOR AND SIZE TO COMPLEMENT NEW LANDSCAPING. OWNER TO APPROVE BOULDER SAMPLES PRIOR TO INSTALLATION.
5. PLANT MATERIALS SHALL CONFORM WITH THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND SHALL BE OF HARDY STOCK, FREE FROM DISEASE, DAMAGE AND DISFIGURATION. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING PLUMPNESS OF PLANT MATERIAL FOR DURATION OF ACCEPTANCE PERIOD.
6. UPON DISCOVERY OF A DISCREPANCY BETWEEN THE QUANTITY OF PLANTS SHOWN ON THE SCHEDULE AND THE QUANTITY SHOWN ON THE PLAN, THE PLAN SHALL GOVERN.
7. CONDITION OF VEGETATION SHALL BE MONITORED BY THE LANDSCAPE ARCHITECT THROUGHOUT THE DURATION OF THE CONTRACT. LANDSCAPE MATERIALS PART OF THE CONTRACT SHALL BE WARRANTED FOR ONE (1) FULL GROWING SEASONS FROM SUBSTANTIAL COMPLETION DATE.
8. ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES SHALL RECEIVE 6" LAYER TOPSOIL AND SOD AS SPECIFIED UNLESS OTHERWISE NOTED ON THE DRAWINGS.
9. COORDINATE LOCATION OF VEGETATION WITH UNDERGROUND AND OVERHEAD UTILITIES. LIGHTING FIXTURES, DOORS AND WINDOWS. CONTRACTOR SHALL STAKE IN THE FIELD FINAL LOCATION OF TREES AND SHRUBS FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
10. ALL PLANT MATERIALS SHALL BE WATERED AND MAINTAINED UNTIL ACCEPTANCE.
11. REPAIR AT NO COST TO OWNER ALL DAMAGE RESULTING FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
12. SWEEP AND MAINTAIN ALL PAVED SURFACES FREE OF DEBRIS GENERATED FROM LANDSCAPE CONTRACTOR'S ACTIVITIES.
13. PROVIDE SITE WIDE IRRIGATION SYSTEM DESIGN AND INSTALLATION. SYSTEM SHALL BE FULLY PROGRAMMABLE AND CAPABLE OF ALTERNATE DATE WATERING. THE SYSTEM SHALL PROVIDE HEAD TO HEAD OR DRIP COVERAGE AND BE CAPABLE OF DELIVERING ONE INCH OF PRECIPITATION PER WEEK. SYSTEM SHALL EXTEND INTO THE PUBLIC RIGHT-OF-WAY TO THE EDGE OF PAVEMENT/BACK OF CURB.
14. CONTRACTOR SHALL SECURE APPROVAL OF PROPOSED IRRIGATION SYSTEM INCLUDING PRICING FROM OWNER, PRIOR TO INSTALLATION.

**LANDSCAPE CALCULATIONS:**

COST OF PROJECT VALUE	\$90,000.00
REQUIRED LANDSCAPE PLANT MATERIAL (1%)	\$90,000.00
PROPOSED (SEE SCHEDULE ABOVE)	
TYPE	UNIT PRICE QUANT.
PRESERVED HIGH PRIORITY TREES	\$ 800.00 EA. 23 \$ 18,400.00
PRESERVED SIGNIFICANT TREES	\$ 700.00 EA. 5 \$ 3,500.00
PRESERVED COMMON TREES	\$ 600.00 EA. 6 \$ 3,600.00
PROPOSED DECIDUOUS TREES	\$ 600.00 EA. 5 \$ 3,000.00
PROPOSED CONIFEROUS TREES	\$ 550.00 EA. 0 \$ 0.00
PROPOSED ORNAMENTAL TREES	\$ 300.00 EA. 3 \$ 900.00
SHRUBS	\$ 75.00 EA. 171 \$ 12,825.00
PERENNIALS	\$ 25.00 EA. 216 \$ 5,400.00
Sod/Turf	\$ 3.50 SY 2298 \$ 8,043.00
EDGING (VINYL)	\$ 1.00 LF 1838 \$ 1,838.00
MULCH (ROCK)	\$ 160.00 CY 58 \$ 9,280.00
RETAINING WALL	\$ 36.00 SFF 457 \$ 16,452.00
Irrigation System	\$ 12,000.00 EA. 1 \$ 12,000.00
<b>TOTAL</b>	<b>\$95,238.00</b>

**PRELIMINARY:  
NOT FOR CONSTRUCTION**

**PLANT SCHEDULE**

DECIDUOUS TREES	QTY	COMMON / BOTANICAL NAME	CONT	NATIVE PLANTS
EK	1	Espresso Kentucky Coffeetree / Gymnocladus dioica 'Espresso'	2.5" Cal. B&B	B&B
QE	4	Crimson Spire Oak / Quercus x 'Crimschmidt' TM	2.5" Cal. B&B	B&B
ORNAMENTAL TREES	QTY	COMMON / BOTANICAL NAME	CONT	NATIVE PLANTS
MP	3	Prairie Fire Crabapple / Malus x 'Prairiefire'	1.5" Cal. B&B	B&B
SHRUBS	QTY	COMMON / BOTANICAL NAME	SIZE	NATIVE PLANTS
AS	33	Standing Ovation TM Serviceberry / Amelanchier alnifolia 'Obelisk'	#5 CONT	Pot
DL	36	Dwarf Bush Honeysuckle / Diervilla lonicera	#5 CONT	Pot
HA	6	Annabelle Hydrangea / Hydrangea arborescens 'Annabelle'	#5 CONT	Pot
SS	53	Sem Ash Leaf Spirea / Sorbaria sorbifolia 'Sem'	#5 CONT	Pot
TT	43	Taunton's Yew / Taxus x media 'Tauntoni'	#5 CONT	Pot
GRASSES	QTY	COMMON / BOTANICAL NAME	SIZE	NATIVE PLANTS
CK	60	Feather Reed Grass / Calamagrostis x acutiflora 'Karl Foerster'	#1 CONT	Pot
PN	36	Northwind Switch Grass / Panicum virgatum 'North Wind'	#1 CONT	Pot
SH2	7	Prairie Dropseed / Sporobolus heterolepis	#1 CONT	Pot
PERENNIALS	QTY	COMMON / BOTANICAL NAME	SIZE	NATIVE PLANTS
EW	18	White Swan Coneflower / Echinacea purpurea 'White Swan'	#1 CONT	
HA2	77	Daylily / Hemerocallis x 'Chicago Apache'	#1 CONT	
HC	11	Caramel Coral Bells / Heuchera x 'Caramel'	#1 CONT	
NW2	7	Walkers Low Catmint / Nepeta x faassonii 'Walkers Low'	#1 CONT	
GROUND COVERS	COMMON / BOTANICAL NAME	SIZE		
	Blue Grass Based / Sod Commercial grade, locally grown, "Big Roll" preferred	Sod		



EDGING  
DECORATIVE BOULDERS (ROUNDED & BLOCK STYLE) 18"-30" DIAMETER

**GLEN LAKE APARTMENTS**

14317 EXCELSIOR BLVD, MINNETOKA, MN, 55345

**ABDO MARKET HOUSE**

601 MARQUETTE AVE SOUTH SUITE 100, MINNEAPOLIS, MN 55402

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 LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Patrick J. Saiver  
DATE 01/31/22 LICENSE NO. 24904

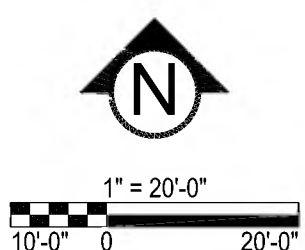
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DATE DESCRIPTION  
01/31/22 CITY SUBMITTAL

DRAWN BY: MS\_JR REVIEWED BY: PS\_RL  
PROJECT NUMBER: 21476

REVISION SUMMARY  
DATE DESCRIPTION

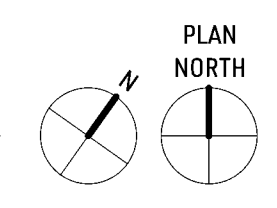
**LANDSCAPE PLAN**

**L1.0**



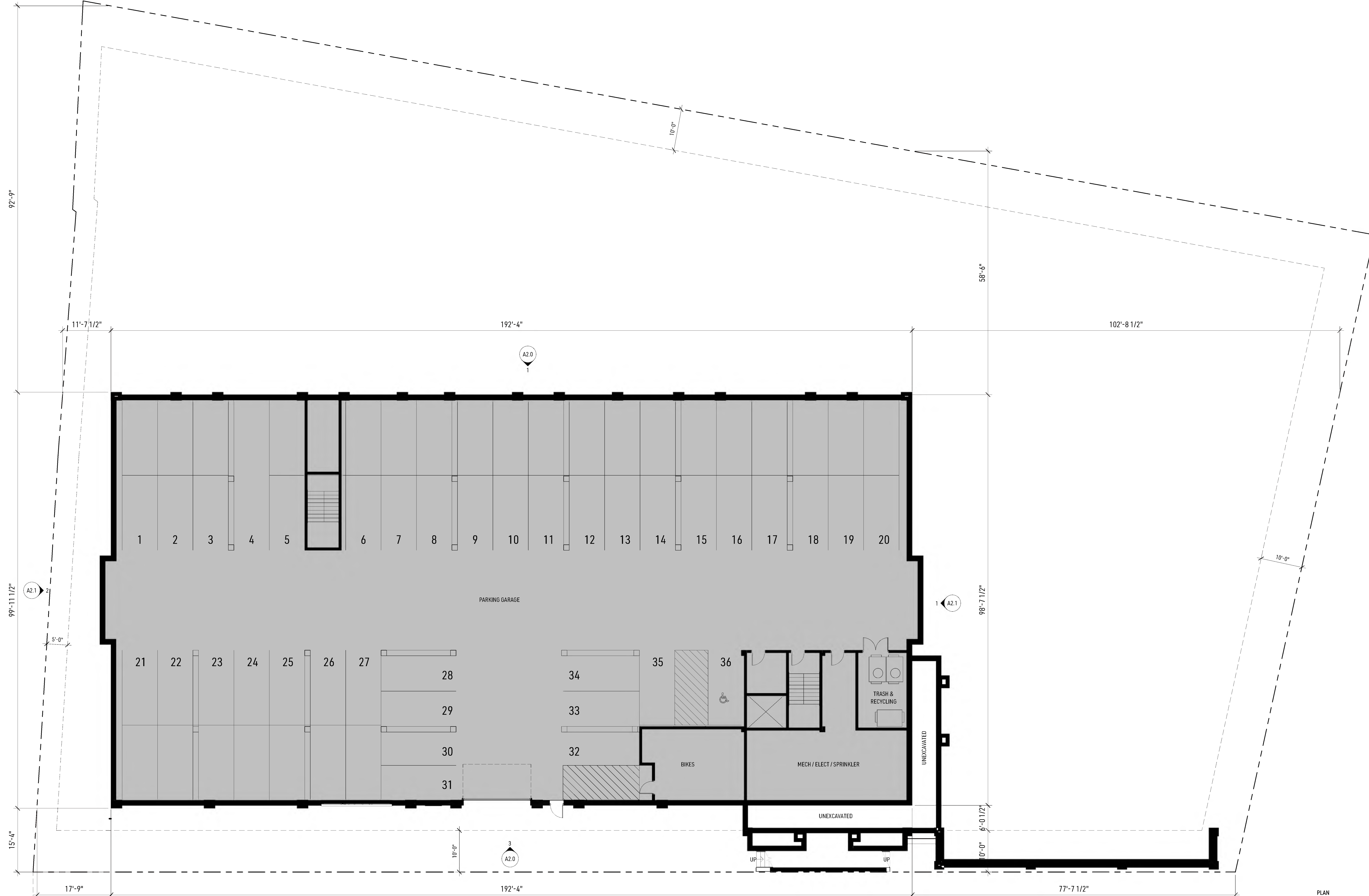


- EXISTING TREES
- NEW TREES
- REMOVED TREES

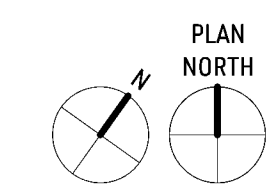


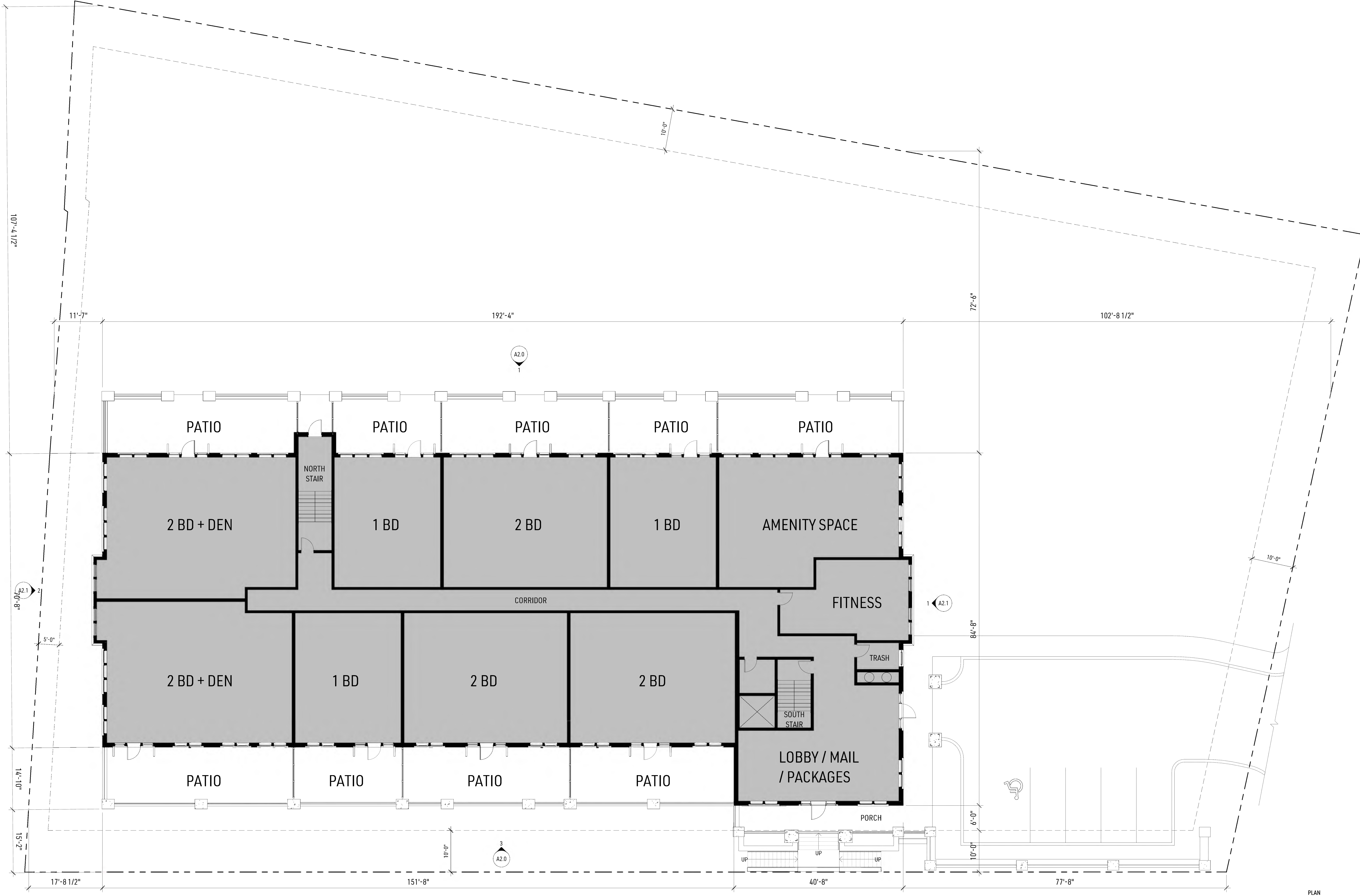




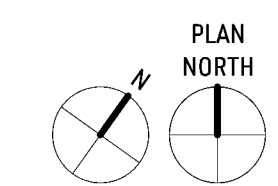


FLOOR PLAN - LEVEL P1  
3/32" = 1'-0"

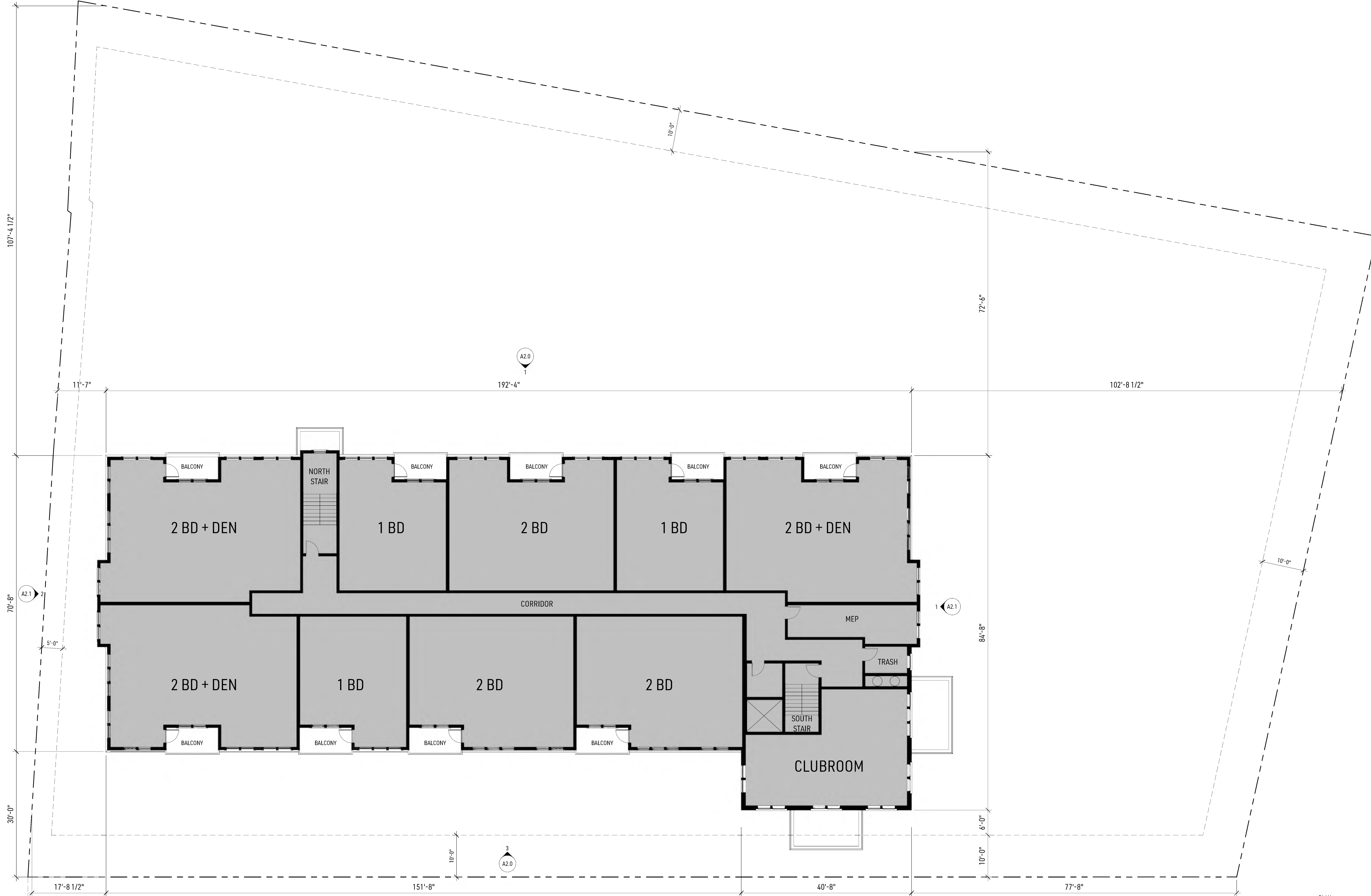




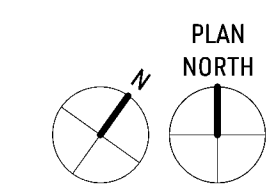
FLOOR PLAN - LEVEL 1  
 3/32" = 1'-0"





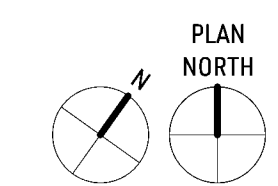


FLOOR PLAN - LEVEL 2  
 3/32" = 1'-0"



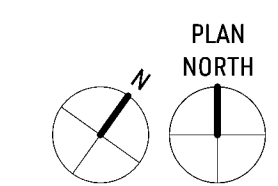


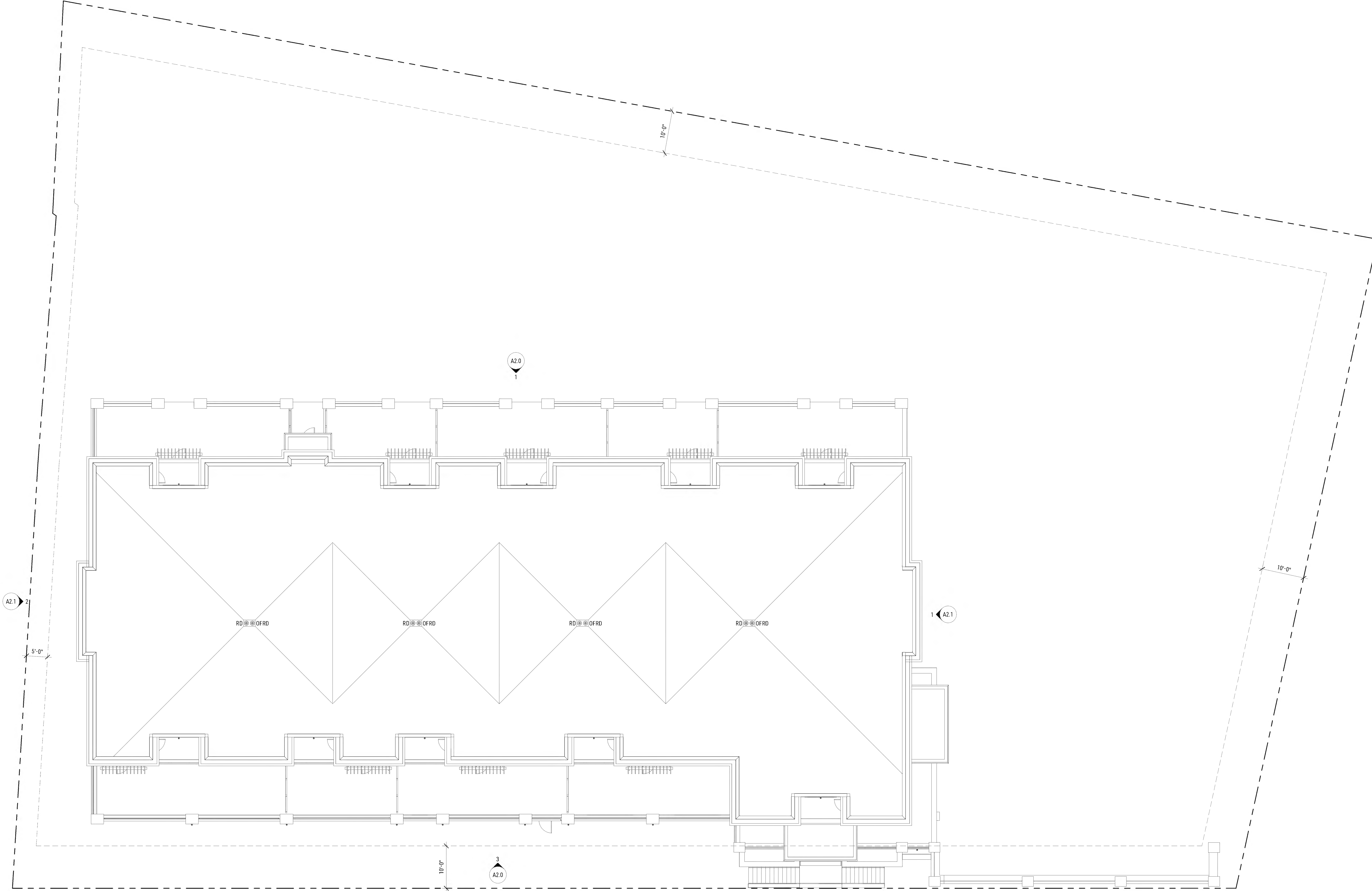
FLOOR PLAN - LEVEL 3  
 3/32" = 1'-0"



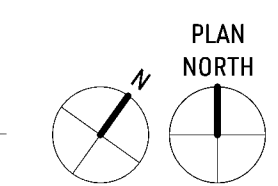


FLOOR PLAN - LEVEL 4  
 3/32" = 1'-0"





ROOF PLAN  
3/32" = 1'-0"





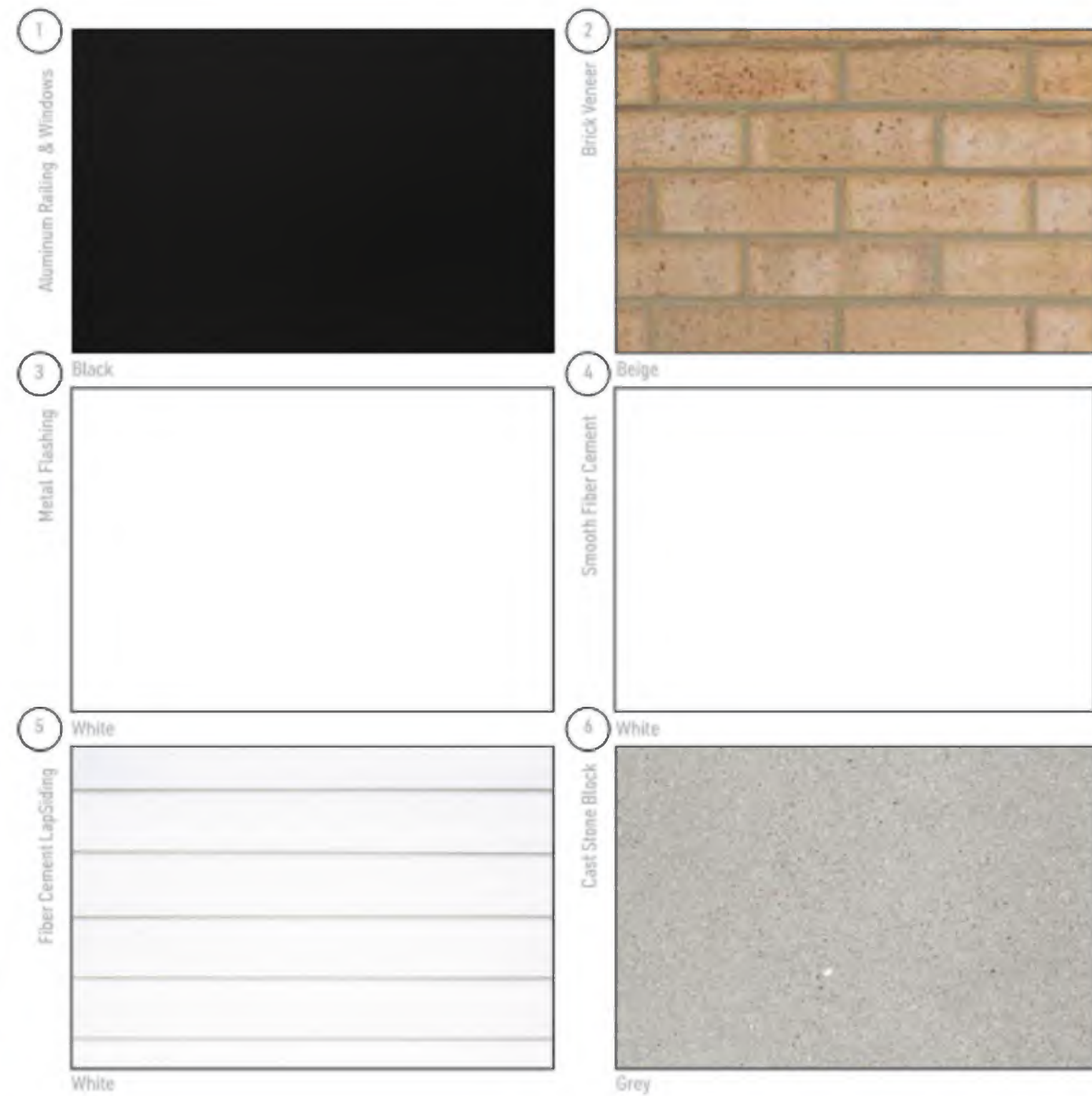
SOUTH EXTERIOR ELEVATION (STEWART LANE)  
1/8" = 1'-0"



NORTH EXTERIOR ELEVATION (EXCELSIOR BLVD.)  
1/8" = 1'-0"



View from Stewart St

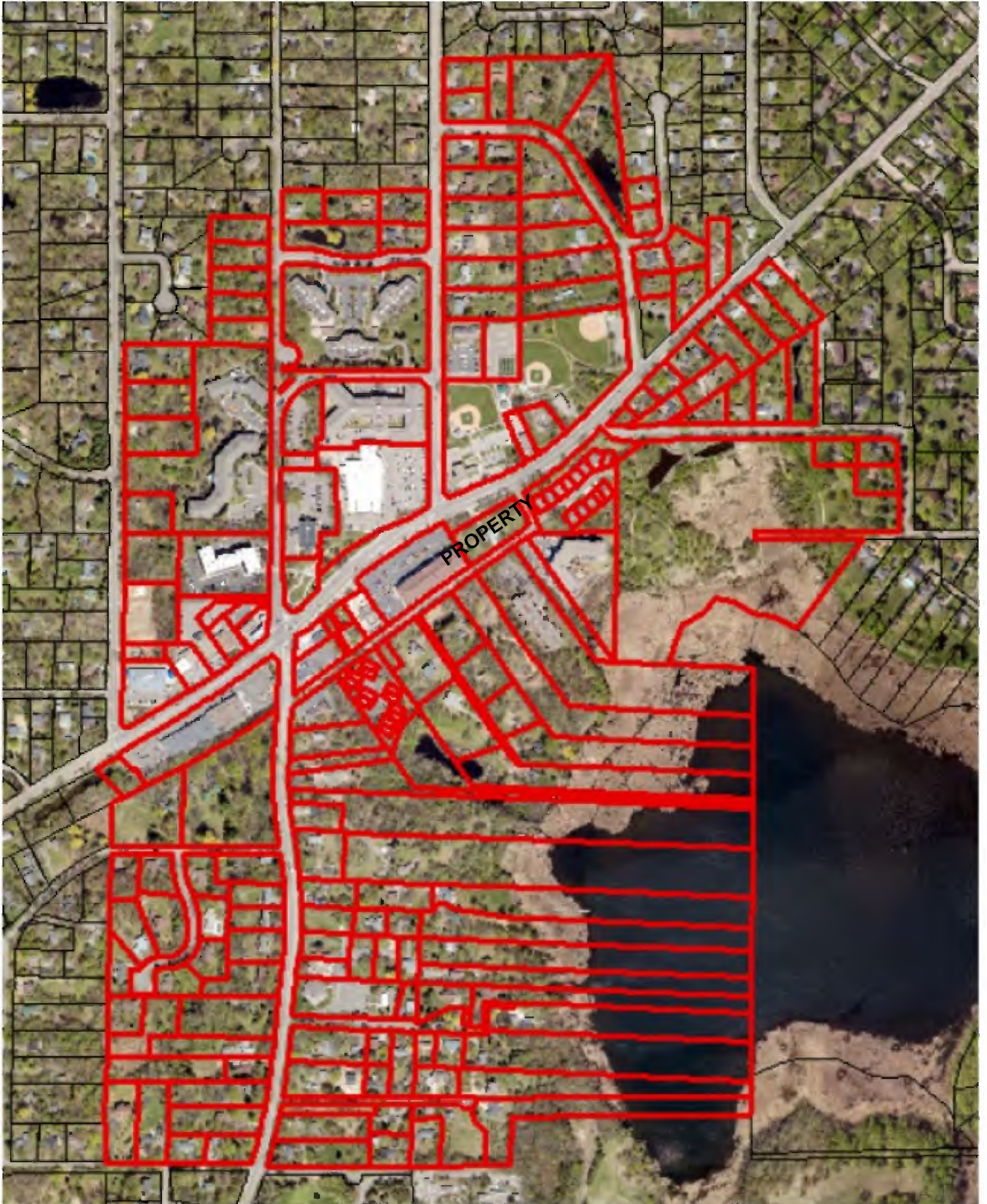


WEST EXTERIOR ELEVATION  
1/8" = 1'-0"



EAST EXTERIOR ELEVATION  
1/8" = 1'-0"

**NOTICE AREA**



## **Ordinance No. 2022-**

### **An ordinance rezoning the property at 14317 Excelsior Boulevard from R-1, low density residential district, to PUD, planned unit development, and adopting a master development plan**

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The City Of Minnetonka Ordains:

#### Section 1.

- 1.01 The property at 14317 Excelsior Boulevard is hereby rezoned from R-1, low-density residential, to planned unit development, PUD.
- 1.02 The property is legally described as Lot 1, Block 1, GLEN LAKE APARTMENTS.

#### Section 2.

- 2.01 This ordinance is based on the following findings:
1. The rezoning to PUD would result in a development compatible with the existing surrounding development type and intensity.
  2. The rezoning would be consistent with the intent of the zoning ordinance and the comprehensive guide plan.
  3. The rezoning would be consistent with the public health, safety, and welfare.
- 2.02 This ordinance is subject to the following conditions:
1. The site must be developed and maintained in substantial conformance with the following plans:
    - Site Plan, dated Jan. 31, 2022
    - Grading Plan, dated Jan. 31, 2022
    - Utility Plan, dated Jan. 31, 2022
    - Landscape Plan, dated Jan. 31, 2022
    - Building Elevations, dated Jan. 31, 2022



The above plans are hereby adopted as the master development plan for the site.

- 2. The development must further comply with all conditions outlined in City Council Resolution No. 2022-\_\_\_\_, adopted by the Minnetonka City Council on \_\_\_\_\_, 2022.

Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Brad Wiersum, Mayor

Attest:

\_\_\_\_\_  
Becky Koosman, City Clerk

**Action on this ordinance:**

Date of introduction: March 7, 2022  
 Date of adoption:  
 Motion for adoption:  
 Seconded by:  
 Voted in favor of:  
 Voted against:  
 Abstained:  
 Absent:  
 Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Becky Koosman, City Clerk



**City Council Agenda Item 15A  
Meeting of Mar. 7, 2022**

**Title:** Appointment of Advisors for the 2022 Local Board of Appeal and Equalization

**Report From:** Colin Schmidt, City Assessor  
Melanie Putz, Principal Appraiser

**Submitted through:** Mike Funk, Acting City Manager  
Darin Nelson, Finance Director

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**Action Requested:**  Motion     Informational     Public Hearing  
**Form of Action:**     Resolution     Ordinance     Contract/Agreement     Other     N/A  
**Votes needed:**     4 votes     5 votes     N/A     Other

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**Summary Statement**

Council appoints advisors to assist in the review of the market value appeals. These advisors review each appeal and offer their independent opinion of market value to the reconvened Local Board of Appeal and Equalization on April 25, 2022.

**Recommended Action**

Staff recommends Mr. Dillum, Mr. Kriedberg, Mr. Swanson and Ms. Shade be appointed as advisors for the 2022 Minnetonka Local Board of Appeal and Equalization.

**Strategic Profile Relatability**

- |  |   |
|--|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community           |
| <input type="checkbox"/> Sustainability & Natural Environment        | <input type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management           | <input type="checkbox"/> Community Inclusiveness            |
| <input checked="" type="checkbox"/> N/A                              |   |

**Financial Consideration**

Is there a financial consideration?     No     Yes [Enter estimated or exact dollar amount]  
Financing sources:     Budgeted     Budget Modification     New Revenue Source  
    Use of Reserves     Other [Enter]

**Background**

The first meeting of the 2022 Minnetonka Local Board of Appeal and Equalization is scheduled for April 11, 2022. Prior to the first meeting, the council appoints advisors to assist in the review of the market value appeals as provided by the City Charter. These advisors review each

appeal and offer their independent opinion of market value as of January 2, 2022. The advisors' recommendations will be presented at the reconvened meeting on April 25, 2022.

This year staff recommends the appointment of four advisors.

**Craig Dullum:** Mr. Dullum is an agent with Edina Realty and has been in the real estate industry for 41 years. He has been a resident of Minnetonka for 9 years.

**Larry Kriedberg:** Mr. Kriedberg is an agent with Coldwell Banker Burnet and has been in the real estate industry for 21 years. He has been a resident of Minnetonka for 25 years.

**Keith Swanson:** Mr. Swanson is an agent with Coldwell Banker Burnet and has been in the real estate industry for 21 years. He has been a resident of Minnetonka for 6 years.

**Tammy Shade:** Ms. Shade is an agent with Engel & Volkers and has been in the real estate industry for 24 years. She has been a resident of Minnetonka for 3 years.



**City Council Agenda Item 15B  
Meeting of March 7, 2022**

**Title:** Appointments of representatives to various advisory boards, commissions and committees

**Report From:** Brad Wiersum, Mayor

**Submitted through:** Mike Funk, Acting City Manager  
Moranda Dammann, Acting Assistant City Manager

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**Action Requested:**  Motion     Informational     Public Hearing  
**Form of Action:**     Resolution     Ordinance     Contract/Agreement     Other     N/A  
**Votes needed:**     4 votes     5 votes     N/A     Other

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**Summary Statement**

At the Feb 7, 2022 City Council meeting the city council voted to approve the 2022 Council Representatives for various committees. Council is asked to approve the addition of Council member Wilburn to three committees as listed below.

**Recommended Action**

Approve the following appointments:

- Dr. Kimberly Wilburn as council representative to the LMC Improving Local Economies Committee
- Dr. Kimberly Wilburn as council representative to Metro Cities Housing & Econ. Development Committee
- Dr. Kimberly Wilburn as council representative to Southwest LRT PLACES Committee

**Strategic Profile Relatability**

Financial Strength & Operational Excellence     Safe & Healthy Community  
 Sustainability & Natural Environment     Livable & Well-Planned Development  
 Infrastructure & Asset Management     Community Inclusiveness  
 N/A

**Financial Consideration**

Is there a financial consideration?     No     Yes [Enter estimated or exact dollar amount]  
Financing sources:     Budgeted     Budget Modification     New Revenue Source  
 Use of Reserves     Other [Enter]

**City of Minnetonka**  
2022 Council Representatives/Staff Participant or Contact

<b>Committee</b> * - rep appointed annually by official council action ♣ - rep appointed when term ends by official council action	<b>Council Representative</b>	<b>Staff Participant/Contact</b> ** - official participant * <sup>a</sup> - alternate * <sup>L</sup> - liaison
<b>CITY ASSOCIATIONS</b>		
LMC Improving Fiscal Futures Committee	Brad Wiersum	**Darin Nelson
LMC Improving Service Delivery Committee	Deb Calvert	**Andrew Wittenborg
LMC Improving Local Economies Committee	Kissy Coakley, <b>Kimberly Wilburn</b>	**Mike Funk
LMC HR & Data Practices Committee	<b>Vacant</b>	**Corrine Heine, * <sup>a</sup> Dawn Pearson
LMC Board	Brad Wiersum	NA
*Metro Cities Legislative Contact	Brad Wiersum	**Mike Funk
Metro Cities Municipal Revenues Committee	<b>Vacant</b>	Darin Nelson
Metro Cities Metropolitan Agencies Committee	Deb Calvert	NA
Metro Cities Transportation & Gen. Gov't Committee	Kissy Coakley	Mike Funk
Metro Cities Housing & Econ. Develop. Committee	Rebecca Schack, <b>Kimberly Wilburn</b>	Julie Wischnack
*MLC Board of Directors	Brad Wiersum	**Mike Funk
NLC Energy, Environment, & Natural Resources Steering Committee	Deb Calvert	NA
LOGIS Board of Directors	NA	Patty Latham
<b>REGIONAL ORGANIZATIONS</b>		
♣Bassett Creek Watershed Mgmt. Commission	N/A	Leslie Yetka
SW LRT Comm. Works Steering Committee	** Brad Wiersum	**Julie Wischnack
SW LRT Mgmt Committee	Brad Wiersum	Julie Wischnack
SW LRT Executive Change Control Board	Brad Wiersum	Julie Wischnack
Southwest LRT Business Advisory Committee	Dave Pellner & Dan Duffy (TwinWest)	None
Southwest LRT PLACES Committee	Brian Kirk, <b>Kimberly Wilburn</b>	Alisha Gray, Julie Wischnack
Southwest LRT Construction Information Workgroup	Brad Wiersum	Julie Wischnack
*I-494 Joint Powers Organization	Rebecca Schack & * <sup>a</sup> Brad Wiersum	**Julie Wischnack
Lake Minnetonka Area Mayors Group	Brad Wiersum	NA
♣Lake Minnetonka Conservation District	Nicole Stone	City Manager
Minnehaha Creek Watershed District	Bill Becker	Leslie Yetka
Nine Mile Creek Watershed District	None- county appointed	Leslie Yetka
Regional Council of Mayors	Brad Wiersum	City Manager
Riley/Purgatory Creek Watershed District	None – county appointed	Leslie Yetka
*Southwest Suburban Cable Commission	Deb Calvert	**Patty Latham
*Suburban Rate Authority	N/A	**Will Manchester
Active Living Hennepin Communities	Bradley Schaeppi	**Kelly O'Dea
<b>MINNETONKA AREA ORGANIZATIONS</b>		
*Bennett Family Park Board	N/A	**Darin Ellingson
Caring Youth Awards Committee	<b>Vacant</b>	Andrew Wittenborg
Charter Commission	Brad Wiersum	* <sup>L</sup> Corrine Heine
♣Economic Development Advisory Comm (EDAC)	** Deb Calvert & * <sup>a</sup> Kissy Coakley	* <sup>L</sup> Alisha Gray & * <sup>a</sup> Julie Wischnack
Glen Lake Golf Course Operating Committee	N/A	**Kelly O'Dea
Hopkins SD Schools/Cities	Brad Wiersum	City Manager
Hopkins SD Hopkins One Voice	Brian Kirk	Andy Gardner
Hopkins Schools & Communities in Partnership	Rebecca Schack	Alisha Gray
Hopkins Community Ed Advisory Council	<b>Vacant</b>	Kelly O'Dea
Juvenile Diversion (Northern Star Council)	Kissy Coakley & Brian Kirk	Scott Boerboom
Minnetonka Family Collaborative (SD #276)	<b>Vacant</b>	Alisha Gray
Minnetonka Fire Fighters Relief Association	Brad Wiersum	John Vance & Darin Nelson
*Minnetonka SD Community Ed Advisory Council	Kissy Coakley	**Sara Woeste
Minnetonka SD Schools/Cities	Brad Wiersum	City Manager
Minnetonka SD Tonka Cares	Brad Wiersum	Vacant
*Music Association of Minnetonka (MAM)	N/A	**Kelly O'Dea
SW Twin Cities Beyond the Yellow Ribbon	<b>Vacant</b>	Andrew Wittenborg
*West Hennepin Affordable Housing Land Trust	Brad Wiersum	Julie Wischnack & Alisha Gray
*Wayzata Schools Cmty Collaboration Council	Bradley Schaeppi	**Alisha Gray
Hopkins SD Community Ed Advisory Council	NA	Kelly O'Dea