



City Council Policies

Revised December 2023

Introduction

The city of Minnetonka operates under the council-manager form of government. Under this common system of municipal governance, citizens elect the mayor and city council, who are responsible for making basic policy decisions for the community. The council employs a city manager, who provides administrative leadership for implementing the policy formulated by the mayor and council.

The purpose of this policy manual is to codify the various policies that have been established by the city council in a single, accessible location. This listing is regularly updated as new policy directions are established, and it is by no means exclusive. Policy direction from the council can take many different forms, including such channels as formally adopted ordinances and resolutions, to more informal requests and suggestions to the city manager, who is ultimately responsible to the city council for carrying out their policy decisions.

These policies are intended as a general guide for the city council. They are not binding and may be modified when, in the sole discretion of the council, such modification is deemed necessary or appropriate in the interest of the city.

City of Minnetonka City Council Policies

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**Chapter 1:
City Council, Boards,
Committees and Commissions**

**Policy Number 1.1
Appointments to Joint Powers Organizations
and Intergovernmental Boards**

Purpose of Policy: This policy establishes that the city council has the prerogative of appointing one of its members as the primary representative on all joint powers organizations and intergovernmental boards.

Introduction

This directive is applicable to all joint powers organizations and intergovernmental boards, commissions or committees.

City Council Representation

- All appointments to the position of director or voting member must be made by the city council.
- All appointees to the position of director or voting member must be members of the city council unless otherwise authorized by the city council.
- All appointees to the position of alternate director must be members of the city council or appropriate staff, unless otherwise authorized by the city council.

Adopted by Council Motion
Council Meeting of February 23, 1981

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2017-128
Council Meeting of November 13, 2017

Policy Number 1.2
Appointments to Boards, Committees, and Commissions

Purpose of Policy: This policy establishes a procedure for appointments, guidelines for operation and representation, and clarification of relationships between appointed boards, committees, and commissions, the city council and city staff.

Introduction

This policy applies to all boards, committees, and commissions appointed by the city council unless otherwise prescribed.

The city council will strive to adhere to the following standards when appointing members to the various boards, committees, and commissions.

Effectiveness

The city council appoints boards, committees, and commissions because:

- They allow greater participation in the government by its citizenry;
- They assist the city council in absorbing an ever increasing legislative workload that may be otherwise impossible for a part-time city council to complete; and
- They can provide an expert or independent opinion on areas, thus offering the city council an additional source of advice.

To achieve these purposes, members of boards, committees, and commissions must be competent to perform their respective roles. While expertise in a particular area is not always necessary, the ability to participate as an equal with other members is essential. Therefore, members should possess the basic interest and skills to be effective.

To enhance skill levels, staff assigned to each committee will be responsible for conducting an orientation session with all new members and for otherwise assisting the board, committee, or commission in carrying out its responsibilities.

Representativeness

Depending on the nature of the board, committee, or commission, it may be important to appoint a limited number of members who have special interest in the work of that body. This is particularly true for ad hoc committees, which are generally formed for specific purposes. For example, if a committee is formed to deal with issues facing the elderly, then clearly the committee should be well represented by the elderly and persons with a background dealing with the elderly. Gender representativeness should be achieved whenever possible.

Nondiscrimination

Persons being considered for appointment to a board, committee, or commission will not be disqualified based on race, color, religion, sex, national origin, age, handicap, political affiliation or belief, veteran status, sexual preference, status with regard to public

assistance, and marital status.

Geographic Balance

While the competence and representativeness criteria are more important, to the extent feasible, boards, commissions, and committees should have a reasonable geographic balance from the community.

Maximum Participation

In order to allow maximum opportunity for participation on the various boards, commissions, and committees, incumbents will not be reappointed to a board, commission or committee if they have already served eight consecutive years on that body.

It will be the policy of the city council to follow the steps outlined hereafter regarding citizen boards, committees, and commissions:

Appointments

Names of persons willing to serve the city in this capacity will be obtained by advertising in local news sources and the *Minnetonka Memo*. These notices should occur at least twice per year.

The city manager's office will maintain a record of all city boards and commissions and their membership, and will notify the city council of any vacancies as they occur. The mayor and city council will receive a copy of the applications on file for the vacancy or vacancies being considered.

The mayor will recommend all appointments. They will be confirmed by at least a majority vote of the city council at a regular meeting.

Residency will be considered as a basic criterion for appointment whenever possible.

Guidelines for Operations

Members of citizen boards, committees, and commissions, are expected to attend a minimum of 80% of the regular meetings. Failure to meet the requirement or to attend three consecutive regular meetings may result in removal.

The city manager will assign a staff member to provide assistance and information to each board, committee, or commission. Responsibility for work direction will remain with the city manager.

The staff will provide orientation for all new members that includes review of enabling legislation, legal responsibilities, parliamentary rules, historical perspective on the work of the committee, agenda of prospective issues, and any other material appropriate to the work of that committee.

The city will provide an annual seminar for all board, committee, and commission members to enhance their effectiveness.

Board, committee and commission members will not receive compensation for service or

expenses unless specifically authorized by the city council.

Each board, committee, and commission will submit a written annual report to the city council. That report will be presented at a city council work session.

This statement is intended as a general guide to be followed by the city council. It is not binding and may be modified by the city council as it sees fit at its sole discretion.

Adopted by Resolution No. 89-8837
Council Meeting of March 27, 1989

Amended by Resolution No. 2001-037
Council Meeting of April 16, 2001

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Policy Number 1.3
City Council Conferences, Meetings and Training
Expense Reimbursement

Purpose of Policy: This policy establishes the procedures and conditions under which the city's elected officials will be reimbursed for attendance at conferences, meetings and training.

Introduction

The city recognizes that its elected officials may at times receive value from attending workshops, conferences, events and other assignments. This policy sets forth the conditions under which related expenses will be reimbursed by the city.

Allowable Expenses

Except where this policy provides for per diem payments, the following types of expenses are eligible for reimbursement contingent upon their meeting the usual tests of appropriateness and reasonableness in specific instances:

- Transportation

Transportation to and from events is ordinarily by private car, city car, or by air. The appropriate transportation is determined on a least cost basis, unless otherwise authorized by the city council.

Private car. When a private car is used, mileage reimbursement is made at the rate established by the city manager. When two or more council members travel to the same destination together by private car, reimbursement is made to only one person. Carpooling is encouraged whenever possible. When travel is directly to an event, mileage will be computed from the council member's home or normal place of work, whichever is less. If air travel is determined to be the most cost effective transportation and a council member chooses to drive, only mileage is reimbursed, and the mileage reimbursement may not exceed the cost of round trip airfare; there would be no reimbursement for hotel, meal or other expenses, including travel time, or other expenses incurred.

Rented car. Car rental costs are not reimbursable unless specifically authorized by the city council in advance of travel.

Air travel. Air travel reimbursement is limited to coach or economy fares, when such services are available. Every effort will be made, when practical, to book tickets early to take advantage of money saving offers.

Also reimbursable are fares for shuttle or airport bus service, where available. Costs for public transportation or other ground travel such as taxi service will be reimbursed but should be used only when no other safe, efficient, or economical means of travel exists. Reasonable safety considerations take precedence over economy factors in travel situations. If driven to or from the airport in a private car by another employee or family member, round trip mileage will be reimbursed.

Other forms of transportation. Other forms of transportation such as bus or rail may be utilized if costs are reasonable or similar to costs incurred by air travel.

Parking costs. The cost to park a private or city car at an event site is reimbursable.

- Lodging

Reimbursement for lodging is limited to the minimum number of nights required to conduct the assigned city business. If a council member chooses, for personal reasons, to arrive earlier or leave later, the additional lodging and other expenses related to this decision are his/her personal expense.

Council members will choose lodging based on reasonableness of cost and proximity to the conference, meeting, school or training site. A council member will be reimbursed at the single standard rate for the room they occupy or for the proportionate share of the total room rate if a room is shared with another council member attending the conference.

Lodging expenses will ordinarily not be reimbursed for events held in the metro area unless authorized in advance by the city council.

- Meals and Refreshments

The use of city funds in reasonable amounts for meals and refreshments is permitted in the following circumstances:

- Professional association meetings, i.e. League of Minnesota Cities, I-494 Corridor Commission, Association of Metropolitan Municipalities, etc. Reimbursement limited to actual cost not to exceed U.S. General Services Administration meal allowance for geographic location.
- Meetings, training or conferences held outside the seven-county area. Reimbursement limited to actual cost not to exceed U.S. General Services Administration meal allowance for geographic location.
- Conferences and training when meals are included as part of the registration or program fee.
- City council meetings, including study sessions.

Meals and refreshments associated with overnight travel are subject to the per diem limits set forth in this policy.

Miscellaneous Expenses

- Reimbursement of telephone calls and similar miscellaneous expenses will be limited to those directly connected to carrying out official city business.
- The city in advance of the event usually pays registration fees. When this is not possible, fees for registration paid by the council member are reimbursable.
- Tips will be reimbursed when included with the transportation and meal expenses.

Tips associated with overnight travel for lodging and meal expenses are included within the daily per diem allowance, as provided in this policy.

- Recreational expenses such as golf, tennis and sightseeing are not reimbursable.
- Travel or air insurance premiums are not reimbursable.
- City funds will not reimburse for the purchase of alcoholic beverages.
- No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.

Out-of-State Travel

An out-of-state event, workshop, conference or assignment must be approved in advance by the city council, including an estimate of the cost of the travel. In evaluating the out-of-state travel request, the city council will consider the following:

- Whether the elected official will be receiving training on issues relevant to the city or to his or her role as the mayor or as a council member.
- Whether the elected official will be meeting and networking with other elected officials from around the country to exchange ideas on topics of relevance to the city or on the official roles of local elected officials.
- Whether the elected official will be viewing a city facility or function that is similar in nature to one that is currently operating at, or under consideration by the city where the purpose for the trip is to study the facility or function to bring back ideas for the consideration of the full council.
- Whether the elected official has been specifically assigned by the council to visit another city for the purpose of establishing a goodwill relationship.
- Whether the elected official has been specifically assigned by the council to testify on behalf of the city at the United States Congress or to otherwise meet with federal officials on behalf of the city.
- Whether the city has sufficient funding available in the budget to pay the cost of the trip.

Prior council approval is not needed for attendance at meetings or conferences of the National League of Cities, the U.S. Conference of Mayors, the League of Minnesota Cities, and organizations for which the council member serves as the city's appointed representative. There is a rebuttable presumption that attendance at these events is appropriate, if there are sufficient funds available from the approved budget. Nevertheless, a council member may request that attendance by another council member at one of these events be placed on a council agenda for consideration. If the council decides that attendance is or was not appropriate, no reimbursement of expenses is allowed.

By a two-thirds majority vote, the council may approve reimbursement of out-of-state travel expenses that were incurred without prior council approval, if the council determines that the circumstances justified the lack of prior approval.

Per Diem Allowance

When council members travel overnight, the city will pay a daily per diem meal allowance rather than reimburse for actual meal costs and related incidental expenses.

The city will make per-diem payments to council members based upon the Standard Federal Per Diem Rate Schedule in effect at the time of travel, as published by the U.S. General Services Administration. Councilmembers must use personal funds to pay for meals and related expenses while traveling and submit a request for per diem reimbursement after the travel is completed.

Councilmembers may claim an amount not to exceed the allowable per diem rate for meals at the travel destination. The federal per diem schedules are only for meals; the city reimburses lodging, transportation, and other miscellaneous travel expenses as provided in the other sections of this policy. The per diem allowance covers all charges, including taxes and service charges where applicable for:

- Meals including expenses for breakfast, lunch, dinner, and related taxes (specifically excluded are alcoholic beverage and entertainment expenses, and any expenses incurred for other persons) and
- Incidental expenses, including:
 - Fees and tips given to wait staff, baggage carriers, maids, and
 - Transportation and tips between places of lodging or business and places where meals are taken, if suitable meals cannot be obtained at site.

Meals for which the city pays directly, such as meals included in a conference registration fee or as part of airfare, or hotel costs, must be excluded from the per diem claim and will not be reimbursed. Councilmembers must note on the expense claim if a meal is included in the cost of the travel fare, conference fee, or hotel lodging. If a lodging facility provides a hot breakfast, the breakfast allowance is excluded from the per diem amount. This provision does not apply to “continental breakfast” provided by a lodging facility. On “travel days”, defined as the first and last day of travel (departure and return), per diem amount equals 75% of total M&IE regardless of departure time.

Procedure for requesting reimbursement or per diem allowance

To apply for reimbursement or per-diem allowance, the council member requesting reimbursement must complete, sign and submit an expense voucher to the city manager. All requests for reimbursement of actual expenses must be accompanied by receipts; receipts are not required for meals associated with overnight travel. The city manager will review the completed form for proper documentation and reasonableness of expenses.

The voucher must be completed and submitted to the city manager not later than two weeks following completion of the trip.

Council members charging expenses on the city charge card must also provide receipts or some form of official validation for those charges.

Airline Travel Credits

State law prohibits public employees from claiming personal travel awards for any city-paid travel.

Applicability

This policy is intended as a general guide to be followed by the city council. It is not binding and may be modified by the city council as it sees fit at its sole discretion. This policy does not apply to travel that is not paid by the city or that is paid by the city but is reimbursed by the individual or a third party.

Adopted by Resolution No. 2005-111
Council Meeting of September 12, 2005

Amended by Resolution No. 2023-011
Council Meeting of February 13, 2023

**Chapter 2:
Administration and Finance**

Policy Number 2.1
Standards for Investments and Banking Regulations

Purpose of Policy: This policy establishes standards governing the investment of city funds and the process by which the city selects the bank which provides its banking services.

Introduction

It is the city's policy that available funds be invested to the maximum extent possible, at the highest rates obtainable at the time of investment, in conformance with the legal and administrative guidelines outlined herein and that the city receives the highest quality banking services at a competitive rate. This policy applies to all investments made by the city, irrespective of fund.

This policy also applies to the city's bank accounts which include transactions such as clearing vendor checks, city payroll checks, deposits of tax settlements, utility receipts and other revenue collections. It also includes interest earnings on deposits in those accounts.

Delegation of Authority

The City Council authorizes the finance director to designate depositories and make all investments for the city in accordance with Minnesota Statute 118A.02. The assistant finance director will be authorized to act during the finance director's absence only upon prior notification of the city manager.

The City may utilize SEC-registered investment advisory/management firms (External Investment Managers) to invest segments of the investment portfolio. Managers shall be selected through an RFP process. The External Investment Manager will operate within the constraints of this investment policy and executed Investment Advisory Agreement. The External Investment Manager shall have discretion over the assigned segment of the investment portfolio. All External Investment Managers shall purchase and sell securities in accordance with Minnesota Statute 118A, this investment policy statement, and the Investment Advisory Agreement. External Investment Managers must be registered under the Investment Advisers Act of 1940 and be licensed and registered to do business in Minnesota and registered as an investment advisor through IARD (Investment Advisor Registration Depository) in Minnesota.

INVESTMENTS

Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. Disclosure shall be made to the City Council. They shall further disclose any personal financial/investment positions that

could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking any personal investment transactions with the same individual with whom business is conducted on behalf of the City.

Investment Objectives

The city’s investment objective is to preserve capital while attaining a market-average rate of return consistent with cash flow needs.

Safety. Safety of principal is the foremost objective. Investments must be undertaken to ensure the preservation of capital in the overall portfolio. Diversification is required to limit potential losses.

Liquidity. The city’s portfolio will be structured to be sufficiently liquid to meet all operating requirements which might be reasonably anticipated. It is essential that money is always available when needed.

Yield. The city’s investment portfolio must be designed to attain a market-average rate of return during budgetary and economic cycles, taking into account the city’s investment risk constraint and the cash flow characteristics of the portfolio.

Sustainability. Wherever possible, investment decisions shall take into account environmental, social and governance (“ESG”) factors

Everyone participating in the investment process must seek to act responsibly as custodians of the public trust. Investment officials must avoid any transaction that might impair public confidence in the city’s ability to govern effectively.

Scope of Investments

The city will invest only in instruments permitted by Minnesota Statute 118A and at the discretion of the finance director following the guidelines below when selecting investments:

Investment Instrument	Maximum % Holdings	Constraints in addition to statutory constraints
United States Treasury Obligations	100%	None
Federal Agency Securities	70%	No more than 20% of any agency
Federal Agency Mortgage-Backed Securities (MBS)	50%	No more than 20% of any one agency.
Bankers Acceptances	30%	No more than _5_% in any issue. Highest short-term rating by at least two nationally recognized rating agencies.
Certificates of Deposit (CDs)	30%	None, if fully collateralized.

City of Minnetonka Obligations	10%	None
Commercial Paper	30%	Must be rated in the highest quality category by at least two nationally recognized rating agencies. No more than 5% in any one issuer.
Equity Investments including Index Mutual Funds	15%	Only by investing with the Minnesota State Board of Investments
Municipal Bonds –	30%	Limited to general obligation and utility revenue obligations. General obligation bonds must be rated “A” or better by a national bond rating service, and revenue obligation bonds must be rated “AA” or better by a national bond rating service. No more than 5% in any one issuer.
Money Market Funds, including the 4M Fund	100%	Under ordinary market conditions limited to 50%, but if, and only if, unusual conditions merit it, 100% of portfolio could be held short-term.
Repurchase Agreements	30%	No more than 5% in any one issuer. Underlying collateral must have a market value of at least 102% of the amount of the initial purchase.

These instruments are defined in the Appendix.

Any percentage limits, rating requirements, or other investment parameters and constraints listed in the above guidelines will be calculated and/or evaluated based on the original cost of each investment at the time of purchase, based on the settlement date, of the security in determining compliance with these investment guidelines.

Maintaining Adequate Liquidity and Mitigating Market Risk

The city will invest to match its investments with cash flow needs, while pursuing a reasonable return on invested funds. The city will invest to provide adequate liquidity for short-term cash needs, and use longer term investments for the portion of its portfolio that is not needed short-term using the following strategies:

- a) Investments will be made considering the city’s projected cash flow, which will be estimated at the beginning of each budget year and reviewed periodically during the year. Investment will be selected to mature at times that provide adequately for cash flow needs without forced liquidation of securities or anticipating calls.
- b) A minimum of 3 months of budgeted operating expenditures will be kept in

short-term investments, such as a money market, to provide liquidity.

- c) Unless a specific exception is provided, the maximum average life of the portfolio, excluding the amount invested under d) below will be five years.
- d) The city's Community Investment Fund functions as an endowment fund and an equivalent amount of the city's portfolio may be invested in securities with final maturities in excess of five years.

Portfolio Rebalancing

Fluctuations in the aggregate invested amount could cause the city's portfolio to contain investments in a particular issuer or investment type, or the average life of the portfolio to exceed the maximums stated from time-to-time. Securities do not need to be liquidated to realign the portfolio; however, subsequent investments should be made so as to bring the portfolio back into alignment as soon as practicable.

Investment of Tax-exempt Bond Proceeds

Tax-exempt bond proceeds, including money held for the payment of debt service on such bonds, are subject to federal rules and regulations that can affect the way in which they are invested, including federal safe harbor rules establishing fair market value purchase prices and a variety of arbitrage rules. Prior to investing tax-exempt bond proceeds, the finance director will seek advice as needed to assure compliance with relevant requirements.

Authorized Financial Institutions and Dealers

The city will conduct its investment transactions with several legal, competing, reputable investment security dealers, insurance companies, and qualifying banks located within the Twin Cities area. The vendors selected will have a verifiable history of service to governmental entities and familiarity with Minnesota statutes governing investment restrictions. In order to provide an opportunity for local banks to compete for investments, smaller dollar amounts will be offered. The city will obtain a written confirmation from each vendor that such vendor is familiar with Minnesota state statutes regarding municipal investments and the city's investment policy and agrees to comply with both.

If the City chooses to engage an investment advisor, that investment advisor may choose to utilize any broker-dealer that it deems prudent. Qualified investment advisors assisting the City in the management of its overall investment portfolio may purchase and sell investment securities in accordance with this investment policy and may utilize their own approved list of broker-dealers and security issuers; however, the list shall fully comply with the criteria maintained in this policy.

The purchase of non-government individual securities shall be restricted to the City's and/or the investment advisor's approved issuer list.

Safekeeping and Custody

All investments will be settled on a delivery vs. payment basis and held in the City's name. The city will maintain a record of all investment activity. If determined to be

beneficial, the finance director may choose to employ an independent third-party safekeeping institution.

Speculative Investments Not Allowed

The city will not purchase investments that, at the time of investment, cannot be held to maturity. The city will also not invest in securities, other than money-market mutual funds or equity-based investments invested through the State Board of Investment, without a fixed maturity date and fixed interest or discount rate. This does not mean that an investment cannot be sold prior to maturity.

Performance Standards

The investment portfolio should achieve a market average rate of return during a period of stable interest rates. Appropriate benchmarks will be established against which portfolio performance is compared annually. The benchmarks should be chosen to reflect the actual securities purchased and have a similar weighted average maturity and credit profile as the portfolio or appropriate portions of the portfolio.

Procedures

Cash management is essential to a good investment program. The finance department has responsibility to organize and establish procedures for effective cash management, based on the following guidelines:

- Cash flow projections will be prepared at the beginning of each budget year.
- Each morning, cash balances will be reviewed regarding cash received the previous day, warrants paid the previous day, and sizeable checks or wire transfers that present an investment opportunity.
- The investment records will be reviewed and updated as investments mature or are purchased.
- Each month, the investment records will be balanced to the financial records.
- Each month, the treasurer will prepare a report of the city's investments and cash position.
- For city investments made on a pooled basis, interest earnings will be allocated to the various city funds at least quarterly.
- The General Fund will be allocated a management fee equal to five percent of the investment earnings.
- An investment committee consisting of the city manager, finance director, and any other person so designated by the city manager, will meet as needed to determine general strategies and to monitor results.

Sustainable Investing

The City, will regularly consider any material, relevant, and decision-useful sustainability factors, within the bounds of financial and fiduciary prudence, in evaluating investment and banking decisions. Such factors include but are not limited to: (i) corporate governance and leadership factors; (ii) environmental factors; (iii) social capital factors;

(iv) human capital factors; and (v) business model and innovation factors. While such factors are not determinative for investment decisions, the City will periodically review portfolio holdings to determine their consistency with these objectives and will provide specific issuers that are restricted from purchase under this policy.

BANKING

Administrative Process

The highest priority in banking relations is for the city to be in a beneficial and competitive banking relationship. This can be done by periodically surveying other cities in the metro area and comparing the level of service and interest rates.

Procedures

The finance director has the responsibility to organize and establish procedures for effective management of the city's checking account, based on the following guidelines:

- Every two years the finance department will survey comparable cities in the Twin Cities area to obtain information on banking services and interest rates.
- After compiling this information, a comparison will be made between the city's current banking services and interest rates and those of the cities surveyed.
- If the results of the survey show that the city is still receiving a competitive banking arrangement, the city will stay with its current bank.
- If the results of the survey show that the city is not receiving competitive services, staff will immediately put together a Request for Professional Services for the city's general banking services.
- The city will then solicit proposals for banking services from banks located within the community.
- The Investment Committee will evaluate proposals and interview banks in order to recommend a new bank to handle the city's banking services.

This policy shall be reviewed on an annual basis. Any changes must be approved by the City Council.

Adopted by Resolution No.86-8106
Council Meeting of June 15, 1986

Amended by Resolution No. 91-9258
Council Meeting of August 19, 1991

Amended by Resolution No. 96-190
Council Meeting of December 2, 1996

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2017-130
Council Meeting of December 4, 2017

Amended by Resolution No. 2021-045
Council Meeting of June 14, 2021

APPENDIX

Eligible Instruments for City Investment

United States Treasury Obligations. These securities are issued as bills, notes and bonds. Treasury bulls are sold on a discount basis with maturities of under one year. Treasury notes are issued for maturities of one to seven years. The original maturity on Treasury bonds is over seven years. Both notes and bonds pay periodic interest. In general, Treasury securities are the safest and most marketable securities, but have the lowest yield for investments of a given maturity.

(MN Statutes 118A.04, Subd. 2)

Federal Agency Securities.

"Agencies" is a term used to describe two types of bonds: (1) bonds issued or guaranteed by U.S. federal government agencies; and (2) bonds issued by government-sponsored enterprises (GSEs)—corporations created by Congress to foster a public purpose, such as affordable housing.

Bonds issued or guaranteed by Federal Government agencies such as the Small Business Administration, the Federal Housing Administration and the Government National Mortgage Association (Ginnie Mae) are backed by the full faith and credit of the U.S. government, just like U.S. Treasury Bonds.* Full faith and credit means that the U.S. government is committed to pay interest and principal back to the investor at maturity. Because different bonds have different structures, bonds issued by federal government agencies may have call risk. In addition, agency bonds issued by Federal Government agencies are less liquid than Treasury bonds and therefore this type of agency bond may provide a slightly higher rate of interest than Treasury bonds.

Bonds issued by GSEs such as the Federal National Mortgage Association (Fannie Mae, the Federal Home Loan Mortgage (Freddie Mac) and The Federal Agricultural Mortgage Corporation (Farmer Mac) are not backed by the full faith and credit of the U.S. government, unlike U.S. Treasury bonds. These bonds have credit risk and default risk and the yield on these bonds is typically slightly higher than on U.S. Treasury bonds.

Examples of Federal Agency Securities

Guaranteed by U.S.	Issued by GSEs
Small Business Administration	Freddie Mac
Federal Housing Administration	Fannie Mae
Ginnie Mae	Federal Home Loan Bank
	Farmer Mac
	Farm Credit Bank
	REFCORP- Resolution Funding
	PEFCO – Private Export Funding

(MN Statutes 118A.04, Subd. 2)

Bankers Acceptances. A banker's acceptance is a short-term debt instrument issued by a company that is guaranteed by a commercial bank. Banker's acceptances are issued as part of a commercial transaction. These instruments are similar to T-Bills, are frequently used in money market funds and are traded at a discount from face value on the secondary market, which can be an advantage because the banker's acceptance does not need to be held until it matures.

Banker's acceptances vary in amount according to the size of the commercial transaction. The date of maturity typically ranges between 30 and 180 days from the date of issue, which generally classifies the banker's acceptance as a short-term negotiable instrument. When traded, the instrument is sold below its face value to provide an investor the opportunity to generate a profit from the deal, similar to the trading strategy behind zero-coupon bonds. Banker's acceptances are considered to be relatively safe investments since the bank and the borrower are liable for the amount that is due when the instrument matures.

(MN Statutes 118A.04, Subd. 5)

Certificates of Deposit (CDs). A certificate of deposit (CD) is a savings certificate with a fixed maturity date, specified fixed interest rate and can be issued in any denomination aside from minimum investment requirements. A CD restricts access to the funds until the maturity date of the investment. CDs are generally issued by commercial banks and are insured by the FDIC up to \$250,000. Yields on CDs tend to be higher than on Treasury bills of comparable maturity. The city will purchase certificates of deposit from vendors based on the following criteria:

- The rate should match or exceed other investment options.
- Collateral of government securities should be provided in the amount of 110% of the excess over the FDIC insurance amount.

(MN Statutes 118A.04, Subd. 5)

City of Minnetonka Obligations. The City is able to purchase certain of its own obligations as permitted under statute.

(MN Statutes 118A.04, Subds. 3, 7, 8)

Commercial Paper. This is an unsecured promissory note issued by large companies for general financing purposes. Commercial Paper is normally sold at a discount from face value.

- Commercial Paper must be restricted to issues which mature in 270 days or less with a rating of A-1 (Moody's), P-1 (Standard & Poor's), or F-1 (Fitch) among at least two of the three rating agencies.
- Commercial Paper must be purchased only from dealers who report to the Federal Reserve Bank of New York or from qualifying banks.
- Commercial Paper shall not be purchased unless the yield is greater than United States Treasury obligations or Federal agency issues.

(MN Statutes 118A.04, Subd. 4)

Index Mutual Funds. An index fund is a type of mutual fund with a portfolio constructed to match or track the components of a market index, such as the Standard & Poor's 500 Index (S&P 500). An index mutual fund is said to provide broad market exposure, low operating expenses and low portfolio turnover. Investing in an index fund is a form of passive investing. The primary advantage to such a strategy is the lower management expense ratio on an index fund. The City may invest directly in an index mutual fund under statute, but chooses to make such investments only through the Minnesota State Board of Investment. Statute requires that only certain long-term funds are eligible for this type of investment and only up to 15% of unassigned cash, cash equivalents, deposits, and investments.

(MN Statutes 118A.09)

Money Market Funds. These are short term, high quality investments, sold by investment companies. These instruments include Treasury bills and notes, certificates of deposit, commercial paper, banker's acceptances, and Eurodollar instruments. In order to ensure maximum security, only those Money Market Funds with portfolios consisting solely of United States Treasury Obligations and/or Federal Agency Issues will be considered for investment.

(MN Statutes 118A.05, Subd. 4)

Municipal Bonds. A municipal bond is a bond issued by a local government or territory, or one of their agencies. Minnesota Statutes provide that City funds can be invested in:

- Any general obligation of any state or local government with taxing powers which is rated "A" or better by a national bond rating service
- Any revenue obligation of any state or local government which is rated "AA" or better by a national bond rating service
- A general obligation of the Minnesota Housing Finance Agency rated "A" or better by a national bond rating service and which is a moral obligation of the State
- An obligation of a school district with a maturity of 12 months or less and either rated in the highest category by a national bond rating service or enrolled in the credit enhancement program of the State.

(MN Statutes 118A.04, Subd. 3)

Repurchase Agreements (Repos). These provide for the sale of short-term securities by a securities dealer to investors, such as cities, with an agreement to repurchase the securities at a specified future date. The investor receives a yield while holding the security and the repurchase price is guaranteed in advance. The length of the holding period is tailored to the needs of the investor, but is usually of very short duration. Rates

are similar to the rates on Treasury bills, federal funds, and loans to government security dealers by commercial banks. Repos will be subject to the following procedures:

- The city will only invest in Perfected Collateral Repos, which are considered secured loans with securities as underlying collateral. Perfection is the means by which the city's right to the collateral, in a loan in the event that a debtor defaults, is secured. With perfection there is less risk for the city since the claim against the collateral is superior in relation to those of other parties.
- For Repos with maturities of 21 days or less, collateral is considered perfected without security delivery. For Repos with maturities extending past 21 days, perfection occurs only by taking possession of securities. The city will take delivery of the collateral for Repo transactions greater than 21 days.
- The city will purchase Repos from vendors who meet the following criteria:
 - Reporting dealers monitored by the New York Federal Reserve Bank.
 - Nationally supervised commercial banks whose combined capital and surplus equals or exceeds \$25,000,000.
 - Local designated depository banks issuing Repos in amounts of \$500,000 or less and scheduled to mature in seven days or less.
- The qualifying bank or dealer must have demonstrated over a significant period of time, a successful, profitable, and reliable operation. The qualifying bank or dealer must have an established managerial component and knowledgeable professional staff capable of ensuring the continued success of the enterprise.

(MN Statutes 118A.05, Subd. 2)

Policy Number 2.2
Disposition of Surplus Property

Purpose of Policy: This policy establishes conditions for the disposition of surplus personal property belonging to the city.

Introduction

This policy establishes procedures for donation of surplus equipment of any value by the city to a nonprofit organization, as required by Minnesota Statutes § 471.3459. It also governs the disposition, by means other than donation, of surplus property with an estimated value in excess of the city manager's contracting authority.

Disposition of surplus property

Identify surplus property and eligible surplus equipment

The city manager shall establish procedures for: monitoring city equipment, materials and supplies; determining what items are surplus property or eligible surplus equipment; estimating the fair market value of the surplus property or eligible surplus equipment; and disposing of surplus equipment with an estimated value that is within the city manager's contracting authority, in a manner allowed by law. For purposes of this policy, "surplus property" is any personal property that is no longer useful for a public purpose due to any number of factors including state of repair, deterioration, replacement by more current models, etc. "Eligible surplus equipment" is any surplus property that qualifies for donation as set forth in this policy.

Manner of disposition

Upon recommendation of the city manager, the city council will decide the manner of disposing of any surplus property that has a value in excess of the city manager's contracting authority. The manner of disposition may be by:

- Sale at public auction, including an electronic auction
- Sale by sealed bids
- Trade-in on new items
- Transfer to another public corporation on terms approved by the council
- Donation to a nonprofit organization, subject to the restrictions in this policy

Restrictions on sale

- Sale of surplus property at public auctions or by sealed bid must be preceded by at least one week's published notice and posting on the city website. No public notice or posting is required for an electronic auction at a nationally recognized web site. The council may establish conditions on the sale of surplus property, such as a minimum sales price, to ensure that the city receives a fair price for the property

Donation of eligible surplus equipment

Scope

This policy applies to all donations of surplus equipment to a nonprofit organization, regardless of the estimated value of the surplus equipment. For purposes of this policy, surplus equipment that is eligible for donation includes:

- equipment used by the public works department that is no longer needed by any city department and has minimal or no resale value
- cellular phones that are no longer needed by any city department and have minimal or no resale value; and
- emergency medical or firefighting equipment that is no longer needed by any city department and either does not meet industry standards for emergency medical services, police or fire departments or has minimal or no resale value.

To be eligible for a donation, a nonprofit organization must have been formed under section 501(c)(3) of the Internal Revenue Code and must serve one or more of the following functions: cultural, historical, educational, safety, social services, environmental or economic.

Procedure

A proposed donation of surplus equipment may be initiated by a city department or by request of a nonprofit organization. The city manager must evaluate the proposal or request and make a preliminary decision whether donation is appropriate. If the manager determines that donation is appropriate, the availability of the surplus equipment for donation must be advertised on the city's website for at least 5 working days prior to a final decision being made, and nonprofit organizations that have requested to be notified of possible donations must be notified by email or other reasonable means. After considering all responses, the city manager must make a decision or recommendation to the city council, as appropriate to the manager's authority.

Authority

The city manager has authority to approve donations of surplus equipment with an estimated value of less than \$25,000. The city council must approve the donation of any surplus equipment with an estimated value of \$25,000 or more, by majority vote.

Prioritization of donations

If more than one nonprofit organization requests a donation for the same surplus equipment, the city shall consider factors it deems relevant, including how the surplus equipment will be used, whether the organization serves city residents, how the donation will serve the city's strategic goals, the extent to which the donation will serve the greatest number of people, and whether the organization has previously received a donation.

Conflict of Interest

Any city employee or official who participates in the decision to donate surplus equipment must disclose any relationship with the requesting nonprofit organization, including volunteer work or financial contributions. The city manager, in consultation with the city attorney, may determine that an employee or official is disqualified from

participating in the donation decision, based upon the level of the person's relationship with of the organization

As is

A donation of surplus equipment is made "as is" with no warranty, guarantee or representation of any kind, express or implied, as to the condition, utility, or usability of the surplus equipment offered. The surplus equipment may be defective and cannot be relied up for safety purposes. A copy of this policy must be provided to every nonprofit organization that requests a donation.

Title

The city manager or designee shall cause any title or other ownership documents to be transferred to the receiving nonprofit organization at the time of transfer. Any fees required to transfer the surplus equipment are the responsibility of the nonprofit organization.

Transportation

A requesting nonprofit organization must provide a detailed plan for transporting the surplus equipment from the city to the nonprofit organization. The receiving nonprofit organization must pay all expenses associated with the transportation of the surplus equipment.

Adopted by Resolution No. 81-6692
Council Meeting of September 21, 1981

Amended by Resolution No. 98-064
Council Meeting of May 11, 1998

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2005-036
Council Meeting of April 11, 2005

Amended by Resolution No. 2017-009
Council meeting of January 9, 2017

Policy Number 2.3
Special Assessment Authority

Purpose of Policy: This policy establishes standards governing the use of the city's special assessment authority.

Introduction

It is the city's policy that special assessments will be utilized for only those improvements that are or will be city-owned, except as otherwise permitted by state law, city charter, city ordinance, or agreement with a party.

Guidelines

- Minnesota law gives cities the authority to specially assess the cost of installing sewer, water, trails, and streets, among other improvements.
- The city council, as a matter of policy, finds it to be in the interest of public health and safety to authorize utilization of special assessments as a means to finance these improvements when they will be publicly owned.
- The city council will consider petitions for the special assessment of the cost of sewer, water, roads, and trails, subject to the following criteria:
 - The petition must meet the requirements of M.S. Chapter 429 applicable to these types of improvements.
 - The improvements for which special assessment financing is being sought must be designed to city specifications and standards.
 - The amount to be specially assessed for the project must not exceed the amount of the engineering, administrative, right-of-way/easement and construction cost.
 - For service to new subdivisions or lot divisions, the petitioner must waive any rights to a public hearing and any appeal of the special assessment adopted by the city council. This provision also applies to the special assessment of hookup fees only when the property owner chooses to have the hookup fee specially assessed.
 - No special assessments may be made for a period of more than 20 years, except as otherwise determined by the council.
 - If the petitioner requests the abandonment of the special assessment project prior to work commencing, all costs incurred by the city must be reimbursed by the petitioner. However, if the work has begun and the petitioner does not complete the project, the city will complete the project and specially assess the costs as originally agreed.
- Consideration of any petition made under this policy is subject to a determination by the city council, in its sole discretion, that sufficient funds are available for the project,

and that the project is in the public interest and should be undertaken at this time. The provisions of this policy may be waived for certain private improvements in city redevelopment areas, upon approval by the city council.

Adopted by Resolution No. 87-8302
Council Meeting of February 17, 1987

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2009-036
Council Meeting of May 4, 2009

Policy Number 2.4
Special Assessments within Tax Increment Districts

Purpose of Policy: This policy establishes considerations which guide the assessment costs for improvements constructed in tax increment financing districts pursuant to a redevelopment or development district plan.

Introduction

This policy will guide the assessment costs for improvements constructed in tax increment financing districts pursuant to a redevelopment or development district plan.

Guidelines

- For Redevelopment Districts, 10% of the total redevelopment project cost, excluding costs of financing and costs of bond issuance, will be assessed against benefiting property within and outside of the tax increment redevelopment district;
- For Economic Development Districts, 20% of the total project cost, including costs of financing and costs of bond issuance will be assessed against benefiting property within and outside of the tax increment economic development district;
- The percentages specified in paragraphs 1 and 2 may be increased by the city council where it determines that there is substantial additional benefit to property from the improvements;
- The percentages specified in paragraphs 1 and 2 may be decreased by the city council where it determines that the proposed assessment would exceed the amount of benefit provided by the improvements or where it determines that the proposed assessment would be excessively burdensome to the property owners;
- Costs will be assessed to each benefited property on the basis of the percentage of the total square footage of benefited property represented by the square footage of that property less those areas (wetlands, etc.) normally excluded in accordance with city policies regarding assessments;
- The rate of assessment per square foot of benefited commercial, industrial or multiple family residential zoned property will be twice the rate for single family residential zoned property;
- Property located outside a tax increment district will be assessed in accordance with these policies for the cost of improvements within a tax increment district when such property receives substantial benefit from the improvements and where the improvement has either already been proposed for construction in other plans or programs of the city or the benefited property is proposed to be redeveloped to another land use in the Comprehensive Guide Plan of the City of Minnetonka;

- Assessment of costs of improvements against single family residential zoned property will be deferred or otherwise postponed to the extent permitted by Minnesota Statutes, provided that such property is proposed to be redeveloped to another land use in the Comprehensive Guide Plan and that at the time such property is redeveloped the costs of the improvement assessable against such property will be paid according to the rate applicable to the newly developed land use;
- The city council may permit the costs to be assessed against a particular property to be instead paid in whole or in part with other revenues of the tax increment project where the development of the property provides substantial benefit to the tax increment project. Examples of such substantial benefit might be, although they would not be limited to, developments generating substantial tax increment which are incurring additional costs and liabilities by virtue of a redevelopment agreement with the city or its Economic Development Authority, or developments which agree to remodel their building or signing to be consistent with special design guidelines within a redevelopment district.

Adopted by Resolution No. 81-6558
Council Meeting of April 27, 1981

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Policy Number 2.5
Tax Exempt Financing for Industrial Development, Health Care Facilities,
Multi-Family Housing, and 501 (c)(3) Projects
(Private Activity Tax Exempt Financing)

Purpose of Policy: This policy establishes factors that guide the city council in consideration of applications for tax exempt financing for industrial development, health care facilities, multi-family housing developments, and qualified 501 (c)(3) projects.

Introduction

Under the Minnesota Municipal Industrial Development Act, Minnesota Statutes Sections 469.152 to 469.165 (the "IDR Act"), the city of Minnetonka has the authority to issue industrial development and health care facility bonds or notes to attract or promote economically sound industry, commerce, and health care in the city.

Under Minnesota Statutes, Chapter 462C (the "Housing Act"), the city is authorized to issue housing revenue bonds to finance multi-family residential housing projects for low and moderate income persons and elderly persons. Projects must be embodied in a Housing Program, as defined in the Housing Act.

Additionally, the city may issue tax exempt financing for qualified 501 (c)(3) entities for various project types including housing, health care, nursing homes and educational facilities.

The council is aware that such financing for certain private activities may be of benefit to the city and will consider requests for tax exempt financing subject to this council policy. The council considers tax exempt financing to be a privilege, not a right.

It is the judgment of the council that tax exempt financing is to be used on a selective basis to encourage certain development that offers a benefit to the city as a whole, including significant employment and housing opportunities, as well as for those projects that may be carried out through a qualified non-profit organization. It is the applicant's responsibility to demonstrate the benefit to the city, both in writing and at the public hearing(s). The applicant should understand that although approval may have been granted previously by the city for the issuance of financing for a similar project or a similar debt structure, the council is not bound by that earlier approval. Each application will be judged on the merits of the project as it relates to the public purpose of the Housing Act or the IDR Act and benefit to the city at the time the request for financing is being considered.

Part A: Standards

Applications must meet all of the following standards to be eligible for consideration:

- At the time of any application for a guide plan amendment, rezoning or site plan approval for a project, whichever occurs first, the applicant must divulge that private activity tax exempt financing will be requested.

- The project must meet the objectives of and be otherwise consistent with the IDR Act or the Housing Act and any other controlling laws.
- The projects must comply with all applicable federal, state, regional, and city laws, including compatibility with the Comprehensive Guide Plan and the development plans and objectives of the city, as well as applicable zoning and land use regulations and ordinances.
- A project application must demonstrate financial feasibility and adequate bond holder security through credit enhancement, rating or a financial review by a third party accounting firm or the city's financial advisor.
- Industrial and health care projects must not be speculative, i.e., they must either be for the applicant's sole use or 60 percent of the square footage must be pre-leased.
- The principal amount of the tax-exempt obligations will be limited to the sum of costs that are financeable with tax-exempt obligations under state and federal law. The proceeds of the tax-exempt obligations cannot be used for working capital expenditures. Capital equipment may be financed with the proceeds of tax-exempt obligations only if the City Council finds the equipment to be essential to the new, redeveloped or expanded business.

Those applications which exceed the minimum standards will generally be considered more favorably than those which only meet these standards.

Part B: Additional Review Standards

Those applications meeting all of the standards listed above will be further reviewed to determine compliance with the following additional review standards. Applications meeting more of the following standards will generally be considered before those which just meet some of them or meet them less extensively:

- Facilitation of the city's development or redevelopment objectives.
- The number and type of additional jobs created or retained in the city.
- For housing projects, the number, type and affordability of new or newly available housing units.
- The projected increase in property tax revenue.
- The amount of equity participation above 10 percent.
- The quality of the project, as represented by renderings, site plans, the applicant's record of development, etc.
- The project's impact on additional city services.

- For projects located outside of the city, the benefit the project brings to the region, including the number of Minnetonka residents and/or businesses served.

The view of individuals and businesses expressed at the public hearing(s) on the project will also be considered.

Part C: Other Provisions

- A project will not normally be given preliminary approval until all city planning and zoning requirements have been met and all related permits and approvals have been issued. Planning and zoning matters may be considered simultaneously with preliminary approval of the project.
- City officials will not deliver documents for the issuance of tax exempt obligations until all required fees have been paid by the applicant to the city and special counsel to the city has issued a favorable opinion on those matters for which special counsel is responsible.
- The council resolution giving preliminary approval to a project must specify:
 - That the approval given terminates at the end of the calendar year from the date of the resolution and may be renewed only upon request of the applicant.
 - That the applicant agrees to pay all required fees and reimburse the city for any and all costs incurred by it in the financing.
 - That the city reserves the right in its sole discretion to withdraw the preliminary approval at any time prior to the issuance of tax exempt obligations for the project upon its determination that the purposes of the appropriate Act and this policy would not be served thereby, or if any material misstatement is made. The council's decision on this matter is uncontestable.
- The director of community development, under the direction of the city manager, is responsible for the administration and processing of applications for tax exempt financing. The director of community development is to prepare and revise, from time to time, necessary application forms and informational material in order to carry out the objectives of the policy.
- The following fees for the processing of applications are established:
 - A non-refundable application fee of \$3,500, and

An administrative fee equal to one-eighth of one percent (.125%) of the principal amount of the bonds. The application fee must accompany the original application. The administrative fee must be paid at or prior to delivery of the bonds to the original purchaser. The proceeds of the administrative fee must be deposited in a special fund of the city to be used to defray administrative costs of the city in the administration of private activity financing.

- The applicant must select a financial advisor acceptable to the city or an underwriter to assist the applicant in preparing all necessary application documents and materials. The financial adviser will subject a letter that establishes the financial feasibility of the project. Applications may, in the alternative, include a signed letter from a responsible financial institution or underwriter indicating that the project is economically feasible and viable and stating that bonds can be successfully sold for the project or that an individual or institution intends to purchase all of the bonds.

The applicant must receive approval from the appropriate state agencies, secure financing by the end of the calendar year in which approval was given and commence construction within one year of the date of the resolution giving preliminary approval to the project or the housing program. Upon application, the council may approve an extension of the preliminary approval.

- The city is to be reimbursed and held harmless for any out-of-pocket expenses related to the tax exempt financing including, but not limited to, legal fees, financial analyst fees, bond counsel fees, and the city's administrative expenses in connection with the application. The applicant must execute a letter to the city undertaking to pay all such expenses even if they exceed the deposit.

Part D: Miscellaneous Matters

Refundings

The council will approve the refunding of a tax-exempt issue only upon a showing by the applicant of substantial debt service savings and/or the removal of bond covenants significantly impairing the financial feasibility of the project.

For each application for refunding, the non-refundable application fee must be paid together with any city expenses in excess of that fee. If the administrative fees listed in paragraph 5 of Part C were paid for the original bond issue, no new administrative fees are required. If the administrative fees were not paid for the original bond issues, they must be paid for the refunding issue.

Subsequent Proceedings

Where changes to the underlying documents or credit facilities of outstanding bond issues are to be made and require council action, no administrative fee is charged but a non-refundable fee of \$2,500 must be deposited with the city to cover administrative costs. No formal application form is required.

Arbitrage and Reporting

The city must be copied on any reporting to bondholders and/or trustees that the borrower produces. The borrower must also undertake arbitrage calculations every five years or more often if required for legal compliance, and copy the city with these calculations.

IRS Examination/Audit

If the borrower is subject to an IRS examination/audit on the tax exempt financing, the city's bond counsel must be involved in a timely fashion on any responses to IRS inquiries. The borrower will reimburse the city for any costs the city occurs related to the

examination/audit.

Issue by Another Political Subdivision (Host Approval)

The city will consider requests for approval of tax exempt financing by another political subdivision for projects located in the city of Minnetonka. In these cases, a non-refundable application fee of \$250 must be paid and all procedures followed through the approval of the preliminary resolution. No administrative fee is charged.

City as Issuer for Another Political Subdivision

The city may consider requests for tax exempt financing for projects located in another city. Host approval must first be given by the jurisdiction in which the project is located. All projects must meet the city's standards as deemed applicable by the Community Development Director, and application and administrative fees will be collected as called out in Part C.

Deadlines

The council conducts all tax exempt financing matters at regularly scheduled council meetings generally held on the second and fourth Monday of each month. Documents for council consideration must be at the city office ten days preceding the council meeting at which the matter is to be considered. No exceptions to this requirement will be made. In the case of a publicly offered bond issue, the documents, when submitted, may specify a maximum price and maximum effective interest rate if prices and rates have not yet been established.

Public Hearings

Published and mailed notice of any required public hearing may be set and arranged administratively by city staff.

Economic Development Authority as Issuer

Regarding any tax exempt financing for which the Minnetonka Economic Development Authority (EDA) is to be the issuer, the EDA is to follow the adopted council policy applicable to such financing.

Adopted by Resolution No. 84-7547
Council Meeting of August 6, 1984

Adopted by Resolution No. 84-7563
Council Meeting of August 27, 1984

Amended by Council Motion
Council Meeting of November 18, 1985

Amended by Resolution No. 97-104
Council Meeting of July 28, 1997

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2015-019
Council Meeting of March 23, 2015

**Policy Number 2.6
SAC Charge Credits**

Purpose of Policy: This policy establishes the guidelines for the disposition of SAC charge credits.

Introduction

Metropolitan Council Environmental Services (MCES) regulations require local governments to pay SAC charges based on the current MCES SAC charge fee schedule. When facilities subject to the SAC charge are eliminated, MCES regulations provide for a SAC charge credit to the local government.

Disposition of SAC Charge Credits

The city council finds it appropriate to provide for the disposition of such SAC charge credits as follows:

- In the case of the complete demolition of any building, whether or not the building is replaced by one or more new buildings, the SAC charge credit will accrue to the City of Minnetonka. No SAC charge credit will be refunded to any public or private entity.
- In the case of any building addition or remodeling, which may also involve partial demolition of the building, any additional SAC charge for new facilities may be reduced to the extent of any credit available for the removal of existing facilities. However, any credit exceeding the additional SAC charge amount will accrue to the city.

Adopted by Resolution No. 87-8312
Council Meeting of March 9, 1987

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Policy Number 2.7 Use and Selection of Consultants

Purpose of Policy: This policy establishes guidelines for selecting and evaluating consultants to ensure that the services are rendered in a professional, unbiased, cost effective manner.

Introduction

The Minnetonka city council recognizes the desirability of hiring consultants to assist in providing quality services and programs to city residents. Consultants may be used to audit city activities, to analyze and propose solutions to problems, to provide technical assistance, and to supplement city workforces. The purposes of this policy are: to establish selection processes that promote competitive pricing on contracts for consultant services that require council approval; and to establish standard provisions in consultant contracts.

Consulting Services

Some consulting services are needed on a frequent or recurring basis while others are required sporadically.

The city uses consultant services on a recurring basis in the following areas: traffic planning and engineering; surveying; civil engineering for street, utility and other public improvements; auditing, and materials testing.

The city may retain more than one consultant to provide a recurring consultant service when it is deemed in the best interest of the city.

Non-recurring consultant services are all other consultant assignments such as architects, fiscal impact or tax increment analyses, and site selection analyses. A consultant may be retained on a non-recurring basis for a recurring service when the regular consultant cannot perform the service because of conflict of interest or workload.

Selection Procedure

- *Recurring Consultant Services*

The following procedure should be used to select consultants for recurring consultant services that require city council approval:

- The assigned department director will solicit a scope of services proposal from at least two consultants. Effort should be made to solicit proposals from a diverse range of qualified consultants, including women-owned, minority-owned and LGBTQIA+-owned businesses. This proposal should contain at least the following information:
 - Technical experience - (general and related experience).

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- Staffing - (resumes of the key personnel that will work with the city).
 - Fee - (a fee schedule and method of billing).
 - After evaluating the proposals, the department director or designee will conduct interviews with consultants who have no past performance history with the city; interviews are not required if the consultant has a satisfactory performance history on city contracts.
 - The city manager will recommend a consultant or consultants to the city council for approval. The city manager will provide a report listing all the consultants that submitted proposals and indicating the reasons for the recommendations.
 - The council may approve contracts that provide for automatic yearly renewals, not to exceed a total of three years. For auditing services, the council may approve a contract that provides for yearly renewals up to five years, but in the event of unsatisfactory performance or when in the best interest of the city, proposals may be solicited before the end of the five-year period. New proposals must then be solicited after the maximum period, but the council may retain the same consultant after reviewing the proposals. For other services, the city manager may recommend that the contracts be renewed after the first three years without soliciting new proposals.
 - Non-recurring Consultant Services
The following procedure should be used to select consultants for non-recurring consultant services that require city council approval:
 - A department director who wants a consultant should submit a written report to the city manager including why a consultant is needed, why "in-house" staff cannot perform the task, what is the source of funds to pay for the services, and any other information requested by the city manager.
 - After approval from the city manager, the department director should solicit a scope of services proposal from at least two consultants and follow the same selection procedure outlined in Section A-Recurring Consultant Services, including solicitation of proposals from a diverse range of qualified consultants. The proposals should contain, at least the following information:
 - Experience- (history of the firm and general and related experience)
 - Staffing - (resumes of personnel that will be assigned to the project).
 - Timetable - (schedule and completion date for project).
 - Fee - (How the fees will be charged and maximum cost for the project).
 - Contracts for non-recurring services may be for the time period needed to complete the project.
-

General Provisions for Consultant Services Contracts

- Before being retained, a consultant must disclose in writing, any work that the principals or other personnel in the firm are performing for other clients that may create a conflict of interest with the city .
- A consultant may not be retained and may not provide services for a city project if the consultant has been or will be involved in the same project in a manner that would give the consultant an unfair advantage over competitors for the project, or if the consultant has any other financial interest in the project.
- The requirement for two scope of services proposals may be waived by the city manager when obtaining more than one proposal is not practical or appropriate.
- The contract for consultant services must provide that the city has the right to use the product of the consultant's service, including all plans, specifications, reports, drawings, architectural designs, renderings or other such material for future projects.
- The contract for consultant services must include a provision that prohibits the consultant from discriminating against any employee or applicant for employment, or participant in a program or service provided under the contract, by reason of any characteristic or classification protected by state or federal law. The contract must also require the consultant to incorporate the non-discrimination requirements in all of its subcontracts to the contract.

Adopted by Resolution No. 83-7271
Council Meeting of August 22, 1983

Amended by Resolution No. 86-8012
Council meeting of February 3, 1986

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2010-103
Council Meeting of October 4, 2010

Amended by Resolution No. 2023-105
Council Meeting of Dec. 18, 2023

Policy Number 2.8
City Support of Nonprofit Organizations

Purpose of Policy: This policy establishes guidelines for support of nonprofit organizations.

Introduction

The purpose of this policy is to establish a fair and objective process for considering requests from nonprofit organizations serving community residents, and supporting those services that most effectively benefit the citizens of Minnetonka with the limited resources available.

Types of Financial Support

The city of Minnetonka generally provides financial support to nonprofit organizations in four ways: (1) contracts for service, (2) general budget appropriations, (3) Livable Communities allocations, and (4) CDBG allocations.

Contracts for service. Services directly related to the functions of city government may be provided through contracts with nonprofit organizations in accordance with the following requirements:

- The service must be something the city would undertake or provide in its ordinary course of business, or which is directly related to activities which the city charter or state law authorizes the city to perform. This may include services which enhance the effectiveness or reduce the cost of existing city programs or services, or which reduce the workload on or provide resources to city staff.
- The costs of these services will be budgeted in the general fund, and departmental recommendations will be reviewed and approved by the city council in conjunction with the regular budget cycle. Ad hoc decisions during the budget year will not be considered, unless explicitly approved by council.
- Contracts for service meeting the preceding criteria are excluded from the process and criteria outlined in this policy for other forms of nonprofit support.

General budget appropriations. General budget support may be provided for nonprofit organizations which the city is authorized by state statute or charter to support financially. These include artistic organizations, as provided in Minn. Stat. Sec. 471.941. Grant agreements will be required to document how the money was used, and requests are subject to the process and criteria outlined in this policy for nonprofit agency support.

Livable Communities allocations. Financial support may be also provided to nonprofit organizations qualifying for Livable Communities funding as permitted in Minnesota 1997 Laws, Ch. 231, Art. 10, Sec. 21. Contracts for service will be required, and requests are subject to the process and criteria outlined in this policy for nonprofit agency support.

CDBG allocations. Support for nonprofit organizations may also be provided through Community Development Block Grants (CDBG), which the city receives from the U.S. Department of Housing and Urban Development (HUD). Both city and federal criteria will determine eligibility, and sub recipient agreements will be required. Applications for the public service portion of CDBG funding are subject to the process and criteria outlined in this policy for nonprofit agency support.

General Policy Guidelines

The Minnetonka City Council is solely responsible for determining whether the city will provide support to nonprofit organizations. This policy should not be construed to obligate the city to provide support of any kind to any nonprofit organization.

Support for nonprofit organizations is provided on an annual basis, with no obligation implied for future funding commitments. Requests and approvals will be considered in conjunction with the city's annual budgeting process.

At its option, the city council reserves the right to appoint one of its members, or a representative, to the board of directors of all nonprofit organizations to which the city provides support.

The city council may waive or reduce fees charged for the use of city facilities when a nonprofit organization has provided equivalent financial or in-kind support to the city, or when approved as part of the organization's request for city support.

Funding Criteria

The following criteria will be considered to determine funding priorities for nonprofit organizations requesting city support:

- **Community-wide benefit.** Services provided by the nonprofit organization must benefit the community as a whole by meeting an important city-wide need, and by serving a proportionately high number of Minnetonka residents.
- **Access to funding.** The organization must have made reasonable efforts to raise funds from other sources, and have limited access to alternative forms of support.
- **Cost effectiveness.** The organization must not duplicate services already meeting community needs, and make effective use of volunteers and in-kind contributions to reduce the cost of service delivery.

Request and Approval Process

The following procedures will be used to review requests for city support:

- **Application** forms must be submitted prior to August 1 for consideration in the following fiscal year - January 1 to December 31 for city funding, and July 1 to June 30 for federal CDBG funding.
- **Review.** City staff will review applications and make recommendations to the city council based on the funding criteria specified in this policy. The city council may also designate appropriate city advisory boards or commissions to review requests and recommend funding priorities.

- **Approval** of funding will take place when the final budget is adopted by the city council in December of each year. Conditional approvals of CDBG allocations made at that time will be finalized in February.

Adopted by Resolution No. 85-7664
Council Meeting of January 28, 1985

Amended by Resolution No. 94-9740
Council Meeting of June 27, 1994

Amended by Resolution No. 94-9784
Council Meeting of September 12, 1994

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2008-076
Council Meeting of July 14, 2008

Policy Number 2.9
Use and Programming of the Government Access Channel

Purpose of Policy: This policy establishes the purpose of and the guidelines for Minnetonka's Government Access Cable Channel (hereinafter referred to as "the channel").

Introduction

The main purpose of the city's cable government access channel is to provide residents with information about city services, programs and activities. The channel is administered by the city's administrative services department under guidelines established by the city council. Administrative services provides or arranges for videotaping or live broadcasts of appropriate programs.

First Priority

Because the channel is intended to provide information about the city's services, programs and activities, first priority for use of the channel will be given to the city council, boards and commissions, and city departments.

Second Priority

Second priority will be given to other government-sponsored programs, public service announcements, and forums on political issues/candidates, sponsored by neutral parties, which provide equal access for all political views. Administrative services may arrange for other programming which is non-partisan.

Scheduling

Administrative services, in conjunction with the cable franchise holder, is responsible for scheduling appropriate programs on the channel and for publicizing the schedule.

Scheduling Priority

Programs will be scheduled for cable casting according to the following order of priority:

- 1) Announcements or programs concerning emergencies affecting residents' health or safety.
- 2) Regularly scheduled, recurring programs including informational series and cablecasts of regular public meetings.
- 3) One-time, special, or non-regular informational programs or cablecasts of meetings.
- 4) Public service announcements.
- 5) Programs produced by persons, agencies, or groups outside Minnetonka city government that are submitted and approved for use on the channel.
- 6) The "Community Bulletin Board" service giving printed information about both city and community events and services when other programs are not being cablecast.

Repeat Airings

Meetings and programs, if video taped, may be subject to more than one airing. Unless other arrangements are made before the schedule is publicized, such repeat airings will be at the discretion of administrative services.

Community Bulletin Board

The "Community Bulletin Board" is primarily intended to inform residents of government activities, meetings, and events. The "Bulletin Board" may also be used to inform residents of other free community events and activities sponsored by Minnetonka based non-profit, service, or charitable organizations that receive city support pursuant to council policy.

"Bulletin Board" announcements/ messages will be aired at the discretion of the City of Minnetonka and will be subject to the following guidelines:

- Announcements/messages must be submitted in writing to the administrative services department at least one week prior to their first airing.
- Due to the limited availability of space on the "Bulletin Board," announcements/ messages should be reasonable in length.
- Community announcements/ messages may not run longer than two weeks. If they are to run more than two weeks, announcements/ messages should be resubmitted or special arrangements made with the administrative services staff.
- Administrative services staff reserves the right to edit all announcements/ messages submitted for airing on the "Community Bulletin Board."
- People proposing programs or announcements which do not qualify for the channel should contact the cable franchise holder concerning use of the public access channel.

Content and Production

Because staffing for the channel is limited, city departments and entities requesting a program should be willing to assist in the production of the program if asked to do so. This may include furnishing necessary information, gathering persons and props to be used in the program, making on-air presentations, and filming or editing the program. The requesting department or entity also may be asked to pay any unusual production costs.

Before a program is scheduled for cablecasting, it must meet minimum technical and broadcast aesthetic standards. These standards will be determined by administrative services staff. Where a tape, slide show, or film has been furnished by an entity other than the city government, it must be viewed by the administrative services staff before it is scheduled or cablecast to ensure that it meets those standards.

Public portions of any city council meeting or other public meeting receiving coverage on the channel will be cablecast in their entirety, without editing or subject comment, except

for brief excerpts of a larger program or when technical difficulties interfere.

All other programming is subject to editing by administrative services as long as such editing does not alter the factual content or overall intent of the material being cablecast.

No promotion, endorsement or advertising for any private business, commercial service or product, profit making activity, political candidate or partisan cause will be allowed on the channel. However, brief audio and video credit may be given at the end of a program where special materials or assistance has been donated by a commercial or charitable enterprise.

No slanderous, lewd, obscene or violent material or language will be allowed on the channel. When questions arise as to the admissibility of material or language in this regard, administrative services will make a decision on whether the material is to be cablecast. Appeals of these decisions may be made to the city council.

Use of Equipment

Because of its cost, susceptibility to misadjustment and damage, and the heavy use to be made of it in programming the channel, video equipment required for producing or duplicating programs must be handled by or under the direct supervision of the administrative services staff.

Duplication of Tapes

It is the policy of the city of Minnetonka to provide residents with access to information in compliance with applicable laws. All requests for tape duplication must be submitted to administrative services staff in writing on a form provided by the city.

Duplication of tapes will generally be on a first-come, first-served basis. Copies will be made at the expense of the requester in accordance with the city's fee schedule.

Staff cannot guarantee the availability of taped programs or that, in some cases, there will not be technical problems.

Staff will however, endeavor to provide residents and other appropriate parties (developers, other agencies, cable staff) with all relevant materials available to the city.

Tape Retention

Videotapes of public meetings, and informational programs will be kept in accordance with the city's Records Retention Schedule. Any tape of a public meeting is unofficial, and will not serve as the official record of the meeting.

Adopted by Resolution No. 87-8404
Council Meeting of July 6, 1987

Amended by Resolution No. 96-136
Council Meeting of September 24, 1996

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Policy Number 2.10
Use of Tobacco on City-owned Property

Purpose of Policy: This policy establishes guidelines to provide a pleasant and healthful environment for visitors to city facilities and staff.

Introduction

The City of Minnetonka has adopted a policy prohibiting the use of tobacco products in city facilities and vehicles. Use of the term “tobacco” includes all tobacco products including smoke-free products.

The environmental health division of the community development department (“EHD”), is responsible for the proper designation of smoking/no-smoking areas, posting of signs, and the enforcement of these regulations.

General Guidelines

- Use of tobacco is not permitted inside any city facility or in any city vehicle except in certain designated areas in the police facility for smoking by detainees. A city vehicle is defined as any self-propelled equipment powered by a motor.
- Use of tobacco is permitted outside the city facilities only.
- Approved no-smoking signs containing the international no-smoking symbol must be placed at all building entrances and all other areas where use of tobacco products is prohibited.
- All employees are responsible for acting in accordance with this policy.
- Violations of the policy should be reported to the EHD. Whenever possible, complainant’s names will be kept confidential. When a complaint is received, EHD will first talk to the department director of the employee who is violating the policy, about the violation.

Appeals

Appeals of determinations of the EHD may be made in writing to the city manager’s office.

Adopted by Resolution No. 90-9044
Council Meeting of June 4, 1990

Amended by Council Motion
Council Meeting of March 17, 1997

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Policy Number 2.11 Municipal Recreation Services

Purpose of Policy: This policy establishes guidelines for the provision of the recreation services department services and programs within the City of Minnetonka.

Introduction

Recreation is a desirable municipal service and the city provides a variety of quality recreation programs, athletic and non-athletic, available to all city residents. To the extent possible, no resident will be denied participation because of inability to pay for a recreation fee.

Level of Recreation Services

The level of recreation services provided as of July 1, 1999, is responding to recreation needs and desires of the community. This level is identified as the number of programs and participants reflected in the recreation services participation study and funding for these programs contained in the recreation services operating budget.

Any expansion of recreation services beyond the July 1, 1999 level must be carefully scrutinized. Programming changes must be shown to be consistent with population, demographic or municipal recreation trends. Any suggested program changes or expansion must be justified using the following criteria:

- The availability of city-owned facilities to accommodate the program.
- Whether the program or a similar program is provided by another agency or more appropriately provided by another agency.
- Adult programs should help provide financial support for other recreation programs to the extent possible. Fees for adult programs should at a minimum, cover the actual cost of providing the program, including administrative overhead and facility maintenance. Other recreation activities should, whenever possible, cover the direct cost of providing the activity exclusive of administrative overhead and maintenance through fee revenues. Exceptions to this policy must be considered by the joint recreation board.
- The primary clientele of the Hopkins-Minnetonka recreation program are those persons who live and work in Hopkins and Minnetonka. Participation opportunities will also be extended to those who live in the Hopkins and Minnetonka School Districts to the extent necessary to ensure compliance with school district facility use policies.
- Participation by residents of other areas will be minimized and only allowed to the extent necessary to maintain a successful program or fill available vacancies. Nonresident demand will not be a basis for program expansion.

Adopted by Resolution No. 85-7717
Council Meeting of April 1, 1985

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Policy Number 2.12
Regulating gifts, donations and sponsorships

Purpose of Policy: To define practices and policies for the acceptance of gifts, donations and sponsorships to ensure that it is in keeping with the mission, philosophy and policies of the city of Minnetonka.

Introduction

The city of Minnetonka welcomes gifts, donations and sponsorships for a variety of community programs, projects, events or equipment needs that directly benefit residents and support the priorities of the city as established by its council.

Process for requesting and accepting donations

City employees must have the permission of their department director to actively solicit or accept gifts, donations or sponsorships to benefit programs or services sponsored by the city. The acceptance of any gifts, donations or sponsorships must meet a previously identified need and must benefit residents. In addition, it must be understood by the donor that any gifts, donations or sponsorships are given solely to benefit the community and with no expectation or perception that the city itself will then provide business or other benefits to the individual, business or organization (quid pro quo activity). All donations are subject to approval by the Minnetonka City Council.

Sponsorship of community events/activities

The city of Minnetonka hosts a variety of community events throughout the year, including Kids' Fest (February), Eco Fair (March), Music and Theatre in the Park (June-August), Burwell House Ice Cream Social (June), Summer Festival (June), Farmers' Market (July-September) and the Fire Department and City-Wide Open House (October).

A variety of opportunities are available for sponsoring either all or parts of these events, including food, events, performances, etc.

Requesting sponsorships

When requesting gifts, donations or sponsorships in the form of cash, products or services, city staff must make a reasonable effort to give equal opportunity to all groups, organizations, individuals or businesses that may be interested. Requests will be gathered quarterly from city staff and posted on the city's Web site, with notification of the posting placed in the city newsletter.

Donations of merchandise & equipment

The city welcomes the donation of merchandise and equipment for public benefit. Examples include musical equipment, facility furnishings, public safety equipment or athletic equipment. Acceptance of all gifts of merchandise and equipment is contingent upon review by city staff, which will determine the following:

- If the merchandise or equipment meets an identified need of the city, and if it is for public benefit and use;

- If the merchandise or equipment will involve the city incurring long-term costs for accepting, maintaining and disposing of the property;
- If the merchandise or equipment is donated free of any quid pro quo expectation by the donor.

Existing practices

- **Scholarship Fund**

The city of Minnetonka accepts financial contributions in any amount to help fund the Richard Wilson Scholarship Fund. This fund is designed to provide assistance for recreational programs to residents with financial challenges. Residents of Minnetonka and Hopkins may apply for scholarships to fund up to 50% of eligible programs provided through the Joint Recreation Division. The primary intent of the Scholarship Fund is to provide funding for children (ages 18 & under) and seniors (age 65 & over) who are in need of financial assistance.

- **Conservation Easements**

For information on conservation easements, please see section 11.11 of the city of Minnetonka City Council Policies document, "Open Space Preservation Program and the Management of Natural Resources."

- **Parks for Tomorrow**

Donations of \$500 or more may be made to the Parks for Tomorrow Special Project Fund. The donor may direct funds to a project selected from the Minnetonka Parks priority list.

- **Enterprise Funds**

The city of Minnetonka operates several enterprise funds that are required to operate annually without the assistance of public funding. Examples include the Minnetonka Ice Arena, Williston Fitness Center and Gray's Bay Marina. As part of their operational plans, all enterprise facilities have the ability to generate revenue from the sponsorship of programs and/or the sale of facility advertisements that are in keeping with the mission, philosophy and policies of the city of Minnetonka.

Acknowledging contributions

- **Event sponsorships**

Donations made to sponsor or assist in the sponsoring of an event will be recognized as part of any publication, printed and/or electronic, distributed for the event by the city. In addition, at the sponsored event, the donor may distribute any information related to their cause, as approved in advance by the city. This acknowledgement is distinct from advertising, which is only allowed at the city's enterprise facilities.

- **Merchandise and equipment donations**

Merchandise and equipment donations will be acknowledged through a letter of recognition from the mayor and city council.

- **Volunteer Time**

No council approval is needed for the donation of time to the city by volunteers.

Adopted by Resolution No. 2009-078
Council Meeting of September 14, 2009

Policy Number 2.13
Determining Adequate Fund Balances

Purpose of Policy: This policy establishes appropriate levels of fund balance in government funds to ensure the city maintains prudent financial resources to protect itself against the need to reduce service levels or raise taxes and fees due to temporary revenue shortfalls or unpredicted one-time expenses or mandates.

Background

The city of Minnetonka recognizes it is essential to maintain adequate fund balances in its government funds to mitigate against current and future risks, to ensure stable tax rates, and to provide for long-term financial planning. Historically, maintaining such balances has significantly contributed to recognition of the city's continued creditworthiness, which has provided financial benefits to the city's taxpayers including lower costs of borrowing. Furthermore, a policy to establish appropriate levels of fund balance is desirable, so that excess government funds may be made available for alternative, appropriate uses.

The following policy applies to the city's general fund and capital funds and addresses the unrestricted portion of fund balances, which consists of committed, assigned, and unassigned classifications of resources.

- *Committed* balances are amounts that are constrained by formal action of the city council.
- *Assigned* balances are amounts intended for specific purposes as designated by the city manager.
- *Unassigned* balances are amounts that have not been designated for explicit purposes.

General Fund

The city council will annually commit a balance in the general fund to reserve funding for the liabilities associated with compensated absences of employees.

The city manager may explicitly assign in the annual budget amounts in the fund balance for future, specified funding purposes such as unforeseen firefighter pension liabilities.

The city manager will assign in the annual budget a *Budget Stabilization Reserve*, which is an amount equivalent to thirty (30) to fifty (50) percent of the following year's operating budget to provide:

- working capital for operating expenses within the annual cycle constraints of receiving tax levy proceeds;
 - resources as a reserve for delinquent taxes;
 - a reserve against economic uncertainties leading to overestimates in revenue forecasts;
 - resources to provide for unpredictable changes in state law; and
-

- monies for unforeseen expenditures such as natural disasters, for which no other government resources are made available or there is a delay in receiving those funds from other government entities.

Amounts in the *Budget Stabilization Reserve* above forty (40) percent of the following year's operating budget may be considered unassigned and are available to be transferred and/or appropriated by the council for only one-time costs such as capital needs or pilot programs for which there are no ongoing financial commitments.

If the level of the *Budget Stabilization Reserve* falls below thirty (30) percent of the following year's operating budget, the city will develop and implement a plan to replenish the fund.

Capital Funds

After accounting for any funds explicitly committed to specific purposes by law or other council action, positive balances in capital funds associated with incomplete capital budget projects within the city's adopted capital improvement program are committed and unavailable for other purposes. All other positive balances in capital funds are considered assigned for the capital purposes of each fund.

The city manager will establish prospective fund balance guidelines for each capital fund, which will reflect the type of fund, subsequent-year budget needs, annual cash flow requirements, replacement reserves and potential contingencies. The guidelines will be used to responsibly manage balances over the five-year horizon of the city capital improvement program budget.

Other

When amounts are available for the same particular purpose in more than one of the three classifications of unrestricted fund balance, resources will be used in the order of 1) committed, 2) assigned, and then 3) unassigned.

Adopted by Resolution No. 89-8860
Council Meeting of May 15, 1989

Amended by Resolution No. 1994-9706
Council Meeting of May 9, 1994

Amended by Resolution No. 2011-118
Council Meeting of December 19, 2011

Policy Number 2.14
Tax Increment Financing Pooling Funds

Purpose of Policy: This policy establishes evaluation criteria that guide the city council in consideration of use of tax increment financing pooling funds

Introduction

Under the Minnesota Statutes Chapter 469, at least 75 percent of tax increment in a redevelopment tax increment financing (TIF) district must be spent on eligible activities within the district, leaving up to 25 percent of the funds to be pooled and therefore eligible to be spent outside of the district, but within the project area.

An exception to the pooling funds is for affordable rental housing. The city may allow the pooling allowance to be increased to 35 percent, which can then go to finance certain affordable housing projects. The project may be located anywhere in the city, and not limited to the project area. Each financed project must be rental housing that is eligible for federal low income housing tax credits. The amount of the assistance is also limited to any amount that satisfies tax credit rules.

The council is aware that use of such TIF pooled funds may be of benefit to the city and will consider requests for pooled funds subject to this council policy. The council considers the use of these funds to be a privilege, not a right.

It is the judgment of the council that TIF pooled funds is to be used on a selective basis. It is the applicant's responsibility to demonstrate the benefit to the city, and that they should understand that although approval may have been granted previously by the city TIF pooled funds for a similar project, the council is not bound by that earlier approval.

Evaluation Criteria

The city will use the following criteria when evaluating a development proposal requesting the use of TIF pooled funds:

- The project supports reinvestment in an identified village center and addresses the goals set out in the comprehensive plan for that center.
- Priority will be provided for projects that are within a "regional" village center or support transit areas.
- Weight will be given when the proportion of affordability is greater than what is customary in other tax increment financed projects in the city, overall affordability of 20% of units (usually at 60% AMI for rental).
- The project may request both tax increment financing and pooling dollars as long as the project has provided data that "but for" the additional pooling dollars, this project would not occur.

- If the project is receiving funds from other sources, the pooled dollars would be the last source utilized unless it impacts other sources.

Other Provisions

- A project will not normally be given financing approval until all city planning and zoning requirements have been met. Planning and zoning matters may be considered simultaneously with preliminary approval of the financing.
- The city is to be reimbursed and held harmless for any out-of-pocket expenses related to the TIF pooling funds, but not limited to, legal fees, financial analyst fees, bond counsel fees, and the city's administrative expenses in connection with the application. The applicant must execute a letter to the city undertaking to pay all such expenses.
- The applicant will be required to enter into a development agreement with the city outlining the terms of the use of TIF pooled funds.

Adopted by Resolution No. 2011-039
Council Meeting of May 16, 2011

**Policy Number 2.15
Housing Improvement Areas**

Purpose of Policy: This policy establishes evaluation criteria that guide the city council in consideration of a housing improvement area

Introduction

Under the Minnesota Statutes Chapter 428A, cities are given authority to create Housing Improvement Areas (HIA). A HIA is a defined area where private housing improvements are made, including common elements in a common interest community or condominium, and where costs associated with the improvements are paid for by fees imposed on property owners. Within a HIA, the city has the authority to finance housing improvements through levying fees and assessments, and may issue bonds to pay for improvements.

Consideration of a HIA must come from a petition of the owners of at least 60 percent of the housing units where the HIA fee would be imposed. If the city approves a HIA, and if more than 45 percent of the owners file an objection after the approval, then the HIA is not effective.

The council is aware that creation of a HIA may be of benefit to the city and will consider requests subject to this council policy. The council considers the creation of a HIA to be a privilege, not a right.

It is the judgment of the council that the creation of a HIA be used on a selective basis. It is the applicant's responsibility to demonstrate the benefit to the city, and that they should understand that although approval for another HIA may have been granted previously by the city for a similar project, the council is not bound by that earlier approval.

Eligible Uses of HIA Financing

The City of Minnetonka will consider using HIA financing to assist private property owners only in those circumstances in which the proposed private project addresses one or more of the following goals:

- To promote neighborhood stabilization and revitalization by the removal or prevention of blight and/or the upgrading of the existing housing stock in a neighborhood.
- To correct housing or building code violations as identified by the city's Building Official, to meet compliance on other regulatory matters, or to improve the livability of the housing stock. Roofs and siding are eligible in order prevent further and/or future deterioration. Improvements done solely for aesthetic purposes are ineligible.

- To maintain or obtain FHA mortgage eligibility for a particular condominium or townhouse association.
- To prevent the loss of the tax base of the City in order to ensure the long-term ability of the City to provide adequate services for its residents.
- To stabilize or increase the owner-occupied level within an association or neighborhood.
- To meet other uses of public policy, as adopted by the City of Minnetonka from time to time, including energy conservation, preservation of affordable units, decreasing the capital and operating costs of local government, etc.

Evaluation Criteria

The city will use the following criteria when evaluating a HIA request:

- The HIA funding resolves current capital improvements for the association and the association must show that it has taken measures to remedy the costs of future improvements. The association must submit an adopted financial plan for both the capital and operating budgets, prepared by an independent third party that provides for the maintenance and operation of the common elements within the association and a long-range plan to conduct and finance capital improvements. Compliance with Minnesota Statutes 515B.3-1141 should be maintained.
- The improvements financed by the HIA will help to meet the goals identified in the comprehensive plan and ULI study of preserving existing owner-occupied housing stock and neighborhood character.
- Weight will be given when the values of the housing units are in the affordable to mid-priced range (approximately \$350,000 or less).
- Emphasis will be placed on improvements needed to remedy life, safety or other regulatory compliance issues or to prevent future life and safety issues.
- The HIA funds are not intended to provide 100% of the funding for the association's long range replacement schedule, and that the association's own current and future funds are being contributed, in addition to the HIA funding.
- All other funding sources have been explored and are not feasible. Evidence that the association has sought other financing must be provided and should include an explanation and verification that an assessment by the association is not feasible along with letters from private lenders or other evidence indicating a lack of financing options. Coordination and partnering among other lending agencies for financing the improvements is allowed and encouraged.

Other Provisions

- The petition with at least 60 percent of the property owners from the proposed housing improvement area must first be received prior to any city review.
- Applications and petitions will be reviewed annually and are due to the city by March 1.
- An administrative fee of \$5,000 will be required at the time of application and is non-refundable.
- A fee of one-half percent of a bond issuance will be charged to cover the consulting expenses if a bond is issued. The city will determine if and when a bond may be issued to finance the improvements. Therefore, this fee may not be collected upfront, but would be added to the assessment at the time of bond issuance.
- A surcharge will be assessed with the project assessment to cover day to day costs associated with managing the assessment.
- The commonly owned areas must be current on all fees, charges, taxes, special assessments and other debts or obligations that are payable to the city regarding any matter.
- The applicant will be required to enter into a development agreement with the city outlining the terms of the HIA, which may include, but is not limited to, the following terms:
 - Staffing requirements related to third party involvement on annual reporting requirements
 - Annual reporting requirements, including annual financial audits
 - Conditions of disbursement
 - Required dues increases
 - Notification to new owners levied fees
 - Minimum number of bids to be submitted for the construction work
 - Development and construction of plans relating to the improvements
- The maximum financing term will be for 20 years, unless otherwise approved by the council.

Adopted by Resolution No. 2011-110
Council Meeting of November 14, 2011

Policy Number 2.16
Post-Issuance Compliance Procedure and Policy
For Tax-Exemption Governmental Bonds

Purpose of Policy: To ensure that the city complies with its post-issuance compliance obligations under applicable provisions of the code and treasury regulations

Introduction

The city of Minnetonka issues tax-exempt governmental bonds (“TEBs”) to finance capital improvements. As an issuer of TEBs, the city is required by sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended (the “code”), and the associated treasury regulations (the “treasury regulations”), to take certain actions after the issuance of TEBs to ensure the continuing tax-exempt status of the bonds. In addition, section 6001 of the code and section 1.6001-1(a) of the treasury regulations impose record retention requirements on the city.

Effective Date and Term

The effective date of this policy is March 5, 2012, and this policy will remain in effect until superseded or terminated by the city council.

Responsible Parties

The finance director is the party primarily responsible for ensuring that the city successfully carries out its post-issuance compliance requirements under federal law. The finance director will be assisted by finance department staff and by other city staff and officials when appropriate. The finance director will also be assisted in carrying out post-issuance compliance requirements by the following organizations:

- Bond counsel
- Financial advisor
- Paying agent (the person, organization, or officer of the city primarily responsible for providing paying agent services for the city); and
- Rebate analyst (the organization primarily responsible for providing rebate analyst services for the city).

The finance director is responsible for assigning post-issuance compliance responsibilities to finance department staff, other city staff, bond counsel, paying agent, and rebate analyst. The finance director may use other professional service organizations as necessary to ensure compliance with the city’s post-issuance compliance requirements. The finance director will provide training and educational resources to city staff responsible for ensuring compliance with this policy.

Post-Issuance Compliance Actions

The finance director will take the following post-issuance compliance actions or verify

that they have been taken on behalf of the city with respect to each issue of TEBs:

- The finance director will prepare a transcript of principal documents (this action will be the primary responsibility of bond counsel).
- The finance director will file with the Internal Revenue Service (the “IRS”), within the time limit imposed by code section 149(e) and applicable treasury regulations, an information return for tax-exempt governmental obligations, form 8038-G (this action will be the primary responsibility of bond counsel).
- The finance director will prepare an “allocation memorandum” for each issue of TEBs in accordance with the provisions of treasury regulations, section 1.148-6(d)(1). This memorandum will account for the allocation of the TEB proceeds to expenditures not later than the earlier of:
 - eighteen months after the later of the date the expenditure is paid, or the date any project financed by the TEBs is placed in service; or
 - sixty days after the earlier of the fifth anniversary of the issue date of the TEBs, or 60 days after the retirement of the TEBs.
- The finance director will identify proceeds of TEBs that must be yield-restricted and will monitor the investments of those funds to ensure that the yield does not exceed the applicable restrictions.
- The finance director will determine whether the city is subject to the rebate requirements of code section 148(f) regarding each issue of TEBs. The finance director will determine whether the city is eligible for any of the temporary periods for unrestricted investments and is eligible for any of the spending exceptions to the rebate requirements, for each issue of TEBs. The finance director will contact the rebate analyst (and, if appropriate, bond counsel) before the fifth anniversary of the issuance date of each issue of TEBs and each fifth anniversary thereafter to arrange for calculations of the rebate requirements for such TEBs. If a rebate payment is required to be paid by the city, the finance director will prepare or cause to be prepared the arbitrage rebate, yield reduction and penalty in lieu of arbitrage rebate, form 8038-T, and submit the form to the IRS with the required rebate payment. If the city is authorized to recover a rebate payment previously paid, the finance director will prepare or cause to be prepared the request for recovery of overpayments under arbitrage rebate provisions, form 8038-R, and submit the form to the IRS.

Procedures for Monitoring, Verification, and Inspections

The finance director will institute such procedures as the finance director deems necessary and appropriate to monitor the use of the proceeds of TEBs issued by the city, to verify that certain post-issuance compliance actions have been taken by the city, and to provide for the inspection of the facilities financed with the proceeds of such bonds. At a minimum, the finance director will establish the following procedures:

- The finance director will monitor the use of the proceeds of TEBs to: (1) ensure

compliance with the expenditure and investment requirements under the temporary period provisions set forth in treasury regulations, section 1.148-2(e); (2) ensure compliance with the safe harbor restrictions on the acquisition of investments set forth in treasury regulations, section 1.148-5(d); (3) ensure that the investments of any yield-restricted funds do not exceed the yield to which such investments are restricted; and (4) determine whether there has been compliance with the spend-down requirements under the spending exceptions to the rebate requirements set forth in treasury regulations, section 1.148 7.

- The finance director will monitor the use of all bond-financed facilities in order to: (1) determine whether private business uses of bond-financed facilities have exceeded the *de minimis* limits set forth in code section 141(b) as a result of leases and subleases, licenses, management contracts, research contracts, naming rights agreements, or other arrangements that provide special legal entitlements to nongovernmental persons; and (2) determine whether private security or payments that exceed the *de minimis* limits set forth in code section 141(b) have been provided by nongovernmental persons regarding such bond-financed facilities. The finance director will provide training and educational resources to any city staff who have the primary responsibility for the operation, maintenance, or inspection of bond-financed facilities regarding the limitations on the private business use of bond-financed facilities and the limitations on private security or payments regarding bond-financed facilities.
- The finance director will undertake the following for each outstanding issue of city TEBs: (1) an annual review of the books and records maintained by the city for such bonds; and (2) an annual physical inspection of the facilities financed with the proceeds of such bonds, conducted by the finance director with the assistance with any city staff who have the primary responsibility for the operation, maintenance, or inspection of such facilities.

Record Retention Requirements

The finance director will collect and retain the following records regarding each issue of city TEBs and the facilities financed with the proceeds of such bonds: (1) audited financial statements of the City; (2) appraisals, demand surveys, or feasibility studies for the facilities to be financed with the proceeds of such bonds; (3) publications, brochures, and newspaper articles related to the bond financing; (4) trustee or paying agent statements; (5) records of all investments and the gains (or losses) from such investments; (6) paying agent or trustee statements regarding investments and investment earnings; (7) reimbursement resolutions and expenditures reimbursed with the proceeds of such bonds; (8) allocations of proceeds to expenditures (including costs of issuance) and the dates and amounts of such expenditures (including requisitions, draw schedules, draw requests, invoices, bills, and cancelled checks for such expenditures); (9) contracts entered into for the construction, renovation, or purchase of bond-financed facilities; (10) an asset list or schedule of all bond-financed depreciable property and any depreciation schedules for such assets or property; (11) records of the purchases and sales of bond-financed assets; (12) private business uses of bond-financed facilities that arise after the issue date through leases and subleases, licenses, management contracts, research contracts, naming rights agreements, or other

arrangements that provide special legal entitlements to nongovernmental persons and copies of any such agreements or instruments; (13) arbitrage rebate reports and records of rebate and yield reduction payments; (14) resolutions or other actions taken by the governing body after the issue date regarding such bonds; (15) formal elections authorized by federal law that are taken regarding such bonds; (16) relevant correspondence relating to such bonds; (17) documents related to guaranteed investment contracts or certificates of deposit, credit enhancement transactions, and financial derivatives entered into after the issue date; (18) copies of all form 8038Ts and form 8038-Rs filed with the IRS; and (19) the transcript prepared regarding such TEBs.

The records collected by the city will be stored in any format deemed appropriate by the finance director and will be retained for a period equal to the life of the relevant TEBs (which includes the life of any bonds issued to refund any portion of such TEBs or to refund any refunding bonds) plus three years.

Remedies

The finance director will become acquainted with the remedial actions under treasury regulations, section 1.141-12, to be used if private business use of bond-financed facilities exceeds the *de minimis* limits under code section 141(b)(1). The finance director will become acquainted with the tax exempt bonds voluntary closing agreement program described in notice 2008-31, 2008-11 I.R.B. 592, to be used as a means for the city to correct any post-issuance infractions of federal law regarding outstanding TEBs.

Continuing Disclosure Obligations

In addition to the federal law requirements, the city has agreed to provide continuing disclosure, such as annual financial information and material event notices, pursuant to a continuing disclosure certificate or similar document (the "continuing disclosure document") prepared by bond counsel and made a part of the transcript for each issue of city bonds that is subject to continuing disclosure requirements under 17 C.F.R. section 240 ("rule 15c2-12"). The continuing disclosure documents are executed by the city to assist the bond underwriters in meeting their obligations under rule 15c2-12. The finance director is primarily responsible for undertaking, and monitoring compliance with, such continuing disclosure obligations.

Other Post-Issuance Actions

If the finance director determines that additional action not identified in this policy must be taken to ensure the continuing tax-exempt status of any issue of city TEBs, the finance director will take such action if authorized to do so. If the finance director determines that this policy must be amended or supplemented to ensure the continuing tax-exempt status of any issue of city TEBs, the finance director will recommend to the city council that this policy be so amended or supplemented.

Taxable Governmental Bonds

Most of the provisions of this policy, other than the continuing disclosure obligations, are not applicable to taxable governmental bonds. On the other hand, if an issue of taxable governmental bonds is later refunded with the proceeds of an issue of TEBs, then the uses of the proceeds of the taxable governmental bonds and the uses of the facilities financed with the proceeds of the taxable governmental bonds will be relevant to the tax-

exempt status of the governmental refunding bonds. Therefore, if there is any reasonable possibility that an issue of taxable governmental bonds may be refunded, in whole or in part, with the proceeds of an issue of TEBs, then for purposes of this policy, the finance director will treat the issue of taxable governmental bonds as if such issue were an issue of TEBs and will carry out and comply with the requirements of this policy regarding such taxable governmental bonds. The finance director will seek the advice of bond counsel as to whether there is any reasonable possibility of issuing TEBs to refund an issue of taxable governmental bonds.

Qualified 501(c)(3) Bonds

If the city issues bonds to finance a facility to be owned by the city but which may be used, in whole or in substantial part, by a nongovernmental organization that is exempt from federal income taxation under code section 501(c)(3) (a "501(c)(3) organization"), the city may elect to issue the bonds as "qualified 501(c)(3) bonds" the interest on which is exempt from federal income taxation. Although such qualified 501(c)(3) bonds are not governmental bonds, the finance director may treat such bonds as if they were TEBs and will comply with the requirements of this policy regarding such bonds. Alternatively, in cases where compliance activities are reasonably within the control of the relevant 501(c)(3) organization, the finance director may determine that all or some portion of compliance responsibilities described in this policy will be assigned to the relevant organization.

Conduit Bonds

The city may also issue tax-exempt bonds, the proceeds of which are loaned to certain private entities, including qualified 501(c)(3) organizations (referred to as "conduit bonds"). The city will require, as part of approval of any conduit bonds, that the borrower assumes the duties of post-issuance compliance described in this policy, including provisions for reporting to the city.

Adopted by Resolution No. 2012-
Council Meeting of March 5, 2012

Policy Number 2.17
Deferment of Special Assessments and Storm Sewer Charges

Purpose of Policy: This policy establishes guidelines for the deferment of special assessments and storm sewer charges authorized by City Code §220.010.

Introduction

Section 220.010 of the city code authorizes the deferment of special assessments and storm sewer charges. This policy establishes the criteria and procedures for implementing that code section. City staff is authorized to grant deferrals that comply with the ordinance and this policy without further action by the city council.

General Requirements

- The property must be classified as homestead and must be owned and occupied by the applicant.
- The applicant must provide the most recent federal income tax return(s) indicating the applicant's total household income.
- The applicant may not have an annual household income that exceeds 50 percent of the average median income, as determined annually by the United States Department of Housing and Urban Development for the fair market rental area that includes Minneapolis and St. Paul, Minnesota.
- The maximum deferral period is 15 years with the potential for a one-time five-year hardship extension if:
 - the applicant continues to comply with the basic requirements;
 - the applicant is at least 80 years old, or is the surviving spouse of a person who was at least 80 years old upon death;
 - the owner provides copies of his/her/their federal income tax forms for three years immediately preceding the hardship request;
 - the applicant furnishes a statement of all current assets and the nature of their liquidity, showing that other financial resources are not available for payment of the special assessments;
 - the bond account established for each special assessment levy in question is sufficient to discharge all city obligations incurred from the sale of the bonds;
 - the years allowed for spreading the unpaid amounts at the end of the five-year extension is not fewer than 10 if the property cannot be further divided, or fewer than five if the property is further divisible;
 - the special assessment balance at the end of a five-year extension is not greater than 50 percent of the market value of the property as estimated to the end of the five-year extension. Further, the special assessment balance at the end of a five-year extension will not result in annual

- installments of more than \$10,000 based on the remaining years allowed for re-spreading the unpaid amount; and
 - the hardship extension is renewed on an annual basis, no later than September 30 of each year, but is not renewed for more than a total of five years.
- The initial application must be filed within 30 days after the adoption of an assessment roll for a new levy or by September 30th for preexisting levies. The application must be on the forms required by the city.
 - The property owner must reapply for the deferment each year no later than September 30th of each year and must provide proof of income with each renewal. City staff will automatically mail the renewal application form to the owner(s).

Senior Deferrals

- The applicant must not be employed and must be at least 65 years old.
- The applicant must provide a photo ID issued by a governmental agency to establish age.

Disabled Deferrals

- The applicant must not be employed and must provide proof of being retired as a result of permanent and total disability. Acceptable evidence includes a determination of permanent and total disability from the Social Security Administration, the Veteran's Administration, a private disability insurance company, or other independent entity that provides disability benefits to the applicant. A doctor's statement alone is insufficient.

Termination

- The deferral is automatically terminated when:
 - the time period of the deferral has ended;
 - the owner fails to file a renewal application on time;
 - the owner dies and the spouse is not qualified;
 - the property or any part of it is sold, transferred or subdivided;
 - the property loses its homestead status; or
 - the property owner no longer qualifies for a deferral.
- The unpaid principal and interest that accrued during the deferment period are due when the deferment is terminated. For special assessments, the principal balance and interest will be collected with property taxes over the time remaining in a period of 30 years after the original assessment. For storm sewer charges, the principal balance and interest will be collected on utility bills over the same number of years allowed for payment when originally adopted.

Report to Council

Staff must provide an annual report to the city council regarding deferred assessments in the preceding calendar year, including the number of applications submitted, the number

granted, and the total outstanding amount of deferred assessments by project. Staff will also periodically examine the income limits and recommend whether there should be a change.

Adopted by Resolution No. 2013-017
Council Meeting of March 25, 2013

Amended by Resolution No. 2017-125
Council Meeting of November 13, 2017

Policy Number 2.18
Tax Increment Financing and Tax Abatement

Purpose of Policy: This policy establishes criteria which guide the economic development authority and the city council when considering the use of tax increment financing and tax abatement tools in conjunction with proposed development.

Introduction

Under the Minnesota Statutes Sections 469.152 to 469.1799, the city of Minnetonka has the authority to establish tax increment financing districts (TIF districts). Tax increment financing is a funding technique that takes advantage of the increases in tax capacity and property taxes from development or redevelopment to pay public development or redevelopment costs. The difference in the tax capacity and the tax revenues the property generates after new construction has occurred, compared with the tax capacity and tax revenues it generated before the construction, is the captured value, or increments. The increments then go to the economic development authority and are used to repay public indebtedness or current costs the development incurred in acquiring the property, removing existing structures or installing public services. The fundamental principle that makes tax increment financing viable is that it is designed to encourage development that would not otherwise occur.

Under Minnesota Statutes, Sections 469.1812 to 469.1815, the city of Minnetonka has the right to abate property taxes. A city may grant an abatement of some or all of the taxes or the increase in taxes it imposes on a parcel of property if the city expects the benefits of the proposed abatement agreement to at least equal the costs of the proposed agreement. Abatement would be considered a reallocation or rededication of taxes for specific improvements or costs associated with development rather than a "refund" of taxes.

It is the judgment of the city council that TIF and abatement are appropriate tools that may be used when specific criteria are met. The applicant is responsible for demonstrating the benefit of the assistance, particularly addressing the criteria below. The applicant should understand that although approval may have been granted previously by the city for a similar project or a similar mechanism, the council is not bound by that earlier approval. Each application will be judged on the merits of the project as it relates to the public purpose.

TAX INCREMENT FINANCING

The Economic Development Authority (EDA), as authorized by the city, will be responsible to determine that (1) a project would not occur "but for" the assistance provided through tax increment financing; and (2) no other development would occur on the relevant site without tax increment assistance that could create a larger market value increase than the increase expected from the proposed development (after adjusting for

the value of the tax increment). At the time of any application for a Comprehensive Guide Plan amendment, rezoning or site plan approval for a project, whichever occurs first, the applicant must divulge that TIF financing will be requested.

Projects eligible for consideration of tax increment financing include but are not limited to the following:

- Projects must be compatible with the Comprehensive Guide Plan (or acquire an amendment) and the development and redevelopment objectives of the city.
- Priority will be given to those projects which:
 - are within the “village areas” identified in the city’s most recently adopted Comprehensive Guide Plan;
 - are mixed use or residential in nature, and include affordable housing units which meet the city’s affordable housing standards;
 - contain amenities or improvements which benefit a larger area than the identified development;
 - improve blighted or dilapidated properties, provide cohesive development patterns, or improve land use transitions; or
 - maximize and leverage the use of other financial resources.

Costs Eligible for Tax Increment Financing Assistance

The EDA will consider the use of tax increment financing to cover project costs as allowed for under Minnesota Statutes. The types of project costs that are eligible for tax increment financing are as follows:

Utilities design	Site related permits
Architectural and engineering fees directly attributable to site work	Soils correction
Earthwork/excavation	Utilities (sanitary sewer, storm sewer, and water)
Landscaping	Street/parking lot paving
Streets and roads	Curb and gutter
Street/parking lot lighting	Land acquisition
Sidewalks and trails	Legal (acquisition, financing, and closing fees)
Special assessments	Surveys
Soils test and environmental studies	Sewer Access Charges (SAC) and Water Access Charges (WAC)

Title insurance	Landscape design
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Forms of Assistance

Tax increment financing will generally be provided on a “pay-as-you-go” basis wherein the EDA compensates the applicant for a predetermined amount for a stated number of years. The EDA will have the option to issue a TIF Note with or without interest, where the principal amount of the TIF Note is equal to the amount of eligible project costs incurred and proven by the developer. In all cases, semi-annual TIF payments will be based on available increment generated from the project. TIF payments will be made after collection of property taxes.

Fiscal Disparities

TIF Districts will generally be exempt from the contribution to fiscal disparities. Tax revenues for fiscal disparities, generated by the TIF project, will be the responsibility of properties inside the district. The exception to this policy is when MN Statutes require that fiscal disparities be paid from within a TIF District, as is the case with Economic Development Districts.

TAX ABATEMENT

The tax abatement tool provides the ability to capture and use all or a portion of the property tax revenues within a defined geographic area for a specific purpose. Unlike TIF, tax abatement must be approved by each major authority under which the area is taxed, and therefore, usually only city property taxes will be abated. In practice, it is a tax “reallocation” rather than an exemption from paying property taxes. Tax abatement is an important economic development tool that, when used appropriately, can be useful to accomplish the city’s development and redevelopment goals and objectives. Requests for tax abatement must serve to accomplish the city’s targeted goals for development and redevelopment, particularly in the designated village center areas. At the time of any application for a Comprehensive Guide Plan amendment, rezoning or site plan approval for a project, whichever occurs first, the applicant must divulge that tax abatements will be requested.

Projects Eligible for Tax Abatement Assistance

Projects eligible for consideration of property tax abatement include but are not limited to the following:

- Projects must be compatible with the Comprehensive Guide Plan (or acquire an amendment) and the development and redevelopment objectives of the city; and
- Priority will be given to those projects which:
 - increase or preserve the tax base
 - provide employment opportunities in the City of Minnetonka;

- provide, help acquire or construct public facilities;
- finance or provide public infrastructure;
- improve blighted or dilapidated properties, provide cohesive development patterns, or improve land use transitions; or
- produce long-term affordable housing opportunities.

Fiscal Disparities

Tax revenues for fiscal disparities, generated by the abatement project, will be the responsibility of properties inside the district.

REVIEW PROCESS

All applications for TIF and tax abatement will be reviewed by city's community development director. After review by the city's financial consultant, the community development director may refer the request to the EDA. The EDA will hold appropriate public hearings and receive public input about the use of the financial tools. The EDA will provide a recommendation regarding the assistance to the city council.

The city council must consider, along with other development decisions, the request for assistance and will make the final decision as to the amount, length, and terms of the agreement.

Adopted by Resolution No. 2014-074
Council Meeting of July 21, 2014

Policy Number 2.19 Debt Management

Purpose of Policy: This policy establishes goals, guidelines and limits on the use of general obligation long-term debt by the city to ensure ongoing financial stability and health and the appropriate use of limited resources in conjunction with meeting and maintaining its capital asset needs.

Introduction

Under the Minnesota Statutes Chapter 475 and the City Charter, the city of Minnetonka has the authority to issue long-term obligations to finance non-current expenses for various municipal purposes. The use of borrowing and debt is an important and flexible resource source available to the city. Debt is a mechanism which allows capital improvements to proceed when needed, in advance of when it may otherwise be possible. It can reduce long-term costs due to inflation, prevent lost opportunities, and equalize the costs of improvements to present and future beneficiaries.

Debt should only be issued within the confines of sound cash management and structurally sound budgets. Adequate resources must be provided for the repayment of debt, and the level of debt incurred by the city must be effectively controlled to amounts that are manageable and within levels that will maintain or enhance the city's credit rating. A goal of debt management is to stabilize the overall debt burden and future tax levy or fee level requirements to ensure that the obligations can be repaid and prevent default. The fiscal and service flexibility advantages of debt issuance must be balanced against overuse, which can otherwise place a burden on the fiscal resources of the city and its taxpayers.

General obligation debt guidelines

The city will comply with all state and federal laws for debt issuance and ongoing debt management. Under that axiom, the following policies provide a framework and limit on the use of long-term debt of the city:

- The city will restrict the use of general obligation long-term borrowing to planned capital improvements adopted in the five-year Capital Improvement Program. Other shorter term debt is strictly limited by Section 7 of the City Charter.
- For non-utility capital spending, the city will strive to maintain a "pay-as-you-go" capital funding policy without the use of debt. Long-term debt will be used only after it is determined it is the most prudent alternative.
- For the city's rate based water and sewer utilities, the city will issue debt as needed for capital construction as guided by Council Policy 12.8, which provides cash reserve targets of the enterprise for its costs, including capital and debt service requirements.

- Total general obligation debt of the city will not exceed the state law limitation of three percent of the total market valuation of taxable property in the city.
- The city will limit the term of any bonds issued such that the repayment period does not exceed the expected useful life of the asset(s) being financed.
- The city will work with a qualified, third-party municipal financial advisor and bond counsel in all aspects related to the sale and monitoring of every bond issued including written recommendations. The city will not use a single firm to act as both financial advisor and underwriter of a bond issue in order to avoid potential conflicts of interest.
- The city will select a method of sale that achieves its debt management and affordability objectives while maximizing the financial benefit to the city. Such sales may be competitive or negotiated, depending upon the project and market conditions but will be recommended by the financial consultant along with reasoning for the chosen method.
- The city will maintain open communications with bond rating agencies regarding its financial condition and will follow all disclosure, monitoring and maintenance requirements outlined in Council Policy 2.16, Post Issuance Compliance Procedures and Policies for Tax-Exempt Governmental Bonds.
- The city will periodically review refunding mechanisms available to reduce interest costs and will exceed state guidelines and conform to best practice standards as to minimum present value savings to be attained through such refunding.
- The city will strive to maintain on all of its long-term general obligation bond obligations the highest level of bond rating as determined by at least one of the major bond rating agencies, i.e. Moody's, Standard & Poor's, and Fitch.

Bank qualified bonds

Under federal law, local governments may issue a maximum annual level of tax-exempt bonds qualified for specific bank tax deduction purposes, which under most market conditions has the effect of lowering the rate of interest for issuance by the city. If in any given calendar year, the government issues more than the maximum annual level of bank qualified (BQ) debt provided in federal law, none of that year's issuance receives the lower rate qualification.

The city will prioritize use of its annual allocation of BQ debt. Obligations issued in any calendar year by the City of Minnetonka for its own primary purposes and/or assets will take priority for use of the city's BQ allocation before considering any tax-exempt financing for other local governments, housing improvement districts per Council Policy 2.15, and for qualified non-profit organizations per Council Policy 2.05.

Adopted by Resolution No. 2015-123
Council Meeting of December 7, 2015

**Chapter 3:
Zoning Regulations**

Policy Number 3.1
Conditions for Preparation and Payment of Environmental Impact Statements (EIS), Environmental Assessment Worksheets (EAW), or Environmental Studies

Purpose of Policy: This policy establishes the conditions for the city council that will guide the decision in ordering the preparation of Environmental Impact Statements (EIS), Environmental Assessment Worksheets (EAW), or an environmental study, and sets forth the responsible party(ies) for paying for the study.

Introduction

This policy applies to all projects, private and public, which fall outside of the mandatory categories for EAW and EIS.

City Council

The city council may in its discretion, require that an environmental study, EIS or EAW be prepared for projects that do not exceed the mandatory threshold of the State Environmental Review Program.

The city council will make its decision to require an Environmental Study, EAW, or EIS, at the time the project is proposed or at any time during official review process, but before a project receives final approval. This decision will be based upon the information that has been submitted for a project and staff's recommendation if appropriate.

In making the determination of the need for an EAW or EIS, the city council may require the completion of an Environmental Study of the project. The environmental study process would not require review by outside public agencies, official notification or a mandatory public hearing. However, the study will require review and comment by the city council.

Following the review of the environmental study, the city council may require the preparation of an EAW or EIS if impacts are deemed to be significant and/or mitigative measures are found to be unacceptable.

Criteria

In determining the need for an environmental study, environmental worksheet or environmental impact statement, the city council should use the following criteria to determine the potential impact of the project:

- The ability to implement the policies and standards of the Comprehensive Plan.
- Impact upon the design, capacity and nature of the local roadway system.
- Impact upon the existing and planned improvements to the city's park and open space system, public facilities, and utilities.
- The ability of the city to provide normal city services in an equitable manner.

- Impact upon existing and planned residential neighborhoods, and commercial and industrial areas in terms of a project's compatibility and long term effect.
- Impact upon the natural environment of the city.

Funding

The funding for the above studies will be borne by the proponents of the project unless a wider public benefit will be served by the project. In such cases, the city may contribute a fair share of funding for the study. Based upon the geographic impacts of the project, the city council will determine the fair share amount to be contributed by the City of Minnetonka.

Adopted by Resolution No. 84-7614
Council Meeting of November 5, 1984

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

**Policy Number 3.2
Larger Homes Needing Variances In Existing Neighborhoods**

Purpose of Policy: This policy applies to "McMansions" or homes being built in established neighborhoods that are much larger than existing homes and often out of character with the style of existing homes. The policy would allow the city to restrict the size of new homes needing a variance by floor area ratio or to a specific plan.

The city may require that home additions requiring a variance or new homes on subdivisions needing a variance be consistent with the character of the existing homes in the neighborhood. Neighborhood character, for the purpose of this policy, means the following:

The new home or home addition must have a floor area ratio that is no more than the highest floor area ratio (FAR) of the homes within 400 feet of the lot of the proposed house and within 1,000 feet of the lot of the proposed house on both sides the same street. The city may exclude any existing lots that the city determines are not visually part of the applicant's neighborhood. The city may also add any existing lot that the city determines is visually part of the applicant's neighborhood. The city may waive or modify the floor area requirement where:

- a. The proposed home would be relatively isolated from the rest of the neighborhood by slopes, trees, wetlands, undevelopable land, or other physical features; or
- b. The applicant submits a specific house design and site plan and the city determines that the proposed house or addition would not adversely impact the neighborhood character because of the specific setbacks, building orientation, building height, or massing. In this case, the city will condition approval of the variance on the specific site and building plan. The architectural design of the home will not be considered in making this determination.

Adopted by Resolution No. 2007-020
Council Meeting of January 22, 2007

Chapter 4:
Subdivision Regulations
(none)

**Chapter 5:
Building and Construction
Regulations**

Policy Number 5.1 Water Resource Development

Purpose of Policy: This policy establishes the conditions under which the city will permit or perform aesthetic alteration of holding basins, marshes, ponds, lakes and other bodies of water within its jurisdiction, and outlines the instances when the city will perform the work and how projects will be funded.

Introduction

This policy applies to all requests for aesthetic treatments of holding basins, marshes, ponds, lakes and other bodies of water within the city's jurisdiction.

City Involvement

The following guidelines will be followed in determining the extent of city involvement in such improvements:

- The city will consider altering a holding basin, marsh, pond, lake or other body of water only to the extent that it is consistent with the capacity for that body of water as determined by the Water Resources Management Plan. Such improvements will be funded consistent with council policy relating to storm water improvements.
- The city will consider altering bodies of water when consistent with an approved park development plan for city-wide benefit. In such instances, funding will be from the Capital Improvement Fund or other appropriate source, other than assessments.
- The city will consider correcting or mitigating changes to pre-existing conditions when caused by city actions. In such instances, funding will be from the Capital Improvement Fund or other appropriate source, other than assessments.
- The city will consider alterations not included in the above categories when petitioned by individuals, groups, or homeowners associations. In such instances, the projects must receive approval from the city and will be privately financed. The city urges the formation of neighborhood associations of those living near such bodies of water to provide the funding. Such work must be consistent with all applicable laws and regulations and commenced only after all necessary permits have been secured.

Other Provisions

The city has many maintained parks and therefore, will not provide mowing or maintenance around or chemical treatment of bodies of water, unless the city council determines it to be in the city's interest. Adjacent property owners or homeowners associations may maintain the areas around or chemically treat such bodies of water consistent with all applicable regulations and laws and only after all necessary permits have been secured.

The city will not install or permit the installation of fences around bodies of water, unless

the city determines such installation to be in the public's interest.

Adopted by Resolution No. 85-7743
Council Meeting of May 6, 1985

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Policy Number 5.2
Special Assessment of Fire Sprinkler Installations

Purpose of Policy: This policy establishes guidelines in regard to petitions for the special assessment of fire sprinkler installations for existing buildings.

Introduction

Minnesota law gives cities the authority to specially assess the cost of installing fire sprinkler systems for existing buildings, subject to certain procedural requirements.

The city council, as a matter of policy, finds it to be in the interest of public safety and the protection of property to encourage the installation of fire sprinkler systems in existing buildings in the city.

Criteria

The city council will consider petitions for the special assessment of the cost of installing fire sprinkler systems in existing buildings, subject to the following criteria:

- The petition must meet the requirements of M.S. Chapter 429, as they apply to fire sprinkler systems, and include the submission of plans and specifications and a cost estimate for city approval.
- The owner is responsible for contracting for the actual installation of the fire sprinkler system. However, the city has the final right to disapprove of any contractor selected by the owner.
- The amount to be specially assessed for the project cannot exceed the amount of the construction estimate, plus any city administrative costs and interest charges. The petitioner is responsible for any construction costs exceeding the amount of the construction estimate.
- The petitioner must waive all rights to a public hearing and any appeal of the special assessment adopted by the city council.
- No payment will be made by the city for any installation until the work is completed and finally approved by the city and the assessment adopted.
- No special assessment will be made for a period of more than 10 years, except as otherwise determined by the council.
- If the petitioner requests the abandonment of the special assessment project, all city costs incurred will be reimbursed by the petitioner.
- Unless warranted by special circumstances, all petitions for the special assessment of the project must be received and acted upon by the city council prior to the start of

any fire sprinkler installation.

Consideration of any petition made under this policy is subject to a determination by the city council, in its sole discretion, that sufficient city funds are available for the project. City staff will periodically advise the council with regard to the availability of appropriate funds.

Adopted by Resolution No. 86-8180
Meeting of September 15, 1986

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

**Chapter 6:
Business Regulations**

Policy Number 6.1
Standards and Criteria for the Issuance of Liquor Licenses

Purpose of Policy: This policy establishes standards and criteria that the city council will apply in its consideration of on and off-sale liquor licenses. Further, this policy describes city council expectations for establishments holding liquor licenses within the city.

Introduction

This policy applies to all establishments having on or off-sale liquor licenses in the city of Minnetonka.

Standards

It is expected that all establishments holding liquor licenses will be operated in accordance with the following standards:

- *Type of Establishment*
The proposed liquor license should be considered in terms of the type of establishment being proposed and the propriety of having the establishment at the proposed location. On-sale liquor licenses will only be issued to establishments whose primary business is the sale of food. Consistent with this objective, city ordinance requires that at least 50% of the gross sales receipts of the establishment be from the sale of food.
- *Cooperation and Liaison with the City*
Liquor license holders are encouraged to interact and work in cooperation with the city staff regarding any problems, concerns, or questions relating to the operation of their establishments. Liquor license holders are also encouraged to participate in any public health or safety programs that are offered by the city.
- *Material Alterations of Establishments*
As required by ordinance, liquor license holders must report any internal changes to the establishment that materially enlarges, expands, reconfigures, or alters the site of the area connected with the consumption of liquor or the type of service offered by the establishment. Such changes must be reported to the community development director for review by the city council prior to beginning any alterations and before building permits can be issued.

Material alterations include changes such as creation of a sit down bar or lounge area, expansion in size of the bar or lounge area, addition of a dance floor or entertainment area, or any other changes that alter the site or services offered in an establishment. This provision is not meant to include decorative or housekeeping improvements, or minor remodeling that does not affect the type of service offered by the establishment.

- *Conditioning Authority*
The city council or staff may, upon the issuance or renewal of a liquor license,

impose reasonable conditions upon the license to promote the provisions of this policy.

Criteria

The city council will consider the following criteria prior to issuing liquor licenses:

- Off-Sale Licenses

Off-sale establishments provide intoxicating liquor that will be consumed in environments that are not monitored. An increase in the number of those outlets increases the access to liquor, contributes to public safety concerns, and detracts from the desired image of the city. Accordingly, the city council determines that the 12 off-sale intoxicating liquor licenses existing as of March 22, 2010 are generally adequate to serve the city. However, the council reserves the right not to issue any license even if the number falls below 12. Despite this maximum number, the council will consider, but not necessarily approve, additional off sale intoxicating liquor licenses only if the council finds in its sole discretion that the business:

 - a. offers a distinctive specialty service, or
 - b. is a complementary part of a business that would add positively to the experience of living and working in the city; or
 - c. is part of a village center that is not currently served.
- Land-Use/Zoning

The proposed liquor license must be consistent with the Guide Plan and zoned appropriately. It is expected that liquor establishments will be located in existing and planned commercial areas of the city. The liquor license application will be considered in conjunction with the site plan review.
- Traffic

The proposed liquor license will be considered in terms of traffic generated by the establishment and the effect of such traffic on the surrounding street system. It is expected that liquor establishments will be located in areas able to accommodate the additional traffic generated by the liquor operation. The cost of an additional traffic analysis that might be required because of unusual circumstances with the location of the establishment will be paid by the applicant. This cost is not considered a part of the investigation or license fee.
- Parking

The proposed liquor license will be considered in terms of the amount of parking needed for the establishment. It is expected that adequate on-site parking will be provided to accommodate all customers and employees. To determine whether adequate parking exists, the council will use the zoning ordinance as a guideline, and may consider other factors such as: the nature of the establishment, the type of development in which it will occur, the amenities (dance floor, entertainment, etc.) which will be offered by the establishment, and any other matter which might affect the parking requirements.

- Proximity to Schools, Churches, Youth Oriented Facilities, etc.

The proposed liquor license should be considered in terms of proximity of the establishment to schools, churches, and youth related and other public facilities. It is expected that liquor establishments will be located in areas that minimize the impact on such facilities.

City staff will submit a written report examining each of these criteria to accompany an on or off-sale liquor license application at the time of consideration by the city council.

Adopted by Resolution No. 84-7533
Council Meeting of July 23, 1984

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2010-030
Council Meeting of March 22, 2010

Amended by Resolution No. 2015-055
Council Meeting of July 13, 2015

Policy Number 6.2
Review of Liquor Violations, Best Practices Program,
and Incentives to Discourage Underage Sales

Purpose of Policy: This policy establishes a uniform procedure for council review of liquor license violations, a best practices program, and incentives to discourage sales to underage buyers.

Introduction

This policy establishes the procedure for reviewing liquor license violations, a best practices program, and incentives to discourage sales to underage buyers.

Procedure

The following procedure should generally be followed for council review of liquor license violations that are not subject to presumptive penalties under this policy:

1. After a decision has been made to prosecute a liquor license violation, the chief of police or community development director will notify the council of the incident by confidential memo.
2. No further action will be taken until any criminal proceedings are concluded. At that time, staff will schedule the item for a council agenda.
3. The council will decide whether to schedule an administrative hearing. In most situations, the hearing should be scheduled. Even if the council believes that no sanctions are likely, the fact that the licensee is required to appear before the council stresses the seriousness with which the city considers any violation of the liquor ordinances. The council should select a hearing date with sufficient time to give the licensee at least 30 days' notice.
4. Staff will personally serve notice of the hearing on a representative of the licensee at the licensed premises.
5. The hearing will be held in accordance with the Administrative Procedures Act, Minn. Stat. §§ 14.57 to 14.70. The city attorney will present the case against the licensee. The licensee will be given the opportunity to question any witnesses and to present testimony.
6. The council will consider the evidence and decide what action is appropriate. The council will consider the level of severity of violations and sanctions previously considered and imposed by the council when imposing any sanctions. The council will issue written findings on the alleged violation and an order imposing sanctions, if any.
7. Staff will serve notice of the council's action on a representative of the licensee as soon as practicable after the hearing, in person or by registered mail.

Presumptive Penalties

The following procedure should generally be followed for council review of liquor license violations that are subject to the presumptive penalties established in attached Exhibit A:

1. After completion of the criminal charges, the community development director or designee will contact the license holder asking if the licensee will sign an admission of the facts of the alleged violation and an acceptance of the presumptive penalty established below. The licensee may choose to admit the facts but not accept the presumptive penalty. If the licensee contests either the facts or the presumptive penalty, the matter will be scheduled for a hearing before the council. The community development director may also schedule a hearing before the council if he/she believes there is a valid reason to deviate from the presumptive penalty.
2. If a hearing is requested, it will be conducted in accordance with the Administrative Procedure Act, Minn. Stat. §§14.57 to 14.70. The council will issue written findings on the alleged violation and an order imposing sanctions, if any.
3. If the licensee and the community development director agree on the violation and the presumptive penalty, a written admission will be provided to the council with a proposed order. For first and second violations, the matter will be scheduled as part of the consent agenda, and it is expected that the council will generally issue the proposed order without discussion. Nevertheless, the council may choose to schedule the matter for special council review and action. The city must provide at least ten days' notice to the licensee before this review is conducted. Any violations beyond the second violation must be scheduled for a hearing before the council.

Best Practices Program

The city council supports creation of a voluntary Best Practices Program. The program's purpose is to encourage liquor license holders to voluntarily undertake practices that will help avoid sales to underage buyers. The details of the program will be developed by city staff in cooperation with the affected industry and reviewed by the city council. A licensed establishment that participates in the program will be subject to a modified schedule of presumptive penalties shown on the attached Exhibit A.

Incentives to discourage sales to underage buyers

The city council believes that all people who sell or deliver alcoholic beverages should check the identification of anyone who appears to be 40 years old or younger. If a liquor licensee wishes to make this a requirement in its establishment, the city will provide notices to be posted.

In addition, the city council wishes to encourage the individual who sells alcoholic beverages to check identification. Accordingly, for incidents that can be verified by the police department, the city will provide a reward of \$50 to a person who checks identification, discovers an underage person attempting to purchase alcoholic beverages, and cooperates with the city in attempting to obtain a conviction. The payment of the reward will be subject to approval by the public safety director, who may deny the reward in his/her discretion. The reward will be paid from a separate account funded by the penalties imposed for liquor violations and such other funds as may be

necessary.

Adopted by Resolution No.91-9283
Council Meeting of October 7, 1991

Amended by Resolution No. 99-144
Council Meeting of August 9, 1999

Amended by Resolution No. 2002-129
Council Meeting of November 12, 2002

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2015-023
Council Meeting of April 6, 2015

Exhibit A

Presumptive Penalties

The following are the presumptive penalties for the offenses listed.

Revocation on the first violation for the following types of offenses:

- Commission of a felony related to the licensed activity
- Sale of alcoholic beverages while license is under suspension

The following chart applies to these violations, to be counted over a three-year period:

- Sale to underage person
- Sale after/before hours
- Consumption after hours
- Illegal gambling, prostitution, adult entertainment on premises
- Sale to obviously intoxicated person
- Sale of liquor that is not permitted by the license

License Type	1 st Violation	2 nd Violation	3 rd Violation	4 th Violation
On-sale, full	\$500 + 1 day suspension	\$1000 + 3 days suspension	\$2000 + 10 days suspension	Revocation
Off-sale, full	\$750	\$1500 + 1 day suspension	\$2000 + 6 days suspension	Revocation
On-sale, 3.2 & beer/wine	\$350 + 1 day suspension	\$700 + 3 days suspension	\$1500 + 10 days suspension	Revocation
Off-sale, 3.2	\$250 + 1 day suspension	\$500 + 3 days suspension	\$1000 + 10 days suspension	Revocation
On-sale, taproom or Off-sale, brewery (growlers)	\$350 + 1 day suspension	\$700 + 3 days suspension	\$1500 + 10 days suspension	Revocation

For establishments in the Best Practices Program:

License Type	1 st Violation	2 nd Violation	3 rd Violation	4 th Violation	5 th Violation
On-sale, full	\$500	\$500 + 1 day suspension	\$1000 + 3 days suspension	\$2000 + 10 days suspension	Revocation
Off-sale, full	\$350	\$750	\$1500 + 1 day suspension	\$2000 + 6 days suspension	Revocation
On-sale, 3.2 & beer/wine	\$350	\$350 + 1 day suspension	\$700 + 3 days suspension	\$1500 + 10 days suspension	Revocation
Off-sale, 3.2	\$250	\$250 + 1 day suspension	\$500 + 3 days suspension	\$1000 + 6 days suspension	Revocation
On-sale, taproom or Off-sale, brewery (growlers)	\$350	\$350 + 1 day suspension	\$700 + 3 days suspension	\$1500 + 10 days suspension	Revocation

**Chapter 7:
General License
Provisions and Fees**

**Policy Number 7.1
Mobile Food Vendor License**

Purpose of Policy: This policy establishes the procedure of review and standards of operation for mobile food vendors.

Introduction

The city is continuing to see an increase in inquiries regarding regulatory standards, permits and licenses required to operate food trucks within the city of Minnetonka. This policy outlines mobile food vendor license standards and review procedure for operation within the city.

Definitions

A **mobile food vendor** is a self-contained vehicle or trailer used to prepare and serve food that is readily movable without disassembling.

A **limited mobile food vendor** is a vehicle from which prepackaged items such as ice cream, pop and candy are sold.

A **mobile food cart** is a non-motorized push cart that sells prepackaged or read-to-eat foods on sidewalks.

A **food vehicle** is a vehicle that is used to deliver containers of food prepared by a licensed food establishment. Food is not prepared or sold from the vehicles directly to individual customers. Catering food vehicles are licensed as an addition to a food establishment and therefore do not require an additional mobile food vendor license.

Application standards

All mobile food vendors must operate in conformance with the following standards:

- Must obtain city of Minnetonka mobile food vendor license. The vendor license sticker must be affixed and visible from the outside of the vehicle at all times.
- Must have underlying property owner's permission. The property owner and mobile food vendor must complete the mobile food vendor consent form. This form validates property owner permission and must be located within the vehicle at all times. Should the property owner be unavailable, the city will accept permission from the property manager.
- Must have a licensed stationary commissary or commercial kitchen. Must submit proof of licensed commissary or kitchen with the mobile food vendor license application.
- Hours of operation are from 7:00 a.m. until 10:00 p.m. Mobile food vendors and vehicles must depart from the property immediately following the closing of the operation.

- No bollards, seating, equipment not affixed to the vehicle is permitted.
- Signage is limited to signage affixed to the vehicle.
- No sound amplification, noisemakers or flashing lights is permitted.
- Must provide refuse containers for the customers. The operator of the mobile food vendor vehicle is responsible for removing all litter and garbage associated with the food truck.

Process for reviewing application

The applicant will submit the required mobile food vendor license application and required documents to the city of Minnetonka Environmental Health Department. City staff will deny or approve an annual permit valid for one year.

Mobile food vendors may request permission to operate on city property. Applications to operate on city property will be considered but not necessarily approved. The operator must first obtain written permission from the city's community development director or other approved city staff. This should not be interpreted to allow operation within city right-of-way.

Failure to comply

Failure to comply with the above listed standards will result in one of the following:

- Required relocation of the mobile food vendor.
- Required removal from the property.
- Revocation of the mobile food vendor license.

Adopted by Resolution No. 2014-078
Council Meeting of August 4, 2014

**Chapter 8:
Public Health and Public Nuisances**

Policy Number 8.1 Nuisance Ordinance Enforcement

Purpose of Policy: This policy establishes a system of enforcement for the provisions of Minnetonka's nuisance ordinance.

Introduction

This policy is intended to provide for the health, safety, and welfare of the community, and to ensure the enjoyment and preservation of Minnetonka's residential neighborhoods. The city council has adopted an ordinance (Section 845 et. seq.) that identifies nuisance conditions and provides for their abatement. This policy applies to all complaints and enforcement action taken by the city under the provisions of the nuisance ordinance.

Complaints

Because limits to city resources do not permit a comprehensive, city-wide inspection and enforcement program, the city will enforce the ordinance by responding to citizen complaints regarding alleged violations of the ordinance provisions. City staff is directed to investigate and initiate enforcement as follows:

1. Upon any complaint alleging an imminent threat to public health or safety.
2. Upon complaint by one or more households or property owners in the immediate neighborhood of the alleged ordinance violation. "Immediate neighborhood" includes:
 - The area within 400 feet of the property where the violation is alleged to exist;
 - Property from which the alleged violation can be clearly seen; or
 - Property that is primarily accessed by driving past the location of the alleged violation.

The complainant's address must be verified by a city representative. Anonymous complaints should not be investigated.

3. Upon observation of a suspected violation during the ordinary course of duties, as time permits.

Mediation

In cases where the alleged violation does not involve an imminent threat to public health or safety, the parties to a complaint are willing to participate, and community interests will be served by avoiding the recurrence of alleged violations and disputes between the parties, the city may provide a referral to a mediation service. Referral to a mediation service must be a complement to the city's enforcement process, and must not relieve any party of the obligation to comply with city ordinance requirements.

Public Education

The city will establish an ongoing program of public information and education to make citizens aware of reasons for the ordinance requirements and ways to avoid the creation of nuisance conditions.

Adopted by Resolution No. 87-8378
Council Meeting of June 1, 1987

Amended by Resolution No. 92-9390
Council Meeting of June 15, 1992

Amended by Resolution No. 99-074
Council Meeting of April 26, 1999

Amended by Resolution No. 2002-043
Council Meeting of April 22, 2002

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

**Policy Number 8.2
Graffiti Removal**

Purpose of Policy: This establishes a graffiti removal policy.

Introduction

This policy is intended to document the city council's policy concerning removal of graffiti within the City of Minnetonka.

Private Landowners

The police department will provide private landowners with the names of private contractors who are in the business of graffiti removal. If the landowner has not removed the graffiti within three days, the city will remove the graffiti either by city staff or a contractor, at the landowner's expense.

City-owned Property

Graffiti will be removed from city-owned property as soon as city staff is available to do so, or as soon as a private contractor can be retained. This should occur no later than three days after a city official becomes aware of the graffiti.

Restitution

City staff will also request that perpetrators be required as part of any penalty to assist in graffiti removal.

Adopted by Council Motion
Council Meeting of March 30, 1998

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

**Policy Number 8.3
Plant Pest Program**

Purpose of Policy: This policy establishes a plant pest program as authorized by Minn. Stat. § 18G.13 and Minnetonka City Code § 840.015

Authority for establishing program

This plant pest program is established pursuant to Minnesota Statutes, section 18G.13, subdivision 7, Minnetonka City Code section 840.015.

Determination of plant pests to be prevented, controlled, managed or eliminated

The Minnetonka city council finds that the following plant pests may cause significant damage or harm to the city's economy, environment or human health:

- **Dutch elm disease fungus, *Ophiostoma novo-ulmi***
 - **Elm bark beetles, *Scolytus multistriatus*, *Scolytus schevyrewi* or *Hylurgopinus rufipes***
- **Emerald ash borer beetle, *Agrilus planipennis* Fairmaire**
- **Oak wilt disease fungus, *Ceratocystis fagacearum***

Responsible parties

City staff survey the entire city—including public lands, private property, and the right-of-way (road edge)—for the above-listed plant pests. Responsibility for managing diseased or infested trees and incurring the cost of required sanitation (and optional prevention and control measures) is as follows:

- Public lands – the city is responsible for performing and paying the costs of plant pest control, prevention, and management on lands that are owned by the city.
- Private property – the property owner is responsible for performing and paying the costs of plant pest control, prevention, and management on the property owner's land. If a public nuisance exists and the property owner fails to abate the nuisance, the city may perform the work and assess the costs against the owner's property in the manner provided by section 845 of the Minnetonka City Code.
- Right-of-way – Property ownership generally extends to the centerline of the abutting street, which means the property owner owns the land and the trees on the land, and the city has an easement for street and utility uses. The property owner is responsible for performing and paying the costs of plant pest prevention and control; however, if a tree in an opened right-of-way is marked

for removal, the city will pay for the cost of diseased or infested tree removal in recognition of the city's interest in protecting the traveling public.

Dutch elm disease fungus and elm bark beetles

Since the 1930s, hundreds of thousands of elms have died from Dutch elm disease (DED). Despite its common name, this fungus probably originated in Asia, then spread to Europe and the United States. Although disease-resistant varieties are being developed, all native elm species are susceptible to DED, which is carried from infected to healthy elms by native or European elm bark beetles. After the fungus is introduced into an elm's water conducting system, leaves (typically at the branch tips) wilt, turn yellow, and often drop from the branches. An infected elm dies because, in its attempt to stop the spread of the fungus, it blocks its own ability to transport water. Because the root systems of adjacent elms often graft (fuse together), DED can spread directly between trees generally growing 50-100 feet apart.

Signs and Symptoms:

- Are most obvious between late spring and late summer, though trees infected the previous year may become symptomatic as soon as they leaf out in early spring.
- Visible wilting
- Discoloration of the leaves (yellow or brown)
- Branch death
 - If beginning in the crown, wilting begins first at branch tips ("flagging") and progresses through the crown
 - When infection occurs through root grafting (less common), branch death may begin in the lower crown on the side nearest the graft; it then spreads to the entire crown, sometimes quite rapidly
- Brown staining of the year's new wood, just under the bark

Prevention and Control Measures:

- Before removing diseased trees, property owners are advised to:
 - Have a qualified tree care professional inject healthy adjacent elm trees with a fungicide and reevaluate every two or three years (depending on the chemical used) for continued protection. This systemic chemical spreads to all parts of the plant, reducing the risk of above - and below-ground spread of the DED fungus.
 - Where terrain permits, a root-graft barrier should be installed between diseased elms and any healthy trees of the same species within a 100-foot radius, in order to prevent the spread of DED between the shared root systems of adjacent elm trees.
- Replace removed trees with species outside the elm family. A diverse community forest is more resistant to the spread of epidemic-level diseases and pests.

Required Sanitation Measures:

- City staff will identify and mark infected elm trees throughout Minnetonka.

- Tree removal and all associated work must be completed by the provided deadline (typically 30 days after marking):
 - Dispose of marked tree(s) and all branches and logs by chipping or removal to an approved brush drop site.
 - Debark stump(s), or cut to within one inch of ground level, or have the stump(s) removed.

Emerald ash borer beetle

Emerald ash borer, often called EAB, is a non-native (invasive) insect from Asia that kills ash trees and related species in the Oleaceae family (such as white fringetree). In areas where emerald ash borer is established, ash tree mortality rates approach 100 percent. Once EAB infests an area, it cannot be eradicated. Minnesota is home to approximately 900 million ash trees, the highest population of any state. The life cycle of emerald ash borer begins when an adult lays eggs in the bark crevices of ash trees. Hatched larvae burrow into the wood and begin to feed, creating S-shaped galleries under the bark as they move. Over a period of three to five years, subsequent generations of larvae damage the wood and disrupt the tree's ability to draw water and nutrients from the soil, eventually killing the tree. In Minnesota, larvae typically overwinter for one or two years before hatching out in early summer. The new adults chew characteristic D-shaped exit holes in the bark and feed minimally on ash leaves before flying short distances (up to two miles) to mate and lay eggs on ash trees in new locations. People accelerate the movement of this pest by carrying EAB-infested firewood to new locations.

Signs and Symptoms:

- Increased woodpecker activity (as the birds feed on larvae in the living branches)
- "Blonding," pale coloration of bark due to woodpecker activity
- Thinning foliage in the top third of the crown (less diagnostic)
- Small D-shaped exit holes
- S-shaped galleries under the bark
- Vertical splits in the bark

Prevention and Control Measures:

- Educate property owners to avoid pruning and removal of ash trees between May and September, when emerald ash borers are most active.
- Have a qualified tree care professional inject healthy ash trees 10" in diameter or larger with emamectin benzoate, an insecticide that kills EAB larvae. Reevaluate every two or three years (depending on the dosage used) for continued protection.
- Develop a plan to gradually remove smaller ash trees, and those in poor health or structure, from the landscape.
- Replace removed trees with species outside the Oleaceae family. A diverse community forest is more resistant to the spread of epidemic-level diseases and pests.
- Never transport ash wood or brush outside the state's designated quarantined area (which includes the Twin Cities metro). Quarantine information is regularly updated

on the Minnesota Department of Agriculture website (search “emerald ash borer quarantine”).

Required Sanitation Measures*:

- City staff will scout for EAB-infested trees between early summer and early winter, and mark them for removal either by December 31 or by March 31, depending on when marked.
- Tree removal and all associated work must be completed by the provided deadline:
 - Dispose of marked tree(s) and all associated debris by chipping or removal to an approved brush drop site.
 - Debark the stump(s), or cut to within one inch of ground level, or have the stump(s) removed.

*City staff will request that the city council amend these requirements when EAB has spread throughout the city and the city has determined that the population can no longer be managed. At that time, city staff will recommend that the city council require removal of ash trees infested with EAB only if they pose a risk to public safety or public property.

Oak wilt disease fungus

Oak wilt is caused by a fungal pathogen that most commonly spreads between the interconnected (grafted) root systems of trees growing within 50-100 feet of each other. When the fungus is introduced into the water-conducting system of a red oak tree, the leaves wilt, brown, and drop from the branches. The disease can kill a red oak within a few weeks. The tree dies because, in its attempt to stop the spread of the fungus, it blocks its own ability to transport water. To prevent new infections throughout the community, diseased red oaks should be removed before they can produce a fungal spore mat the following spring. Without good sanitation, the spore mat attracts sap beetles that carry the disease to oaks with fresh pruning or storm damage wounds, starting new oak wilt pockets across the wider landscape.

Signs and Symptoms:

- Foliage wilts from the top down, spreading throughout the crown
- Individual leaves wilt from the leaf tip and margins inward, turning bronze or brown
- Rapid and complete wilting within 2-6 weeks
- When the bark is pulled back from a branch with wilting leaves, the wood below is typically discolored

Prevention and Control Measures:

- Educate property owners to avoid pruning oak trees between mid-March and October, when the oak wilt fungus and its insect vectors are most active.
- Before removing diseased trees, property owners are advised to:
 - Have a qualified tree care professional inject healthy adjacent red oak trees with the fungicide propiconazole and reevaluate every other year for continued protection. This systemic chemical spreads to all parts of the plant, reducing the risk of above- and below-ground spread of the oak wilt fungus.

- Where terrain permits, a root-graft barrier should be installed between diseased red oaks and any healthy red oak trees within a 100-foot radius, in order to prevent the spread of oak wilt fungus between the shared root systems of adjacent red oak trees.
- The city does not require the removal of white and bur oak trees infected with oak wilt disease. Both species of tree are more tolerant of the oak wilt disease than red oak trees, and through removal of infected branches and chemical injection, can be preserved. In addition, neither a white nor a bur oak tree will produce a spore mat in the spring after its death.
- Replace removed trees with species other than oak (and preferably outside the beech family, to which oaks belong). A diverse community forest is more resistant to the spread of epidemic-level diseases and pests.

Required Sanitation Measures:

- City staff will identify and mark infected red oak trees throughout Minnetonka.
- Tree removal and all associated work must be completed by the provided deadline (February 1) to prevent the formation of a spore mat:
Dispose of the tree(s) and all associated debris by chipping or removal to an approved brush drop site. (With prior approval and oversight by Natural Resources staff, oak wood may be retained as firewood, see below)
 - Debark the stump(s), or cut to within one inch of ground level, or have the stump(s) removed.
- With prior approval, firewood may be kept using one of the following methods:
 - Cut, split and then stack wood loose for air flow (enough space for a chipmunk to crawl between pieces). Then, call forestry staff for an inspection by October 15.
 - If firewood is not dry when inspected, then the wood must be covered with plastic that is 5 millimeters thick or more. Edges of plastic must be buried in the ground to create a tight seal. The wood must then be re-inspected by November 15.
 - If the wood has not been properly covered, it will be deemed a nuisance and the property owner will need to remove all of the wood by February 1.
 - Cut wood into three foot sections, creating space between ends of each log to allow for air flow. Perform this work as soon as possible to allow each section to dry. Then, call forestry staff for an inspection by October 15.
 - If the wood is not sufficiently dry, all wood must be covered with plastic that is 5 millimeters thick or more. Edges of plastic must be buried in the ground to create a tight seal. The wood must then be re-inspected by November 15.
 - If wood has not been properly covered, it will be deemed a nuisance and the property owner will need to remove all of the wood by February 1.
- Firewood must remain covered until July 4 of the following year, to prevent sap-feeding beetles from spreading the oak wilt fungus. City staff will perform random

firewood inspections to check that control measures remain in place during this time frame.

Amendments to Policy

This policy may be amended only after a public hearing as required by City Code section 840.015.

Adopted by Resolution No. 2018-071
Council Meeting of June 18, 2018

Amended by Resolution No. 2020-035
Council Meeting of April 20, 2020

**Chapter 9:
Public Safety**

Policy Number 9.1 City Response to Storm Damage

Purpose of Policy: This policy establishes a procedure for determining whether the city should assist private property owners with the pickup and disposal of trees, branches, and shrubs that are damaged during a severe weather occurrence.

Introduction

The city occasionally receives requests for assistance with clean-up activities from residents following severe storms. Generally, these requests are for assistance with the pickup and disposal of trees, branches, and shrubs that have been damaged during severe weather events. This policy outlines the procedure for determining when the city should assist private property owners with their clean-up efforts. Additionally, this policy discusses guidelines that must be followed when the city becomes involved in the pickup and disposal of trees resulting from storm damage. Finally, the policy discusses the city's involvement in reforestation of the community.

Definitions

Public property includes boulevard areas of street or public right-of-ways, parks, and other publicly owned property. It does not include land where the city holds an easement for drainage, utility, or other public purposes.

A severe weather occurrence includes thunderstorms with high winds, lightening, straight line winds, tornados, sleet, heavy snow, ice, or any combination of these events.

Significant tree damage is defined as an actual uprooting of an entire tree, the breaking of the trunk portion of the tree, or loss of major limbs. It does not include the loss of limbs or branches which routinely occurs several times each year during weather occurrences.

Procedure

Upon receiving reports of significant tree damage in the city resulting from a severe weather occurrence, the city manager will make a thorough damage assessment report and distribute it to the city council within 48 hours following the incident. The assessment report will include:

- A description of the extent of damage that has occurred to both private and public property outlining the areas of the city affected.
- An estimate of the number of trees significantly damaged on both public and private property.
- The number of buildings and structures damaged as a result of the severe weather.
- An estimate of the cost of cleaning up public property and city assistance with pickup and disposal of trees, branches, and shrubs on private property.

- Possible funding sources that could be used to finance city assistance.
- An outline of neighboring communities' response if applicable.

Upon receipt of that report the city council will meet within 48 hours to consider what action may be appropriate in response to the severe weather occurrence. After receiving the damage assessment report from the city manager, the city council may find it desirable and in the public interest to expend public funds to assist private property owners with the pick-up and disposal of trees, branches, and shrubs resulting from a severe weather occurrence. If the city council chooses to assist private property owners with their clean-up effort, the council will set a reasonable date by which this material must be placed at curbside for pick-up. Any material placed out after that will not be picked up.

The city manager will communicate the city council's decision as soon as possible through local media, including the *Minnetonka Sun Sailor*, *Lakeshore Weekly News*, *Star Tribune*, cable television, local radio and television stations.

Public Property

The city will be responsible for the entire cost of removal, pickup and disposal of all trees, branches, and shrubs damaged on public property. This includes stump removal and restoration of any damaged areas. If a tree originating from private property falls across public property, the city will cut and remove that portion of the tree located on public property.

Damage occurring to public property which is in a natural state and is generally not maintained will be assessed by the city forester and public works director. Based on their assessment, tree removal may or may not occur, depending on environmental impacts and other pertinent factors.

Guidelines for City Involvement

The following guidelines will apply to any city involvement in the pickup and disposal of trees, branches, and shrubs resulting from a severe weather occurrence:

- The city will provide debris pickup at curbside of downed or damaged sections of trees, branches and shrubs. If a tree is damaged to the extent that it is no longer functional or desirable as part of the individual's landscape, it may be removed and placed for pickup. Trees or sections of trees left for pickup must be cut in lengths no greater than 10 feet.
- The city will not be responsible for cutting or trimming of trees on private property.
- The city will not pick up trimmings from trees or shrubs not substantially damaged during the storm.
- The city will not be responsible for picking up lumber or building materials, garbage or other materials left for disposal.

- The city will not be responsible for stump removal of trees on private property.
- The city will not be responsible for minor damage caused to the boulevard area as a result of picking up these damaged trees or branches, nor will the city be responsible for damage caused to grass while these trees and branches are left on the curbside.
- The city will not reimburse a property owner should the owner choose to privately contract for tree removal and debris pickup for personal convenience.

Reforestation

Following a severe storm which results in significant tree loss, the city will replace trees on public property consistent with its reforestation program. This includes the replacement of trees in parks, and on other public land, and replacement of boulevard trees. The tree replacement will be done as part of the city reforestation program and within that program's budget allocation.

Other

In the event the city council chooses not to participate in the pick up and disposal of storm damaged trees and shrubs, the city will provide the resident with a list of private contractors normally engaged in this type of work.

Providing this list to the property owner does not constitute an endorsement or a recommendation of any of the contractors included on that list nor is it meant to be all inclusive, but is furnished for information and assistance to the property owner when securing services of this kind.

Adopted by Resolution No. 90-9140
Council Meeting of November 5, 1990

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Policy Number 9.2
Forfeiture/Equitable Sharing Program

Purpose of Policy: This policy establishes the guidelines for application, usage, investment, and auditing of funds acquired under the Federal and State Forfeiture Equitable Sharing program.

Introduction

The city believes that the acquiring, expenditure and management of funds obtained through the Forfeiture/Equitable Sharing program provides additional opportunities to supplement the police department's budget. This policy does not apply to funds otherwise acquired and approved outside of this program.

The provisions of this policy are applicable to all funds and other property acquired consistent with Federal and State Forfeiture and Equitable Sharing laws.

Stipulations

- Application for funds and/or property available under the Federal or State Forfeiture/Equitable Sharing program are made under the direction of the police chief.
- Funds and/or property seized under this program will be used consistent with Federal and State guidelines and only for law enforcement purposes.
- Non-evidentiary funds not being actively used must be invested consistent with city policy and at the direction of the finance director and police chief. Partial funds available for day-to-day use may be kept in an account designated for this purpose.
- All program records, fund accounting and expenditures must be maintained consistent with acceptable auditing procedures and made available to authorized persons as required.
- The police department is directed under state and federal statutes to maintain two separate interest-bearing accounts for seized assets: drugs and general activity, and DUI.

Annual Summary

An annual summary of account activity will be provided to the city council at each year's budget review and as part of the city auditing report.

Proposed Expenditures

This program provides an opportunity to use resources for funding and equipment replacement plus other usages not available as part of the regular budgetary allocation. Authorized expenditures are for:

- Supplemental capital items and specialized equipment not available in the operating or capital improvements budgets. Such items include, but are not limited to,

equipment for crime processing and investigations, evidence gathering, data communications, 9-1-1, firearms, firearms range, safety equipment and other general equipment.

- General community programs dealing with community orientated policing, crime prevention efforts, chemical abuse awareness and prevention. etc.
- The purchase of drugs, contraband, stolen property, information, "flash" money and other general investigative purposes.
- Specialized and general training program including, but not limited to, those that are drug related with emphasis on enhancing the quality of community life.

Adopted by Resolution No.90-9096
Council Meeting of August 20, 1990

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

**Policy Number 9.3
Deer Population Management Program**

Purpose of Policy: This policy establishes authorization of a program to manage the number of White-tailed deer that may be adequately supported by suitable habitat within the city of Minnetonka.

Introduction

In concert with the city of Minnetonka's desire to balance the need for urban services with the protection and management of our natural surroundings, the city hereby authorizes its deer management program. The program is intended to maintain deer as an asset to the community; prevent starvation and disease from overpopulation of deer; reduce the number of motor vehicle accidents involving deer; preserve and protect the land of property owners; and contribute to the success of the city's Natural Resources Stewardship Program.

Scope

City staff will administer a program of deer management within the parameters established by this policy.

Deer Population Count

Bi-annually, an estimate of the deer population will be made using methodology endorsed by the Minnesota Department of Natural Resources (DNR). This information will also be shared with the DNR.

Suitable Deer Habitat

The amount of suitable deer habitat within Minnetonka will be determined by staff and updated periodically based on development trends. Suitable habitat within Minnetonka includes city-owned open space, private open space, wetlands (excluding water bodies), flood plains, and any other undeveloped land. Minnesota DNR wildlife specialists establish an upper limit on the number of deer that can be supported per square mile of suitable habitat.

Compliance with DNR Regulations

The city must comply with DNR regulations regarding the removal of deer. This includes receiving a permit and removing deer during periods authorized by the DNR.

Removal methods must be approved by the DNR and must ensure the highest degree of safety to residents.

Professional Services

Professional services agreements for deer removal by a private contractor must be approved in form by the city attorney and be in compliance with the city's purchasing policy.

Vehicle/Deer Accidents

Staff will review the locations of vehicle/deer accidents and take reasonable steps to

improve the safety of these areas.

Educating Residents

The city will provide education to residents on the best management practices for coexisting with the deer population. Other community education efforts will be undertaken to inform residents about the deer management program.

Annual Report to City Council

Annually, city staff will provide the city council with a report on the status of the deer management program.

Adopted by Resolution No. 94-9757
Council Meeting of July 25, 1994

Amended by Council Motion
Council Meeting of May 24, 1999

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2014-049
Council Meeting of May 19, 2014

Policy Number 9.4
Standards and Criteria for the Issuance of Multiple Animal Permits
and Commercial Kennel Licenses

Purpose of Policy: This policy establishes a system of review for the ownership of multiple animal permits and commercial kennel licenses.

Introduction

This policy is intended to provide a basis on which the city reviews applications of those who wish to keep multiple animals. This policy outlines the steps and the criteria to be considered when issuing multiple animal permits. This policy separately addresses the process for issuing commercial kennel licenses. This system of review is established in order to preserve the welfare, health and safety of the community.

MULTIPLE ANIMAL PERMITS

Committee

Multiple animal permits will be reviewed by a committee consisting of the community development director, police chief, community service officer, patrol captain and sergeant. The committee will determine the maximum number of animals that the permit will allow and the conditions to be placed on the permit.

Application Components

Applicants will need to provide the following information on a form provided by the city:

- Name
- Address
- Number of dogs/animals (adult and number under 6 months)
- Breed of dog/animal

Review Criteria

Many factors are relevant to the granting of a permit. The committee will consider all of the following in determining whether a permit will be granted, the maximum number of animals that the permit will allow, and the conditions to be placed on the permit:

- Size of Lot – larger size would receive more consideration for permitting
- Screening from area neighbors (trees, topography, etc.) – better screening would equal more consideration for more animals.
- Proximity of Neighbors – location of houses in relation to subject house.
- Enclosure for outside – fencing, enclosures, containment areas would receive better ratings

- Total number of dogs/animals – numbers may not exceed the number identified in the city ordinance and must be appropriate in light of total circumstances
- Neighborhood comments received by the city and documentation submitted by the applicant
- Any complaints regarding the subject property

Process for reviewing application

The committee will review all applications for multiple animal permits, based on criteria listed above. The committee will deny or approve an annual permit or a probationary permit and may place conditions on the permit as allowed by city ordinance. Probationary permits are only issued for a period of time based on concerns expressed by neighbors and/or previous complaints received and verified by the city.

Criteria by which permits would be revoked

- Failure to comply with conditions
- Complaints received and verified

COMMERCIAL KENNEL LICENSES

Applications must be submitted on a form to be provided by the city. The application will be considered by the person assigned that responsibility in the police department. The application will be reviewed for compliance with the conditions of any interim use permit or conditional use permit issued for the particular property. If, based on the results of the permit review and inspection, the person reviewing the application determines that it may be appropriate to deny the application, the application will be submitted to the multiple animal committee for a final decision on the issuance of the license

Adopted by Resolution No 2013-101
Council Meeting of September 16, 2013

Chapter 10:
Crimes and Offenses
(none)

**Chapter 11:
Streets, Parks, and
Other Public Property**

Policy Number 11.1
Construction and Reconstruction of Municipal Streets

Purpose of Policy: This policy establishes standards regarding the construction and reconstruction of municipal streets.

Introduction

The city of Minnetonka is responsible for the layout design, construction, maintenance, and reconstruction of public streets not under the jurisdiction of the State of Minnesota or Hennepin County so as to promote the health, safety, and welfare of the general public. Because of the large variety of conditions existing in Minnetonka with respect to topography, vegetation, land use, neighborhood character, and age of developments, this policy is intended to set forth basic standards that promote the health, safety, and welfare of the general public while at the same time addressing those situations that may call for variations from the standards set forth and establishing the criteria to be considered in varying from the basic requirements.

This policy is applicable to the construction and reconstruction of all streets within the city of Minnetonka that fall under municipal jurisdiction.

Functional Classifications

Irrespective of other designations, municipal streets will be functionally classified on the basis of projected average daily traffic (ADT) volumes, facility function, and design character as set forth in the Functional Classifications and Design Standards table herein. In determining applicable design standards, the distinction between those streets on the Municipal State Aid Street (MSAS) system and those not on the MSAS system will be made to determine applicable standards in those cases where the functional classification applies to both MSAS and non-MSAS categories.

Design Standards

Public streets will be constructed and reconstructed in accordance with the minimum standards set forth in the Functional Classifications and Design Standards table, which are established as minimums and are not intended as a substitute for good engineering practice or where conditions may indicate the need for higher standards. This policy also recognizes that there may be circumstances such that application of these standards may not be in the best public interest, and the city council may consider varying from these standards after giving due consideration to other criteria it deems applicable.

Pavement Width

Streets will be constructed to widths no less than those prescribed in the Functional Classifications and Design Standards table unless the city council chooses to grant a waiver from that requirement because of overriding and unique special considerations. Because minimum pavement widths are established to provide for the health, safety, and welfare of the general public, except in those instances where it can clearly be demonstrated that other considerations necessitating a lesser width are of more importance to the general public, the prescribed widths will apply. Consideration of

waivers will be given based on, but not limited to, the following criteria:

- Nature and magnitude of the constraints to widening the street to the prescribed minimum width.
- Need for and prevalence of on-street parking.
- Existing and projected ADTs.
- Design speed and 85th percentile speed.
- Sight distance constraints.
- Type of abutting land use.

The city council may grant waivers from minimum street width requirements when it can be clearly demonstrated that the benefits outweigh the risks, and will do so with whatever stipulations are deemed necessary to maximize the health, safety, and welfare of the general public given the reduced pavement width.

Parking Restrictions

Parking on cul-de-sacs and other local streets with ADTs of 1,000 or less will generally be unrestricted. Where these streets are less than 26 feet in width and/or on street parking is prevalent to the extent that it impedes the safe movement of motor vehicles, bicycles, and pedestrians and impairs the ability to provide emergency services, the city council may direct that parking be prohibited on one or both sides of the street on an around the clock basis, during specific times of the day, and/or on a seasonal basis.

Parking on neighborhood collectors not on the MSAS system will be regulated as indicated in the Functional Classifications and Design Standards table. A variance from this requirement may be considered by the city council in single-family residential areas where ADTs are at the low end of the classification range and it does not appear as though on-street parking will impede the flow of motor vehicles, bicycles or pedestrians and will not impair the ability to provide emergency services. The police department is authorized to issue temporary permits to park on the street during special events of short term duration in accordance with the provisions of City Code Sec.930.080 and criteria established by the police department in evaluating requests for such permits.

Parking on neighborhood collectors, major collectors, minor arterials, and major arterials as defined in the Functional Classifications and Design Standards table that are on the MSAS system will be only as indicated in the Functional Classifications and Design Standards table. Temporary permits for special event parking will be available from the police department utilizing the same requirements outlined in the previous paragraph.

Curbing

Concrete curb and gutter will be constructed on all streets on the MSAS system as indicated in the Functional Classifications and Design Standards table.

Concrete curb and gutter will also be constructed on all new streets functionally classified as cul-de-sacs and local streets and existing streets proposed to be totally reconstructed. Rehabilitation practices other than total reconstruction may use existing bituminous curb. Bituminous curb may be constructed on reconstructed streets as ordered by the city council based on neighborhood character, ADTs, prevailing vehicular speeds, prevalence of bicyclists and pedestrians, longitudinal and transverse elevations, and drainage considerations. A decision to vary from this element of the policy and construct bituminous curb on cul-de-sacs and local streets will be done by majority vote of the city council.

Where concrete curb and gutter are not constructed, a bituminous ridge will be laid as an integral part of the bituminous base. It will be 6 inches in height with a base width of 12 inches. The front face will have approximately a 2:1 horizontal to vertical slope and the back face will have approximately a 1:1 slope. Upon placement of the final surface course, the bituminous ridge will have an exposure of 4 to 4-1/2 inches.

On streets functionally classified as neighborhood collectors not on the MSAS system, concrete curb and gutter will be constructed except where a waiver is specifically granted by the city council by majority vote. The city council will consider, but not be limited to, the following criteria determining whether or not a waiver from the curb and gutter requirement is appropriate:

- Projected ADTs are at the low end of the minor collector range.
- Sight distances are adequate with respect to the 85th percentile speed.
- The 85th percentile speed is 30 mph or less.
- The street does not provide for a significant volume of through traffic.
- Curb and gutter is unnecessary to adequately accommodate street and area drainage.
- The character of the neighborhood is so rustic in nature that the construction of concrete curb and gutter would result in significant aesthetic impact.

Concrete curb and gutter will be constructed on all major collectors, minor arterials, and major arterials irrespective of MSAS status.

In new subdivisions, concrete curb and gutter will be constructed unless the city council determines that the use of a bituminous ridge is more consistent with the existing neighborhood in which this new subdivision will become a part. This consideration will be limited to relatively small subdivisions that are consistent with and will become part of a larger, existing neighborhood. A waiver from the concrete curb and gutter requirement for new subdivisions will not be considered for subdivisions sufficiently large such that they result in the creation of neighborhoods unto themselves.

Design Speeds

The design speeds used for Minnetonka streets will be in accordance with those indicated in the Functional Classifications and Design Standards table. If, after a preliminary plan is prepared indicating the nature and extent of grading impacts on the abutting properties, the council feels that the public benefits derived from the proposed improvement and providing for the health, welfare, and safety of the general public are outweighed by the negative impacts, a waiver may be granted from the design speed requirement. In determining the appropriateness of a waiver, the city council will give consideration to the following criteria:

- Current and projected ADTs.
- 85th percentile speed.
- Amount of disruption to private property outside the limits of available right-of-way and easements. Type of abutting land use.
- Sight distance constraints.
- Prevalence of on-street parking.
- Prevalence of bicycle and pedestrian traffic.
- Functional classification.

In those cases where the city council determines that a design speed waiver may be appropriate, the design speed used may not be less than that which is necessary to mitigate the impacts deemed negative by the city council, and in no case will the design speed be less than 25 mph on cul-de-sacs, local streets, and neighborhood collectors, and not less than 30 mph on major collectors, minor arterials, and major arterials.

Sidewalks and Trails

Off-street sidewalks and trails will generally not be constructed along cul-de-sacs and local streets. In considering whether or not to construct sidewalks or trails along neighborhood collectors, major collectors, minor arterials, or major arterials as defined in the Functional Classifications and Design Standards table, the city council will give consideration to the following criteria:

- Current and projected ADTs.
- Design speed and 85th percentile speed.
- Available right-of-way.
- Type of abutting land use.
- Pavement width.

- On-street parking.
- Cost of improvements.
- Other constraints, such as adjacent wetlands.

In determining whether or not a sidewalk or trail should be constructed, and if so, on one side or both sides, the council will consider all factors and make a determination that it feels to be in the best interests of the general public with respect to their health, safety, and welfare.

Pavement Management

The City of Minnetonka will develop and implement a Pavement Management System designed to maximize the useful lives of the public streets that fall under the jurisdiction of the city. The Pavement Management System will be designed to analyze all quantifiable factors involved in the street condition and rate of deterioration of street pavements and will have the capability of evaluating all such factors so as to provide the city council with guidance as to the type and timeliness of improvements that will maximize useful pavement life at minimum cost. The physical factors that are utilized by the Pavement Management System in making such analyses are to be updated annually over a four-year cycle so as to provide new data on approximately 25 percent of the city street system each year. A five-year pavement management plan for MSA streets and non-MSA streets will be developed and revised annually taking into consideration all new information.

Application of the Pavement Management System and its use in providing guidance to the city council in the development of the Capital Improvements Program (CIP) will be as follows:

- In order to promote the most efficient use of funding and to minimize recurring disruption of any given neighborhood, the Five Year Improvement Plan for the non-MSAS system streets will confine the work for a given year to a relatively compact, prescribed geographic area. It is the intent of this policy that the Five Year Pavement Management Plan for the non-MSAS system be used to determine which streets should be improved during the five-year period. Within the five-year period, street improvements will be assigned to a specific year to create reasonable geographic improvement areas, and not necessarily be assigned to the year designated by the Five Year Plan. All streets indicated in each five year plan will be restricted to minimal maintenance activities such as crack repair and pothole patching, and will be considered for more comprehensive maintenance in the future only as indicated by the pavement management system or directed by the city council.

Adopted by Resolution No. 94-9776
Council Meeting of September 12, 1994

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Functional Classifications and Design Standards

Classification	Projected ADT	Facility Function	Design Character		Minimum Pavement Width	Parking	Curb & Gutter	Design Speed
Cul-de-sacs	N/A	Totally serves as access for fronting properties; provides for no through traffic	Low operating speeds	Non-MSAS	26 ft. (80' circle)	Unrestricted	Yes	30 mph
Local	Less than 1,000	Primarily serves as access for fronting properties and provides for little or no through traffic	Low operating speeds	Non-MSAS	26 ft.	Unrestricted	Yes	30 mph
Neighborhood Collector	1,000-5,000	Serves as a feeder facility from neighborhood and local streets to the collector/arterial network	Low to moderate operating speeds	Non-MSAS	26 ft. 34 ft. 42 ft.	None One side Both sides	Yes	30 mph
				MSAS	32 ft. 36 ft. 42 ft.	None One side Both sides	Yes	30 mph
Major Collector	3,000-15,000	Collects traffic from local and feeder streets and connects with arterials. Can serve local business districts and other commercial, industrial, and high density residential developments.	Moderate operating speeds; provides access and traffic mobility	MSAS	32 ft. 38 ft. 44 ft.	None One side Both sides	Yes	35 mph
Minor Arterial	5,000-30,000	Serves intra-community travel. Augments major arterial, county highway, and trunk highway systems.	Moderate to high operating speeds with some access control and emphasis on traffic mobility	MSAS or County roads	36-52 ft. 44-60 ft. 52-68 ft.	None One side Both sides	Yes	40 mph

Policy Number 11.2
Construction and Repair of Private Streets

Purpose of Policy: This policy establishes standards regarding the construction and repair of private streets.

Introduction

The City of Minnetonka is responsible for approving the layout design of private streets and utilities, both public and private, so as to promote the health, safety, and welfare of the general public. Because of the large variety of conditions existing in Minnetonka with respect to topography, vegetation, land use, neighborhood character, and age of developments, this policy is intended to set forth basic standards that promote the health, safety, and welfare of the general public while at the same time addressing those situations that may call for variations from the standards and establishing the criteria to be considered.

The city typically does not allow private streets to be constructed. In fact, private streets are prohibited by the city's subdivision ordinance. However, under certain circumstances the city will consider a variance for private streets when it has been determined that a private street fits a given situation better than a public street and when the required findings for a variance are met. Repairs and maintenance to private streets are the responsibility of those benefiting from the street, and not the City of Minnetonka, unless directly related to a public utility repair.

Design Standards

Private streets will be constructed in accordance with the minimum standards set forth in the Functional Classifications and Design Standards table for local streets, except when the city has determined that conditions may dictate the need for higher standards. This policy also recognizes that there may be circumstances when the application of these standards may not be in the best public interest, and the city council may consider varying from these standards after giving consideration to other appropriate criteria.

Pavement Depth

Private streets are to be constructed to a pavement and base depth equal to the city's current standard for a local municipal street. These depths are established as minimums, and may be modified where conditions dictate the need for higher standards.

Pavement Width

Streets will be constructed to widths no less than those prescribed in the Functional Classifications and Design Standards table unless the city council chooses to grant a waiver from that requirement because of overriding and unique special considerations. Because minimum pavement widths are established to provide for the health, safety, and welfare of the general public, the prescribed widths will apply except in those instances where it can clearly be demonstrated that other considerations necessitating a lesser width are of more importance to the general public. Consideration of waivers will be given based on, but not limited to, the following criteria:

- Nature and magnitude of the constraints to widening the street to the prescribed minimum width.
- Need for and prevalence of on-street parking.
- Existing and projected ADTs.
- Design speed.
- Sight distance constraints.
- Type of abutting land use.
- Preserve significant natural features and reduce storm water runoff.

The city council may grant waivers from minimum street width requirements when it can be clearly demonstrated that the benefits outweigh the risks, and will do so with whatever stipulations are deemed necessary to maximize the health, safety, and welfare of the general public given the reduced pavement width.

Curbing

Concrete curb and gutter will be constructed in accordance with the city's design standards on all private streets except when a waiver is specifically granted by a majority of the city council. The city council will consider, but not be limited to, the following criteria when granting a waiver from the curb and gutter requirement:

- Projected ADTs are low.
- Sight distances are adequate.
- The street does not provide for a significant volume of through traffic.
- Curb and gutter is unnecessary to adequately accommodate street and area drainage.
- The character of the neighborhood is so rustic in nature that the construction of concrete curb and gutter would result in significant aesthetic impact.

Conversion to a Public Street

The city will consider a request to convert a private street to a public street only after the following conditions have been met:

- The street has been completely reconstructed to city standards, including the addition of storm sewer that is in accordance with the city's Water Resources Management Plan.
- Right-of-way has been established meeting the city's current standards.

- All buildings must meet current setback requirements.
- If private utilities exist under the private road, all utilities must be upgraded to city standards.

Repairing Public Utilities in Easement Areas and Within Private Streets

The city will make every effort to minimize damage to easement areas and private streets while repairing public utilities. Streets, curbing, and boulevard lawn areas will be replaced to a like condition prior to the repairs. The city will not, however, be responsible for replacing landscaping or other aesthetic features within the private street and public easement areas. If damaged, the city will either repair these areas with sod, seed, rock, or some type of pavement material.

Adopted by Resolution No. 2003-077
Council Meeting of August 25, 2003

Functional Classifications and Design Standards

Classification	Projected ADT	Facility Function	Design Character		Minimum Pavement Width	Parking	Curb & Gutter	Design Speed
Cul-de-sacs	N/A	Totally serves as access for fronting properties; provides for no through traffic	Low operating speeds	Non-MSAS	26 ft. (80' circle)	Unrestricted	Yes	30 mph
Local	Less than 1,000	Primarily serves as access for fronting properties and provides for little or no through traffic	Low operating speeds	Non-MSAS	26 ft.	Unrestricted	Yes	30 mph
Neighborhood Collector	1,000-5,000	Serves as a feeder facility from neighborhood and local streets to the collector/arterial network	Low to moderate operating speeds	Non-MSAS	26 ft. 34 ft. 42 ft.	None One side Both sides	Yes	30 mph
				MSAS	32 ft. 36 ft. 42 ft.	None One side Both sides	Yes	30 mph
Major Collector	3,000-15,000	Collects traffic from local and feeder streets and connects with arterials. Can serve local business districts and other commercial, industrial, and high density residential developments.	Moderate operating speeds; provides access and traffic mobility	MSAS	32 ft. 38 ft. 44 ft.	None One side Both sides	Yes	35 mph
Minor Arterial	5,000-30,000	Serves intra-community travel. Augments major arterial, county highway, and trunk highway systems.	Moderate to high operating speeds with some access control and emphasis on traffic mobility	MSAS or County roads	36-52 ft. 44-60 ft. 52-68 ft.	None One side Both sides	Yes	40 mph

Policy Number 11.3
Private Uses of Public Easement Areas

Purpose of Policy: This policy establishes guidelines for determining when a private use interferes with a public easement.

Introduction

The city holds easement rights over portions of most private properties in the city. Public easements over private properties are necessary to provide public utility services, a network of streets and trails, storm water drainage systems for water quality and water control purposes, and preservation of open spaces.

As a matter of real property law, the owners of properties encumbered by easements typically may use the property within an easement area, provided that the owner's use is not prohibited by the terms of the easement document and provided further that the owner's use does not interfere or conflict with the easement holder's use of the easement area. A property owner's right to use an easement area is subordinate to the rights of the easement holder – if the private use interferes with the easement holder's rights, the easement holder can require the property owner to stop the owner's use or to remove improvements that interfere with the easement, without compensation to the property owner.

The city has identified private property uses that commonly occur and those that interfere with public easements. This policy is intended to provide uniformity in addressing conflicts between private and public uses, to educate property owners and prevent conflicts in uses from occurring, and to minimize the cost and delay that occurs in public projects when private improvements obstruct public easement areas.

Categories of easements

This policy addresses private uses within the following types of easements:

- *Boulevard easements.* The portion of any easement for public street or roadway purposes that is not improved with a roadway surface or curb and gutter.
- *Utility easements without utilities.* Drainage and utility easements that do not contain underground storm sewer, sanitary sewer, watermain utilities, and in which the city has no plans to install utilities in the future. Many of these easements are located around the perimeter of lots. Some utility easements are used for overland drainage, even though there are no underground utilities within the easements.
- *Utility easements with utilities.* Drainage and utility easements that contain underground storm sewer, sanitary sewer or watermain utilities or in which the city has plans to install utilities in the future.
- *Access easements.* Drainage and utility or access easements that serve as access points for city staff, for purposes of inspecting and maintaining city

facilities in easement areas.

- *Ponding easements.* Any easement area that serves as a ponding basin, whether the easement is designated for drainage and utility purposes or stormwater ponding purposes.
- *Trail easements.* Trail or sidewalk easements for the purpose of pedestrian or non-motorized vehicular traffic.

General provisions

For each type of easement, this policy identifies frequently-encountered private uses of public easements and indicates whether the use: (1) is allowed without prior city approval, (2) may be allowed, but only with prior city approval; or (3) is prohibited. Any use not specifically addressed by this policy requires prior city approval, and the city may prohibit the use.

All private uses of public easements are subordinate to the city's use. This means that, even if a private use is allowed by this policy, the city has the right to remove that use whenever the city needs to install, repair, maintain, access or remove any public facilities or improvements allowed within the easement. In those instances, the city will restore the easement area with either seed or sod, at the city's option. Unless the city has arranged otherwise as part of the specific project, the property owner is responsible for watering the seeded or sodded area in order to establish the turf.

Except as expressly provided by this policy or City Council Policy No. 11.17, the city will not compensate a property owner for damage to or removal of any private use or improvement installed within a city easement area. The property owner who installs any improvement within a city easement does so at the property owner's sole risk. The city may require a property owner to pay for the cost of removing any private obstruction within a city easement.

When this policy indicates that prior city approval is required for a use, the city may refuse to allow the use if the city determines, based on the specific circumstances and in its discretion, that the use may interfere with the city's use of its easement. The city may also place conditions upon its approval such as: the city's right to terminate the use at any time; a requirement that the owner maintain the use at its sole cost; a requirement the owner carry insurance and defend and indemnify the city against claims related to the use; or other conditions that the city deems appropriate and necessary to protect the public interest.

A use that is allowed in a public easement under this policy must comply with all applicable ordinances. For example, a fence more than seven feet in height requires a building permit.

To the extent that any provision of this policy is in conflict with the provisions of an instrument that created the public easement, the terms of the easement instrument control over this policy.

Restrictions on uses within city easementsBoulevard easements.

- *Uses allowed without prior approval:* Turf, bushes and landscaping that do not obstruct the view of traffic, mailboxes, lawn irrigation systems and underground pet fencing systems may be installed without prior city approval. Owners should be aware that the city uses boulevard easement areas for snow storage, which may contain salt or other chemicals harmful to plants. Mailboxes must conform to U.S. Postal Service standards for urban areas. For damage caused by emergency utility excavation, the city generally does not compensate owners for damage to any private improvements located within the boulevard; however, in the case of damaged driveways, the city will patch an asphalt driveway at the city's cost or, for a driveway with any other paved surface, the city will pay the owner to repair the damaged area based upon the city's established per-square foot price of concrete. No additional compensation is paid for specialty driveways, such as stamped and dyed concrete, pavers, or heated driveways.. The city compensates owners for damage caused by snow removal operations only to the extent provided in City Council Policy 11.17. The city will reimburse a private property owner for the reasonable cost of repairing an underground pet fencing system or lawn irrigation system, if the system is damaged as part of a planned city project such as street reconstruction or installation or replacement of city utilities.
- *Uses that require prior approval:* Retaining walls are allowed only as approved by a city right-of-way permit. The city may require an encroachment agreement as a condition of approving a private use within the boulevard easement.
- *Prohibited uses:* Within boulevard easements, deciduous trees may not be planted within 15 feet of the back of curb, and coniferous trees may not be planted within 20 feet of the back of curb. Trees within the boulevard can interfere with sight distances for motorists. Trees are vulnerable to storm damage, which may result in traffic obstructions, and low-hanging branches can present hazards to vehicular and pedestrian traffic. Trees also interfere with the safety of utility excavations. The city will require removal of trees, plantings, and other obstructions which have been determined by the director of engineering to hinder the safe and efficient movement of motorists, pedestrians, and bicyclists on public rights-of-way. The homeowner will be given a reasonable time to remove the obstruction, after which time city forces, under the direction of the city forester, will perform the work in such a manner as to eliminate a recurring problem. Associated costs may be assessed to the homeowner in special cases where an outside contractor has to be hired to perform the work.

Utility easements without utilities.

- *Uses allowed without prior approval:* Turf, fences, trees, bushes, gardens, lawn irrigation systems, and electric pet fencing systems may be installed within these easements, at the owner's risk, without prior city approval, provided that the installed improvements do not impede surface water drainage flow. Note: see "Access easements" below, if the city uses the easement for access purposes.

- *Uses that require prior approval:* Any use that is not listed above requires prior city approval.
- *Prohibited uses:* Any use that alters the grade or changes the drainage flow within the city's easement is prohibited.

Utility easements with utilities.

- *Uses allowed without prior approval:* Turf, gardens, small bushes and low-level landscaping may be installed at the owner's risk and without prior city approval, provided that the improvements do not prevent the city from gaining access for routine inspection and maintenance.
- *Uses that require prior approval:* Any use that is not listed above as allowed without prior approval and not listed below as prohibited, requires prior city approval.
- *Prohibited uses:* Fences, trees, landscape timbers or landscape blocks, play structures, utility sheds, hedges and large bushes are prohibited within any public easement that contains underground city utilities (storm sewer, sanitary sewer, watermain).

Access easements.

- *Uses allowed without prior approval:* Turf is allowed without prior city approval.
- *Uses that require prior approval:* All private uses, other than turf or those uses prohibited below, require prior city approval. As a condition of approval, the city will require any fence that crosses an access easement to have a gate wide enough for city equipment to pass through.
- *Prohibited uses:* Trees, hedges, large bushes and any type of structure are prohibited within access easements.

Ponding easements.

- *Uses allowed without prior approval:* Non-woody or herbaceous vegetation, including turf, is allowed within ponding easement areas.
- *Uses that require prior approval:* Any private use that is not listed above as allowed and not listed below as prohibited, requires prior city approval.
- *Prohibited uses:* Any private use that disturbs the vegetated ground cover or contributes to erosion within the ponding basin area, at or below the 100 year high water level for the basin, is prohibited. For example, tilled gardens or mulched planting areas are not allowed.

Trail easements.

- *Uses allowed without prior approval:* No private uses are allowed without prior

city approval.

- *Uses that require prior approval:* All private uses within a public trail easement, including the establishment of turf, require prior city approval, except for the uses that are prohibited below.
- *Prohibited uses:* Private fences, retaining walls, and landscaping improvements are not allowed within public trail easements.

Adopted by Resolution No. 82-6887
Council Meeting of May 17, 1982

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2018-041
Council Meeting of April 16, 2018

Policy Number 11.4
Placement of Street Lighting

Purpose of Policy: This policy establishes the standards for placement of street lighting.

Introduction

The city of Minnetonka provides street lighting of various types to promote safe travel on city streets of vehicular and pedestrian traffic. The city provided street lighting is not intended for the purpose of deterring criminal activity.

This policy is applicable to all requests for the installation of street lighting to be provided by the city.

Standard Street Lighting

The city engineer will consider the authorization of placing street lights in the city only at intersections, the end of cul-de-sacs, at sharp turns or steep hills along city streets, or the entrance to or within publicly-owned parking facilities, except when the strict application of such criteria would not be in the best interests of residents of the city. In such instances, an alternative location may be approved.

In some cases, power may not be available to a particular location where a street light is warranted. In these instances, the council will consider assuming some of the additional costs of the power installation. The benefited property owners will normally be required to assume any cost over \$600. Payment must be made to the city prior to the installation. Adjacent property owners are generally perceived to receive the most benefit from a street light; however, this will be reviewed on a case-by-case basis.

The initial action for the placement of such lights may come from city staff who have been made aware of the need for street lights which meet such criteria or upon petition from residents who are interested in placement of a street light. The petition must, at a minimum, contain the signatures of all property owners who would be affected by the placement of the light. This would generally include, but not be limited to, adjacent property owners and those across the street or whose house would be significantly impacted because of its proximity to the proposed light. Residents inquiring of the city about placement of street lights will be made aware of criteria for street light placement included in this policy.

Requests for shielding street lights must be submitted in writing to the city engineer and will be reviewed and approved on a case-by-case basis.

Decorative and Special Lighting

The developers of new residential areas may be required to install street lighting systems as a stipulation of plat approval. Any request for ornamental street lighting in a new development may be approved by the city engineer, subject to the right of an applicant to appeal a denial to the council. The council will review other requests for ornamental street lighting and may also approve such lighting on its own initiative.

Residents may also petition the city for the placement of decorative street lighting systems in residential neighborhoods. In any case, if such installation is approved by the city council, the property owners in the neighborhood served by such street lighting systems must pay a separate charge established by the city to pay for the cost of the installation and operation of the street lighting system. The charge is calculated by dividing the power company's billing plus five percent administration, by the number of lots in the development. Such charge will appear separately on the quarterly utility billing to the property owner from the city unless otherwise provided for.

The city council may, from time to time, authorize the installation of street lighting systems. Payment for the construction and operation of such lighting systems may be made by the city or charged back to benefiting property owners at the discretion of the city council.

Adopted by Resolution No. 83-7133
Council Meeting of February 28, 1983

Amended by Resolution No. 86-8016
Council Meeting of February 18, 1986

Amended by Resolution No. 90-9126
Council Meeting of September 24, 1990

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Policy Number 11.5
Development and Maintenance of Off-road, Non-park Trails

Purpose of Policy: This policy establishes the guidelines for development of off-road, non-park trails on private property within the city of Minnetonka.

Introduction

This policy is applicable to all development proposals received by the city of Minnetonka.

Planned Trail Corridors

When development proposals include property which has been identified as a planned trail corridor in the adopted city of Minnetonka Trails Plan or in the plans of another agency, such as the Metropolitan Parks and Open Space Commission, the city will consider action during the development approval process to secure the property necessary for the trail corridor.

Other Trails

When trails which are not a part of the adopted plan of the city are included in development proposals they may not be required by the city to be included in such developments, although the city will provide information concerning typical construction specifications if so desired by the parties concerned.

Property Owners' Responsibility

The costs of trails construction and the costs of on-going maintenance in cases where trails are not a part of the adopted city plan must be borne by the developer and/or property owners. These responsibilities will be noted in any property owner or homeowner association documents which may be prepared for such private development.

Adopted by Resolution No. 81-6559
Council Meeting of April 27, 1981

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Policy Number 11.6
Use of Minnetonka Mills Park and the Burwell Property

Purpose of Policy: This policy establishes conditions for use of and reservations for Minnetonka Mills Park and the Burwell property.

Introduction

This policy applies to the city-owned property known as Minnetonka Mills Park and the Burwell property, consisting of buildings and land generally located at 13209 McGinty Road.

Minnetonka Mills Park and the Burwell House

The property is designated as "City of Minnetonka Parkland" with the additional designation of "National Historic Site." Because of its unique historical nature, the property is not a typical city park and is not a traditional public forum. Public use of the property is limited to uses that do not detract from that historical nature.

Minnetonka Mills Park Grounds

The Minnetonka Mills Park grounds will be open and available to the general public for passive recreational activities such as small picnics and the enjoyment of the gardens and Minnehaha Creek. The grounds are a designated public forum only for those limited purposes. Any other use of the site requires advance permission.

Burwell Structures

The Burwell buildings are non-public forums and may only be used with advance permission. This is necessary to protect the physical and historical integrity of these structures.

Decision-Making

The city recognizes the joint interests in the Burwell property of its city council, park board, and the Minnetonka Historical Society (MHS). The city council has designated the park board as the lead agency for making recommendations to the city council concerning use of this site. In making this designation, the city council likewise charges the park board to ensure the involvement of MHS in decisions related to the site. All significant restoration plans and physical improvements must be approved in advance by the city council. Staff may proceed with emergency or routine maintenance without prior city council approval.

Site Use Policy

The city council places strong emphasis on protection of this site and the safety of visitors and staff. The park board is responsible for preparing and recommending the site use policy for Minnetonka Mills Park and the Burwell Property. A copy of this policy is attached as Appendix A. The park board will receive an annual update on site usage.

Rules and Regulations

All other park rules and regulations of the city which are not inconsistent with the above will apply to Minnetonka Mills Park and the Burwell site.

Adopted by Resolution No. 81-6537
Council Meeting of April 20, 1981

Amended by Resolution No. 94-9770
Council Meeting of August 22, 1994.

Amended by Resolution No. 2002-060
Council Meeting of June 24, 2002

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2015-135
Council Meeting of December 21, 2015

Appendix A follows

APPENDIX A
Minnetonka Mills Park and Burwell Site Use Policy

Responsibility

The Minnetonka Recreation Services Department or its designee is the primary agency responsible for the use of Minnetonka Mills Park and the Burwell site. They will maintain the site calendar and be responsible for administering this policy.

Public Use

The city and the Minnetonka Historical Society (MHS) may use the Burwell site for public education, tours, and the staging of events. MHS must contact the city to reserve the dates for its intended use of the site to ensure there are no scheduling conflicts. A permit is not required for filming/photography conducted solely for personal or family use or for news purposes.

The site will be open for public tours from June 1 through September 30, with days and times set by the city each year. Public tours may also be available in November, times and dates will be determined on a yearly basis.

Private Uses

The site will be available for special tours from June 1 through September 30, with days and times set through the city. Dates outside this set range will be considered per individual request. Private tours will be considered for groups of seven or more from June 1 – September 30 and groups of ten or more during the off season.

Permits are available for private use of Minnetonka Mills Park and the Burwell site for events such as weddings and receptions. Permits grant the user **non-exclusive** use of the site. Permits are required for groups of 10 or more. Users must understand that the site is a public park with multiple access points, including Minnehaha Creek, so there may be other users of the park at any time.

Written Applications for Permits – Applications for private uses must be made through the Recreation Services Facility Division and be received by the city at least three weeks in advance of the desired date of use. Residents may apply 18 months in advance of their event; non-residents within 12 months.

Fees for private use of the site are listed on the permit application. In addition, permit holders must reimburse the city for a staff person to be present at the site when the interior of the cottage will be accessed. Permit holders must also hire off-duty Minnetonka police staff to direct traffic when off-site parking is used. The officers must be present one-half hour before and one-half hour after guests are scheduled to arrive.

Application Review Criteria – The city will use the following criteria to evaluate applications for private use:

- The permitted use may not interfere with the public tour program or conflict with any other scheduled use. The intended use must not negatively impact the site. No more than one event may be scheduled within any one calendar week (Thursday, Friday, Saturday or Sunday) and only two events per month shall be

authorized in order to minimize negative impacts to the site. Permits will not be granted for a Monday, Tuesday or Wednesday.

- Because the site offers only minimal parking, the permit holder must have written permission for alternative parking. No overnight parking is allowed.
- The site may not be used for fundraising or profit making enterprises by organizations other than the city and MHS.

If the proposed use is deemed appropriate by the city, a permit will be issued. In any case, the applicant will be notified within 10 business days of receipt of the application of the application's disposition.

Rules – In addition to the standard rules for Minnetonka parks, the following rules and provisions apply to private use of Minnetonka Mills Park and the Burwell site:

Use of the site will not extend beyond 10 hours, and the event must occur between 10:00 a.m. and 8:00 p.m. Event set-up will not begin prior to 9:00 a.m. on the day of the event.

- A permit is required for all commercial film/video taping and still photography conducted at Minnetonka Mills Park and the Burwell Property. A permit is required for each day that a photography/film shoot occurs and the permit holder is required to have a copy of the permit on location during the shoot. Permit holders are responsible for cleaning up the site of the shoot and ensuring that the area is returned to its original condition.
- Use of tents, canopies, tables, and chairs is subject to prior review and approval by city staff. Staff will consider the following criteria in this review: size, means by which the items will be secured to the ground, and potential damage to the site. No overnight storage is available or allowed. All equipment, including tents or canopies, must be brought in and set up during the permit time period. No anchors shall be driven to secure tents, canopies, tables or chairs. The city will not be responsible for any damage to or loss of equipment brought to the site by others.
- Private uses must be limited to 50 people or less.
- Permit holders may only use the interior of the cottage for permitted uses. The house, workshop and woodshed are not available for private use. Parties wishing interior tours of the house as part of their event must make specific pre-arrangements. With prior approval from the city, the southeast porch may have limited use.
- Users must not cut or trim plantings, nor may they use paint, tape, nails, staples or screws to affix items to the structure or trees.

- Running water and a handicapped accessible restroom are available in the cottage. Electric power is available on site. Applicants must provide a list of appliances and/or equipment for which power is needed. These items are subject to staff review and approval.
- Applicants must submit a site plan with their permit application describing where food and beverages will be served, as well as the placement of tables, chairs, and other equipment.
- Motor vehicles, including delivery vehicles, may not be operated in any area outside the driveway and parking lot surfaces and shall conform to all traffic regulations on adjacent public streets.
- Arrangements for approval of PA systems must be made on the submitted permit application.
- Birdseed may be thrown at weddings, but no other substances may be thrown.
- There are no indoor alternatives at this site. Permit holders are responsible for their own alternate plans.
- If food will be served, the responsible party or the caterer must provide a current catering license to the city. If a non-licensed caterer will be used, a certificate of liability insurance as proof of liability coverage in the amount of \$1,500,000 or more must be provided. This documentation must be received no later than 10 business days prior to the event. Permit holder is responsible for disposal of all catering waste, materials and products.
- The use and/or serving of alcoholic beverages is allowed only under the approval of the city by special permit, with an additional fee and a proof of liability insurance acceptable to the city. Permits will be granted only for beer, or wine in non-glass containers. Permits will be issued only to groups of 10 or more people. Alcoholic beverages may be possessed and consumed only in areas designated on the site plan. The person responsible for the gathering must remain on the premises at all times that alcohol is being served, must have the special permit in possession, and must display it upon the request of authorized city personnel. Alcohol may not be sold on the site, and servers may not accept gratuities. Permit holders serving alcohol must also hire an off-duty Minnetonka police officer.
- Applicants for permits must provide a signed waiver of liability of the city for damage or injury, and an acceptance of responsibility for any damage to the property occurring as a result of the use of the site. The waiver must be on the city's form and must be received by the city within ten business days of the intended use.

- The damage deposit will be refunded within 30 days of the event, provided the permit holder causes no damage to the site or structures, and leaves the site and structures in the same condition as when the permit holder arrived at the site (for example, the cottage and site must be clean and the garbage removed).

Variances – The city has discretion to grant variances to this policy provided such variances are in keeping with the spirit of the policy and pose no threat to the historical integrity of the site.

Policy Number 11.7
Scheduling and Use of the Minnetonka Community Center and The Marsh

Purpose of Policy: This policy establishes the regulations for scheduling and use of the Minnetonka Community Center and The Marsh.

Introduction

The Minnetonka Community Center is operated by the city of Minnetonka under the policies and guidelines established by the Minnetonka city council. The Community Center will serve as the location of the city's senior services program and will also be available for general community use. The facility contains several meeting, conference, and craft room areas and two "special use" areas: the council chambers and the community/dining room/banquet.

The Marsh is operated by the city of Minnetonka under the policies and guidelines established by the Minnetonka city council. The Marsh is a membership-based health and wellness center that also provides spaces for community use.

The Community Center and The Marsh are referred to collectively in this policy as "the Facilities." The city council recognizes the desirability of having the Facilities used as much as possible by residents and community groups. This policy promotes the active use of the Facilities while establishing priorities for use of the Facilities and outlining scheduling procedures and guidelines. It also sets reasonable rules and regulations for use of each of the Facilities.

Priorities for Use of the Community Center and The Marsh

This section of the policy identifies priority classifications for use of the Community Center and The Marsh. For purposes of this policy, the term "User" refers to any public agency, group, organization, or individual(s) who wish to hold a meeting or other event in one of the Facilities. Listed below are the classifications in descending order of priority.

- *A - City government and program activities* – The City of Minnetonka has first priority for use of the Facilities for meetings, programs or events related to the administration of city government and city-sponsored programs . Activities associated with the operation of Minnetonka senior services will have exclusive use of the first floor area of the Community Center, with the exception of the community room, all weekdays between 8:00 a.m. and 4:30 p.m.
- *B - Minnetonka-based public agencies, civic groups, non-profit organizations or resident groups* – Second priority for use of the Facilities is given to other tax supported public agencies which affect residents of Minnetonka. This priority classification also includes Minnetonka-based civic groups and non-profit organizations which contribute to the well-being and betterment of the community such as senior clubs, Lions clubs, scout troops, theater organizations, etc., and resident groups holding neighborhood meetings.

A public agency, civic, non-profit or resident group is considered Minnetonka-based if

it has its headquarters or mailing address in the city of Minnetonka or has at least 35% of its membership roster residing in the city.

- C - Minnetonka-based commercial and business organizations and residents for personal use – Third priority for use of the Facilities is given to Minnetonka-based businesses and commercial organizations and to Minnetonka residents who wish to use the facilities for personal use such as wedding receptions, family reunions, anniversaries, banquets, parties, meetings, etc.
- D - Other individuals, groups and organizations – Last priority for use of the Facilities is given to non-resident individuals and groups and to commercial or business organizations that are not based in Minnetonka.

General Information and Use Regulations

- *Facility Regulations and Rental Agreements*

The city manager or designee must establish rules for use of each of the Facilities that are consistent with and incorporate the requirements of this policy. The purpose of the regulations is to ensure orderly and safe operation of the Facilities, in compliance with applicable laws and ordinances. The regulations may address any subject necessary to achieve that purpose, including, without limitation:

- the days and hours when rooms or areas within the Facility are available for reservation;
- the rental fees, if any, applicable for specific rooms or areas, which may be different for evening and weekend use versus daytime and weekday use;
- when rental agreements are required;
- requirements related to room set-up, decorations and handling of deliveries;
- responsibility for event supervision , which may include added charges if additional city personnel are required, or which may include requirement to provide security for the event;
- responsibility for clean-up, damages and liability related to the event, which may include requirements for a damage deposit, liability insurance and liability waivers;
- use of city equipment, including video equipment, which may include charges for use of city personnel;
- prohibition of uses that are in direct competition with city programs or activities;
- requirements related to service of food and beverages, including alcoholic beverages (beer, wine or champagne only); the requirements may limit the types of alcoholic beverages that may be served, may restrict the hours for service of alcohol, and may include a requirement to provide security, a damage deposit, and/or liability insurance; and
- regulations related to acceptable and unacceptable behavior.

- Reservation Priorities

1. Users wishing to use one of the Facilities should make arrangements through the staff for the appropriate Facility. Prior to scheduling outside groups, the staff will first schedule all city meetings, programs and activities.
2. Scheduling for each Facility will be on a first come-first served basis based on the priority listing outlined earlier in this policy.
 - Users from within Minnetonka (classifications A, B, and C) may reserve the Community Center meeting rooms up to 12 months in advance. Non-resident Users may only reserve the Community Center meeting rooms up to 6 months in advance.
 - Users from within Minnetonka (Classifications A, B, and C) may reserve the Community Center community/dining/banquet room up to 18 months in advance. Non-resident Users (Classification D) may reserve the Community Center community/dining/banquet room up to 12 months in advance.
 - Users in any classification may reserve The Marsh up to 18 months in advance.
 - Once an activity has been scheduled, it cannot be replaced by a higher priority User unless an acceptable alternate space can be arranged.
3. Residents may not reserve a room or facility for non-residents.

The Facilities staff may limit the number of dates a specific User may reserve in advance to ensure that one User does not dominate use of a particular room or facility.

- Fund Raising Activities and Gambling (exchange of money)

For-profit, commercial activities are not permitted at the Facilities. Users in Classifications A or B only may conduct fund raising activities for charitable, educational or non-profit purposes at the Facilities. These activities must be in keeping with the atmosphere and decor of the Facilities and approved by the applicable Facility's manager.

If an event is to be a fund raiser, whether it be by charging admission, selling articles, advanced sale or any other means of collecting monies for fund raising, the User conducting the fund raiser will be charged the "resident" rate as set forth in the rate schedule for the Facilities. In addition, the User may be required to show it is a non-profit by providing proof of 501c3 status.

The only forms of gambling allowed at the Facilities are raffles and bingo events conducted in compliance with Minn. Stat. § 346.166. The User must comply with all

applicable requirements of state law and city ordinances and may not use either Facility more than once per calendar year for gambling events.

- No Smoking Policy

Smoking and vaping are prohibited in the Facilities. The Facilities, like all other city-owned buildings, are designated as smoke-free.

- Cancellation

The city reserves the right to cancel any activities or events in the case of natural disaster, Act of God, etc.

- Violation of Rules

Violation of the rules in this policy or of any rental agreement may result in the loss of any damage deposit and the denial of future use of the Facilities. In addition, violators may be subject to criminal prosecution under applicable city ordinances, State or Federal laws. The city may pursue all remedies available under law for any violations.

Adopted by Resolution No. 87-8473
Council Meeting of September 8, 1987

Amended by Council Motion
Council Meeting of October 23, 1989

Amended by Council Motion
Council Meeting of July 30, 1990

Amended by Resolution No. 92-9442
Council Meeting of September 28, 1992

Amended by Resolution No. 96-137
Council Meeting of September 24, 1996

Amended by Council Motion
Council Meeting of March 5, 2001

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2023-107
Council Meeting of Dec. 18, 2023

Policy Number 11.8
Use of the Glen Lake Activity Center

Purpose of Policy: This policy establishes the regulations for scheduling and use of the Glen Lake Activity Center.

Introduction

The Glen Lake Activity Center (GLAC) is operated by the city of Minnetonka under the policies and guidelines established by the Minnetonka city council. The GLAC is available for general community use. The facility contains one large meeting room to accommodate 62 people, or the room can be used as two separate rooms.

The city council recognizes the desirability of having the GLAC used as much as possible by residents and community groups. This policy promotes the active use of the GLAC while establishing priorities for use of the facility and outlining scheduling procedures and guidelines. It also sets reasonable rules and regulations for use of the facility.

Priorities for Use of the Glen Lake Activity Center

This section of the policy identifies priority classifications for use of the GLAC. Listed below are the classifications in descending order of priority.

- **A - City government** - Any events related to the administration of city government including, but not limited to, city council meetings, other public meetings, and neighborhood meetings have first priority for use of the facilities.

For the purpose of reservations, groups and/or events in this category will use the facility free of charge.

- **B - Minnetonka-based public agencies, civic groups, non-profit organizations or resident groups** - Second priority for use of the GLAC is given to other tax supported public agencies which affect citizens of Minnetonka. Minnetonka based civic groups and organizations which contribute to the well-being and betterment of the community such as senior clubs, Lions clubs, scout troops, theater organizations, etc., and resident groups holding neighborhood meetings are included in this classification.

A public agency, civic, non-profit or resident group is considered Minnetonka based, if it has its headquarters or mailing address in the city of Minnetonka or has at least 35% of its membership roster residing in the city.

- **C - Minnetonka-based commercial and business organizations and residents for personal use** - Third priority for use of the GLAC is given to Minnetonka based businesses and commercial organizations and to Minnetonka residents who wish to use the facilities for personal use.
- **D - Non-resident individuals and groups and non-Minnetonka-based**

commercial and business organizations- Last priority for use of the facility is given to non-resident individuals and groups and to commercial or business organizations that are not based in Minnetonka.

General Information Regarding Use of the Glen Lake Activity Center

- **Scheduling Procedure**

1. Groups or individuals wishing to use the GLAC should make arrangements through the facilities staff. Prior to scheduling outside groups, the facilities staff will first schedule all city program events and activities.
2. Scheduling the facility will be on a first come-first served basis based on the priority listing outlined earlier in this Policy. Individuals and groups from within Minnetonka (classifications A, B, and C) may reserve the facilities as much as 12 months in advance. Non-resident individuals and groups may only reserve the facility as much as 6 months in advance. However, once an activity has been scheduled, it cannot be replaced by a higher priority group unless an acceptable alternate space can be arranged.
3. Residents may not reserve a room or facility for non-residents.
4. The facilities staff may limit the number of dates an individual or group may reserve in advance to ensure that one group does not dominate use of the facility.

- **Supervision, Damage, and Liability**

1. Every group using the facility must be under competent adult leadership. The organization or user group will assume full responsibility for the group's conduct and for any damage to the building or equipment. The city reserves the right to assign supervisory staff or maintenance personnel at any additional cost to the user if it is necessary because of the type of function or activity that is scheduled.
2. The city will not assume liability for loss or damage belonging to an organization or group. Storage of equipment in the GLAC is not permitted.
3. All organizations, groups or individuals using the GLAC may be requested to sign a waiver of liability on a form provided by the city and provide a certificate of insurance as proof of liability coverage.

- **Room Regulations**

1. Disorderly conduct of any kind is prohibited.
2. Any damages to facility or equipment must be reported immediately to the staff.
3. Rooms and areas must be cleaned and left in an orderly condition. If additional

effort beyond our normal cleaning is required, a fee for personnel costs associated with the cleaning may be added.

4. Smoking/tobacco is prohibited in the GLAC. This building and all other city-owned facilities are designated as smoke free.
 5. Any organization, group, or individual reserving a facility will be fully responsible for any damage to the building or equipment and any unlawful acts.
 6. Gambling of any nature is prohibited.
 7. Meetings and activities should be confined to the areas reserved for their use. Room assignments should not be modified without the approval of the facilities staff.
 8. Sales, fundraising and collection of monies please refer to the next section.
 9. Alcohol is not permitted at the GLAC.
- **Fund Raising Activities (exchange of money)**
 1. Only Minnetonka based public agencies/civic groups/non-profit and/or resident groups (Classification B) may conduct fund raising activities at the GLAC.
 2. The city will allow the GLAC to be used for a limited amount of fund raising activities. These activities must be in keeping with the atmosphere and decor of the center and approved by the facility manager.
 3. If an event is to be a fund raiser, whether it be by charging admission, selling articles, advanced sale or any other means of collecting monies for fund raising, the group conducting this fund raiser will be charged any costs incurred by the city, including but not limited to supervision, setup, cleanup and utility costs. In addition, the group may be required to show they are non-profit by providing proof of their 501c3 status.

- **Cancellation**

The city reserves the right to cancel any activities or event in the case of natural disaster, Act of God, etc.

- **Violation of Rules**

Violation of these rules may result in the denial of future use of the GLAC. Denial of use does not exempt violators from possible prosecution under applicable city ordinances, State or Federal laws.

Adopted by Resolution No. 81-6713
Council Meeting of October 5, 1981

Amended by Council Motion
Council Meeting of March 5, 2001

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

**Policy Number 11.9
Scheduling and Use
of the Westridge Plaza Pavilion**

Purpose of Policy: This policy establishes the guidelines for the scheduling and use of the Westridge Plaza Pavilion.

Introduction

The Westridge Plaza Pavilion is operated by the city of Minnetonka under the policies and guidelines established for Minnetonka community center use by the Minnetonka City Council. The pavilion will serve as a location for city-sponsored activities and will be available for general community use.

The city council recognizes the desirability of having the Westridge Plaza Pavilion used as often as possible by Minnetonka residents and local businesses and groups. This policy promotes the active use of this pavilion while establishing priorities for use of the facility and outlining scheduling procedures and guidelines. It also sets reasonable rules and regulations for the use of this facility.

Priorities For Use of the Westridge Plaza Pavilion

This section of the policy identifies priority classifications for use of the pavilion. Listed below are the classifications in descending order of priority.

- **A - City government** – Any activities or events related to and/or sponsored by the city of Minnetonka, including but not limited to, playground programs, ice rink/warming house activities, neighborhood meetings, and other public meetings, have first priority for use of this facility. There is no fee involved with this use.
- **B - Minnetonka-based civic groups, Minnetonka-based non-profit organizations (must have ID number) or resident groups** – Local groups representing an organization within the city of Minnetonka will be allowed to make reservations up to six months in advance. These groups must either have their official headquarters or mailing address located within the city of Minnetonka or must have at least 35% of its membership roster residing in Minnetonka. Resident groups must be chartered and have established bylaws.
- **C - Minnetonka residents and Minnetonka-based businesses** – These groups will be permitted to reserve the pavilion up to six months in advance. Groups under this category are prohibited from profiting through the use of the Westridge Plaza Pavilion through the sale of merchandise, admissions or any other means.

General Information Regarding Use of the Westridge Plaza Pavilion

- **Scheduling Procedure**
 1. Groups or individuals wishing to reserve the Westridge Plaza Pavilion must make arrangements through the facilities staff and have them confirmed at least two

- weeks prior to the date of the event. Approved applicants will receive a signed permit. This permit will act as confirmation for use of the facility.
2. Applicants are required to submit separate checks of \$100 for a damage deposit (may be increased depending on the activity) and user fee check along with their application. The damage deposit check will be returned the day after the event upon successful inspection of the facility by city staff. The city reserves the right to withhold any portion up to the entirety of the damage deposit if damage has been done to the facility.
 3. The scheduling of this facility will be on a first come/first served basis. Reservation requests may be made and confirmed as much as six months in advance. Once an activity has been scheduled, it cannot be replaced by a higher priority group unless an acceptable replacement can be arranged.
 4. Residents may not reserve this facility for a non-resident group or individual.
 5. The facilities staff may limit the number of dates an individual or group may reserve in advance to ensure that one group does not dominate use of the facility.
- **Supervision, Damage, and Liability**
 1. Every group using the facility must be under competent adult leadership. The organization or user group will assume full responsibility for the group's conduct and for any damage to the building or equipment. The city reserves the right to assign supervisory staff or maintenance personnel at any additional cost to the user if it is necessary because of the type of function or activity that is scheduled.
 2. Decoration plans and or the use of any equipment belonging to an organization must be requested at the time the facility application is submitted. Any decorations or equipment must be removed immediately after the meeting or activity unless other arrangements have been made with the facilities staff. The city will not assume liability for loss or damage belonging to an organization or group. Storage of equipment in the pavilion is not permitted.
 3. All organizations, groups or individuals using the pavilion may be requested to sign a waiver of liability form provided by the city and provide a certificate of insurance as proof of liability coverage. It is understood that the reserving party assumes full responsibility for any and all damage done to city property.
 - **Room Regulations**
 1. Unless other arrangements are made, hours of operation are 8:00 a.m. to 10:00 p.m. Reservations shall not exceed four hours unless special arrangements have been made through the facilities staff. The facility is not available on legal holidays.

2. Disorderly conduct of any kind is prohibited.
3. Any damages to facilities or equipment must be reported immediately to the facilities staff.
4. The facility must be cleaned and left in an orderly condition. If additional effort beyond our normal cleaning is required, a fee for personnel costs associated with the cleaning may be added.
5. The use of tobacco is prohibited in the pavilion. This building and all other city-owned facilities are designated as smoke free.
6. Any organization, group, or individual reserving a facility shall be fully responsible for any damage to the building or equipment and any unlawful acts.
7. Gambling of any nature is prohibited.
8. If deemed necessary by the facilities staff, police supervision may be required and must be paid for by the user.
9. The use of any amplification device must be consistent with the city of Minnetonka noise regulation guidelines.

- **Fund Raising Activities (exchange of money)**

The city will allow the pavilion to be used for a limited amount of fund raising activities. These activities must be in keeping with the atmosphere and decor of the Pavilion as judged by the facilities staff.

Only Minnetonka based, public agencies/civic groups/non-profit and/or resident groups may conduct fund raising activities at the pavilion.

If an event is deemed a fund raiser whether it is by charging admission, selling articles, advanced sale or any other means of collecting monies for fund raising, the group conducting this fund raiser must receive permission in advance from the facilities staff. Additional fees may apply.

- **Cancellation**

The city reserves the right to cancel any activities or event in the case of natural disaster, act of God, etc.

- **Violation of Rules**

Violation of these rules may result in the immediate revocation of the permit and in the denial of future use of the city owned facilities including the community center. Denial of use does not exempt violators from possible prosecution under applicable city ordinances, state or federal laws. In certain situations, violations

of the rules and policies will cause forfeiture of the security deposit.

Special Use Areas

- **Meeting Room** – The Westridge Plaza Pavilion consists of one small meeting room. This meeting room can accommodate 25 to 30 people including tables and chairs. This meeting room opens up to a small balcony and walking area, to the north, that overlooks a pond. To the south, the meeting room opens up to a large patio area that could be used for small gatherings. The surrounding balcony and patio areas are not suitable for use during the winter months. Groups reserving the Pavilion will automatically reserve the balcony and patio.
- **Storage Room** – There is no storage space available in the pavilion. Reserving groups will not be permitted to store equipment or materials in the pavilion when they are not present.
- **Room Setup and Decoration**
 1. Normal set up of the room will consist of six tables and 30 chairs. Unless other arrangements have been made, the normal room set up will be provided. Plans for decorations must be coordinated and approved by the facilities staff prior to the day on which the event takes place. Decoration of the room shall be arranged so as not to cause damage to the facility (see paragraph 2 under Supervision, Damage and Liability section).
 2. Unless otherwise authorized, the building shall not be open and left unattended anytime during the reservation hours. This means that all deliveries (catering) or decoration of this facility must be made during the activity hours listed on the permit.
 3. Any organizations or groups using this facility may request a tour of the facility by contacting the recreation services department at least two weeks prior to the scheduled event.
- **Use of Alcohol** – The use of alcohol, including beer and wine, is strictly prohibited.
- **Food Preparation** – Except for the preparation of coffee, no food preparation will be permitted in the pavilion. Groups wishing to prepare food on the balcony or patio areas may do so using their own equipment. If this feature is desired, it must be noted on the facility use application. The cleanup and removal of any trash, including briquettes, are the responsibility of the reserving party.
- **Cancellation** – Cancellations made at least 7 days prior to the event will not be charged a fee. Cancellations made less than 7 days prior to the scheduled event will be charged a \$25 fee. Groups that are a no-show on the day of their scheduled event will be charged a \$50 fee. Fees will be taken from the damage deposit check.

Adopted by Resolution No. 2003-077
Council Meeting of August 25, 2003

Policy Number 11.10
Comprehensive Athletic Field Use Policy for
City of Minnetonka Athletic Fields

Purpose of Policy: The intent of this policy is to provide well-maintained athletic fields by establishing classifications, maintenance responsibilities, and intended programming purposes for designated athletic fields available in the city of Minnetonka park system.

Introduction

Athletic fields located within the Minnetonka park system are maintained by public works and scheduled through the recreation services department. To address multi-sport requests and prevent over-use of maintained athletic fields, this policy identifies the designated activities and seasons for which each field is available for use.

GENERAL INFORMATION

- **Park Hours** - Per city of Minnetonka park regulations, parks will be open for use between 5:00 a.m. and 10:00 p.m. each day with the exception of Big Willow Park. Athletic field requests will generally not be granted prior to 9:00 a.m.
- **Public Address Systems** - Public address systems and voice amplification devices will not be allowed without prior approval from the director of recreation. Applications for use must be submitted at least 2 weeks in advance of requested dates.
- **Alcohol** - Alcoholic beverages are not permitted on any athletic field, tennis court, skating rink, or adjacent areas and not in any parking lot.
- **Dedicated Fields** - Dedicated fields are maintained and scheduled for a specific activity and are not made available for other requests. The primary intent of dedicated fields is to provide quality amenities for game and tournament play. Use of these facilities for practices may not be permitted or is generally a second priority.

Maintenance levels for dedicated fields tend to be higher than non-dedicated fields. Maintenance of these fields is provided by the city, and in some cases, organizational volunteers. As needed, dedicated fields may be rested or rehabilitated for a period of time to allow turf conditions to be restored to expected levels.

- **Non-Dedicated Fields**- Non-dedicated fields are scheduled and maintained for multiple sporting activities dependent upon the season. Although these fields receive a high level of maintenance, field conditions typically do not compare in quality to dedicated fields due to the extended use these fields endure.

YOUTH BASEBALL FIELDS

- **Big Willow Park (Dedicated)**

User Priority

Three fields, identified at #1, #2, #3, are dedicated for primary use by the Minnetonka Big Willow Baseball Association for their league and playoff games and practices. Annually, the baseball association will submit a field use schedule for approval by recreation services. Second priority for field use will be for activities sponsored or endorsed by recreation services. Third priority will be for tournaments and exhibition games recommended by local baseball/softball organizations.

Park Hours

The park will be closed at 10:00 p.m. or 20 minutes after the final inning of any scheduled game, whichever is latest.

Field Lighting

The lights on field #2 and #3 will be turned off 10 minutes following the completion of the last game played and must be off by 10:00 p.m. Maintenance lighting may be used until 10:20 p.m. when the lights on field #4 are not in use. The Minnetonka Big Willow Baseball Association is responsible for the operation, maintenance, and utility costs related to use of athletic field lights on fields #2 and #3.

Concessions

Until such time as it does not choose to operate the concession stand, the Minnetonka Big Willow Baseball Association shall have first rights on a continuing basis. In consideration for this right to operate the concession stand, the operator agrees to:

1. Provide maintenance and repair of the stand at the operator's expense.
2. Provide for all cleanup of debris such as paper, cups, plates, glassware, etc. in and around the baseball field area.
3. Pay all bills for contractual services including electricity, plumbing repairs, etc.

Supervision

The Minnetonka Big Willow Baseball Association will be responsible for providing the field activity supervisor during periods when it is using fields #1, #2, and #3.

Costs for Field Use

The Minnetonka Big Willow Baseball Association will be responsible for lighting utilities, maintenance, and supervision costs during the period when it is the primary user of fields #1, #2, and #3.

Season

Fields #1, #2, #3 are available for use from April 1st – September 1st, weather permitting. Field availability from September 2nd - October 15th will be determined annually by August 1st. Field use during this period will be contingent upon field

conditions, weather conditions and required maintenance.

- **Glen Lake Park (Dedicated)**

User Priority

Two fields, identified as #1 and #2, are dedicated for primary use by the Glen Lake Mighty Mites Association (GLMM).

Park Hours

Per city of Minnetonka park regulations, the park will be open for use between 5:00 a.m. and 10:00 p.m. each day.

Field Lighting

The lights on fields #1 and #2 may be used for play until 9:45 p.m. Maintenance lighting may be used a maximum of 15 minutes following completion of the last game, not to exceed 10:00 p.m. The Glen Lake Mighty Mite organization is responsible for the operation, maintenance, and utility costs related to use of athletic field lights on fields #1 and #2.

Concessions

The concession stand adjacent to fields #1 and #2 is owned and maintained by the city and managed by GLMM.

Season

Fields #1 and #2 are available for use from April 1st- September 1st, weather permitting. Field availability from September 2nd – October 15th will be determined annually by August 1st. Field use during this period will be contingent upon field conditions, weather conditions and required maintenance.

- **Oberlin Park (Non-dedicated)**

User Priority

Oberlin Park contains one non-dedicated field scheduled and maintained for multiple sporting activities depending upon the season. Any Minnetonka based youth organization may reserve the field.

Park Hours

Per Minnetonka park regulations, the park will be open for use between 5:00 a.m. and 10:00 p.m. each day.

Season

Oberlin Park is reserved for youth baseball/softball practice use from April 1st- July 30th, weather permitting.

- **Gro-Tonka Park (Non-dedicated)**

User Priority

Gro-Tonka Park contains one non-dedicated field scheduled and maintained for multiple sporting activities depending upon the season. Any Minnetonka based youth organization may reserve the field.

Park Hours

Per Minnetonka park regulations, the park will be open for use between 5:00 a.m. and 10:00 p.m. each day.

Season

Gro-Tonka Park is reserved primarily for youth baseball/softball practice use from April 1st- July 30th, weather permitting.

YOUTH SOFTBALL FIELDS

• **Guilliams Park (Dedicated)**

User Priority

Two fields, identified as #1 and #2 are dedicated for primary use by community youth girls softball associations under the following priorities:

1. Requests from Minnetonka based youth girls' softball teams/organizations for the purpose of practice and/or league games.
2. Requests from Minnetonka based youth girls' softball teams/organizations for the purpose of tournament use.
3. Use by city sponsored youth programs.

Park Hours

Per Minnetonka park regulations, the park will be open for use between 5:00 a.m. and 10:00 p.m. each day.

The scheduling of softball fields within Guilliam Park will be regulated as follows:

1. On weekdays, games may be scheduled from 11:00 a.m. to dark with no game beginning later than 7:30 p.m.
2. On weekends, games may be scheduled from 9:30 a.m. to dark with no game beginning later than 7:30 p.m. No access to the fields will be permitted prior to 9:00 a.m.

Concessions

The selling of concessions may be provided only if approved in advance. Prior to submitting an application to sell concessions, all necessary permits and licenses must be received from the city of Minnetonka community development department.

Tournaments

Scheduling of tournaments within the softball facilities will be permitted as defined in

the “user priority” section defining girls’ softball use of Guillian Park. The following are additional rules applicable for tournaments conducted on the softball fields:

1. Application for use of the fields shall include a damage deposit in an amount determined by the city. This deposit will be refunded to the applicant following a review of the facilities after completion of the tournament.
2. Organizations operating tournaments within the softball complex will be required to reimburse the city for field maintenance personnel required to be scheduled throughout the length of the tournament.
3. Tournament officials must submit parking plans, which can be accommodated by on site parking facilities.
4. Tournaments are not to be played “rain or shine”. It is the responsibility of the park attendant to determine if fields are playable and safe.
5. An Exclusive Use Agreement obtained from the recreation services office must be completed and approved at least two weeks prior to the event.

General Operating Procedures

1. Adult supervision is required for all youth teams/organizations reserving fields for use.
2. Parking for softball participants is limited to the parking area located west of the fields.
3. Parking is prohibited in the Windmill Ridge community and other adjacent residential properties for all activities utilizing the park facilities.

Season

Scheduling of the Guilliams softball fields will be allowed from April 1st- July 31st, depending on approved field conditions as determined by the public works department. Scheduling of the fields during the month of August will be allowed for tournament use on a permit basis. No use of the Guilliams Park softball fields will be permitted from September 1 – March 31.

• **Glen Lake Park (Dedicated)**

User Priority

One field, identified as field #3, is dedicated for primary use by the Girls Athletic League (GAL).

Park Hours

Per city of Minnetonka park regulations, the park will be open for use between 5:00 a.m. and 10:00 p.m. each day.

Concessions

The concession stand adjacent to field #3 is owned and maintained by the city and managed by GAL.

Season

Field #3 is available for use from April 1st- September 1st, weather permitting.

- **Gro-Tonka Park (Non-dedicated)**

User Priority

Gro-Tonka Park contains one non-dedicated field scheduled and maintained for multiple sporting activities depending upon the season. Any Minnetonka based youth organization may reserve the field.

Park Hours

Per Minnetonka park regulations, the park will be open for use between 5:00 a.m. and 10:00 p.m. each day.

Season

Gro-Tonka Park is reserved primarily for youth softball/baseball practice use from April 1st- July 30th, weather permitting.

- **Oberlin Park (Non-dedicated)**

User Priority

Oberlin Park contains one non-dedicated field scheduled and maintained for multiple sporting activities depending upon the season. Any Minnetonka based youth organization may reserve the field.

Park Hours

Per Minnetonka park regulations, the park will be open for use between 5:00 a.m. and 10:00 p.m. each day.

Season

Oberlin Park is reserved primarily for youth softball/baseball practice use from April 1st- July 30th, weather permitting.

REGULATION BASEBALL FIELDS

- **Big Willow Park (Dedicated)**

User Priority

One field, identified as #4, is dedicated for primary use by teams/organizations in Minnetonka/Hopkins or in the Minnetonka/Hopkins school district for game and tournament use, based on age grouping of the participants. Generally, the older the players, the higher the priority. Practice, including pre-game hitting, is prohibited on field #4.

Park Hours

The park will be closed at 10:00 p.m. or 20 minutes after the final inning of any scheduled game, whichever is latest.

Field Lighting

On field #4, no inning of play may begin after 10:30 p.m. and the baseball field lights must be off by 11:00 p.m.

Concessions

The Minnetonka Big Willow Baseball Association has first rights on a continuing basis for use of the concession stand at Big Willow Park. Other concessionaires are only allowed in the area of fields #1- #4 when the concession stand is not open and after securing any necessary permits from the community development department of the city of Minnetonka.

Supervision

The city of Minnetonka will be responsible for a field and activity supervisor on field #4 and other uses of fields #1, #2, and #3.

Costs for Field Use

Users of field #4 will pay to the city a fee to help defray its costs of maintenance and lighting.

Season

Field #4 will be available for use from April 1st - September 1st, weather permitting. Field availability from September 2nd - October 15th will be determined annually by August 1. Field use during this period will be contingent upon field conditions, weather conditions and required maintenance.

• **Guilliams Park (Dedicated)**

User Priority

One field, identified at Roy Guilliams Field is dedicated for primary use by the Minnetonka-Hopkins Babe Ruth Association under the following priorities:

1. Requests from the Minnetonka-Hopkins Babe Ruth Association for the purpose of league play, practices, and tournaments.
2. Use by other Minnetonka based youth baseball associations for the purpose of league play, practices, and tournaments.
3. City sponsored youth programs.

Park Hours

Per Minnetonka park regulations, the park will be open for use between 5:00 a.m. and 10:00 p.m. each day.

Game scheduling of Roy Guilliams Field will follow these guidelines:

1. On weekdays, games may be scheduled from 11:00 a.m. to dark.
2. On weekends, games may be scheduled from 9:00 a.m. to dark.

Concessions

The selling of concessions may be provided only if approved in advance. Prior to submitting an application to sell concessions, all necessary permits and licenses must be received from the community development department of the city of Minnetonka.

Tournaments

Scheduling of tournaments within the baseball facility will be permitted as defined in "user priority" section of this policy. In addition, tournament sponsors are required to submit a tournament use agreement to recreation services for approval, along with plans to accommodate parking requirements for the event.

General Operating Procedures

1. Adult supervision is required for all youth teams/organizations reserving the field for use.
2. Parking for baseball participants is limited to the parking area located to the east of the field.
3. Parking is prohibited in the Windmill Ridge community and other adjacent residential properties for all activities utilizing the park facilities.

Season

Scheduling of Roy Guilliams Field will be allowed from April 1st- September 1st. Field availability from September 2nd -October 15th will be determined annually by August 1st. Field use during this period will be contingent upon field conditions, weather conditions and required maintenance.

ADULT SOFTBALL FIELDS

- **Big Willow Park (Dedicated)**

User Priority

Two softball fields, identified as #5 and #6 are dedicated for primary use by recreation services for adult programs and other tournaments/activities. Second priority will be for tournament/activities sponsored by Minnetonka or Hopkins based teams or organizations. Fields #5 and #6 will be made available for use by youth organizations following the scheduling of all requested adult use. These fields are available for scheduled game use only. No practices will be allowed.

Park Hours

The park will be closed at 10:00 p.m. or 20 minutes after the final inning of any scheduled game. No inning of summer softball may begin after 10:15 p.m.

Field Lighting

The lights on softball fields #5 and #6 will be off at 10:30 p.m.

Supervision

The city of Minnetonka will be responsible for the field/activity supervision of the

softball area.

Costs for Field Use

Users of the softball fields will pay to the city of Minnetonka a fee to help defray the costs of maintenance, lighting and programming of activities on these fields. This fee may be included in the charge for recreation programs.

Tournaments

The following are additional rules applicable for tournaments conducted on the softball fields:

1. Teams/organizations sponsoring tournaments must make an application to recreation services no earlier than March 1st of each year and a minimum of three weeks prior to the tournament date. Tournaments, when approved, will be honored on a first come, first served basis.
2. Teams may sell concessions at tournaments. Proper food licenses must be obtained from the city of Minnetonka community development department before any concessions are sold. Applications for these licenses must be submitted three weeks prior to the tournament date.
3. Tournament games cannot start before 9:00 a.m. and must be concluded by 10:30 p.m.
4. Application for use of the fields shall include a damage deposit in an amount determined by the city. This deposit will be refunded to the applicant following a review of the facilities after completion of the tournament.
5. A \$50.00 reservation fee is required at the time of application. All other costs/fees shall be paid prior to the start of the tournament. Cancellations will be accepted a minimum of 10 business days before the date of the tournament. Cancellations made after that time will forfeit the \$50.00 fee.

Season

Fields #5 and #6 are available for use from April 15th - September 1st, weather permitting. Field availability from September 2nd - October 15th will be determined annually by August 1. Field use during this period will be contingent upon field conditions, weather conditions and required maintenance.

FIELD SPORTS ATHLETIC FIELDS

- **Big Willow Park (Dedicated)**

User Priority

Only soccer and football games will be allowed on this field. First priority for use is programs and tournaments/activities sponsored by recreation services. Second priority will be for tournaments/activities sponsored by Minnetonka or Hopkins based teams/organizations. No practices will be allowed on this field.

Park Hours

The park will be closed at 10:00 p.m. or 20 minutes after the final scheduled game,

whichever is latest.

Field Lighting

Field lights will be turned off by 10:30 p.m. during the summer soccer season. During the fall soccer/football season, the field lights will be turned off by 10:00 p.m.

Supervision

The city of Minnetonka will be responsible for field/activity supervision in the soccer/football field area.

Costs for Field Use

Users of the soccer/football field will pay to the city of Minnetonka a fee to help defray the costs of maintenance and programming of activities on this field. This fee may be included in the charge for recreation programs.

Season

The soccer/football field is available for use from May 15th- November 1st, Contingent upon field conditions, weather conditions and required maintenance.

- **Lone Lake Park (Dedicated)**

User Priority

First priority for these multipurpose fields is for programs and tournaments/activities sponsored by recreation services. Second priority is for tournaments/activities sponsored by Minnetonka or Hopkins based teams/organizations. These fields are designated for soccer as a first priority, followed by requests for other permitted uses that include rugby, lacrosse, field hockey and ultimate Frisbee (in no particular order of priority) for practices and camp use only.

Park Hours

Per Minnetonka park regulations, the park will be open for use between 5 a.m. and 10:00 p.m. each day.

Season

Lone Lake Park is available for use from April 1st- November 1st, contingent upon field conditions, weather conditions and required maintenance.

- **Oberlin Park (Non-Dedicated)**

User Priority

Oberlin Park contains one non-dedicated field scheduled and maintained for multiple sporting activities depending upon the season. Any Minnetonka based youth organization may use the field.

Park Hours

Per Minnetonka park regulations, the park will be open for use between 5 a.m. and 10:00 p.m. each day.

Season

Oberlin Park is reserved for youth soccer practice use from August 1st- November 1st, weather permitting.

- **Gro-Tonka Park (Non-Dedicated)**

User Priority

Gro-Tonka Park contains one non-dedicated field scheduled and maintained for multiple sporting activities depending upon the season. Any Minnetonka based youth organization may use the field.

Park Hours

Per Minnetonka park regulations, the park will be open for use between 5 a.m. and 10:00 p.m. each day.

Season

Gro-Tonka Park is reserved primarily for youth soccer practice use from August 1st- November 1st, weather permitting.

- **Civic Center Park (Non-Dedicated)**

User Priority

Civic Center Park contains one non-dedicated field scheduled and maintained for multiple sporting activities depending upon the season. Dependent upon the day and season, first priority for use is assigned to city-sponsored programs and activities; followed by community soccer groups as a second priority and use by other community field sports as the third priority. See Attachment C see for specific scheduling information.

Civic Center fields are intended for practice use only. Game use will be considered for city sponsored programs only, or if other primary fields (Lone Lake Park and Big Willow Park) are unavailable due to extensive renovation or maintenance.

Park Hours

Per Minnetonka park regulations, the park will be open for use between 5 a.m. and 10:00 p.m. each day.

Season

Weather permitting; Civic Center Park is available for use from May 1 – August 1 for summer use; and August 15 – November 1 for fall use.

INFORMAL PLAYFIELDS

• **Brief Description**

Informal playfields are open areas located at many city parks throughout Minnetonka. These playfields are not maintained for any specific activity nor are they scheduled or reserved for any particular group. A variety of equipment, such as backstops and soccer goals, may be available for use at these locations. All parks are open from 5:00 a.m. to 10:00 p.m. daily.

Boulder Creek	McKenzie
Civic Center	Meadow
Covington	Orchard
Ford	Reich
Glen Moor	Westwood
Junction	Wilson
Knollway	
Linner	Spring Hill

Civic Center Athletic Field space is available for informal use on the following:

Sundays: May 1 – August 1; August 15 – November 1

Saturdays: August 15 – November 1

For more specific information regarding Civic Center Park athletic field use, refer to Attachment C of this policy

ATTACHMENTS

A – Eligibility for Field Use

Refer to the attached policy on *Establishing Guidelines for Priority use of Parkland Athletic Facilities* for specific organization requirements.

B – Maintenance Responsibilities

For a detailed explanation of maintenance responsibilities as they relate to General Use athletic fields and Organizational Use athletic fields, refer to the attached matrix.

C – Civic Center Park field use schedule

For a detailed explanation of scheduling for the Civic Center Park athletic fields, refer to the attached schedules.

**ATTACHMENT A:
Establishing Guidelines for Priority Use
Of Parkland Athletic Facilities**

Purpose and Intent

The purpose of this policy is to establish guidelines for priority use of park facilities within the cities of Hopkins and Minnetonka, while providing for the health, safety and welfare of the general public.

It is the intent of this policy to grant priority use for exclusive or ongoing use of municipal athletic facilities to those organizations operating programs under the same general guidelines which govern public programs operated by Hopkins-Minnetonka recreation services.

Requirements of Organizations that Receive Free or Priority Usage Rates for League Use of Athletic Facilities

Organizations which request special permits to offer ongoing programs on municipal property without paying a usage fee, or at priority usage rates, are required to comply with the following guidelines:

Organizations must be Hopkins-Minnetonka based non-profit, public service groups. Hopkins-Minnetonka based is defined as having the majority of their clientele (85%) located within the two cities and may serve residents of the Hopkins and Minnetonka school districts. "Non-profit" means, a not for profit organization as defined by state statutes. "Public service group" is defined as a group organized to provide a public service to the entire community, or all individuals in the community or sponsoring area within the age group being served.

- Organizations must be able to submit to recreation services a copy of all bylaws or documents which govern their operation. These documents must be available for public review. This would include a list of board members and a copy of board minutes from the previous three meetings.
- Organizations are to make all information concerning the governance of their programs available to participants/parents upon request.
- Meetings of the organization's governing body, except those which deal with personnel issues and litigation, are to be publicized in advance and open to participation by all program registrants.
- The formation of the organization's governing body is to be a process which is open to all program members.
- Organizations must provide to recreation services, prior to the start of the season, documentation regarding the appropriate training and/or certification that is provided annually to the coaches and parents. This training should address values, ethics,

safety, and liability.

- Organizations are to be adequately prepared for dealing with participants that have special needs.
- Organizations are not to discriminate against program participants or applicants in any manner.
- Organizations must submit a current program registration form. This form must indicate their eligibility area and the registration procedure.
- Organizations must be able to produce registration numbers and game and practice schedules from the previous season of play.
- Eligible organizations must be able to submit a certificate of insurance having an aggregate amount of \$100,000/person or \$300,000/incident coverage. It may be necessary to include the two cities as “additionally insured.”

Other Contributing Factors to Consider:

- Is the organization administration a paid position or a volunteer position?
- What is the impact of the request on other organizations?
- Is the requesting organization using other community facilities outside of city fields?
- Is the organization’s request consistent with requests from similar organizations?
- What is the organization’s history with the city?
- Games will take priority over practices.
- Has the request significantly changed from the previous year’s use? If so, why?

Use of Facilities by Non Minnetonka/Hopkins Organizations:

Non Minnetonka/Hopkins based organizations are defined as any requests coming from an organization that is not comprised of at least 35% Minnetonka and/or Hopkins residents. Requests received from organizations outside of Hopkins-Minnetonka, or from local organizations that participate in a predominantly outside program, will be considered on an individual basis. Consideration of these requests will only be made after consulting with the respective park departments in regards to the condition of the athletic fields. Although a facility may be available, it may not be in the best interest of the facility to schedule additional activities. Again, this will be determined on an individual basis.

In those cases where permission is granted, the permitted organization will be assessed a fee based on the actual costs associated with the use. The actual fee will vary depending on the actual usage and services provided.

It is anticipated that local organizations may be desirous to conduct a tournament. Tournament requests will be treated differently than requests for league play and will follow the Tournament Use Policy already in operation.

ATTACHMENT B: Maintenance Responsibilities Matrix

City - General Use

City - Organizational Use

	Big Willow Baseball, Softball, Football & Soccer	Guilliams Softball	Oberlin Park Softball	Lone Lake Soccer	Big Willow Little League	Girls Athletic League	Glen Lake Optimist Little League Fields	Guilliams Field Baseball
City Owned	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City Furnished W & S	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Concession Shell	None	None	None	None	City-owned	City-owned	City-owned	City-owned
Concession Equip.	None	None	None	None	Private	Private	Private	Private
Irrigation in Place	Yes	Yes	Yes	None	Yes	Yes	Yes	Yes
Scheduled through Recreation Services	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Number of fields	1bb, 2sb 1soc/fb	2	1	2	3	1sb	2	1
City Paid Electricity	Yes	Yes	Yes	Yes	Lights – no Conc–Yes	No	Yes	No
Parking Lot	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Concession Stand	None	None	None	None	Limited	Limited	Limited	Limited
Water/Sewer	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Irrigation	Yes	Yes	Yes	None	Yes	Yes	Yes	Yes
Infield Dragging	Yes	Yes	Yes	None	No	No	No	No
Line Stripe	Yes	Yes	Yes	Yes	No	No	No	No
Mowing	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fertilization	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Weed Spray	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Garbage- Site	Yes	Yes	Yes	Yes	No	No	No	No
Batting Cages	Yes	Yes	None	None	No	No	No	No
Protective Netting	Yes	None	None	None	Yes	None	None	None
Lighting	Yes	None	None	None	No	None	None	None
Field Restoration	Yes	None	Yes	Yes	Yes	Yes	Yes	Yes
Fencing/Backstop	Yes	Yes	Yes	Yes	Limited	Limited	Limited	Limited
Restroom	Yes	Yes	City Rental	City Rental	None	Limited	Limited	Limited
Garbage Dumpster	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Add'l Structures	Yes	None	None	None	Limited	None	Limited	Limited

ATTACHMENT C**CIVIC CENTER PARK ATHLETIC FIELDS
FALL SCHEDULE OF USE**

(August 15 – November 1)

DAY	PRIORITY
SUNDAY	OPEN FOR GENERAL USE (informal field use policy)
MONDAY	PRIORITY #1: CITY USE PRIORITY #2: COMMUNITY SOCCER GROUPS PRIORITY #3: OTHER COMMUNITY FIELD SPORT NEEDS
TUESDAY	PRIORITY #1: CITY USE PRIORITY #2: COMMUNITY SOCCER GROUPS PRIORITY #3: OTHER COMMUNITY FIELD SPORT NEEDS
WEDNESDAY	PRIORITY #1: CITY USE PRIORITY #2: COMMUNITY SOCCER GROUPS PRIORITY #3: OTHER COMMUNITY FIELD SPORT NEEDS
THURSDAY	PRIORITY #1: CITY USE PRIORITY #2: COMMUNITY SOCCER GROUPS PRIORITY #3: OTHER COMMUNITY FIELD SPORT NEEDS
FRIDAY	PRIORITY #1: CITY USE PRIORITY #2: COMMUNITY SOCCER GROUPS PRIORITY #3: OTHER COMMUNITY FIELD SPORT NEEDS
SATURDAY	OPEN FOR GENERAL USE (informal field use policy)

*Field sports include: Football, Lacrosse, Field Hockey, Rugby, and Ultimate Frisbee

**CIVIC CENTER PARK ATHLETIC FIELDS
 SPRING / SUMMER SCHEDULE OF USE**

(May 1 – August 1)

DAY PRIORITY	
SUNDAY	OPEN FOR GENERAL USE (informal field use policy)
MONDAY	8:00 a.m. – DARK: PRIORITY #1: CITY USE PRIORITY #2: COMMUNITY SOCCER GROUPS PRIORITY #3: OTHER COMMUNITY FIELD SPORT NEEDS
TUESDAY	8:00 a.m. – DARK: PRIORITY #1: CITY USE PRIORITY #2: COMMUNITY SOCCER GROUPS PRIORITY #3: OTHER COMMUNITY FIELD SPORT NEEDS
WEDNESDAY	8:00 a.m. – 4:00pm: PRIORITY #1: CITY USE PRIORITY #2: COMMUNITY SOCCER GROUPS PRIORITY #3: OTHER COMMUNITY FIELD SPORT NEEDS 4:00 p.m. – DARK: OPEN FOR GENERAL USE (informal field use policy)
THURSDAY	8:00 a.m. – DARK: PRIORITY #1: CITY USE PRIORITY #2: COMMUNITY SOCCER GROUPS PRIORITY #3: OTHER COMMUNITY FIELD SPORT NEEDS
FRIDAY	8:00 a.m. – 4:00pm: PRIORITY #1: CITY USE PRIORITY #2: COMMUNITY SOCCER GROUPS PRIORITY #3: OTHER COMMUNITY FIELD SPORT NEEDS 4:00 p.m. – DARK: OPEN FOR GENERAL USE (informal field use policy)
SATURDAY	8:00 a.m. – DARK: PRIORITY #1: COMMUNITY SOCCER GROUPS PRIORITY #2: OTHER COMMUNITY FIELD SPORT NEEDS

*Field sports include: Football, Lacrosse, Field Hockey, Rugby, and Ultimate Frisbee

Adopted by Resolution No. 85-7825
Meeting of July 15, 1985

Amended by Resolution No. 2003-013
Council Meeting of February 24, 2003

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2005-051
Council Meeting of May 9, 2005

Amended by Resolution No. 2006-034
Council Meeting of April 24, 2006

Amended by Resolution No. 2008-134
Council Meeting of November 24, 2008

Policy Number 11.11
Open Space Preservation Program
and the Management of Natural Resources

Purpose of Policy: This policy establishes an open space preservation program in Minnetonka in order to: 1) retain open space; 2) improve the quality of open space; and 3) foster and encourage voluntary preservation of open space by the community.

Introduction

Open space is land that is un-built. It is characterized by natural areas that are generally areas containing vegetation distributed in naturally occurring patterns. It is valued by the community for the sense and feel of nature that it provides.

Statement of Policy

- Applicability – This policy requires action by both the city of Minnetonka and by Minnetonka residents.
- General Policy Goals
 - Preserve open space where appropriate. Doing so is appropriate where the city believes specified preservation criteria are met and where an appropriate method to protect and maintain open space has been identified.
 - Create opportunities for the Minnetonka community to voluntarily participate in open space preservation. The city will foster and encourage this by making information available to residents about methods to protect open space, facilitating the preservation of open space by residents, and informing residents about management techniques that can preserve the quality of open space.
 - Develop and implement resource management plans to maintain or enhance the quality of Minnetonka’s open space.
- Preservation Criteria – The following criteria will be considered when the city is contemplating preserving open space. These criteria are not ranked; a decision to preserve open space can only be arrived at by balancing all of the relevant criteria. In general, however, properties that meet more than one criterion should be more strongly considered for preservation than properties meeting only one criterion.

Properties that are already protected from development will not be considered for preservation unless there is reason to believe that their protected status may disappear. Similarly, properties which are already developed generally should not be considered, although some parcels that are largely undeveloped and contain structures may be taken into account.

- *Sensitive environmental features.* Properties that contain or are near sensitive environmental features should be strongly considered for protection. Sensitive environmental features particularly include wetlands but may also include unique stands of trees, water bodies such as creeks, significant geological features, high quality natural resources, and unusual habitats. In deciding about preservation, the City should consider more than just whether development of the property is likely to have a negative impact on the sensitive environmental feature.

Even where no negative impact is likely, it may be appropriate to preserve the property because of the value that the community assigns to the feature and the community's belief that development near this feature would be inappropriate.

- *Provision of a buffer.* Properties that buffer a neighborhood from the noise or light of competing land uses should be considered for preservation. These competing land uses include, but are not limited to, commercial/industrial development and roadway systems. Properties that buffer the trail system from development may also be important because they maintain the aesthetics of the trail system.
 - *Visibility.* Properties that are highly visible should be considered for preservation, where the property in question meets one or more of the other preservation criteria such as the presence of sensitive environmental features.
 - *Size and linkage to other areas.* Priority should be given to the preservation of larger parcels. Properties which provide a link to other open areas should also be considered for preservation. Where the property in question is adjacent to, and would function as part of, existing open space or would create a corridor linking open spaces, then preservation of smaller rather than larger parcels may be appropriate.
- *Protection Methods*
 - *General Protection Methods* – Preservation of open space generally requires ownership since only the property owner can put in place the legal tools that will protect his/her land from development. The following approaches provide the most permanent protection of open space.
 - *Conservation easements* – A conservation easement restricts development of land while permitting the landowner to retain ownership of the property. It is filed in the public records of the property and binds current and future property owners. The landowner may sell or donate the easement to a conservation organization but does not have to. Where the easement is donated to a qualified charitable organization, a tax benefit may occur to the property owner.

- Donation - The property owner may donate land to a conservation organization that agrees to preserve it. The property owner may receive a tax benefit for doing so.

Where permanent protection is not sought, a number of other options are available:

- Deed restrictions – Deed restrictions establish specific limits on the use of a property. They are put in place by the property owner and do not last for more than 30 years unless they are renewed.
 - Mutual covenants – Mutual covenants are deed restrictions that are agreed to by two or more property owners and apply to two or more properties. They also do not endure for more than 30 years unless they are renewed.
 - Stewardship – Land management practices may be voluntarily undertaken by a landowner to preserve open space. In some instances, a landowner may “register” his/her property with a conservation organization, thereby entering into a non-binding agreement to follow good land management practices. A landowner may also enter into a management agreement with a conservation organization, specifying how land will be managed. Or the property owner may follow “best management practices” at his/her own initiative.
- *City Protection Methods* – The city will pursue methods that allow permanent protection of open space. In some instances, permanent protection may require the city to become the property owner. This is likely to occur through property purchase or donation. In other cases, ownership by the city may not be appropriate, and the city should encourage open space preservation through other tools such as conservation easements. Decisions about purchasing property, accepting donations of land, or encouraging conservation easements, should be guided by the following:
- Purchase – Purchase by the city is appropriate when it is clear that the parcel meets the preservation criteria, particularly the criteria for sensitive environmental features. Priority should be given to parcels or groups of contiguous parcels at least three acres in size. Because of the expense of purchasing parcels of land and maintaining them, purchase by the city should be considered only after other protection methods have been rejected and after the quality of the natural resources has been analyzed.
 - Donations – Sometimes the city may be asked to accept gifts of land or to take tax forfeited parcels and to preserve them for open space. Accepting such donations is appropriate where preservation of the

land as open space meets the preservation criteria, where the parcel is at least one-half acre in size, where maintaining the land will not be overly burdensome, where the quality of the natural resources has been analyzed, and where, after reasonable investigation, the city has no reason to believe that any hazardous substances or other items are present that might cause the city to have any liability.

- Conservation easements – The decision about whether a portion of the land should be preserved by a conservation easement should be guided by the preservation criteria. Conservation easements usually will be obtained by the city as part of negotiation over a development proposal. While the city is not responsible for maintaining property protected by a conservation easement, it may enforce the conservation easement's terms. Accordingly, in deciding whether a conservation easement is appropriate, issues related to enforcement and notice should also be considered.

The city should be proactive in encouraging developers to protect open space, using conservation development and tools such as conservation easements and deeding. It should pursue new development approaches, such as cluster housing and consider whether transfer of development rights may be appropriate. Where open space results from development negotiations, it should generally be protected with a conservation easement.

- *Community Protection Methods* – In some instances, preservation of open space can best be accomplished by the Minnetonka community and not by the city. That is the case in instances where the preservation criteria are not met or a protection method is not appropriate for the city.
 - Neighborhood acquisition – While the city may decline to purchase a parcel of land, a neighborhood, or an individual, may feel strongly that preservation is appropriate and decide to acquire the property. In purchasing property collectively, a neighborhood needs to resolve several issues: what amount should each property owner pay, how will responsibility for the maintenance of the property be carried out, what happens when neighbors/owners move, and how will the neighborhood legally ensure that the property is maintained as open space?
 - Easements – In some instances, individuals may want to place conservation easements upon their land, or upon a portion of their land, in order to protect it from development. These easements are private, which means that the city will not get involved in any issues relating to them.
 - Participation in land trust programs – Property owners may want to donate their property or a conservation easement to a conservation

program. A number of these programs exist; however, because of their requirements for participation (particularly with regards to the size of parcels which will be accepted) they may be of limited use to Minnetonka residents.

The city will facilitate the voluntary preservation of qualifying open space by the community. In order to do this, the city will assist the community by specifying what protection methods are available, what the issues are surrounding the use of any of these options, facilitating agreements when practical, and providing sample legal documents where appropriate. The city will also set up a special assessment program, similar to that for fire sprinkler retrofits, to assist community members to preserve open space.

- Protected Open Space – The city should recognize open space that is permanently protected from development by designating it as such on the Comprehensive Guide Plan. Doing so will increase awareness among residents as to where development is likely to occur in the community. When coupled with tax incentives, such a designation will also create an incentive for residents to participate in open space preservation.

Guiding land as Protected Open Space would mean that development could not occur under that designation. Natural resource management could take place, however, as could recreation and trails.

The following criteria will be used for determining whether land is “Protected Open Space”:

1. The property owner must request the designation of “Protected Open Space”;
2. The property must be at least one-half acre in size; and
3. Satisfactory evidence must be submitted to the city attorney that the property is permanently protected from development either by a conservation easement granted to the city or by donation to a qualified conservation organization or the city.

The city assessor should value “Protected Open Space” at the level authorized by State law.

- Natural Resources Stewardship Program – The natural resources stewardship program applies to the five major parks (Big Willow, Civic Center, Lone Lake, Meadow, and Purgatory) and three creek corridors (Minnehaha, Purgatory, and Nine Mile). When remedial efforts are nearing completion and maintenance programs are sustaining these areas, then the program should move into other areas of the park system and open space.

When it becomes appropriate to expand the stewardship program beyond the major parks and creek corridors, based on funding availability, then the following priority list will apply:

1. Public open space within existing parks;
2. Public space abutting trails;
3. Public space adjacent to parks;
4. Public space which does not require extensive remedial action.

As part of the city's protection of open space, parcels should be analyzed for the quality of the resources they contain, with an eye towards the burden that expanding the stewardship program to them might entail. Smaller parcels with deteriorated resources may be more likely candidates for neighborhood acquisition than for city acquisition.

The city should consider low-cost maintenance methods that will control invasive species in areas where the stewardship program does not apply. Mowing, for example, may be an inexpensive maintenance method for certain areas of open space.

- *Funding Mechanisms* – A variety of sources should be used to begin to build a fund which would be available for open space preservation. These include budget surpluses; the general tax levy; individual, corporate, and foundation gifts; and government grants.

Using these options will not provide a quick source of funds or a large source of funds. If the city decides that the open space preservation program requires a large amount of funds in the near future, then only two real funding sources are apparent: a bond referendum or the Community Investment Fund.

A bond referendum has certain specific requirements. First, its success may depend upon the ability to identify specific parcels located throughout the city for purchase. Second, it may be appropriate to purchase larger parcels not just for open space but also for active park land, so participation by the park board may be necessary. Finally, it should not be undertaken without a community survey, and perhaps multiple surveys, to assess the community reaction to a bond referendum, likelihood of passage, and the identification of specific issues. It should not be attempted without a large commitment of time and effort.

Using the Community Investment Fund also requires careful planning. If use of the Community Investment Fund is desired, the city council should modify the Community Investment Fund policy to specifically include open space preservation as a permitted use. The Community Investment Fund could be used to purchase

several large parcels of land or as a source of annual funds for the open space preservation program.

Adopted by Resolution No. 99-166
Council Meeting of September 13, 1999

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Policy Number 11.12
Real Estate Property Management

Purpose of Policy: This policy establishes the program to inventory properties owned by the city to ensure maximum utilization.

Introduction

Public benefit may be realized by continued public ownership of real property or by disposing of surplus property to return it to the real property tax rolls.

Inventory

The city should maintain an inventory of its property, including the following information for each parcel:

- Legal description
- Property identification number
- Acquisition information (former owner, purchase price, date of acquisition)
- Purpose for the holding
- Restrictions, if any

Analysis

A staff team designated as the land committee will convene periodically to review the city's property inventory and determine if any parcels are potentially surplus. The land committee may also review requests to purchase land that has not been designated as surplus.

Disposition of Surplus Property

Disposition of real estate will be conducted following the provisions of the city's charter and laws regulating those transactions. The city council may dispose of real property through a sealed bid process or private negotiations. The purchase price may be less than an appraised value if this is supported by a valid, public policy reason that is stated for the record. The city council will also determine whether title is conveyed by a warranty or quit claim deed. The property inventory will be amended to indicate properties that are sold.

Land Acquisitions and Sales

Land acquisitions and sales may be submitted to the planning commission in accordance with Minn. Stat. Section 462.356.

Adopted by Resolution No. 82-6958
Council Meeting of July 19, 1982

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Policy Number 11.13
Management of Improved City-owned Property

Purpose of Policy: This policy establishes the basic policies and procedures concerning the management of city-owned property with residential structures.

Introduction

It is the city's intent to use improved residential properties acquired for any reason to provide a mix of affordable and market rate units until the property is needed for its intended purpose. The goal of this program is to operate on a break-even basis. The program applies to properties acquired through any source, including those acquired for eventual park purposes.

Property Manager

The city may retain the services of a professional property manager to serve as a rental agent for improved city properties. The property manager's fees should be appropriate to the market rate for such services. Because some of the units may be rented for less than market rate, the property manager's fees may be based on a set rate.

The property manager should be responsible for marketing properties for lease, executing lease documents, obtaining appropriate deposits, receiving rents, scheduling and arranging for maintenance and repairs (with the approval of city staff), processing certificates of rent paid, and responding to the needs of tenants. The property manager is directed to obtain background checks of the credit, rental, and criminal histories of prospective tenants.

Rental Options

The city may use its rental program to meet certain affordable housing goals as set in the Livable Communities Act and Housing Action Plan. In pursuing these goals, the city may use the Section 8 program or reduced rents in renting to households at 50% of median income or less.

Effective date: December 1, 1981

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Policy Number 11.14
Fencing Around Ponds and Wetlands

Purpose of Policy: This establishes a policy of not fencing around city-owned storm water ponds and wetlands.

Introduction

The city of Minnetonka storm water management system includes a large number of natural and man-made holding ponds and wetlands, which serve to control both the quantity and quality of surface water drainage. There is a risk that children and trespassers may enter the holding ponds or wetlands and be injured or killed. If this occurs, there is a risk that the city could be sued for damages. Building fences around the holding ponds and wetlands would decrease the likelihood of people accidentally stumbling into the ponds, but no ordinary fence will stop a determined child or trespasser. A fence sufficiently constructed to defeat a determined child or trespasser would be expensive to construct and maintain, would be unsightly, and would create dangers of its own such as children injured by falling off the fence, being tangled in the fence, or being trapped inside and unable to get back out. In addition, a fence would delay rescuers in reaching a victim.

Many holding ponds and wetlands are located in drainage easements on private property rather than property owned by the city. Obtaining permission from landowners to build a fence across their backyards could be expensive, and constructing a fence would disturb the property owners' views of their backyards and may decrease private property values. Having numerous fences around the holding ponds and wetlands in the city would be contrary to the natural feeling which Minnetonka elected officials have sought to preserve and which the citizens treasure. In addition, numerous fences would be disruptive of the neighborhoods' continuity, harmony and sense of openness.

For the reasons noted above, the city has had a long-standing policy of not fencing around ponds and wetlands. The city wishes now to formally recognize this policy in writing.

Findings

The city council finds that the social, economic and political factors involved in constructing and maintaining fences around surface water holding ponds and wetlands are outweighed by the social, economic and political reasons not to build such fences.

Policy

The city council declares that the city of Minnetonka has not and will not build fences around holding ponds and wetlands for which the city is responsible.

Effective date: December 15, 2003

Adopted by Resolution No. 2003-120
Council Meeting of December 15, 2003

Policy Number 11.15
Scheduling and Use of the Minnetonka Civic Center Amphitheater

Purpose of Policy: This policy establishes the regulations for scheduling and use of the Minnetonka Civic Center Amphitheater.

Introduction

The amphitheater is operated by the city of Minnetonka under the policies and guidelines established by the Minnetonka City Council. The amphitheater will serve as the location of city festivals and programs and will also be available for community or individual spectator events only. A spectator event includes, but may not be limited to, a festival, concert, theater play, speaker and wedding ceremonies. Non-spectator activity requests such as picnics, wedding receptions or birthday parties will be accommodated in other park or city facilities better designed to serve these types of events, thus reserving the amphitheater for activities that can only be accommodated at this venue.

The facility consists of the amphitheater structure and grounds immediately surrounding the structure. The primary restrooms for this facility are located on the north side of Ice Arena B with secondary restrooms located in Ice Arena A when rinks are open.

This policy promotes the active use of the amphitheater while establishing priorities for use of the facility and outlining scheduling procedures and guidelines. It also sets reasonable rules and regulations for use of the facility.

Priorities for Use of the Amphitheater

This section of the policy identifies priority classifications for use of the amphitheater. Listed below are the classifications in descending order of priority.

- **A - City government** - Any activities or events related to and or sponsored by the City of Minnetonka, including but not limited to, playground programs, music in the park and festivals, have first priority for use of this facility. Activities and events in this category can use the facility free of charge.
- **B - Minnetonka based public agencies, civic groups, non-profit organizations** - Second priority for use of the Amphitheater is given to other public agencies which affect citizens of Minnetonka, Minnetonka-based civic groups and organizations which contribute to the well-being and betterment of the community such as senior clubs, Lions clubs, scout troops, theater organizations, etc.

A public agency, civic or non-profit organization is considered Minnetonka-based, if it has its headquarters or mailing address in the city of Minnetonka or has at least 35% of its membership roster residing in the city. Organizations that fall into this category will be considered "Minnetonka-based non-profit" under the schedule of charges for the facility.

If the organization in this category is not Minnetonka-based as defined above, it will be considered an "other public/non-profit group" under the schedule of charges for the facility.

Non-profit organizations will be required to show proof of their 501(c)3 status.

- **C - Minnetonka-based commercial and business organizations and residents for personal use** - Third priority for use of the amphitheater is given to Minnetonka-based businesses and commercial organizations and to Minnetonka residents who wish to use the facility for personal spectator events such as weddings, concerts, plays, etc. Organizations or individuals that fall into this category will be considered “resident” under the schedule of charges for the facility.
- **D - Other Individuals, Groups, and Organizations**- Last priority for use of the facility is given to non-resident individuals and groups and to commercial or business organizations that are not based in Minnetonka. Organizations or individuals that fall into this category will be considered “Non-Resident” under the schedule of charges for the facility.

General Information Regarding Use of the Amphitheater

- **Scheduling Procedure**
 1. The amphitheater is available to reserve May 1 – November 1 between the hours of 9:00 a.m. – 10:00 p.m. A fee may apply dependent on the user group.
 2. A damage deposit and insurance certificate may be required dependent on the type of event planned.
 3. Organizations or individuals wishing to use the amphitheater facilities should make arrangements through the facilities staff. Prior to scheduling outside groups, the facilities staff will first schedule all city events and activities.
 4. Requests to use the amphitheater must be received a minimum of two weeks in advance of the requested date.
 5. Scheduling the facility will be on a first-come, first-served basis based on the priority listing outlined earlier in this policy. Individuals and organizations from within Minnetonka (classifications A, B, and C) may reserve the facility as much as 18 months in advance. Non-resident individuals and organizations may only reserve the facility as much as 12 months in advance. However, once an activity has been scheduled, it cannot be replaced by a higher priority group unless an acceptable alternate space can be arranged.
 6. Residents may not reserve the facility for non-residents.
 7. The facilities staff may limit the number of dates an individual or group may reserve in advance to ensure that one group does not dominate use of the facility.
 8. The person who reserves the facility is responsible to make an appointment with the facility manager at least one week prior to the event to review facility

requirements, pay any balance of fees, and submit a damage deposit. Failure to perform this may result in cancellation with no refund of the reservation fee.

- **Supervision, Damage, and Liability**

1. Every group using the facility must be under competent adult leadership. The individual making the reservation will assume full responsibility for the groups' conduct and for any damage to the facility and/or grounds. The city reserves the right to assign supervisory staff or maintenance personnel at an additional cost to the user if it is necessary because of the type of function or activity that is scheduled.
2. Decoration plans and/or the use of any equipment belonging to an organization or individual must be requested and approved at the time an application is made to reserve the facility. Any decorations or equipment must be removed immediately after the activity unless other arrangements are made with the facility manager. Examples of items that are prohibited include, but are not limited to, tape, tacks, confetti, cutouts and candles.

The city will not assume liability for loss or damage belonging to an organization.

3. All organizations or individuals using the amphitheater may be requested to sign a waiver of liability on a form provided by the city and provide a certificate of insurance as proof of liability coverage.

- **Amphitheater Regulations**

1. Disorderly conduct of any kind is prohibited.
2. Alcohol is prohibited.
3. Any damage to facilities or grounds must be reported to city staff in a timely manner.
4. Facility and grounds must be cleaned and left in an orderly condition (trash in garbage cans, etc.). If clean-up is required, a fee for personnel costs associated with the clean-up may be added.
5. Any organization or individual reserving the facility will be fully responsible for any damage to the facility and grounds and any unlawful acts during their event.
6. Storage of equipment in the amphitheater is not permitted.
7. Gambling of any nature is prohibited
8. Event should be confined to the area reserved – amphitheater and immediate hillside seating area.

9. If deemed necessary by the facility manager, Police supervision may be required and must be paid for by the user.
 10. Admission, sales, fundraising and collection of monies is prohibited.
 11. All deliveries will use the designated drive area and be in accordance with instructions discussed at the time of the meeting to review the requirements of use.
 12. Only under special circumstances are caterers and vendors allowed on the site. This request must be made at the time of reservation. Approval is at the discretion of facility management.
 13. No worship service is allowed.
- **Cancellation** - The city reserves the right to cancel any activities or events in the case of natural disaster, act of God, etc.
 - **Decoration/Equipment/Amplification**
 1. Decoration plans and/or the use of any equipment, belonging to an organization or individual must be requested and approved at the time an application is made to reserve the facility. Any decorations or equipment must be removed immediately after the activity unless other arrangements are made with the facility manager. Examples of items that are prohibited include, but are not limited to, tape, tacks, confetti, cutouts and candles. Decorations are prohibited from being attached to the structure, landscaping or natural surroundings.
 2. Any plans for use of equipment must be requested at the time of reservation. Approval is based on request.
 3. Use of speakers or public address system must be requested at the time of reservation. Approval is based on the city's nuisance ordinance. Available electricity includes four 20 amp receptacles.
 - **Violation of Rules** - Violation of these rules may result in the denial of future use of the amphitheater. Denial of use does not exempt violators from possible prosecution under applicable city ordinances, state or federal laws.

Adopted by Resolution No. 2007-056
Council Meeting of May 7, 2007

Policy Number 11.16
Use of tobacco products in city parks

Purpose of Policy: This policy establishes guidelines for the use of tobacco products on city park properties.

Introduction

The city of Minnetonka manages approximately 1,100 acres of public park property throughout the city. The park board and city council recognize the desirability of having park properties available for all residents to utilize and value.

Park properties are routinely used by families with children. The city believes that children are influenced by the actions of adults and older children. This is especially true regarding the use of tobacco products, which are hazardous to health. Accordingly, the city wishes to establish tobacco-free zones in the park areas that are frequented by children.

Park spaces designated as Tobacco-Free

Under this policy, all city-maintained swimming beaches, playgrounds and athletic facilities are designated as Tobacco-Free. Tobacco use in any form is prohibited in and within 50 feet of these designated areas. Signs will be placed to notify the public.

Athletic facilities include the following park amenities:

1. Youth oriented athletic fields including the youth baseball and soccer fields at Big Willow Park; and all athletic fields at Guilliams, Glen Lake, Lone Lake, Oberlin, Gro-Tonka and Civic Center Parks.
2. All Informal play areas as defined in the city's Comprehensive Athletic Field Use Policy
3. All areas designated as skating rinks, both hockey and general
4. All tennis courts
5. All basketball courts
6. All multi-purpose hard courts

Violation of Policy

Violators of the policy may be asked to leave the designated tobacco-free area or program. A refusal to leave at the request of a police officer may result in a charge of trespassing.

Adopted by Resolution No. 2011-011
Council Meeting of February 14, 2011

Policy Number 11.17
Snow and Ice Control of Municipal Streets, Trails, and Sidewalks

Purpose of Policy: This policy establishes the guidelines for snow and ice control on municipal streets, off-road trails, and sidewalks.

Introduction

The goals of the city of Minnetonka are to provide safe and reasonable passage of municipal roadways, off-road trails, and sidewalks during the snow and ice season and to provide access for emergency services and the motoring public. The city will provide a high level of service keeping in mind safety, budget, personnel and environmental concerns. The content of this policy is intended as a guideline, which may be changed depending on individual circumstances.

When the City Will Start Snow or Ice Control Operations

The public works director or his/her designee will determine when to begin snow or ice control operations. The criteria for that decision are:

- Predicted start, intensity, and duration of event.
- Any combination of snow, freezing rain, sleet, or wind conditions that may require chemical ice control or a plowing operation to begin.
- Snow accumulation.
- Drifting of snow that causes problems for travel.
- Other conditions which seriously affect travel.

Depending on weather and pavement conditions prior to the start of a snow event, anti-icing liquid may be applied to streets in order to help prevent bonding of snow and ice to the roadway.

Snow and ice control operations are expensive and involve the use of limited personnel and equipment. Consequently city wide or a full-scale snowplowing operations will not generally be conducted for a snowfall of less than two (2) inches.

How Snow will be Plowed**Municipal Streets.**

Snow will be plowed in a manner so as to minimize traffic obstructions. The center of the roadway is plowed first. The snow will then be pushed from left to right on two-way streets. On one-way streets or where there is a center boulevard, snow may be pushed in either direction. The discharge will go onto the boulevard area of the street. When plowing a bridge, the driver will slow down so snow does not go over the bridge, if possible. In times of extreme snowfall, streets will not always immediately be cleared of snow from curb to curb in order to open as many streets as soon as possible.

Cul-de-sacs.

Mainline plow trucks and smaller pickup trucks will be used to clear snow from cul-de-sacs. Some cul-de-sacs within the city are assigned pickup trucks to assist mainline plow trucks. Generally mainline plow trucks will make a first pass to clear the center of the circle, similar to the first pass for streets. Pickups assigned to cul-de-sacs will then clear the remaining snow from the circle. For cul-de-sacs not assigned a pickup, the mainline truck will come back to clear the remaining snow curb to curb in an attempt to provide the largest turning radius possible for emergency vehicle ingress and egress. Snow will be deposited on the boulevard, with the goal to evenly distribute snow on adjacent properties. However, depending on the number of obstructions (hydrants, mailboxes, driveways, etc.) it is not always possible to evenly distribute cleared snow in a cul-de-sac.

Trails and Sidewalks.

The city will remove snow from some, but not all, public trails and sidewalks in the city. The public works director will annually determine which trails and sidewalks will be plowed and in what priority, based on consideration of budgeted funds and personnel, public safety, level of public use, and equipment needed. As there are a limited number of resources available, the city will only plow these sidewalks after the streets have been plowed. It is the responsibility of the resident and/or property owner to remove all accumulated snow from all other sidewalks along public streets adjoining their property. This includes any snow plowed from public streets onto the sidewalk.

Trails and sidewalks that are at the edge of a street will initially be plowed using the wing of street snow removal equipment. Wings generally will clear approximately two to four feet of the trail or sidewalk. The remaining portion will subsequently be cleared to full width with other equipment. Other trails and sidewalks will be cleared with either pickups, skid loaders, toolcats, etc. equipped with plows, snow blowers, or brooms.

Trails and sidewalks have been classified in three priority types. For 2-inch and greater snowfalls, each priority area may take approximately one day to clear. If snow repeatedly falls over an extended time period, the city may return to the first priority area before clearing the other lower priority areas.

Snow Removal

The public works director will determine if and when snow will be removed (hailed) from an area by truck. Such snow removal will occur in areas where there is no room on the boulevard for additional snow storage and in areas where accumulated piles of snow create a hazardous condition. Snow hauling operations will not commence until other snowplowing operations have been completed. Snow hauling may also be delayed depending on weather conditions, personnel and other factors. The snow will be removed and hauled to a snow storage area. Snow storage areas will be located so as to minimize hauling distances and environmental impacts.

Priorities and Schedule of Streets to be Plowed

The city has classified city streets based on the street function, traffic volume and importance to the welfare of the community. Those streets classified as "Main Routes", including minor arterial and major collector streets will be plowed first. These are high volume routes, which connect major sections of the city and provide access for

emergency fire, police, and medical services. The second priority streets are lower volume neighborhood collector streets and local routes. Cul-de-sacs, dead-end routes, and alleys will be plowed last.

During significant and severe storms, the city must be prepared to move personnel and equipment to maintain priority routes first. In fulfilling the need to have all priority streets safe and passable, when resources are limited, plowing of all other streets may be delayed at any time so resources can be shifted to priority routes.

Unforeseeable circumstances may cause delays in completing assigned plow routes. Such circumstances may include weather conditions that endanger the safety of snowplow operators and/or safe and effective operation of equipment, commuter traffic, disabled vehicles, poor visibility, parked or abandoned cars on streets, assistance of emergency response vehicles, equipment breakdown, and personnel shortages. For snow events less than 2", the public works director will assign an appropriate number of snow equipment to maintain safe travel on the city's streets. Operators will follow the priorities listed above, with the exception that cul-de-sacs, dead-end routes, and alleys will not be plowed.

Traffic Regulations

The city recognizes that snowplow operators are exempt from traffic regulations set forth in Minnesota Statutes, Chapter 169 while engaged in work on streets, except for regulations related to driving while impaired and the safety of school children. Pursuant to this authority, snowplow operators engaged in snow removal or ice control on city streets have discretion to deviate from traffic laws set forth in Chapter 169, except for laws relating to impaired driving and school children safety, when in their judgment, it is safe to disregard such laws. These privileges granted to operators of snow removal and ice control vehicles will apply only if the vehicle is equipped with at least one lighted lamp displaying a flashing, oscillating, or rotating amber light placed in such a position on the vehicle as to be visible throughout an arc of 360 degrees.

Weather Conditions

Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of snowplow operators and equipment. Factors that may delay snow and ice control operations include: severe cold, significant winds, and limited visibility.

Use of Sand, Salt, and Other Chemicals

The city is committed to the prudent use of salt, sand and other chemical treatments and will limit the use to the extent possible to reduce the effects on the environment. The application of salt or deicing chemicals may be limited to major routes, steep grades, curves, and intersections. A salt/sand mixture will only be used in extremely icy conditions. Chemical treatments for control of snow and ice may not necessarily provide a bare pavement during winter conditions.

Trail and sidewalk surfaces are limited to snow removal only and are not chemically treated. Once icy, trails and sidewalks generally stay that way until melting occurs. A sand mixture will only be used in extremely icy conditions. Sidewalks at public buildings may be treated to eliminate slippery conditions.

Boulevard Considerations

Snow removal and ice control can cause property damage even under the best circumstances. The city will repair turf that was damaged on the boulevard which was the direct result of plowing beyond the road edge. All other damage within the public right of way is the owner's responsibility (e.g. shrubs, bushes, rocks, trees, irrigation systems, driveways, etc.) The city is not responsible for damage to utility appurtenances (electrical, gas, telephone, and cable) as a result of snow removal operations. All utility infrastructure located in the city right of way must be clearly marked to avoid contact.

Mailboxes

Plow operators will make every effort to push snow as close to the curb as possible to provide access to mailboxes for postal carriers. In instances where snow extends greater than three feet into the street in front of a mailbox, city crews will return to clear snow upon request. The final cleaning around mailboxes is the responsibility of each property owner.

Damage to a mailbox is a risk that snowplow operators face during their winter plowing requirements. The city will conduct a review of each mailbox damage claim to determine whether the city has any legal responsibility for the damage and if so to repair, replace, or provide reimbursement for the mailbox. The deadline to report mailbox damage to the city is June 1. If the city, in its discretion, determines that reimbursement or replacement is appropriate, the city may:

- At the mailbox owner's request, replace the mailbox with a standard size, non-decorative metal mailbox and replace the support post as necessary with a decay resistant wood support post, both of which will be installed by the city. The city will attempt to match the size of the existing post with either a 4"x4" or 6"x6" support post.
- Provide reimbursement (\$200 maximum upon receipt of paid invoice) for the mailbox and support posts that meet the city's ordinance standards, as well as state and federal requirements for mailbox size, support and placement.

Driveways

The snow removal operators will attempt to minimize the amount of snow that is deposited in front of driveways where possible, but the amount can be significant. The city does not clean driveways or private sidewalks. It is the homeowner's responsibility to clear these areas, including snow pushed from public streets onto driveways or private sidewalks.

Trash and Recycling Containers

Residents are responsible for placing trash and recycling containers far enough from the curb or driveway end line in order to not interfere with snow removal operations. The city is not responsible for repairs, replacements, or clean-up of debris relating to trash or recycling containers.

Complaint Procedure

Service requests regarding snow and ice control operations or claims for damages to property should be directed to the city public works department. Response time should

not exceed 36 hours for any request. Responses are to ensure that the provisions of this policy have been fulfilled and that all residents of the city have been treated uniformly.

Complaints will be logged on the city's telephone or computer system. Calls requiring service will be transferred to a work order and forwarded to the appropriate supervisor for scheduling. Emergency complaints or requests for service will be handled in an expeditious manner as resources are available.

Deviation From Policy

The public works director may deviate from this policy when in his or her judgment it is in the best interest of the city or is necessary because of budget needs or other circumstances.

Review and Modification of Policy

The public works director will keep on file all comments and complaints received regarding this policy. The policy will be reviewed periodically. Any review will consider comments and complaints since the last review and any other factors affecting the policy or its implementation.

Adopted by Resolution No. 2015-012
Council Meeting of February 9, 2015

Policy Number 11.18
Parks for Tomorrow Program

Purpose of Policy: This policy establishes donation levels for the Parks for Tomorrow program and provides for administration of the program.

Introduction

The city values its natural resources and desires to preserve and protect its public parks and open spaces. The city council has established the Parks for Tomorrow program to provide a means for individuals and organizations to make lasting contributions to city parks and to recognize those donors.

Donation Levels

The program consists of three donation levels:

Sapling Level: Donors who make a donation at the Sapling Level may select a young, native tree from a list of desired species on file with the city, to be planted by the city in a special habitat restoration area to honor a designated person. The donor will receive a certificate noting the tree planting, which will be recorded in a permanent Parks for Tomorrow log and the city council formally accepts the donation in December of the year in which it is given.

Recognition Tree Level: Donors who make a donation at the Recognition Tree Level may select a more mature tree from a list of desired species on file with the city, help select the planting site in an approved city park, take part in a tree-planting ceremony, receive a certificate, and be listed in the honor roll of the Parks for Tomorrow log and the city council formally accepts the donation in December of the year in which it is given.

Special Projects Level: Donors who make a donation at the Special Projects Level: may select from a listing of commemorative projects on file with the city, which may include a park bench, picnic table, special planting or other commemorative project to be installed in a city park; will receive a letter and special certificate; and will be listed in the special projects section of the Parks for Tomorrow log and the city council formally accepts the donation in December of the year in which it is given.

Program Administration

The Park Board is charged with administration of the Parks for Tomorrow Program, which includes establishing the monetary amounts for each donation level. Periodically, but not less than every five years, the Park Board must review the typical costs for tree plantings and special projects and determine the appropriate donation amounts for each level of the program.

Adopted by Resolution No. 2015-035
Council Meeting of May 4, 2015

**Chapter 12:
Public Utilities**

Policy Number 12.1
Residential Water Pressure Booster Systems

Purpose of Policy: This policy establishes the guidelines for the city to provide property owners with residential water pressure booster system equipment.

Introduction

This policy is applicable to all developed residential property within the city of Minnetonka.

Guidelines

- *Elevation and Pressure at Meter*
The city will provide residential water pressure booster system equipment for all dwellings above a ground elevation of 1025 feet above sea level experiencing water pressure at the meter of less than 35 pounds per square inch.

Installation and Maintenance

In all such cases, the installation and maintenance of the equipment provided by the city is the responsibility of the property owner.

Adopted by Resolution No. 81-6513
Council Meeting of March 16, 1981

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

**Policy Number 12.2
Storm Water Improvements**

Purpose of Policy: This policy establishes standards for the construction of storm water improvement projects identified in the Capital Improvements Program.

Introduction

This policy is applicable to all storm water improvements that have been included in the Capital Improvements Program.

The following policies will be observed in the city council's consideration of funding for storm water improvement projects:

Capital Improvements Program

Unless necessary for emergency purposes, only those storm water improvement projects contained in the city's Capital Improvements Program will normally be considered. Projects will be constructed in the year designated in the Capital Improvements Program.

Water Resources Management Plan

The Water Resources Management Plan will serve as the city's guide in defining the nature of storm water alternatives. While recommended improvements need not necessarily be totally consistent with the system defined in the Water Resources Management Plan, those alternative solutions that do not conflict with or that are more compatible with the plan will normally receive preference.

Selection of Projects

In determining whether to include a project in the Capital Improvements Program, the council will consider the following:

- Whether the project is designed to remedy storm water problems which have previously caused, or have the potential to cause, damage to residences or other private use buildings;
- Whether the project is designed to remedy storm water problems which previously caused, or have the potential to cause, damage to any other improvements to real estate;
- Whether the project, when compared with other projects, is designed to remedy storm water problems that cause or have the potential of causing greater property damage.
- The total cost of the project;
- The availability of financing for the project;

- The area which would contribute drainage to the improvement;
- Whether the city has received a petition for construction of the improvement;
- Whether the petitioners have agreed to grant easements required for the project at no cost to the city; and
- The impact the project will have on adjacent wetland or floodplain.

Method of Financing

It is the city's policy that the cost of storm water improvement projects be funded by the city's storm water utility.

Procedure

The following procedure will be used in developing storm water improvement projects:

- Petitions from property owners will be received until January 1 and referred to the engineering department for review. The engineering department will consider such requests, along with projects which have not been petitioned, for inclusion in the annual Capital Improvements Program. The city manager will evaluate such recommendations by the engineering department in preparation of his recommended annual Capital Improvements Program.
- When the Capital Improvements Program is presented to the city council, a listing of all petitioned storm water improvement projects, including estimated costs and funding recommendations, along with any other information desired by the city council, will be submitted.
- Following adoption of the Capital Improvements Program, the engineering department is authorized to perform feasibility studies for the storm water improvement projects being considered for the first year of the Capital Improvements Program. As a part of the feasibility process, informational meetings will be held with affected property owners to explain the nature of the petition, suggest possible solutions, and request input from the area residents to help arrive at an ultimate solution to the problem.
- If the project is found to be feasible by the city council, the council may authorize the preparation of plans and specifications.
- Upon approval of plans and specifications, the council may direct notice to bidders. Upon receipt of the bids, the council may award the contract or may continue action on the bids until such later specified date as may be determined by the council.

Adopted by Resolution No. 82-6870
Council Meeting of April 26, 1982

Amended by Resolution No. 82-6941
Council Meeting of July 19, 1982

Amended by Resolution No. 85-7660
Council Meeting of January 21, 1985

Amended by Resolution No. 86-7992
Council Meeting of January 6, 1986

Amended by Resolution No. 89-8832
Council Meeting of March 20, 1989

Amended by Resolution No. 2003-008
Council Meeting of January 27, 2003

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Policy Number 12.3
Petitions for the Installation of Municipal Infrastructure or Facilities

Purpose of Policy: This policy establishes criteria and schedule according to which the city council will consider petitions for the construction of municipal water, sanitary sewer, public streets, and appurtenant improvements.

Introduction

This policy is applicable to all property owners seeking the construction of municipal water, sewer, public streets, and appurtenant facilities.

Consideration of Petitions

Property owners in the city of Minnetonka may in writing, request the installation of water and sewer service to their property. In most cases, this means the services will be installed to the front property line adjacent to the street. In situations where the property has no street frontage or is located behind another lot, the intent of this policy is to only install the services to the edge of the right-of-way or easement similar to a standard lot with street frontage. Such petitions will be brought before the city council for the purpose of considering the ordering of a feasibility study for the requested work.

Petitions requesting the construction of municipal water, sanitary sewer, public streets, and appurtenant facilities must be submitted to the city council for consideration prior to August 1 of the year preceding that during which construction is desired, for the purpose of including such projects in the following year's construction program. Petitions received after August 1 may be brought before the city council for consideration if, in the opinion of the city engineer, it is feasible to include such projects in the construction schedule for the following year. No petition may be brought before the city council that would result in projects requiring contract award later than June 1 of the following year.

For service to new subdivisions or lot divisions, the petitioner must waive any rights to a public hearing and any appeal of the special assessment adopted by the city council. This provision also applies to the special assessment of connection fees only when the property owner chooses to have the connection fee specially assessed.

Prior to a petition being brought before the city council, the petitioner must submit to the city a cash deposit or irrevocable letter of credit in the amount of 1.25 times the city engineer's estimate of the costs that will be incurred to undertake the feasibility study and prepare the report to the city council. This money or letter of credit will be held by the city until such time as it is determined the project will not proceed, in which case an amount equal to the costs actually incurred by the city will be withdrawn from the petitioner's account and deposited with the city as is appropriate, with any balance being returned to the petitioner.

If the petitioner chooses to proceed with the project under private contract, the city's costs will again be deducted from the deposit amount with any remaining balance returned to the petitioner. In the event that the project proceeds under public contract, the petitioner has the option of allowing the city to transfer sufficient funds to cover the

costs incurred with the balance being returned to the petitioner, or the petitioner may elect to have all deposited funds returned upon the levying of special assessments which include all costs incurred by the city.

Special Assessments

No special assessments will be made for a period of more than 20 years, except as otherwise determined by the council.

If the petitioner requests the abandonment of the special assessment project, all costs incurred by the city must be reimbursed by the petitioner.

City Participation

The city will initially pay for the share of expenses related to the potential subdivision of non-petitioning properties and deferred connections (“carrying costs”). Interest will accrue on the carrying costs at a rate equal to that of the assessment rate established by the city’s finance director for the year the project was completed. Interest will continue to accrue until the carrying costs are paid. Carrying costs and accrued interest must be paid by the non-petitioning properties prior to the issuance of a building or connection permit.

The city will pay for system upgrades and pipe over-sizing when additional capacity is needed beyond what’s needed for the property owner’s request.

Adopted by Resolution No. 83-7157
Council Meeting of April 18, 1983

Amended by Resolution No. 92-9423
Council Meeting of August 24, 1992

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2009-037
Council Meeting of May 4, 2009

Policy Number 12.4
Sanitary Sewer and Water Connection Fees

Purpose of Policy: This policy establishes the procedure used to calculate sanitary sewer and water connection fees.

Introduction

This policy is adopted to implement the city's authority under Minn. Stat. Chap. 444 and City Code Section 1200.025. The fees established by this policy are intended to ensure that all properties pay a just and equitable share of the sanitary sewer and water infrastructure serving them.

Connection fees will be based on the amount of system capacity that is used. The standard method for calculating system capacity is through a SAC unit (sewer access charge). The Metropolitan Council calculates the number of SAC units for each proposed development within the city. A single family home is charged one SAC unit, and other property uses are charged SAC units based on building size and number of plumbing units.

Guidelines

- Rates and Charges
Fees for the use and availability of the city's water and sanitary sewer systems will be determined by the use of a "Residential Equivalent Charge" ("REC"). Water and sanitary sewer connection fees will be calculated by multiplying the established water REC, and the established sanitary sewer REC times the number of SAC units that are calculated by the Metropolitan Council.
- Establishing REC's
The city council will establish the REC by resolution based on an analysis of the financing needs for the water and sanitary sewer systems. Thereafter, the council will annually, by resolution, increase the REC for water and for sanitary sewer based upon the construction index found in the "Engineering News Record". REC's will be evaluated and adjusted every fifth year to make certain the connection fees are sufficient to pay for an equitable portion of the costs of installing and upgrading trunk facilities, and all or a portion of pumping, treatment, and storage facilities.
- Fee Payment
Connection fees must be paid prior to issuance of a building or connection permit, whichever occurs first, except when deferred in accordance with Council Policy No. 12.10. Beginning January 1, 2013, no connection fee is due when a single family home that is connected to sewer and water is demolished and replaced by another single family home. To pay fees through a special assessment, the owner must furnish proof of ownership and waive any rights to a public hearing and any appeal of the special assessment adopted by the city council.

Deferred Hookup Fees

Deferred hookup fees were assigned to certain properties before 2009 using the city's previous sewer and water hookup fee rate formula. These properties benefited from a trunk sewer or water project, but were not required to connect to the city's utility system

at the time of the project installation. The connection fees established under this policy replace the previous hookup fee policy, but some outstanding deferred hookup fees remain. The following provisions apply to these outstanding hookup fees.

- Interest
Simple interest will be charged from the date of, and at the rate of, the special assessments for the project. Interest may not accrue beyond the term of those special assessments, which is 20 years.
- Notice
City staff will annually send a notice to the owner of each property that has deferred hookup fees. The notice will indicate the amount that is pending, including accrued interest.
- Fee Payment
Deferred hookup fees must be paid before issuance of a building permit or connection permit or at the time of subdivision, whichever occurs first.

Adopted by Resolution No. 91-9264
Council Meeting of August 19, 1991

Amended by Resolution No. 99-121
Council Meeting of July 12, 1999

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2009-035
Council Meeting of May 4, 2009

Amended by Resolution No. 2013-036
Council Meeting of May 13, 2013

Amended by Resolution No. 2013-103
Council Meeting of September 16, 2013

Amended by Resolution No. 2017-050
Council Meeting of May 22, 2017

Policy Number 12.5
Use of City Water Towers for the Location of Antennas

Purpose of Policy: This policy establishes a uniform policy for reviewing requests for the location of antennas on city water towers, delegates limited authority to the city manager to approve antenna agreements, and reserves to the city council the right to revoke agreements.

Introduction

The city has received requests for the location of various antennas on its water towers. The city council has determined that co-location of telecommunications antennas is in the public interest. The city council recognizes that water towers are among the most desirable sites for locating telecommunications antennas, both in terms of providing coverage and in reducing visual clutter. This policy establishes a uniform procedure for reviewing these requests and delegates authority to the city manager to approve leases to allow antennas on city water towers, subject to the limitations in this policy.

Permitted Locations

Antennas not owned by the city of Minnetonka will be permitted only on water towers that have been sufficiently modified, in the opinion of the public works director, to adequately accommodate those antennas. The modification must be done at the user's expense. This policy only addresses antennas on city water towers. Antennas may not be placed on other city-owned facilities or city-owned property without city council approval.

Permitted Users

Only the following entities may place antennas on city water towers, in order of descending priority:

1. City of Minnetonka
2. Public safety agencies, including law enforcement, fire, and ambulance services, that are not part of the city of Minnetonka.
3. Other governmental agencies, for uses that are not related to public safety.
4. Government-regulated entities whose antennas offer a service to the general public for a fee, in a manner similar to a public utility, such as long distance and cellular telephone. This does not include radio or television broadcasters.

If there is a conflict in use between potential and existing users, permission for use will be granted in order of priority listed above.

Application Process

All applicants who wish to locate antennas on city water towers must submit to the city planner a completed application form and a detailed plan of the proposed installation. City staff will review the application to determine the appropriateness of the request,

including the aesthetic impact, the structural integrity of the tower, and the city's priorities for permitted uses and standards as set forth in this policy.

Staff may retain the services of a structural engineer to analyze the structural integrity of the water tower and a professional communications engineer to review the technical analysis and other relevant data. The applicant must reimburse the city for the cost of both the structural and technical analyses. An application to locate on a city water tower may not be approved unless: the professional communications engineer determines that there will be no interference with other users; the structural engineer determines that the installation, as proposed, is structurally sound; and the city manager determines that the application meets the standards set forth below.

The city manager is authorized to approve applications and execute agreements in accordance with this policy. After approval by the city manager, the applicant must sign an agreement with the city, in a form acceptable to the city attorney that meets the following minimum requirements:

- The applicant must pay a periodic fee as established by the city manager, subject to an annual escalator clause. The city manager will establish the fee after considering information from the finance director and public works director regarding comparable rates in other cities, potential expenses and risks to the city, and other appropriate factors.
- The applicant must provide adequate liability insurance, with the city as an additional named insured.
- The applicant must provide as-built drawings of its facilities within a reasonable time period after installation is complete.
- The agreement must allow for the city council to terminate or revoke the agreement as set forth below in this policy.
- The agreement may be for an initial term of not greater than 10 years, and may provide for subsequent renewals not to exceed a total of 20 years.

The city manager must annually report to the city council regarding the existing leases for each city water tower, including the number of antenna allowed under the lease, annual rent payable, and the lease expiration date.

Standards

No application may be granted unless the following standards are met:

- The potential use must not interfere with other users who have a higher priority.
- The user must comply with minimum equipment and site standards prepared by the city.
- The user must have its own sources of electrical power and telephone service.
- The user's equipment and personnel must not interfere with normal operation and maintenance of the water tower.

-
- The user must reimburse the city for any costs that it incurs because of the user's existence on city property.
 - The user must agree to pay a fee for each time it wants admittance into the tower structure, if required by the city.
 - The user must be responsible for the security of its own equipment.
 - The user must have obtained all necessary land use approvals.
 - The user must comply with the attached Guidelines for Antennas on City Water Towers.

Revocation

The city council may revoke permission to use a city water tower if it determines that any one of the following situations exist:

- A potential user with a higher priority cannot find another adequate location and the potential use would be incompatible with an existing use;
- A user's antennas unreasonably interfere with other users with higher priority, regardless of whether or not this was adequately predicted in the technical analysis; or
- A user violates any of the standards in this policy or the conditions attached to the city's permission.
- The city council decides to dismantle the water tower.

Before taking action, the city will provide notice to the user of the intended revocation and the reasons for it, and provide an opportunity for the user to address the city council regarding the proposed action. This procedure need not be followed in emergency situations.

Reservation of Right

Notwithstanding the above, the city reserves the right to deny, for any reason, the use of any or all city water towers by any one or all applicants.

Adopted by Resolution No. 88-8767
Council Meeting of November 7, 1988

Amended by Resolution No. 97-043
Council Meeting of March 31, 1997

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2006-026
Council Meeting of March 27, 2006

Amended by Resolution No. 2016-132
Council Meeting of December 5, 2016

Guidelines for Antennas on City Water Towers

1. **Design plans.** Drawings and specifications detailing equipment installation, cable runs, supports, penetrations, fastening methods, foundations, panels, electrical power connections, grounding, and all other required details for a complete installation must be submitted for review and approval. A drawing depicting the final appearance of the tank must also be included. A certified professional engineer in Minnesota must stamp all drawings and specifications.
2. **Operation.** Either by design, function, or installation, proposed equipment must not interfere with the facility's operation and its ability to deliver safe, potable water at sufficient pressure to customers.
3. **Appearance.** The equipment must have minimal detrimental effect on the facility's aesthetic appearance. The design must not significantly alter the appearance of the tank. The use of permanently installed false overflow pipes as cable conduits is not allowed. Wherever possible, tank cable runs must be internal to the tank's structure. No exposed exterior cable runs will be allowed without the written approval of the public works director. Color for cables, antennas, and any other visible appurtenances must match the tank colors and be submitted for approval.
4. **Coatings.** Existing tank interior and exterior coating systems must be protected or repaired with new equivalent coating systems during the work of antenna company equipment installation. Coating repairs must be subject to approval. Existing tank coating specifications are available on request.
5. **Enclosures.** Proposed communication equipment to be installed at ground level outside a tank's structure must be enclosed in approved, aesthetically pleasing enclosures. All ground structures must be contained within the city owned parcel subject to planning approval. Unsupervised access into the water storage facility is not permitted. Supervised access shall be granted based on the Lease agreement. Wherever possible, a private access to the antenna company's designated area must be provided by the antenna company. The antenna company will have unlimited access to its designated area through this access point.
6. **Exclusion zone.** An exclusion perimeter zone of 10 ft (minimum) beyond the outermost tank component (i.e., catwalk or widest tank diameter) must exist (outermost structure from the tank center plus 10 ft). No aboveground appurtenance is permitted within the exclusion zone without the utility's written approval.
7. **Installation.** All cable runs between the antenna company's designated area and the tank must be buried. No ice bridges or other exposed (above grade) cable support systems may be installed without written approval of the public works director. All cable tank penetrations must be sealed. The penetration sealing method and/or detail must be submitted for approval. The city may request a structural analysis be performed, at antenna company expense, if the number of wall penetrations is a structural concern. No

proposed appurtenance may interfere with the periodic maintenance of the site grounds. The antenna company must maintain the grounds inside its designated equipment area.

8. Maintenance. Presence and operation of proposed equipment must have minimal impact on the tank's periodic maintenance work (e.g., tank inspections and painting). Antennas may be required to be out of service for a period of time during periodic tank maintenance work.

9. Safety. Any and all proposed equipment, installation work, maintenance work, or any other work performed on the premises by the antenna company, or agents of the antenna company, must not result in any safety hazards or OSHA violations. Such hazards and violations may include, but are not limited to, ladder cage/riser clearance, toe-rung clearance, hatch interference, and vent interference.

10. Security. No antenna company property or activities, including the operation and maintenance of antenna company equipment and appurtenances, may, in any way, impinge on the ability of the city to provide security for its facility.

11. Regulations. The proposed communication system design must comply with all federal, state, and local standards regulations, whether identified by the city in its review or not. Antenna company must correct any design deficiencies discovered subsequent to approval of the installation at its expense and with the approval of the utility. Communication equipment must not interfere with any city communication or control signals. If interference between the antenna company and other communication equipment is discovered, it must be corrected at the antenna company's expense.

Policy Number 12.6 Storm Water Utility

Purpose of Policy: This policy establishes a storm water utility system pursuant to Minnesota Statute Section 444.075, from which revenues will be derived subject to the provisions of this policy, applicable city ordinances, and Minnesota Statutes.

Introduction

This policy is applicable to all parcels of land within the city of Minnetonka.

The following guidelines set forth the procedures for calculating storm water fees for individual parcels.

Guidelines

- Rates and Charges
Fees for the use and availability of the storm sewer system will be determined through the use of a "Residential Equivalent Factor" ("REF"). A REF is the ratio of the volume of runoff generated by one acre of a particular land use to the volume of runoff generated by one-half acre of single/two/three-family residential land use, assuming Soil Conservation Service (SCS) "Type B" soil conditions, during a standard one-year rainfall event, as determined by the engineering director.
- Determination of REF's for Land Uses
The REF's for the following land uses within the city are as follows:

- Open Space, Golf Courses, Undeveloped	0.45
- Single-Family, and Two/Three-Family Residential	1.00
- Churches, Schools, and Government Buildings	2.70
- Apartments, Condos, and Railroad R/W	3.00
- Commercial and Industrial	7.56
- Other Land Uses
Other land uses not listed in the foregoing subsection will be classified by the engineering director by assigning them to the most similar classes from the standpoint of probable hydrologic response.
- Establishing Basic Rate
In determining charges, the council will, from time to time, by resolution establish a basic system rate to be charged against one-half acre of single/two/three-family residential land having a REF of one. The charge to be made against each parcel of land will then be determined by multiplying the REF for the parcel's land use classification times the parcel's acreage times the basic system rate.
- Standardize Acreage
For the purpose of simplifying and equalizing charges against property used for single/two/three-family residential purposes, each of such properties will be

considered to have an acreage of one-half acre and will not be eligible for an acreage adjustment.

- Adjustments of Charges

The city council may by resolution, from time to time, adopt policies providing for the adjustment of charges for parcels or groups of parcels, based upon hydrologic data supplied by affected property owners, demonstrating an actual hydrologic response substantially different from the REF being used for the parcel or parcels. Such adjustment will be made only after receiving the recommendation of the Engineering Director and will not be made effective retroactively. If the adjustment would have the effect of changing the REF for all or substantially all of the land uses in a particular classification, such adjustment will be accomplished by amending the REF table in subsection (b).

- Exceptions

The following land uses are exempt from storm water utility fees: (a) public rights-of-way; (b) private roads (c) wetlands and public waters as defined by state law; (d) city owned property, and (e) conservation easements.

- Adjustments of Acreage

The total parcel acreage will be used to calculate the parcel charge. It is the responsibility of the owner of any premises to supply the city with any necessary information required to determine if a parcel or portion of a parcel qualifies as an exception and is eligible for an acreage adjustment. The city will review the proposed adjustments upon receipt of a complete submittal package. The adjustment must be approved by the engineering director and will become effective at the beginning of the next billing cycle.

- Supplying Information

For the purpose of evaluating acreage adjustment requests, the owner, occupant, or person in charge of any premises will supply the city with such information as the city may reasonably request related to the use, development, and the area of the premises. If the owner, occupant, or person in charge of any premises fails or refuses to provide the information requested, the charge for such premises will be billed in accordance with information available to the city.

- Billing Method

Storm water utility fees will be computed and collected by the city along with other utilities such as sewer and water. Payment will be required on or before the due date established for such other billing. Delinquent accounts will be treated the same as sewer and water accounts.

Adopted by Resolution No. 2003-0006
Council Meeting of January 27, 2003

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Policy Number 12.7
Sewer Inflow and Infiltration Reduction Program

Purpose of Policy: This policy establishes program elements for the reduction of clear water inflow and infiltration into the sanitary sewer system.

Introduction

The Metropolitan Council owns, operates and maintains a system of sanitary sewer interceptors in the city and region that transport waste for final treatment. Current system capacity is being consumed by clear water that enters the pipe network from a variety of public and private entrance points. As a result, the Metropolitan Council has adopted rules imposing surcharges on cities with peak flows exceeding allowable limits. Therefore, to avoid additional expense to the community and its residents, it is the city's responsibility to reduce clear water peak flows. To achieve the goal of minimizing or eliminating clear water flow into the sanitary sewer system, the city has adopted the following program.

Clear Water Reduction Program Components

The city's clear water reduction program includes four elements intended to minimize or eliminate the peak flow of clear water into the sanitary sewer system:

- **Public Education.** The city will use a variety of media sources, both internal and external, to raise awareness and provide education about the problems and costs associated with clear water inflow and infiltration into the sanitary sewer system. The key to a successful program is an educated public and business community.
- **Public Right-of-Way Improvements.** The city will inspect and repair all street manhole barrels and castings that currently allow clear water to quickly enter the sanitary sewer system. In addition, sewer lines will be televised to determine if repairs are needed on collection system pipes.
- **Residential Property Inspections.** The city will inspect and certify all residential and commercial properties to ensure they are not contributing clear water to the sanitary sewer system. Visual inspections may be supplemented with televised inspections to determine if foundation drains are connected to service laterals. Non-compliant properties will be given a reasonable amount of time to make repairs so that the property can be certified as compliant.
- **Grant Program.** The city will establish a grant program to assist property owners with needed repairs. A maximum grant of \$500 will be available per property. Repairs totaling less than \$1,000 will be split equally between the property owner and the city. Repairs in excess of \$1,000 will receive the total \$500 grant with the balance of the repair paid by the property owner. The city will allow the use of special assessments for repair costs that are excessive and meet special assessment criteria.

Program Timetable

The clear water reduction program will begin January 1, 2007, and continue until all properties have been inspected. Property re-inspections may occur at any time, with advance notice, in perpetuity.

Inspection Personnel

City utility personnel or authorized representatives will conduct the inspection of residential properties for certification of disconnection. Inspectors will display identification that bears a photograph of the inspector.

Adopted by Resolution No. 2006-128
Council Meeting of September 25, 2006

Policy Number 12.8
Water and Sanitary Sewer Enterprise Fund Cash Balances

Purpose of Policy: This policy establishes targets for operating and capital cash reserves in the fund balance of the city's water and sanitary sewer utility enterprise fund.

Background

Working capital of a government enterprise fund is the relatively liquid (cash) portion of its balance, which constitutes a buffer for meeting financial obligations of the government business. It is essential that a government maintain adequate levels of working capital in its enterprise funds to mitigate current and future risks of revenue shortfalls and unanticipated expenses and to ensure stable services and fees. Additionally, capital intensive government enterprises, such as an aging water and sanitary sewer system, require the availability of funding to prepare for equipment and infrastructure replacement as well as related debt service both in the long and short term.

Therefore, the following targets for operating and capital cash reserves in the fund balance of the city's water and sanitary sewer utility enterprise fund will enable the city to ensure its ongoing operations and financial strength, funding soundness for maintenance and replacement of its aging infrastructure, and stable fee rates. Another goal of the policy is to promote ongoing recognition of the city's creditworthiness by rating agencies and the investors of municipal bonds, which can provide continued financial benefits to the users of the utility system by lowering costs of borrowing.

Operating Reserve

The city will target a minimum cash balance in the utility fund for operations of the water and sanitary sewer enterprise of an amount equal to six months of operating expenses, plus annual debt service. These targets recognize risk of fluctuating revenue related to weather and higher than anticipated operating expenses.

Capital Reserve

Cash balances above the operating reserve in the utility fund will be held for long-term replacement of the system. The targeted goal level of this capital reserve is 10 percent of the accumulated depreciation of the system, but may be greater or less depending upon the projected combination of cash and debt required for the replacement or upgrades of major components as provided in the city's adopted Capital Improvements Program.

City staff will regularly analyze the operating and capital reserves relative to long-term operating cost projections and the city's adopted Capital Improvements Program and thereby recommend appropriate rate changes, budgetary changes, or other fiscal actions including borrowing with the goal of meeting these targets.

Adopted by Resolution No. 2012-134
Council Meeting of December 17, 2012

Policy Number 12.9
Maintenance of Fire Protection
Water Supplies

Purpose of Policy: This policy establishes a procedure and standards for the city to accept ownership of private fire hydrants and related facilities and to undertake maintenance on hydrants that remain in private ownership.

Introduction

The protection of private and public property from fire incidents is of vital importance to the city. Section 508 of the state fire code requires periodic inspection, testing and maintenance of fire protection water supplies, including fire hydrant systems. Although most fire hydrants in the city are publicly owned and maintained, some fire hydrant systems are privately owned and maintained. The public has an interest in ensuring that all fire hydrant systems in the city are properly maintained, for purposes of fire hazard insurance ratings and for purposes of protecting public and private property from fire. The city has adopted an ordinance that requires annual inspection of private fire hydrants.

This policy establishes standards for the city manager to accept ownership and maintenance of private fire hydrant systems and related facilities. The policy also authorizes the city manager to enter into fire hydrant maintenance agreements for systems that are not suitable for public ownership.

Accepting ownership of private facilities

The city council has determined that it is in the public's interest that fire protection water supply systems in residential areas be in public ownership, to the extent that public maintenance, repair and replacement of the systems is physically feasible and economically practical. Private hydrants on commercial properties may be acceptable, provided that the hydrants are adequately maintained. An owner of a private fire hydrant and related facilities who wishes to transfer ownership of the facilities to the city may make a written request to the city manager. The city manager will refer the request to the public works director and fire chief for review and recommendation.

The public works director and fire chief or their designees will review the conditions of the facilities, including age, location, public access, connections to public and private water supply systems, and any other information they deem relevant. Upon completion of their review, the public works director and fire chief will report to the city manager their determination as to whether public maintenance, repair and replacement is physically feasible and economically practical, and their recommendations regarding necessary public easements. If the city manager deems the report to be favorable, the city manager is authorized to enter into an agreement on behalf of the city that includes the conveyance of the facilities and any necessary easements, subject to conditions as the city manager deems appropriate based on the circumstances. The city manager must report to the city council on at least an annual basis regarding facilities transferred to the city.

Agreements for public inspection of private facilities

For all privately owned hydrants and related facilities that are not transferred to the city, the city manager is authorized to enter into an agreement with the owner(s) of the facilities to provide for

public inspection of the facilities. The agreement must provide that the owner of the facilities will pay the city a fee for each inspection (as determined by the city manager). The agreement must also permit the city to assess any delinquent fees against the owner's property in the same manner as delinquent utility bills. The owner of the facilities is responsible for completing all required repairs to the facilities, in compliance with city ordinance.

Privately owned and inspected facilities

Any owner of a private hydrant that does not enter into an agreement with the city for public inspection of that facility, or for transfer of that facility to city ownership, must provide annual proof of inspection and operability, in compliance with city ordinance.

New developments

In new developments or redevelopments, the council will approve private fire suppression water services only when it deems it appropriate, based on the specifics of the development. Council approval will include a requirement that an instrument be recorded in the property records that identifies the private facilities and provides for the ongoing inspection, maintenance, repair and replacement of the facilities.

Adopted by Resolution No. 2015-075
Council Meeting of August 31, 2015

Policy Number 12.10
Met Council Sewer Availability Charge and City Residential Equivalency Charge Payment Deferral Program

Purpose of Policy: This policy establishes procedures to regulate, coordinate, and facilitate the approval of certain sewer and water fee deferrals for eligible businesses or properties.

Introduction

This policy governs the use of two programs, including the Metropolitan Council's "SAC Deferral Program" for certain sewer fees ("Regional Program") and the city of Minnetonka's Sanitary Sewer and Water Connection Fees, calculated in accordance with City Council Policy 12.4 ("Local Program"). Hereinafter, the city of Minnetonka is referred to as the "city".

1. Eligible businesses or properties can apply for the deferral of a portion of one or more sewer/water fees, including:
2. Metropolitan Council Sewer Availability Charge (SAC) – Regional Program sewer fee; and Minnetonka Sewer and Water Residential Equivalency Charges (REC's) – Local Program fees.

Authorization and Funding Sources

On November 28, 2012 (based on Minnesota Statutes 473.517, Subd. 6), the Metropolitan Council adopted changes to its SAC program to include a small business deferral program. The Regional Program which became effective on January 1, 2013, and was later amended, allows a deferment of SAC fees up to ten (10) years at a low annual interest rate based on Metropolitan Council Environmental Services' (MCES) average cost of debt per statute and is applied to all new deferrals originating in that particular year. The Minnetonka Regional Program and Local Program will allow deferment of SAC and REC fees over a five or ten year term with a fixed interest rate determined by the city each fiscal year.

The deferral program established by this Council Policy 12.10 includes the following categories:

1. "Regional Program" allows eligible small businesses or property owners to apply for a sewer availability charge deferment for a maximum of 25 SAC charges.
2. "Local Program" allows eligible small businesses or property owners to apply for a city water access charge deferment for a maximum of 25 REC charges to match the terms and conditions of the Regional Program.

The City Council reserves the right to suspend or terminate the program based on availability of funding.

Program Objective

The Metropolitan Council's stated objective is to encourage and help communities promote

small business development by deferring SAC payment obligations. The city of Minnetonka's goal is to minimize the financial impact to new or expanding businesses.

Eligibility

For the Regional Program and Local Program, an eligible applicant is a "small business" as defined in a Master SAC Deferral Agreement between Minnetonka and the Metropolitan Council. "Business" means a property or business for which the aggregate SAC Determination results in a liability of twenty-five SAC units or less, before application of any Credits available on the Site. "Business" does not include any type of "Residential Property" or "Publicly Assisted Housing" as those terms are defined in the Metropolitan Council's SAC Procedure Manual; nor does it include motels, hotels, camps, nursing homes, senior housing or prisons. "Business" includes "Commercial Properties," as that term is defined in the SAC Procedure Manual, but only when the aggregate SAC Determination for a Commercial Property is twenty-five SAC units or less, before any applicable credits.

Deferral Structure

The structure of the deferral includes, but is not limited to the following requirements:

1. The property owner and/or business owner must complete an application and execute the Deferred Payment Agreement to be eligible for the program.
2. The SAC determination for the business must be 25 units or less prior to SAC credits.
3. The deferral must be for 2 or more SAC/REC units.
4. A maximum of 25 of each SAC, Sewer REC and Water REC units may be deferred.
5. The deferral term is 10 years.
6. A down payment, equal to 20 percent of the total fee for SAC and REC after credits are applied, is due at the time of application.
7. Annually by resolution, the council will determine the interest rate to be applied to deferred payments..
8. The deferred amount will be payable in monthly installments over the term of the deferral, together with accrued interest at the rate determined by the city council. The city will bill the property owner and/or businesses on a monthly basis.
9. In the case of a business closure, the business or property owner must notify the city's Community Development Specialist. The city will verify the closure, and future SAC and REC payment obligations will be waived as long as the city is notified immediately. Any SAC and REC fees accrued before notifying the city will be assessed against the property.
10. In the event of a default, any outstanding REC payments will be assessed to the property. The property owner must waive the right to contest the assessment in the Deferred Payment Agreement.
11. SAC/ REC credits are non-transferable and are tied to the property to which they were applied.

Ineligible Conditions

- The fee owner's property taxes are delinquent.

- The business is not in good standing with the State of Minnesota, or is in violation of Minnetonka City Code.
- The business does not meet the definition of an eligible commercial property in the Metropolitan Council's SAC Deferral Program and the city of Minnetonka REC Deferral Program

Administration

The city manager is responsible for administering the Regional Program on behalf of the Metropolitan Council in accordance with the Master SAC Deferral Agreement between the city and the Metropolitan Council. The city manager is responsible for administering the Local Program on behalf of the city.

Adopted by Resolution No. 2017-050
Council Meeting of May 22, 2017

Amended by Resolution No. 2017-056
Council Meeting of June 12, 2017

Policy Number 12.11
Lake and Pond Management

Purpose of Policy: This policy establishes guidelines and criteria for lake and pond management for aquatic vegetation and water quality to which the city council will consider petitions for improvements.

Introduction

This policy is applicable to property owners, by formation of a lake association, seeking improvements to lakes or ponds where a future, attainable improvement can be systematically and technically shown obtainable through prior review.

Improvement Requests

Lake associations in the city of Minnetonka may request improvements to lakes and ponds, in writing, for city council consideration prior to February 1 for the 5-year Capital Improvements Program (CIP). Prioritization of projects will be weighed against other city projects and petitions received, and planned as budget and schedule allow. In the event multiple petitions are received in a year, projects will be prioritized based upon the quantifiable water quality benefit and as determined by the city engineer. Petitions received after February 1 may be brought before the city council for consideration if, in the opinion of the city engineer, it is feasible to include such projects in the construction schedule for the following year. Petitions must be signed by the lake association president or authorized representative. All petitioners must waive any rights to a public hearing and any appeal of the special assessments associated with the petition as adopted by the city council. Petitions will be reviewed annually as received for the next review cycle.

Lake Association

For purposes of this policy, a lake association is defined as an organization of residents owning property on or in the vicinity of a lake or pond shoreline which has:

- Established official non-profit status
- Adopted bylaws and a mission statement
- Membership of at least 60% of the residents owning shoreline property
- Appointed officers
- Elected a board of directors to act in an official capacity
- Published articles of incorporation

Lake associations are communal organizations of private property owners surrounding a priority waterbody which uphold a unified interest and remain active in improving the function and value of water resources, or aesthetics. Associations meeting the above criteria are eligible to petition the city for improvements.

Consideration of Petitions

Prior to a petition being brought before city council, the petitioner must:

- Meet with city staff to discuss available city technical resources and data to determine if additional feasibility report is necessary.

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- Set realistic expectations and determine if desired improvements are achievable based on technical resources and/or feasibility report.
- Establish a lake association.
- Develop a lake management plan in conjunction with city staff. Plan should include but not be limited to efforts for education, enforcement, communication, signage, improvement projects and planned funding related to grants, assessments and city funding.

A feasibility review may be necessary to determine if the proposed improvements will obtain the desired outcome of the petitioner, and provide realistic expectations for all parties involved. The feasibility report must be coordinated by engineering staff at the direction of the city engineer, or by a licensed professional obtained by the petitioners as approved by the city engineer. In order for a petitioner to request city council reimbursement of a feasibility report, a lake association must be established prior to the request. An escrow or cash deposit may be required based on the city engineer's estimate for this work.

The city of Minnetonka will consider improvements for lake associations adhering to the above criteria only in those circumstances in which the proposed project addresses one or more of the following scientifically proven goals:

- To promote water quality improvements and revitalization of natural conditions through the installation or implementation of best management practices with a demonstrated benefit.
- To address sources of pollution or contamination for the betterment of the natural environment.
- To maintain or restore ecological stability.
- To prevent harm to the intended use of the lake.
- To establish association wide initiatives aimed at reducing the impact land-use has on water quality.

Projects with primary goals involving aesthetic only benefit will not undergo consideration for city participation funding, however, may be considered for assessment funding.

Funding, Grants, Assessments, and Assistance

The city will assist all interested parties in identifying available federal, state, and watershed grant opportunities and programs available for their particular project during technical resource sharing and support. Additional technical assistance is also available as outlined further in the city's Water Resource Management Plan. Any and all assistance is subject to the adherence of city code and policy for all parcels around a particular waterbody. No funding or assistance will be provided should illegal dumping or other nuisance violations persist in a given area.

If a petitioner demonstrates all other public funding sources have been explored and are not feasible, or do not cover the entirety of the costs associated with a particular project, the city council may consider improvements to be 100% financed through special assessments to the lake association members, or all properties receiving a public benefit as determined by the city council. Further evaluation will occur as necessary to determine the applicability of the assessment to specific properties. The city will coordinate with the petitioner(s) to

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develop a workable assessment applied to participants within a given project. The maximum financing term will be for 20 years and at an interest rate determined by the city's finance director, unless an alternate term or rate is otherwise approved by the council. The petitioner(s) must enter into an agreement with the city, including a specific statement of need and reasonableness, and additional documentation outlining the expectations and responsibilities that must be adopted, signed, and recorded by each party.

City Participation

Upon demonstration that non-city grant opportunities have been explored, the city council may consider city participation grant funding awards in amounts not to exceed 50% of the project cost or as designated by the 5-year CIP funding per association, for those projects that fulfill a proven, scientific water quality management benefit of a particular priority waterbody. This city funding shall only be considered by city council for those lake associations that have independently pursued and implemented two lake management plan action items deemed to be beneficial by the city engineer. Examples of such action items may include, but are not limited to, education-based initiatives, outreach programs, structural best management practices, and organized clean-up efforts. The improvements completed by the lake association must be in line with the goals identified in the city's Water Resource Management Plan and other applicable state standards. An education and outreach program designed to engage neighbors and citizens must be incorporated as part of an application for funding through the city. Details of an effective outreach program are further defined in the city's Water Resource Management Plan. All projects funded by the city council must be coordinated through the city engineer.

Adopted by Resolution No. 2017-086
Council Meeting of August 14, 2017

Adopted by Resolution No. 2018-145
Council Meeting of Nov. 5, 2018

**Chapter 13:
General Provisions and Penalties**

Policy Number 13.1
Fair Housing

Purpose of Policy: This policy strives to advance its commitment to inclusion and equity of fair housing and to further the goal of creating a vibrant, safe, and healthy community where all residents will thrive.

Introduction

Title VIII of the Civil Rights Act of 1968, with the Fair Housing Amendments Act of 1988, is called the Fair Housing Act. The Fair Housing Act prohibits discrimination based on protected class and deals with the sale, rental, or financing of housing, as well as any advertisements or statements with respect to housing. The City of Minnetonka, as a recipient of federal community development funds under Title I of the Housing and Community Development Act of 1974 is obligated to certify that it will affirmatively further fair housing. This policy applies to all forms of housing as defined within the federal Fair Housing Act and Minnesota Human Rights Act.

Policy Statement

It is the policy and commitment of the City of Minnetonka to ensure that fair and equal housing opportunities are available to all persons in all housing opportunities and development activities funded by the city regardless of race, color, religion, sex, sexual orientation, marital status, status with regard to public assistance, creed, familial status, national origin, or disability. This is done through external policies to provide meaningful access to all constituents as well as fair housing information and referral services; and through internal practices and procedures that promote fair housing and support the city's equity and inclusion goals.

External Practices

Intake and Referral. The city council designates the community development director as the responsible authority for the intake and referral of all fair housing complaints. At a minimum, the community development director will be trained, or will designate community development staff to be trained, in state and federal fair housing laws, the complaint process for filing discrimination complaints, and the state and federal agencies that handle complaints. The date, time, and nature of the fair housing complaint and the referrals and information given will be fully documented. The community development director will advise the city council on city programs and policies affecting fair housing and raise issues and concerns where appropriate.

Meaningful Access.

- **Online Information:** The city will display information about fair housing prominently on its website. The website will include links to various fair housing resources, including the Department of Housing and Urban Development, Minnesota Department of Human Rights, Mid-Minnesota Legal Aid, and others as well as links to state and federal fair housing complaint forms. In addition, the city will link the State of Minnesota's Olmstead Plan and provide the City of Minnetonka's Reasonable Accommodation ordinance on its website.

- In-Person Information: Upon request, the city will provide in-person fair housing information including:
 - A list of fair housing enforcement agencies;
 - Frequently asked questions regarding fair housing law; and
 - Fair housing complaint forms for enforcement agencies.

Languages.

The city is committed to providing information in the native languages of its residents. Upon request, the city will make reasonable efforts to provide translation services.

Internal Practices

The city commits to the following steps to promote awareness and competency regarding fair housing issues in all of its government functions:

- Staff and Officials Training: The city will continue to train its staff and officials on fair housing considerations as training opportunities become available.
- Housing Analysis: The city will review its housing periodically to examine the affordability of both rental and owner-occupied housing to inform future city actions.
- Code Analysis: The city will review its municipal code periodically, with specific focus on ordinances related to zoning, building, and occupancy standards, to identify any potential for disparate impact or treatment.
- Project Planning and Analysis: City planning functions and development review will consider housing issues, including whether potential projects may perpetuate segregation or lead to displacement of protected classes.
- Affirmatively Furthering Fair Housing: As a member of the Urban Hennepin County CDBG Consortium the city agrees, through the consortium, to participate in the Regional Analysis of Impediments. Through the consortium, the city will continue to support and participate in the Fair Housing Implementation Council (FHIC), an ad hoc coalition of jurisdictions and others working together to affirmatively further fair housing. The city will review the recommendations from the analysis for potential integration into city planning documents, including the comprehensive plan and other related documents.

Adopted by Resolution No. 2018-149
Council Meeting of Nov. 26, 2018

Policy Number 13.2
Affordable Housing Policy

Purpose of Policy: This policy establishes general procedures and requirements to govern the City's commitment to affordable housing.

Introduction

The City of Minnetonka has a long history of promoting diversity in the type and size of housing units in Minnetonka, including the production of new affordable rental and ownership opportunities.

This Policy recognizes the city's commitment to provide affordable housing to households of a broad range of income levels in order to appeal to a diverse population and provide housing opportunities to those who live or work in the city. The goal of this policy is to ensure the continued commitment to a range of housing choices by requiring the inclusion of affordable housing for low and moderate-income households in new multifamily or for-sale developments.

The requirements in this policy further the Minnetonka Housing Action Plan and city's Housing Goals and Strategies identified in the 2040 Comprehensive Plan.

Applicability and Minimum Project Size

This policy applies to all new multifamily rental developments with 10 or more dwelling units and all new for-sale common interest or attached community developments, (condominiums, townhomes, co-ops) with at least 10 dwelling units. This includes existing properties or mixed-use developments that add 10 or more units.

Calculation of Units

The number of Affordable Dwelling Units (ADUs) required shall be based on the total number of dwelling units approved by the city. If the final calculation includes a fraction, the fraction of a unit shall be rounded up to the nearest whole number.

If an occupied property with existing dwelling units is expanded by 10 or more units, the number of required ADUs shall be based on the total number of units following completion of expansion.

Affordable Dwelling Unit (ADU)

General Requirements.

For projects not requesting a zoning change and/or comprehensive plan amendment and not receiving city assistance.

- In multi-family rental developments, at least 5% of the units shall be affordable to and occupied by households with an income at or below 50% of

the AMI.

- In attached for-sale common interest or attached community developments (condominiums, townhomes, co-ops), at least 10% of the units shall be affordable to and occupied by households with an income at or below 80% AMI.

For projects requesting a zoning change or comprehensive plan amendment without city assistance.

- In multi-family rental developments, at least 10% of the units shall be affordable to and occupied by households with incomes at or below 60% AMI, with a minimum of 5% at 50% AMI.
- In attached for-sale common interest or attached community developments (condominiums townhomes, co-ops), at least 10% of the units shall be affordable to and occupied by households with an income at or below 80% AMI.

For projects receiving city assistance.

- For multi-family rental developments, at least 20% of the units shall be affordable to and occupied by households with an income at or below 50% of the AMI; or at least 40% of the units shall be affordable to and occupied by households with an income at or below 60% AMI.
- In attached for-sale common interest or attached community developments (condominiums, townhomes, co-ops), at least 10% of the units shall be affordable to and occupied by households with an income at or below 80% AMI.

Calculation of AMI

For purposes of this policy, Area Median Income means the Area Median Income for the Twin Cities metropolitan area calculated annually by the Minnesota Housing Finance Agency for establishing rent limits for the Housing Tax Credit Program (multi-family ADU) and the Department of Housing and Urban Development (attached for-sale common interest or attached community developments, including: condominiums, townhomes, co-ops).

Rent Level Calculation (Multi- Family Rental Developments)

The monthly rental price for an ADU receiving city assistance shall include rent and utility costs and shall be based on fifty percent (50%) or sixty percent (60%) for the metropolitan area that includes Minnetonka adjusted for bedroom size and calculated annually by Minnesota Housing Financing Agency for establishing rent limits for the Housing Tax Credit Program. This does not apply to units not receiving city assistance.

For Sale Projects

The qualifying sale price for an owner-occupied dwelling unit shall include property taxes, homeowner's insurance, principal payment and interest, private mortgage insurance, monthly ground lease, association dues, and shall be based upon eighty (80%) AMI for the metropolitan area that includes Minnetonka adjusted for bedroom size and calculated annually by the Department of Housing and Urban Development.

Period of Affordability

In developments subject to this policy, the period of affordability for the ADUs shall be thirty (30) years.

Location, Standards, and Integration of ADUs

Distribution of affordable housing units. Unless otherwise specifically authorized by this policy, the ADUs shall be integrated within the development and distributed throughout the building(s). The ADUs shall be incorporated into the overall project unless expressly allowed to be located in a separate building or a different location approved by the city council.

Number of bedrooms in the affordable units. The ADUs shall have a number of bedrooms proportional to the market rate units. The mix of unit types shall be approved by the city.

Size and Design of ADUs. The size and design of ADUs shall be consistent and comparable with the market rate units in the rest of the project.

Exterior/Interior Appearance of ADUs. The exterior/interior materials and design of the ADUs in any development subject to these regulations shall be indistinguishable in style and quality with the market rate units in the development.

Non-Discrimination Based on Rent Subsidies

Developments covered by this policy must not discriminate against tenants who would pay their rent with federal, state or local public assistance, including tenant based federal, state or local subsidies, but not limited to rental assistance, rent supplements, and Housing Choice Vouchers.

Alternatives to On-Site Development of an ADU

The city recognizes that it may not be economically feasible or practical in all circumstances to provide ADUs in all development projects due to site constraints resulting in extraordinary costs of development. The city reserves the right to waive this policy if the developer requests a waiver and can provide evidence of extraordinary costs prohibiting the inclusion of ADUs. The city will review on a case-by-case basis to determine if the waiver is justifiable and granted.

Recorded Agreements, Conditions and Restrictions

A declaration of restrictive covenants shall be executed between the city, EDA and developer, in a form approved by the city's EDA attorney, which formally sets forth development approval and requirements to achieve affordable housing in accordance with this policy. The declaration shall identify:

- The location, number, type, and size of affordable units to be constructed;
- Sales and/or rental terms; occupancy requirements;
- A timetable for completion of the units; and
- Annual Tenant income and rent reporting requirements; and
- Restrictions to be placed on the units to ensure their affordability and any terms contained in the approval resolution by the city/EDA.

The applicant or owner shall execute all documents deemed necessary by the city manager, including, without limitation, restrictive covenants and other related instruments, to ensure affordability of the affordable housing unit within this policy.

The documents described above shall be recorded in the Hennepin County as appropriate.

Definitions

Affordable Dwelling Unit: A unit within a residential project subject to this policy that shall meet the income eligibility and rent affordability standards outlined in this policy.

Financial Assistance: Funds derived from the city or EDA, including but is not limited to fund from the following sources:

- City of Minnetonka
- Housing Redevelopment Authority (HRA) Funds
- Economic Development Authority (EDA) Funds
- Community Development Block Grant (CDBG)
- Reinvestment Assistant Program
- Revenue Bonds and/or Conduit Bonds
- Tax increment financing (TIF), TIF pooling, or tax abatement
- Land write downs
- Other government housing development sources

Adopted by Resolution 2019-060
Council Meeting of July 8, 2019