



**Agenda
Minnetonka City Council
Regular Meeting
Monday, Dec. 19, 2022
6:30 p.m.
Council Chambers**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Wilburn-Calvert-Schaeppi-Coakley-Kirk-Schack-Wiersum
4. Approval of Agenda
5. Approval of Minutes:
 - A. Nov. 28, 2022 regular meeting minutes
 - B. Nov. 7, 2022 study session minutes
 - C. Nov. 21, 2022 study session minutes
 - D. Dec. 5, 2022 regular meeting minutes
6. Special Matters:
 - A. Retirement recognition for City Assessor Colin Schmidt
Recommendation: Recognize Colin Schmidt upon his retirement
 - B. Black History Month proclamation
Recommendation: Read the proclamation
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases: None.
10. Consent Agenda - Items Requiring a Majority Vote:
 - A. Delegating authority for electronic fund transfers
Recommendation: Adopt the resolution (4 votes)

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- B. Twelve-month extension of site and building plan approval for Bauer’s Minnoco / Custom Hitches and Auto Repair at 13118 Excelsior Boulevard

Recommendation: Approve a twelve-month extension of the 2021 site and building plan (4 votes)
 - C. Resolution establishing polling places for the 2023 municipal election

Recommendation: Adopt the resolution (4 votes)
 - D. Resolution for the Hopkins Crossroad Trail Project active transportation grant application

Recommendation: Adopt the resolution (4 votes)
 - E. Cedar Hills Townhomes housing allocation

Recommendation: Adopt the resolution (4 votes)
11. Consent Agenda - Items Requiring Five Votes:
- A. Resolution accepting gifts, donations and sponsorships given to the city during 2022

Recommendation: Adopt the resolution (5 votes)
12. Introduction of Ordinances: None.
13. Public Hearings:
- A. On-sale intoxicating and Sunday on-sale intoxicating liquor licenses for Novel Spirits, LLC, dba The Social Kitchen & Libations, located at 12411 Wayzata Boulevard

Recommendation: Motion to continue the public hearing to Jan. 30, 2023, for final consideration
14. Other Business:
- A. Concept plan for Saville Flats, generally located in the southeast corner of the Excelsior Boulevard/County Road 101 intersection

Recommendation: Provide feedback to the applicant, no formal action is required
15. Appointments and Reappointments: None.
16. Adjournment

**Minutes
Minnetonka City Council
Monday, November 28, 2022**

1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:31 p.m.

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Council Members, Brian Kirk, Rebecca Schack, Kimberly Wilburn, Deb Calvert, Bradley Schaeppi, Kissy Coakley and Brad Wiersum were present.

4. Approval of Agenda

Kirk moved, Calvert seconded a motion to accept the agenda, as amended moving Item 14.C after Item 15.A. All voted "yes." Motion carried.

5. Approval of Minutes:

A. October 24, 2022 regular meeting minutes

Calvert moved, Kirk seconded a motion to approve the minutes. All voted "yes." Motion carried.

B. November 14, 2022 regular meeting minutes

Calvert moved, Kirk seconded a motion to approve the minutes. All voted "yes." Motion carried.

6. Special Matters:

A. Recognition of 2022 Minnetonka Police Academy graduates

Police Chief Boerboom gave the staff report and thanked all of the members of the public that participated in the 2022 Minnetonka Police Academy.

Wiersum commented on how important citizen engagement was to the community. He explained being a police officer has become increasingly difficult in recent years and he stated he was really proud of the great work being done

by the Minnetonka Police Department. A round of applause was offered from all in attendance.

B. 2022 Sustainability commission progress report and 2023 work plan

City Planner Loren Gordon gave the staff report.

Calvert stated she was pleased to see this group was looking to plan events for Earth Day. She questioned how frequently the sustainability commission was meeting. Gordon explained this group would be meeting more in 2023 versus 2022 where the group met every other month.

Calvert encouraged the sustainability commission members to assist with grant writing given their many areas of expertise. She stated she was super excited about the work this group would do on the city's energy action and climate action plans.

Coakley questioned who was attending the different events that were being sponsored around town. She asked if staff was looking into the demographics of who was attending and who was not attending. Gordon stated this was a very important part of the groups outreach. He explained staff was looking to better organize the city's website and was always open to hear how to reach new groups in the community.

Wilburn reported she attended a solar webinar through the city which was very well done. However, she still found the process somewhat confusing. She explained she would like to see the process of accessing sustainability programs and possible funding assistance simplified for residents.

Kirk questioned how much crossover there was between the sustainability commission and the park and trail board, such as neighborhood buckthorn removal. He stated he appreciated the educational pieces within the *Minnetonka Memo* and how these pieces marketed the city. He indicated it would be nice to better understand how these articles impact the community and who was being reached. He thanked staff for all of their efforts to address energy conservation and sustainability.

Schack recognized the sustainability commissioners and thanked them for their efforts on behalf of the community.

Schaeppi thanked the sustainability commissioners and staff members for their great work. He suggested the council hold a joint meeting with the sustainability commission in the future.

Wiersum thanked the sustainability commission for all of their hard work. He commented on how there were small measures each resident could take to be mindful of their energy use and to use less water. He supported the city providing residents with reminders on how to be sustainable and eco-friendly.

Schack moved, Calvert seconded a motion to accept the Sustainability Commission progress report and 2023 work plan. All voted "yes." Motion carried.

7. Reports from City Manager & Council Members

City Manager Mike Funk reported on upcoming city events and council meetings.

Schack stated there has been a tremendous amount of antisemitism in the media and pop culture and she encouraged the public to understand the fear and stress this places on the Jewish community. She explained she abhorred any antisemitism and encouraged the community to rally around all folks, particularly those of the Jewish faith.

Calvert thanked Councilmember Schack for her comments.

Calvert reported she attended the National League of Cities Summit in Kansas City, Missouri prior to the Thanksgiving holiday. She stated this conference had a session that focused on how to deal with misinformation and disinformation, as well as how to cope with instability in society. She noted the National League of Cities was also looking at how to tackle bias and hate and how this affects public officials. She implored people to be kind during the upcoming holiday season.

Calvert encouraged residents to check their smoke detectors to ensure their house is protected against a home fire.

Calvert encouraged residents to consider making a donation to the local food shelf because there were people in this community that were in need.

Wilburn stated she was able to attend DEI Coordinator Keith Clark's funeral in Florida, along with Assistant City Manager Moranda Dammann. She indicated his death was a great loss for his family and the Minnetonka community.

Schaeppi encouraged residents to volunteer or commit random acts of kindness throughout the holiday season. He discussed how valuable the ICA food shelf was to members in the community.

Wiersum noted he attended the NLC conference in Kansas City. He discussed how the NLC worked to help cities to be better and more effective. He commented on the sessions he attended and stated he was proud of the great work the sustainability commission was doing on behalf of the community.

Wiersum thanked Councilmember Wilburn and Assistant City Manager Dammann for attending DEI Coordinator Keith Clark's funeral.

Wiersum commented on the negativity that erupts during the election season. He encouraged residents to be civil and kind to one another in the coming weeks and months. He encouraged residents to be generous, kind and helpful to one another throughout the holiday season and to make this a priority in the new year.

Schack stated it was her understanding Councilmember Wilburn paid to attend Mr. Clark's funeral with personal funds. She asked if the council could make a motion to have these expenses reimbursed by the city. Funk reported staff has been in contact with Councilmember Wilburn and would be bringing an item before the council for consideration at a future meeting.

8. Citizens Wishing to Discuss Matters not on the Agenda:

Larry Quinn, 16603 Norwood Drive, stated a lot of the city's park property were only marginally maintained. He commented on how some of the ponds were turning a dark green, which was occurring because of runoff. He suggested better plantings be considered for these park areas.

Wiersum encouraged Mr. Quinn to speak with staff regarding these concerns.

Rod Kern, 20236 Cottage Wood Avenue in Deephaven, noted he was a member of a committee that was tasked to try and save **Ruth Stricker's Marsh**. He reported none of the members have shared the vision for the Marsh with the city council. He stated he would like to spend some time with the council or staff to further discussion the vision for this area.

9. Bids and Purchases: None.

10. Consent Agenda – Items Requiring a Majority Vote:

A. Conditional use permit for an educational use within an existing religious institution at 4600 Shady Oak Road

Wilburn moved, Calvert seconded a motion to adopt Resolution 2022-107. All voted "yes." Motion carried.

11. Consent Agenda – Items requiring Five Votes: None.

12. Introduction of Ordinances:

A. Housekeeping ordinance amending various sections of Chapter 3, Zoning Regulations, of the Minnetonka City Code

City Planner Loren Gordon gave the staff report.

Kirk commented on the language regarding small cell towers. He asked if this language should include high density residential. Gordon reported the proposed language was for clarifying purposes only.

Wiersum questioned if small cell facilities were permitted within the right-of-way in front of a single household residence or would this require a conditional use permit. Gordon stated he would investigate this further and would report back to the council.

Kirk moved, Calvert seconded a motion to introduce the ordinance and refer it to the planning commission. All voted "yes." Motion carried.

13. Public Hearings: None.

14. Other Business:

A. Concept plan for Walser Kia at 15700 Wayzata Boulevard

City Planner Loren Gordon gave the staff report.

Dave Phillips, Philips Architects, explained he was a representative for the applicant who was Walser Automotive Group. He noted Walser has been working for the past two years to coordinate the leases on this site, including the billboard. He indicated the site currently had a one-story strip mall that was built over 50 years ago. He stated the proposed redevelopment of the site would meet all stormwater requirements and would greatly increase the value of the property. He anticipated the project could be completed without the loss of any high value trees. The building setbacks were discussed, along with the proposed buffering to the north. He explained that this would be a new business to the community that would bring 50 high paying jobs to Minnetonka. He stated he believed this was a good location for the Kia dealership, as it would be next to the BMW dealership. He thanked the council for considering his request and asked for comments or questions.

Wiersum opened the meeting for public comment.

Jim Murdock, 121 Ranchview Lane S, stated he lived directly north of this property. He indicated he went through this process with the BMW dealership. He explained he was worried about the light pollution that would be created by the proposed car dealership and how this development would impact the wildlife

population. He discussed how Parkers Lake Road has become a drag strip for individuals testing their new cars and requested the city look into the speed of traffic along this roadway. He requested the berm along the north property line be as high as possible in order to screen the dealership from the adjacent residential neighbors.

Larry Quinn, 16603 Norwood Drive, asked where the water would go from this site.

Wiersum closed the meeting for public comment.

Calvert discussed how many of the trees would be lost near the wetland. She explained she was curious as to why a bridge was being installed from the building to the parking lot. Gordon stated he did not have enough data to address this and noted a variance may be required.

Calvert stated this was an interesting concept, but she would like more information regarding how the bridge would be constructed and how it would impact the wetland. She noted she had questions regarding the hydrology on the site. She commented she was concerned about how the snow melt and salt would impact the adjacent wetlands. She reported the building design as well done and encouraged the developer to work with the neighbors to address the neighbors concerns regarding the berming and light pollution.

Mr. Phillips clarified that the red dots on the site plan were the trees that would be saved.

Schaeppi reported he lived north of the proposed site. He thanked the applicant for having a Zoom open house several weeks ago for the neighbors. He believed the applicant was on the right track. He stated he welcomed the investment in Minnetonka from the developer and encouraged the developer to focus on the berm plantings and buffering so the residents to the north are not adversely impacted by headlights. He requested the applicant provide the council with further information on how the berming and tree buffering would work given the elevation change to the north.

Schack stated this concept was an improvement over the current strip mall. She noted the developer was proposing an attractive building, but she was concerned with the fact that every square foot of useable space would be blacktopped. She understood a portion of the area was a swamp and was not buildable. She was of the opinion the proposed plans were a good start, but she was pushing the limits with what she was comfortable with.

Kirk agreed the strip mall was out of date and out of place. He stated he agreed with the proposed land use, but indicated he was struggling with how much

buildable area was being occupied by the development. He commented he was confused by the number of trees that would be lost. He anticipated this project would need a number of variances for the parking lot bridge and the drive aisle width. Due to the number of variances that would be requested, he stated he would be requesting a fair amount of buffer on the north side of the property. He stated he liked the land use noting there was a car dealership to the west, but noted he would not sacrifice the land use for the environment on this property.

Coakley commented she was sad about losing this bait store but she understood the car dealership would fit well into this area. She encouraged the developer to take into consideration the comments of the council when coming up with plans for this site.

Wiersum discussed how challenging car dealerships were for cities. He agreed some setback variances would be required for this site and noted the developer would have to consider innovative tradeoffs when bringing this request forward in order to lessen the impact of this project on the environment. He anticipated the neighbors would remain concerned about the number of test drives that would occur in the neighborhood.

Mr. Phillips explained he would bring a sophisticated plan back to the council for their consideration.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

B. Concept plan for Minnetonka Partners, LLC at 15407 and 15409 Wayzata Boulevard

City Planner Loren Gordon gave the staff report.

Josh Brandsted, President and Owner of Greco, thanked the council for their time and consideration. He introduced himself and his company to the council and commented on the number of projects he has completed in the metro area. He explained he has received a lot of feedback from residents, neighbors and the planning commission over the past few weeks. He then commented on the assisted living and full continuum of care development proposed for the site. He reviewed photos of other developments and described what the interior of the building would look like for future tenants.

Wiersum opened the meeting for public comment.

Robert Britain, 1527 Clarendon Drive, explained his family was the previous - part-owner of this property and he was the administrator of the nursing home

years ago. He noted he still worked in the industry as he was a licensed nursing home administrator. He indicated he spoke on behalf of himself and his neighborhood on Clarendon Drive. He indicated his neighborhood supports the current master plan for the property and does not support a rezoning or change of use for the property. He believed there was a need for the project with assisted living, memory care and skilled nursing. He reported there was not a need for the independent living portion of the project. He stated the developer was not an experienced senior living developer which meant they would have to bring in another operator to manage this property. He indicated traffic was a concern for him, along with parking. He reiterated that he supported the project moving forward without the independent living apartments. He believed this property, if done correctly, could be redeveloped and profitable.

Greg Greffin, 1539 Clare Lane, explained his neighborhood was full of great families. He introduced his wife and neighbors to the council. He understood Hill Crest would not sit vacant forever. However, he would like the council to consider how challenging this site was given the fact only six of the nineteen acres were buildable. He commented on the amount of pilings that would be needed to support the building and parking lot given the fact it would be constructed on top of a landfill. He requested the council not allow a large three story structure and associated parking lot in his neighborhood. He stated he could support the existing building be repurposed.

Wiersum closed the meeting for public comment.

Wilburn stated she believed the proposed building would be too close to the existing homes.

Schack explained there was a need for senior housing in the community, along with transitional housing to assisted living. She indicated she did not oppose the site having independent living, but she understood there were challenges. She suggested the large apartment building be reoriented. She stated she appreciated the reuse of the site and she liked the concept, noting the building was attractive.

Kirk explained he liked the idea of the reuse as well. However, he noted he was struggling with the mass and scale of the independent living building and how close it was to the adjacent residents. He anticipated the value of this site would continue to increase as time goes on. He indicated he would like to better understand how shadows from the proposed building would impact the neighbors. He anticipated the senior living facility has been in operation since the mid-1960's, which meant the neighbors were used to this use. He stated if this project were not pursued, the council and neighbors should consider what could come to the site.

Calvert commented at the moment, independent living units were needed for seniors, especially when partnered with memory care units. She encouraged the developer to reconsider the orientation of the buildings on the site, given their size and mass. She believed the buildings were too impactful to the neighbors at this time. She stated she appreciated the proposed reuse of the building and understood the senior facility fit in well with the quietness of this neighborhood. She indicated her concerns were mostly with the building mass, density of the independent living area and how it was oriented on the site. She stated if tradeoffs were to be considered the developer should find ways to make the site sustainable and less impactful on the neighbors.

Schaeppi questioned if the exit had to use both sides of the horseshoe to get to the frontage road. He encouraged the developer to consider this further in order to lessen the traffic impact for the neighbors. He indicated he does not like to discourage development based on emotions, but rather based upon feedback. He explained he was genuinely supportive of the concept and encouraged the developer to reconsider the height of the building adjacent to the residential homes. He reported typically these types of senior housing facilities were adjacent to one another or were housed within the same building. He stated as a community, we had to decide what the city was open to. He indicated he would welcome an application noting he would like to see continued revision of the project.

Wiersum commented there was as lot he liked about the development, but he also had some concerns. He stated the type of care that was offered here with steps, from independent to memory care, was a product that was hard to find and was greatly needed. He appreciated the fact that the developer was proposing to repurpose the existing building. He indicated the challenge with this property was the location of the existing building. He suggested the independent living units be adjacent to Wayzata Boulevard. He stated he was not sure if this was economically feasible, but should be considered. He recommended that if the independent living were placed next to the residential homes that the building be creatively reduced in size and that it be properly screened in order to lessen the impact on the neighbors.

15. Appointments and Reappointments:

A. Appointment of young adult to the sustainability commission

Wiersum moved, Schack seconded a motion to approve the appointment. All voted "yes." Motion carried.

14. Other Business: CONTINUED

Kirk read a written statement in full for the record and stated he would be recusing himself from discussing Item 14.C.

C. Closed Session. Section 13D.05, Subd. 3(c) of the Open Meeting Law, allows the city council to close a meeting to develop an offer to purchase the properties at 15000 and 15208 Minnetonka Boulevard

Wiersum reported the council would be meeting in closed session per Section 13D.05, Subd. 3(c) of the Open Meeting Law which allows the city council to close a meeting to develop an offer to purchase the properties at 15000 and 15208 Minnetonka Boulevard.

Calvert moved, Wilburn seconded a motion to convene in closed session. Schack, Wilburn, Calvert, Schaeppi, Coakley and Wiersum voted "yes." Kirk "abstained. Motion carried.

16. Adjournment

Schack moved, Calvert seconded a motion to adjourn the meeting at 10:38 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Becky Koosman
City Clerk

**Minutes
City of Minnetonka
City Council Study Session
Monday, November 7, 2022**

Council Present: Deb Calvert, Kissy Coakley, Brian Kirk, Rebecca Schack, Bradley Schaeppi, Kimberly Wilburn, Mayor Brad Wiersum.

Staff: Scott Boerboom, Moranda Dammann, Sarissa Falk, Mike Funk, Alisha Gray, Corrine Heine, Will Manchester, Phil Olson, Andrew Wittenborg

Guests: Tim Arvidson

1. Call to Order

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

2. Introductions/Roll Call

The city staff, councilmembers and guests in attendance introduced themselves.

3. Sustainability commission young adult interviews

City Manager Mike Funk introduced the item and noted two candidates will be interviewed virtually, with there being one young adult vacancy on the Sustainability Commission.

The interviews were then conducted with the two candidates – Rekiyat Agboola and Molly Birr.

Funk and Falk instructed councilmembers to submit their scoring sheets to the mayor, and indicated a recommendation for appointment would be presented at the Nov. 28 city council meeting.

4. Speed limit law changes

Funk introduced the topic.

City Engineer Phil Olson introduced Tim Arvidson of Stonebrooke Engineering, and noted Mr. Arvidson is available for questions regarding the Municipal Speed Limits Report. Olson then gave a presentation regarding the report, and staff's recommendations regarding speed limits in the city.

Police Chief Scott Boerboom then gave a presentation regarding enforcement of speed limits.

Councilmembers offered questions and comments. A majority of the council supported keeping the speed limit on city streets at 30 miles per hour.

Funk stated questions regarding speeding can be included in the next Community Survey. After that, the council can choose how to proceed on this topic.

5. Communications and marketing presentation

**Minutes
City of Minnetonka
City Council Study Session
Monday, November 7, 2022**

Funk introduced the topic.

Communications Director Andrew Wittenborg gave a presentation regarding the city's Communications division and recent communications efforts.

Councilmembers offered questions and comments.

6. Nov. 21 Study Session – topics and date

Funk gave an overview of the topics schedule for the November 21 study session.

7. Adjournment

Wiersum adjourned the meeting at 9:25 p.m.

Respectfully submitted,

Kyle Salage
Elections Specialist

**Minutes
City of Minnetonka
City Council Study Session
Monday, November 21, 2022**

Council Present: Deb Calvert, Kissy Coakley, Brian Kirk, Rebecca Schack, Bradley Schaeppi, Kimberly Wilburn, Mayor Brad Wiersum.

Staff: Scott Boerboom, Moranda Dammann, Darin Ellingson, Mike Funk, Zach Hecksel, Corrine Heine, Mike Kuno, Joel Merry, Darin Nelson, Will Manchester, Kelly O’Dea, John Vance, Julie Wischnack, Sara Woeste, Leslie Yetka

1. Call to Order

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

2. Introductions/Roll Call

The city staff, councilmembers and guests in attendance introduced themselves.

3. 2023 budget related items:

- a. 2023 proposed budget**
- b. Review 2023 utility rates**
- c. Annual cellular antenna lease schedule**

City Manager Mike Funk introduced the agenda item.

Funk and Finance Director Darin Nelson then gave a presentation on the 2023 proposed budget and levy. Funk noted that since the preliminary levy was approved by council, the proposed levy has been decreased by .11%.

Councilmembers offered questions and comments.

Nelson gave a presentation on the 2023 utility rates.

Councilmembers offered questions and comments. Additionally, a majority of the council expressed support for increasing the quarterly recycling rate from \$20.90 to \$21.15 in order to fund a pilot program for buckthorn removal.

Funk gave a presentation on the annual cellular antenna lease schedule.

Councilmembers offered questions and comments.

4. December Study Session – topics and date

Funk gave an overview of the topics schedule for December 12 study session.

5. Adjournment

Wiersum adjourned the meeting at 9:08 p.m.

**Minutes
City of Minnetonka
City Council Study Session
Monday, November 21, 2022**

Respectfully submitted,

Kyle Salage

Elections Specialist

**Minutes
Minnetonka City Council
Monday, December 5, 2022**

1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:31 p.m.

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Council Members, Rebecca Schack, Kimberly Wilburn, Deb Calvert, Bradley Schaeppi, Brian Kirk and Brad Wiersum were present.

Council Member Kissy Coakley (excused) was absent.

4. Approval of Agenda

Calvert moved, Kirk seconded a motion to accept the agenda with addenda to Items 11.A and 14.A. All voted "yes." Motion carried.

5. Approval of Minutes:

A. November 29, 2022 regular meeting minutes

Calvert moved, Kirk seconded a motion to approve the minutes. All voted "yes." Motion carried.

6. Special Matters: None.

7. Reports from City Manager & Council Members

City Manager Mike Funk reported on upcoming city events and council meetings.

Calvert extended her best wishes and good thoughts to the Minnetonka firefighter who was injured on the job.

8. Citizens Wishing to Discuss Matters not on the Agenda

Cathy Fisher, 3004 Tonka Drive, questioned where she could get a copy of the agenda. Wiersum reported printed copies of the agenda were available at the back of the council chambers.

9. Bids and Purchases: None.

10. Consent Agenda – Items Requiring a Majority Vote:

Wilburn requested Item 10.D be pulled from the Consent Agenda for further discussion.

A. General services agreements with consulting engineering firms for the period of 2023-2025

Schack moved, Calvert seconded a motion to authorize the mayor and city manager to enter into the agreements. All voted “yes.” Motion carried.

B. Resolution for the water treatment plant #15 chemical room improvements project

Schack moved, Calvert seconded a motion to adopt Resolution 2022-108. All voted “yes.” Motion carried.

C. Resolution to adjust 2023 non-union employee salaries and benefits

Schack moved, Calvert seconded a motion to adopt Resolution 2022-109. All voted “yes.” Motion carried.

D. Council reimbursement for travel expenses

Wilburn stated she would be abstaining from voting on this item.

Schack moved, Calvert seconded a motion to approve councilmember’s travel and expenses. Schack, Calvert, Schaeppi, Kirk and Wiersum voted “yes.” Wilburn “abstained”. Motion carried.

11. Consent Agenda – Items requiring Five Votes:

A. Applications for renewed liquor licenses for 2023

Kirk moved, Calvert seconded a motion to approve the license renewals. All voted “yes.” Motion carried.

12. Introduction of Ordinances: None.

13. Public Hearings:

A. 2023 utility rates and related items

Finance Director Darin Nelson gave the staff report.

Wiersum opened the public hearing.

Dr. Dennis Yockers, 3648 Hazelmoor Place, expressed concern with the fact the council's agenda was not posted on the city's website. He encouraged the city to communicate more clearly with the public. He commented on the city's stormwater management fees noting in January of 2019 he appeared before the council commenting on the city's stormwater practices. He recommended the city reevaluate its fees in order to recognize the efforts of residents, businesses and churches that incorporate best management practices. He stated the council went on record supporting his concerns regarding stormwater management, but it was too late to do anything regarding stormwater management fees. He was told this would be addressed in 2019.

Mr. Yockers noted he sent an email to the staff and the council in August of 2019 regarding stormwater management and the fee structure. He explained he received a response from the mayor on September 6, 2019 and the mayor stated the stormwater fund was underfunded and the city has far more work than the revenue stream allows the city to complete. The mayor stated the continual task was to prioritize and make hard choices and making a merit based fee schedule would increase the complexity of managing the city's stormwater system and would yield an increase thereof. He indicated the mayor reported the city has seen very little demand for revamping the stormwater fee system and for these reasons and others the city was not interested in making a change to its current methodology for stormwater management.

Mr. Yockers reported he came before the council again on September 16, 2019 and provided ideas regarding stormwater management practices and its fee structure. He explained he shared his correspondence with the city and asked the city to take a more in depth look at its efforts regarding water resource management and best management practices involving its citizens. He stated three years have since past and the city was now proposing yet another increase to its stormwater utility fees. He understood the need for the increase, but encouraged the city to have an effective stormwater management program that incorporates best management practices for its citizens.

Mr. Yockers believed residents should be encouraged to incorporate water resources management strategies on their properties. He commented on the native plantings that were incorporated into recent street improvement projects and stated only a handful of residents participated. He questioned why residential land owners were deciding not to incorporate best management practices into native plantings. He explained property natural resources was the key component to overall stormwater management. He urged the city council to

again, reconsider a merit based system for stormwater utility fees in order to encourage residents to incorporate best management practices. He commented further on how Roseville and Minneapolis address stormwater utility fees by offering incentives. He suggested the City of Minnetonka do the same.

Robert Antonovich, 17420 Bay Lane, stated he has lived in his home since June of 1975 and reported his home was a 1950's rambler. He noted he purchased his home for \$31,100 and he raised his three children in this home. He discussed the historical values of his home noting it was now valued at \$420,000. He explained this was a 21% increase over the previous year, which meant his taxes would be \$5,278. He discussed how inflation and rising costs were impacting himself and families in the community. He believed that city spending and expenditures were out of control.

Ellen Cousins, 4531 Greenwood Drive, thanked Dr. Yockers for sharing his concerns regarding the city's stormwater utility program. She suggested the city not put additional programs into the utility rates, such as the buckthorn removal program, in 2023. She recommended this program be deferred in order to assist with rate increases for next year.

There being no further comments from the public, Wiersum closed the public hearing.

Calvert thanked Dr. Yockers for sharing his concerns. She explained the costs the city was working to recover for utilities was to cover fixed costs. She supported the city continuing to explore best management practices at a future worksession meeting. She commented on the proposed buckthorn removal program and noted the invasive water species program had already been deferred by the city. She discussed how the buckthorn program would benefit mostly homeowners and not renters. She commented on the amount of staff time this new program would take and stated she was struggling to support this new program. While she understood there was a need to remove buckthorn, she suggested community education be pursued, along with other natural resources priorities versus starting a new program.

Schaepfi thanked Dr. Yockers for sharing his information and perspective with the council. He appreciated how Dr. Yockers saw the residents of Minnetonka as assets and looked forward to continuing discussions on stormwater management going into 2023.

Kirk stated when the council reviewed the buckthorn removal program in the study session, he recalled the council was split on this issue. He estimated this program would cost \$1 per year per resident in Minnetonka. He understood the council was struggling with this new program because it would cost taxpayer dollars and time. He explained the council has heard repeatedly from residents

that buckthorn was a concern and for this reason, the majority of the council supported additional buckthorn removal at \$1 per household. He stated there was a lot that could be said about stormwater management and noted he struggled with requesting property owners taking on more than they can handle. He stated more often than not wildflower gardens that have been planted, returned to turf because they were not properly managed. He indicated he supported the city leaning into more education efforts and stated in the future it may make sense to have an incentive program. He reported he would be supporting the proposed buckthorn program being a part of the utility fees.

Schack moved, Kirk seconded a motion to hold the public hearing and adopt Resolution 2022-110, Resolution 2022-111, Resolution 2022-112, Resolution 2022-113 and Resolution 2022-114.

Wiersum stated he appreciated Dr. Yockers input and stated these comments were important. He noted the council was always looking for ways to do things better in the City of Minnetonka, while being responsible with taxpayer dollars. He discussed how the council had to be prudent when exercising judgement when making decisions that impact the overall community. He reported the stormwater utility fee was put in place in 2003 and it was controversial at the time.

All voted "yes." Motion carried.

14. Other Business:

A. Items related to the 2023 operating budget and levies

City Manager Mike Funk and Finance Director Darin Nelson gave the staff report.

Calvert commented on the proposed increases for the median value homeowner. She requested further information related to the retirement costs for police officers. Funk discussed the overlapping costs and expenses for retiring police officers.

Calvert asked for additional information on the general fund stabilization fund. Funk explained this portion of the budget had to do with CARES and ARPA funds being used for capital or technological improvements.

Schaepfi discussed the growth of the levy over the past seven years. He questioned what had fundamentally changed to lead to such large increases over the past three years. Funk reported the last three years there has been staffing additions, which has led to the majority of the increases. He commented further on how union contracts and inflation have driven the budget, along with the city's commitment to natural resources.

Schaeppi inquired how the community center fits into the budget. Funk explained the city has \$3.5 million in CIP for the community center remodel. He noted this expenditure was tied to an interfund loan and was not a property tax levy expenditure. He reported if the city were to hold off on this work, there would not be a tax implication. Further discussion ensued regarding the interfund loan.

Kirk asked how the city manages a surplus in the general fund. Nelson explained per council policy, any funds over 40% of the upcoming years expenditures would be shifted towards one time (CIP) projects.

Wiersum requested further information on why the city needs a 40% general fund reserve. Nelson explained the city received property tax payments two times per year from the county which meant the city had to have enough in reserves to cover its expenses for six months

Wiersum opened the meeting for public comment.

Chris Fields, resident of Minnetonka, explained he heard the word investment and stated he believed this had no place in government. He stated government spends money. He believed this levy increase was uncalled for. He encouraged the council to cut spending. He questioned what was different from 25 years ago in how the city provided services to its residents. He expressed concern with the fact the council was not hearing the words from the residents. He asked why the city needed a wellness director and a community center. He indicated these were not things the government had to do. He encouraged the council to consider staff decreases because the proposed increases were not simply inflationary. He reported he was a business owner and he understood how costs worked. He recommended the elected officials further consider how to set a budget in order to properly run the city like a business. He believed it was morally wrong for the city not to look at what it can do to reduce costs. He recommended the city stop overreaching and taking additional taxes from its residents.

Kari Lorence, 13555 Essex Place, stated she has attended this meeting on behalf of families in Minnetonka who were struggling financially because of inflation. She reported according to the Minnesota Department of Employment and Economic Development, because of inflation a person must earn \$747 more per month just to stay even with previous years. She noted this was eight hours of work extra work every week. She stated now was not the time to raise taxes on the residents in Minnetonka. She explained corporations often have to go through hiring freezes and she encouraged the City of Minnetonka to do the same. She suggested the Minnetonka City Council freeze hiring, cut the budget and reduce spending. She questioned why the council was proposing to build a \$9 million park at Ridgedale, especially considering Dick's already had an ice rink. She wanted to see the city begin to identify its out of control spending and

financial waste on behalf of its residents. She suggested the *Minnetonka Memo* be sent to residents as an email for cost saving purposes. She believed the 2023 budget was outrageous and should not be approved.

Sumner Jones, 4425 Tonka Wood Road, explained this past year he did not get a raise, even though inflation was over 9%. He discussed how rising costs and city taxes were impacting his family. He commented on how CARES and ARPA funding was redistributed tax dollars that would have to be repaid by future generations. He indicated he did not care what taxes were in other communities, and encouraged Minnetonka to do better for its residents. He questioned why the city was spending 300% more on affordable housing in 2023 when this would raise overall taxes for all Minnetonka residents. He reported the proposed 7% levy increase was not okay. He encouraged the council to scrap this budget and to start over with the goal of the levy increase being 0%.

Maria Ahlers, 5537 Woodland Road, indicated she has been a resident of Minnetonka for the past 27 years and she has never seen her property taxes go down, even when the value of her home decreases. She explained she appreciated the in depth presentation from staff, but questioned why there was no consideration given to how this budget and levy would impact residents. She feared how the senior citizens and working families in Minnetonka would be able to remain in the community, unless they receive a 7% raise. She asked that the council reflect on how a 7% increase would impact Minnetonka residents, who were real people facing real problems.

Drake Lorence, 1355 Essex Place, noted he has been a resident of Minnetonka for the past 40 years. He asked if the Marsh could be discussed.

Wiersum reported the Marsh was not something that was accounted for because the city doesn't know if they were going to get it. He requested Mr. Lorence speak to the budget that was before the council.

Chris Hawver, 15272 Highland Bluff, noted he has been a resident of Minnetonka for the 31 years. He discussed his experience in the private, public and non-profit sectors and encouraged the city to begin doing comparative analysis. He explained he and his neighbors were concerned about how the city was spending its money. He suggested the city also look at return on its investments. He provided the council with handouts and commented further on how he advises his customers to use comparative analysis. He then compared Minnetonka to Eden Prairie on a number of different variables and encouraged the city to reconsider its proposed budget and tax levy.

Ellen Cousins, 4531 Greenwood Drive, commented on the recent city survey and questioned if the city made residents aware of the fact the proposed services would impact their property taxes. She encouraged the city to be more

transparent with residents, especially when conducting future city surveys. She explained she did not understand why the city had to have a 40% fund balance. She stated home values have been artificially inflated and she questioned if valuations would go down in the future when the market corrects itself. She proposed the council consider lowering the tax levy and budget by putting a hiring freeze in place for all non-essential staff positions that are currently unfilled and that new positions be denied, except for police and fire personnel. She suggested there also be a freeze on new services. She encouraged the city to hold elections in even years and to eliminate rank choice voting in order to reduce expenses for the city. She suggested the council consider how the budget impacts all residents' finances and to find ways to reduce expenditures.

Kevin Ringhoffer, 2200 Indian Road West, stated after reviewing his tax statement he learned the significant increases (8%) were from the City of Minnetonka. He reported the other taxing jurisdictions had only 3% increases. He questioned why the city was proposing such a large increase at a time like this.

Norm Olafson, 12025 Townview Road, commented he has been a resident of Minnetonka since 1974. He encouraged the city to reconsider the new staffing positions. He believed the data analyst and health and wellness positions should be eliminated.

Wiersum closed the meeting for public comment.

Wiersum thanked all of the members of the public who came forward to speak. He asked if staff had any comments at this time.

Funk explained staff was recommending a 6.74% levy increase. Historically, over time, the city has been consistent with its levy increases. He discussed how costs have gone up and noted how staff has worked to keep increases consistent or level over time. He estimated 5% of the levy increase was due to inflation. He commented on how home values increased 16.1% in Minnetonka over the past year and discussed how this would impact property owners in 2023. He reported even with a 0% levy increase, property taxes would still go up for some homeowners. With this in mind, staff has worked to minimize the levy increase based on the city's priorities. He stated staff relies heavily on the community survey when setting priorities within the city budget. He then discussed the comparative analysis information that was presented to the council and commented on how Minnetonka differed from Eden Prairie. Nelson reviewed the city's fund balance policy and noted this was in place to ensure the city could cover its expenses given the fact the county pays out property taxes twice a year.

Schack thanked the public for their comments. She explained the council has held eight meetings to discuss the budget over the past nine months. She reported the council was very familiar with the budget and she was comfortable

supporting it. She indicated \$3 million of the planned expenses for 2023 were to assist with restructuring the fire department. She commented on how important it was to properly fund public safety individuals at this time. She discussed how Minnetonka was one of the more fully developed cities and the city covered the cost of its roadway improvements. She indicated she was prepared to move this budget forward.

Schaeppi stated he appreciated the residents who came forward to speak on the budget this evening. He commented he understood there was frustration with the proposed levy amount. He thanked City Manager Funk for the open manner in which he approaches the budget and stated this was not the approach used with the previous city manager. He was of the opinion the city could continue to make the budget process more accessible to the public. He hoped the council would agree to video stream the study sessions in the future. He reported the council was being challenged on public safety, noting there has been a rise in crime in Minnetonka. He believed the council had to support the public safety department at this time in order to properly meet the needs of the community. He commented on the proposed increases that were being considered for the fire department and recommended the council work to better understand how the city can efficiently use its resources. He discussed how challenging employee retention was at this time and understood this was impacting the budget. He reported he did not support the community center renovations and he never has. He explained after all of the efforts of staff and based on the feedback from the council, he would be supporting the budget for 2023.

Kirk stated he came onto the council three years ago. He discussed how difficult it was to grasp a budget of this size when he was new to the council. He commented on the benefit of comp ratios. He appreciated how much time the council was taking to discuss the budget. He explained the new data analyst position was being requested by the police chief to assist with studying crime in the community. He commented on the investments that were being made near Ridgedale and stated it was important to the community that this mall not fail. He believed every item in the budget reflected well on the councils priorities and the voices of the community. He believed the residents of Minnetonka appreciated the level of services the city provided. He noted he would be supporting the proposed budget and tax levy.

Wilburn explained she would like to find more ways to gain public feedback earlier in the budgeting process. She requested further information regarding the HRA levy. Funk stated the Housing and Redevelopment Authority (HRA) levy would assist the city would completing housing activities. He explained staff was recommending the HRA levy be reduced from \$325,000 to \$300,000. He noted action on this item would be taken at the EDA meeting, which would follow this meeting.

Calvert thanked staff for all of their efforts on the budget and tax levy presentation. She thanked all of the residents that spoke tonight and shared their views. She reminded the public that the city council members were all residents of the community and paid taxes. She noted she lived in a very modest 1954 rambler that needed updates and her husband was a retired firefighter. She stated she understood the concerns that were voiced by the public. She explained she was very proud of the fact Minnetonka did not assess for its street improvements. She discussed how complex the budget was and thanked staff for addressing how comparisons were difficult from city to city. She thanked Councilmember Schaeppi for his comments regarding the two new positions and noted the price for health insurance was way up, which was driving budgets up. She noted she would be supporting the levy and budget as presented.

Wiersum thanked staff for all of their efforts on the budget. He explained he appreciated the comparative analysis information that was presented as an informative tool for the council to consider. He believed it was instructive to see how other cities operate. He discussed how costs were going up and he appreciated how the city was working to maintain the proper level of essential services for the residents of Minnetonka. He appreciated how the proposed budget reflected the values of the community, which included the investments in the police and fire departments. He stated taxing residents was the most daunting task for him to consider each and every year. He explained he appreciated the time and effort that went into this budget and noted he would be offering his support.

Calvert moved, Schack seconded a motion to hold the adopt Resolution 2022-115 and Resolution 2022-116. All voted "yes." Motion carried.

15. Appointments and Reappointments: None.

16. Adjournment

Calvert moved, Kirk seconded a motion to adjourn the meeting at 9:51 pm. All voted "yes." Motion carried.

Respectfully submitted,

Becky Koosman
City Clerk



**City Council Agenda Item 6A
Meeting of Dec. 19, 2022**

Title: Retirement recognition for City Assessor Colin Schmidt
Report from: Darin Nelson, Finance Director
Submitted through: Mike Funk, City Manager
Moranda Dammann, Assistant City Manager

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

Summary Statement

The city has a practice of recognizing city employees upon their retirement. City Assessor Colin Schmidt is retiring on January 5, 2023 with over eight years of service to the city.

Recommended Action

Recognize Colin Schmidt upon his retirement.

Strategic Profile Relatability

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

Statement: N/A

Financial Consideration

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

Statement: N/A

Background

Colin Schmidt, City Assessor, will retire on January 5, 2023. Colin has been involved in the assessing field for almost 35 years, starting his career with the City of Champlain before serving

nearly 25 years with the City of Eden Prairie. Colin began his tenure with the City of Minnetonka on September 8, 2014.

Colin is responsible for the city's annual assessment, which includes determining the value of over 20,000 properties. Over Colin's tenure, the city's assessed value has increased from \$8 billion to \$12.6 billion. Colin has seen many ups and downs in the real estate market, but this last year will be one to remember, as the residential housing market saw unprecedented increases.

Colin's knowledge, skill and experience have also been instrumental in setting and defending valuations across complex commercial and industrial properties. Many of these properties are unique and may not have comparable properties within the city, the metro, or even the state, which requires a solid basis for determining defensible valuations. Colin's ability to present facts and comparison analysis to determine fair and equitable valuations for these complex commercial and industrial properties has resulted in both decreased assessment petitions and fewer valuation reductions. As a result, all property classes are taxed on a more fair and equitable assessment. During Colin's time with the city, he oversaw the closing of over 800 tax court petitions.

Colin's assessing skills and knowledge are almost unsurpassed within the State of Minnesota, but his greatest accomplishment is his relationship-building and staff development. The assessing division is a close group. Colin made it his personal goal to continually teach and develop his staff, ensuring they continue to grow professionally and achieve their goals. The assessing team is his work family, and he is proud of each of them. I assume Colin will not miss meetings with petitioning attorneys, but I know he will miss his daily interactions with his staff. The finance department will miss Colin, and we all wish him the best.

As Colin moves into retirement from the city, his life will certainly not slow down. He will enjoy time with his wife, adult children and grandchildren and spend more time at the lake.



City of Minnetonka Proclamation

Black History Month February

WHERE AS - In 1926, Dr. Carter G. Woodson initiated and established Negro History Week to highlight the studying of contributions, treatment and historical importance of African-Americans that were “overlooked, ignored, and even suppressed by the writers of history textbooks...”

WHERE AS - The second week in February was selected as the week of observance because of the coinciding birthdays of Frederick Douglass and Abraham Lincoln. A time when African-Americans would hold celebrations in honor of emancipation. And was later expanded to the full month of observance in many states.

WHERE AS - In 1976, President Gerald Ford officially recognized the month of February as National Black History Month. Encouraging all Americans to “seize the opportunity to honor the too-often neglected accomplishments of Black Americans in every area of endeavor throughout our history.” And has been a yearly proclamation by every president, since.

WHEREAS, celebrating Black History Month enhances our inclusiveness and provides support and advocacy for the Black community, and is an opportunity to take action and engage in dialogue to strengthen alliances, examine systemic inequities, and advance equal rights; and

WHEREAS, the City of Minnetonka includes Black community as a part of its commitment to cultural diversity, racial equity, and community inclusion. And recognizes the many historical, present, and important contributions, accomplishments and cultures within, and of the Black community throughout our beautiful city, state, and nation.

NOW, THEREFORE, BE IT RESOLVED, that the Minnetonka City Council declares the month of February 2023, to be Black History Month in the city of Minnetonka, and urges residents to participate in the respectful observance of this month with appropriate programs, ceremonies, and activities.

Dec. 19, 2022

Brad Wiersum, Mayor



**City Council Agenda Item 10A
Meeting of Dec. 19, 2022**

Title: Delegating authority for electronic fund transfers

Report From: Joel Merry, Assistant Finance Director

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

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

Summary Statement

State statute requires cities to delegate annually the authority to make electronic fund transfers.

Recommended Action

Adopt the resolution delegating authority to the city's finance director or his designee for electronic fund transfers.

Strategic Profile Relatability

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

Statement: Electronic fund transfers are in alignment with city's finance policies and procedures.

Financial Consideration

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

Statement: N/A

Background

In 2017, the state legislature amended Minn. Stat. § 471.38 regarding the authority of local governments, including cities, to use electronic funds transfer. The law clarifies most types of payments for which electronic payments are allowed and requires certain policy controls be enacted to use the payment method.

Similar to nearly all corporations in the current economy, the City of Minnetonka utilizes electronic transfers as part of its normal course of business. Operating procedures are in place to ensure the city only issues appropriate and authorized electronic payments. The council recently approved the revised finance policy 4.3, Payments made by Electronic Funds Transfer on Nov. 22, 2021, which strengthened the city's internal controls and aids in reducing the threat of cybercrimes.

One of the policy controls required by the law is for the government body to delegate annually the authority to make electronic funds transfer to a chief financial officer or business administrator.

Resolution No. 2022-

Resolution delegating to the finance director the authority to make electronic fund transfers

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

Section 1. Background.

- 1.01. Section 7.01 of the Minnetonka City Charter has authorized the city to make payments by electronic means or by check since 1999.
- 1.02. In 2017, the state legislature amended Minn. Stat. § 471.38 regarding the authority of local governments, including cities, to use electronic funds transfer.
- 1.03. Section 471.38 allows the use of electronic funds transfer for the following payments:
- a. for a claim for payment from an imprest payroll bank account or investment of excess money;
 - b. for a payment of tax or aid anticipation certificates;
 - c. for vendor payments; and
 - d. for payment of bond principal, bond interest and a fiscal agent service charge from the debt redemption fund.
- 1.04. Section 471.38 requires that certain policy controls be enacted in order for a local government to utilize electronic funds transfer, including that the governing body annually delegate the authority to make electronic funds transfers to a designated business administrator or chief financial officer or the officer's designee.

Section 2. Council Action.

- 2.01 Pursuant to Minn. Stat. § 471.38 and section 7.01 of the Minnetonka City Charter, the city council delegates the authority to make electronic funds transfers on behalf of the city to the city's finance director or his designee.
- 2.02 The finance director is directed to take all steps necessary for compliance with Minn. Stat. § 471.38.
- 2.03 This delegation of authority shall remain in effect until superseded by a subsequent resolution, but in no event later than December 31, 2023.

Adopted by the City Council of the City of Minnetonka, Minnesota, on December 19, 2022.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on December 19, 2022.

Becky Koosman, City Clerk



**City Council Agenda Item 10B
Meeting of Dec. 19, 2022**

Title: Twelve-month extension of site and building plan approval for Bauer's Minnoco / Custom Hitches and Auto Repair at 13118 Excelsior Boulevard

Report From: Susan Thomas, AICP, Assistant City Planner

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

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

Proposal

In June 2021, the city council approved final site and building plans for the construction of a new building at 13118 Excelsior Blvd. As a condition of approval, construction of the building needed to begin by Dec. 31, 2022, unless the council granted a time extension. Bauer's Minnoco / Custom Hitches and Auto Repair has requested such an extension.

Recommended Action

Approve a twelve-month extension of the 2021 site and building plan.

Strategic Profile Relatability

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

Statement: N/A

Financial Consideration

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

Staff Comment

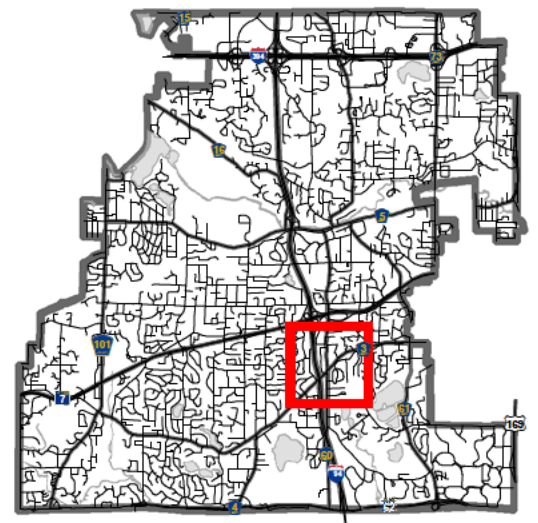
In evaluating extension requests, the city has generally considered: (1) whether there have been changes to city code or policy that would affect the previous approvals; and (2) whether such an extension would adversely affect the interests of neighboring property owners. Staff finds that the approval of this extension request is reasonable as:

- There have been no changes to city code that would affect the previous approvals; and
- The requested extension would not adversely affect the interests of neighboring property owners.



Location Map

Project: Bauer Capital Corp
Address: 13118 Excelsior Blvd



From:
To: [Susan Thomas](#)
Subject: Bauer Project Res. No. 2021-050 Extension Request
Date: Tuesday, November 15, 2022 3:41:59 PM
Attachments: [Resolution_bauers_SBP_v8_0\(1\).pdf](#)

Re: Resolution No. 2021-050
Resolution approving final site and building plans for
Bauer's Minnoco / Custom Hitches and Auto Repair at 13118 Excelsior Blvd

Susan,

Pursuant to the Resolution No. 2021-050, adopted by the City Council of the City of Minnetonka, Minnesota, on June 14, 2021, we would like to request an extension for our Final Site and Building plans.

With the slowdown in the USA and Global economies, along with supply shortages, we were not able to proceed with our Bauer Service Center building in the projected time frame (2021-2022).

Due to interruptions in the national supply chain, historic labor and supply shortages, along with the rise of inflation and subsequent increases in the prime interest rates from the Federal Reserve, it was very disheartening to see the cost of our project more than double from the initial construction estimates in our weakened economy.

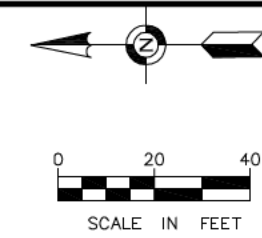
We are, however, seeing hopeful signs of a recovering economy. Thus, if the City Council of Minnetonka approves an extension of our Resolution No. 2021-050, it is our intent to move forward with our project as was approved on June 14, 2021.

Please advise if we need to provide any further information to secure our project extension.

With Kindest Regards,

Margaret & Michael Bauer
Minnetonka Minnoco & U-Haul
Bauer's Custom Hitches
13118 Excelsior Blvd
Minnetonka, MN 55343

EXISTING TOPOGRAPHY



Call 48 Hours before digging
GOPHER STATE ONE CALL
 Twin Cities Area 651-454-0002
 MN. Toll Free 1-800-252-1166

REFERENCE BENCHMARK

ELEVATION = 984.94 @ NE COR. TOP OF STOOP, HOUSE #4656 BAKER RD. (CITY OF MINNETONKA DATUM)

LEGAL DESCRIPTION

That part of Tract B, registered Land Survey No. 937, files of the Registrar of Titles, County Hennepin, State of Minnesota, lying southwesterly of a line and its northwesterly extension described as commencing at northwest corner of said Tract B; thence South 88 degrees 25 minutes 00 seconds East, assumed bearing along the north line of said Tract B a distance of 90.75 feet to an angle point in said north line; thence South 24 degrees 00 minutes 29 seconds East a distance of 112.47 feet; thence South 48 degrees 12 minutes 23 seconds East a distance of 130.16 feet to the southeasterly line of said Tract B and there terminating.

LEGEND

- DENOTES FOUND PROPERTY IRON
- DENOTES SET 1/2" X 18" REBAR WITH PLASTIC CAP "PLS 25105"
- DENOTES BOUNDARY LINE
- - - DENOTES LOT LINE
- - - DENOTES SETBACK LINE
- - - DENOTES EASEMENT LINE
- 999.9 DENOTES EXISTING CONTOUR LINE
- FFE DENOTES FINISH FLOOR ELEVATION
- FO DENOTES FIBER OPTIC
- DENOTES DECIDUOUS TREE
- DENOTES CONIFEROUS TREE
- DENOTES ELECTRIC POWER POLE
- ELEC. DENOTES ELECTRIC PEDESTAL
- TEL DENOTES TELEPHONE PEDESTAL
- ⊙ DENOTES GAS MANHOLE
- ⊞ DENOTES GAS FILL CAP
- ☆ DENOTES GAS VENT
- DENOTES STORM CATCH BASIN (RECTANGLE)
- ▨ DENOTES CONCRETE SURFACE
- FFE DENOTES FINISH FLOOR ELEVATION
- DENOTES MANHOLE (UNKNOWN UTILITY)
- ⊙ DENOTES STORM SEWER MANHOLE
- ⊞ DENOTES ELECTRIC HAND HOLE
- ☆ DENOTES SIGN/POST
- ▨ DENOTES BITUMINOUS SURFACE
- DENOTES PROTECTION PIPE
- DENOTES LIGHT POLE
- DENOTES WATER VALVE
- DENOTES WATER CURB STOP
- DENOTES GAS PUMP

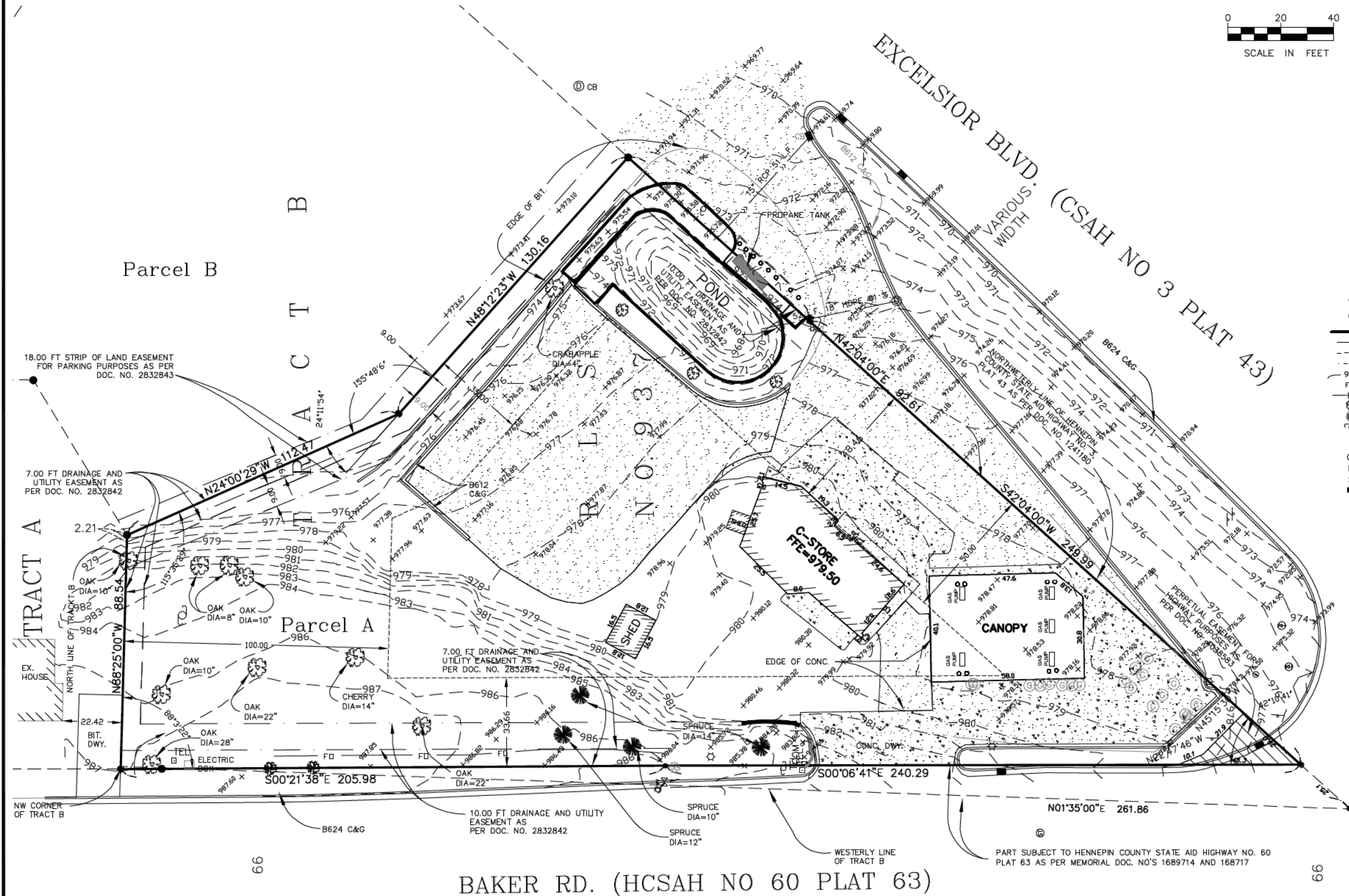
EXISTING HARDCOVER

EXISTING BUILDING	1,796 SQ. FT.
EXISTING CANOPY	2,275 SQ. FT.
EXISTING SHEDS	264 SQ. FT.
EXISTING CONCRETE SURFACE	6,977 SQ. FT.
EXISTING BITUMINOUS SURFACE	12,504 SQ. FT.
TOTAL IMPERVIOUS AREA	23,816 SQ. FT.
TOTAL LOT AREA	56,652 SQ. FT.
EXISTING HARDCOVER	42.0%

NOTES

- NO TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD.
- NO COMPLETE TOPOGRAPHICAL SURVEY WAS PERFORMED IN THE PREPARATION OF THIS SURVEY.
- AREA OF PROPERTY = 56,156 SQ. FT OR 1.29 ACRES.
- EXISTING UTILITIES AND SERVICES SHOWN HEREON OWNER LOCATED EITHER PHYSICALLY ON THE GROUND DURING THE SURVEY OR FROM EXISTING RECORDS MADE AVAILABLE TO US OR BY RESIDENT TESTIMONY. OTHER UTILITIES AND SERVICES MAY BE PRESENT. VERIFICATION AND LOCATION OF UTILITIES AND SERVICES SHOULD BE OBTAIN FROM THE OWNERS OF RESPECTIVE UTILITIES BY CONTACTING GOPHER STATE ONE CALL AT (651) 454-0002 PRIOR TO ANY DESIGN, PLANNING OR EXCAVATION.

NO.	DATE	DESCRIPTION	BY



BAKER RD. (HCSAH NO 60 PLAT 63)

EDS ENGINEERING DESIGN & SURVEYING
 6480 Wayzata Blvd. Minneapolis, MN 55426
 OFFICE: (763) 545-2800 FAX: (763) 545-2801
 EMAIL: info@edsmn.com WEBSITE: http://edsmn.com

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
Vladimir Sivriker
 VLADIMIR SIVRIKER P.E. NO. 25105 DATED: 12/15/20

EXISTING TOPOGRAPHY

JOB NAME: **BAUER'S CUSTOM HITCHES**
 LOCATION: 13118 EXCELSIOR BLVD. MINNETONKA, MN 55343

DRAWN BY: IS PROJ. NO. 13-001
 CHECKED BY: VS SHEET NO. C2

SITE PLAN AND DIMENSION PLAN

Call 48 Hours before digging
GOPHER STATE ONE CALL
 Twin Cities Area 651-454-0002
 MN. Toll Free 1-800-252-1166

LEGAL DESCRIPTION

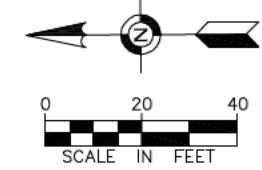
That part of Tract B, registered Land Survey No. 937, files of the Registrar of Titles, County Hennepin, State of Minnesota, lying southwesterly of a line and its northwesterly extension described as commencing at northwest corner of said Tract B; thence South 88 degrees 25 minutes 00 seconds East, assumed bearing along the north line of said Tract B a distance of 90.75 feet to an angle point in said north line; thence South 24 degrees 00 minutes 29 seconds East a distance of 112.47 feet; thence South 48 degrees 12 minutes 23 seconds East a distance of 130.16 feet to the southeasterly line of said Tract B and there terminating.

REFERENCE BENCHMARK

ELEVATION = 984.94 @ NE COR. TOP OF STOOP, HOUSE
 #4656 BAKER RD. (CITY OF MINNETONKA DATUM)

PROPOSED HARDCOVER

EXISTING C-STORE BUILDING	1,796 SQ. FT.
PROPOSED SERVICE CENTER	3,780 SQ. FT.
PROPOSED CONCRETE	426 SQ. FT.
PROPOSED BITUMINOUS	5,202 SQ. FT.
EXISTING CANOPY	2,275 SQ. FT.
EXISTING CONCRETE SURFACE	6,937 SQ. FT.
EXISTING BITUMINOUS SURFACE	12,504 SQ. FT.
TOTAL IMPERVIOUS AREA	32,920 SQ. FT.
TOTAL LOT AREA	56,652 SQ. FT.
PROPOSED HARDCOVER	58.2 %



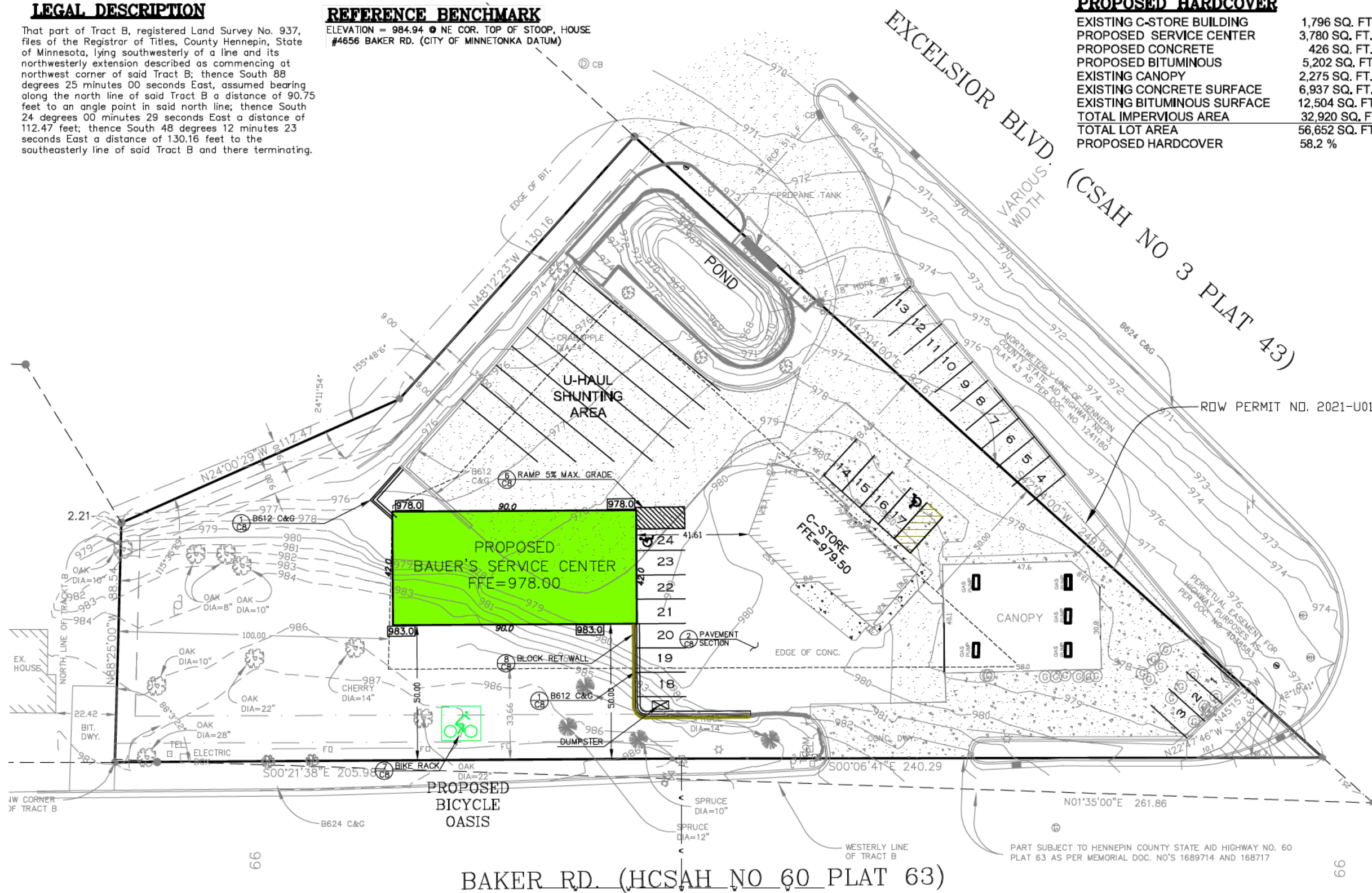
LEGEND

- DENOTES FOUND PROPERTY IRON
- DENOTES SET 1/2" X 18" REBAR WITH PLASTIC CAP "PLS 25105"
- DENOTES BOUNDARY LINE
- - - DENOTES LOT LINE
- - - DENOTES SETBACK LINE
- - - DENOTES EASEMENT LINE
- 999.9 DENOTES EXISTING CONTOUR LINE
- FFE DENOTES FINISH FLOOR ELEVATION
- FO DENOTES FIBER OPTIC
- DENOTES DECIDUOUS TREE
- DENOTES CONIFEROUS TREE
- DENOTES ELECTRIC POWER POLE
- ELEC. DENOTES ELECTRIC PEDESTAL
- TEL DENOTES TELEPHONE PEDESTAL
- DENOTES GAS MANHOLE
- DENOTES GAS FILL CAP
- DENOTES GAS VENT
- DENOTES STORM CATCH BASIN (RECTANGLE)
- DENOTES CONCRETE SURFACE
- FFE DENOTES FINISH FLOOR ELEVATION
- DENOTES MANHOLE (UNKNOWN UTILITY)
- DENOTES STORM SEWER MANHOLE
- DENOTES ELECTRIC HAND HOLE
- DENOTES SIGN/POST
- DENOTES BITUMINOUS SURFACE
- DENOTES PROTECTION PIPE
- DENOTES LIGHT POLE
- DENOTES WATER VALVE
- DENOTES WATER CURB STOP
- DENOTES GAS PUMP
- DENOTES FIRE HYDRANT
- XXX.X DENOTES PROPOSED ELEVATION
- DENOTES RETAINING WALL

NOTES

- NO TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD.
- NO COMPLETE TOPOGRAPHICAL SURVEY WAS PERFORMED IN THE PREPARATION OF THIS SURVEY.
- AREA OF PROPERTY = 56,156 SQ. FT OR 1.29 ACRES.
- EXISTING UTILITIES AND SERVICES SHOWN HEREON OWNER LOCATED EITHER PHYSICALLY ON THE GROUND DURING THE SURVEY OR FROM EXISTING RECORDS MADE AVAILABLE TO US OR BY RESIDENT TESTIMONY. OTHER UTILITIES AND SERVICES MAY BE PRESENT. VERIFICATION AND LOCATION OF UTILITIES AND SERVICES SHOULD BE OBTAIN FROM THE OWNERS OF RESPECTIVE UTILITIES BY CONTACTING GOPHER STATE ONE CALL AT (651) 454-0002 PRIOR TO ANY DESIGN, PLANNING OR EXCAVATION.

NO.	DATE	DESCRIPTION	BY



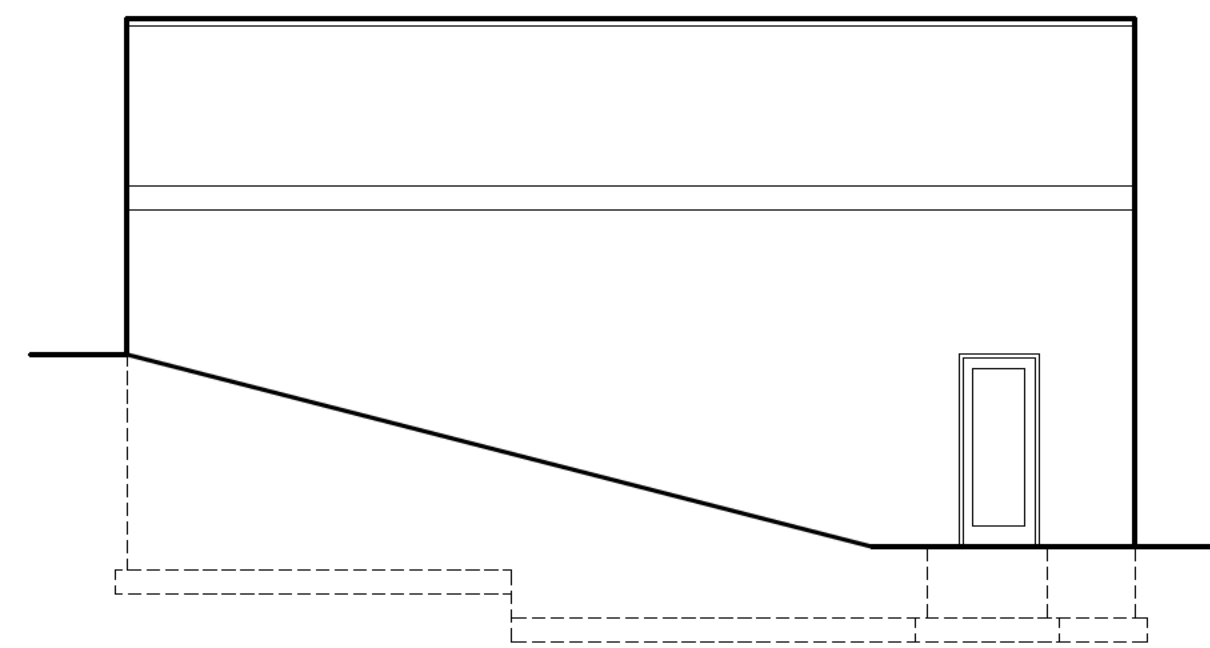
EDS ENGINEERING DESIGN & SURVEYING
 6480 Wayzata Blvd. Minneapolis, MN 55426
 OFFICE: (763) 545-2800 FAX: (763) 545-2801
 EMAIL: info@edsmn.com WEBSITE: http://edsmn.com

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
Vlad Sivriker
 VLADIMIR SIVRIKER P.E. NO. 25105 DATED: 03/02/21

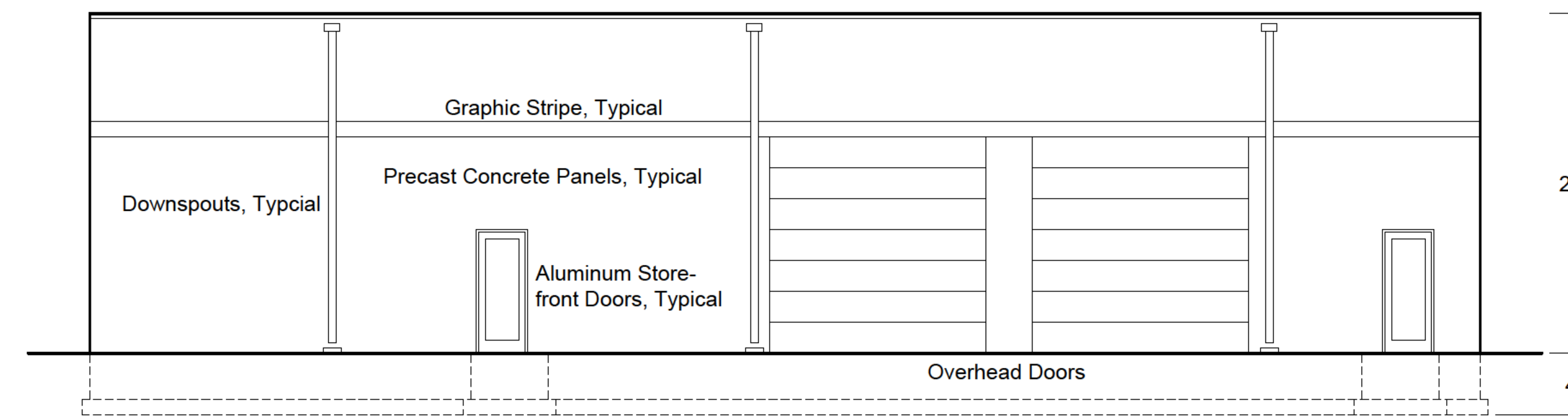
SITE PLAN

JOB NAME: **BAUER'S CUSTOM HITCHES**
 LOCATION: **13118 EXCELSIOR BLVD. MINNETONKA, MN 55343**

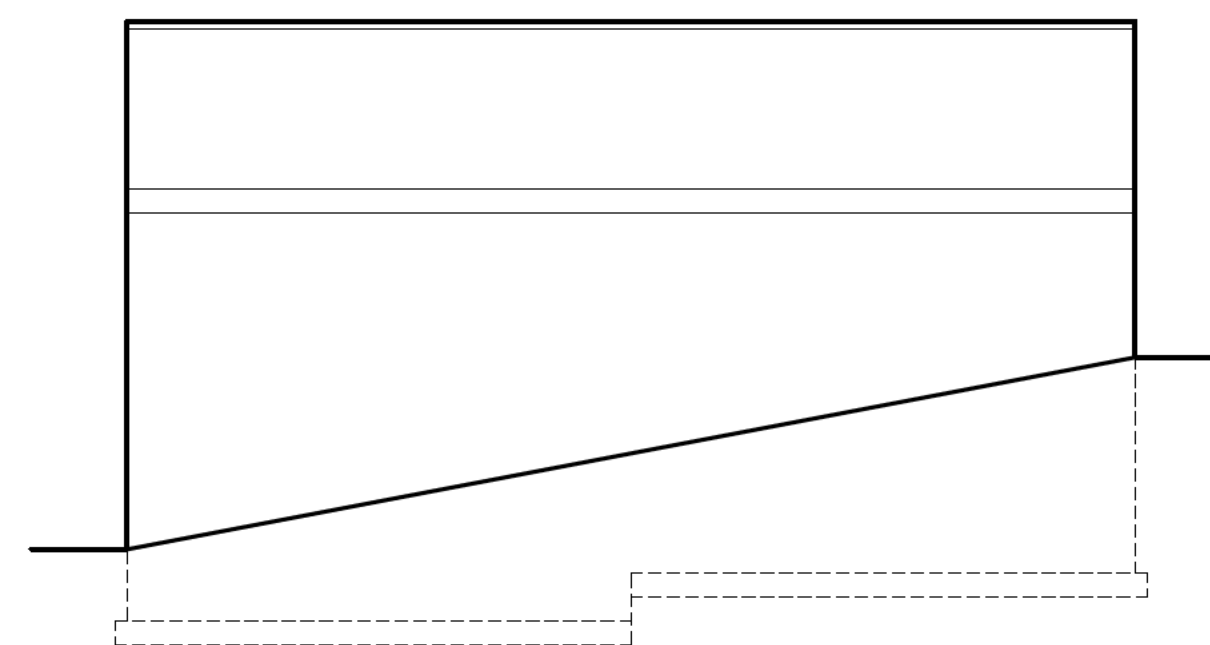
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 CHECKED BY: VS SHEET NO. C3



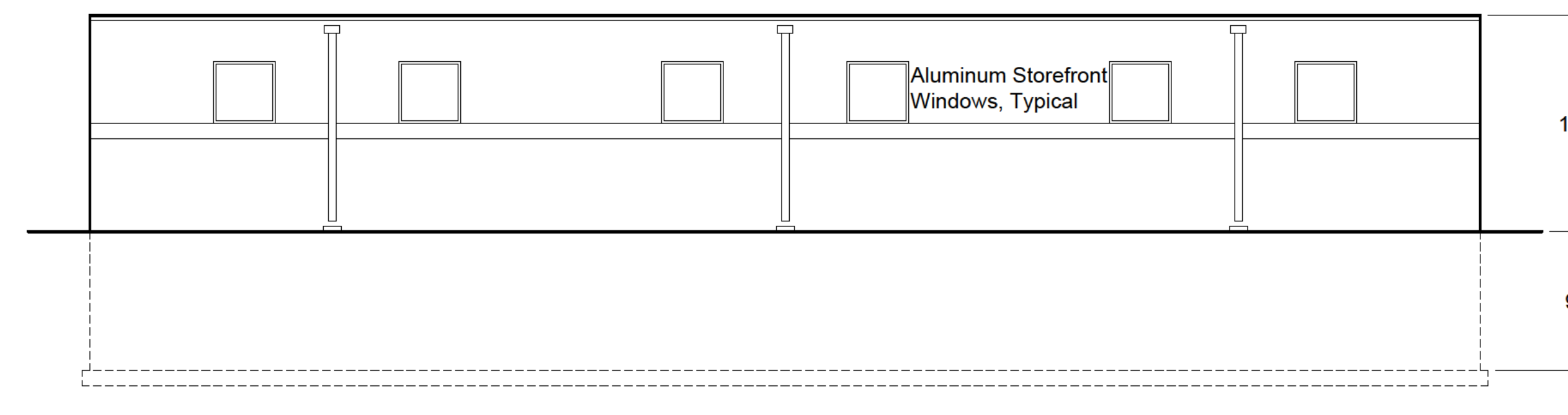
South Elevation 1/8" = 1'-0"



East Elevation 1/8" = 1'-0"



North Elevation 1/8" = 1'-0"



West Elevation 1/8" = 1'-0"

Arc tect

BUILDING FOUNDRY

Bu d g Fou dry LLC
4501 Hu ters R dge Road
M eto ka, M esota 55345
Bra .Lubbe @Bu d gFou dry.com
612.849.092
www.bu d gfou dry.com

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M esota.

S g ed Bra Lubbe
Date 18 December 2020
L ce se Number 21049

Co su ta t

Pro ect

Bauer Station Expansion

13118 Exce s or Bou evard
M eto ka, M esota 55343

Pro ect Number 2019-8

Ow er

Bauer Capital Corporation

13118 Exce s or Bou evard
M eto ka, M esota 55343

margarembauer@gma .com
612.720.3003

www.bauerscustom tc es.com

Issue Purpose S te a d Bu d g Pa Rev ew
Issue Date 18 December 2020
Rev s o s

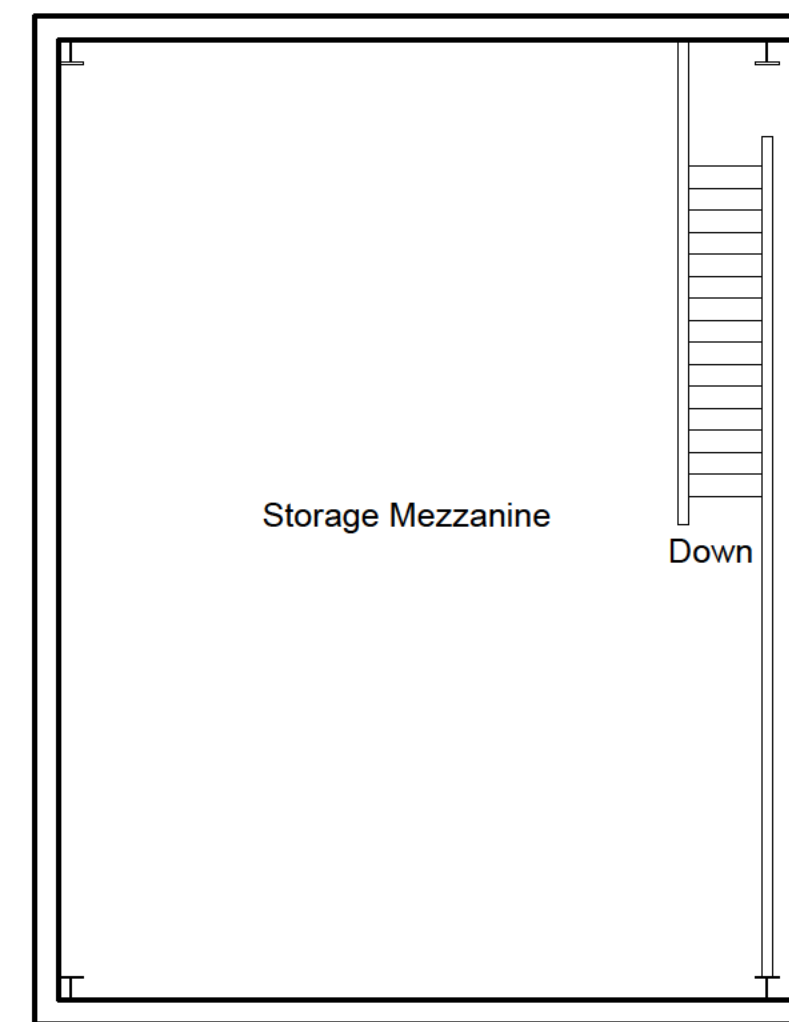
S eet Co te t

Elevations

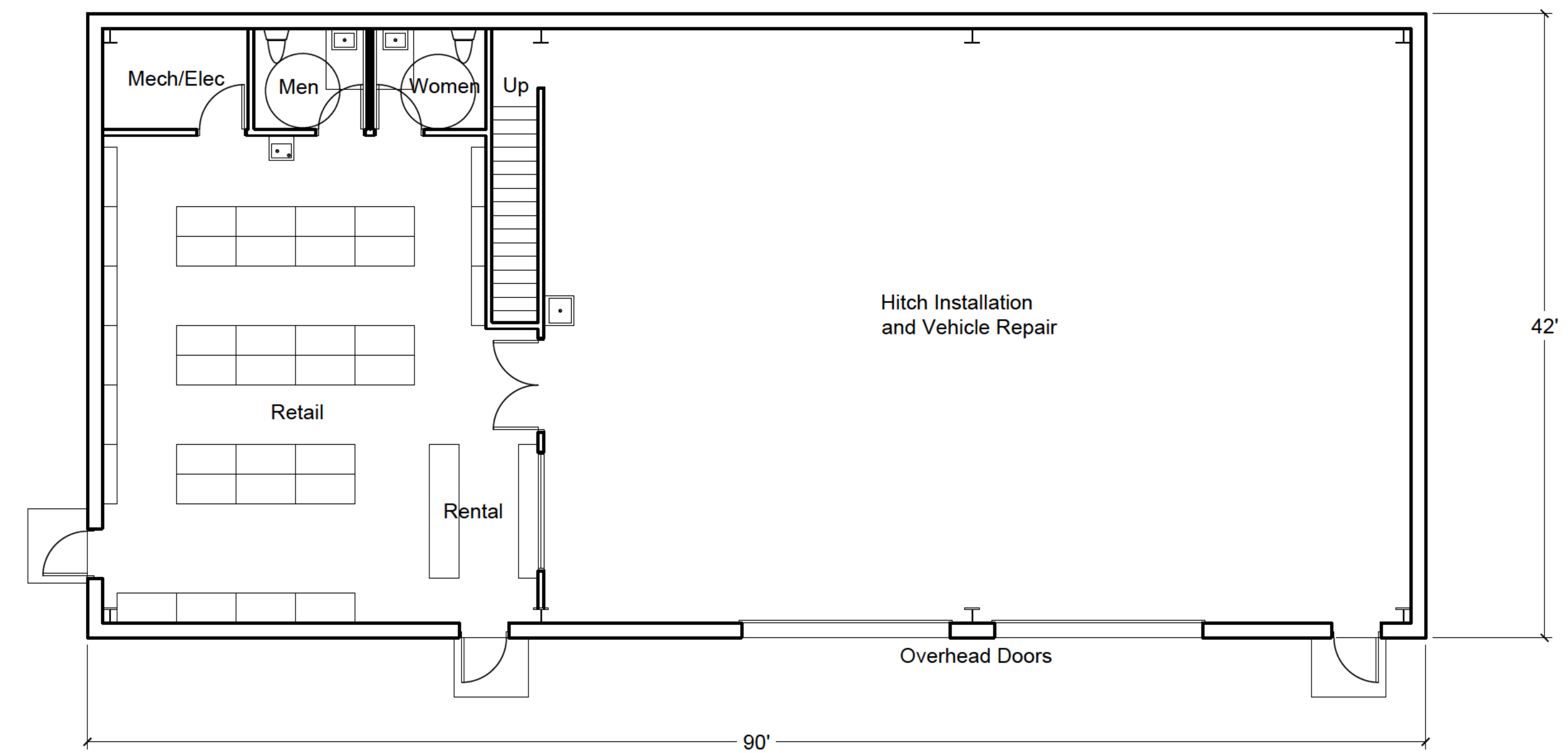
S eet Number

A-200

S eet 2A of 11



Mezzanine Level Plan 1/8" = 1'-0"



Ground Level Plan 1/8" = 1'-0"

Arc tect

BUILDING FOUNDRY

Bu d g Fou dry LLC
4501 Hu ters Ridge Road
M eta ka, M esota 55345
Bra .Lubben@Bu d gFou dry.com
612.849.092
www.bu d gfou dry.com

I hereby cert fy t at t s pa ,
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M esota.

S g ed Bra Lubbe
Date 18 December 2020
L ce se Number 21049

Co su ta t

Pro ect

Bauer Station Expansion

13118 Exce s or Bou evard
M eta ka, M esota 55343

Pro ect Number 2019-8

Ow er

Bauer Capital Corporation

13118 Exce s or Bou evard
M eta ka, M esota 55343

margaretbauer@gma .com
612.720.3003

www.bauerscustom tches.com

Issue Purpose: S te a d Bu d g Pa Rev ew
Issue Date 18 December 2020
Rev s o s

S eet Co te t

Floor Plans

S eet Number

A-100

S eet 2A of 11

Resolution No. 2021-050

Resolution approving final site and building plans for
Bauer's Minnoco / Custom Hitches and Auto Repair at 13118 Excelsior Blvd

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

Section 1. Background.

1.01 The subject property is located at 13118 Excelsior Blvd, within the B-2, limited business, zoning district. It is legally described as:

That part of Tract B, registered Land Survey No. 937, lying Southwesterly of a link and its Northwesterly extension described as commencing at the Northwest corner of said Tract B; thence South 88 degrees 25 minutes 00 seconds East, assumed bearing along the North line of said Tract B a distance of 90.75 feet to an angle point in said North line; thence South 24 degrees 00 minutes 29 seconds East a distance of 112.47 feet; thence South 48 degrees 12 minutes 23 seconds East a distance of 130.16 feet to the Southeasterly line of said Tract B and there terminating, Except that part thereof lying Southerly of a line drawn from a point in the Westerly line of said Tract B, distant 261.86 feet North from the most Southerly corner thereof to a point in the Southeasterly line of said Tract B, distance 275.10 feet Northeasterly from said most Southerly corner.

Certificate Number: 1111474.5

1.02 Over the last 60 years, the city has approved several requests formalizing approvals for existing uses, auto-related uses, and new services on the site. The actively approved uses include:

- General retail – considered a permitted use on the B-2-zoned property;
- Gas station, hitch installation, auto repair – conditionally-permitted; and
- U-Haul rental –conditionally permitted.

1.03 Bauer's Minnoco / Custom Hitches and Auto Repair is proposing to construct a new building on the subject property. Located north of an existing structure, the new building would be occupied by Bauer's hitch installation and auto repair services, as well as the U-Haul office/retail center. The building would not change the types of land uses on the site but would physically expand the existing uses.

1.03 On June 3, 2021, the planning commission held a hearing on the proposal. The

applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report incorporated by reference into this resolution. The commission recommended that the city council approve the final site and building plans.

Section 2. Standards.

2.01 By City Code §300.27, Subd. 5, the city will consider compliance with the following standards when evaluating site and building plans. The proposed drive-up facility would meet these standards.

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
2. Consistency with this ordinance;
3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
 - a) An internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors, and the general community;
 - b) The amount and location of open space and landscaping;
 - c) Materials, textures, colors, and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
 - d) Vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, the width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement and amount of parking.
6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of the glass in structures and the use of landscape materials and site grading; and

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

Section 3. Findings.

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

1. The proposal has been reviewed by city planning, engineering, and natural resources staff and found to be generally consistent with the city's development guides, including the water resources management plan.
2. The proposal would meet ordinance standards and would be consistent with the intent of the site's B-2, limited business, zoning designation.
3. The proposal would require grading and result in some impact to green space and trees on the site. However, the proposed building has been generally designed into existing topography, and the impact would be minimized to the extent practicable.
4. The proposed building has been appropriately situated on the site located adjacent to and utilizing existing paved surfaces.
5. The proposed building would be appropriately situated relative to the existing building and parking areas to create an intuitive visual and physical order on the site.
6. As new construction, the proposed building would meet the energy conservation requirements of the building code. Further, the applicant indicates the flat-roof building will have a "white reflective membrane to provide[s] protection from solar heat gain."
7. The proposal would slightly alter the circulation pattern within an existing parking lot. However, it is not anticipated to negatively impact adjacent or neighboring properties.

Section 4. City Council Action.

4.01 The above-described is approved subject to the following conditions:

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

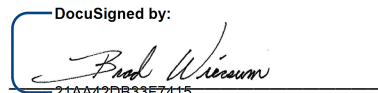
- Site Plan, March 2, 2021
 - Grading, Drainage, and Erosion Control Plan, dated March 2, 2021
 - Utility Plan, dated May 6, 2021
 - Building Elevations and Floor Plans, dated Dec. 18, 2020, with final materials and colors and approved by city staff.
2. A building permit is required. The permit application and supporting plans and documents must be submitted through the city's online permit review system. Unless authorized by appropriate staff, no site work may begin until the permit has been approved.
3. Prior to issuance of the building permit:
- a) This resolution must be recorded with Hennepin County.
 - b) Submit the following:
 - 1) Revised building renderings, including materials and color palette, for the review and approval of city staff.
 - 2) Final site, grading, utility, stormwater management, landscape and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.
 - a. Final site plan must:
 - Confirm sufficient parking stall depth is provided for parking; the presence of the retaining wall will not allow typical vehicle overhang of the curb line.
 - Stripe the stall between the retaining wall and the stall labeled as #18 as "No Parking."
 - b. Final grading plan. Note, the grading and utility connections along the west side of the proposed service center will result in critical root zone impact and the subsequent loss of four trees. Grading will need to be adjusted if the property owners wish to save any of these trees.
 - c. Final utility plan. The plan must
 - Locate the invert of the sanitary sewer service to determine if the building can be served via a gravity service.

- Note service installation to be constructed in accordance with the City of Minnetonka and MN Plumbing Code requirements.
 - Records indicate the existing service proposed to be connected to is 1.5-inch copper that splits into two (2) 1-inch copper leads. Confirm that the existing service is sufficient for the building's needs and potential fire protection requirements. If inadequate, a new upsized service must be installed. The existing service must then be removed back to the main with the corporation stop turned off.
- d. Final stormwater management plan is required for the entire site's impervious surface. The plan must demonstrate conformance with the following criteria:
- Rate. Limit peak runoff flow rates to that of existing conditions from the 2-, 10-, and 100-year events at all points where stormwater leaves the site.
 - Volume. Provide for onsite retention of 1.1-inch of runoff from the entire site's impervious surface.
 - Quality. Provide for all runoff to be treated to at least 60 percent total phosphorus annual removal efficiency and 90 percent total suspended solid annual removal efficiency.
- e. Final landscaping and tree mitigation plans must:
- Meet minimum landscaping and mitigation requirements as outlined in the ordinance, including species beneficial to pollinators.
 - Include information relating to species, sizes, and quantities.
 - Be presented by the applicant to the owner of 4732 Baker Road for comment. Applicant must address comments submitted to city staff.

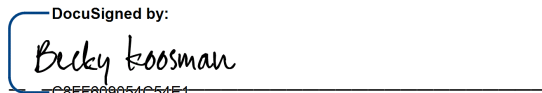
- 3) The following documents in a city-approved format:
 - a. A stormwater maintenance agreement.
 - b. A construction management plan. The plan must be in a city-approved format and outline minimum site management practices and penalties for non-compliance.
 - c. Letter of credit or cash escrow in the amount of 125% of a bid cost or 150% of an estimated cost to comply with the site development permit and landscaping requirements and to restore the site. The city will not fully release guarantee until (1) as-built drawings and tie-cards have been submitted; (2) a letter certifying that the underground facility has been completed according to the plans approved by the city; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.
 - d. Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:
 - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
- c) Install erosion control, tree protection fencing, and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
4. Retaining walls over four feet in height require a building permit and plans signed by a licensed structural engineer.
5. Any work within the Excelsior Boulevard or Baker Road rights-of-way requires a permit from Hennepin County.

6. Permits may be required from other outside agencies, including the Nine Mile Creek Watershed District. It is the applicant's responsibility to obtain any necessary permits.
7. The property owner is responsible for replacing any required landscaping that dies.
8. Construction must begin by Dec. 31, 2022, unless the city council grants a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on June 14, 2021.

DocuSigned by:

21AA42DB33F7415...
Brad Wiersum, Mayor

Attest:

DocuSigned by:

C8FF089054C54E1...
Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption: Schack

Seconded by: Calvert

Voted in favor of: Calvert, Schaeppi, Coakley, Kirk, Schack, Wiersum

Voted against:

Abstained:

Absent: Carter

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on June 14, 2021.

Becky Koosman, City Clerk



**City Council Agenda Item 10C
Meeting of Dec. 19, 2022**

Title: Resolution establishing polling places for the 2023 municipal election

Report from: Becky Koosman, City Clerk

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

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

Summary Statement

Resolution establishing polling places for the 2023 municipal election.

Recommended Action

Adopt the resolution designating the city's polling places for 2023.

Strategic Profile Relatability

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

Statement: The resolution establishing polling places for 2023 is aligned with operational excellence.

Financial Consideration

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

Statement: The 2023 municipal election, including polling place fees and election judges, are included in the 2023 operational budget.

Subject: Resolution establishing polling places for the 2023 municipal election.

Background

A law passed by the 2017 Minnesota Legislature requires that by December 31 of each year, the city council designate by resolution or ordinance the polling place locations for the following year's elections.

Minnetonka has 21 polling places. There are no changes to polling places for 2023.

Ward/Precinct	Polling Place
1A	Immaculate Heart of Mary 13505 Excelsior Blvd.
1B	Old Apostolic Lutheran Church 5617 Rowland Road
1C	Cross of Glory Baptist Church 4600 Shady Oak Road
1D	Destiny Hill Church 13207 Lake St Ext.
1E	Minnetonka Community Center 14600 Minnetonka Blvd.
1F	Minnetonka Public Works Facility 11522 Minnetonka Blvd.
2A	Minnetonka Community Center 14600 Minnetonka Blvd.
2B	St. David's Episcopal Church 13000 St. David's Road
2C	Oak Knoll Lutheran Church 600 Hopkins Crossroad
2D	Ridgedale Hennepin County Library 12601 Ridgedale Drive
2E	Royals Athletic Center 2400 Royals Drive
3A	Ridgedale Hennepin County Library 12601 Ridgedale Drive
3B	Minnetonka Community Center 14600 Minnetonka Blvd.
3C	Bethlehem Lutheran Church 16023 Minnetonka Blvd
3D	St. Luke Presbyterian Church 3121 Groveland School Road
3E	Minnetonka United Methodist Church 17611 Lake Street Extension
4A	Ridgewood Church 4420 County Road 101
4B	Minnetonka School District Service Center 5621 County Rd 101

Subject: Resolution establishing polling places for the 2023 municipal election.

4C	All Saints Lutheran Church 15915 Excelsior Blvd
4D	Redeemer Bible Church 16205 Highway 7
4E	Bethlehem Lutheran Church – Glen Lake 5701 Eden Prairie Road

Resolution No. 2022-

Resolution establishing polling places for 2023 municipal election

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

Section 1. Background

1.01. The 2017 Minnesota State Legislature passed a new law (M.S. 204B.16 subd. 1) requiring the city council to adopt a resolution each year establishing the polling place locations for the following year's elections.

1.02. Minnetonka has 21 precincts.

Section 2. Council Action.

2.01. The Minnetonka City Council hereby designates the following as the city's polling place locations in 2023:

Ward 1	A	Immaculate Heart of Mary Catholic	13505 Excelsior Blvd
	B	Old Apostolic Lutheran Church	5617 Rowland Rd
	C	Cross of Glory Baptist Church	4600 Shady Oak Rd
	D	Destiny Hill Church	13207 Lake St Extension
	E	Minnetonka Community Center	14600 Minnetonka Blvd
	F	Minnetonka Public Works Facility	11522 Minnetonka Blvd
Ward 2	A	Minnetonka Community Center	14600 Minnetonka Blvd
	B	The Episcopal Parish of St. David	13000 St. David's Rd
	C	Oak Knoll Lutheran Church	600 Hopkins Crossroad
	D	Ridgedale Library	12601 Ridgedale Drive
	E	Royals Athletic Center	2400 Royals Drive
Ward 3	A	Ridgedale Library	12601 Ridgedale Drive
	B	Minnetonka Community Center	14600 Minnetonka Blvd
	C	Bethlehem Lutheran Church	16023 Minnetonka Blvd
	D	St. Luke Presbyterian Church	3121 Groveland School Rd
	E	Minnetonka United Methodist Church	17611 Lake Street Ext
Ward 4	A	Ridgewood Church	4420 County Rd. 101
	B	Minnetonka School District Service	5621 County Rd. 101
	C	All Saints Lutheran Church	15915 Excelsior Blvd
	D	Redeemer Bible Church	16205 Highway 7
	E	Bethlehem Lutheran Church-Glen Lake	5701 Eden Prairie Rd

Adopted by the City Council of the City of Minnetonka, Minnesota, on December 19, 2022.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on December 19, 2022.

Becky Koosman, City Clerk



**City Council Agenda Item 10D
Meeting of Dec. 19, 2022**

Title: Resolution for the Hopkins Crossroad Trail Project active transportation grant application

Report From: Matt Kumka, P.L.A, Park and Trail Project Manager

Submitted through: Mike Funk, City Manager
Will Manchester, P.E., Public Works Director
Phil Olson, P.E., City Engineer
Chris Long, P.E., Assistant City Engineer

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

Summary Statement

Staff continues to explore funding opportunities for the Hopkins Crossroad Trail Project which includes construction of a new trail along the east side of Hopkins Crossroad and along the south side of Hillside Lane West from Hopkins Crossroad to L.H. Tanglen Elementary. The trail will provide connection to existing regional trails at its southerly limit at Cedar Lake Road, connection to a Metro Transit Park & Ride facility adjacent to its northerly limit at Wayzata Blvd / I-394, and connection to the Tanglen Elementary / Hopkins High School campus just east of the project.

Recommended Action

Adopt the attached resolution supporting the Minnesota Department of Transportation Active Transportation Grant Application.

Strategic Profile Relatability

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

Statement: The Hopkins Crossroad Trail Project includes the construction of a top priority trail segment, enhancing the trail network connectivity and city infrastructure.

Financial Consideration

Is there a financial consideration? No Yes
Financing sources: Budgeted Budget Modification New Revenue Source
 Use of Reserves Other

Statement: The Hopkins Crossroad Trail is budgeted in 2024 and 2025 of the 2022-2026 Capital Improvements Program (CIP). Receipt of grants will reduce budgeted funding.

Background

City council approved the feasibility report and ordered the improvements for a new trail along the east side of Hopkins Crossroad at the city council meeting on Aug. 22, 2022. In 2021, the city secured a grant through the Metropolitan Council Regional Solicitation Funding program in the amount of \$2,364,700. The grant application was successful due to the connections to schools, religious institutions and transit.

The Minnesota Department of Transportation (MnDOT) administers the Active Transportation (AT) infrastructure grants program, which provides federal and state funding for projects to improve active transportation alternatives such as biking and walking routes. The statewide program solicitation has 3.5 million in state dollars available for active transportation infrastructure projects in 2023 and 2024, with a minimum of \$50,000 and a cap of \$500,000 for each project.

The city's application will request \$500,000 in funding to potentially be applied to the project and awards of funding generally occur around March 24, 2023.

Proposed Improvements

The project includes the addition of an eight-foot-wide bituminous trail along the east side of Hopkins Crossroad, from Cedar Lake Road (CSAH 16) to Oak Knoll Terrance North. Proposed improvements include:

- Off-street trail construction
- Concrete curb and gutter to provide a safety buffer from the existing road
- ADA improvements at all bus stops and street crossings
- Pedestrian refuge to provide safe crossing to and from LH Tanglen Elementary

Extensive coordination with Hennepin County staff was completed regarding the proposed trail and curb geometric requirements, other programmed county safety improvements to the corridor, funding, utility impacts and right-of-way impacts.

From these discussions and review, a layout was developed and supported by both agencies to illustrate the proposed improvements and right-of-way needs. The county fully supports the improvements and has provided its written support for the project.

Schedule

If the recommended actions are approved by council, an application will be submitted to the Minnesota Department of Transportation for the Active Transportation Infrastructure grant

program. Plans and specifications will be brought to council for final approval with the intention of bidding the project in late fall of 2023. Burial of the overhead power lines and private utility relocation will begin in 2023. Construction of the trail would likely begin in the spring of 2024. The project is planned to be substantially completed in the fall of 2024.

Resolution No. 2022-XXX

Resolution supporting the Active Transportation Infrastructure Grant Application for the Minnetonka Hopkins Crossroads Trail Project

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

Section 1. Background.

- 1.01. The Minnesota Department of Transportation (MnDOT) administers the Active Transportation (AT) infrastructure grants program, which provides federal and state funding for projects to improve active transportation alternatives such as biking and walking routes.
- 1.02. The statewide program solicitation has 3.5 million in state dollars available for active transportation infrastructure projects in 2023 and 2024, with a minimum of \$50,000 and cap of \$500,000 for each project.
- 1.03. These funds have been designated for both stand-alone projects and to cover the local match costs of previously funded federal Transportation Alternatives projects.
- 1.04. The City of Minnetonka successfully applied for and received regional solicitation money from the Metropolitan Council Regional Solicitation Funding program for the Hopkins Crossroad Multi-Use Trail project, to be constructed in 2024.
- 1.05. The City of Minnetonka intends to apply for a State AT Infrastructure Grant to contribute to the local match costs for the planned 2024 project.
- 1.06. The City of Minnetonka has ordinances in place allowing the city to require construction of sidewalks or trails for new developments, [Section 300.27.5.e.4].
- 1.07. The City of Minnetonka has agreed to maintain such improvements for the lifetime of the improvements.

Section 2. Council Action.

- 2.01. The City of Minnetonka will be the lead fiscal agent for the proposed project with the support and approval of Hennepin County.
- 2.02. As the lead fiscal agent, the City of Minnetonka agrees to work with MnDOT and all involved agencies to meet the following responsibilities:
 - a. Secure and guarantee the local share of costs associated with this project and responsibility of seeing the project through to its completion, with compliance to all applicable laws, rules, and regulations; and
 - b. Request SAP/SP number for the project; and
 - c. Ensure the project meets milestones and dates; and
 - d. Develop, review and/or approve the plan; and
 - e. Submit plan, engineer's estimate, and proposal to the District State Aid Engineer (DSAE); and
 - f. Advertise, let, and award the project; and
 - g. Submit pay requests to State Aid; and

- h. Communicate progress and updates with the DSAEs and State Aid Programs Engineer; and
- i. Ensure that the project receives adequate supervision and inspection; and
- j. Assist with project close-out.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Dec. 19, 2022.

Brad Wiersum, Mayor

ATTEST:

Becky Koosman, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

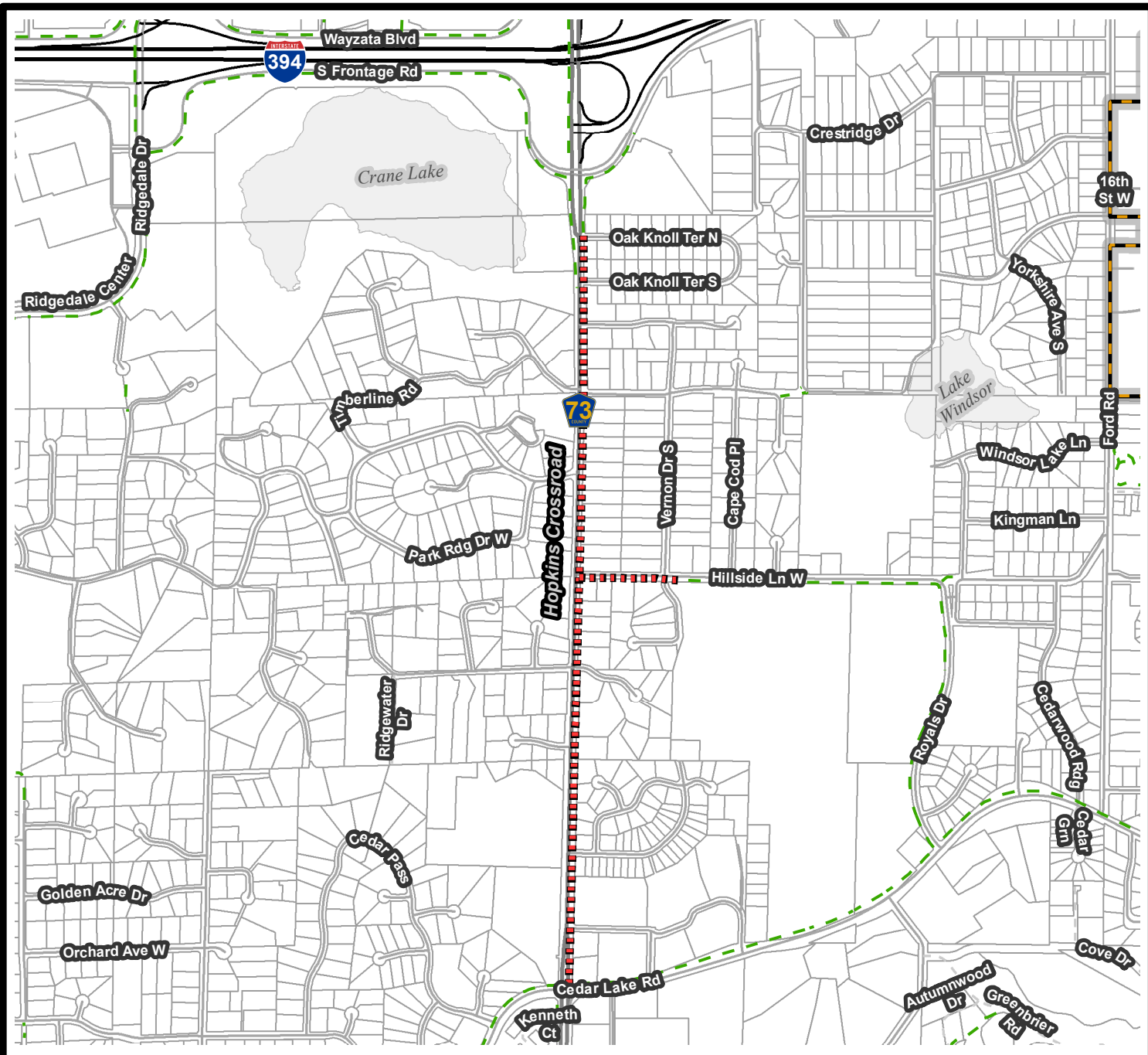
Abstained:

Absent:

Resolution adopted

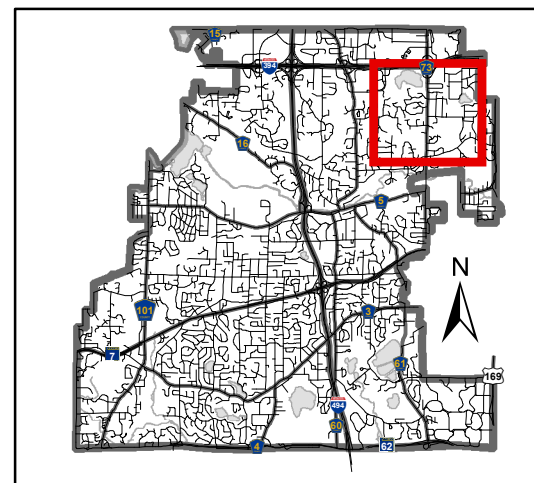
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Dec. 19, 2022.

Becky Koosman, City Clerk



Hopkins Crossroad Trail Improvements Project

- - - - - Proposed Trails
- - - - - Existing Trails



This map is for illustrative purposes only.



**City Council Agenda Item 10E
Meeting of Dec. 19, 2022**

Title: Cedar Hills Townhomes Housing Allocation

Report From: Alisha Gray, EDFP, Economic Development and Housing Manager

Submitted through: Mike Funk, City Manager
Julie Wischnack, AICP, Community Development Director
Darin Nelson, Finance Director

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

Summary Statement

This action provides a resolution that approves a preliminary request for housing bond allocation for the purchase and rehabilitation of Cedar Glens Apartments (Bloomington) and Cedar Hills Apartments (Minnetonka) in the amount of \$17,500,000. These conduit bonds do not pledge the city's general obligation but rather is secured by the project financing.

Recommended Action

Adopt the resolution.

Strategic Profile Relatability

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

Statement: N/A

Financial Consideration

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

Statement: The resolution authorizes the developer to request tax-exempt housing bonds to purchase and rehabilitate Cedar Glens and Cedar Hills apartments. This action does not

guarantee or provide a firm commitment that the city will issue the bonds, but it is an acknowledgment that this request has been made. There are additional steps required prior to final approval (see resolution).

Background

In 2022, DevCo Development reached out to the city to inform the city of its intent to purchase Cedar Hills Townhomes, located at 10844 – 10860 Cedar Bend, Minnetonka, MN, and Blooming Glen Townhomes, located at 724 Southglen Drive, Bloomington, MN. Both projects are similar in scale and provide affordable housing opportunities to households earning 60% of the area's median income. In addition, both properties are covered by existing HAP (Housing Assistance Payment Program) contracts, with tenants only required to pay 30% of their income towards rent each month. Under the proposal, the units will remain income and rent-restricted for 15 years under the current compliance period. The developer proposes extending the rent and income restrictions for 15 years.



Blooming Glen Townhomes

724 Southglen Drive, Bloomington, MN 55420

50 Units | 100% Project Based Section 8 | 1981 Year Built | 2008 Rehabbed



Cedar Hills Townhomes

10844 - 10860 Cedar Bend | Minnetonka, MN 55305

30 Units | 100% Project Based Section 8 | 1983 Year Built | 2007 Rehabbed

Following the acquisition in the spring, DevCo intends to complete extensive renovations totaling approximately \$1.7M at Cedar Hills, including improvements to the roof, monument signs, foundation walls, decks, kitchen and bath interiors, and furnaces. The developer plans similar improvements at the Blooming Cedar Apartments. DevCo has identified additional energy efficiency improvements at the property that would require assistance from the city

totaling approximately \$1M. Staff is in the process of reviewing this request and will bring the request to the EDAC for feedback in January.

This preliminary action notifies the state of the request for housing bonds to purchase and rehabilitate both properties. To finance the project, the developer requests that the city issue tax-exempt housing bonds for \$17,500,000 to finance a portion of the acquisition and rehabilitation of both projects. The developer will ask the city to hold a public hearing and documents concerning the request at a future council meeting. If the city approves the request, the developer will pay all fees related to the issuance of the bonds. In addition, the proposal does not affect the city's ability to issue general obligation bonds in 2023. The attached memo from Julie Eddington, the city's bond counsel, provides more information on the request.

Supplemental Information

- Memo from Julie Eddington, City's Bond Counsel
- DevCo Acquisition/Rehab Plan



Offices in
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Saint Paul
St. Cloud

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(612) 337-9300 telephone
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Affirmative Action, Equal Opportunity Employer

JULIE A. EDDINGTON
Attorney at Law
Direct Dial (612) 337-9213
Email: jeddington@kennedy-graven.com

December 2, 2022

Alisha Gray, Economic Development and Housing Manager
City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345

Re: Resolution providing preliminary approval to the issuance of conduit revenue bonds by the City of Minnetonka for the benefit of Blooming Cedar Apartments, LLC, or an affiliate, successor, or assign

Dear Alisha,

Blooming Cedar Apartments, LLC, a Washington limited liability company, or an affiliate, successor, or assign (collectively, the "Borrower"), has proposed to (i) acquire, rehabilitate, and equip approximately 30 existing affordable townhome units and facilities functionally related and subordinate thereto located at 10860 Cedar Bend, Minnetonka, Minnesota, for occupancy by individuals and families of low and moderate income (the "Minnetonka Project"); and (ii) acquire, rehabilitate, and equip approximately 50 existing affordable townhome units and facilities functionally related and subordinate thereto located at 724 Southglen Drive, Bloomington, Minnesota, for occupancy by individuals and families of low and moderate income (the "Bloomington Project," and together with the Minnetonka Project, the "Project"). In order to finance the Project, the Borrower is requesting that the City of Minnetonka (the "City") issue one or more series of tax-exempt revenue bonds in the approximate maximum principal amount of \$17,500,000 and one or more series of taxable revenue bonds in an amount to be determined (collectively, the "Bonds"). Enclosed is a resolution to be considered by the City Council on Monday, December 19, 2022, providing preliminary approval to the issuance of the Bonds and calling a public hearing on the Project and the issuance of the Bonds.

The Bonds will be issued in calendar year 2023 in one or more series as housing revenue bonds under Minnesota Statutes, Chapter 462C, as amended (the "Act"), and Minnesota Statutes, Sections 471.59 and 471.656, as amended (the "Joint Powers Act"). In accordance with the Act, the City will be required to conduct a public hearing on the issuance of the Bonds and the approval of a housing program. Additionally, Section 146 of the Internal Revenue Code of 1986, as amended (the "Code"), requires that any Bonds issued on a tax-exempt basis receive an allocation of bonding authority of the State of Minnesota (the "State"). An application for this allocation must be made pursuant to Minnesota Statutes, Chapter 474A, as amended (the "Allocation Act"). The enclosed resolution authorizes the City to take actions to prepare the housing program and an application for allocation in accordance with Section 146 of the Code and the Allocation Act. My office will coordinate the process for application for allocation from the State's housing pool later this month.

The City is authorized to issue the Bonds to finance, in part, the Bloomington Project in accordance with the Joint Powers Act so long as the City and the City of Bloomington enter into a joint powers agreement. Prior to the issuance of the Bonds, the City Council of the City of Bloomington will be required to conduct a public hearing and adopt a resolution providing “host approval” for the City to issue the Bonds to provide financing for the Bloomington Project.

If the City Council adopts the enclosed resolution, the City Council will be asked to conduct the public hearing required under the Act and the Code at a future City Council meeting. Following the public hearing, the City Council will be asked to consider a resolution approving the housing program, providing final approval to the issuance of the Bonds, and authorizing the execution of documents in connection with the Bonds, including but not limited to a joint powers agreement with the City of Bloomington.

If issued, the Bonds will be secured solely by the revenues derived from the loan agreement to be executed by the City and the Borrower and from other security provided by the Borrower. The Bonds will not constitute a general or moral obligation of the City and will not be secured by or payable from any property or assets of the City (other than the interests of the City in the loan agreements) and will not be secured by any taxing power of the City. In addition, the City will have no responsibility or liability for the Bloomington Project. The Bonds will not be subject to any debt limitation imposed on the City, and the issuance of the Bonds will not have any adverse impact on the credit rating of the City, even in the event that the Borrower encounters financial difficulties with respect to the Project to be financed with the proceeds of the Bonds. In addition, the issuance of the Bonds will not affect the ability of the City to issue and designate any general obligation bonds as “qualified tax-exempt obligations” (or “bank-qualified bonds”) in calendar year 2023.

The Borrower will agree to pay the out-of-pocket expenses of the City with respect to this transaction as well as the City’s administrative fee.

I will attend the City Council meeting on December 19, 2022 and can answer any questions that may arise during the meeting. Please contact me with any questions you may have prior to the City Council meeting.

Sincerely,

Julie A. Eddington

DEVCo, LLC

Acquisition/Rehab Business Plan



Blooming Glen Townhomes

724 Southglen Drive, Bloomington, MN 55420

50 Units | 100% Project Based Section 8 | 1981 Year Built | 2008 Rehabbed



Cedar Hills Townhomes

10844 - 10860 Cedar Bend | Minnetonka, MN 55305

30 Units | 100% Project Based Section 8 | 1983 Year Built | 2007 Rehabbed

MARKET

Brief Market Description

Hennepin County is Minnesota's most populous county as of the 2020 census, the population was 1,281,565. Hennepin county is home to many major employers, including twelve fortune 500 companies headquartered in the county such as United Health Group, Target, and Best Buy. According to the 2016 American Community Survey, the average household income in Hennepin County is \$71,200.

Brief Submarket Description

Blooming Glen is conveniently located off the East Bloomington Freeway at 724 Southglen Drive in Bloomington, Minnesota, a Minneapolis suburb. Residents have speedy access to Interstate 35W, facilitating an easy commute to the major employment, education, and retail and entertainment hubs throughout the greater Minneapolis region. The property is a half mile south of West 98th Street, a primary arterial and commercial corridor filled with Bloomington's top amenities and conveniences including Marsh Lake Park and Bloomington Ice Garden, Bloomington Center for the Arts, and numerous shopping and dining options. The Old Cedar Avenue Bridge Trailhead, the Mall of America, and Minneapolis Saint Paul International Airport are all within a 5- to 10-minute drive. Central Minneapolis is 12 miles north, and downtown St. Paul is a 25-minute commute for residents.

Cedar Hills Townhomes is conveniently located at 10844-10860 Cedar Bend in Minnetonka, Minnesota. Minnetonka is an affluent suburb with a quaint and thriving downtown, set amongst beautiful national surroundings with quick access to Central Minneapolis, situated 8.5 miles east. Residents are within short walking distance of conveniences such as Hopkins North Junior High, Hopkins High School, ALDI grocery store, and a shopping and dining plaza. Ridgedale Center shopping mall, anchored by Nordstrom and Macy's, is just two miles from the property. Local amenities like Minnetonka Ice Arena and Cedar Manor Lake Park are nearby. Interstates 494 and 394 are quickly accessible, facilitating an easy commute to major employment and education hubs throughout the metro area. The Minneapolis-Saint Paul International Airport is about a 20-minute drive from the property.

Site Description, Amenities, & Neighboring Uses

Blooming Glen is an affordable, 50-unit apartment community located in Bloomington, Minnesota in Hennepin County, part of the Minneapolis-St. Paul-Bloomington, MN-WI Metro Area. Built in 1981 and rehabbed in 2008, the garden-style property is comprised of 7, two-story, townhome-style apartment buildings of wood frame construction with vinyl panel siding and pitched composition shingle roofs. Some exterior buildings have been recently updated with new siding and roofs. A separate property management building is on-site. Blooming Glen offers a unit mix of spacious two-, three, and four-bedroom residences, each featuring a fully equipped kitchen, an in-unit washer and dryer, and a private garage. Common areas include a clubhouse, business center, playground, and professionally maintained grounds.

Unit Amenities

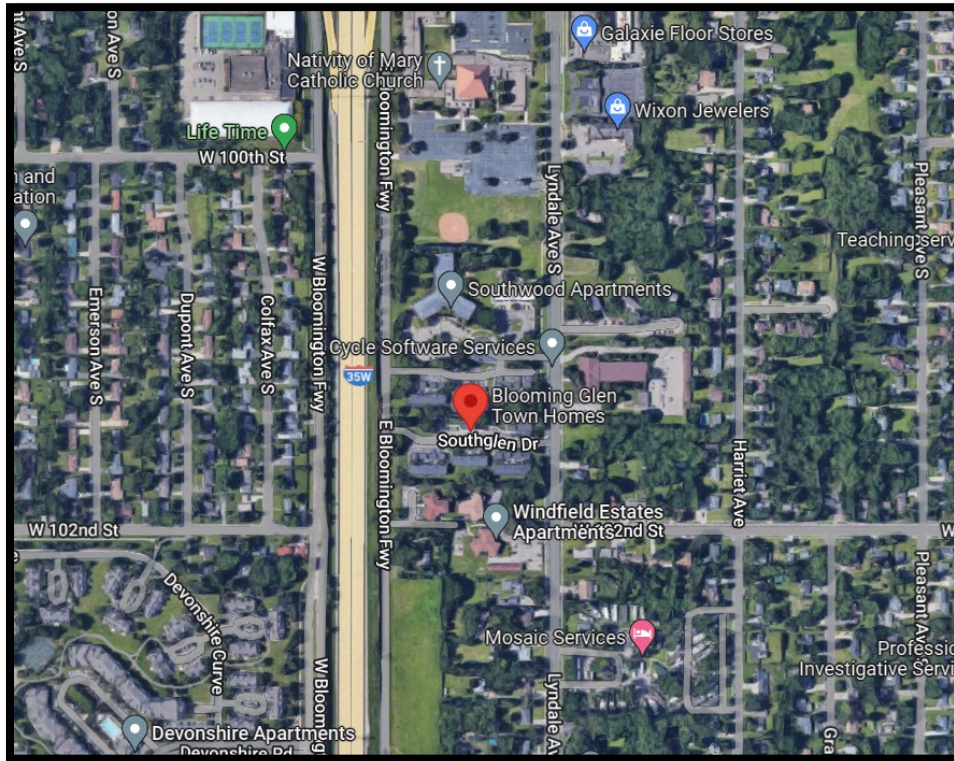
- Spacious and Open Floor Plans
- Private Entry
- Heating
- Refrigerator
- Electric Range with Oven
- Dishwasher
- Built-In Microwave Oven

Common Area Amenities

- Clubhouse With Fireplace
- Business Center
- Playground
- Professional Landscaping
- Open Green Spaces

- Dual Stainless-Steel Sink
- Upgraded Cabinetry
- Dining Area
- Vinyl Flooring
- Washer And Dryer
- Private Porch
- High-Speed Internet Access

Surrounding uses include apartment buildings, a church, retail to the north and single-family homes. The property is located just east of Highway 35W which can provide quick access to the twin cities.



Cedar Hills Townhomes is an affordable 30-unit, multifamily community located in Minnetonka, Minnesota, a Minneapolis suburb in Hennepin County. Built in 1983 and rehabbed in 2007, the property is situated on 2.78 acres and consists of 2, two-story buildings with vinyl panel siding and pitched composition shingle roofs. Cedar Hills Townhomes offers a variety of spacious two-, three-, and four-bedroom units featuring new individual HVAC air conditioning and heat, new carpeting, and private patios / balconies. Laundry facilities, a playground area, and a management office are on-site. The grounds are aesthetically pleasing, with manicured grass areas and a variety of mature shade trees. The property is within walking distance of shopping, dining, and schools.

Unit Amenities

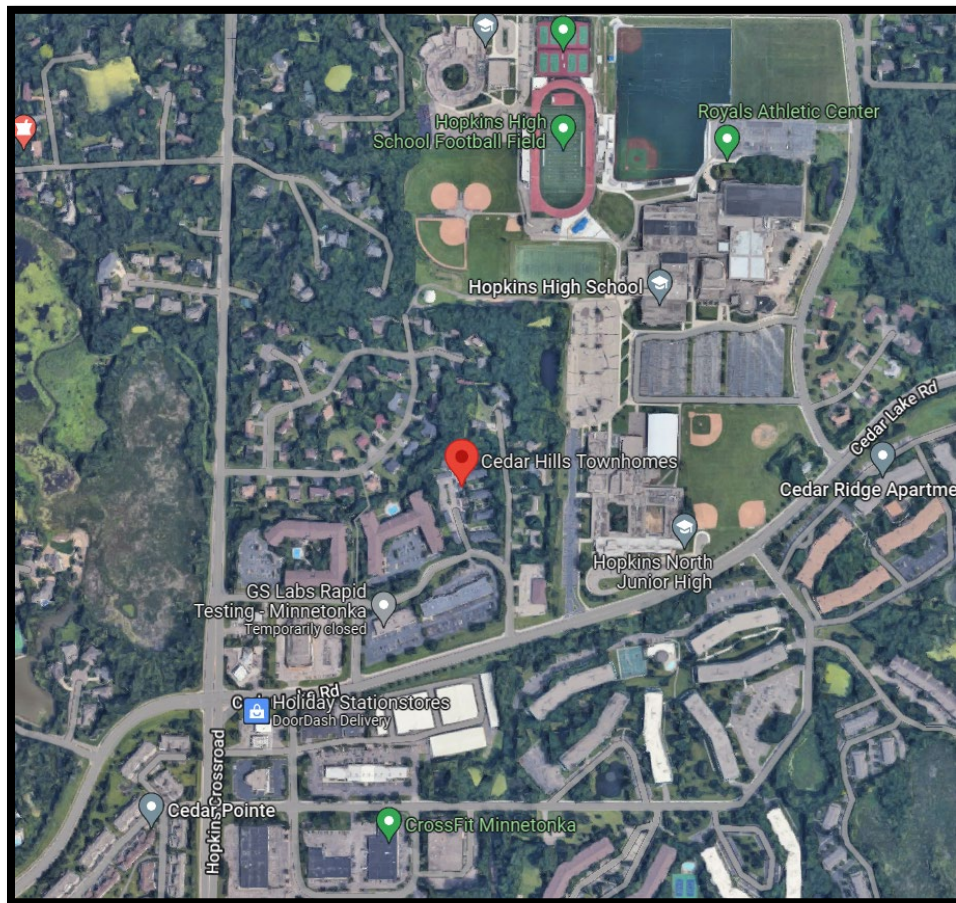
- Open And Spacious Floor Plans
- Townhouse-Style Floor
- Plans Available
- Individual Air Conditioning / Heat
- Refrigerator

Common Area Amenities

- Clubhouse With Fireplace
- Laundry Facilities
- Additional Storage Space Available
- Playground
- Picnic Areas With BBQ Grills

- Range With Oven
- Combination Tub And Shower Surround
- New Carpeting
- Window coverings
- Vinyl Flooring
- Washer And Dryer
- Private Porch
- High-Speed Internet Access
- Professional Landscaping Open Green Spaces
- Open Green Spaces
- No Pets Allowed
- On-Site Property Management
- 24-Hour Emergency Maintenance
- 24 Covered Parking Spaces
- 40 Open Surface Spaces
- Detached Garages Available

Surrounding uses include Hopkins High School, several apartment buildings to the west and SE, single family homes, and commercial uses to the SW of the property.



UNDERWRITING

Unit Mix & Affordability Restrictions

Bedrooms	Bathrooms	Set Aside	Units	Square Footage	Current Rent	As-Is Market Rents	Renovated Market Rents
Blooming Glen Townhomes							
2	1	60%	28	980	\$1,500	\$1,370	\$1,520
3	2	60%	18	1120	1,630	1,800	1,950
4	2	60%	4	1260	1,950	2,100	2,250
Cedar Hills Townhomes							
2	1	60%	20	980	1,362	1,825	1,975
3	1.5	60%	9	1120	1,541	2,125	2,275
4	1.5	60%	1	1260	1,736	2,400	2,550

Both properties are covered by Housing Assistance Payment (HAP) Contracts and tenants are required to pay only 30% of their income each month to rent. Income restrictions are in place at the property where tenants cannot make more than 60% of the Area Median Income (AMI). The units will remain income and rent restricted for a period of 15 years with the initial compliance period and an additional extended use period of 15 years after.

Schedule

DevCo is under contract to purchase the properties in January of 2023 and will apply for 4% Low Income Housing Tax Credits through MHFA and Tax-Exempt Private Activity Bonds through the City of Minnetonka while adhering to the following timeline, which is subject to change. DevCo must apply for the MN 2023 housing tax credit round in January.

PSA Executed	8/22/2022
Acquisition Closing	1/13/2023
Extended Closing Date	2/13/2023
Bond Application	Late October 2022 – may not be required
Bond Inducement	November 2022 – confirming actual date
Tax Credit Pre-Application	Late October for pre-application meeting with MHFA
Tax Credit Application	1/11/2023 MHFA accepts full applications
Bond Allocation	January 2023 – confirming actual date
HAP Assignment Submission	10/27/2022
HAP Renewal Submission	November 2022
HAP Renewal Approved	120-150 days following submission
Tax Credit Closing Date	Late Q1 2022
Construction Start Date	Two weeks after tax credit closing
Construction End Date	7 months after construction start

DEAL TEAM

General Contractor

Frerichs Construction has been successfully completing projects in nearly every facet of commercial

construction since our inception in 1983. From big box office warehouses, schools, and industrial work to hospitality or retail; you name it, we can and have done it successfully. Our primary niche market has become multi-family housing, new or remodel. But simply because that is the majority of our work, don't let that indicate it to be all that we do.

Contact: Jason Larson
Phone: 612-615-5198
Email: Jasonl@frerichsconstruction.com

Architect

KWA is a unique Architectural design firm that uses a team approach to better understand specialized environments for living and aging. Our team is exceptional in its ability to create positive solutions to complex buildings and interiors. We thrive in early and constant collaboration with Clients and General Contractors, creating a team approach that generates unmatched successes in the end. This process has produced award winning projects in Affordable Housing, Market Rate Rental, Senior Living, Historic Preservation, and Rehabilitation.

Contact: Jim Schloemer
Phone: 612-279-8837
Email: jims@kaaswilson.com

Management

Evergreen Real Estate Services, LLC (Evergreen) was formed in 1999 and currently manages a diverse property management portfolio of 104 properties consisting of 11,059 units in 11 states. Evergreen Real Estate Services. Evergreen is a full-service property management firm that provides broad-based value to our clients across several disciplines including strategic planning; accounting and financial management; regulatory and compliance and reporting; capital needs analysis; capital improvement planning; facilities management; preventive maintenance administration; resident services; outreach marketing and community liaison services; and human resources and staff training

Contact: Mary Mauney
Phone: 312-382-3237
Email: mmauney@evergreenreg.com

CONSTRUCTION

DevCo is budgeting \$49,095 per door on Cedar Hills and \$38,078 per door on Blooming Glen, or \$3.38M in hard costs. The scope of this work will include but is not limited to the repainting of kitchens and baths, replacement of flooring, kitchen and vanity cabinets, tops and sinks, repairing decks, and repairing foundation walls. DevCo will be dialing in a final scope of work over the next couple of months after visiting the site with the contractor and architect.

Tenants at the property will be allowed to stay in place while their unit is undergoing rehabilitation. Frerichs will provide plastic totes or cardboard boxes for packing up items and the contractor will move any large items around the unit during construction. Work in the units will begin around 8am and fully functional units will be given back to tenants at the end of the workday around 5pm.

Environmental

A Phase I Environmental Site Assessment was conducted for Blooming Glen. EBI recommends the development and implementation of an Asbestos Operations and Maintenance (O&M) Plan for the Subject Property. This O&M Plan provides the procedures and guidelines that, when used during facility cleaning, maintenance, and general operations, will minimize human exposure to asbestos fibers and minimize release of asbestos fibers to the environment. This O&M Plan is a long-term management approach. Estimated cost: \$500. EBI additionally recommends that a comprehensive asbestos inspection be conducted prior to significant renovation or demolition of the buildings.

A Phase I Environmental Site Assessment was conducted for Cedar Hills. EBI recommends the development and implementation of an Asbestos Operations and Maintenance (O&M) Plan for the Subject Property. This O&M Plan provides the procedures and guidelines that, when used during facility cleaning, maintenance, and general operations, will minimize human exposure to asbestos fibers and minimize release of asbestos fibers to the environment. This O&M Plan is a long-term management approach. Estimated cost: \$500

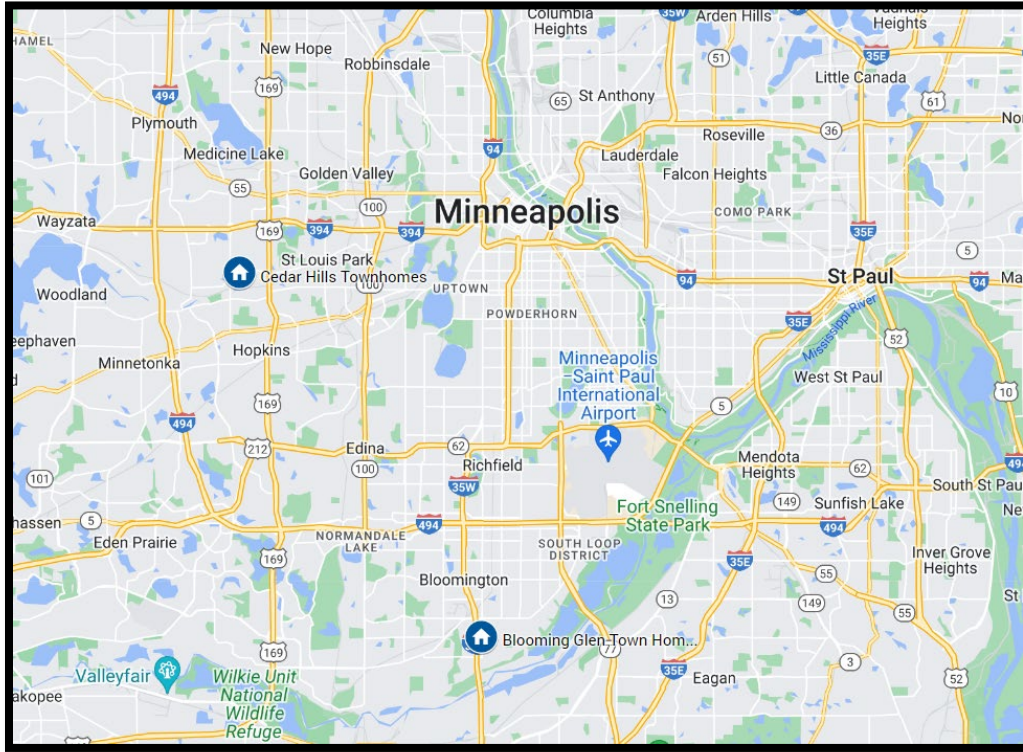
DEVCO PROJECT CONTACTS

- Project Manager: Michael Volz
 - Michael.volz@devcous.com
 - 253-973-7768
- Development Associate: Nick Storlie
 - Nick.storlie@devcous.com
 - 763-688-1119

DEVCO MISSION STATEMENT

DevCo uses its experience in the management, construction and financing of affordable housing to revitalize existing properties and build long lasting communities. By planning extensive renovations and making long-term affordability commitments DevCo Preservation provides quality, affordable housing in growing markets where it is needed most.

MAP



PHOTOS

Blooming Glen Townhomes:





Cedar Hills Townhomes:





Resolution No. 2022-

Resolution providing preliminary approval for the issuance of revenue obligations for the benefit of Blooming Cedar Apartments, LLC and taking other actions related thereto

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

Section 1. Recitals.

- 1.01. The City is a home rule city duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota.
- 1.02. Pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Housing Act"), the City is authorized to issue revenue obligations to provide funds to finance multifamily rental housing developments located within the City.
- 1.03. Minnesota Statutes, Section 471.656, as amended, authorizes a municipality to issue obligations to finance the acquisition or improvement of property located outside of the corporate boundaries of such municipality if the obligations are issued under a joint powers agreement between the municipality issuing the obligations and the municipality in which the property to be acquired or improved is located.
- 1.04. Pursuant to Minnesota Statutes, Section 471.59, as amended, by the terms of a joint powers agreement entered into through action of their governing bodies, two or more municipalities may jointly or cooperatively exercise any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised and the joint powers agreement may provide for the exercise of such powers by one or more of the participating governmental units on behalf of the other participating units.
- 1.05. Blooming Cedar Apartments, LLC, a Washington limited liability company, or an affiliate, successor, or assign (collectively, the "Borrower"), has proposed that the City issue one or more series of tax-exempt revenue obligations in the approximate maximum principal amount of \$17,500,000 and one or more series of taxable revenue obligations in the approximate maximum principal amount to be determined (collectively, the "Bonds") for the benefit of the Borrower for the purposes of financing all or a portion of (i) the costs of the acquisition, rehabilitation, and equipping of approximately 30 existing affordable townhome units and facilities functionally related and subordinate thereto located at 10860 Cedar Bend in the City for occupancy by individuals and families of low and moderate income (the "Minnetonka Project"); (ii) the costs of the acquisition, rehabilitation, and equipping of approximately 50 existing affordable townhome units and facilities functionally related and subordinate thereto located at 724 Southglen Drive, Bloomington, Minnesota, for occupancy by individuals and families of low and moderate income (the "Bloomington Project," and together

with the Minnetonka Project, the “Project”); (iii) any required reserves; (iv) capitalized interest during the rehabilitation of the Project, if necessary; and (v) the costs of issuing the Bonds.

- 1.06. Pursuant to Section 146 of the Code, any Bonds issued on a tax-exempt basis (the “Tax-Exempt Bonds”) must receive an allocation of bonding authority of the State of Minnesota. An application for such an allocation must be made pursuant to the requirements of Minnesota Statutes, Chapter 474A, as amended (the “Allocation Act”). The Council must grant preliminary approval to the issuance of the Bonds to finance the costs of the Project and authorize the submission of an application to the office of Minnesota Management and Budget for an allocation of bonding authority with respect to the Tax-Exempt Bonds to finance the costs of the Project.
- 1.07. As a condition to the issuance of the Bonds, the City must adopt a housing program providing the information required by Section 462C.03, subdivision 1a of the Housing Act (the “Housing Program”).
- 1.08. Under Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), prior to the issuance of the Bonds, the Council must conduct a public hearing after one publication of notice in a newspaper circulating generally in the City at least seven (7) days before the hearing. Under Section 462C.04, subdivision 2 of the Housing Act, a public hearing must be held on the Housing Program after one publication of notice in a newspaper circulating generally in the City at least fifteen (15) days before the hearing.

Section 2. Preliminary Findings.

- 2.01. Based on representations made by the Borrower to the City to date, the Council hereby makes the following preliminary findings, determinations, and declarations:
- (a) The Project consists of a multifamily rental housing development designed and intended to be used for rental occupancy.
- (b) The proceeds of the Bonds will be loaned to the Borrower and the proceeds thereof, along with other available funds, will be used to finance all or a portion of the costs of the Project, any required reserve funds, capitalized interest during the rehabilitation of the Project, and costs of issuance of the Bonds. The City will enter into a loan agreement (or other revenue agreement) with the Borrower requiring loan repayments from the Borrower in amounts sufficient to repay the loan of the proceeds of the Bonds when due and requiring the Borrower to pay all costs of maintaining and insuring the Project, including taxes thereon.
- (c) In preliminarily authorizing the issuance of the Bonds and the financing of the costs of the Project and related costs, the City’s purpose is to further the policies of the Housing Act.

(d) The Bonds will be special, limited obligations of the City payable solely from the revenues pledged to the payment thereof, will not be general or moral obligations of the City, and will not be secured by or payable from revenues derived from any exercise of the taxing powers of the City.

Section 3. Application for Allocation.

3.01. The Council hereby authorizes the submission of an application for allocation of bonding authority for the Tax-Exempt Bonds pursuant to Section 146 of the Code and the Allocation Act in accordance with the requirements of the Allocation Act. City staff and Kennedy & Graven, Chartered, as bond counsel to the City (“Bond Counsel”), shall take all actions, in cooperation with the Borrower, as are necessary to submit an application for an allocation of bonding authority to the office of Minnesota Management and Budget.

Section 4. Housing Program.

4.01. Bond Counsel shall prepare and submit to the City a draft Housing Program to authorize the issuance by the City of the Bonds to finance all or portion of the costs of the Project by the Borrower. Bond Counsel is authorized and directed to submit, on behalf of the City, the Housing Program to Metropolitan Council for review and comment pursuant to Section 462C.04, subdivision 2 of the Housing Act.

Section 5. Public Hearing.

5.01. The Council shall meet at a future date to be determined by City staff to conduct a public hearing on the Housing Program, the Project, and the issuance of the Bonds by the City. Notice of such hearing (the “Public Notice”) will be published as required by Section 462C.04, subdivision 2 of the Housing Act and Section 147(f) of the Code. Bond Counsel is hereby authorized and directed to publish the Public Notice, in substantially the form attached hereto as EXHIBIT A, in the *Sun Sailor*, a newspaper of general circulation in the City. At the public hearing reasonable opportunity will be provided for interested individuals to express their views, both orally and in writing, on the Project, the Housing Program, and the proposed issuance of the Bonds.

Section 6. Preliminary Approval.

6.01. The Council hereby provides preliminary approval to the issuance of the Bonds, subject to: (i) a public hearing as required by the Housing Act and Section 147(f) of the Code; (ii) final approval of the issuance of the Bonds in the total principal amount to be determined following the preparation of bond documents, provided, however, that the approximate principal amount of the Tax-Exempt Bonds may not exceed \$17,500,000; (iii) receipt of an allocation of bonding authority for the Tax-Exempt Bonds from the office of Minnesota Management and Budget; (iv) host approval by the City of Bloomington, Minnesota in accordance with Minnesota Statutes, Sections 471.59 and 471.656, as amended; and (v) final determination by the Council that the financing of the costs of the Project and the issuance of the Bonds are in the best interests of the City.

Section 7. Reimbursement of Costs under the Code.

7.01. The United States Department of the Treasury has promulgated regulations governing the use of the proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City or the Borrower for project expenditures paid prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds occur within eighteen (18) months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the Bonds.

7.02. To the extent any portion of the proceeds of the Bonds will be applied to expenditures with respect to the costs of the Project, the City reasonably expects to reimburse the Borrower for the expenditures made for the costs of the Project from the proceeds of the Bonds after the date of payment of all or a portion of such expenditures. All reimbursed expenditures shall be capital expenditures, costs of issuance of the Bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations and also qualifying expenditures under the Housing Act.

Based on representations by the Borrower, other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under prior regulations pursuant to the transitional provision contained in Section 1.150-2(j)(2)(i)(B) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimis" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures with respect to the Project to be reimbursed with the proceeds of the Bonds have been made by the Borrower more than sixty (60) days before the date of adoption of this resolution of the City.

7.03. Based on representations by the Borrower, as of the date hereof, there are no funds of the Borrower reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the remaining costs of the Project to be financed from proceeds of the Bonds, other than pursuant to the issuance of the Bonds. This resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the Borrower as they exist or are reasonably foreseeable on the date hereof.

Section 8. Costs.

8.01. The Borrower will pay the administrative fees of the City and pay, or, upon demand, reimburse the City for payment of, any and all costs incurred by the City

in connection with the Project and the issuance of the Bonds, whether or not the Bonds are issued.

Section 9. Commitment Conditional.

9.01. The adoption of this resolution does not constitute a guarantee or a firm commitment that the City will issue the Bonds as requested by the Borrower. If, as a result of information made available to or obtained by the City during its review of the Project, it appears that the Project or the issuance of Bonds to finance the remaining costs thereof is not in the public interest or is inconsistent with the purposes of the Housing Act, the City reserves the right to decline to give final approval to the issuance of the Bonds. The City also retains the right, in its sole discretion, to withdraw from participation and accordingly not issue the Bonds should the Council, at any time prior to the issuance thereof, determine that it is in the best interests of the City not to issue the Bonds or should the parties to the transaction be unable to reach agreement as to the terms and conditions of any of the documents for the transaction.

9.02. The adoption of this resolution does not constitute planning approval for the costs of the Project. The Borrower must submit all planning application to the City through the typical planning process and obtain all required planning approvals from the City to commence rehabilitation of the Minnetonka Project.

Section 10. Effective Date.

10.01. This resolution shall be in full force and effect from and after its passage.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Dec. 19, 2022.

Brad Wiersum, Mayor

ATTEST:

Becky Koosman, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Dec. 19, 2022.

Becky Koosman, City Clerk

EXHIBIT A**NOTICE OF PUBLIC HEARING****CITY OF MINNETONKA, MINNESOTA****NOTICE OF PUBLIC HEARING ON THE APPROVAL OF A HOUSING PROGRAM FOR A MULTIFAMILY HOUSING DEVELOPMENT AND THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS UNDER MINNESOTA STATUTES, CHAPTERS 462C AND 474A, AS AMENDED, FOR THE BENEFIT OF BLOOMING CEDAR APARTMENTS, LLC**

NOTICE IS HEREBY GIVEN that the City Council of the City of Minnetonka, Minnesota (the "City"), will hold a public hearing on Monday, _____, 2023, at or after 6:30 p.m. in the City Council Chambers in City Hall, located at 14600 Minnetonka Boulevard in the City, to consider a proposal that the City approve and authorize the issuance of one or more series of taxable or tax-exempt revenue bonds (the "Bonds") in the approximate principal amount not to exceed \$_____, pursuant to Minnesota Statutes, Chapters 462C and 474A, as amended (the "Act"), and Minnesota Statutes, Sections 471.59 and 471.656, as amended, for the purposes of financing all or a portion of (i) the costs of the acquisition, rehabilitation, and equipping of approximately 30 existing affordable townhome units and facilities functionally related and subordinate thereto located at 10860 Cedar Bend in the City for occupancy by individuals and families of low and moderate income (the "Minnetonka Project"); (ii) the costs of the acquisition, rehabilitation, and equipping of approximately 50 existing affordable townhome units and facilities functionally related and subordinate thereto located at 724 Southglen Drive, Bloomington, Minnesota, for occupancy by individuals and families of low and moderate income (the "Bloomington Project," and together with the Minnetonka Project, the "Project"); (iii) any required reserves; (iv) capitalized interest during the rehabilitation of the Project, if necessary; and (v) the costs of issuing the Bonds. Blooming Cedar Apartments, LLC, a Washington limited liability company, or an affiliate, successor, or assign (collectively, the "Borrower"), will own and operate the Project. A portion of the Bonds in the estimated principal amount of \$_____ will be used to finance the Minnetonka Project, and a portion of the Bonds in the estimated principal amount of \$_____ will be used to finance the Bloomington Project.

Following the public hearing, the City Council will consider a resolution approving a housing program prepared in accordance with the requirements of the Act and granting approval to the issuance of the Bonds.

The Bonds will be special, limited obligations of the City, and the Bonds and interest thereon will be payable solely from the revenues and assets pledged to the payment thereof. No holder of any Bond will have the right to compel any exercise of the taxing power of the City to pay the Bonds or the interest thereon, nor to enforce payment against any property of the City except money payable by the Borrower to the City and pledged to the payment of the Bonds. Before issuing the Bonds, the City will enter into an agreement with the Borrower, whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on the Bonds when due.

At the time and place fixed for the public hearing, the City Council will give all persons who appear at the hearing an opportunity to express their views with respect to the proposal. In addition, interested persons may direct any questions or file written comments respecting the proposal with the City Clerk, at or prior to said public hearing.

PLEASE NOTE, due to COVID-19, the public hearing may be conducted via telephone or other electronic means as allowed under Minnesota Statutes, Section 13D.021. Please refer to the City's website at <https://www.minnetonkamn.gov/> or call City Hall at 952-939-8200 to learn how to attend the public hearing via telephone or electronically.

Dated: [Date of Publication]

BY ORDER OF THE CITY COUNCIL OF THE
CITY OF MINNETONKA, MINNESOTA

/s/ Becky Koosman

City Clerk

City of Minnetonka, Minnesota



**City Council Agenda Item 11A
Meeting of Dec. 19, 2022**

Title: Resolution accepting gifts, donations and sponsorships given to the city during 2022

Report From: Joel Merry, Assistant Finance Director

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

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

Summary Statement

Each year the council is required by Minnesota Statutes §465.03 and through Council Policy 2.12 to officially approve acceptance of gifts to the city by adopting a formal resolution.

Recommended Action

Adopt the resolution accepting the gifts, donations and sponsorships for 2022, which have a total estimated value of \$29,504.08.

Strategic Profile Relatability

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

Financial Consideration

- Is there a financial consideration? No Yes
- Financing sources: Budgeted Budget Modification New Revenue Source
 Use of Reserves Other

Gifts, donations, or sponsorships received are committed to specific programs or uses per donor direction.

Background

Council Policy 2.12 regulates the receipt and acceptance of gifts, donations and sponsorships to the city in compliance with Minnesota Statutes §465.03. The policy provides that the council must officially approve acceptance of gifts to the city by adopting a resolution.

Attached is the list of all such donations received since last year's council acceptance that were not otherwise individually approved by the city council during the year. As required by the council policy, staff certified that all listed donations were an official sponsorship of an approved city program; a donation to the Richard Wilson Scholarship Fund or Parks for Tomorrow Fund; a conservation easement; or were merchandise or equipment meeting the following criteria:

- Provide for a previously identified need and is for public benefit and use;
- No long-term costs exist for accepting, maintaining and disposing (if applicable) of the donation; and
- The donation is free of any quid pro quo expectations by the donor.

Volunteer time does not require specific council approval nor do advertisements supporting city enterprise funds, the latter because the monies are payment for the benefit of the advertising.

Except where the donation was anonymous, staff has acknowledged the donor of each gift, with a thank you letter, printed, or electronic publication of the sponsorship.

2022 Gifts, Donations & Sponsorships to the City of Minnetonka

<u>Date Received</u>	<u>Department</u>	<u>Program</u>	<u>Donor Name</u>	<u>Amount/ Value</u>	<u>In-kind Description, if applicable</u>
01/03/2022	Recreation	Richard Wilson Scholarship Fund	Dave and Ann Johnson	\$100.00	Check
01/03/2022	Police	citizen donation	Kim Thompson	\$200.00	Gift Crads
01/06/2022	Recreation	Senior Presentation	Amira	\$100.00	\$50 donation and goody bags
01/25/2022	Recreation	Movie & Lunch January	WestRidge	\$250.00	\$100 donation and dessert
02/14/2022	Recreation	Monthly Party	Orchards of Minnetonka	\$250.00	\$100 donation and dessert
02/18/2022	Recreation	Richard Wilson Scholarship Fund	Anonymous - Williston Donation Container	\$99.77	Cash
02/23/2022	Recreation	Movie & Lunch February	RidgePointe	\$250.00	\$100 donation and dessert
03/08/2022	Recreation	Richard Wilson Scholarship Fund	Briana Bers	\$5.00	Credit Card
03/17/2022	Recreation	Monthly Party	Senior Asses	\$250.00	\$100 donation and dessert
03/24/2022	Recreation	Senior Presentation	Cherrywood Pointe (Amira Choice)	\$100.00	\$50 donation and goody bags
03/25/2022	Police	George R Wolff VFW Auxiliary NO. 425		\$500.00	Check
03/27/2022	Police	Minnetonka Pup Tent 15		\$500.00	Check
03/29/2022	Recreation	Movie & Lunch March	Orchards of Minnetonka	\$250.00	\$100 donation and dessert
04/05/2022	Recreation	Monthly Party	Amira	\$250.00	\$100 donation and dessert
04/23/2022	Recreation	Volunteer Donation from SCS	Senior Community Services	\$100.00	Check
04/27/2022	Recreation	Shady Oak Lake Cemetery	Janet Holasek Worrall	\$30.00	Check
04/29/2022	Recreation	Movie & Lunch February	Amira Choice	\$250.00	\$100 donation and dessert
05/05/2022	Recreation	Senior Presentation	Orchards of Minnetonka	\$100.00	\$50 donation and goody bags
05/06/2022	Recreation	Senior Presentation	The Glenn Minnetonka	\$100.00	\$50 donation and goody bags
05/11/2022	Recreation	Movie & Lunch February	WestRidge	\$250.00	\$100 donation and dessert
05/12/2022	Recreation	Senior Presentation	The Glenn Hopkins	\$100.00	\$50 donation and goody bags
05/24/2022	Recreation	Movie & Lunch February	Amira Choice	\$250.00	\$100 donation and dessert
06/02/2022	Recreation	Monthly Party	WestRidge	\$250.00	\$100 donation and dessert
06/10/2022	Recreation	Senior Presentation	Emerald Crest	\$100.00	\$50 donation and goody bags
06/15/2022	Recreation	Senior Presentation	Shorewood Landing	\$100.00	\$50 donation and goody bags
06/20/2022	Recreation	Senior Presentation	Emerald Crest	\$100.00	\$50 donation and goody bags
06/21/2022	Recreation	Music in the Park	WestRidge	\$500.00	Check
06/21/2022	Recreation	Music in the Park	WestRidge	\$500.00	Check
06/22/2022	Recreation	Richard Wilson Scholarship Fund	Briann Remiger	\$50.00	Credit Card
06/22/2022	Recreation	Movie & Lunch June	RidgePointe	\$250.00	\$100 donation and dessert
06/24/2022	Recreation	Farmers Market	South Lake Pediatric	\$6,500.00	Check
06/27/2022	Recreation	Richard Wilson Scholarship Fund	Anonymous - Summer Fest Neons	\$1,176.00	Cash
06/28/2022	Recreation	Music in the Park	Bren Road Station	\$500.00	Check
06/29/2022	Recreation	Burwell House Tour Donations	Anonymous	\$127.00	Cash
06/29/2022	Recreation	Richard Wilson Scholarship Fund	Michael Russo	\$5.00	Credit Card
07/07/2022	Recreation	Senior Presentation	Avidor	\$100.00	\$50 donation and goody bags
07/08/2022	Recreation	Monthly Party	Nothing Bundt Cakes	\$250.00	\$100 donation and dessert
07/12/2022	Recreation	Music in the Park	Orchards of Minnetonka	\$500.00	Check
07/19/2022	Recreation	Music in the Park	Shorewood Landing	\$500.00	Check
07/21/2022	Recreation	Senior Presentation	Amira Choice	\$100.00	\$50 donation and goody bags
07/22/2022	Recreation	Movie & Lunch July	Orchards of Minnetonka	\$250.00	\$100 donation and dessert
07/26/2022	Recreation	Music in the Park	Amira/Amira Choice	\$500.00	Check
07/26/2022	Recreation	Senior Presentation	Emerald Crest	\$100.00	\$50 donation and goody bags
08/01/2022	Recreation	Burwell House Tour Donations	Anonymous	\$219.00	Cash
08/02/2022	Recreation	Richard Wilson Scholarship Fund	Cari Gregerson	\$15.00	Credit Card
08/05/2022	Recreation	Richard Wilson Scholarship Fund	Anonymous - Williston Donation Container	\$81.21	Cash
08/09/2022	Recreation	Music in the Park	Avidor	\$500.00	Check
08/12/2022	Recreation	Monthly Party	Orchards of Minnetonka	\$250.00	\$100 donation and dessert
08/16/2022	Recreation	Music in the Park	Minnwest Bank	\$500.00	Check
08/17/2022	Parks	Parks for Tomorrow	Boulder Creek Neighborhood	\$1,187.86	Check
08/23/2022	Recreation	Music in the Park	Shorewood Landing	\$500.00	Check
08/24/2022	Recreation	Burwell House Tour Donations	Anonymous	\$91.00	Cash
08/28/2022	Recreation	Movie & Lunch August	Amira	\$250.00	\$100 donation and dessert
08/31/2022	Parks	Parks for Tomorrow	Jenny and Dan Ralles	\$1,187.86	Check
09/01/2022	Recreation	Adopt-A-Park-Sign	Tonkadale Greenhouse	\$600.00	\$15.00 credit at cash register given to each AAPS volunteer purchasing plants
09/21/2022	Recreation	Senior Presentation	Deephaven Woods	\$100.00	\$50 donation and goody bags
09/22/2022	Recreation	Richard Wilson Scholarship Fund	Doobie Kurus	\$3,000.00	Check
09/22/2022	Recreation	Movie & Lunch September	Nothing Bundt Cakes	\$250.00	\$100 donation and dessert
09/30/2022	Recreation	Parking Lot Bingo	The Glenn Minnetonka	\$100.00	Two \$10 gift cards & goody bags
10/05/2022	Parks	Parks for Tomorrow	Rita Hlavacek	\$1,187.86	Check
10/05/2022	Recreation	Richard Wilson Scholarship Fund	Patti Hansen	\$5.00	Credit Card
10/05/2022	Recreation	Monthly Party	Amira	\$250.00	\$100 donation and dessert
10/19/2022	Recreation	Senior Presentation	The Glenn Minnetonka	\$100.00	\$50 donation and goody bags
10/21/2022	Recreation	Movie & Lunch October	WestRidge	\$250.00	\$100 donation and dessert
10/28/2022	Recreation	Parking Lot Bingo	The Key	\$100.00	Two \$10 gift cards & goody bags
10/31/2022	Recreation	Richard Wilson Scholarship Fund	Anonymous-Spooktaacular Event Neons	\$96.78	Cash
11/02/2022	Recreation	Movie & Lunch November	Amira	\$250.00	\$100 donation and dessert
11/03/2022	Recreation	Senior Bus Trip	Emerald Crest	\$100.00	\$50 donation and goody bags
11/07/2022	Recreation	Senior Presentation	The Key	\$100.00	\$50 donation and goody bags
11/11/2022	Recreation	Monthly Party	Amira Choice	\$250.00	\$100 donation and dessert
11/14/2022	Recreation	Burwell House Tour Donations	Anonymous	\$134.00	Check
11/14/2022	Recreation	Burwell House Tour Donations	Anonymous	\$44.00	Cash
11/16/2022	Recreation	Richard Wilson Scholarship Fund	Anonymous - Williston Donation Container	\$61.74	Cash
11/16/2022	Recreation	Senior Presentation	The Glenn Hopkins	\$100.00	\$50 donation and goody bags
11/17/2022	Recreation	Senior Presentation	Sholom Home-care & Hospice	\$100.00	\$50 donation and goody bags
11/30/2022	Recreation	Senior Bus Trip	Amira Choice	\$100.00	\$50 donation and goody bags
12/06/2022	Recreation	Movie & Lunch December	RidgePointe	\$250.00	\$100 donation and dessert
12/07/2022	Recreation	Senior Presentation	Deephaven Woods	\$100.00	\$50 donation and goody bags
12/15/2022	Recreation	Monthly Party	WestRidge	\$250.00	\$100 donation and dessert
12/29/2022	Recreation	Senior Bus Trip	Deephaven Woods	\$100.00	\$50 donation and goody bags
2022 Total Value				\$29,504.08	

Resolution No. 2022-

Resolution accepting gifts, donations and sponsorships made to the city in 2022

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

Section 1. Background.

- 1.01. Council Policy 2.12 regulates the receipt and acceptance of gifts, donations and sponsorships to the city. The policy requires the council to officially approve acceptance of gifts to the city.
- 1.02. Minnesota Statutes, section 465.03 allows cities to accept gifts of real or personal property, including money, and to use the gifts in accordance with the terms prescribed by the donor. The statute requires the gift to be accepted by resolution, approved by two-thirds of the members of the city council.
- 1.03. During the year 2022, the city received gifts, donations or sponsorships as set forth in the list attached to this resolution.
- 1.04. City staff has certified that all listed donations conform to Council Policy 2.12.
- 1.05. The total estimated value of the gifts, donations and sponsorships for 2022 is \$29,504.08.

Section 2. Council Action.

- 2.01. Council accepts the gifts, donations and sponsorships set forth on the attached list and designates those gifts for the uses specified in the attached list or, if no use is specified, for the general fund.

Adopted by the City Council of the City of Minnetonka, Minnesota, on December 19, 2022.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on December 19, 2022.

Becky Koosman, City Clerk



**City Council Agenda Item 13A
Meeting of Dec. 19, 2022**

Title: On-sale intoxicating and Sunday on-sale intoxicating liquor licenses for Novel Spirits, LLC, dba The Social Kitchen & Libations, located at 12411 Wayzata Boulevard

Report From: Fiona Golden, Community Development Coordinator

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

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

Summary Statement

Novel Spirits, LLC, dba The Social Kitchen & Libations, has submitted an application for an on-sale intoxicating and a Sunday on-sale intoxicating license in the space previously occupied by Lake Shore Grill at Ridgedale Mall. The city council is required to hold a public hearing to consider the licenses and receive public testimony.

Recommended Action

Motion to continue the public hearing to Jan. 30, 2023, for final consideration.

Strategic Profile Relatability

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

Financial Consideration

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

Subject: On-sale intoxicating and Sunday on-sale intoxicating liquor licenses for Novel Spirits, LLC, dba The Social Kitchen & Libations, located at 12411 Wayzata Boulevard

Background

Macy's Retail Holdings, Inc., is planning to reopen the restaurant space formally occupied by Lake Shore Grill. The restaurant closed in July 2020 after being open for more than 15 years. On [Nov. 14, 2022](#), the council approved a conditional use permit for The Social Kitchen & Libations to operate a sit-down restaurant in the space as it had been vacant for over a year.

Business Operation Description

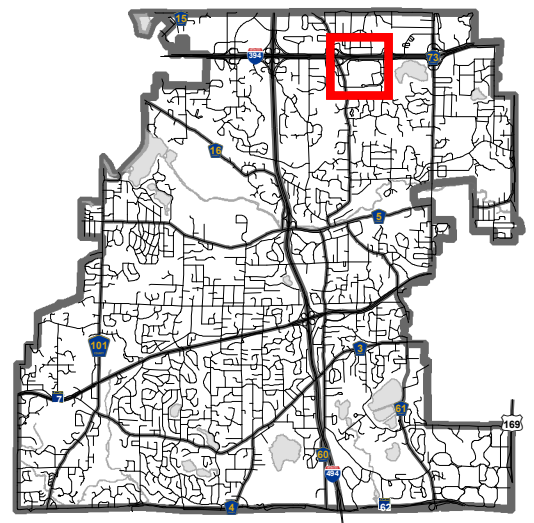
The restaurant will be open daily, Mon. - Fri. 11 a.m. – 8 p.m., Sat. 10 a.m. – 8 p.m., and Sun. 10 a.m. – 6 p.m. The Social Kitchen & Libations will be a fast-casual restaurant offering wood-fired pizzas, soups, salads, and small plates. The full-service bar will offer hand-crafted cocktails, beer, and wine. They anticipate having 15 hourly team members per shift. There is also a full-time general manager and supervisors to cover all shifts. All staff members responsible for serving liquor will be professionally trained by the Macy's Holding Inc. Alcohol Training Program. All new employees are trained upon being hired, along with annual training sessions for the whole team. The projected food-to-liquor ratio will be 88% food and 12% alcohol. The restaurant has seating for 117 indoor and 50 outdoor patrons. The restaurant space is undergoing minor changes to the indoor space, along with minor cosmetic changes to the outdoor signage. The restaurant has a projected opening date of late January.

A complete application and license fees have been submitted. The police department's investigative report on this application is pending and will be forwarded to the council prior to the continued public hearing on Jan. 30, 2023.



Location Map

Project: The Social Kitchen
Address: 12411 Wayzata Blvd



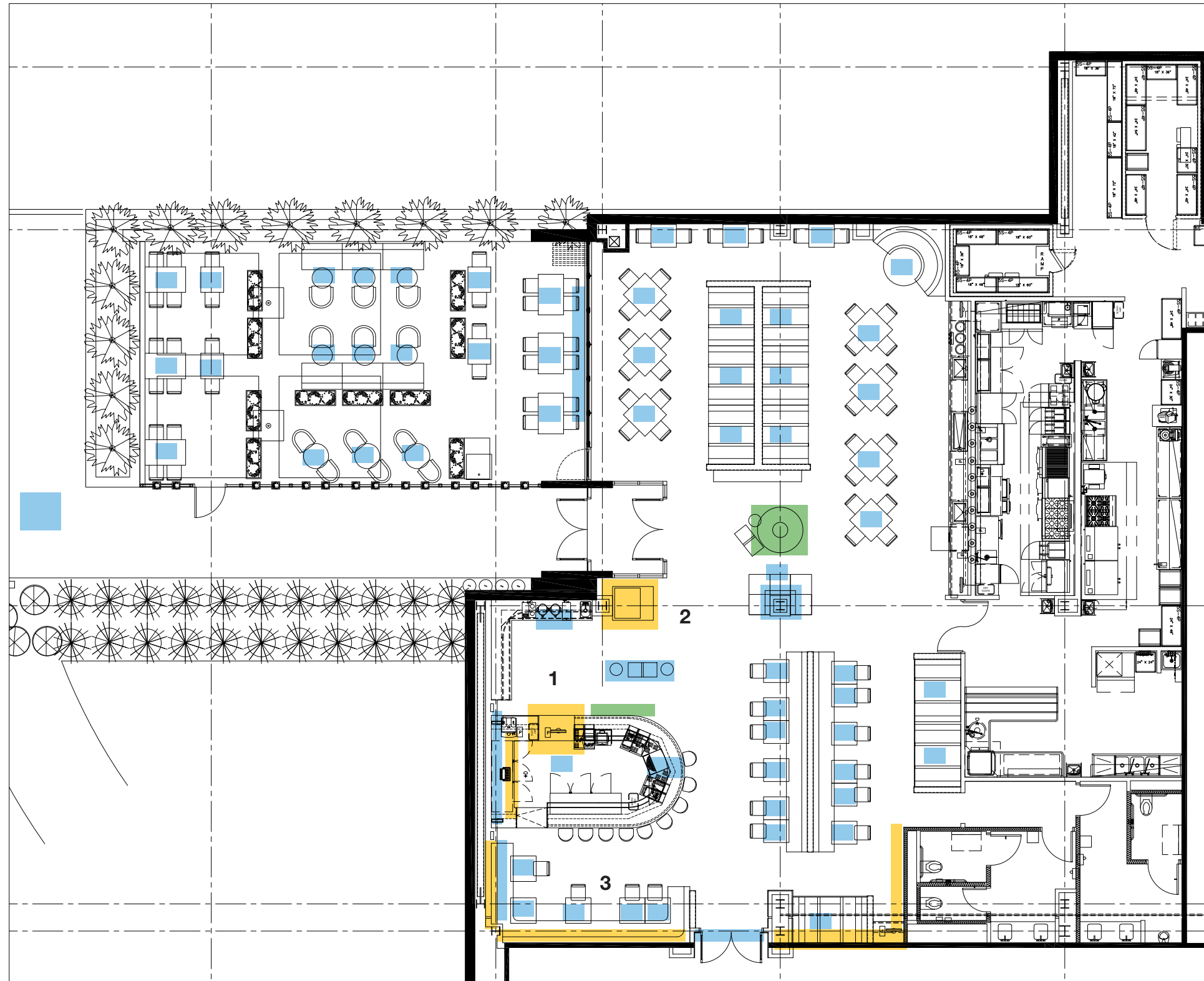
Updated Plan

Construction Areas

1. Remove Stainless Rack at bar, Install lower counter, match counter material
2. Install Coke Freestyle on a new built cabinet to match others
3. Paint indicated walls white

Graphics, Decor and Signage Areas

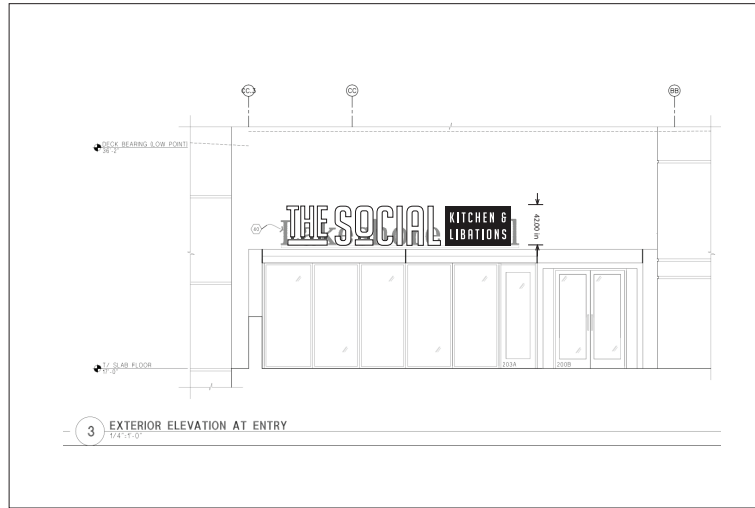
- Table Numbers
- Sidewalk Sign
- Exterior Sign
- Interior Sign
- Column Graphic
- Menu Board
- Paper Menu
- Art for old Monitor Wall
- Chandelier Plaque
- "Order Here" Sign
- Queue Line Fixtures
- Counter Display



Moving Areas

- Move round table to new location shown
- Remove Bar Stools as shown

1 // Exterior Logo Sign Option B // CHANNEL Mount



Paint background wall and North wall dark gray SW 7674 (by Macy's)

SW 7674
Peppercorn
Interior / Exterior
Location Number: 236-C7



- 42 inches tall
- White face, black returns
- Internally illuminated sign
- Individual letters sit on current armature
- Tagline is in white acrylic push-through metal and is internally illuminated
- Sign sits on remaining bar from old logo

The sign permit is reviewed administratively.



The New Menu

To Share

Popover Basket
Tomato Mozzarella
with Pesto flatbread
Avocado Toast
Guacamole and Chips
Buttermilk Chicken Tenders
Flatbread Roasted Harvest
Rotisserie Chicken

Soups

Chicken chili
Wild Rice
Soup of the Day
Soup and salad combo

Salads

Mandarin Chicken
Buttermilk Fried
Chicken Salad
Roasted Harvest salad
Herald Caesar
Marketplace Sampler
Bison Burger Cobb salad

Sandwiches

Cobblestone Turkey
New Chicken Sandwich with
Rotisserie Chicken
Chicken Caesar Wrap
Burger
Walleye Tacos

Favorites While they Last

Quiche of the Day
Chicken Pot Pie
Meatloaf
Walleye
Rotisserie Chicken Dinner

Family style

Chicken Pot Pie
Meatloaf
Rotisserie Chicken
Deli Salads by the
1/2 Pound or Pound

NA Beverages

Housemade Lemonade
Freestyle Fountain
Iced Teas
Espresso Drinks

City Council Agenda Item 14A
Meeting of Dec. 19, 2022

Title: Concept plan for Saville Flats, generally located in the southeast corner of the Excelsior Boulevard/County Road 101 intersection

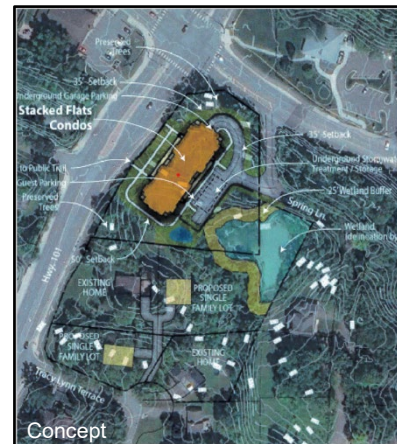
Report From: Susan Thomas, AICP, Assistant City Planner

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

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

Proposal

Lakewest Development Co. LLC has submitted a concept plan to redevelop properties generally located in the southeast corner of the Excelsior Boulevard/County Road 101 intersection. The redevelopment site is roughly 4.6 acres; it includes six single-family properties, four of which contain homes, and two are vacant. The concept plan suggests (1) the removal of two homes and construction of a 20-unit condo building on the northern portion of the combined site; and (2) the remodeling of two homes and construction of two new homes on the southern portion of the combined site.



Recommended Action

Provide feedback intended to assist the applicant in preparing more detailed development plans. No formal action is required.

Strategic Profile Relatability

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

Statement: N/A

Financial Consideration

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

Concept Plan Review Process

The staff has outlined the following Concept Plan Review process for the proposal. At this time, a formal application has not been submitted.

- **Neighborhood Meeting.** A neighborhood meeting was held on Nov. 16, 2022. Seventeen people were in attendance. Residents asked questions and raised questions/concerns about:
 - ✓ The non-single-family development of the site;
 - ✓ Traffic implications on Spring Lane and the adjacent county roads.
 - ✓ Density and “value added” to the neighborhood;
- **Planning Commission Concept Plan Review.** The commission reviewed the conceptual plan on Dec. 1, 2022. Commissioners generally suggested that the concept’s positive components were the unique architectural design of the condominium building, the mixture of multi-household and single-household dwellings, and the rehabbing of two existing single-household dwellings. Individual commissioners questioned the potential traffic impact on area intersections and roadways, the appropriateness of using a shared driveway in the single-household area, and the public benefit supporting PUD zoning.
- **City Council Concept Plan Review.** The city council concept plan review is intended as a follow-up to the planning commission meeting and would follow the same format. No staff recommendations are provided, the public is invited to offer comments, and council members can ask questions and provide feedback without formal motions or votes.

Key Topics

Staff requests council provide feedback on the following key topics.

- **Land Use.** The condominium use would require an amendment to the site’s existing low-density comprehensive guide plan designation. Does the council have any comments about such a change?
- **Site Plan.** The proposed site plan identifies the general building, parking lot, and access locations. Does the council have comments on the general location and organization of these elements?
- **Building Design.** Elevations have been provided for the condominium building. Does the council have comments on the building massing and design elements?
- **Other Considerations.** What other items would the council like to comment on?

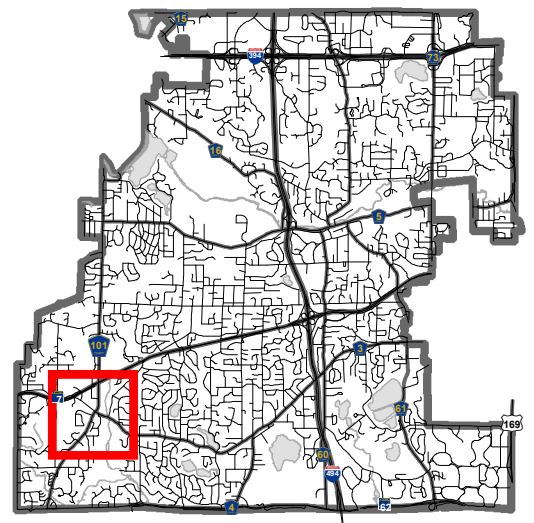
Next Steps

- **Formal Application.** If the developer/applicant chooses to file a formal application, notification of the application will be mailed to area property owners. Area property owners are encouraged to view plans and provide feedback via the city's website. Through recent website updates: (1) staff can provide owners with ongoing project updates, (2) owners can "follow" projects they are particularly interested in by signing up for automatic notification of project updates; (3) owners may provide project feedback on the project; and (4) and staff can review resident comments.
- **Council Introduction.** The proposal would be introduced at a city council meeting. At that time, the council would be provided another opportunity to review the issues identified during the initial concept plan review meeting and provide direction about any refinements or additional issues they wish to be researched and for which staff recommendations should be prepared.
- **Planning Commission Review.** The planning commission will review and subsequently make a recommendation to the city council on land use matters.
- **City Council Action.** The city council would take final action based on input from the planning commission, professional staff, and the general public.



Location Map

Project: Saville Flats
 Address: 17310 Minnetonka Blvd.



LAKE WEST

DEVELOPMENT, LLC

November 16, 2022

Re: Narrative for Condo Flats Concept at 5290/5300 Spring Lane- known as "Saville Flats"

The objective of this project is to create a welcoming residential feel that connects to the broader neighborhood. Designed in the architectural style of a Modern European building, the project is derived from the classic Tutor style, but brought up to date by simplifying the details and relying on the building mass and materials to give the building character. This approach evokes classical architecture while also fitting into the modern context, giving it a timeless quality that creates a welcoming feel. Chimneys are integrated as a key design detail of the front façade, contributing to the residential vernacular of the building. The clean lines of the stucco and enameled paneling are tied together with a stone base that creates a sense of connection to the earth and a feeling of permanence to the building. Strategically located balconies allow occupants a feeling of connection to their neighborhood.

Situated on a double frontage road, the building is carefully integrated into its surroundings. This is accomplished through minimizing the impact to the existing topography of the site, minimizing the impact on existing trees as much as possible, and connecting to the pedestrian realm of the site by tying into the trail system. A portion of the site is also dedicated for stormwater management. The scale of the building fits into the neighborhood context by bringing the roof eaves down low and building the units into the structure of the roofs

To align with the City in their comprehensive planning, we considered several of the City's goals in this project's design; One being Minnetonka's aging demographic, specifically the adult households ages 55-64. According to the "Housing" Chapter of the Minnetonka 2040 Comprehensive Plan, this age group will likely seek alternative senior housing options over the next 5-10 years. To better prepare for this anticipated shift, "the City will need to work with and encourage developers and housing providers to develop a variety of housing types at various costs and rents with features that cater to the diverse and changing desires and needs of its senior population." (Minnetonka 2040 Comprehensive Plan,)

The one level living design of the units creates an accessible space that fits many different lifestyle needs and integrates well into the demographics of the area. As stated in the opening line of the Minnetonka 2040 Comprehensive Plan, "A variety of housing choices is important for the vitality of Minnetonka."

In the "Housing" chapter of this governing document, the City lists its goals of:

- Strengthening neighborhoods by improving and preserving the existing housing stock;
- Promoting new affordable and market-rate rental and for-sale housing;
- Encouraging diversity in the types, sizes, and prices of housing units available in Minnetonka; and
- Creating partnerships with other agencies to ensure the longevity of affordable housing.

Because the land values in Minnetonka continue to increase with little land left to develop, it's the City's desire for this project to offer affordable housing units. Affordable housing has many definitions and is a needed solution for many full-time working members of our community. In total, the building will have 20 residences spread over three floors, with parking below. Of the 20 residences, 2 will be affordable units. The footprint of the building is approximately 13,300 square feet with 9,400 square feet tucked in on the third level. The unit layouts are designed in the style of single family homes, with plans that are geared towards contemporary life while maintaining the order and principals of classical design which will make the units function well and feel like home for years to come.

To integrate with the adjacent corner lots, we would look to pursue a variance regarding the setbacks along Hwy 101 and Excelsior from 50' to 35'. This would set the building in a similar context to the other commercial and medium density residential buildings at the intersection. Situated on a double corner lot, it would also allow us to push the building further away from the SF residential buildings creating a natural barrier. South of the proposed condo flats are three single-family parcels: two with existing, single-family homes that will be preserved and updated with the acceptance of this plan; one parcel that will be subdivided and built upon; and one parcel that's already platted for a single-family home. The four, inviting homes (two existing and two new) on Tracy Lynn Terrace, will share an access and remove the driveway that doesn't have a turn lane on Co Rd 101 and anticipate improving traffic flow. The proposed

LAKE WEST

DEVELOPMENT, LLC

plan will strengthen the neighborhood with a fresh look as they serve as the gateway into the neighborhood; adding value to the surrounding properties. Environmental benefits include hiding a compact guest parking and access versus having to push the building back along the wetland and bring the parking to the 101 side of the building which may not be as aesthetically pleasing and would increase impervious. This also helps to reduce tree removals and specifically, preserve more trees to adjacent SF residential.

Sincerely,

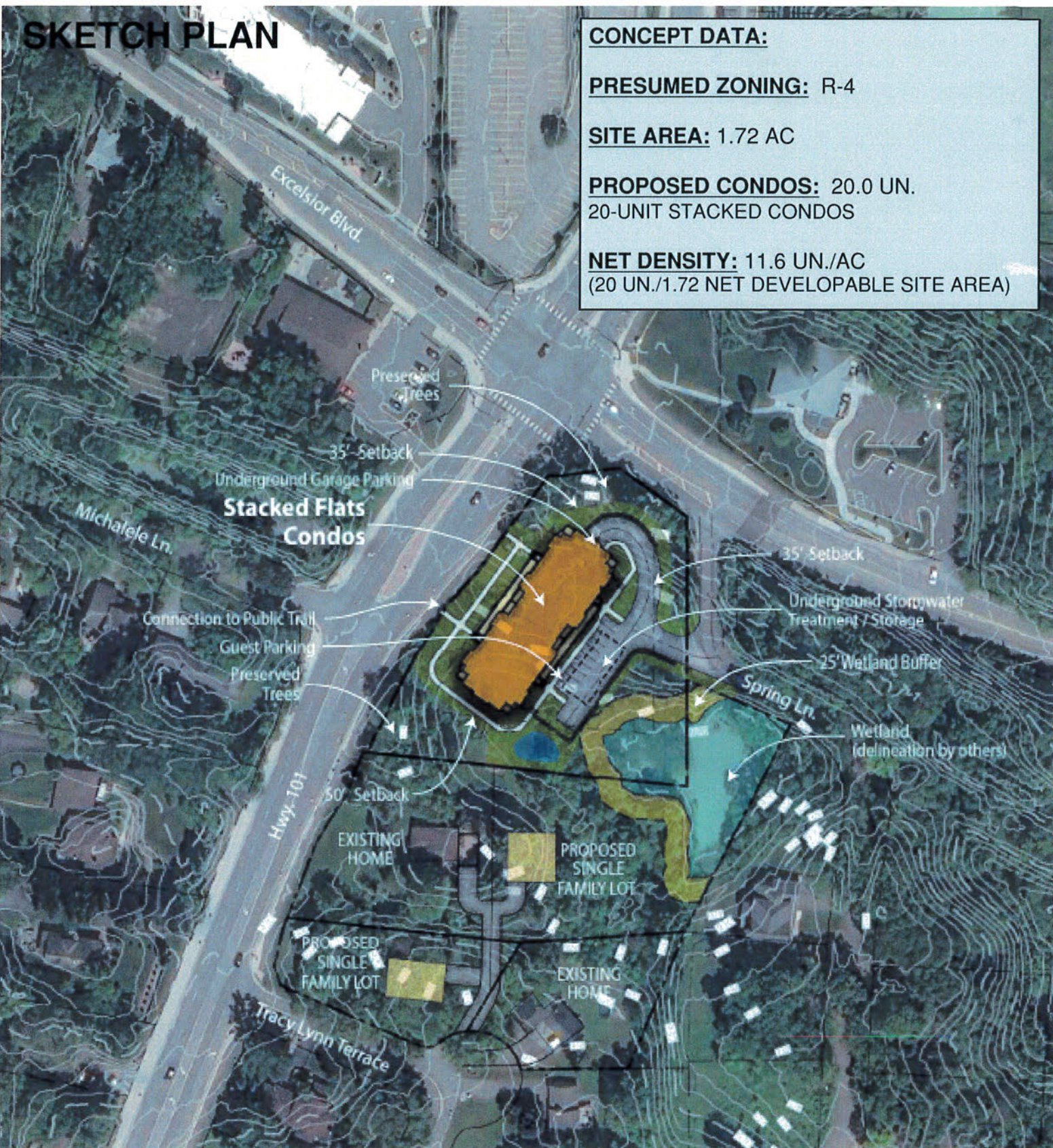
Curt Fretham
CEO, Lake West Development

Office: (952) 930-3000
Cell: (612) 720-5690
Email: CurtF@LWestDev.com

Cc: Susan Thomas
Loren Gordon
Nic Meyer
Rob Hull
Jim McNeal

SKETCH PLAN

CONCEPT DATA:
PRESUMED ZONING: R-4
SITE AREA: 1.72 AC
PROPOSED CONDOS: 20.0 UN.
20-UNIT STACKED CONDOS
NET DENSITY: 11.6 UN./AC
(20 UN./1.72 NET DEVELOPABLE SITE AREA)



SAVILLE FARMS - CONDO FLATS PROJECT 5290 / 5300 SPRING LANE

Neighborhood Meeting:
Wednesday, November 16th @ 6pm
at Minnetonka City Hall



Contact Us
Kelsey Thompson
Development Assistant
Kelsey@LWestDev.com
651.253.0774



14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | minnetonkamn.gov

TO: Julie Wischnack, AICP, Community Development Director
Loren Gordon, AICP, City Planner

FROM: Susan Thomas, AICP, Assistant City Planner

DATE: Nov. 17, 2022

SUBJECT: Saville West Neighborhood Meeting

Lake West Development hosted a neighborhood meeting on Nov. 16, presenting a concept for the redevelopment of the six properties at the southeast corner of the Co Rd 101/Excelsior Blvd. intersection. There are currently houses on four of the six properties; two lots are vacant. The plan suggests: (1) removal of the northerly of the two homes and construction of a 2.5 story, 20-unit condo building; and (2) rehab of two remaining homes and construction of two new homes on the southerly portion of the combined site.

17 people attended the meeting:

- Two Lake West representatives
- Two consulting architects
- Consulting landscape architect
- 12 area residents

Residents had many questions and concerns. Some of these, together with Lake West responses, are outlined below:

- Why the change from the previously approved single-family development to condo/single-family? Why the increased density? What is the justification for rezoning?

Response: This “was a better use of the site.” Specifically, “no one wants to live” or “pay very much in rent” for single-family homes at the intersection of two major roadways. The concept is “a meaningful redevelopment that is economically viable.”

- Why was the architectural style chosen? How is it consistent with the neighborhood?

Response: It is a “modern European” style that is pleasing to the eye. People want to live in this style of home. It will add value to the neighborhood.

- How do you calculate value added to the neighborhood? This may add more financial value, but no quality of life value.

Response: There is a shortage of single-level living options in Minnetonka. This would remove deteriorating structures, increase property values, and increase tax values. “If you would rather have deteriorating homes, we will leave them. Two affordable units would be

proposed. *Staff answered follow-up questions about what constitutes an affordable home, referencing information on the Met Council website.*

- Spring Lane is a very narrow, dark street. The location of the driveway and increased traffic will be problematic.

Response: We will have a traffic study done. *Staff noted that the city would commission a traffic study and described what a traffic study would/would not do. Staff also suggested if people had concerns about existing speed, site lines, or lighting conditions, they were welcome to discuss with city and county staff.*

At the end of the meeting, staff described the next steps in the concept plan and formal application process.

- Sign plans and ordinances matter to keep the city looking attractive. Some cities have so many signs that it looks cluttered and less-than-appealing.
- He did not think wayfinding is needed as much for a bank where a patron would be more likely to plan a visit to a specific one rather than stop on impulse. The request is motivated by branding and marketing, which is reasonable.
- He understood the ineffectiveness of signs located in windows.
- This proposal would not cause a precedent.
- An amendment to the sign plan is allowed when conditions change. He agrees that things have changed since 1996.
- This is a unique situation and a reasonable request.
- Allowing a second sign on the south façade no taller than 26 inches in height would be the best compromise.

Henry suggested approving the sign plan amendment to allow a sign on the south façade with a height no taller than 26 inches.

Hanson and Powers support tying the sign plan amendment to Fidelity Investments tenancy in the space. A new tenant would be subject to the former sign plan.

Hanson moved, second by Powers, to adopt a resolution approving a sign plan amendment to the West Ridge Market Sign Plan to allow a second wall sign on the south façade with a height no taller than 26 inches on the corner tenant of Building B, at 11500 Wayzata Blvd. for Fidelity Investments only.

Banks, Hanson, Henry, Maxwell, Powers, and Sewall, voted yes. Waterman was absent. Motion carried.

Chair Sewall stated that an appeal of the planning commission's decision must be made in writing to the planning division within ten days.

B. Concept plan review for Saville West, located at the southeast corner of Co. Rd. 101 and Excelsior Blvd.

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

Thomas reported. Staff recommends commissioners provide feedback on the key topics identified by staff and any other land-use-related items commissioners deem appropriate. This discussion is intended to assist the applicant in the preparation of more detailed development plans.

Curt Fretham, with Lakewest Development, applicant, stated that:

- Lakewest Development has done many in-fill housing projects in Minnetonka.
- He gave a presentation that included photos of the existing properties and an aerial view of the proposed site.
- There are two busy roads adjacent to the properties. The corners of the intersection have a daycare, a 100-unit senior housing building, a library, and an office building. The site is the only corner zoned and guided for R-1.
- It is hard to be incentivized to make improvements to a single-family house located on a busy road.
- The concept plan would be a low-intensity use. The concept plan has 20 units which would be less than 12 units per acre.
- The condo flats would be suited to empty nesters with one or two bedrooms which would keep the amount of traffic generated by the redevelopment down. The proposal is being responsive to the neighbors' request to keep the amount of traffic down.
- He provided photos of an office building Lakewest Development revitalized.
- The concept plan aligns with the city's goals listed in the 2040 comprehensive guide plan. The proposal would strengthen the neighborhood, provide two affordable housing units and provide a rare housing product that is lacking in Minnetonka.
- The new building would require a front setback variance from 50 ft. to 35 ft. to provide a better layout. The variance would not be needed if the parking lot were located between the street and the building, but it looks better from the street to have the building between the street and the parking lot.
- There would be four single-family houses on the south end of the site. A street frontage variance would be required to provide a better layout and allow the houses to fit in better with the topography and trees. The variance could be avoided.
- A public street could be constructed.
- He provided a rendering of the proposed building.
- He provided photos of houses redeveloped by Lakewest Development.
- He recalled a lot of opposition expressed during the application and review process for the North Memorial Medical Clinic on Hwy. 7 due to a concern for an increase in traffic and the removal of existing houses. Neighbors are now benefitting from the redevelopment of the properties.
- The plan has been thought through and would meet stormwater management and tree protection requirements.
- At the neighborhood meeting, neighbors expressed concern about an increase in traffic caused by the redevelopment of the properties.

In response to Hanson's question, Mr. Fretham stated that the proposed condominium flats would be a unique housing product for Minnetonka. Hanson likes the concept plan.

He likes the parking lot located on the east side and the aesthetic appeal is great. The design is unique compared to other villa-style houses. He likes each house having a private drive from Tracy Lynn Terrace. The villas accessing Excelsior Blvd. make sense.

In response to Henry's question, Mr. Fretham answered that Lakewest Development did not move forward with a proposal to change the site's zoning to R-1a in 2015 in order to come up with a plan for the north corner so that buyers of the proposed houses would know what would be happening with the north corner before purchasing a residence. The builder also learned of difficulties that prevented the project from working economically. R-1a zoning would need more than seven residences to make the project economically feasible.

Henry likes the concept plan's architecture and agrees that the housing type is needed.

Henry agreed that the view of the building would look better than a parking lot from Co. Rd. 101. He asked if it would be possible to remove all external parking stalls and have all underground parking. Mr. Fretham explained that the site's topography might prevent that from happening. There is a wetland east of the parking lot, so no neighbors would be impacted by vehicle lights.

Henry stated that the proposal would be a decent use of the property, but the parking lot would detract from the residential look.

In response to Powers' question, Mr. Fretham stated that the proposed villas would not be taller than 35 feet. Powers likes the design and access to Spring Lane and Excelsior Blvd.

Banks confirmed with Mr. Fretham that the affordable units would be located in the condominium building and would be identical to the rest of the units. A building with 100 units would be able to provide more affordable units.

Maxwell asked if he had looked into the design of the proposed single-family residences. Mr. Fretham stated that an architect has not yet taken a close look at the houses.

Henry recommended that solar panels and sustainable features be incorporated into the project. Mr. Fretham supports solar use but has not yet looked into if it would be viable.

Powers likes the proposed style of the villas and opposes a flat roof.

In response to Chair Sewall's question, Mr. Fretham answered that the applicant is fairly confident that the tree protection ordinance requirements would be met. The properties are counted as one development.

The public hearing was opened.

Chanthol Sok, 5400 Tracy Lynn Terrace, stated that:

- He supports the single-family houses but opposes changing the zoning to allow more density because of the traffic on Co. Rd. 101 and Excelsior Blvd. between 7 a.m. and 8 a.m. and 2 p.m. and 3 p.m., created by the nearby high school and elementary schools. Traffic is already really bad.
- He did not know if adding 20 condominiums would add value to the neighborhood.
- The condominiums would create a lot of traffic. He would like a traffic study completed.

Sergejs Rogozins, 5336 Co. Rd. 101, stated that:

- He walks his dog every day in the area.
- He opposes changing the zoning from low density to high density.
- He was concerned with an increase in traffic.
- A lot of kids run around outside.
- His biggest concern is the impact on trees and wildlife.
- He would like more residential in that area.
- The condominiums look great, but he would rather see more houses.
- He questioned how long construction would take.
- Not much maintenance has been done on the four houses being rented now. He does not like the current appearance of them.

No additional testimony was submitted and the hearing was closed.

Mr. Fretham speculated that the condominium building with an underground garage would take approximately 12 to 18 months to be constructed. The houses on Tracy Lynn Terrace could begin construction right away and take approximately one year to be completed.

Hanson stated:

- He appreciates the presentation. He likes the aesthetics of the building. The renderings of the building are very helpful.
- This is one of the more appealing multi-family buildings he has seen in a long time. It presents a true lifestyle and blends in with the neighborhood.
- He likes the current positioning of the condominium building to hide the view of the parking lot from Co. Rd. 101 since there would be a wetland and no neighbors living adjacent to the other side of the parking lot.
- He wants to make sure that the setback would be appropriate next to a busy road.
- He is comfortable with the proposed rezoning.
- The concept plan would meet the city's affordable housing requirements.

Maxwell stated that:

- She agrees with Hanson. She appreciates that the existing houses being rented would be remodeled to allow a lower price point which is a rare housing type in Minnetonka.
- She favors moving the condominium building near the wetland so a resident could enjoy a balcony overlooking the wetland instead of overlooking the parking lot.
- She loves the aesthetics of the building. She is sick of the rectangular, flat roofs for multi-family residential buildings.
- She likes the inclusion of single-family residences to provide a transition to the adjacent properties on the south.
- The condominiums are a reasonable use for the property located at a busy intersection.

Powers stated that:

- He thought single-family residences would do well anywhere in Minnetonka.
- He likes the overall layout of the concept plan.
- There is a lot of traffic generated by the neighboring schools, which may cause trouble at the intersection of 20 units.
- There is a lot to be enjoyed about the proposed development.
- He thinks the applicant is onto something. He was not sure why the applicant would want to do condominiums instead of apartments.
- He felt it would be reasonable for the neighbors to know how long it would take to complete construction.

Banks stated that:

- He appreciated the presentation.
- The concept plan is different, refreshing and the condominium building looks gorgeous.
- He appreciates the neighbors' concerns.
- He thought 12 to 14 units would fit better at the location. He drives through the area quite a bit. He always sees kids walking on roads that have no sidewalks.
- He supports three-bedroom units for families instead of another place for empty nesters.
- He suggested building the two new houses at a lower market-rate price point of \$400,000 to \$600,000.

Henry stated:

- R-4 zoning would make sense, provide empty-nester housing at the busy intersection and provide a different type of housing stock.

- He can imagine grandparents watching their grandkids before and after school.
- He saw a compelling reason to change the zoning to R-4 for the location of the proposed condominium building but did not see as much of a compelling reason to change the zoning for the property with the single-family residences. He was unsure about that.
- He encourages the neighbors and the developer to be as communicative with each other as possible.
- He likes the layout of the site plan. It would not be quite as good if the building were turned 90 degrees.
- He would like the above-ground parking removed or reduced as much as possible.
- Twenty units would have a pretty good mass and fit into the neighborhood.
- He likes the trail connections idea. Dog paths are fine.
- He suggested showcasing more of the woods and wetland.
- He appreciates the affordable housing requirement being met.
- He encouraged as much screening to be done as possible on the Co. Rd. 101 side and on the south side between the single-family houses.
- He encouraged the developer to continue working on the proposal.

Chair Sewall stated:

- He would not support a rezoning of the site to a PUD since there would be no public good above meeting the city's affordable housing requirement.
- He thought a traffic study would be needed because of the location that already has a high level of traffic, not because the proposal would create enough traffic to trigger the need for a traffic study.
- The parking lot seems big for 20 units. He did not think the need for external parking would be that great.
- He likes the building location parallel to Co. Rd. 101 but could go either way with keeping it there or moving it closer to the wetland and locating the parking lot along the road.
- He likes the proposed street access. Shrubs and trees should be utilized to screen headlights.
- He likes the building style.
- Three houses sharing one driveway would not work. A street would need to be created to service the houses.
- He likes the houses providing a buffer to properties on the south.

Chair Sewall thanked the residents for sharing their thoughts. This item is scheduled to be reviewed by the city council at its meeting on Dec. 19, 2022.

9. Other Business