

**City Council Agenda Item #10
Meeting of Dec. 2, 2019**

Brief Description

Resolution amending Resolution No. 2019-063, preliminary plat of CONIFER HEIGHTS, a six-lot subdivision, at 5615 Conifer Trail and 5616 Mahoney Ave

Recommendation

Adopt the resolution approving the request

Proposal

The city council approved the preliminary plat of CONIFER HEIGHTS, a six-lot subdivision at 5615 Conifer Trail and 5616 Mahoney Avenue, on July 22, 2019. The plan included an infiltration basin in the southeast corner of the site intended to comply with the city's stormwater regulations.

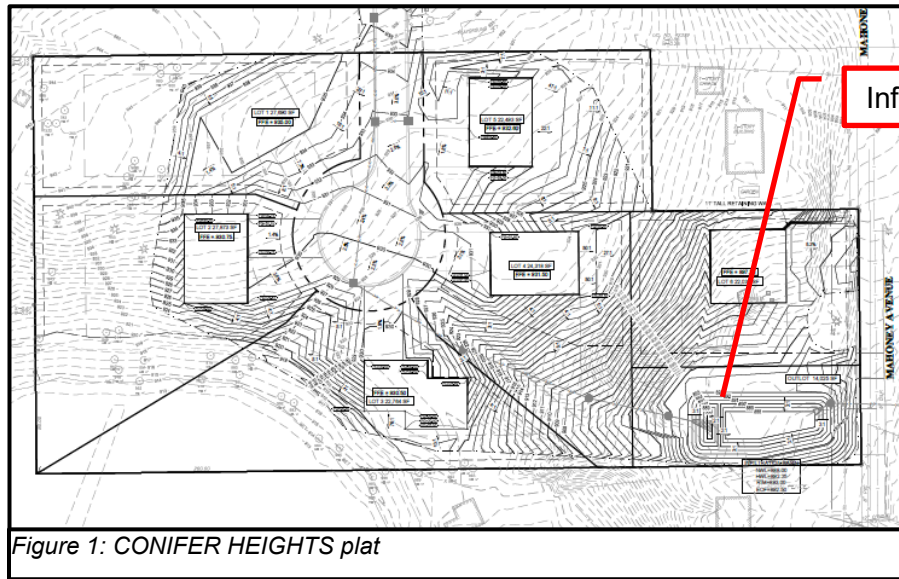
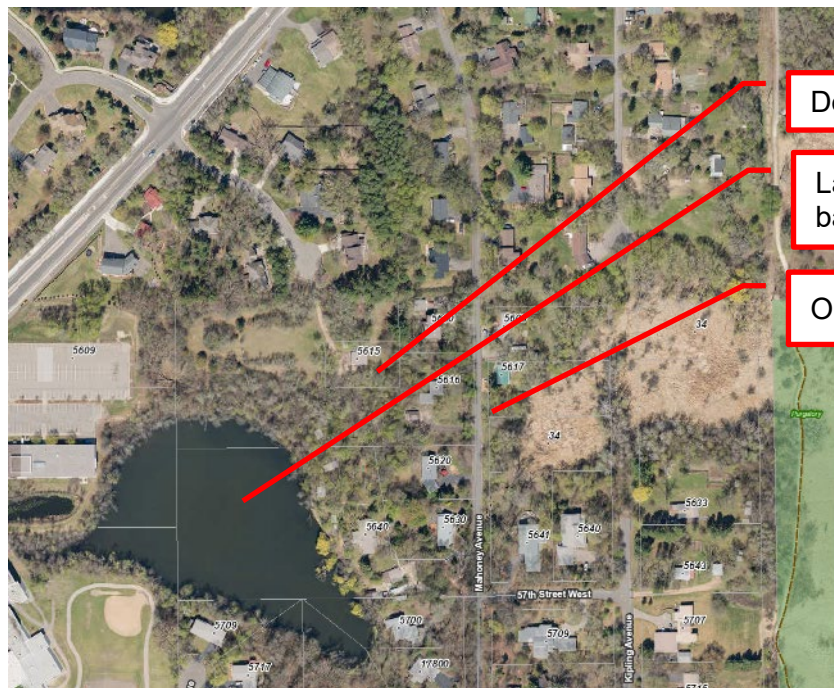


Figure 1: CONIFER HEIGHTS plat

During a review of a proposed subdivision, staff reviews whether an area has existing, significant, documented drainage concerns. While there may be anecdotal evidence raised, typically, staff finds few documented issues of what is nuisance drainage. However, the city has tracked significant drainage issues within the Mahoney area for some time.

During the initial review of the subdivision, staff identified a possible



Development site

Landlocked basin

Outlet location

opportunity to improve drainage issues by creating an outlet for the landlocked basin on the west side of the site to overflow – via pipe – to the east. The plan to do so was both opportunistic and complicated, and it was unknown at the time of the subdivision if it would be possible to implement it. Staff has continued to work with the developer since the council's last review of the project to further develop the plan.

The developer has offered to install the infrastructure needed for the outlet as part of the site's development in exchange for the city's future maintenance of the stormwater pond. Staff is supportive of this request, as:

- Drainage issues within the neighborhood would likely improve because of the outlet pipe.
- Similar opportunities would require securing easements from multiple property owners.
- The developer has agreed to dedicate easements for future city projects that, otherwise, the city would have had to secure.
- The city may have the opportunity to utilize the basin during the future reconstruction of Mahoney Ave.
- The current plan indicates that the pond would accept drainage from an eight-acre watershed. Under the new plan, the stormwater pond would accommodate more public drainage than development-created drainage by accepting water from a 19-acre watershed and discharging it into a 148-acre watershed.

While staff is supportive of the request, Resolution No. 2019-063, which approved the preliminary plat, requires: (1) the establishment of a homeowner's association to maintain the development's drainage improvements; and (2) a stormwater maintenance agreement.

Staff is recommending the city council amend the resolution to:

- Remove the submittal and recording of documents establishing a homeowner's association to maintain the pond. The homeowner's association would no longer be needed to maintain the stormwater pond if the city assumes future maintenance of the pond. Like other stormwater ponds in the community, city maintenance entails monitoring and, when necessary, dredging the pond and cleaning the outlet. The area will not be landscaped/manicured. Staff finds that slight modifications to the developer's agreement template can adequately address any necessary actions prior to the acceptance of the infrastructure by the city. Staff anticipates that the city would not assume maintenance of the pond until a minimum of two years from the final inspection of the pond.
- Require a stormwater maintenance agreement on Lots 4 and 6 only. The city has a standard template for stormwater maintenance agreements, which addresses the maintenance responsibilities of property owners and homeowner associations. Staff is suggesting that rather than outline the standard private maintenance responsibilities, the agreement would outline anticipated city maintenance responsibilities and abutting property owner expectations. An example of the latter may restrict a property owner from dumping lawn clippings into the pond.

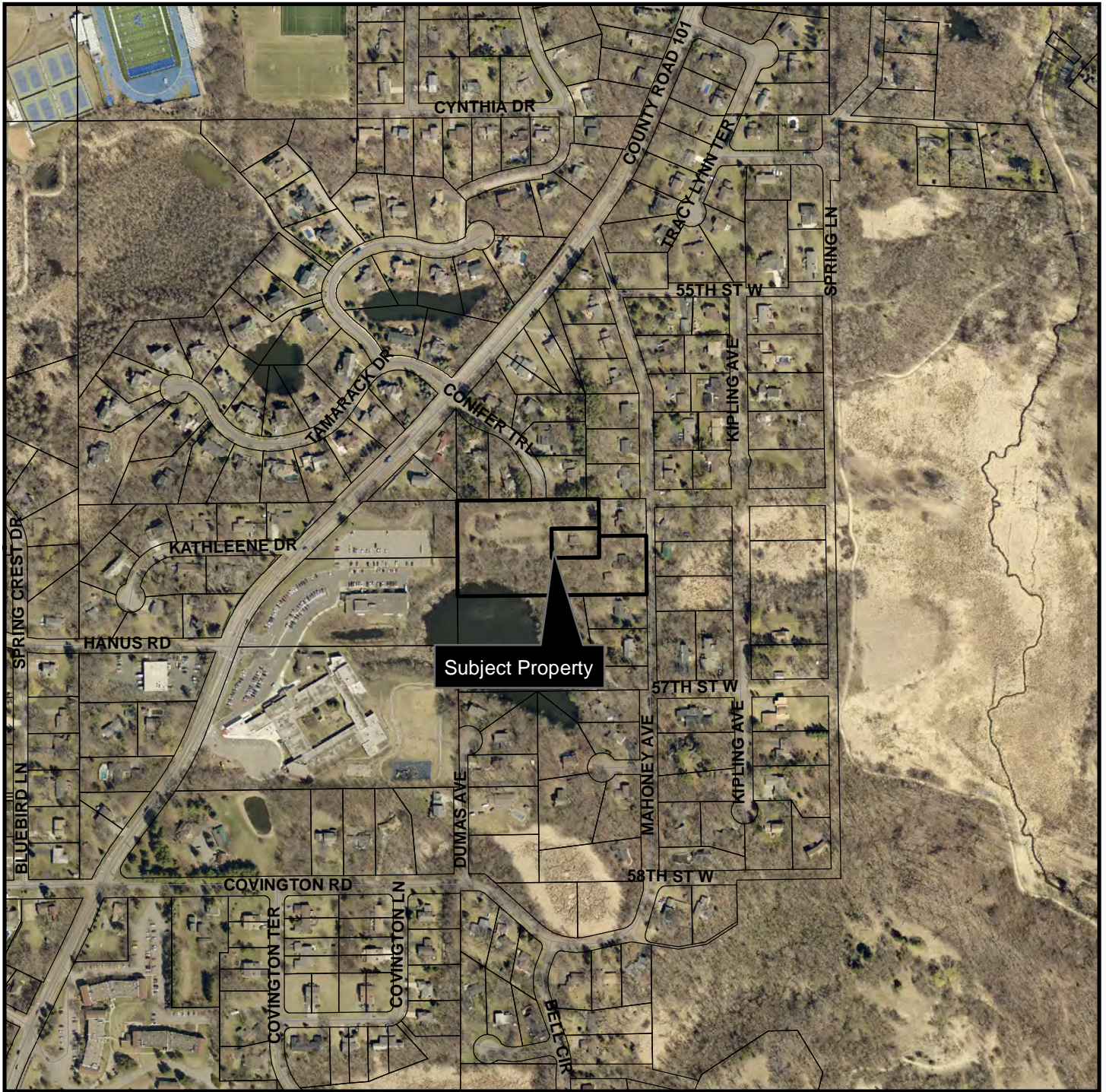
Staff Recommendation

Recommend the city council amend Section 4.01(1)c of Resolution No. 2019-063, as follows:

- c) Documents for the city attorney's review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
 - 1) Title evidence that is current within thirty days before the release of the final plat.
 - 2) Conservation easements over the 25-foot wetland buffer and a drawing of the easements. The easement may allow removal of hazard, diseased, or invasive species.
 - 3) A Contract for Residential Development (or Developers Agreement) if the applicant or developer is constructing any public improvements. This agreement must guarantee that the developer will complete all public improvements and meet all city requirements.
 - 4) Stormwater maintenance agreement on Lots 4 and 6. This agreement should outline general city maintenance responsibilities and property owner expectations.

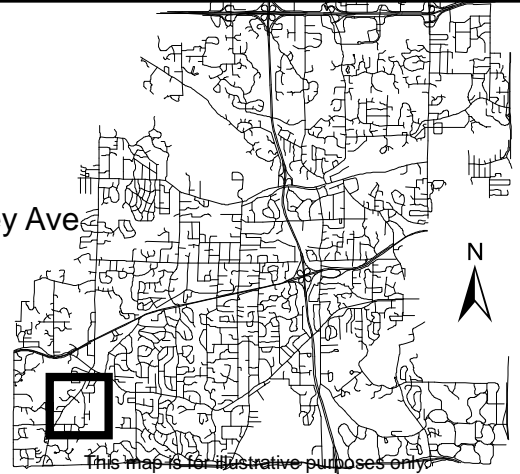
Through: Geralyn Barone, City Manager
Julie Wischnack, AICP, Community Development Director
Loren Gordon, AICP, City Planner

Originator: Ashley Cauley, Senior Planner



Location Map

Project: Conifer Heights
Address: 5615 Conifer Tr & 5616 Mahoney Ave





Doc No **A10690313**

Certified, filed and/or recorded on
Aug 13, 2019 3:40 PM

Office of the County Recorder
Hennepin County, Minnesota
Martin McCormick, County Recorder
Mark Chapin, County Auditor and Treasurer

Deputy 122	Pkg ID 1858636E
Document Recording Fee	\$46.00
<i>Document Total</i>	\$46.00

Resolution No. 2019-063

Resolution approving the preliminary plat of CONIFER HEIGHTS, a six-lot subdivision, at 5615 Conifer Trail and 5616 Mahoney Ave

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

Section 1. Background.

1.01 Capital Development, LLC has requested preliminary plat approval for CONIFER HEIGHTS. (Project 19016.19a).

1.02 The site is located at 5615 Conifer Trail and 5616 Mahoney Ave.

It is legally described as follows:

Parcel B:

The south 100 feet of the North 200 feet of the west half of the east half of the north half of the Northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117, Range 22, Hennepin County, Minnesota.

Parcel C:

The north half of the northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117 North, Range 22 West of the 5th principal meridian, except the north 126.8 feet of the east quarter thereof.

AND EXCEPT:

The south 100 feet of the north 200 feet of the west half of the east half of the north half of the northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117, Range. 22.

1.03 On July 11, 2019, the planning commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received, and the staff report, which is incorporated by reference into this resolution. The

commission recommended that the city council grant preliminary plat approval.

Section 2. General Standards.

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

Section 3. Findings.

3.01 The proposed preliminary plat meets the design requirements as outlined in City Code §400.030.

Section 4. Council Action.

4.01 The above-described preliminary plat is hereby approved, subject to the following conditions:

1. Final plat approval is required. A final plat will not be placed on a city council agenda until a complete final plat application is received. The following must be submitted for a final plat application to be considered complete:
 - a) A signed ALTA survey.
 - b) A final plat drawing that clearly illustrates the following:
 - 1) A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.
 - 2) Utility easements over existing or proposed public utilities, as determined by the city engineer.
 - 3) Drainage and utility easements over wetlands, floodplains, and stormwater management facilities, as determined by the city engineer.
 - 4) A minimum 20-foot right of way along Mahoney Ave.
 - 5) The outlot incorporated into Lot 6.
 - c) Documents for the city attorney's review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.

- 1) Title evidence that current within thirty days before the release of the final plat.
 - 2) Conservation easements over the 25-foot wetland buffer and a drawing of the easements. The easement may allow removal of hazard, diseased, or invasive species.
 - 3) Documents establishing a homeowners' association. The association must be responsible for maintaining any common areas, common drives, required drainage ponding, and any other required drainage improvements approved by the City. Maintenance will include, but not be limited to, the periodic removal of sedimentation at the base of the pond and any adjacent drainage ditches, keeping a vegetative cover within the ditches and pond, and removing any blockage of the swale or culvert that may impede the drainage of the site, as approved with the building permits.
 - 4) A Contract for Residential Development (or Developers Agreement) if the applicant or developer is constructing any public improvements. This agreement must guarantee that the developer will complete all public improvements and meet all city requirements.
 - 5) Stormwater maintenance agreement in the city approved format.
- d) Outstanding taxes must be paid in full.
2. Prior to final plat approval:
 - a) This resolution must be recorded with Hennepin County.
 - b) The documents outlined in section 4.01(1)(c) above must be approved by the city attorney.
 3. Submit the following prior to the release of the final plat for recording:
 - a) Two sets of mylars for city signatures.
 - b) An electronic CAD file of the plat in microstation or DXF and PDF format.
 - c) Park dedication fee of \$20,000.
 4. Subject to staff approval, CONIFER HEIGHTS, must be developed and

maintained in substantial conformance with the following plans, except as modified by the conditions below:

- Survey dated Feb. 2019.
- Site plan dated May 9, 2019.
- Preconstruction erosion and demolition plans dated May 9, 2019.
- Tree survey, mitigation and preservation plans dated May 9, 2019.
- Grading and erosion control plan dated May 9, 2019.
- Utility plan dated May 9, 2019.

5. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.

a) The following must be submitted for the grading permit to be considered complete.

- 1) Evidence of filing the final plat at Hennepin County and copies of all recorded easements and documents as required in section 4.01(1)(a)(2) of this resolution.
- 2) An electronic PDF copy of all required plans and specifications.
- 3) Final site, grading, drainage, utility, landscape, tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.

a. Final grading plan must:

- Be adjusted as much as possible to maintain tree loss and adequately preserve trees.
- Include B612 curb with curb cuts at proposed driveway locations.

b. 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 point where stormwater leaves the site.

- Volume: provide for onsite retention of 1-inch of runoff from the site's impervious surface.
- Quality: provide for runoff to be treated to at least 60-percent total phosphorus annual removal efficiency and 90-percent total suspended solid annual removal efficiency.

In addition:

- Locate the STMH 100 in curb line rather than in the roadway to connect to the existing storm sewer.
- Storm pipe sizing cannot decrease in size in the downstream direction. Maintain 24-inch.
- Bioretention basin must draw down in 48 hours. Maximum ponding depth is 18 inches.

c. Final utility plan must:

- Use the updated detail plates.
- Include profiles of utilities for review of grades and depth.
- Indicate that the water main pipe is DIP.
- Show service locations and locate the water services outside of the driveway.
- Illustration installation of an isolation valve outside of cul-de-sac for green space isolation.
- Illustration installation of a gate valve on the southern leg of Mahoney Ave connection.
- Indicated no water services may come from the side yard. Services must be located outside of the green space isolation valves.
- Illustrate unused water service pipe on Mahoney Avenue must be removed back to

the main, with the corporation stop turned off and a city-approved repair clamp to cover the corporation stop.

- Note wet tap the 6-inch main on Mahoney Avenue.
 - Locate SSMH 2 to roadway in line with SSMH 1.
 - Illustrate drop manhole structure to be outside drops.
- d. Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements as outlined in the ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions. In addition:
- No more than four high priority trees can be removed.
 - Based on the submitted plans the mitigation requirements would be 19, two-inch trees.
- 4) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct streets and utility improvements, comply with grading permit, wetland restoration, tree mitigation requirements, and to restore the site. One itemized letter of credit is permissible if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the streets and utilities have been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.
- 5) A construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance.
- 6) A copy of the approved MPCA NPDES permit.
- 7) A MDH permit for the proposed water main or documentation from the MDH that a permit is not required.

- 8) A MPCA sanitary sewer extension permit or documentation from the MPCA that a permit is not required.
 - 9) Evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.
 - 10) All required administration and engineering fees.
 - 11) Evidence that an erosion control inspector has been hired to monitor the site through the course of construction. This inspector must provide weekly reports to natural resource staff in a format acceptable to the city. At its sole discretion, the city may accept escrow dollars, in an amount to be determined by natural resources staff, to contract with an erosion control inspector to monitor the site throughout the course of construction.
 - 12) Cash escrow in an amount of \$3000. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:
 - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
- b) Prior to issuance of the grading permit, a pre-construction meeting is required.
 - c) Prior to issuance of the grading permit, install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
 - d) Permits may be required from other outside agencies including, Hennepin County, the Riley-Purgatory-Bluff Creek Watershed District, and the MPCA. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.
6. Prior to issuance of a building permit for the first new house within the

development, submit the following documents:

- a) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
 - b) A letter from the surveyor stating that all encroachments onto other properties, as noted on the survey, have been removed and the areas restored.
 - c) Proof of subdivision registration and transfer of NPDES permit.
7. Prior to issuance of a building permit for any of the lots within the development:
- a) Submit the following items for staff review and approval:
 - 1) A construction management plan. This plan must be in a city-approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.
 - 2) Final grading and tree preservation plan for the lot. The plan must:
 - a. Be in substantial conformance with the approved plans.
 - b. Protect trees to remain on site as required by city staff.
 - c. Show sewer and water services to minimize impact to any significant or high-priority trees. No trees may be removed for installation of services.
 - d. Meet minimum mitigation requirements, as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased.
 - 3) 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:

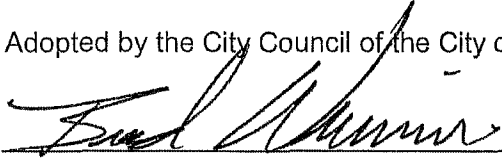
- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

If the builder is the same entity doing grading work on the site, the cash escrow submitted at the time of grading permit may fulfill this requirement.

- b) Install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
 - c) Install heavy duty fencing, which may include chain-link fencing, at the conservation easement. This fencing must be maintained throughout the course of construction.
 - d) Submit all required hook-up fees.
8. All lots and structures within the development are subject to all R-1 zoning standards. In addition:
- a) All structures must meet the required wetland setback.
 - b) All lots within the development must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. These access requirements include road dimension, surface, and grade standards. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system.
9. The city may require installation and maintenance of signs which delineate the edge of any required conservation easement. This signage is subject to the review and approval of city staff.
10. During construction, the streets must be kept free of debris and sediment.
11. The property owner is responsible for replacing any required landscaping that dies.

12. The city must approve the final plat within one year of the preliminary approval or receive a written application for a time extension, or the preliminary approval will be void.

Adopted by the City Council of the City of Minnetonka, Minnesota, on July 22, 2019.



Brad Wiersum, Mayor

Attest:



Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption: Bergstedt

Seconded by: Calvert

Voted in favor of: Schack, Carter, Bergstedt, Ellingson, Calvert, Wiersum

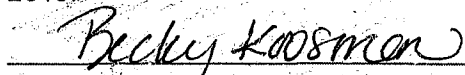
Voted against:

Abstained:

Absent: Happe:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on July 22, 2019.

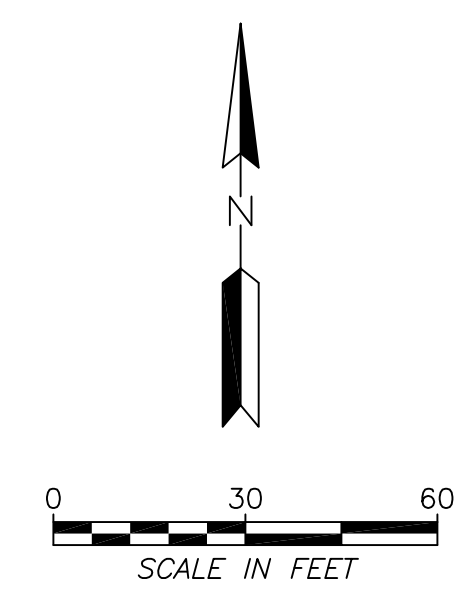
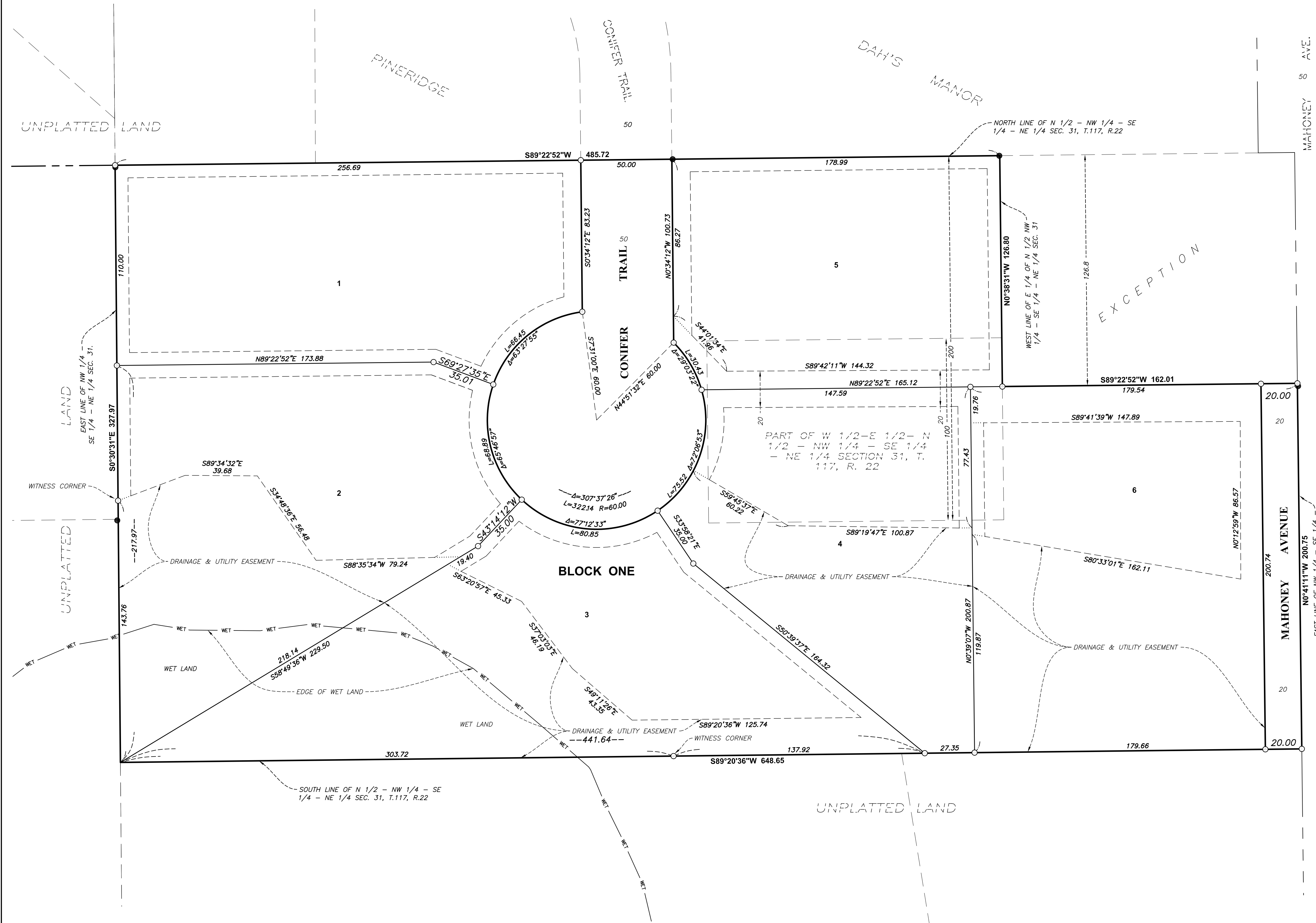


Becky Koosman, City Clerk



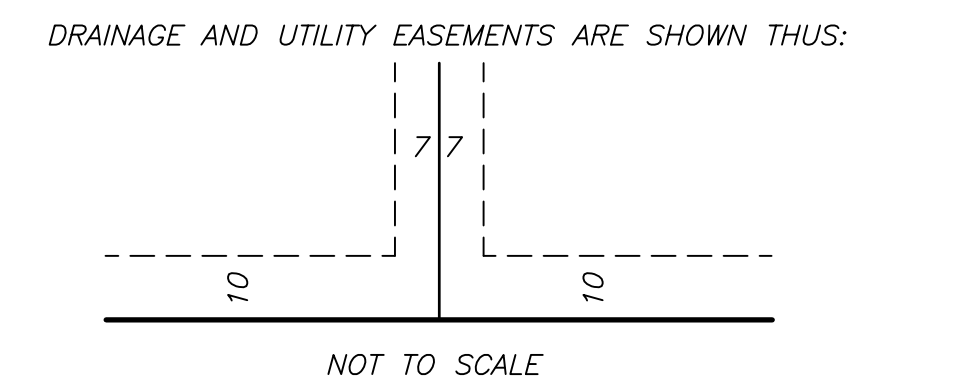
CONIFER HEIGHTS

C.R. DOC. NO. _____



BEARING ORIENTATION NOTE:
 THE ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE EAST LINE OF THE NW 1/4 OF SE 1/4 OF NE 1/4 HAVING A BEARING OF NORTH 00 DEGREES 41 MINUTES 11 SECONDS WEST

- LEGEND**
- DENOTES IRON MONUMENT FOUND
 - DENOTES 1/2 INCH X 14 INCH IRON MONUMENT SET WITH PLASTIC CAP MARKED RLS NO. 46563



BEING 10 FEET IN WIDTH AND ADJOINING PUBLIC WAYS AND 7 FEET IN WIDTH ADJOINING LOT LINES, UNLESS OTHERWISE INDICATED ON THIS PLAT.

Resolution No. 2019 -

Resolution amending Resolution No. 2019-063, the preliminary plat of CONIFER HEIGHTS, a six-lot subdivision, at 5615 Conifer Trail and 5616 Mahoney Ave

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

Section 1. Background.

1.01 On July 22, 2019, the city council adopted Resolution No. 2019-063, approving the preliminary plat of CONIFER HEIGHTS.

1.02 The site covered by the resolution is located at 5615 Conifer Trail and 5616 Mahoney Ave.

It is legally described as follows:

Parcel B:

The south 100 feet of the North 200 feet of the west half of the east half of the north half of the Northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117, Range 22, Hennepin County, Minnesota.

Parcel C:

The north half of the northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117 North, Range 22 West of the 5th principal meridian, except the north 126.8 feet of the east quarter thereof.

AND EXCEPT:

The south 100 feet of the north 200 feet of the west half of the east half of the north half of the northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117, Range. 22.

1.03 The resolution included a variety of conditions, including some pertaining to the establishment of a homeowners association and stormwater maintenance agreement.

1.04 To improve area drainage issues, Capital Development, LLC has agreed to install an outlet to an existing landlocked basin as part of the CONIFER HEIGHTS development in exchange for the city's future maintenance of the associated stormwater pond.

1.05 With city maintenance, the conditions pertaining to the establishment of a homeowners association and stormwater maintenance agreement must be revised.

Section 2. Council Action.

2.01 Resolution 2019-063 is hereby revised as follows:

1. Final plat approval is required. A final plat will not be placed on a city council agenda until a complete final plat application is received. The following must be submitted for a final plat application to be considered complete:
 - a) A signed ALTA survey.
 - b) A final plat drawing that clearly illustrates the following:
 - 1) A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.
 - 2) Utility easements over existing or proposed public utilities, as determined by the city engineer.
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 - 4) A minimum 20-foot right of way along Mahoney Ave.
 - 5) The outlot incorporated into Lot 6.
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- 2) Conservation easements over the 25-foot wetland buffer and a drawing of the easements. The easement may allow removal of hazard, diseased, or invasive species.
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 - 4) Stormwater maintenance agreement On Lots 4 and 6. This agreement should outline general city maintenance responsibilities and property owner expectations.
- d) Outstanding taxes must be paid in full.
2. Prior to final plat approval:
 - a) This resolution must be recorded with Hennepin County.
 - b) The documents outlined in section 4.01(1)(c) above must be approved by the city attorney.
 3. Submit the following prior to the release of the final plat for recording:
 - a) Two sets of mylars for city signatures.
 - b) An electronic CAD file of the plat in microstation or DXF and PDF format.
 - c) Park dedication fee of \$20,000.
 4. Subject to staff approval, CONIFER HEIGHTS, must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
 - Survey dated Feb. 2019.
 - Site plan dated May 9, 2019.
 - Preconstruction erosion and demolition plans dated May 9, 2019.
 - Tree survey, mitigation, and preservation plans dated May 9, 2019.
 - Grading and erosion control plan dated May 9, 2019.
 - Utility plan dated May 9, 2019.
 5. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been

submitted, reviewed by staff, and approved.

- a) The following must be submitted for the grading permit to be considered complete.
- 1) Evidence of filing the final plat at Hennepin County and copies of all recorded easements and documents as required in section 4.01(1)(a)(2) of this resolution.
 - 2) An electronic PDF copy of all required plans and specifications.
 - 3) Final site, grading, drainage, utility, landscape, tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.
 - a. Final grading plan must:
 - Be adjusted as much as possible to maintain tree loss and adequately preserve trees.
 - Include B612 curb with curb cuts at proposed driveway locations.
 - b. 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 point where stormwater leaves the site.
 - Volume: provide for onsite retention of 1-inch of runoff from the site's impervious surface.
 - Quality: provide for runoff to be treated to at least 60-percent total phosphorus annual removal efficiency and 90-percent total suspended solid annual removal efficiency.

In addition:

- Locate the STMH 100 in the curb line rather than in the roadway to connect to the existing storm sewer.
 - Storm pipe sizing cannot decrease in size in the downstream direction. Maintain 24-inch.
 - Bioretention basin must drawdown in 48 hours. The maximum ponding depth is 18 inches.
- c. Final utility plan must:
- Use the updated detail plates.
 - Include profiles of utilities for review of grades and depth.
 - Indicate that the water main pipe is DIP.
 - Show service locations and locate the water services outside of the driveway.
 - Illustration installation of an isolation valve outside of cul-de-sac for green space isolation.
 - Illustration installation of a gate valve on the southern leg of Mahoney Ave connection.
 - Indicated no water services may come from the side yard. Services must be located outside of the green space isolation valves.
 - Illustrate unused water service pipe on Mahoney Avenue must be removed back to the main, with the corporation stop turned off and a city-approved repair clamp to cover the corporation stop.
 - Note wet tap the 6-inch main on Mahoney Avenue.
 - Locate SSMH 2 to the roadway in line with SSMH 1.

- Illustrate drop manhole structure to be outside drops.
- d. Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements, as outlined in the ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions. In addition:
- No more than four high priority trees can be removed.
 - Based on the submitted plans, the mitigation requirements would be 19, two-inch trees.
- 4) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct streets and utility improvements, comply with grading permit, wetland restoration, tree mitigation requirements, and to restore the site. One itemized letter of credit is permissible if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the streets and utilities have been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.
- 5) A construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance.
- 6) A copy of the approved MPCA NPDES permit.
- 7) A MDH permit for the proposed water main or documentation from the MDH that a permit is not required.
- 8) A MPCA sanitary sewer extension permit or documentation from the MPCA that a permit is not required.
- 9) Evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.
- 10) All required administration and engineering fees.

- 11) Evidence that an erosion control inspector has been hired to monitor the site through the course of construction. This inspector must provide weekly reports to natural resource staff in a format acceptable to the city. At its sole discretion, the city may accept escrow dollars, in an amount to be determined by natural resources staff, to contract with an erosion control inspector to monitor the site throughout the course of construction.
 - 12) Cash escrow in an amount of \$3000. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:
 - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
- b) Prior to the issuance of the grading permit, a pre-construction meeting is required.
 - c) Prior to issuance of the grading permit, install a temporary rock driveway, erosion control, tree and wetland protection fencing, and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
 - d) Permits may be required from other outside agencies including, Hennepin County, the Riley-Purgatory-Bluff Creek Watershed District, and the MPCA. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.
6. Prior to issuance of a building permit for the first new house within the development, submit the following documents:
 - a) A letter from the surveyor, stating that boundary and lot stakes have been installed as required by ordinance.
 - b) A letter from the surveyor, stating that all encroachments onto other properties, as noted on the survey, have been removed and the areas restored.

- c) Proof of subdivision registration and transfer of NPDES permit.
7. Prior to issuance of a building permit for any of the lots within the development:
- a) Submit the following items for staff review and approval:
 - 1) A construction management plan. This plan must be in a city-approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.
 - 2) Final grading and tree preservation plan for the lot. The plan must:
 - a. Be in substantial conformance with the approved plans.
 - b. Protect trees to remain on-site as required by city staff.
 - c. Show sewer and water services to minimize impact to any significant or high-priority trees. No trees may be removed for the installation of services.
 - d. Meet minimum mitigation requirements, as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased.
 - 3) 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.

If the builder is the same entity doing grading work on the site, the cash escrow submitted at the time of grading permit may fulfill this requirement.

- b) Install a temporary rock driveway, erosion control, tree and wetland protection fencing, and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
 - c) Install heavy-duty fencing, which may include chain-link fencing, at the conservation easement. This fencing must be maintained throughout the course of construction.
 - d) Submit all required hook-up fees.
8. All lots and structures within the development are subject to all R-1 zoning standards. In addition:
- a) All structures must meet the required wetland setback.
 - b) All lots within the development must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. These access requirements include road dimension, surface, and grade standards. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system.
9. The city may require installation and maintenance of signs which delineate the edge of any required conservation easement. This signage is subject to the review and approval of city staff.
10. During construction, the streets must be kept free of debris and sediment.
11. The property owner is responsible for replacing any required landscaping that dies.
12. The city must approve the final plat within one year of the preliminary approval or receive a written application for a time extension, or the preliminary approval will be void.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Dec. 2, 2019.

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 duly authorized meeting held on Dec 2, 2019.

Becky Koosman, City Clerk