



**Agenda
Minnetonka City Council
Regular Meeting
Monday, October 12, 2020
6:30 p.m.
WebEx**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Calvert-Schaeppi-Coakley-Kirk-Schack-Carter-Wiersum
4. Approval of Agenda
5. Approval of Minutes:
 - A. September 21, 2020 regular council meeting
6. Special Matters: None
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases: None
10. Consent Agenda - Items Requiring a Majority Vote:
 - A. Resolution appointing election judges and absentee ballot board for the Nov. 3, 2020 State General Election
Recommendation: Adopt the resolution (4 votes)
 - B. Resolution adopting the 2021 meeting schedule for the Minnetonka City Council
Recommendation: Adopt the resolution (4 votes)
 - C. Ordinance authorizing sale of city property adjacent to 1013 Ford Road
Recommendation: Adopt the ordinance and approve the purchase agreement (4 votes)

Due to the COVID-19 health pandemic, the city council's regular meeting place is not available. Pursuant to Minn. Stat. § 13D.021, city council members will participate in the meeting remotely via WebEx. Members of the public who desire to monitor the meeting remotely or to give input or testimony during the meeting can find instructions at <https://www.minnetonkamn.gov/government/city-council-mayor/city-council-meetings>.

11. Consent Agenda - Items Requiring Five Votes: None
12. Introduction of Ordinances:
 - A. Ordinance amending city code section 625, relating to tobacco
Recommendation: Introduce the ordinance (4 votes)
 - B. Ordinance authorizing sale of city property adjacent to 3841 Baker Road
Recommendation: Introduce the ordinance (4 votes)
13. Public Hearings:
 - A. Resolution approving vacation of drainage and utility easements within LEGACY OAKS FOURTH ADDITION
Recommendation: Hold the public hearing and adopt the resolution (4 votes)
14. Other Business:
 - A. Ordinance approving the rezoning of the existing property at 4144 Shady Oak Road from R-1 to R-2
Recommendation: Adopt the ordinance approving the rezoning (4 votes)
 - B. Sustainability Commission Ordinance
Recommendation: Adopt the Sustainability Commission Ordinance (4 votes)
 - C. Boards and commissions recruitment and appointment process
Recommendation: Review staff recommendations and provide feedback. (No formal action required)
 - D. Consider final version of the updated strategic priorities and key strategies
Recommendation: Review draft document and provide feedback. (No formal action required)
 - E. Opus Housing Briefing
Recommendation: Receive the briefing (No formal action required)
 - F. Resolution ordering an Alternative Urban Areawide Analysis (AUAR) for Opus in the City of Minnetonka
Recommendation: Approve the resolution (4 votes)
15. Appointments and Reappointments: None
16. Adjournment

**Minutes
Minnetonka City Council
Monday, September 21, 2020**

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 Susan Carter, Deb Calvert, Bradley Schaeppi, Kissy Coakley, Brian Kirk, Rebecca Schack and Brad Wiersum were present.

4. Approval of Agenda

Calvert moved, Kirk seconded a motion to accept the agenda with addenda to Items 12.A and 14.A. All voted "yes." Motion carried.

5. Approval of Minutes:

A. August 10, 2020 regular council meeting

Calvert explained she asked for clarification on Item 5.B noting her comment was regarding outdoor mask wearing. She indicated she was a proponent for wearing masks outdoors when appropriate for safety purposes.

Schack moved, Carter seconded a motion to accept the minutes, as amended. All voted "yes." Motion carried.

B. August 24, 2020 study session

Schack moved, Carter seconded a motion to accept the minutes, as presented. All voted "yes." Motion carried.

C. August 25, 2020 strategic planning session

Schack moved, Carter seconded a motion to accept the minutes, as presented. All voted "yes." Motion carried.

D. August 31, 2020 regular council meeting

Schack moved, Carter seconded a motion to accept the minutes, as presented. All voted "yes." Motion carried.

E. August 31, 2020 special meeting minutes

Schack moved, Carter seconded a motion to accept the minutes, as presented. All voted "yes." Motion carried.

F. September 1, 2020 strategic planning session

Schack moved, Carter seconded a motion to accept the minutes, as presented. All voted "yes." Motion carried.

6. Special Matters:**A. Recognize the City of Minnetonka for achieving Step 5 in the Minnesota GreenStep Cities program**

City Planner Loren Gordon gave the staff report and explained the city had reached Step 5 in the Minnesota GreenStep Cities program.

Calvert thanked staff for all of their hard work. She appreciated all of the city's efforts to address sustainability. She was proud of how proactive the city was when it came to the environment.

Wiersum stated he was very proud of the city council and city staff for this achievement. He appreciated all of the city's efforts to reach Step 5.

Recognized the achievement.

7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported on upcoming city events and council meetings. She discussed the ways in which residents could participate in absentee in-person voting which was taking place now through November 2.

Schack commented on the recent passing of Ruth Bader Ginsburg and thanked Justice Bader Ginsburg for all of her efforts. She stated her favorite quote from Ruth Bader Ginsburg was, "fight for things you care about but do it in a way that will lead others to join you". She appreciated this good advice as she served the City of Minnetonka.

Kirk thanked all teachers for carrying a heavy load at this time and working so diligently to educate students during the pandemic.

Kirk stated Minnetonka had a Black Lives Matter march on Saturday, September 12. He thanked all who attended and the Minnetonka Police Department for assisting with the event.

Kirk commented on a group home request that would be coming before the council at a future meeting. He recommended this item be discussed at a worksession meeting prior to coming before the council for a vote.

Calvert thanked all who participated in the BLM march and stated she appreciated the efforts of the Minnetonka Police Department during the event. She indicated this was a historic event for the city.

Calvert wished everyone in the Jewish faith a very good new year. She commented on the recent passing of Ruth Bader Ginsburg and thanked her for giving back to her country.

Wiersum commented on how COVID has impacted the League of Minnesota Cities. He explained the LMC would be hosting smaller mini-meets this fall. He encouraged residents to come together through the devastating circumstances of COVID-19. He stated he would like to see people focusing on what unites us versus what divides us.

Wiersum discussed Hopkins School Districts decision to eliminate its school resource officer. He indicated he did not love this decision and noted he had met with the school district with staff to discuss this matter.

8. Citizens Wishing to Discuss Matters not on the Agenda: None.

9. Bids and Purchases:

A. Employee health care coverage with Medica

Assistant City Manager Mike Funk gave the staff report.

Kirk asked if it was possible to move in and out of the LOGIS consortium. Dawn Pearson reported cities were able to move out and then back into LOGIS, but there was a phasing in period.

Kirk discussed the ongoing risk of not being a part of the consortium. Funk stated this was an excellent point and this risk was discussed as staff weighed the options of leaving the consortium. He explained the City of Minnetonka had a great wellness program, which would assist in keeping premiums down. In addition, the city had an active safety committee which would assist in controlling costs.

Schaepfi thanked all who were involved in researching this issue. He commented on the savings the city would see in one year and stated he supported staff's recommendation.

Calvert agreed the city would see great savings, but encouraged city staff to keep in mind the risk of moving away from the consortium in the middle of a pandemic.

Wiersum stated he understood consortiums were helpful for purchasing power but when it came to health care, Minnetonka was not an insignificant purchaser. He indicated he supported staff's recommendation because it reflected some boldness and allowed the city to control its destiny. He appreciated the city's wellness program and discussed how it would be made better through additional resources. He believed staff took its health seriously, which would assist in keeping premiums low.

Kirk moved, Calvert seconded a motion to authorize the city manager to execute the Medica insurance proposal. All voted "yes." Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:

A. Floodplain and wetland alteration permits for construction of a trail connection near Opportunity Court and Hwy 169

Schack moved, Kirk seconded a motion to adopt Resolution 2020-072 approving the permits. All voted "yes." Motion carried.

B. Conditional use permit for a 1,400 square foot accessory apartment at 17003 Sherwood Road

Schack moved, Kirk seconded a motion to adopt Resolution 2020-073 approving the request. All voted "yes." Motion carried.

11. Consent Agenda – Items requiring Five Votes:

A. Resolution approving a conditional use permit for a 6,000 square foot medical clinic, with a variance, at 10201 Wayzata Boulevard

Calvert moved, Kirk seconded a motion to adopt Resolution 2020-074 approving the request. All voted "yes." Motion carried.

B. Emergency ordinance relating to outdoor dining

Calvert moved, Kirk seconded a motion to adopt Ordinance 2020-17. All voted "yes." Motion carried.

12. Introduction of Ordinances:

A. Sustainability Commission Ordinance

Community Development Director Julie Wischnack gave the staff report.

Schack questioned if planning case items could be sent to the sustainability commission for comment. Wischnack explained she would like to do a little bit more research on this matter but noted this would depend on if the case had time for comment from an additional commission.

Kirk indicated the climate action plan would be discussed in 2021, but would not be implemented. Wischnack stated this was the case. She anticipated the climate action plan would be completed in 2022.

Kirk discussed an email the council received noting he supported the idea that light pollution was within the purview of this commission. He commented in starting a sustainability commission, this would be a great opportunity for the city to bring diversity into the city's commissions through these nine new members. He recommended the city actively recruit these nine new members.

Coakley agreed the positions should be recruited and suggested city staff reach out to the schools. Wischnack stated she would bring back a recruiting list to the October council meeting for the council to review and discuss further.

Calvert questioned if the sustainability commission would seek members from the planning commission and the park board. Wischnack indicated this may be difficult logistically because this was a new commission.

Coakley inquired why the mayor voted on the commission appointments instead of the entire city council. City Manager Geralyn Barone reported the mayor nominates the commission appointees and the city council votes to approve the nominations, which served as a check and balance. She explained the city charter gives the mayor and city council that authority.

Carter explained the council has a role in approving commission members rather than identifying or suggesting. Wischnack reported this was the case. She indicated the procedural steps for these commission members would be further discussed in October.

Wiersum spoke further to the process that has been followed in the past for commission appointments. He indicated council interviews have been held for candidates, candidates were graded, and the mayor makes selections. He discussed how he has approached selections based on experience, gender equality, ward representation, etc. He stated these appointments were always difficult for him to make.

Carter commented as a group the council conducted interviews for previous commission positions and the council never saw the final grid or tabulations. She requested this information be made available to all councilmembers. Barone

thanked the council for the input. She reminded the council that the item being considered was the sustainability ordinance. She indicated the commission appointment process would be further discussed on October 12.

Schack stated she supported the proposed ordinance. She thanked staff for all of their efforts. She recommended the sustainability commission be involved in a joint meeting with the city council each year. She suggested the sustainability commission provide the council feedback on projects they believe they should be reviewing.

Wiersum asked if there were any further questions for staff. He then opened the meeting for public comment.

Li Dvorak, 15708 Scenic Drive, congratulated the city for reaching Step 5 of the GreenStep Cities program. She explained she was speaking on behalf of Minnetonka Climate Initiative. She stated this group appreciated the fact that the city was creating a sustainability commission and overall, supported the ordinance. She proposed the purpose be more clearly stated to set this group apart from the city's other commissions. She requested Section 145.015 be amended in Section 1 replacing energy with energy conservation and greenhouse gas reduction including the transportation center. At the end of Section 2 she would like to add with a commitment to addressing all areas of the community including multi-unit housing and initiatives that include lower income families. To the end of Section 6 she would like to add such as the following: a) Energy conservation best practices for residents and businesses, increased use of renewable sources and other methods to reduce the city's carbon footprint, b) promote tree planting, native landscaping and other techniques, and c) recommend ways to reduce greenhouse gas emissions and improve air quality. She reported she would like Section 9 added to state: the SC will advise the city council on all policy or projects relating to air, water, waste and land. The SC will look at matters through an environmental lens and will research and advise on policy and ordinances, such as the recently revised lawn ordinance, tree ordinance and best practices to reduce adverse ecological impacts. For example, the use of biodegradable mesh and not parking construction equipment on trees. Regarding commission members, she appreciated the reduction from three to two. She still believed the SC should have eleven members versus nine. She suggested the SC be meet monthly as this would be consistent with other commissions in the city. She commented on the eligibility language for student members and requested the language be clarified to ensure the students lived in Minnetonka. She thanked the council for their time and for considering the sustainability commission ordinance.

Wiersum requested Ms. Dvorak provide her written comments to staff.

Wiersum closed the meeting for public comment.

Calvert thanked staff for all of their efforts on this ordinance. She stated she appreciated all of Ms. Dvorak's suggestions. She explained she believed eleven members was too large for the SC and recommended the group have no more than nine members. She suggested the sustainability ordinance include language that would have the SC addressing climate change. She agreed with the diversity in requirement suggestions and noted she looked forward to further reviewing the appointment process. She recommended the SC recognize actions in the community that reflect mitigation of pollution, new native plantings, etc. She stated this could be done through an award program.

Schaeppi commented he believed this was a good start for the SC. He believed strongly that the city did not need shared commissions. He was a proponent of having nine members on the SC with no shared members. He explained he would like to see the ordinance having more descriptive language as to the work that would be conducted by the SC. He suggested the ordinance have more general examples, versus specific examples as to the authority of this group. He indicated he supported more funding and resources being provided to the commission versus a full-time staff member.

Kirk discussed the benefit of having some seasoned voices on a commission, after serving on the planning commission. He stated he supported the SC having nine members.

Schack moved, Kirk seconded a motion to introduce the ordinance and provide preliminary comments.

Wiersum stated the commission would determine its charter and vision as it comes together. He understood the group should not be too narrow. He explained he saw value in getting the group established and providing council input with the flexibility to seek their path while coordinating with staff. He anticipated there would be value in having some cross pollination with the planning commission, park board, or EDAC. He indicated the council was not trying to create silos with the commission, but rather was creating commissions that help one another.

All voted "yes." Motion carried.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

City Manager Geralyn Barone reported Councilmember Carter had to step away from the meeting and would rejoin when able.

13. Public Hearings:

A. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for YMCA at The Marsh, LLC., located at 15000 Minnetonka Boulevard

Kirk reported he would be recusing himself from discussing this item.

City Manager Geralyn Barone gave the staff report.

Michael Kielkucki reported he started at The Marsh in June after Ruth Stricker passed away. He explained restaurant operations have been difficult due to COVID. He noted alcohol sales were minimal at this restaurant given the fact they were only open until 6:00 p.m. He requested the council support the on-sale wine and 3.2 malt beverage liquor license.

Wiersum stated he was pleased the YMCA would own and operate The Marsh. He believed The Marsh was an institution in the community.

Wiersum opened the public hearing.

Richard Melzer, representative for The Marsh, explained there would not be any changes occurring at The Marsh. He looked forward to continuing the vision for this restaurant and remaining a part of the community.

Calvert moved, Schack seconded a motion to open the public hearing and continue to October 26, 2020. Calvert, Carter, Schaeppi, Coakley, Schack, and Wiersum voted "yes". Kirk recused. Motion carried.

B. Resolutions for special assessment of 2019-2020 projects

City Manager Geralyn Barone gave the staff report.

Coakley asked if staff had any homes on this list that were part of Homes Within Reach. Community Development Director Julie Wischnack stated there were no Homes Within Reach on this list. She commented further on how staff works with Homes Within Reach homeowners to assist with the payment of special assessments.

Wiersum opened the public hearing.

David Fish, 11620 Timberline Road, stated he has lived at his residence for the past 38 years. He reported he has not had any problems with the city in the past. He commented he believed the assessment from the city was unfair. He explained he traveled for a living and was his way to Las Vegas when he received a letter from the city regarding a weed issue. He noted he spoke with Will Manchester regarding this concern and noted he would be back in the city in

a week. He asked that he be given a week to address this concern since he was traveling out of state. He explained he called the city when he was on his way home from the airport and when he gets to his home, he learns his weeds have been cut. He questioned why the city took this action when he had spoken to staff and both parties had agreed to wait to address this concern until after he returned from his business trip. He was told by staff that they were unaware that the weeds had been cut and he told staff that he would not be paying for the weeds to be cut. He reported a year has gone by and he received a bill from the city. He questioned why the city was choosing to do business this way. He commented the bill was duly unfair. He requested the council reconsider his assessment because these weeds have been growing on his property for the past 40 years and this has never been a problem.

Wiersum thanked Mr. Fish for his comments. He requested feedback from staff on this item. Wischnack discussed the process that was followed for complaints regarding nuisance issues. She noted there was a misunderstanding between the city's intern and the property owner regarding the next steps. She stated did not feel good about that and she apologized for the misunderstanding. She commented the city completed the weed removal work and it cost money to complete this work. She explained she had pictures of the work that was completed. She indicated this work cost the city \$460, along with a \$23 administrative charge.

Coakley asked if more than one letter was sent to the homeowner. Wischnack reported notices were sent to the property owner and the property owner had contacted city staff. She stated typically just one letter was sent regarding long grass. She indicated nuisance grass issues were typically handled more quickly than other nuisance issues.

Schaeppi stated if only one letter was sent, he would have a hard time passing this assessment onto the homeowner, especially given the fact these weeds were on the property every year for the past 38 years. He commented he did not support passing this assessment along given the fact only one notice was sent and the homeowner had reached out to the city.

Wischnack reported a long grass weed notification was sent out F&M Leasing Corporation at 11620 Timberline Road. She reviewed the language that was included within the notification and noted the city was very explicit regarding the action that would be taken if the property owner did not respond to the city within a timely manner.

Wiersum stated he was having trouble with the dates. He questioned when the complaint was made, what the date was on the letter, and when did the property owner have to bring the property into compliance. Wischnack explained the violation came the second week of July and notice was mailed on July 9 requesting compliance by July 13. She reported the work was done on July 22.

Wiersum stated only 13 days went by from the time of the complaint to the work being completed. Wischnack clarified it was another month before the work was completed by a contractor in August, which meant actually six weeks had transpired from the time of the complaint to the work being completed.

Wiersum thanked staff for the clarification.

Schack indicated this was a difficult situation for the council to address. She understood residents get frustrated when maintenance was not being done in their neighborhood. She noted six weeks was a very long time to have nuisance weeds and grass. She commented it was risky for the council to give passes. She believed staff has been good to work with residents that reach out and are willing to follow deadlines. She supported the council following the policy that was in place.

Calvert agreed with Schack.

Kirk indicated the timing of the conversation with the intern should also be considered. He stated if he asked to meet with staff and this meeting didn't happen this would be a concern. He commented he was left wondering why this meeting didn't occur and the council wouldn't be able to find an answer given the fact the intern was no longer with the city. He explained there was a lot of undeveloped property that has noxious weeds and grass. He stated he would like to speak with staff further regarding this property prior to making a determination on this assessment.

Coakley questioned when Mr. Fish was out of town. Mr. Fish explained the letter from the city was sent to an office in St. Paul because he travels a great deal of time for work. He reported his office got the letter and this letter was scanned to him while he was on a business trip at his west coast office. He indicated he called Will Manchester to discuss the matter in further detail. He was told a complaint had come to the city regarding the weeds on the property. He commented he knew which neighbor made the call. He stated he agreed with Mr. Manchester that when he got back in town, he would call the city and would meet with staff to address the concern. He explained when he returned from his business trip the weeds had already been cut down. This led him to call Mr. Manchester again in order to ask what had happened. He indicated he was told by Mr. Manchester there would be no cost for the work that was done. He expressed concern with the fact the city billed him 13 months after the fact for the work that was done. He stated he had notes from his phone calls, but these notes were discarded after his second phone call to Mr. Manchester because he thought the matter had been put to rest. He explained the area of concern was near four mailboxes are located. He estimated the space was 20 feet wide and 10 or 12 feet deep. He indicated he could have cleared this area in less than an

hour without a chain saw. He stated the whole scenario was wrong because it had been in that state for 30+ years without there being a concern.

Wischnack reviewed pictures of the site with the council.

Wiersum stated typically the city does not drive around looking for nuisance abatement issues. He indicated the city operates on a complaint basis. He reported when a complaint is made, the city investigates the complaint. He reiterated that this complaint was managed over a period of six weeks. He stated that Mr. Fish had made some fair points. He commented the work was done and the city cost was \$460. He explained if a portion was forgiven this cost would be the responsibility of Minnetonka taxpayers who were even less responsible for this expense. He stated he agreed with councilmember Schack that it was a slippery slope if the city were to start forgiving these assessments. He indicated he could support a compromise for this situation.

With there being no further comments, Wiersum closed the public hearing.

Schack commented she was concerned about the representation from the city. She stated she would be comfortable splitting the different on the expense for the assessment, or some other modified number, given the fact there was stumbling on the part of staff.

Kirk explained he did not support deliberating this matter any further. He supported giving the homeowner the benefit of the doubt and recommended the fee be waived.

Carter asked if a precedent would be set if the council were to waive 100% of this fee.

Kirk commented he believed this was more of a customer service issue and it looks like a mistake was made. He stated there was no way for the council to tell what happened given the fact the intern was no longer with the city. He indicated it appears the intern made promises to the homeowner and these promises were not followed.

Coakley supported councilmember Kirk. She explained she has worked as an intern and she understood that mistakes can be made. She noted a great deal of time had passed since the work was done and a bill was sent. She believed this was a customer service issue and that the fee should be waived.

Calvert stated she was struggling with this item. She commented if Mr. Fish was gone that much for work and his yard was out of control year after year. She agreed there were some issues with a city intern. However, she noted a city service was performed and a cost was incurred. She stated she agreed with

councilmember Schack and recommended the expense be split between the city and the property owner.

Wiersum discussed the city's communication and billing practices for nuisance items and assessments. He requested further information regarding the number of notifications that were sent to Mr. Fish regarding this matter. Wischnack state she did not have a sense on that, but explained Mr. Fish was made aware of this matter when the assessment roll was completed. She understood there was a lag of time given the fact the work was completed in 2019 and would be assessed in 2020. Finance Director Darin Nelson explained assessment notices are sent to homeowners after the public hearing was set. He reported assessments are cut off on July 31 each year and this work was completed in August of 2019, which meant the work would be assessed in 2020.

Schack moved, Calvert seconded a motion to hold the public hearing and adopt Resolution 2020-075, Resolution 2020-076, Resolution 2020-077, Resolution 2020-078, Resolution 2020-079 and Resolution 2020-080 except as it relates to Project No. N577 for the property at 11620 Timberline Road to modify the assessment amount to \$241.50. Carter, Calvert, Schaeppi, Schack and Wiersum voted "yes." Coakley and Kirk voted "no". Motion carried.

14. Other Business:

A. Concept plan review for Shady Oak Office Center at 10901 Red Circle Drive

City Planner Loren Gordon gave the staff report.

Wiersum requested further information regarding how the proposal would increase traffic in the Opus area. Gordon discussed trip characteristics for office developments versus residential projects. He reported there was more traffic from a business development versus a residential development.

Casey Dziejewczynski Development Manager at Wellington Management provided the council with additional information regarding the proposed development. He explained Wellington Management owns over 100 properties across the metro area, with a mix of both affordable and market rate housing, in addition to retail, office and light industrial uses. He reported Wellington Management has owned this building for 15 years. He stated he has had trouble leasing the space. He believed now was the right time to move forward with the housing proposal. He explained the project would be completed in two phases. Phase one would include 250 units on the east side and phase two would include 185 units on the west side. He indicated both projects would include 20% affordable units at 50% of the area median income level. He commented TIF would be requested for this project in the amount of \$5 million for phase one and \$3 million for phase two. He hoped to secure financing for this project over the

coming months in order to break ground in the summer of 2021. He anticipated the project would take 18 to 20 months to complete.

Pete Keely, Collage Architects, reviewed the plans for the site in further detail with the council. He explained plans were considered to convert the existing building from office to housing. He noted this site has great visibility and was close to transportation/services, which made it more appealing for housing. He stated it was determined the existing building had very little value. He commented further on the proposed site plan, reviewed building elevations and noted the perimeter would have pedestrian access. It was noted the units would range from studios to larger units with a focus towards affordability. This meant the majority of the units would be on the smaller size. It was noted the site would have a mix of amenity spaces.

Calvert stated families need places to live and it was often times families that needed affordable apartment units. She requested further information regarding the mix of units that would be developed. Mr. Dziejewczynski explained he was projecting a mix of affordable units. He stated phase one would have 40% studios, 40% one bedroom units, 15% two bedroom units and a handful of three bedroom units. He reported the affordability would be split up equally between the unit mix. He indicated the affordability would not be focused just on the studios and one bedroom apartments.

Schack asked if the rental market was softening. She questioned if this was a concern for the developer. Mr. Dziejewczynski stated he was unsure of what the next several months or year would bring. He commented the advantage was that he was confident the city needed to provide housing long-term, even during a pandemic. He indicated this project was not trying to hit the luxury market, but rather would be providing needed housing at a reasonable price point. He explained the project was being split into phases to spread the risk out and to assist with market saturation. He commented further on other projects he was completing in the metro area.

Kirk discussed the current condition of the Opus site. He questioned how traffic would flow in and out of this site. Gordon reported Red Circle would get reversed. He explained the road in front of this building would go counter clockwise. He indicated the traffic would eventually come out to Bren Road.

Kirk stated the bike paths and the bike routes were interesting for this development. He appreciated the connections this site would have. He explained he understood why the development had been broken into two phases but he feared how the development would fare if the second phase were not completed. He stated he appreciated that the AMI would be set at 50% and noted he would be supportive of the over all development.

Schack indicated this project reminded her of the Mariner project that was canceled earlier this year. She appreciated the fact that the affordability would be disbursed throughout the two buildings. She was pleased with the proposed layout. She believed this was a good location for housing and would not create a great deal of disruption. She appreciated the perspective of the neighbors in the townhouses to the north. She explained the Opus campus was going through a transformation and it was getting closer to the original vision than ever before in history. She indicated this was a big change because some of the property was shifting to residential. She stated she liked the proposed development and believed this would be a good fit for Opus. She commented this development would also benefit by being in close proximity to the light rail station. She encouraged the developer to consider sustainability options, but not at the expense of the affordability of the development.

Schaeppi thanked the applicant for the proposal. He stated he supported the development and appreciated the proposed walkout units. He indicated this was the location for density and he noted he would support a higher building if it was cost effective. He explained it will be nice to see more of the specifics on the amenities, but he anticipated this would come later in the planning process. He encouraged the developer to match the type of units that would be in demand in Minnetonka.

Calvert stated she agreed with much that has been said. She explained she was excited about the proposed affordability rate for these units. She indicated she liked the walkout units and believed this was the right location for density. She commented the proposed amenities would be nicely received by the future tenants. She encouraged the developer to explore more energy efficiency and sustainability. She noted she like the idea of a pollinator garden or a green roof, while still maintaining affordability. She stated it was exciting that this development was next to light rail and she indicated she supported the proposed color palette.

Coakley commented this was a well thought out development. She believed the building looked nice and she appreciated the bike trails. She questioned how diversity in this area would be increased through this development and asked who this development would be targeted towards. She supported the development having affordable units, but she feared the entire building would be filled with young, white college students.

Carter stated she liked the project. However, she encouraged the council to proceed with caution when placing every dense residential development on Opus. She commented this could create a culture of stigma around affordability. Rather, she wanted Opus to be thoughtful and well planned. She hoped that the area would have variety as well as diversity with both soft and hard surfaces. She wanted to see this site developed intentionally, with purpose, and not just be more of the same.

Calvert thanked Carter for her comments. She agreed the city should not ghettoize high density in any one sector of the city. She noted she had brought this up before within Opus. She indicated the architecture for this development was alright, but might not have longevity. She commented she did like the idea of mixing up the uses within Opus from industrial or business/commercial to different kinds of uses such as places of worship and housing.

Wischnack stated there were a lot of projects coming forward and a lot of units. She explained staff was working on a matrix to better understand the entire development. She commented the next time the council discusses this project, the matrix will be presented to allow the council to address the diversification.

Wiersum indicated this was a quality, work force project that would target more than college students. He anticipated this development would have a diverse housing mix. He stated he liked the affordability proponent. He explained the council would have to take a deeper look at the TIF request. He discussed the amount of traffic that would be generated by this type of development. He commented further on the mass and scale of the proposed building. He encouraged the council to be mindful about what building design and architecture. He stated the council had to consider how the light rail and future transit would impact this area. He questioned if this development could have a larger portion of the units subsidized, 20% being affordable in order to create a development that was below 100% of AMI. He stated he appreciated councilmember Carter's comment and how the council should proceed with caution when considering the placement of all of the city's affordable housing on Opus. He agreed the council did not want to put all of its high density residential in one sector of the city. He indicated the council had to consider what amenities would be put into Opus in order to create community and not just a place with a lot of high density development. He stated this would be critical in order to make Opus successful.

Mr. Dziejewczynski thanked the council for their input. He stated he believed this development would meet the affordability levels that were at or below 100%. He noted this was not a luxury development. He commented after the 20% affordable units, the remainder would be 75% to 100% AMI without the subsidy. He recognized the entire project had to work in the community and would have to be attractive to a variety of residents. He explained the people living in this development would recognize the benefits of the trail and light rail access. He stated he was working to create an attractive project that would look good in 20 years and would serve a variety of residents at a variety of income levels. He reported he would further investigate the sustainability components for this development.

Wiersum thanked Mr. Dziejewczynski for his presentation and wished him good luck in the next step of the planning process.

Discussed concept plan with the applicant. No formal action required.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

B. 2021 – 2025 Capital Improvements Program (CIP)

City Manager Geralyn Barone gave the staff report.

Wiersum asked if the primary changes to the 2020 CIP were for the HVAC upgrades. Barone stated this was correct, but noted there were new items related to the fire station roof and the skylights in the community center.

Calvert commented she had questions for staff this morning and they were largely answered. She explained for transparency purposes, the council had discussed the CIP at previous meetings.

Schack thanked staff for being nimble and for working to adjust the CIP to meet the goals and objectives of the city council.

Schack moved, Calvert seconded a motion to adopt the 2021-2025 CIP Res. 2020- 081 All voted “yes.” Motion carried.

Calvert moved, Kirk seconded a motion to amend the 2020-2024 CIP. All voted “yes.” Motion carried.

Barone explained she has been talking with councilmember Schaeppi about the trail on Minnetonka Boulevard. She encouraged councilmember Schaeppi to bring this item before the council for further consideration.

Schaeppi commented he would like to direct staff to amend the CIP at a future city council meeting in order to consider the inclusion of a pedestrian crossing of Groveland Avenue. He explained he has had a tremendous amount of people reach out to him regarding this matter. He noted he reached out to Hennepin County regarding this matter and understood they would not have funds for this project. He asked if the council could support a motion directing staff to place this project in the CIP in 2023. Barone suggested if this was something the council would like to consider that an amendment be made to the CIP as a separate page for the unfunded project. She reported this would not obligate the council to the project but would provide a holding spot. She commented the other option would be to bring the item forward next spring for consideration.

Carter asked what was being requested.

Schaeppi stated he would like to see a Hennepin County approved pedestrian crosswalk with flashing lights.

Carter commented she could support this being a placeholder, but she anticipated this project would be a hard sell.

Coakley indicated she could support this item being studied further.

Kirk agreed.

Schaeppi moved, Kirk seconded a motion to direct staff to amend the 2021-2025 CIP at a future city council meeting in order to consider the inclusion of a pedestrian crossing near Groveland Elementary School. All voted "yes." Motion carried.

- C. Items related to the 2020 preliminary tax levy**
- 1) Resolution setting a preliminary 2020 tax levy and preliminary 2020 HRA levy, collectible in 2021, and a preliminary 2021 budget, and consenting to a special benefit tax levy on the Minnetonka Economic Development Authority**
 - 2) Resolution setting preliminary 2020 tax levy, collectible in 2021, for the Bassett Creek Watershed Management Tax District**

City Manager Geralyn Barone gave the staff report.

Schaeppi stated he would like further information to understand what options the council has to get below the large 5.6% increase slated for next year. Barone reported the council committed to the 5.6% increase by approving the CIP. She explained the council would have time to review the CIP and budget in 2021, which would allow for an opportunity to make some changes. She noted the city did have some very large infrastructure projects scheduled for 2021.

Calvert commented this budget was a reflection of nimbleness and creativity. She thanked staff for finding an additional \$50,000 for diversity and inclusion efforts. She appreciated the fact that more dollars were being put to this important use. She applauded staff for being creative in order to keep the overall levy down.

Kirk agreed and stated it made sense to soften the blow for 2021. He hoped the city would be in a better place to take on a higher levy next year so that in 2022 the community can manage that. He stated he supported the proposed tax levy.

Calvert discussed how beneficial the CARES Act funds have been to the city.

Wiersum thanked staff for being creative and working diligently to mitigate the impacts of COVID-19. He commented on the police coverage in Minnetonka and noted the city's per capita coverage was at the low end. He reported the Minnetonka Police Department had 57 sworn officers and the city had 53,000 people. He stated the city got very efficient use of its police officers. He explained once the school district dropped the SRO, he feared the department would drop this officer, which would further exacerbate the per capita coverage. He indicated as he discussed this further with Chief Boerboom and City Manager Barone, he was reminded that the department would be adding a police captain. For this reason, police coverage would remain the same at 57 sworn officers. He believed the optics of this situation was better for Minnetonka. He stated he wanted to make this situation known to the public because it was a concern to him.

Calvert moved, Schack seconded a motion to adopt Resolution 2020-082 and Resolution 2020-083. All voted "yes." Motion carried.

D. Settlement agreement with Center for Biological Diversity

City Attorney Corrine Heine gave the staff report.

Schack thanked City Attorney Heine for all of her efforts. She reported the council has been discussing this matter at length with the City Attorney. She was pleased the city was able to reach an agreement.

Schack moved, Calvert seconded a motion to approve the settlement agreement with the Center for Biological Diversity.

Calvert stated she appreciated staff and the City Attorney's efforts. She believed this agreement was a win for the city and the environment.

Kirk commented this was a great compromise and he appreciated the action steps that were in place to protect the rusty patch bumblebee and the environment.

Schaepi thanked all of the staff members that were involved in and assisted with reaching this agreement. He explained there was still bridge building that had to be done and he hoped the city could continue to keep communication lines open. He hoped the city could go above and beyond to ensure this project was a win for everyone.

Wiersum stated this was a positive settlement for all parties. He believed a lot of good would come from this agreement and the rusty patch bumblebee would be protected.

All voted "yes." Motion carried.

15. Appointments and Reappointments: None

16. Adjournment

Calvert moved, Kirk seconded a motion to adjourn the meeting at 11:15 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Becky Koosman
City Clerk

City Council Agenda Item #10A
Meeting of Oct. 12, 2020

Brief Description: Resolution appointing election judges and absentee ballot board for the Nov. 3, 2020 State General Election

Recommended Action: Adopt the resolution

Background

The city council is being asked to consider a resolution appointing election judges and the absentee ballot board for the Nov. 3, 2020 State General Election.

Council is asked to approve the eligible election judges listed in the resolution. From this list, staff will make assignments to ensure the required party balance. These election judges will be used to staff polling places, assist with absentee voting and help with the absentee ballot board. Most polling places will be staffed with 8-10 election judges. The resolution also gives the city clerk authority to appoint emergency election judges to fill vacancies that may occur at the last minute.

Recommendation

Staff recommends that the city council adopt the resolution appointing the election judges for the Nov. 3, 2020 State General Election.

Submitted through:

Geraldyn Barone, City Manager
Mike Funk, Assistant City Manager

Originated by:

Moranda Dammann, Administration Manager

Resolution No. 2020-

Resolution appointing election judges for the Nov. 3, 2020 State General Election

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

Section 1. Background.

- 1.01. The State General Election will be held on Nov. 3, 2020. The City Council is required by law to appoint election judges to serve at the polling places on Election Day.
- 1.02. Voting will occur at all 23 precincts in the city. Election judges will serve at the polling places and assist with absentee ballot processing.

Section 2. Council Action.

- 2.01. The City Council hereby authorizes the city clerk to select from the attached list of individuals to serve as election judges for the Nov. 3, 2020 State General Election and as the city's absentee ballot board.
- 2.02. The City Council also appoints all members appointed to the Hennepin County Absentee Ballot Board as authorized under M.S. 204B.21, subd 2 under the direction of the county election manager to serve as members of the Minnetonka Absentee Ballot Board.
- 2.03. The City Council also authorizes the city clerk to make emergency appointments of election judges to fill last-minute vacancies.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 12, 2020.

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 October 12, 2020.

Becky Koosman, City Clerk

Judge Board Report, 2020 State General Election

General Election, Tuesday, November 3, 2020

Absentee

Absentee, 14600 Minnetonka Blvd, Minnetonka, MN 55345

Diane Anderson, Absentee Judge
Shari Anderson, Absentee Judge
Lu K Bjornoy, Absentee Judge
Rita Carol Blackstad, Absentee Judge
Penny Isabelle Bryce, Absentee Judge
Bonnie Rae Carlson, Absentee Judge
Lynn Alison Cerra, Absentee Judge
Jeffry A Dickhut, Absentee Judge
Linda M Eliason, Absentee Judge
Steve W Eliason, Absentee Judge
Clifford G Giese, Absentee Judge
Catherine L Goset, Absentee Judge
Robin Lea Hellmer, Absentee Judge
Linda Aaron Jacobs, Absentee Judge
Teresa L Landberg, Absentee Judge
Dean J Meyer, Absentee Judge
Linda L Peine, Absentee Judge
Jean A Rabens, Absentee Judge
Steven J Rabens, Absentee Judge
Maynard Francis Stucki, Absentee Judge
Mark David Werley, Absentee Judge
Teri Lynn Wold, Absentee Judge

Minnetonka W-1 P-A

Immaculate Heart of Mary Catholic Church, 13505 Excelsior Blvd, Minnetonka, MN 55345

Diane Anderson, Election Judge
Bonnie Mae Burton, Election Judge
Cynthia Louise Devore, Election Judge
Julie J Hinderks, Election Judge
Rian Jentz, Election Judge
Carl A Klein, Election Judge
Dave Murphy, Election Judge
Geraldine W Zachmann, Election Judge
Steven J Rabens, Lead Judge
Sally Elizabeth Berg, Assistant Lead Judge

Minnetonka W-1 P-B

Old Apostolic Lutheran Church, 5617 Rowland Rd, Minnetonka, MN 55343

Ronald E Berg, Election Judge
Robin Lea Hellmer, Election Judge
Tracy Lynn Ingham, Election Judge
Betty Jean Ingram, Election Judge
Susan H Ritten, Election Judge
Hugh David Allan, Lead Judge
Courtney A Johnson, Assistant Lead Judge

Minnetonka W-1 P-C

Cross Of Glory Baptist Church, 4600 Shady Oak Rd, Minnetonka, MN 55343

Marian Susan Michael, Election Judge
Michael Anthony Mitchell, Election Judge
Julie Klaustermeier O Connor, Election Judge
Blanca Ivonne Perpich, Election Judge

Judge Board Report, 2020 State General Election

Michael Sandler, Election Judge
Bonnie Rae Carlson, Lead Judge
Shawn Johnson, Assistant Lead Judge
Linda L Peine, Assistant Lead Judge
Ariel Tiede, Student Election Judge

Minnetonka W-1 P-D

Destiny Hill Church, 13207 Lake St Extension, Minnetonka, MN 55305

Sally A Bressler, Election Judge
Mary Ruth Brill, Election Judge
Marissa Lynn Haeny, Election Judge
Susan P Hocker, Election Judge
Sarah Elizabeth Landt, Election Judge
Saralee D Mogilner, Election Judge
Kristine L Newcomer, Election Judge
Karin Anita Stapleton Smith, Election Judge
Char B Thomasson, Election Judge
Elizabeth Frances Otey, Lead Judge
Sophie Jean Worrell, Assistant Lead Judge

Minnetonka W-1 P-E

Williston Fitness Center , 14509 Minnetonka Dr, Minnetonka, MN 55345

Sybel Jean Boardman, Election Judge
Bernard G Devine, Election Judge
Mary M Duske, Election Judge
Amy Wolff Gunby, Election Judge
Denise S Maxwell, Election Judge
David Milton Olson, Election Judge
Mark Gerald Brown, Lead Judge
Ray R Lewis, Assistant Lead Judge

Minnetonka W-1 P-F

Minnetonka Community Center (1F), 14600 Minnetonka Blvd, Minnetonka, MN 55345

Steven R Fuller, Election Judge
Thomas Barr Hardin, Election Judge
Aleta Suzette Leizinger, Election Judge
Christopher Glen Olson, Election Judge
Gail A Podany, Election Judge
Lu K Bjornoy, Lead Judge
Clifford G Giese, Assistant Lead Judge

Minnetonka W-2 P-A

Minnetonka Community Center (2A), 14600 Minnetonka Blvd, Minnetonka, MN 55345

Briana Renee-Kitt Bers, Election Judge
Andrea Katherine Johnson, Election Judge
Karac Wallace Johnson, Election Judge
Clay Alexander Young, Election Judge
Linda M Eliason, Lead Judge
Tom Stanley Marshall, Assistant Lead Judge

Minnetonka W-2 P-B

St David's Episcopal Church, 13000 St David's Rd, Minnetonka, MN 55345

Marci J Anderson, Election Judge
Sharon Angela Azan, Election Judge
Zoe Beck, Election Judge
Diana Marie Braun, Election Judge
Lynn Alison Cerra, Election Judge

Judge Board Report, 2020 State General Election

Maryna P Chowhan, Election Judge
Gayle Jean Dreon, Election Judge
Newell John Nessen, Election Judge
Joseph Ramlet, Election Judge
Nancy Ann Blume, Lead Judge
Kathy Huber Weinshel, Assistant Lead Judge

Minnetonka W-2 P-C

Oak Knoll Lutheran Church, 600 Hopkins Crossroad, Minnetonka, MN 55305

Cynthia L Courneya, Election Judge
Lori Knudsen, Election Judge
Ruth Ann Lecy Jr., Election Judge
John David Loheit, Election Judge
Reid Michael Madden, Election Judge
Martha Jean Mason, Election Judge
Roger Edmunds Michael, Election Judge
Mary Louise O Brien, Election Judge
Janet L Polach, Election Judge
James Philip Robbins, Election Judge
Jeanne Elizabeth Guignon, Lead Judge
David P Allen, Assistant Lead Judge

Minnetonka W-2 P-D

Ridgedale Hennepin County Library (2D), 12601 Ridgedale Dr, Minnetonka, MN 55305

Neil M Belkin, Election Judge
Elizabeth Nancy Goldwyn, Election Judge
Carla Hennes, Election Judge
Linda Aaron Jacobs, Election Judge
Michael J Kalscheuer, Election Judge
Joan Cooper Mondale, Election Judge
Loren J Simer, Lead Judge
Kathleen Judy Clouse, Assistant Lead Judge

Minnetonka W-2 P-E

Lindbergh Center, 2400 Lindbergh Dr, Minnetonka, MN 55305

Carol B Andruskiewicz, Election Judge
Ernest James Denzer, Election Judge
Rodney Charles Hanson, Election Judge
Richard D Mies, Election Judge
Pamela E Schroeder, Election Judge
Larry Charles Sharpe, Election Judge
Carolyn Marie Fackler, Lead Judge
Maynard Francis Stucki, Assistant Lead Judge

Minnetonka W-3 P-A

Ridgedale Hennepin County Library (3A), 12601 Ridgedale Dr., Minnetonka, MN 55305

Susanne Lynn Aspley, Election Judge
Penny Isabelle Bryce, Election Judge
David James Knight, Election Judge
Deborah Ann Shields, Election Judge
Catherine L Goset, Lead Judge
Jeffrey D Kurtz, Assistant Lead Judge

Minnetonka W-3 P-B

Minnetonka Ice Arena A- (3B), 3401 Williston Rd, Minnetonka, MN 55345

Susan Elizabeth Abrahamson, Election Judge
Arnold Dean Courneya, Election Judge

Judge Board Report, 2020 State General Election

Deborah S Enzenauer, Election Judge
Teresa L Landberg, Election Judge
Jessica Jasper Rush, Election Judge
Meghan Schadow, Election Judge
Barbara Jean Schmitt, Election Judge
Nancy E Sommer, Election Judge
Carol G Weiler, Election Judge
Rita Carol Blackstad, Lead Judge
Joy Anita Baker, Assistant Lead Judge

Minnetonka W-3 P-C

Minnetonka Community Center (3C), 14600 Minnetonka Blvd, Minnetonka, MN 55345

Mark Glen Dillon, Election Judge
Donna Mae Gause, Election Judge
Robert Carl Lewis House, Election Judge
Joanne Elizabeth Jacobsen, Election Judge
Lorraine A Kretchman, Election Judge
Julie Mart, Election Judge
Amanda Louise Maxwell, Election Judge
Will Murphy Vossberg, Lead Judge
Annquanette Viente Terri Garner, Assistant Lead Judge

Minnetonka W-3 P-D

St Lukes Presbyterian Church, 3121 Groveland School Rd, Wayzata, MN 55391

Roseanne M Budahl, Election Judge
Mark Cady, Election Judge
Patricia Ann Gabler, Election Judge
Pamela Holl, Election Judge
Norine A Larson, Election Judge
Karen J Lawrie, Election Judge
Aimee H Meyer, Election Judge
Danna Heilicher Mirviss, Election Judge
Pamela Ann Nouis, Election Judge
Jeffrey J McCullough, Lead Judge
Mark Pochardt, Assistant Lead Judge

Minnetonka W-3 P-E

Bethlehem Lutheran Church, 16023 Minnetonka Blvd, Minnetonka, MN 55345

Elaine Elizabeth Clyborne Barber, Election Judge
Peggy Sue-Nordseth Carlson, Election Judge
Daryl P Clark, Election Judge
Kathleen A Dixon, Election Judge
Larry James Klingbeil, Election Judge
Norman J Olafson, Election Judge
Johanna Addison Olson, Election Judge
Diane Steman-Hayden, Election Judge
Bonnie I Cain, Lead Judge
Michelle Kay Ahrens, Assistant Lead Judge
Anna Flekke, Student Election Judge

Minnetonka W-3 P-F

Minnetonka United Methodist Church, 17611 Lake St Ext, Minnetonka, MN 55345

David Dean Biesboer, Election Judge
Sandra J Blackman, Election Judge
Barbara A Fordyce, Election Judge
Melinda A Kohrt, Election Judge

Judge Board Report, 2020 State General Election

Mary Kathleen Lund, Election Judge
Susan Dale Orren, Election Judge
Earl G Swenson, Election Judge
Barbara Ann Winn, Election Judge
Linda S Rasula, Lead Judge
Jeffry L Roehl, Assistant Lead Judge

Minnetonka W-4 P-A

Ridgewood Church, 4420 County Road 101, Minnetonka, MN 55345

Mary Elizabeth Amsden, Election Judge
Jose Fernando Bucaro, Election Judge
Joseph Ray Ghilardi, Election Judge
Eric J Jorde, Election Judge
Brenda Lee Lanak, Election Judge
Dean J Meyer, Election Judge
Donald David Ogren, Election Judge
Joyce G Powell, Election Judge
Geraldine S Simer, Election Judge
Jacqueline A Zimmerman, Election Judge
Teri Lynn Wold, Lead Judge
Judith Marie Melinat, Assistant Lead Judge

Minnetonka W-4 P-B

Minnetonka School District Service Center, 5621 County Road 101, Minnetonka, MN 55345

Nancy L Gooch, Election Judge
James Herman Hinderks, Election Judge
Sharon P Levine, Election Judge
Cathy A Nielsen, Election Judge
Jane C Schmitt, Election Judge
John Matthew Selisky, Election Judge
Rebecca Twite, Election Judge
Sally J Wahlberg, Election Judge
Daniel Edward Schowengerdt, Lead Judge
Ronnie J Melinat, Assistant Lead Judge

Minnetonka W-4 P-C

Bethlehem Lutheran Church Glen Lake, 5701 Eden Prairie Rd , Minnetonka, MN 55345

Jeanette Anderson, Election Judge
Shari Anderson, Election Judge
Eneisha Martell Burchette, Election Judge
Maxwell Richmon Hendrix, Election Judge
Russell Herbert Holland, Election Judge
Marina Kosovan, Election Judge
Craig Matthias Kronzer, Election Judge
Mark David Werley, Election Judge
Linda Louise Zimmerman, Election Judge
Barbara Lynn Kern-Pieh, Lead Judge
Isabelle C Robinson, Assistant Lead Judge

Minnetonka W-4 P-D

Redeemer Bible Church, 16205 State Hwy 7, Minnetonka, MN 55345

Rosemary E Johnson, Election Judge
Kathryn Marie Mason, Election Judge
Barbara Ann O'Keefe, Election Judge
Jacqueline Ann Olafson, Election Judge
Fidanka Kroumova Pentcheva, Election Judge

Judge Board Report, 2020 State General Election

April Joelle Steinbring, Election Judge
Mary H Traynham, Election Judge
Reo Deann Uran, Election Judge
John A Opsahl, Lead Judge
Katherine DeLoach Rogers, Assistant Lead Judge

Minnetonka W-4 P-E

All Saints Lutheran Church, 15915 Excelsior Blvd, Minnetonka, MN 55345

Christopher J Carlson, Election Judge
Patricia M Hollister, Election Judge
Paul R Hunkins, Election Judge
Dana Elizabeth Rubin, Election Judge
Steven Craig Zelinsky, Election Judge
Diana Lynn Benjamin, Lead Judge

Minnetonka W-4 P-F

Glen Lake Activity Center (4F), 14350 Excelsior Blvd, Minnetonka, MN 55345

Nancy Quay Crist, Election Judge
Katherine Anne Francel, Election Judge
John Goodrich, Election Judge
Kimberly A Oleson, Election Judge
Roberta Louise Seefeldt, Election Judge
Brian Stewart, Election Judge
Laurel Beth Stoltenberg, Election Judge
Jeffry A Dickhut, Lead Judge
Jean A Rabens, Assistant Lead Judge

Ward Captains

Steve W Eliason, Ward Captain
Margaret Hancock, Ward Captain
Timothy James Worrell, Ward Captain
Jeffrey L Persigehl, Ward Captain

City Council Agenda Item #10B
Meeting of Oct. 12, 2020

Brief Description: Resolution adopting the 2021 meeting schedule for the Minnetonka City Council

Recommended Action: Adopt the resolution

Background

Section 3.01 of the Minnetonka City Charter provides that the city council will meet at the times established by ordinance or resolution. To comply with this requirement, the city council is being asked to adopt a resolution to establish their 2021 meeting schedule.

Staff proposes that the city council establish only its meeting dates by resolution. An overall city calendar is provided to show other significant dates and meetings of boards and commissions. The calendar would not be adopted by the city council.

The resolution establishes regular council meetings no less than every three weeks throughout the year, with two week intervals during those periods in which more business is typically transacted, such as the construction planning cycle.

Recommendation

Based on the foregoing information, staff recommends that the city council adopt a resolution establishing its 2021 meeting schedule.

Submitted through:

Geraldyn Barone, City Manager
Mike Funk, Assistant City Manager

Originated by:

Moranda Dammann, Administration Manager

Resolution No. 2020-

Resolution adopting the 2021 Minnetonka City Council Meeting Schedule

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

Section 1. Background.

1.01. Section 3.01 of the City Charter states that the city council will meet at the times each month established by ordinance or resolution.

Section 2. Council Action.

2.01. The Minnetonka City Council establishes a schedule of meetings for 2021 on the dates specified in the list attached to this resolution.

2.02 Regular meetings will begin at 6:30 p.m. in the city council chambers at the city hall/community center, 14600 Minnetonka Boulevard, Minnetonka, Minnesota. Study sessions are meetings at which no votes will be taken and will begin at 6:30 p.m. in the Minnehaha Room at the community center. Meetings of the council sitting as the Local Board of Appeal and Equalization will begin at 6:00 p.m. in the city council chambers. The joint meeting with the Park Board will commence at 5:30 p.m. in the dining room of the community center. The closed labor negotiation session will commence at 5:45 p.m. in the Gray's Bay room at the community center. Meetings may be held by interactive television or by telephone or other electronic means, rather than in person, in accordance with state law.

2.03 If the city council is unable to meet on the dates indicated, or additional meetings are needed, notice will be given as required by law or the council's rules of procedure.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 12, 2020.

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 Oct. 12, 2020.

Becky Koosman, City Clerk

SCHEDULE OF MEETINGS

2021 Regular Council Meetings

January 4
January 25
February 8
February 22
March 8
March 22
April 12
April 26
May 10
May 24
June 14
June 28
July 12
July 26
August 9
August 23
September 13
October 4
October 18
November 8
November 22
December 6
December 20

2021 Study Sessions

January 11
February 1
March 15
April 19
May 3
June 21
August 16
October 11
October 25
November 15

2021 Local Board of Appeal & Equalization

April 6
April 20

2021 Joint meeting with Park Board

November 10

2021 Closed session for labor negotiations

November 15

JANUARY 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 New Year's Day City Offices closed	2
3	4 City Council Meeting 6:30 p.m.	5 Senior Advisory Board 10 a.m.	6 Park Board Meeting 7:00 p.m.	7 Planning Commission Meeting 6:30 p.m.	8	9
10	11 City Council Study Session Meeting 6:30 p.m.	12	13	14 EDAC Meeting 6:00 p.m.	15	16
17	18 Martin Luther King Jr. Day City offices closed	19	20	21 Planning Commission Meeting 6:30 p.m.	22	23
24	25 City Council Meeting 6:30 p.m.	26	27	28	29	30
31						

FEBRUARY 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 City Council Study Session Meeting 6:30 p.m.	2	3 Park Board Meeting 7:00 p.m.	4 Planning Commission Meeting 6:30 p.m.	5	6
7	8 City Council Meeting 6:30 p.m.	9 Senior Advisory Board 10 a.m.	10	11 EDAC Meeting 6:00 p.m.	12	13
14	15 Presidents Day City offices closed	16	17	18 Planning Commission Meeting 6:30 p.m.	19	20
21	22 City Council Meeting 6:30 p.m.	23	24	25	26	27
28						

MARCH 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3 Park Board Meeting 7:00 p.m.	4 Planning Commission Meeting 6:30 p.m.	5	6
7 NLC Congress	8 City Council Meeting 6:30 p.m. NLC Congress	9 Senior Advisory Board 10 a.m. NLC Congress	10 NLC Congress	11 EDAC Meeting 6:00 p.m.	12	13
14	15 City Council Study Session Meeting 6:30 p.m.	16	17	18 Planning Commission Meeting 6:30 p.m.	19	20
21	22 City Council Meeting 6:30 p.m.	23	24	25	26	27
28	29	30	31			

Hopkins School District Spring Break: March 29 - April 2
 Minnetonka School District Spring Break: March 29 - April 02
 Wayzata School District Spring Break: April 1 - April 9

APRIL 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7 Park Board Meeting 7:00 p.m.	8 Planning Commission Meeting 6:30 p.m.	9	10
11	12 LBAE 6:00 p.m. City Council Meeting 6:30 p.m.	13 Senior Advisory Board 10 a.m.	14	15 EDAC Meeting 6:00 p.m.	16	17
18	19 City Council Study Session Meeting 6:30 p.m.	20	21	22 Planning Commission Meeting 6:30 p.m.	23	24
25	26 LBAE 6:00 p.m. City Council Meeting 6:30 p.m.	27	28	29	30	

MAY 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 City Council Study Session Meetng 6:30 p.m.	4	5	6 Planning Commission Meeting 6:30 p.m.	7	8
9	10 City Council Meeting 6:30 p.m.	11 Senior Advisory Board 10 a.m.	12 Park Board Meeting 7:00 p.m.	13	14	15
16	17	18	19	20 Planning Commission Meeting 6:30 p.m.	21	22
23	24 City Council Meeting 6:30 p.m.	25	26	27 EDAC Meeting 6:00 p.m.	28	29
30	31 Memorial Day City offices closed					

JUNE 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Park Board Meeting 7:00 p.m.	3 Planning Commission Meeting 6:30 p.m.	4	5
6	7	8 Senior Advisory Board 10 a.m.	9	10 EDAC Meeting 6:00 p.m.	11	12
13	14 City Council Meeting 6:30 p.m.	15	16	17 Planning Commission Meeting 6:30 p.m.	18	19
20	21 City Council Study Session Meeting 6:30 p.m.	22	23 League of MN Cities annual conference	24 League of MN Cities annual conference	25 League of MN Cities annual conference	26 Summer Fest
27	28 City Council Meeting 6:30 p.m.	29	30			

JULY 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 Planning Commission Meeting 6:30 p.m.	2	3
4 Independence Day	City offices closed	6	7	8 Park Board Meeting 7:00 p.m.	9	10
11	12 City Council Meeting 6:30 p.m.	13 Senior Advisory Board 10 a.m.	14	15 Planning Commission Meeting 6:30 p.m.	16	17
18	19	20	21	22	23	24
25	26 City Council Meeting 6:30 p.m.	27	28	29	30	31

AUGUST 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4 Park Board Meeting 6:30 p.m.	5 Planning Commission Meeting 6:30 p.m.	6	7
8	9 City Council Meeting 6:30 p.m.	10 Senior Advisory Board 10 a.m. Primary Election	11	12 EDAC Meeting 6:00 p.m.	13	14
15	16 City Council Study Session Meeting 6:30 p.m.	17	18	19 Planning Commission Meeting 6:30 p.m.	20	21
22	23 City Council Meeting 6:30 p.m.	24	25	26 Joint EDAC/ PC Meeting	27	28
29	30	31				

SEPTEMBER 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Park Board Meeting 7:00 p.m.	2 Planning Commission Meeting 6:30 p.m.	3	4
5	6 Labor Day City offices closed	7	8	9 EDAC Meeting 6:00 p.m.	10	11
12	13 City Council Meeting 6:30 p.m.	14 Senior Advisory Board 10 a.m.	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30 Planning Commission Meeting 6:30 p.m.		

OCTOBER 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 City Council Meeting 6:30 p.m.	5	6 Park Board Meeting 7:00 p.m.	7	8	9
10	11 City Council Study Session Meeting 6:30 p.m.	12 Senior Advisory Board 10 a.m.	13	14 Planning Commission Meeting 6:30 p.m.	15	16
17	18 City Council Meeting 6:30 p.m.	19	20	21 EDAC Meeting 6:00 p.m.	22	23
24	25 City Council Study Session Meeting 6:30 p.m.	26	27	28 Planning Commission Meeting 6:30 p.m.	29	30
31						

NOVEMBER 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2 Municipal General Election	3	4 EDAC Meeting 6:00 p.m.	5	6
7	8 City Council Meeting 6:30 p.m.	9 Senior Advisory Board 10 a.m.	10 Joint PB/City Council Meeting	11 Veterans Day City offices closed	12	13
14	15 City Council Study Session Meeting 6:30 p.m.	16	17 NLC City Summit	18 Planning Commission Meeting 6:30 p.m. NLC City Summit	19 NLC City Summit	20 NLC City Summit
21	22 City Council Meeting 6:30 p.m.	23	24	25 Thanksgiving City offices closed	26 City offices closed	27
28	29	30				

DECEMBER 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Park Board Meeting 7:00 p.m.	2 Planning Commission Meeting 6:30 p.m.	3	4
5	6 City Council Meeting 6:30 p.m.	7	8	9 EDAC Meeting 6:00 p.m.	10	11
12	13	14 Senior Advisory Board 10 a.m.	15	16 Planning Commission Meeting 6:30 p.m.	17	18
19	20 City Council Meeting 6:30 p.m.	21	22	23	24 City Offices Closed	25
26	27	28	29	30	31	

City Council Agenda Item #10C
Meeting of Oct. 12, 2020

Brief Description: Ordinance authorizing sale of city property adjacent to 1013 Ford Road

Recommended Action: Adopt the ordinance and approve the purchase agreement

Background

At its meeting on July 22, 2019, the city council approved a purchase agreement for the sale of city property adjacent to 1013 Ford Road and introduced an ordinance authorizing the sale of the property. The key terms of the purchase agreement were as follows:

- Sale price of \$68,000. The sale price was determined by an independent appraisal, the costs of which were paid by the buyer. (Proceeds from the sale will be deposited in the Storm Water Fund.)
- Buyer pays all costs of survey, wetland delineation, subdivision and combination, title examination, and closing.
- Sale is contingent on the subdivision of the sale property from the larger tract owned by the city, and the combination of the sale property with the property at 1013 Ford Road. The purchase agreement expressly reserves the city's discretion regarding subdivision approval.
- The buyer must grant a conservation easement to the city over the delineated wetland and wetland buffer area.

The buyer has completed the actions necessary to meet the contingencies of the sale and is ready to move forward with closing.

Staff recently determined that the buyer had not signed the original purchase agreement as approved by the city council. A new agreement was prepared, with updated deadlines for contingencies, and the buyer has signed that agreement. No changes were made to the key terms listed above.

Recommendation

Adopt the ordinance and approve the purchase agreement.

Submitted through:

Geraldyn Barone, City Manager
Will Manchester, P.E., Public Works Director

Originated by:

Corrine Heine, City Attorney



Subject Property

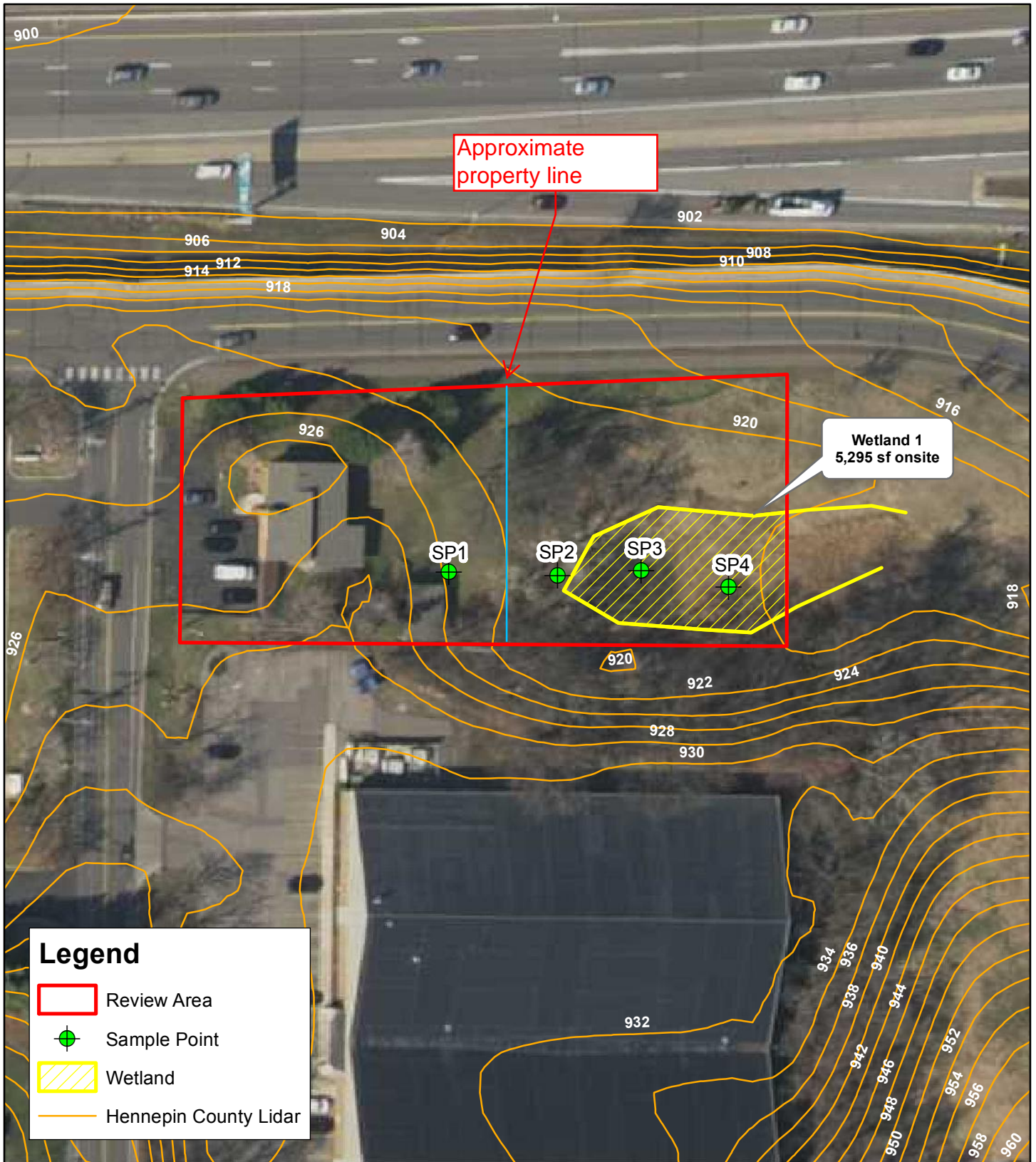





Figure 2 - Existing Conditions (2016 MnGeo Photo)



N



0 100



Feet

1013 Ford Road (KES 2017-163)
Minnetonka, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

KJOLHAUG ENVIRONMENTAL SERVICES COMPANY

Source: MnGeo, ESRI Imagery Basemap

PURCHASE AGREEMENT

This Purchase Agreement is made as of _____, 2020 by and between CITY OF MINNETONKA, a Minnesota municipal corporation ("Seller") and FORD ROAD, LLC, a limited liability company under the laws of Minnesota ("Buyer").

Recitals

A. Seller has an ownership interest in certain real property located near the intersection of Ford Road and Wayzata Boulevard in the City of Minnetonka, County of Hennepin, State of Minnesota, legally described as follows:

That part of Tract B described below:

Tract B: That part of the Southeast Quarter of the Northeast Quarter of Section 1, Township 117 North, Range 22 West, Hennepin County, Minnesota, described as follows: Commencing at a point on the west line of said Southeast Quarter of the Northeast Quarter, distant 438 feet northerly of the southwest corner of said Southeast Quarter of the Northeast Quarter; thence easterly parallel with the south line of said Southeast Quarter of the Northeast Quarter, a distance of 188 feet to a point hereinafter known as "Point A"; thence continuing easterly along said parallel line to its intersection with a line hereinafter known as "Line X": (said Line X is a line drawn northerly from a point on the south side of said Southeast Quarter of the Northeast Quarter, distant 330 feet easterly of the southwest corner of said Southeast Quarter of the Northeast Quarter, to a point on the center line of Old Highway No. 12 (formerly Superior Boulevard), distant 328.7 feet easterly of the west line of said Southeast Quarter of the Northeast Quarter, as measured along said center line); thence westerly parallel with the south line of said Southeast Quarter of the Northeast Quarter a distance of 140 feet to the point of beginning of Tract B to be described; thence southerly parallel with said "Line X" a distance of 100 feet; thence easterly parallel with said south line a distance of 140 feet to an intersection with said "Line X"; thence northerly along said "Line X" a distance of 494.12 feet to the center line of said Old Highway No. 12; thence westerly along said center line a distance of 140.47 feet to an intersection with a line drawn northerly parallel with the west line of said Southeast Quarter of the Northeast Quarter from said "Point A"; thence southerly along the last described parallel line a distance of 388.49 feet to said "Point A"; thence easterly parallel with the south line of said Southeast Quarter of the Northeast Quarter a distance of 1.11 feet to the point beginning; excepting therefrom the right of way of Trunk Highway No. 12 as located and established prior to January 1, 1985;

which lies southerly of Line 1 described below:

Line 1. Commencing at Right of Way Boundary Corner B21 as shown Minnesota Department of Transportation Right of Way Plat No. 27-23 as the same is on file and of record in the office of the County Recorder in and for said County; thence

on an azimuth of 00 degrees 32 minutes 18 seconds along the boundary of said plat for 337.99 feet to Right of Way Boundary Corner B22; thence continuing on last described course for 182.34 feet to the point of beginning of Line 1 to be described; thence on an azimuth of 268 degrees 18 minutes 45 seconds for 309.67 feet; thence on an azimuth of 270 degrees 13 minutes 18 seconds for 60.03 feet and there terminating.

(the "City Property"). The City Property is excess right of way

B. Buyer is the owner of certain real property located at 1013 Ford Road, in the City of Minnetonka, County of Hennepin, State of Minnesota, legally described as follows:

That part of the following described premises lying West of a line drawn parallel to the East line of said premises and from a point 140 feet West of the East line thereof, said distance being measured along the North line thereof: The North 100 feet of the South 438 feet of that part of the Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$ lying West of a line running from a point in the South line of said Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$, Section 1, Township 117 North Range 22, West of the Fifth Principal Meridian, distant 330 feet East from the Southwest corner thereof to a point in the center line of Wayzata Boulevard, distant 328.7 feet Easterly measured along said center line from its intersection with the Westerly line of said Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$, according to United States Government Survey thereof.

(the "Ford Road LLC Property"). The Ford Road LLC Property abuts the City Property.

C. The City Property is vacant, unimproved land.

D. Buyer desires to purchase a portion of the City Property, approximately 14,000 square feet in size and legally described as follows:

The South 100 feet of the East 140 feet of the above-described City Property.

(the "Sale Property"). The legal description of the Sale Property will be revised as provided in paragraph 3b of this Purchase Agreement. The portion of the Sale Property that will not be sold to Buyer is referred to in this Purchase Agreement as the Remainder Property.

Agreement

1. **Offer/Acceptance.** In consideration of the mutual agreements contained in this Purchase Agreement, Buyer offers to purchase and Seller agrees to sell fee simple title to the Sale Property, according to the terms of this Purchase Agreement.

2. **Purchase Price.** The total purchase price for the Sale Property is \$68,000.00. The Buyer agrees to pay the Purchase Price at Closing by wire delivery of funds through the Federal Reserve System to an account designated in writing by Seller.

3. **Contingencies:**

a. **ORDINANCE ADOPTION.** The sale of the Sale Property must be approved by ordinance, according to the terms of Seller's city charter. Seller has until Closing to satisfy this contingency. This contingency may not be waived.

b. SUBDIVISION APPROVAL AND SURVEY. The conveyance contemplated by this Purchase Agreement requires a subdivision of the City Property, which requires a survey.

(1) Survey. The Buyer agrees to obtain a survey of the Sale Property at Buyer's sole expense. The Buyer must arrange for City staff to be present at the time the survey is performed, and City staff must approve the locations of the corner stakes before the survey is performed. The surveyor must install monuments at appropriate locations to designate the boundaries of the Sale Property; however, if for any reason the sale contemplated by this Purchase Agreement does not close, the City will remove the monuments. The survey must identify the legal description of the Sale Property, depict the delineated wetland and wetland buffer boundaries, and identify a legal description for the wetland and wetland buffer area (which will be used for purposes of the conservation easement required by paragraph 6.a.(3) of this Purchase Agreement).

(2) Buyer agrees to obtain City approval of the subdivision of the City Property and the combination of the Sale Property with the Ford Road LLC Property. Buyer is solely responsible for the costs of obtaining the subdivision and combination approval. Buyer understands that the subdivision approval may be subject to certain conditions, such as the requirement to combine the Sale Property with the Ford Road LLC Property and the requirement to grant drainage and utility easements to the City adjacent to lot lines. Buyer agrees to comply with all required conditions of the subdivision approval.

(3) The requirements of this paragraph 3.b. are for the benefit of the City and may not be waived. This condition must be satisfied no later than 12/31/2020. Nothing in this Purchase Agreement shall be deemed to waive the City's right to exercise ordinary and lawful discretion as a regulatory authority, with respect to the required subdivision and combination application.

Nothing in this Purchase Agreement limits the Seller's city council from exercising its lawful discretion as a regulatory authority, with respect to the required land use approvals.

c. DUE DILIGENCE. This Purchase Agreement is contingent upon Buyer's satisfaction with the results of its investigations as provided at section 4 below. This contingency is solely for Buyer's benefit and may be waived only by Buyer's written notice of waiver.

d. MARKETABILITY OF TITLE. This Purchase Agreement is contingent upon Buyer's determination, prior to Closing, that the condition of title to the sale Property is satisfactory to Buyer, in accordance with paragraph 5 of this Purchase Agreement. This provision is for the Benefit of Buyer and may be waived by Buyer, at Buyer's sole discretion.

4. Due Diligence.

a. DUE DILIGENCE PERIOD. Buyer shall have until 7/31/2020 (the "Due Diligence Period") to examine the Sale Property and to conduct soil tests, environmental surveys and environmental assessments, and conduct all other investigations of the Sale Property as Buyer deems necessary to determine whether the environmental and geotechnical condition of the Sale Property is physically and fiscally feasible. During the Due Diligence Period, Buyer shall have the right to enter the Sale Property at reasonable times and upon at least 24 hours' notice to Seller, for the purpose of exercising its rights under this section. Provided that Buyer gives written notice on or before expiration of the Due Diligence Period, this Purchase Agreement will terminate on the date that Buyer gives written notice to Seller that the Buyer's investigations have disclosed environmental or geotechnical conditions that make the proposed development of the Sale

Property infeasible. If Buyer fails to give such notice before expiration of the Due Diligence Period, then this Purchase Agreement shall continue in full force and effect in accordance with, and subject to, all its terms and conditions, and the contingency at section 3c of this Purchase Agreement shall be deemed waived. Buyer agrees to pay all costs and expenses of its investigation and agrees to indemnify, defend and hold Seller harmless from all costs, expenses and liabilities, including mechanics' liens, relating to Buyer's investigation activities on the Sale Property. Buyer will promptly deliver to Seller true and correct copies of all environmental or soil test reports after Buyer's receipt of same. Buyer agrees to promptly restore any resulting damage to the Sale Property to the condition that existed prior to the damage.

b. If the Purchase Agreement is terminated as provided in section 4a above, Buyer will bear all costs of Buyer's investigation.

5. **Title Examination.**

a. **TITLE EXAMINATION.** Buyer is responsible for obtaining a title insurance commitment for an owner's policy of title insurance for the Sale Property, including copies of all encumbrances listed therein (the "Commitment"). Buyer agrees to take title subject to the following:

(1) The conservation easement required by paragraph 6.a(3) below.

(2) Easements and conditions, if any, required as a condition of subdivision approval.

(3) Easements and encumbrances of record, if any that do not interfere with Buyer's intended use of the Sale Property.

Buyer must notify the City in writing of Buyer's objections to the marketability of title. City shall have ten (10) days to indicate whether the City will undertake to cure one or more of Buyer's objections to title, but City is under no obligation to cure such objections.

b. **CANCELLATION.** If title is not marketable, and City opts not to cure Buyer's objections to title, Buyer may terminate this Purchase Agreement upon notice to the City. If Buyer terminates this Purchase Agreement, the parties must execute a cancellation of this Purchase Agreement.

6. **Closing and Possession.** The closing of the purchase and sale contemplated by this Purchase Agreement (the "Closing") must occur at a date and time mutually acceptable to the parties (the "Closing Date"), but not later than 12/31/2020. Seller must deliver possession of the Sale Property to Buyer on the Closing Date.

a. **SELLER'S CLOSING DOCUMENTS.** On the Closing Date, Seller must execute and/or deliver to Buyer the following documents, all of which must be in form reasonably satisfactory to Buyer's title company:

(1) Quit Claim Deed conveying Seller's interest in the Sale Property to Buyer.

(2) Affidavit of Seller, indicating that on the Closing Date there are no outstanding, unsatisfied judgments, tax liens or bankruptcies against or involving either Seller or the Sale Property, and that, except for activities undertaken by Buyer pursuant to this Agreement, there has been no skill, labor or material furnished to the Sale Property at Seller's request for which payment has not been made or for which mechanics' liens could be filed, and that there are no other unrecorded interests in the Sale Property.

- (3) Buyer must grant a conservation easement to City, in the form attached as Exhibit A, over the area of the delineated wetland and the wetland buffer area associated with that wetland.
- (4) A non-foreign affidavit executed by Seller, containing such information as required by IRC Section 1445(b)(2) and its regulations.
- (5) All other documents reasonably determined by Buyer's title company to be necessary to transfer the fee interest in the Sale Property to Buyer in the manner required by this Purchase Agreement.

b. **BUYER'S CLOSING DOCUMENTS.** On the Closing Date, Buyer must execute and/or deliver to Seller the following:

- (1) Purchase Price, subject to adjustments as provided in this Purchase Agreement, by wire transfer of U.S. Federal Funds.
- (2) Such other documents as may reasonably be required by title.

7. **Prorations, Adjustments and Allocation of Costs.** The prorations and adjustments described in this section 7 will be made between Buyer and Seller at Closing:

a. **TAXES.** Seller represents that the Sale Property is tax exempt. Buyer is responsible for real estate taxes due and payable in the years following Closing.

b. **ASSESSMENTS.** Seller represents that there are no levied or pending special assessments against the Sale Property. Buyer will assume the obligation to pay installments of special assessments that become pending after Closing.

c. **TITLE AND CLOSING FEES.** Buyer is responsible for all costs necessary to effectuate the closing, including, without limitation, the costs of the Commitment, all premiums required for the issuance of the owner's policy, the fee charged by Title, document preparation cost for closing documents, certificates of real estate value, Seller's affidavit, well disclosure certificate, recording costs, and state deed taxes.

d. **ATTORNEY FEES.** Each party will pay its own attorney fees in connection with this transaction.

8. **Seller's Disclosures.** Seller makes the following disclosures:

a. **WELL DISCLOSURE.** Seller represents that Seller does not know of any well on the Sale Property.

b. **SEPTIC SYSTEM DISCLOSURE.** Seller does not know of any individual sewage septic system located on the Sale Property.

9. **Environmental Condition.** Buyer is purchasing the Sale Property in an "AS IS" and "WHERE IS" condition. Buyer acknowledges and agrees that Seller has not made, and is not making, any representation, statement, warranty, covenant or promise to Buyer about the Sale Property, including its physical aspects and condition, the condition of the soil on the Sale Property, the presence or absence of toxic wastes, hazardous materials, pollutants of any type, oil or petroleum products, asbestos or PCBs, the feasibility, the desirability, suitability, fitness or adaptability of any part of the Sale Property for any particular use, the availability of water, sewer,

natural gas, or other utilities, the assessments, fees or charges that may be assessed by any district, taxing authority, or governmental or quasi-governmental entities, or the value of the Sale Property. On behalf of itself, its successors and assigns, Buyer releases and holds the Seller harmless against any claims related to the environmental condition of the Sale Property or the presence of pollutants, contaminants or hazardous substances thereon, or any alleged violations of federal or state environmental laws and regulations, including but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Minnesota Environmental Rights Act.

10. **No Broker Involved.** The Seller and Buyer warrant to each other that there is no broker involved in this transaction with whom it has negotiated or to whom it has agreed to pay a broker commission. Each party agrees to indemnify the other for all claims for brokers' commissions or finder's fees in connection with negotiations for the purchase of the Sale Property arising out of any alleged agreement, commitment or negotiation by that party.

11. **Entire Agreement; Amendments.** This Purchase Agreement constitutes the entire agreement between the parties and no other agreement prior to, or contemporaneously with, this Purchase Agreement is effective except as expressly stated in this document. Any amendment will not be effective unless it is in writing and executed by all parties or their respective successors or assigns.

12. **No Assignment.** Buyer may not assign its rights and interest under this Purchase Agreement.

13. **Notice.** Any communication that may or must be given by one party to the other will be deemed to have been given on the date it is deposited in the United States mail, registered or certified, postage pre-paid, and addressed as follows:

- a. If to Seller: City Manager
City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345
- b. If to Buyer: Cathy van der Schans
FORD ROAD LLC
2015 Arbor Lane
Mound, MN 55364

Either party may change this location by giving written notice to the other party specifying the new location.

15. **Specific Performance.** This Purchase Agreement may be specifically enforced by any party, and the prevailing party may recover reasonable costs and attorney's fees.

16. **No Merger.** The terms and conditions of this Purchase Agreement shall not merge in the deed to be provided at Closing but shall survive Closing.

17. **Governing Law.** This Purchase Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota, without giving effect to any choice of law or conflict provision or rule that would cause the laws of any other jurisdiction to be applied.

18. **Counterparts.** This Purchase Agreement may be executed in counterparts with the same effect as if both parties hereto had executed the same document, and all such counterparts taken together shall constitute one and the same instrument.

[Signature Page Follows]

The Seller agrees to the terms of this Purchase Agreement.

SELLER:

CITY OF MINNETONKA

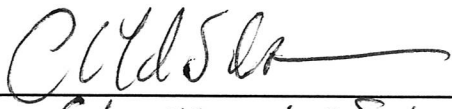
By _____
Its Mayor

By _____
Its City Manager

The Buyer agrees to the terms of this Purchase Agreement.

BUYER:

FORD ROAD, LLC

By: 
C.L. van der Schans, Ford Road LLC
Its Manager

Ordinance No. 2020-

**An Ordinance authorizing the sale of a portion of
city-owned property adjacent to 1013 Ford Road**

The City of Minnetonka Ordains:

Section 1. Findings and Purpose.

1.01 The city of Minnetonka owns real property legally described on the attached Exhibit A (the "City Property").

1.02 Ford Road, LLC desires to purchase a portion of the City Property, comprising approximately 14,000 square feet of land, and combine the acquired land with the property at 1013 Ford Road. The legal description of the property to be sold is attached as Exhibit B (the "Sale Property").

1.03 The city staff has negotiated a purchase agreement with Ford Road, LLC.

1.04 The city council finds it is in the public interest to sell the Sale Property to Ford Road, LLC, in accordance with the negotiated purchase agreement.

Section 2. Authorization.

2.01. The city council approves the sale of the Sale Property in accordance with the purchase agreement.

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

Adopted by the city council of the City of Minnetonka, Minnesota, on

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this Ordinance:

Date of introduction: July 22, 2019

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

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

Becky Koosman, City Clerk

EXHIBIT A

That part of Tract B described below:

Tract B: That part of the Southeast Quarter of the Northeast Quarter of Section 1, Township 117 North, Range 22 West, Hennepin County, Minnesota, described as follows: Commencing at a point on the west line of said Southeast Quarter of the Northeast Quarter, distant 438 feet northerly of the southwest corner of said Southeast Quarter of the Northeast Quarter; thence easterly parallel with the south line of said Southeast Quarter of the Northeast Quarter, a distance of 188 feet to a point hereinafter known as "Point A"; thence continuing easterly along said parallel line to its intersection with a line hereinafter known as "Line X": (said Line X is a line drawn northerly from a point on the south side of said Southeast Quarter of the Northeast Quarter, distant 330 feet easterly of the southwest corner of said Southeast Quarter of the Northeast Quarter, to a point on the center line of Old Highway No. 12 (formerly Superior Boulevard), distant 328.7 feet easterly of the west line of said Southeast Quarter of the Northeast Quarter, as measured along said center line); thence westerly parallel with the south line of said Southeast Quarter of the Northeast Quarter a distance of 140 feet to the point of beginning of Tract B to be described; thence southerly parallel with said "Line X" a distance of 100 feet; thence easterly parallel with said south line a distance of 140 feet to an intersection with said "Line X"; thence northerly along said "Line X" a distance of 494.12 feet to the center line of said Old Highway No. 12; thence westerly along said center line a distance of 140.47 feet to an intersection with a line drawn northerly parallel with the west line of said Southeast Quarter of the Northeast Quarter from said "Point A"; thence southerly along the last described parallel line a distance of 388.49 feet to said "Point A"; thence easterly parallel with the south line of said Southeast Quarter of the Northeast Quarter a distance of 1.11 feet to the point beginning; excepting therefrom the right of way of Trunk Highway No. 12 as located and established prior to January 1, 1985;

which lies southerly of Line 1 described below:

Line 1. Commencing at Right of Way Boundary Corner B21 as shown Minnesota Department of Transportation Right of Way Plat No. 27-23 as the same is on file and of record in the office of the County Recorder in and for said County; thence on an azimuth of 00 degrees 32 minutes 18 seconds along the boundary of said plat for 337.99 feet to Right of Way Boundary Corner B22; thence continuing on last described course for 182.34 feet to the point of beginning of Line 1 to be described; thence on an azimuth of 268 degrees 18 minutes 45 seconds for 309.67 feet; thence on an azimuth of 270 degrees 13 minutes 18 seconds for 60.03 feet and there terminating.

EXHIBIT B

The South 100 feet of the East 140 feet of the following property:

Tract B:

That part of the Southeast Quarter of the Northeast Quarter of Section 1, Township 117 North, Range 22 West, Hennepin County, Minnesota, described as follows: Commencing at a point on the west line of said Southeast Quarter of the Northeast Quarter, distant 438 feet northerly of the southwest corner of said Southeast Quarter of the Northeast Quarter; thence easterly parallel with the south line of said Southeast Quarter of the Northeast Quarter, a distance of 188 feet to a point hereinafter known as "Point A", thence continuing easterly along said parallel line to its intersection with a line hereinafter known as "Line X": (said Line X is a line drawn northerly from a point on the south side of said Southeast Quarter of the Northeast Quarter, distant 330 feet easterly of the southwest corner of said Southeast Quarter of the Northeast Quarter, to a point on the center line of Old Highway No. 12 (Formerly Superior Boulevard), distant 328.7 feet easterly of the west line of said Southeast Quarter of the Northeast Quarter, as measured along said center line) thence westerly parallel with the south line of said Southeast Quarter of the Northeast Quarter a distance of 140 feet to the point of beginning of Tract B to be described; thence southerly parallel with said "Line X" a distance of 100 feet; thence easterly parallel with said south line a distance of 140 feet to an intersection with said "Line X"; thence northerly along said "Line X" a distance of 494.12 feet to the centerline of said Old Highway No. 12, thence westerly along said center line a distance of 140.47 feet to an intersection with a line drawn northerly parallel with the west line of said Southeast quarter of the Northeast Quarter from said "Point A"; thence southerly along the last described parallel line a distance of 388.49 feet to said "Point A"; thence easterly parallel with the south line of said Southeast Quarter of the Northeast Quarter a distance of 1.11 feet to the point of beginning; excepting therefrom the right of way of Trunk Highway No. 12 as located and established prior to January 1, 1985; Which lies southerly of Line 1 described below:

Line 1:

Commencing at Right of Way Boundary Corner B21 as shown Minnesota Department of Transportation Right of Way Plat No. 27-23 as the same is on file and of record in the office of the County Recorder in and for said County; thence on an azimuth of 00 degrees 32 minutes 18 seconds along the boundary of said plat for 337.99 feet to Right of Way Boundary Corner B22; thence continuing on last described course for 182.34 feet to the point of beginning of Line 1, to be described; thence on an azimuth of 268 degrees 18 minutes 45 seconds for 309.67 feet; thence on an azimuth of 270 degrees 13 minutes 18 seconds for 60.03 feet and there terminating.

**City Council Agenda Item #12A
Meeting of Oct. 12, 2020**

Brief Description: Ordinance amending city code section 625, relating to tobacco

Recommended Action: Introduce the ordinance

Background

During the regular 2020 legislative session, the Minnesota Legislature raised the minimum age for purchasing tobacco and tobacco-related products from age 18 to age 21. The Legislature also made several other changes to state laws related to tobacco sales, including changes to definitions and penalties.

Minnetonka has already raised the minimum age for purchasing tobacco to 21 years old. In 2018, the council adopted an ordinance raising the minimum age, effective as of Jan. 1, 2019. Although no change is necessary due to the change in age, the city code does need to be updated to conform to other changes made by the 2020 legislation. A chart that explains the basis for the technical changes is attached.

A significant change for licensees is an increase in the administrative penalties that may be imposed for violation of the tobacco ordinance. State law establishes administrative penalties for persons who sell tobacco products to persons who are under the minimum age. State law also allows cities to adopt more restrictive regulations. Prior to the 2020 legislation, the city code provided for higher monetary penalties than those provided under state law. The 2020 legislation increased the penalties over those provided in the existing city ordinance. The proposed ordinance incorporates the new penalties under state law and does not propose any increase over the state penalties.

The following chart identifies the pre-legislation state penalties, the city ordinance penalties, and the new penalties as established under the legislation and the proposed ordinance.

	Previous state law	Existing city ordinance	2020 state legislation and proposed city ordinance
First violation	\$75	\$250	\$300
Second violation	\$200 (w/n 24 mos.)	\$500	\$600 (w/n 36 mos.)
Third or subsequent violation	\$250 (w/n 24 mos.)	\$600	\$1,000 (w/n 36 mos. after initial)

Under state law, the city must make reasonable attempts to provide at least 30 days' notice to licensees of substantial amendments to the licensing ordinance. The notice was sent out the week of October 5, indicating license holders can review the ordinance and provide feedback anytime in the next month or at the November 9 council meeting, where consideration of final adoption would occur.

Recommendation

Introduce the ordinance.

Submitted through:

Geralyn Barone, City Manager

Julie Wischnack, A.I.C.P, Community Development Director

Scott Boerboom, Police Chief

Originated by:

Corrine Heine, City Attorney

EXPLANATION OF ORDINANCE CHANGES

PROPOSED ORDINANCE	COMMENT
<p>Section 1. Subdivision 1 of section 625.005 of the Minnetonka City Code, relating to definitions, is amended to read as follows:</p> <p>1. "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery device includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.</p>	<p>"Electronic delivery device" is defined in Minnesota Statutes, § 609.685. The proposed changes to the city ordinance match those changes made to § 609.685 during the 2020 legislative session.</p>
<p>Section 2. Subdivision 6 of section 625.005 of the Minnetonka City Code, relating to the definitions, is amended to read as follows:</p> <p>6. "'Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to: cigars, cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; fine cut and</p>	<p>"Tobacco"" is defined in Minnesota Statutes, § 609.685. The proposed changes to the city ordinance match those changes made to § 609.685 during the 2020 legislative session.</p>

PROPOSED ORDINANCE	COMMENT
<p>other chewing tobaccos; snuff; snuff flour; Cavendish; plug and twist tobaccos; shots; refuse scraps, clippings, cuttings, and sweepings of tobacco and other kinds and forms of tobacco. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.</p>	
<p>Section 3. Subdivision 7 of section 625.005 of the Minnetonka City Code, relating to definitions, is amended to read as follows:</p> <p>7. "Tobacco-related devices" means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.</p>	<p>The term "tobacco-related devices" is defined in Minnesota Statutes, § 609.685. The proposed changes to the city ordinance match those changes made to § 609.685 during the 2020 legislative session.</p>
<p>Section 4. Section 625.025 of the Minnetonka City Code, related to license display and signage, is amended to read as follows:</p> <p>625.025. License Display and Signage.</p> <p>1. Every license must be kept conspicuously posted at the place for which the license is issued and must be exhibited to any person upon request.</p> <p>2. Notice of the legal sales age must be posted at each location where tobacco-related products are offered for sale. The required signage must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase and must satisfy all requirements of state law.</p>	<p>The 2020 legislation enacted the following signage requirement, at Minn. Stat. § 461.22(a):</p> <p>Signage. At each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold, the licensee shall display a sign in plain view to provide public notice that selling any of these products to any person under the age of 21 is illegal and subject to penalties. The notice shall be placed in a conspicuous location in the licensed establishment and shall be readily visible to any person who is purchasing or attempting to purchase these products. The sign shall provide notice that all persons responsible for selling these products must verify, by means of photographic identification containing the bearer's date of birth, the age of any person under 30 years of age.</p>

PROPOSED ORDINANCE	COMMENT
	The proposed amendment incorporates that requirement without repeating it in the ordinance.
<p>Section 5. Section 625.040 of the Minnetonka City Code, related to prohibited acts, is amended to read as follows:</p> <p>625.040. Prohibited Acts.</p> <ol style="list-style-type: none"> 1. A person must not sell, offer to sell, give or otherwise furnish any tobacco-related product to any person below the age of 21 years. 2. A person must not sell, dispense, or give away any tobacco related product through the use of a vending machine or similar automated dispensing device. 3. A person must not sell, dispense or give away any tobacco-related product through self-service merchandising, except in facilities that have an entrance door opening directly to the outside, that derive at least 90 percent of their gross revenue from the sale of tobacco-related products, and where the retailer ensures that no person younger than 21 years of age is present, or permitted to enter, at any time. 4. A person must not sell tobacco-related products outside the location or area covered by a license. 5. A person must not sell, offer for sale, give away, or otherwise deal in flavored tobacco-related products or samples of such products. This restriction does not apply to facilities that satisfy the requirements of subdivision 3 above for self-service merchandising. 6. A person must not sell, offer for to sell or distribute liquid, whether or not such liquid contains nicotine that is 	<p>The “otherwise furnish” amendment matches a wording change made to Minn. Stat. § 461.12, subd. 2 and 3.</p> <p>The entrance door language matches an amendment made to Minn. Stat. § 461.18, regarding exceptions to the ban on self-service sales.</p>

PROPOSED ORDINANCE	COMMENT
<p>intended for human consumption and use, in an electronic delivery device that is not contained in child-resistant packaging as that term is defined in Code of Federal Regulations, title 16, section 1700.15(b)(1) as in effect on January 1, 2015.</p> <p>7. A person must not sell, or offer to sell, give away, distribute or display tobacco-related products in a manner that violates federal or state law.</p>	<p>Re: change in subdivision 7: By rewording from “prohibited by” to “that violates,” the ordinance covers any violation of federal or state law (e.g., violation of an affirmative requirement imposed by law), rather than only violations of acts prohibited by federal or state law. For example, the 2020 legislation added a requirement that licensees verify the age of buyers. This language covers that requirement without having to repeat the state law provision in the city code.</p> <p>Violations are already covered at section 625.055 and 625.060 of the city code.</p>
<p>Section 6. Section 625.045 of the Minnetonka City Code, related to illegal acts, is amended to read as follows:</p> <p>625.045. Other Illegal Acts.</p> <p>Unless otherwise provided, the following acts are a violation of this section.</p> <ol style="list-style-type: none"> 1. [repealed] 2. Illegal Procurement. A person must not purchase, attempt to purchase, or otherwise obtain any tobacco-related product on behalf of a person under the age of 21 years. A person must not coerce or attempt to coerce a person under the age of 21 years to illegally purchase or otherwise obtain or use any tobacco related product. 3. False Identification. A person must not attempt to disguise his or her true age by the use of a false form of identification, nor possess a false form of identification, 	

PROPOSED ORDINANCE	COMMENT
<p>whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.</p>	<p>Violations are already covered at section 625.055 and 625.060 of the city code.</p>
<p>Section 7. Section 625.055 of the Minnetonka City Code, relating to violations and penalties, is amended to read as follows:</p> <p>625.055. Violations: Administrative Penalties.</p> <p>Any person violating a provision of this section may be subject to the administrative enforcement program contained in section 1310.015 through 1310.050 of this code. In addition, upon finding that a licensee of any license granted pursuant to this section has failed to comply with any applicable statute, regulation or ordinance relating to the sale or use of tobacco-related products, the council may either revoke the license or suspend the license.</p> <p>1. Licensees. Any licensee who has violated this section, or whose employee has violated this section, will be charged an administrative fine of at least \$300 for a first violation of this section; at least \$600 for a second offense at the same licensed premises within 36 months after the initial violation; and at least \$1,000 for a third or subsequent offense at the same location within 36 months after the initial violation. In addition, for the third offense, the license will be suspended for not less than seven days and may be revoked.</p>	<p>These changes conform the ordinance to the amendments made to Minn. Stat. § 461.12.</p>

PROPOSED ORDINANCE	COMMENT
<p>2. Other Adults. Other adults who have violated this section will be charged an administrative fine of at least \$150.00.</p> <p>3. Minors. A person under age 21 who purchases or attempts to purchase, tobacco-related products using a driver's license, permit, Minnesota identification card, or any other type of false identification to misrepresent the person's age, may be required to participate in a youth diversion, tobacco free education, or other alternative program selected by the chief of police. Notwithstanding any provision to the contrary in this section 625, no other monetary or criminal penalty may be imposed for violation of this subdivision 3.</p> <p>4. Judicial Review. Any person aggrieved by a decision under paragraphs 1 or 2 above may have the decision reviewed in the district court in the same manner and procedure as provided in Minn. Stat. § 462.361.</p>	<p>These changes mirror changes made to Minn. Stat. § 461.12, subd. 4.</p>
<p>Section 8. Section 625.060 of the Minnetonka City Code, related to violations and criminal penalties, is amended to read as follows:</p> <p>625.060. Violations: Criminal Penalties.</p> <p>Except as otherwise provided in section 625.055, subdivision 3 or Minn. Stat. sections 609.685 and 609.6855, every person who commits or attempts to commit, conspires to commit or aids or abets in the commission of any act constituting a violation of this section, is guilty of a misdemeanor and every person who causes, coerces, permits or directs another to violate any of the provisions of this section is likewise guilty of a misdemeanor. Section 625.055 does not prohibit the city from seeking prosecution as a</p>	<p>Under Minn. Stat. § 609.685, subd. 1a, a person 21 years or older who sells, gives or furnishes a person under age 21 with tobacco is guilty of only a petty misdemeanor offense or, for a second violation within 5 years, a misdemeanor offense. Under prior law, those were misdemeanor and gross misdemeanor offenses. The legislature reduced the penalty in light of the increase in minimum age from 18 to 21.</p> <p>Section 609.685 also requires law enforcement and the courts to develop alternative civil penalties for persons under age 21 who buy tobacco with a false ID. Those alternative penalties must not include fines or monetary penalties. There is a parallel provision in 609.6855 for persons under age 21 who use a false ID to purchase</p>

PROPOSED ORDINANCE	COMMENT
misdemeanor for any violation of this section.	nicotine delivery products.

Ordinance No. 2020-

An Ordinance relating to tobacco sales and licensing; amending sections 625.005, 625.025, 625.040, 625.045, 625.055 and 625.060 of the Minnetonka City Code

The City of Minnetonka Ordains:

Section 1. Subdivision 1 of section 625.005 of the Minnetonka City Code, relating to definitions, is amended to read as follows:

1. "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption ~~that can be used by a person to simulate smoking in the delivery of nicotine or any other substance~~ through inhalation of aerosol or vapor from the product. Electronic delivery device includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device ~~does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose~~ excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

Section 2. Subdivision 6 of section 625.005 of the Minnetonka City Code, relating to the definitions, is amended to read as follows:

6. "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to: cigars, cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; fine cut and other chewing tobaccos; snuff; snuff flour; Cavendish; plug and twist tobaccos; shots; refuse scraps, clippings, cuttings, and sweepings of tobacco and other kinds and forms of tobacco. Tobacco excludes any ~~tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco-cessation product, s a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose~~ drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

Section 3. Subdivision 7 of section 625.005 of the Minnetonka City Code, relating to

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

definitions, is amended to read as follows:

7. "Tobacco-related devices" means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of ~~vapers aerosol or vapor~~ of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

Section 4. Section 625.025 of the Minnetonka City Code, related to license display and signage, is amended to read as follows:

625.025. License Display and Signage.

1. Every license must be kept conspicuously posted at the place for which the license is issued and must be exhibited to any person upon request.
2. Notice of the legal sales age must be posted at each location where tobacco-related products are offered for sale. The required signage must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase and must satisfy all requirements of state law.

Section 5. Section 625.040 of the Minnetonka City Code, related to prohibited acts, is amended to read as follows:

625.040. Prohibited Acts.

1. A person must not sell, offer to sell, ~~or give away or otherwise furnish~~ any tobacco-related product to any person below the age of 21 years.
2. A person must not sell, dispense, or give away any tobacco related product through the use of a vending machine or similar automated dispensing device.
3. A person must not sell, dispense or give away any tobacco-related product through self-service merchandising, except in facilities that have an entrance door opening directly to the outside, that derive at least 90 percent of their gross revenue from the sale of tobacco-related products, and where the retailer ensures that no person younger than 21 years of age is present, or permitted to enter, at any time.
4. A person must not sell tobacco-related products outside the location or area covered by a license.
5. A person must not sell, offer for sale, give away, or otherwise deal in flavored tobacco-related products or samples of such products. This restriction does not apply to facilities that satisfy the requirements of subdivision 3 above for self-service

~~merchandising, where the retailer ensures that no person younger than 21 years of age is present, or permitted to enter, at any time.~~

6. A person must not sell, offer for to sell or distribute liquid, whether or not such liquid contains nicotine that is intended for human consumption and use, in an electronic delivery device that is not contained in child-resistant packaging as that term is defined in Code of Federal Regulations, title 16, section 1700.15(b)(1) as in effect on January 1, 2015.

7. A person must not sell, or offer to sell, give away, distribute or display tobacco-related products in a manner that violates ~~prohibited by~~ federal or state law.

~~A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.~~

Section 6. Section 625.045 of the Minnetonka City Code, related to illegal acts, is amended to read as follows:

625.045. Other Illegal Acts.

Unless otherwise provided, the following acts are a violation of this section.

1. [repealed]
2. **Illegal Procurement.** A person must not purchase, attempt to purchase, or otherwise obtain any tobacco-related product on behalf of a person under the age of 21 years. A person must not coerce or attempt to coerce a person under the age of 21 years to illegally purchase or otherwise obtain or use any tobacco related product.
3. **False Identification.** A person must not attempt to disguise his or her true age by the use of a false form of identification, nor possess a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

~~A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.~~

Section 7. Section 625.055 of the Minnetonka City Code, relating to violations and penalties, is amended to read as follows:

625.055. Violations: Administrative Penalties.

Any person violating a provision of this section may be subject to the administrative enforcement program contained in section 1310.015 through 1310.050 of this code. In

addition, upon finding that a licensee of any license granted pursuant to this section has failed to comply with any applicable statute, regulation or ordinance relating to the sale or use of tobacco-related products, the council may either revoke the license or suspend the license.

1. Licensees. Any licensee who has violated this section, or whose employee has violated this section, will be charged an administrative fine of at least ~~\$250.00~~300 for a first violation of this section; at least ~~\$500.00~~600 for a second offense at the same licensed premises within ~~a 2436-month period~~ months after the initial violation; and at least ~~\$600.00~~1,000 for a third or subsequent offense at the same location within ~~a 2436 months after the initial violation-month period~~. In addition, for the third offense, the license will be suspended for not less than seven days and may be revoked.
2. Other Adults. Other adults who have violated this section will be charged an administrative fine of at least \$150.00.
3. Minors. A person under age 21 ~~Minors who purchases found in unlawful possession of, or who unlawfully purchase~~ or attempts to purchase, tobacco-related products using a driver's license, permit, Minnesota identification card, or any other type of false identification to misrepresent the person's age, may be required to participate in a youth diversion, tobacco free education, or other alternative program selected by the chief of police. Notwithstanding any provision to the contrary in this section 625, no other monetary or criminal penalty may be imposed for violation of this subdivision 3.
4. Judicial Review. Any person aggrieved by a decision under paragraphs 1 or 2 above may have the decision reviewed in the district court in the same manner and procedure as provided in Minn. Stat. § 462.361.

Section 8. Section 625.060 of the Minnetonka City Code, related to violations and criminal penalties, is amended to read as follows:

625.060. Violations: Criminal Penalties.

Except as otherwise provided in section 625.055, subdivision 3 or Minn. Stat. sections 609.685 and 609.6855, everyEvery person who commits or attempts to commit, conspires to commit or aids or abets in the commission of any act constituting a violation of this section, is guilty of a misdemeanor and every person who causes, coerces, permits or directs another to violate any of the provisions of this section is likewise guilty of a misdemeanor. Section 625.055 does not prohibit the city from seeking prosecution as a misdemeanor for any violation of this section.

Section 9. This ordinance is effective 30 days after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this Ordinance:

Date of introduction:

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

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

Becky Koosman, City Clerk

City Council Agenda Item #12B
Meeting of Oct. 12, 2020

Brief Description: Ordinance authorizing sale of city property adjacent to 3841 Baker Road

Recommended Action: Introduce the ordinance

Background

The city owns a narrow, L-shaped outlot that lies adjacent to the east line of Baker Road and the north line of Baker Trail. The owners of the adjacent property at 3841 Baker Road have asked to purchase the property, so that they can construct a driveway to access their property from Baker Trail.

The city acquired the property as tax-forfeited land in 1979, subject to a restriction that the land be used for right of way purposes. Under state law, the use restriction expired as of Jan. 1, 2015. The city has obtained a directive from the Hennepin County Examiner of Titles to remove the restriction from the city's certificate of title, and the city is now able to convey the outlot.

The outlot is approximately 2,548 square feet in area. A water main is located within the portion of the property that is adjacent to Baker Trail. The city will obtain a right of way easement over the portion adjacent to Baker Road and a utility and drainage easement over the portion adjacent to Baker Trail.

The city staff and the buyers have negotiated an agreement that includes the following terms:

- Sale price of \$1,000. The price is based on the small size and narrow configuration of the parcel, and primarily upon the fact that the city will retain easements over the entire parcel. (Sale proceeds will be deposited in the Streets fund.)
- Buyers must convey easements to the city, as mentioned above.
- Buyers pay all costs of survey, title examination, and closing, except that the city pays the cost of recording the easement instrument.
- Property must be combined with the buyers' existing tax parcel.

The purchase agreement has been drafted and sent to the buyer for review. The agreement will be brought back for council approval when the ordinance is brought back for adoption.

Recommendation

Introduce the ordinance.

Submitted through:

Geraldyn Barone, City Manager
Will Manchester, P.E., Public Works Director

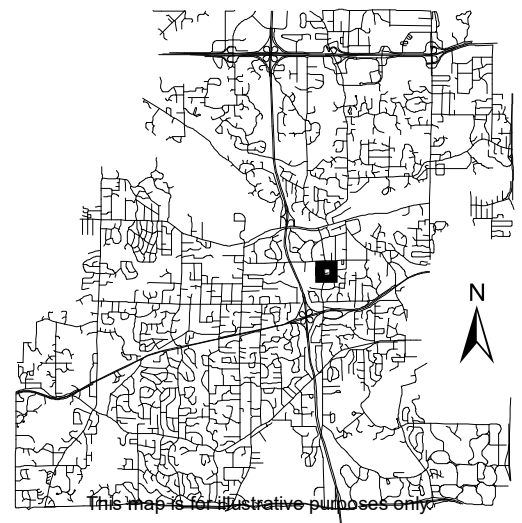
Originated by:

Corrine Heine, City Attorney



Location Map

Location: Baker Road/Baker Trail
 PID: 22-117-22-11-0051



This map is for illustrative purposes only.

Ordinance No. 2020-

**An Ordinance authorizing the sale of
city-owned property adjacent to 3841 Baker Road**

The City of Minnetonka Ordains:

Section 1. Findings and Purpose.

1.01 The city of Minnetonka owns real property located in Hennepin County, State of Minnesota, legally described as Outlot 2, HIDEAWAY (the "City Property").

1.02 Dana Minion and Aimee Minion desire to purchase the City Property and combine the City Property with the property at 3841 Baker Road.

1.03 The city staff has negotiated a purchase agreement with Dana Minion and Aimee Minion.

1.04 The city council finds it is in the public interest to sell the City Property to Dana Minion and Aimee Minion, in accordance with the negotiated purchase agreement.

Section 2. Authorization.

2.01. The city council approves the sale of the City Property in accordance with the purchase agreement.

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

Adopted by the city council of the City of Minnetonka, Minnesota, on

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this Ordinance:

Date of introduction:

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

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

Becky Koosman, City Clerk

City Council Agenda Item #13A
Meeting of Oct. 12, 2020

Brief Description	Resolution approving vacation of drainage and utility easements within LEGACY OAKS FOURTH ADDITION
Recommendation	Hold the public hearing and adopt the resolution

Introduction

In June 2013, the city council approved the LEGACY OAKS preliminary plat. The plat allowed for the development of the existing 26-acre Jondahl Farm. As per the approved preliminary plat, LEGACY OAKS includes single-family homes, twin homes, and condominium units. Over the next several years, several final plats were approved as the larger site “came on-line” in separate phases.

In April 2018, the LEGACY OAKS 4th ADDITION final plat was approved and recorded. The widths of some of the drainage and utility easement areas in this later plat did not exactly match the easements suggested in the preliminary plat. Ron Clark Construction is now requesting vacation and dedication of easements to reflect the preliminary plat.

Staff Comments

The requested vacation is reasonable, as:

- There are no public utilities located within the easement areas to be vacated.
- New easements would be dedicated to appropriately “cover” public utilities currently located outside of easements.

Staff Recommendation

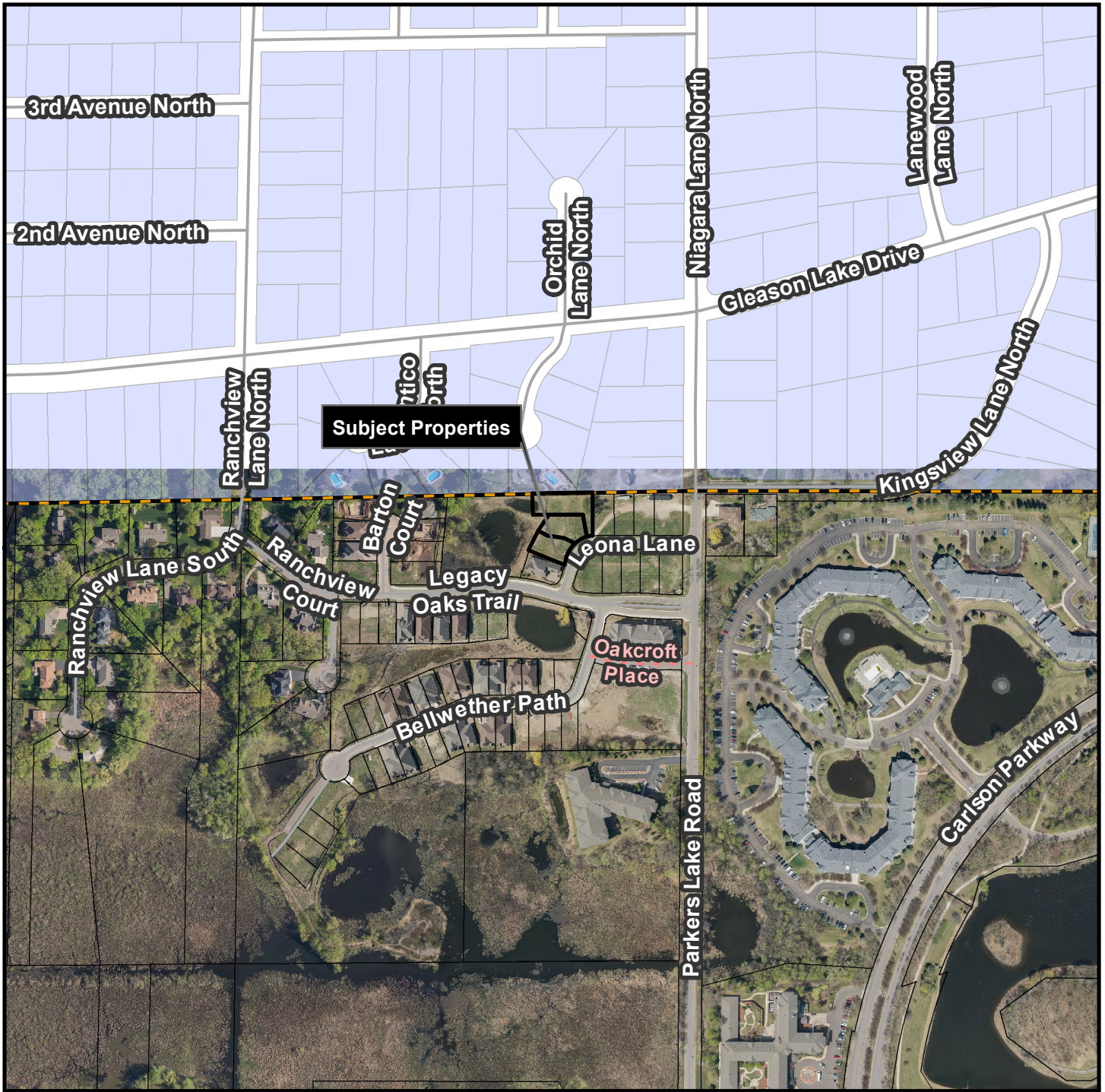
Hold the public hearing and adopt the resolution vacating drainage and utility easements within LEGACY OAKS FOURTH ADDITION.

Submitted through:

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

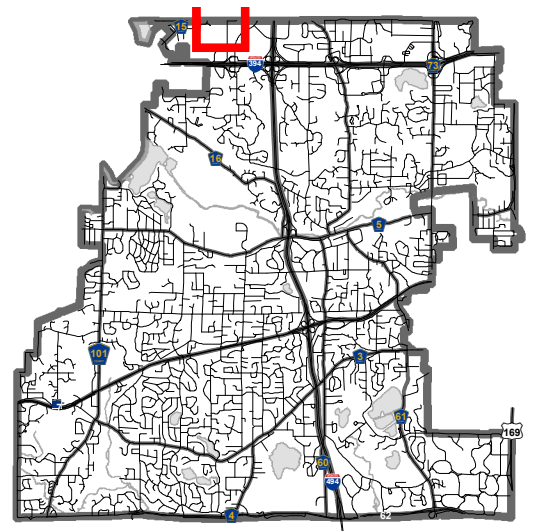
Originated by:

Susan Thomas, AICP, Assistant City Planner

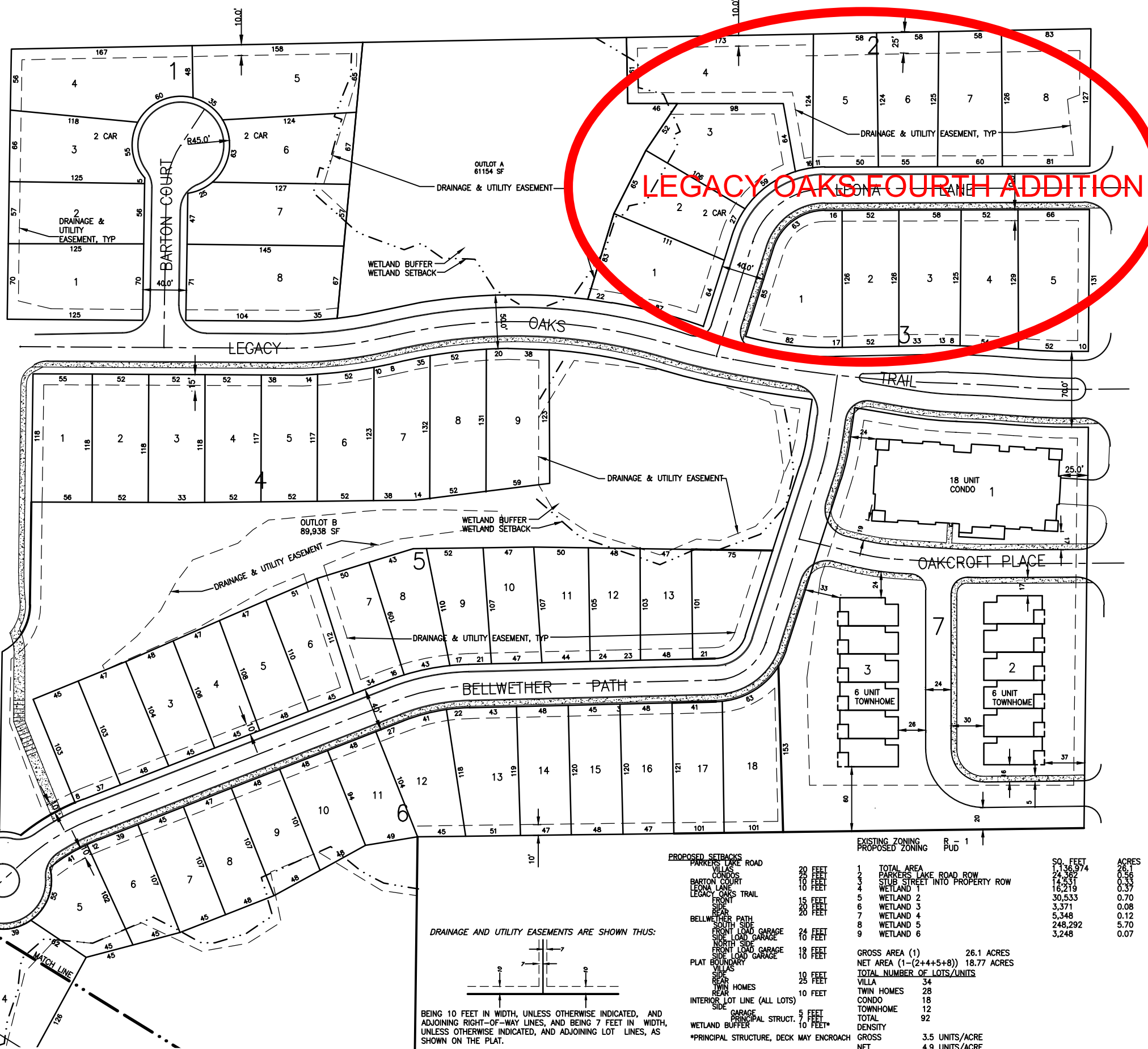
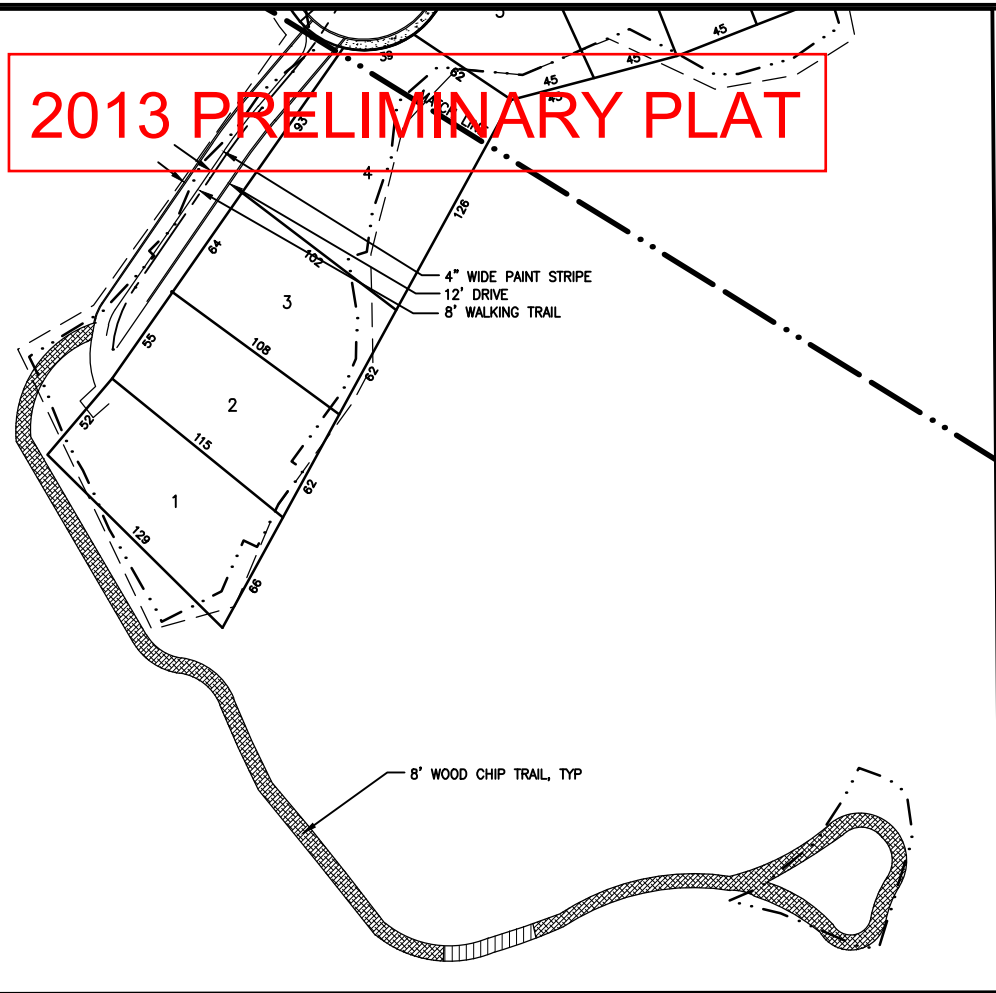


Location Map

Project: Legacy Oaks 4th Addn Vacation of Eas
 Address: 15438, 15442, & 15446 Leona Ln



2013 PRELIMINARY PLAT



Parcel #	BLOCK #	Area
1	BLOCK 1	8763
2	BLOCK 1	7065
3	BLOCK 1	7148
4	BLOCK 1	10018
5	BLOCK 1	9964
6	BLOCK 1	7317
7	BLOCK 1	8277
8	BLOCK 1	9912

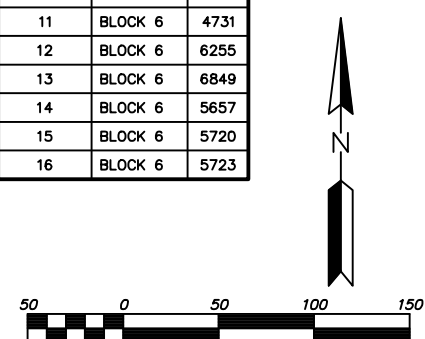
Parcel #	BLOCK #	Area
1	BLOCK 2	7845
2	BLOCK 2	6231
3	BLOCK 2	8983
4	BLOCK 2	12104
5	BLOCK 2	7347
6	BLOCK 2	6971
7	BLOCK 2	7348
8	BLOCK 2	10331

Parcel #	BLOCK #	Area
1	BLOCK 3	8631
2	BLOCK 3	6603
3	BLOCK 3	7136
4	BLOCK 3	6737
5	BLOCK 3	8501

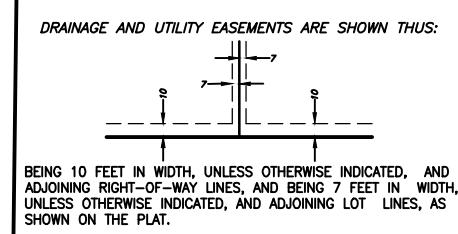
Parcel #	BLOCK #	Area
1	BLOCK 6	7081
2	BLOCK 6	6485
3	BLOCK 6	6561
7	BLOCK 6	4830
8	BLOCK 6	5109
9	BLOCK 6	4970
10	BLOCK 6	4637
11	BLOCK 6	4731
12	BLOCK 6	6255
13	BLOCK 6	6849
14	BLOCK 6	5657
15	BLOCK 6	5720
16	BLOCK 6	5723

Parcel #	BLOCK #	Area
1	BLOCK 4	6557
2	BLOCK 4	6149
3	BLOCK 4	6144
4	BLOCK 4	6108
5	BLOCK 4	6079
6	BLOCK 4	6220
7	BLOCK 4	6634
8	BLOCK 4	6854
9	BLOCK 4	7452

Parcel #	BLOCK #	Area
1	BLOCK 5	4641
2	BLOCK 5	4942
7	BLOCK 5	5502
9	BLOCK 5	4895
10	BLOCK 5	4992
11	BLOCK 5	5022
12	BLOCK 5	4898
13	BLOCK 5	4885



PROPOSED SETBACKS	EXISTING ZONING	PROPOSED ZONING	SQ. FEET	ACRES
PARKER'S LAKE ROAD	R-1	R-1	1,136,974	26.1
CONDO			24,362	0.56
BARTON COURT			14,631	0.33
LEGACY OAKS TRAIL			16,219	0.37
WETLAND 1			30,533	0.70
WETLAND 2			3,371	0.08
WETLAND 3			5,348	0.12
WETLAND 4			248,292	5.70
WETLAND 5			3,248	0.07
WETLAND 6				
TOTAL AREA			26.1	
NET AREA (1-(2+4+5+8))			18.77	
GROSS AREA (1)			26.1	
TOTAL NUMBER OF LOTS/UNITS				
VILLA			34	
TWIN HOMES			28	
CONDO			18	
TOWNHOME			12	
TOTAL			92	
DENSITY				
GROSS			3.5 UNITS/ACRE	
NET			4.9 UNITS/ACRE	



NO.	DATE	DESCRIPTION

CAMPION ENGINEERING SERVICES, INC.
 1800 Pioneer Creek Center,
 P.O. Box 249
 Maple Plain, MN 55359
 Phone: 763-479-5172
 Fax: 763-479-4242
 E-Mail: mcampion@campioneng.com

I hereby certify that this plan, specification or report has been prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.
 Martin P. Campion -Lic. # 19901 Date: _____

LEGACY OAKS
RON CLARK CONSTRUCTION
MINNETONKA, MN

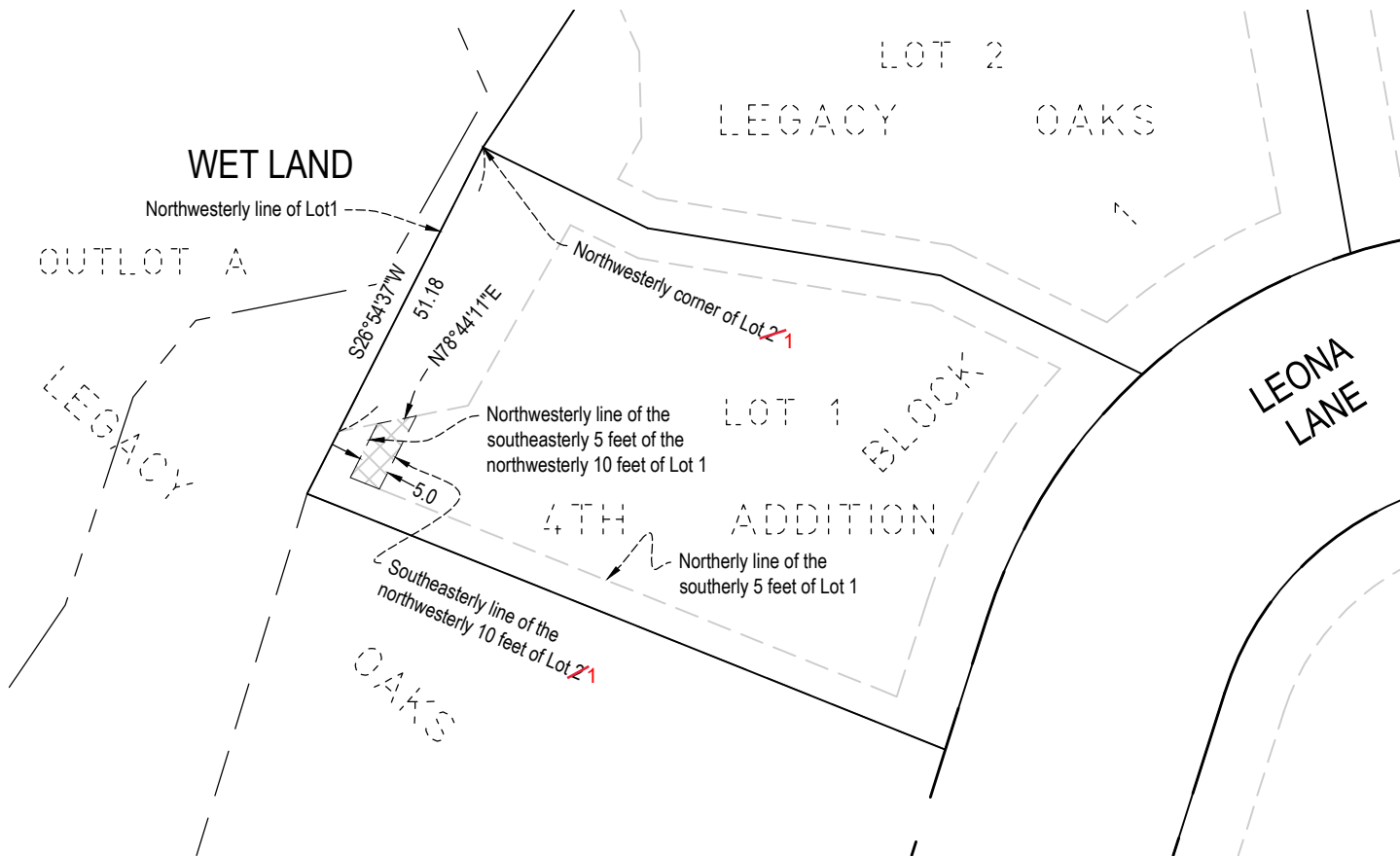
PRELIMINARY PLAT EXHIBIT 1
 SHEET NO. 1 OF 1 SHEETS
 PROJECT NO: 13-041
 LEGACY OAKS
 PARKER'S LAKE RD
 12/20/2013
 11065.15B


EASEMENT VACATION EXHIBIT

FOR: Ron Clark Construction

PROPOSED DRAINAGE AND UTILITY EASEMENT VACATION DESCRIPTION

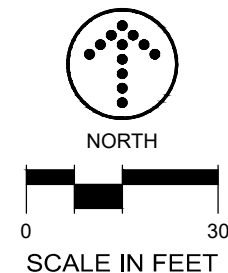
That part of the 10.00 foot Drainage and Utility Easement as shown on Lot 1, Block 1, LEGACY OAKS FOURTH ADDITION, Hennepin County, Minnesota, described as follows: That part of the southeasterly 5.00 feet of the northwesterly 10.00 feet lying northerly of the southerly 5.00 feet and southerly of the following described line: Commencing at the northwesterly corner of said Lot 1; thence South 26 degrees 54 minutes 37 seconds West, plat bearing, along the northwesterly line of said Lot 1, a distance of 51.18 feet; thence North 78 degrees 44 minutes 11 seconds East to the northwesterly line of said southeasterly 5.00 feet and the Point of Beginning; thence continuing North 78 degrees 44 minutes 11 seconds East to the southeasterly line of said northwesterly 10.00 feet.



 - Easement to be vacated

LANDFORM
From Site to Finish

105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401
Web: landform.net



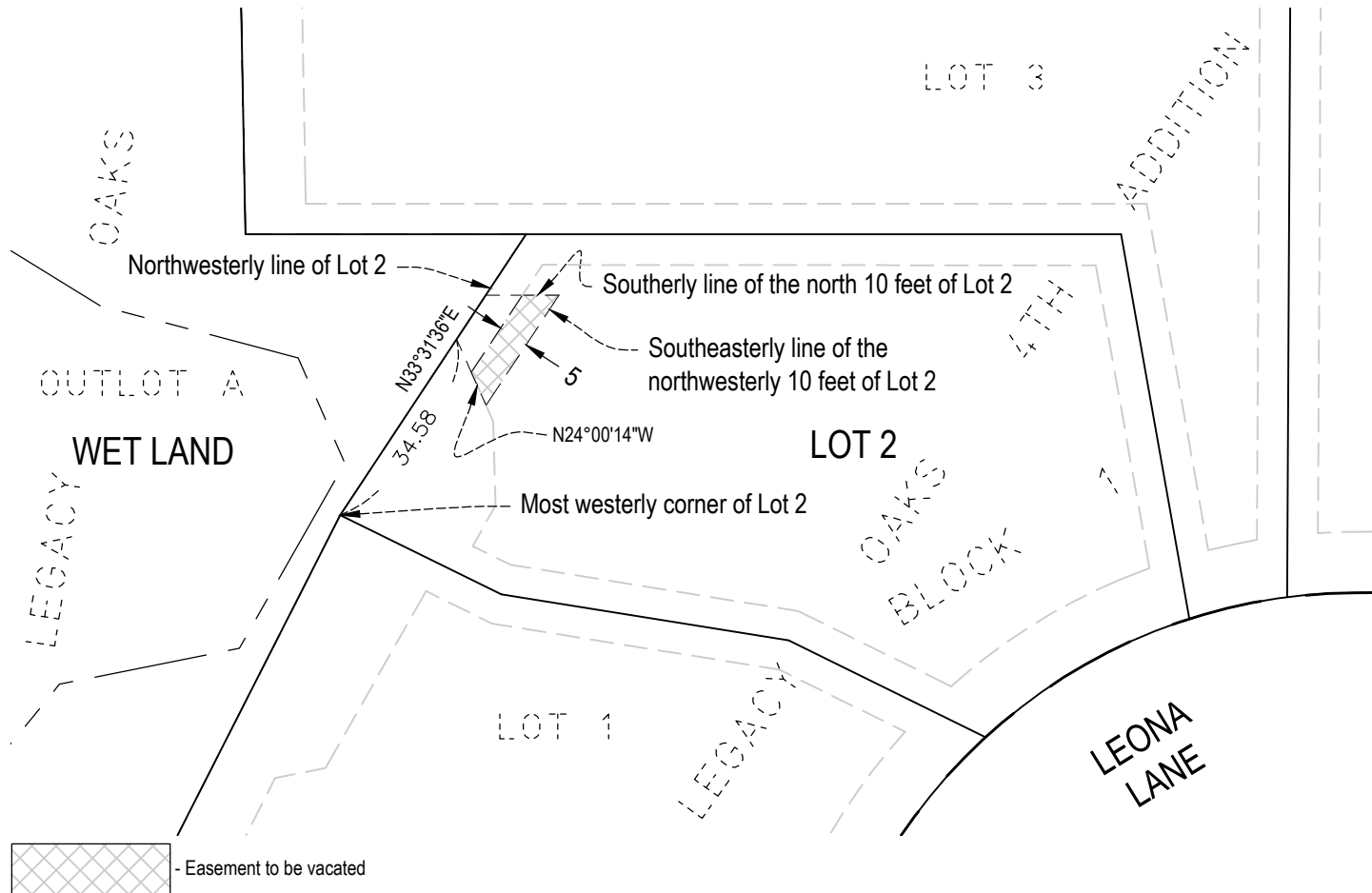
Job No. RCC131021 Drawing: Easement Change By: SPK


EASEMENT VACATION EXHIBIT

FOR: Ron Clark Construction

PROPOSED DRAINAGE AND UTILITY EASEMENT VACATION DESCRIPTION

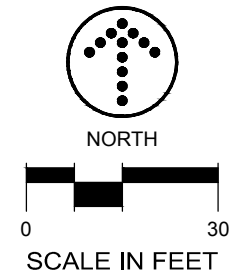
That part of the 10.00 foot Drainage and Utility Easement as shown on Lot 2, Block 1, LEGACY OAKS FOURTH ADDITION, Hennepin County, Minnesota, described as follows: That part of the southeasterly 5.00 feet of the northwesterly 10.00 feet lying southerly of the northerly 10.00 feet and northeasterly of the following described line: Commencing at the most westerly corner of said Lot 2; thence North 33 degrees 31 minutes 36 seconds East, plat bearing, along the northwesterly line of said Lot 2, a distance of 34.58 feet; thence South 24 degrees 00 minutes 14 seconds East to the northwesterly line of said southeasterly 5.00 feet and the Point of Beginning; thence continuing South 24 degrees 00 minutes 14 seconds East to the southeasterly line of said northwesterly 10.00 feet.



 - Easement to be vacated



105 South Fifth Avenue
 Suite 513
 Minneapolis, MN 55401
 Web: landform.net



Job No. RCC131021 Drawing: Easement Change By: SPK

DRAINAGE AND UTILITY EASEMENT EXHIBIT

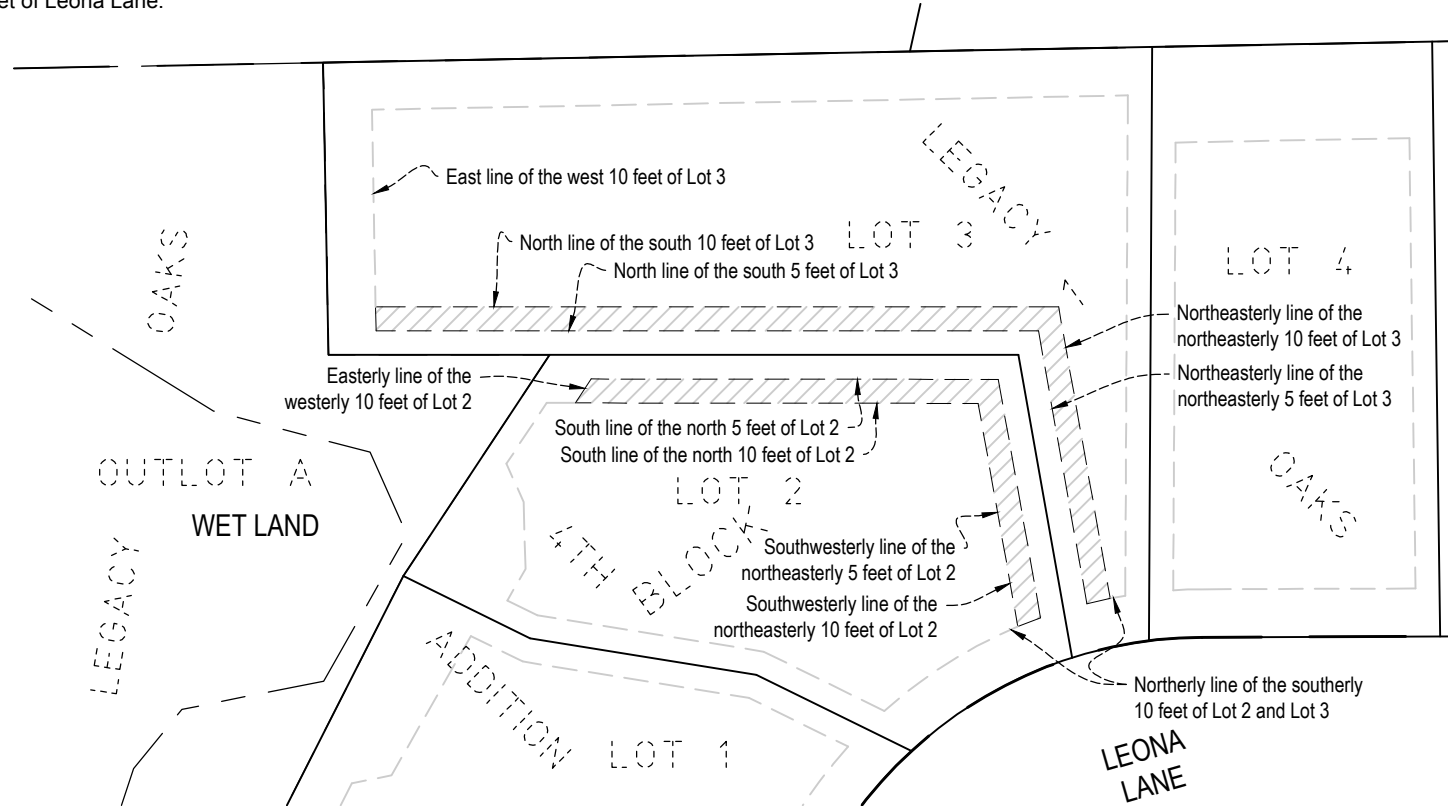
FOR: Ron Clark Construction


PROPOSED DRAINAGE AND UTILITY EASEMENT DESCRIPTION

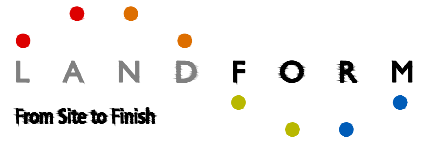
That part of Lot 2, Block 1, LEGACY OAKS FOURTH ADDITION, Hennepin County, Minnesota, lying between 2 lines, 5.00 feet and 10.00 feet, respectively, to the left of the following described line: Beginning at the southeast corner of said Lot 2, thence North 10 degrees 04 minutes 07 seconds West, plat bearing, a distance of 64.07 feet to the northeast corner of said Lot 2; thence South 90 degrees 00 minutes 00 seconds West, a distance of 97.64 feet to the northwest corner of said Lot 2 and there terminating, excepting therefrom the northwesterly 10.00 feet of said Lot 2 and excepting that part lying within 10.00 feet of Leona Lane.

And

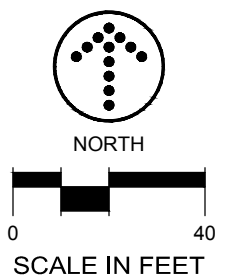
That part of Lot 3, Block 1, LEGACY OAKS FOURTH ADDITION, Hennepin County, Minnesota, lying between 2 lines, 5.00 feet and 10.00 feet, respectively, to the right of the following described line: Beginning at the southeast corner of Lot 2, said Block 1; thence North 10 degrees 04 minutes 07 seconds West, plat bearing, a distance of 64.07 feet to the northeast corner of said Lot 2; thence South 90 degrees 00 minutes 00 seconds West, a distance of 143.70 feet to the southwest corner of said Lot 3 and there terminating, excepting therefrom the west 10.00 feet of said Lot 3 and excepting that part lying within 10.00 feet of Leona Lane.



 - New Easement dedicated



105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401
Web: landform.net



Job No. RCC131021 Drawing: Easement Change By: SPK

Resolution No. 2020-

Resolution vacating drainage and utility easements within LEGACY OAKS FOURTH ADDITION

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

Section 1. Background.

- 1.01 In June 2013, the city council approved the LEGACY OAKS preliminary plat. The plat allowed for the development of the existing 26-acre Jondahl Farm. Over the next several years, several final plats were approved as the larger site “came on-line” in separate phases.
- 1.02 In April 2018, the LEGACY OAKS 4th ADDITION final plat was approved and recorded. The widths of some of the drainage and utility easement areas in this final plat did not exactly match the easements suggested in the preliminary plat.
- 1.03 Ron Clark Construction is now requesting vacation and dedication of easements in LEGACY OAKS 4th ADDITION to reflect the preliminary plat.
- 1.04 The easements to be vacated are legally described:

That part of the 10.00 foot Drainage and Utility Easement as shown on Lot 1, Block 1, LEGACY OAKS FOURTH ADDITION, Hennepin County, Minnesota, described as follows: That part of the southeasterly 5.00 feet of the northwesterly 10.00 feet lying northerly of the southerly 5.00 feet and southerly of the following described line: Commencing at the northwesterly corner of said Lot 1; thence South 26 degrees 54 minutes 37 seconds West, plat bearing, along the northwesterly line of said Lot 1, a distance of 51.18 feet; thence North 78 degrees 44 minutes 11 seconds East to the northwesterly line of said southeasterly 5.00 feet and the Point of Beginning; thence continuing North 78 degrees 44 minutes 11 seconds East to the southeasterly line of said northwesterly 10.00 feet.

And

That part of the 10.00 foot Drainage and Utility Easement as shown on Lot 2, Block 1, LEGACY OAKS FOURTH ADDITION, Hennepin County, Minnesota,

described as follows: That part of the southeasterly 5.00 feet of the northwesterly 10.00 feet lying southerly of the northerly 10.00 feet and northeasterly of the following described line: Commencing at the most westerly corner of said Lot 2; thence North 33 degrees 31 minutes 36 seconds East, plat bearing, along the northwesterly line of said Lot 2, a distance of 34.58 feet; thence South 24 degrees 00 minutes 14 seconds East to the northwesterly line of said southeasterly 5.00 feet and the Point of Beginning; thence continuing South 24 degrees 00 minutes 14 seconds East to the southeasterly line of said northwesterly 10.00 feet.

1.05 As required by City Charter Section 12.06, a hearing notice on said petition was published in the City of Minnetonka’s official newspaper, and written notice was mailed to the owners of each abutting property and all landowners in the plat.

1.06 On Oct. 12, 2020, the city council held a hearing on the vacation petition, at which time all persons for and against the granting of said petition were heard.

Section 2. Standards.

2.01 Section 12.06 of the City Charter states that “No vacation shall be made unless it appears in the interest of the public to do so...”

Section 3. Findings.

3.01 The Minnetonka City Council makes the following findings:

1. There are no public utilities located within the easement areas to be vacated.
2. There is no anticipated public need for the easement areas.
3. The vacation is not counter to the public interest.

Section 4. Council Action.

4.01 The above-described easements are vacated.

4.02 The vacation is effective only upon the dedication of an easement fully incorporating the storm sewer line located between Lots 2 and 3, Block 1, LEGACY OAKS FOURTH ADDITION, subject to the approval of the city engineer.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 12, 2020.

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 Oct. 12, 2020.

Becky Koosman, City Clerk

City Council Agenda Item #14A
Meeting of Oct. 12, 2020

Brief Description Ordinance approving the rezoning of the existing property at 4144 Shady Oak Road from R-1 to R-2

Recommendation Adopt the ordinance approving the rezoning

Background

On behalf of the property owner (Karissa Borchert), the applicant is proposing to rezone the property at 4144 Shady Oak Road from R-1 to R-2. The zoning change would allow the property owner to construct a two-family dwelling unit on the property sometime in the future.

On Oct. 28, 2019, the city council introduced an ordinance approving the rezoning and referred it to the planning commission.

Planning Commission Review and Recommendation

The planning commission considered the proposal on Nov. 14, 2019. Staff recommended approval, noting that:

- The proposal would exceed all R-2 lot requirements;
- The subject property has 6,840 square feet of buildable area (3,420 square feet per unit) available to accommodate a two-family dwelling unit. This amount of area exceeds the city code maximum required; and
- The rezoning would be consistent with the neighborhood, as the four properties immediately north of the subject are zoned R-2 and have been occupied by duplexes since 1979.

At the meeting, a public hearing was opened to take comments. Three area residents addressed the commission with concerns about the rezoning.

- **Rental Use.** Residents stated concern regarding the property becoming a rental property. Staff replied to this concern by noting that the city does not regulate who lives in a home, whether they are a renter or an owner. This choice is left to the individual property owner. There are many single-family and multi-family units throughout the city that are renter occupied.
- **Neighborhood Character.** Residents expressed concern that the construction of a two-family dwelling unit on the property would change the character of Lake Street Extension.
- **Stormwater.** One resident felt uneasy about constructing a dwelling unit so close to the existing floodplain (located on the west side of the lot and behind the existing dwelling units to the north). Staff confirmed that the engineering department had reviewed the

proposed rezoning and did not state any concerns regarding the existing floodplain or stormwater infrastructure. In addition, any new construction would be required to meet city code requirements, including stormwater.

The planning commission asked questions similar to those asked during the public testimony. On a 6-0 vote, the commission recommended that the city council approve the rezoning of the property from R-1 to R-2. The staff report and meeting minutes are attached.

City Council Meeting

This item was initially scheduled to be on the Dec. 2, 2019 city council meeting agenda; however, the applicant requested to move their item to a later city council date to work with the property's neighbors. At that time, the applicant waived the statutory 120-day deadline for a council decision.

The applicant has now elected to bring this item back to the council, without changes from their original submittal.

Neighborhood Notification

To ensure public awareness of the proposal, the City of Minnetonka notified the neighborhood by:

- Sending postcard notices to properties within 400 feet (sent Sept. 11, 2020); and
- Sending email notifications to residents that spoke at the previous planning commission meeting (sent Oct. 5, 2020).

Staff Recommendation

Staff recommends the city council adopt the ordinance approving the rezoning of 4144 Shady Oak Road from R-1 to R-2.

Submitted through:

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

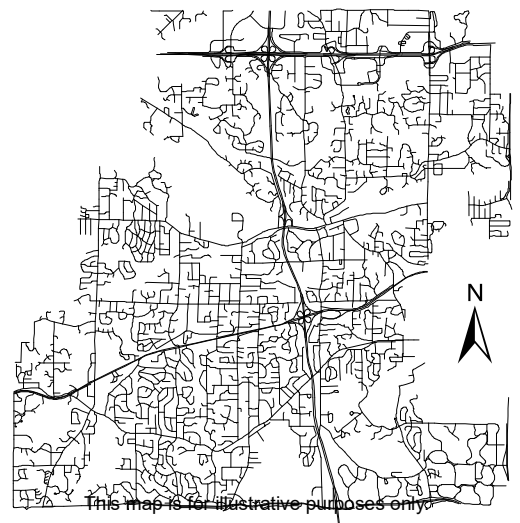
Originated by:

Drew Ingvalson, Planner



Location Map

Project: Olshansky Residence
Address: 4144 Shady Oak Rd



This map is for illustrative purposes only.

MINNETONKA PLANNING COMMISSION
Nov. 14, 2019

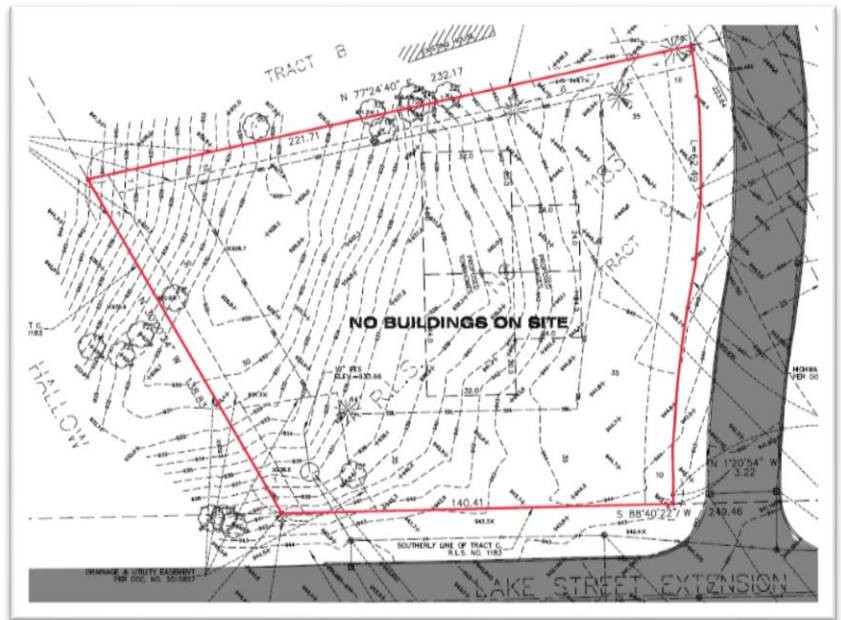
Brief Description	Rezoning from R-1 to R-2 at 4144 Shady Oak Road
Recommendation	Adopt the ordinance approving the proposal

Proposal

The applicant, on behalf of the property owner (Roman Olshansky), is proposing to rezone the property at 4144 Shady Oak Road from R-1 to R-2. The zoning change would allow the property owner to construct a duplex on the subject property sometime in the future.

Existing Property

- Lot Size: 26,656 acres
- Zoning/Land Use: R-1, Single Family Residential, Low-Density Residential
- Existing Use: Vacant Lot
- Frontage: Shady Oak Road (frontage road) and Lake Street Extension
- Sewer and Water Services: There are sewer and water line access available to the south of the property (Lake Street Extension) and to the east of the property (Shady Oak Road).



- Natural Features
 - Topography: The subject property has a low elevation in the northwest corner of the property. The property rises as one travels away from this area in all directions (see survey above). The high point of the property is generally along the roadways to the east and south. While there is significant elevation change on the property, elevation changes do not meet the city code criteria to be classified as a “steep slope.”

- 100-year storm (shown in pink to the right): The low point of the property has a 100-year stormwater area. This low area extends from the subject property and continues north, behind the existing two-family homes. This area collects drainage from the subject property, but also collects stormwater from the properties to the north and west.



Requirements

The proposal requires:

- **Rezoning.** To allow a two-family home on the subject lot, the property must be rezoned to R-2, low-density residential. No land use changes are necessary for this request, as the property would remain guided for low-density development.

Primary Questions and Analysis

A land use proposal is comprised of many details. In evaluating a proposal, staff first reviews these details and then aggregates them into a few primary questions or issues - the following outlines both the primary questions and staff findings associated with the proposal.

- **Does the property meet the minimum lot size requirements for a two-family dwelling unit?**

Yes. The subject site exceeds all R-2 lot requirements. The table below outlines the various lot size requirements and displays how the subject site's dimensions would meet those standards.

	Lot Area per Unit	Lot Width at Right-of-Way	Lot Width at Setback	Lot Depth	Buildable Area (per unit)	Buildable Area Dimension (per unit)
Required	12,500 sq. ft.	55 ft.	55 ft.	125 ft.	2,400 sq. ft.	Four sides with min. of 30 feet per side
Property	13,328 sq. ft.	83/83 ft.	73/85 ft.	186 ft.	3,786 sq. ft. 3,420 sq. ft.	Four sides with min. of 50 feet per side

- **Would the rezoning be consistent with the neighborhood?**

Yes. While the properties to the south and west are single-family homes, rezoning the subject property to R-2 would be an appropriate continuation of the development to the north of the site. The four properties north of the subject site are accessed via the same road as the subject property, all zoned R-2, and all contain two-family dwelling units. The homes to the north were originally constructed in 1979. As such, staff finds that the rezoning of the subject property would be consistent with the neighborhood character.

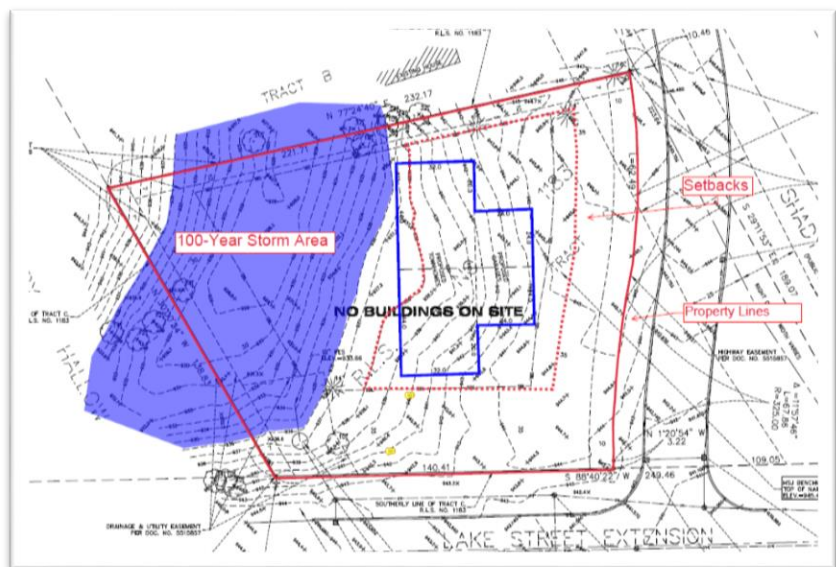


- **Is the buildable area appropriate for a two-family building?**

Yes. The subject site has ~~7,572~~ 6,840 square feet of buildable area available to accommodate a new two-family dwelling unit on the vacant lot or ~~3,786~~ 3,420 square feet per unit. This amount is significantly more than the amount required by city code. (See table above).

The rezoning request for the property does not require the applicant to provide building or grading plans. In addition, if approved, the rezoning approval is not conditioned on a home location or grading plan. (Just as a single-family home could be constructed on a single-family lot with thorough review and approval of a building permit, so can a two-family home.)

However, the applicant did show a proposed townhome location on their submitted survey. This proposed building location is within the required 100-year storm setback (see below). If the rezoning is approved, and if the applicant then applies for a building permit to construct a two-family dwelling, the home location and proposed subject to setback and grading requirements outlined in city code.



Summary Comments

The rezoning of the subject property from R-1 to R-2, which would allow a two-family dwelling on the property, would be consistent with the four properties to the north of the site and, in

staff's opinion, would not negatively impact the character of the area. Further, the proposal would be consistent with the zoning code and comprehensive plan.

Staff Recommendation

Recommend the city council adopt the ordinance rezoning the property at 4144 Shady Oak Road from R-1, low-density residential, to R-2, low-density residential.

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

Supporting Information

Surrounding Land Uses

North: Two-family residential homes, zoned R-2
South: Single family residential homes, zoned R-1
East: Shady Oak Road (City of Hopkins)
West: Single family residential home, zoned R-1

Planning

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

Steep Slopes

The low point of the subject property is situated in the northwest corner of the site. The property slopes upward in all directions from this point.

By city code, a steep slope is one in a slope that: (1) has an average grade of 20 percent or more; (2) that covers an area at least 100 feet in width; and (3) that rises at least 25 feet above the toe – or bottom – of the slope to the top of the slope. The code goes on to define how the toe and top of slope are determined, which may or may not correspond to the visual bottom and top of the slope.

Despite a rather sharp drop-off into the 100-year storm area in the northwest corner of the lot, this area is not defined as a steep slope as:

1. Portions of the site have a grade of 20 percent, but the vast majority of the site is under this slope percentage.
2. The area that is above 20 percent grade is not 100 feet in width.
3. The maximum slope rise is only 18 feet and is only 13 percent grade over that area.

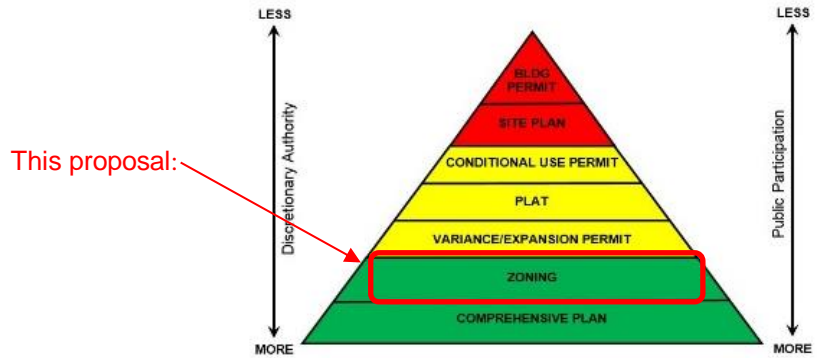
Grading

The subject application is for a rezoning only and does not require a site and building plan review. As such, the applicant has not submitted any building or grading plans. If approved, these plans would be submitted with any future building permit application and would be reviewed by city staff for compliance with city code requirements. Please note, any building constructed for the subject site would need to meet all city code requirements, including stormwater management.

Utilities

Public sewer and water facilities are available in Shady Oak Road (frontage road) or Lake Street Extension. Final sewer and water connection will be determined at the time of building permit submittal and will be reviewed by city staff.

Pyramid of Discretion



Motion Options

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the ordinance approving the request.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to why denial is recommended.
3. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

Voting Requirement

The planning commission will make a recommendation to the city council. The city council's final approval requires an affirmative vote of four members.

Neighborhood Comments

The city sent notices to 21 property owners and has received no written comments to date.

Deadline for Action

Dec. 16, 2019

EXISTING LEGAL DESCRIPTION:

Tract C, Registered Land Survey No. 1183, Hennepin County, Minnesota.

Subject to the reservation of minerals and mineral rights in favor of the County of Hennepin, per Doc. No. T5515857.

Torrens Property Being registered land as is evidenced by Certificate of Title No. 1459695.

TO BE SUBDIVIDED AS:

PARCEL 1:
That part of Tract C, Registered Land Survey No. 1183, Hennepin County, Minnesota lying northerly of the following described line:

Commencing at the southwest corner of Tract C, Registered Land Survey No. 1183; thence North 30 degrees 00 minutes 24 seconds West an assumed bearing along the west line of said Tract C a distance of 77.22 feet to the point of beginning of the line to be described; thence North 78 degrees 11 minutes 47 seconds East a distance of 232.23 feet, more or less, to the easterly line of said Tract C and there terminating.

PARCEL 2:
That part of Tract C, Registered Land Survey No. 1183, Hennepin County, Minnesota lying southerly of the following described line:

Commencing at the southwest corner of Tract C, Registered Land Survey No. 1183; thence North 30 degrees 00 minutes 24 seconds West an assumed bearing along the west line of said Tract C a distance of 77.22 feet to the point of beginning of the line to be described; thence North 78 degrees 11 minutes 47 seconds East a distance of 232.23 feet, more or less, to the easterly line of said Tract C and there terminating.

SUBDIVISION SUMMARY:

The total number of Lots is equal to 2. The total area is 26,656 square feet.

PROPOSED AREA:

Site Area PARCEL 1: equals 12,519 square feet = 0.287 acres.
Site Area PARCEL 2: equals 14,137 square feet = 0.325 acres.

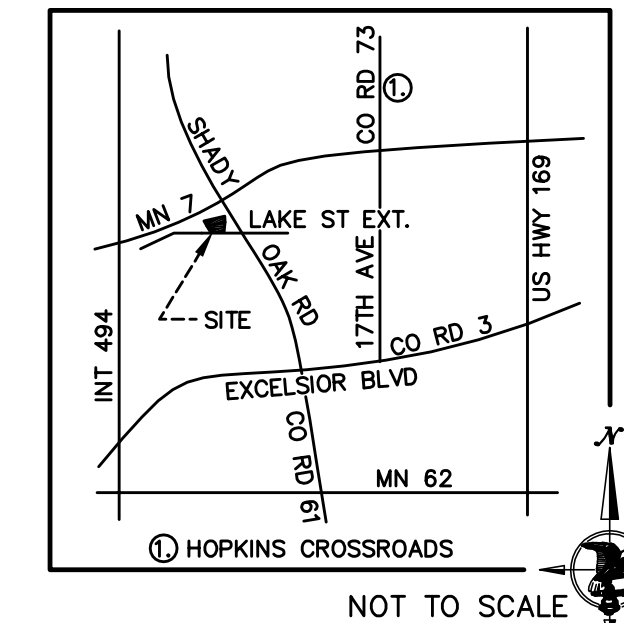
NOTES CORRESPONDING TO EASEMENTS:

- Reservation of minerals and mineral rights in favor of the County of Hennepin, per Doc. No. 5515857. (NOTHING TO GRAPHICALLY SHOW)
- 7 foot drainage and utility easement per Doc. No. 863078. (AS SHOWN ON SURVEY)
- 50 foot sanitary sewer easement per Doc. No. 1183554. (AS SHOWN ON SURVEY)
- Highway easement per Doc. No. 5515857. (AS SHOWN ON SURVEY)

GENERAL NOTES:

- The bearing system used is assumed.
- The location of the underground utilities shown herein, if any, are approximate only. PURSUANT TO MSA 216D CONTACT GOPHER STATE ONE CALL AT (612) 454-0002 PRIOR TO ANY EXCAVATION.
- Subject property is identified as being in "Zone X, Other Area" on Flood Insurance Rate Map No. 27053C0341F, effective date November 4, 2016.
- Zoning = Presently R-2 (Low Density Residential District) per City of Minnetonka.
- Setback requirements per City of Minnetonka.*
Front = 35 feet.
Rear = 30 feet or 20% of lot depth, whichever is less.**
Side = 10 feet.
Corner Lot = maybe reduced to 10 feet (used 35 feet).**
- The zoning and setback information listed above is per Minnetonka's code. Please contact Minnetonka's zoning office with any questions, and before performing or planning construction.
- * See City Code for full setback descriptions and further requirements.
** Used the greater value in determining proposed buildable areas.
- Total Site Area = 36,224 square feet = 0.832 acres.
Site Area less Highway Easement: 26,656 square feet = 0.612 acres.
- This survey was made on the ground.
- No current title work was furnished for the preparation of this survey. Legal description, recorded or unrecorded easements and encumbrances are subject to revision upon receipt of current title work.
Note: Description and listed easements are per Certificate of Title No. 1459695.
- Elevation datum is based on NAVD 88 data.
HSJ Benchmark #1 is located Top Nut Hydrant (AS SHOWN ON SURVEY)
Elevation = 945.54
- Verify dimensions and elevations per latest house plan prior to construction, there are no plans for the proposed townhomes and garages.
Proposed Areas:
Townhouse Area: 2,816 s.f. (1,408 s.f. per Lot)
Garage Area: 1,152 s.f. (576 s.f. per Lot)

VICINITY MAP



SCALE: 1 INCH = 20 FEET

REVISIONS

Date:	Description:
7/26/19	add proposed townhome and garage

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota

Thomas E. Hodorff
Thomas E. Hodorff, L.S.
Minnesota Reg. No. 23677

Date: May 24, 2019

MINOR SUBDIVISION OF TRACT C, R.L.S. NO. 1183

For:
ROMAN OLSHANSKY

SITE:
4144 SHADY OAK ROAD

MINNETONKA, MINNESOTA
HENNEPIN COUNTY

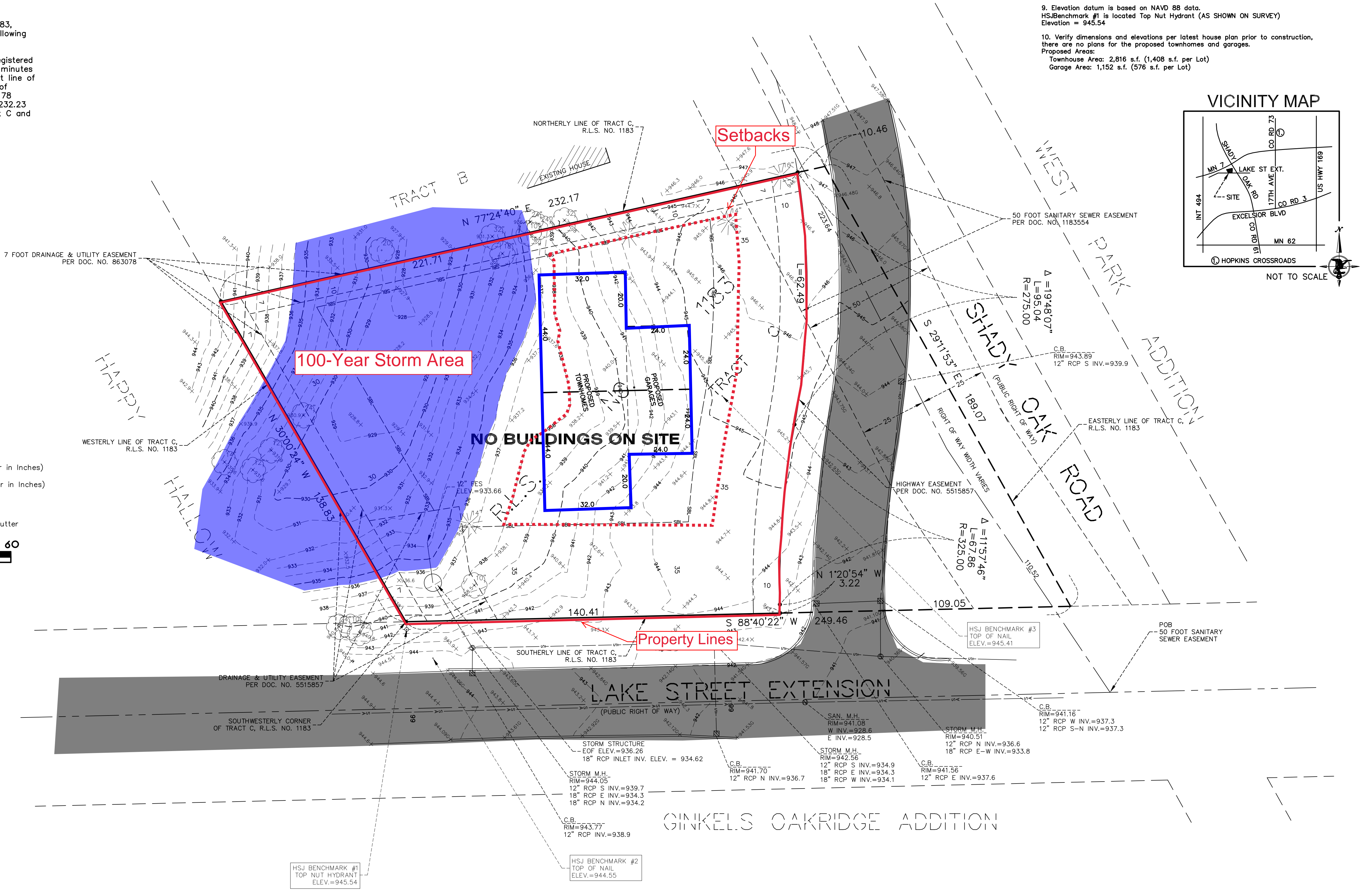
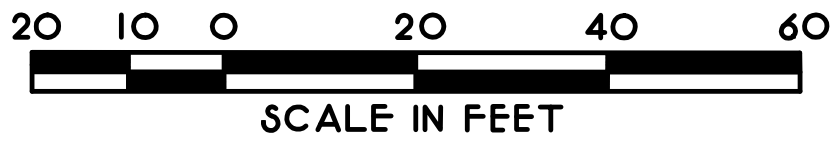
HARRY S. JOHNSON CO., INC. LAND SURVEYORS

9063 Lyndale Avenue South
Bloomington, MN. 55437
Tele. 952-884-5341 Fax 952-884-5344
www.hsjsurveyors.com

Book 657	File No. 1-3-10039
Page 66	W.O. Number 2019214
CAD Technician CT	
Sheet No.	1 OF 1

LEGEND

- Property Monument
- Concrete Curb
- Underground Electric
- Underground Telephone
- Water
- Gas
- Sanitary Sewer
- Storm Sewer
- Setback Line
- Hydrant
- Unknown Manhole
- Catchbasin
- Catchbasin
- Deciduous Tree (Diameter in Inches)
- Coniferous Tree (Diameter in Inches)
- Sanitary Manhole
- Storm Manhole
- Existing Contour
- Existing Spot Elevation Gutter
- Existing Spot Elevation



SITE ADDRESS 4144 Shady Oak Road Minnetonka, Minnesota 55343
OWNER Roman Olshansky
CONTACT Roman Olshansky (612) 231-0696 769 County Road Drive Circle Pines, Minnesota 55014
SURVEYOR Harry S. Johnson Co., Inc. CONTACT Tom Hodorff (952) 884-5341 9063 Lyndale Avenue South Bloomington, Minnesota 55420

Existing Zoning



Land Use



Low Density Residential

Low Density Residential

City of Hopkins

Subject Property

Lake Street Extension

2nd St N

Shady Oak Rd

Park Rd W

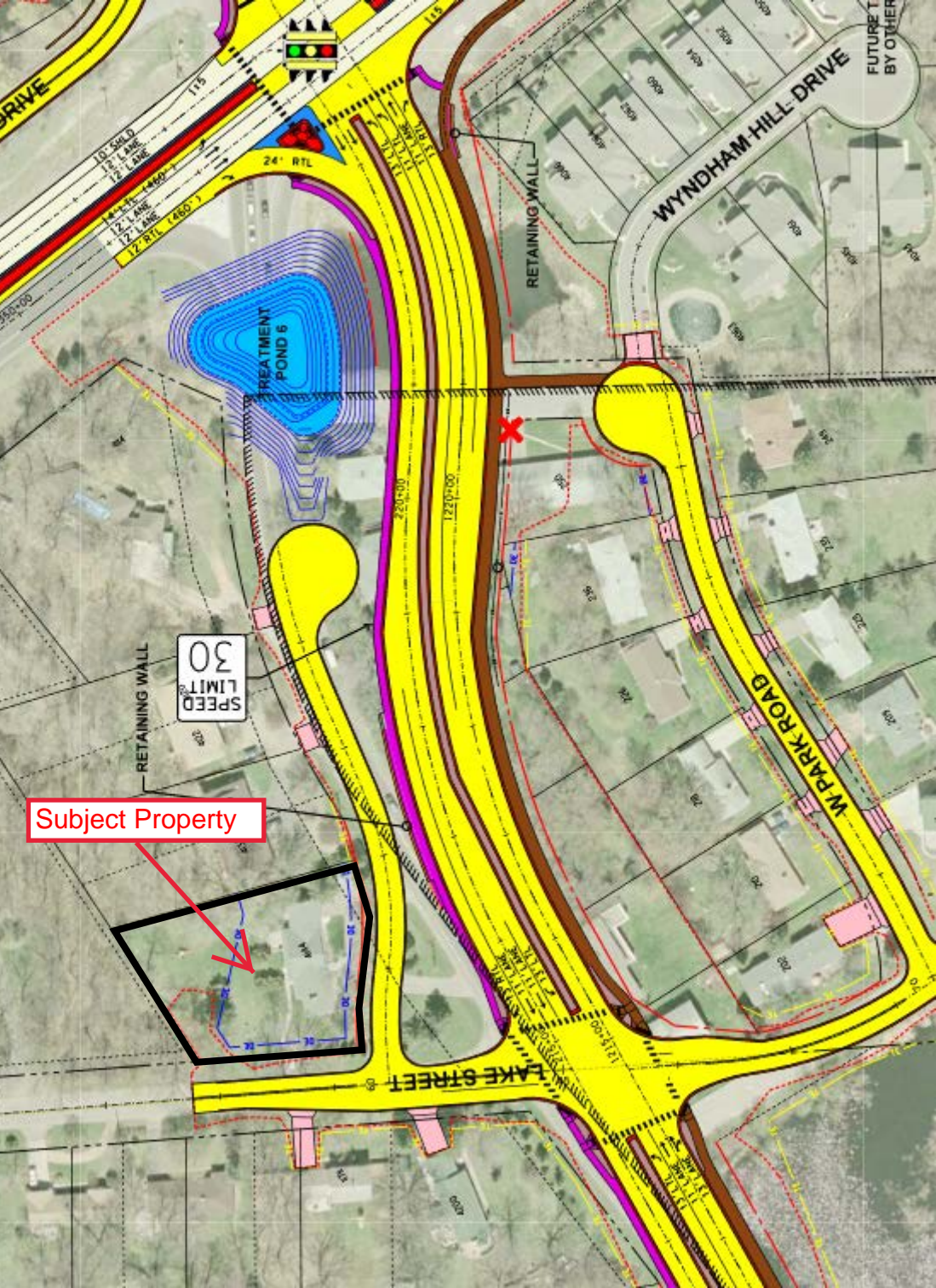
Shady Oak Road

Wyndham Hill Drive

Service Drive

7

61



DRIVE

10' SIDE D
14' L. LANE
12' L. LANE
17' RTL (460')

TREATMENT POND 6

RETAINING WALL
SPEED LIMIT 30

Subject Property

LAKE STREET

WYNDHAM HILL DRIVE

W PARK ROAD

FUTURE T
BY OTHER



14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | eminnetonka.com

To: Planning Commission
From: Loren Gordon, AICP, City Planner
Date: Nov. 14, 2019
Subject: Change Memo for the Nov. 14th Planning Commission Agenda

ITEM 8B – Olshansky Rezoning, 4144 Shady Oak Road

On pages 2 and 3 of the staff report, the buildable area per lot should be changed from 3,786 square feet to 3,420 square feet. In addition, on page 3, the total buildable area for the subject site should be changed from 7,572 square feet to 6,840 square feet.

Henry thought the proposal would look better aesthetically than the current sign. He asked for the reasoning for using black lettering with a white background. Mr. Bjelland stated that Target's graphic on the sign would be Target's final graphic. The individual letters would be four inches in height. The letter colors may change. The coloring is what Target, Inc. was willing to accept. Henry thought different colors would make the sign look better and help drivers find where they are going.

Luke asked if there are similar signs in other locations. Mr. Bjelland stated that there are similar signs in Plymouth, Stillwater, and Fargo. Luke appreciates signs like the proposed one. The way-finding signs are a lifesaver. The proposal is very user friendly and needed in the retail area.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Powers liked the previously-proposed sign, but likes this sign better.

Sewall supports staff's recommendation.

Henry appreciated the thought that went into the proposal. The previous sign was too big. He supports staff's recommendation.

Chair Kirk agreed.

Luke moved, second by Sewall, to adopt the resolution approving an amendment to the 7-Hi Shopping Center sign plan as it pertains to the monument sign at 17790 Hwy 7.

Knight, Luke, Powers, Sewall, Henry, and Kirk voted yes. Hanson was absent. Motion carried.

Chair Kirk stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

C. Rezoning from R-1 to R-2 at 4144 Shady Oak Road.

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

Ingvalson reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Knight confirmed with Ingvalson that changes were made to the right-of-way boundary and property lines during the Shady Oak Road project.

Jessie Johnson, representing the applicant, stated that:

- There was an improvement to the floodplain area which added pipes that continue under the road to the south. The area that the two pipes drain into is 10 feet lower. He visited the site in the spring and there was no water in the bottom of the depression.
- Hennepin County has a new plat of the area, but it does not include the road.
- The land where the structure would be located is flatter than shown from being smoothed out during the Shady Oak Road project.
- He would like to have it built summer of 2020.

The public hearing was opened.

Alaun Pederson, 11801 Lake Street Extension, stated that:

- He opposed the rezoning.
- He wants a single-family house to be constructed, not a duplex.
- The proposal would change the character of Lake Street Extension.
- He was o.k. with development of the vacant lot, but he wants a single-family house with owners who live there and are invested in the area.

Steve Miller and Lynn Melcher, residents of 11910 Lake Street Extension, introduced themselves. Mr. Miller agreed with Mr. Pederson. He stated that:

- They were concerned with the trees and the impact of the building on the watershed.
- This proposal would be closer to their house than the rental properties north of Lake Street Extension.

Ms. Melcher stated that:

- They preferred to keep the neighborhood with single-family residences.
- A rental property would decrease their property value.
- They opposed the rezoning.

No additional testimony was submitted and the hearing was closed.

Wischnack clarified that the city does not prohibit or regulate the rental of a single-family house. Any single-family house owner can rent his or her house. Commissioners are tasked with determining whether it would be appropriate to rezone a property from R-1 to R-2 to allow a single-family dwelling or a two-family dwelling, not whether it would be appropriate to rent a house or not on the site.

Luke confirmed with Ingvalson that the city engineers visited the site and talked with the applicant regarding the stormwater drainage pipes and determined that the buildable area would be adequate.

Henry asked where stormwater would drain. Wischnack noted that the site was landlocked before the pipes were installed. The pipes work as an overflow.

Sewall noted that the neighbors' objections were not about density. Restricting the type of resident who might live there is not in the commission's purview. He supports staff's recommendation.

Luke concurred. She supports staff's recommendation. Whether the dwelling would be rented or not is not within the commission's purview.

Powers stated that the proposal would fit with the characteristics of the area. There is no perfect solution. He supports staff's recommendation.

Henry empathized that change is hard. He could see the Lake Street Extension area being a cohesive neighborhood. The site is located near a major artery, Hwy 7.

Chair Kirk stated that he rented for 12 years and always felt like he was part of the neighborhood. Renting a residence in Minnetonka provides an affordable housing opportunity. He saw two duplexes on a cul-de-sac on Shady Oak Road and it made sense that this site would have a duplex. He supports staff's recommendation.

Knight moved, second by Powers, to recommend that the city council adopt the ordinance rezoning the property at 4144 Shady Oak Road from R-1 to R-2 zoning with modifications provided in the change memo dated Nov. 14, 2019.

Knight, Luke, Powers, Sewall, Henry, and Kirk voted yes. Hanson was absent. Motion carried.

D. Conditional use permit with parking variances for a dental clinic at 14525 Hwy 7.

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

Cauley reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Ryan Coleman, representing Park Dental, the applicant, stated that:

- Park Dental has been a doctor-owned, dental practice since 1972.
- The new space would allow more dental care to take place for the next 30 or more years.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Sewall has always found the site to have ample parking.

Subject: City Council: Olshansky Property proposed re-zoning
Date: Thursday, October 8, 2020 10:07:18 AM

From: a p
Sent: Thursday, October 8, 2020 7:45:04 AM
To: Bradley Schaeppi
Subject: City Council: Olshansky Property proposed re-zoning

Hi Brad,

Thanks for taking the time to chat yesterday. Here's a follow-up on my concerns over the proposed re-zoning of the Olshansky property.

I live directly across the street from this property that is single-family. My neighbors and I feel changing it to a multifamily building will have a negative impact on the character of the street we have built our lives on. My main concerns are:

1. Character. I bought a home in Minnetonka specifically for its larger lot, single-family character. Other communities such as Plymouth or Eden Prairie have extensive multifamily development, and I found those areas to have less character. Commercial real estate is designed to be broadly acceptable rather than unique, and the tenants have no say in the look or feel. Owner-occupied homes reflect the personality of those who live there, and such homes can define a city. Places such as New Orleans have Neighborhood Conservation Districts for this reason. Minnetonka has more to offer in this regard over its neighbors, due to the large wooded lots and single-family nature.
2. Location. This corner lot is facing the entrance to the neighborhood and is the first house visible on the right. It therefore sets the tone for the entire neighborhood for anyone entering, be it prospective homebuyers, realtors, appraisers, or the residents themselves. This is more evident in person rather than looking at an aerial map. We feel rezoning this lot especially falls short of Minnetonka's 2030 guide plan to "...preserve the character of existing neighborhoods."
3. Property Values. A 2004 study concluded that proximity to multifamily lowered values: "...prices tended to fall with proximity to multi-family residential units." Source: <https://www.sciencedirect.com/science/article/abs/pii/S016604620400016X> I found this to be true during my own home search. The lowest priced homes in a neighborhood usually turned out to be immediately adjacent to commercial or multifamily. Homes on a street of only single family homes commanded a higher price. Given equal homes in equal neighborhoods, buyers are choosing the street without multifamily, as they aspire to move on from renting.
4. Property condition/improvements. The economic incentive of a landlord is profit, which is achieved by spending only what's needed on the building to keep tenants from complaining. The

incentive of a homeowner is to not only maintain their property due to a sense of pride and quality of life, but to improve it as an asset. If all houses on a street are seeing investment, values are upheld. If some properties on the street do not receive investment, values stagnate on neighboring properties. We don't see it as a positive to convert our street to commercial properties that will receive less attention and improvement.

5. Resident. We live on this street. We care what happens here, while the developer does not. We don't feel it's appropriate to allow a developer from another town to undermine our home values, change our zoning, and convert our street from single family to commercial real estate, just for his own profit. We feel the city council should represent us, the residents and taxpayers of Minnetonka, first and foremost.

I'm interested to hear your thoughts on the property. Would you be available to stop by and look at it in person? We can social distance outside or you can stop by on your own. I am working from home so anytime is OK, though my neighbors are more available after 5pm.

Thanks,

Alaun Pederson
11801 Lake Street Extension
Minnetonka, MN 55343

Ordinance No. 2020-

**Ordinance rezoning the existing property at 4144 Shady Oak Road from
R-1, low density residential, to R-2, low density residential**

The City Of Minnetonka Ordains:

Section 1.

1.01 The property at 4144 Shady Oak Road is hereby rezoned from R-1, low-density residential, to R-2, low-density residential.

1.02 The property is legally described as:

Tract C, Registered Land Survey No. 1183, Hennepin County, Minnesota.

Section 2.

2.01 This ordinance is based on the following findings:

1. The rezoning would be consistent with the intent of the zoning ordinance and comprehensive guide plan.
2. The rezoning would be consistent with the public health, safety, and welfare.

2.02 Any future development is subject to current code requirements including, in particular, stormwater rules.

Section 3. This ordinance is effective upon payment of any assessments or overdue taxes pending, levied, or delinquent.

Adopted by the city council of the City of Minnetonka, Minnesota, on Oct. 12, 2020.

Brad Wiersum, Mayor

ATTEST:

Becky Koosman, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: Oct. 28, 2019

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on Oct. 12, 2020.

Becky Koosman, City Clerk

City Council Agenda Item #14B
Meeting of Oct. 12, 2020

Brief Description Sustainability Commission Ordinance

Recommended Action Adopt the Sustainability Commission Ordinance

Background

On June 29, 2020, at the city council study session ([packet and materials](#) and [minutes](#)), the city council indicated continued interest in creating a sustainability commission. With this interest expressed, staff has drafted an ordinance that would establish a sustainability commission.

Ordinance Introduction

On Sept. 21, 2020, the city council voted unanimously (7-0) to introduce the sustainability commission ordinance. The report from this meeting is attached. Minutes are not available at this time of this report.

The city council provided preliminary comments to staff regarding a draft sustainability commission ordinance. In general, the majority of the council expressed support for:

- ✓ Establishing a sustainability commission.
- ✓ Staff's recommended commission composition, including:
 - Appointing nine members to serve on the sustainability commission;
 - Appointing members of diverse demographic characteristics, areas of specialty, and geographic location; and
 - Appointing two voting, young adult (under 25 years old) members.
- ✓ Instituting an interdisciplinary role in the sustainability commission.
- ✓ The duties and responsibilities outlined within the draft ordinance.

During the discussion portion of the meeting, the city council and public asked questions and provided comments regarding the proposed ordinance and sustainability commission's role. Below are these questions and staff's responses.

• **Should light pollution be added to the duties and responsibilities of the sustainability commission?**

No. City Code §300.28 Subd.2 already addresses lighting issues. Specifically, this ordinance requires lighting to be "designed and arranged to limit direct illumination" and limits lighting to 0.5-foot candle for residential property and a 1-foot candle for commercial/industrial property. Staff regularly reviews lighting plans as part of the development review to ensure projects are compliant with these requirements.

As lighting requirements are within the zoning ordinance and reviewed as part of development projects, staff believes that the [planning commission](#) and [city staff](#) should continue to review lighting plans, inspect lighting issues, and consider policy/ordinance changes regarding lighting.

- **Why does the ordinance not mention a climate action plan?**

At the June 29, 2020 study session, the city council indicated an interest in creating a sustainability commission. At this same meeting, the city council elected to hold discussions on creating a climate action plan until after a sustainability commission was established, and the city has had an opportunity to review [Hennepin County's Climate Action Plan](#), which is projected to be completed in 2021.

While staff does not believe it is necessary to include, as the word sustainability is inclusive, see other options below.

- **Can the ordinance include climate change or climate change mitigation?**

Staff reviewed the six comparable cities' advisory groups that were closest to a sustainability commission and did not find "climate change" within any of their ordinances or foundational documents. The city is not obligated to follow our comparable cities' ordinances. However, staff does review them when considering Minnetonka ordinance language.

If the city council desires to include "climate change" within the ordinance, staff recommends it be added under "Duties and Responsibilities" (Sec. 145.015), as shown below in red:

1. The commission will review, research, evaluate, develop, and advise the city council on plans, policies, procedures, programs, and practices regarding climate change contributing actions and the sustainable use and management of environmental resources that include air, water, energy, land and ecological resources, recycling and landfill waste, and related sustainability areas not addressed by city code or assigned to another city advisory group.

and/or

6. The commission will review and provide input to the city council on sustainability and climate change mitigation proposals.

- **Why does the sustainability commission have two shared members with the park board and planning commission?**

Staff recommends that the sustainability commission have two members that also serve on the park board and planning commission, one each, to provide consistency and share perspectives between the groups. The council has expressed support for having the sustainability commission partake in the joint-commissions tour, which staff also supports. While joining this tour will help make the new commission familiar with other groups and roles, staff believes that having two shared advisory group positions will help bring sustainability, development, and park perspectives to all commission meetings through:

- Providing a sustainability point of view at the planning commission. While the sustainability commission will not have purview over development or zoning

decisions, this position will ensure that sustainability perspectives are shared during their review.

- Providing a sustainability point of view at the park board. The City of Minnetonka is a major property owner of environmentally sensitive land. The park board considers environmental factors when determining the best use of these properties; however, staff believes it would be beneficial to have a member at these meetings knowledgeable in sustainability commission efforts and goals.
- Providing both planning commission (development) and park board (city property stewardship) points of view at the sustainability commission. Staff believes it would be beneficial if the sustainability commission had members that consider other advisory groups' roles, perspectives, and potential outcomes when determining sustainability initiatives and best practices for the city.

- **Should the ordinance mention greenhouse gas pollution or transportation reduction?**

No. Within the duties and responsibilities section of the proposed ordinance, several environmental resources are mentioned (air, water, energy, land and ecological resources, recycling and landfill waste, and related sustainability areas). One of the areas mentioned is "air." While the ordinance does not specifically mention greenhouse gases or transportation reduction, the sustainability commission's purview would include pollution caused by both of these items, as they are "air" pollution issues.

- **Why does the ordinance not address energy use at low-income/multiple-unit housing, tree planting/native landscapes/rain gardens, or recommend ways to reduce the city's carbon footprint/greenhouse gases and improve air quality?**

All of these areas are important and deserve to be addressed. However, specific work areas and strategies should be addressed within specific work plans or initiatives, not an ordinance outlining the *role* of the sustainability commission.

Under the draft ordinance, these areas would be within the sustainability commission's purview through the environmental resources mentioned in the duties and responsibilities section of the ordinance (as long as another advisory group does not address them):

- Low-income and multi-family housing (energy);
- Tree planting/native landscapes/rain gardens (land, water, and ecological resources);
- Carbon footprint/greenhouse gases (air and energy); and
- Air quality (air).

Mentioning each of these specific items within the ordinance would be duplicative. Instead, it would be more appropriate to address these specific areas in annual work plans or efforts made by the sustainability commission or city staff. For instance:

- The existing [Energy Action Plan](#) has multi-family buildings as a focus area. This plan also has multiple strategies to reduce greenhouse gases, which would improve air quality. Amendments to this plan would be within the purview of the sustainability commission.

- The city already holds an annual tree sale; however, the sustainability commission could assist with further promotion (example: tabling at events) or tree planting goals.

- **Why does the sustainability commission not require monthly meetings?**

The proposed ordinance requires that the sustainability commission meets “not less than once every other month,” or at least six times per year. Staff believes that this should be the minimum amount of times the commission meets and will ensure a full agenda for each meeting. However, the ordinance would allow monthly meetings to occur if the commission’s amount of work required additional meetings.

- **Are there other examples of work that the sustainability commission could do?**

A few additional work examples, beyond those shared in the Sept. 21, 2020 council meeting, may include:

- Policies. An example policy could require land use applicants to complete a worksheet prepared by the sustainability commission that would review the new development’s opportunities to include sustainable practices. The council could review these worksheets as part of their consideration for multi-family, office, industrial, or commercial projects (privately funded and/or city assisted). Potential worksheets could include:
 - Electric vehicle charging stations;
 - On-site solar energy; or
 - Off-site renewable energy purchasing.
- Recognition. The sustainability commission could help determine city recognition options:
 - Opportunities (small/large business, residential, institutional, etc.); and
 - Parameters (renewable energy subscriber, on-site solar owner, green construction project, electric vehicle charging station, etc.).
- Goals. The commission could determine various goals and assist in creating plans to achieve these goals. Goal creation and plans would need to be reviewed and approved by the city council. Some example goals include:
 - Greenhouse gas reduction (Energy Action Plan and future Climate Action Plan);
 - Percent of housing within X miles of a bike path;
 - Tree canopy coverage;
 - Electric vehicle charging stations availability, or
 - Other items within their purview.
- Ambassador. An important role of the sustainability commission will be to serve as an ambassador to the community. Staff foresees members of the commission serving as ambassadors at the Farmer’s Market, City Open House, Home Remodeling Fair, and other city-hosted events. Tabling at these events could include, but is not limited to, updating the public on sustainable opportunities, such as:
 - Organics and recycling;

- Rain barrel use;
- Adopt-a-drain program;
- Renewable energy (on-site and off-site);
- Energy use practices;
- Electric vehicles; or
- Tree planting.

• **Can the city council request items be reviewed by the sustainability commission?**

Yes. At their sole discretion, the city council could request that the sustainability commission review items not directly within their duties and responsibilities (as defined by the ordinance). However, staff would not recommend that the city council request that the sustainability commission review time-sensitive requests, such as private development projects.

• **Can non-Minnetonka resident young adults serve on the sustainability commission?**

No. The ordinance clearly states that “all members must be residents of the city of Minnetonka.” The city will be recruiting student applications from multiple area high schools (Hopkins, Minnetonka, Wayzata, Independent School District 287, Eagle Ridge Academy, Lions Gate Academy, and Minnetonka Christian Academy). Staff is aware that some students at these schools do not reside in Minnetonka, so messaging to these schools will always note that applicants must be Minnetonka residents.

• **How will the city conduct outreach for the sustainability commission?**

Staff has created an outreach plan for both adult and young adult (under 25 years old) members. A document is attached with a timeline and list of groups that the city plans to contact to ensure that the city receives a diverse and qualified field of applicants for the sustainability commission.

Recommendation

Staff recommends the city council adopt the sustainability commission ordinance.

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

Originator: Drew Ingvalson, Planner

TIMELINE

- Sept. 21st – City Council Ordinance Intro
- Oct. 12th – City Council 2nd meeting
- Nov. and Dec - Sustainability Commission Recruitment
- Jan. – Sustainability Commission Interviews
- Feb. – Sustainability Commission Training
- March - First Sustainability Commission meeting

SUSTAINABILITY COMMISSION MEMBER RECRUITMENT

City Outlets

- City Website
- Minnetonka Memo
- Social Media (Facebook, Instagram, Twitter, NextDoor)
- Email Various Subscriber Groups (14)
 - o Latest News, Volunteer Opportunities, Media, Business News and Updates, Sustainable Minnetonka, Partners in Energy, Natural Resources News and Events, City Council, EDAC, Park Board, Planning Commission, EDA, Senior Advisory Board, Senior Services Information
 - All together these emails would reach 7,403 subscribers
- Email Additional Interested City Groups
 - o Citizen's academy
 - o Natural resources volunteer group
 - o Faith-based community leaders

External Outlets

- Newspapers
 - o Sunsailor
 - o Lake Minnetonka Magazine
- Environmental Newsletters/Blogs/Social Media
 - o Sierra Club (North Chapter)
 - o Midwest Energy News
 - o Minnesota Environmental Partnership
- Environmental Groups
 - o Minnetonka Climate Initiative
 - o Great Plains Institute
 - o Alliance for Sustainability
 - o Energy Action Team

Youth Outreach

- Hopkins High School Clubs (15)
 - o Black Student Union
 - o Democrats Club
 - o Earth Club

- Envirothon Club
- Fellowship of Christian Athletes
- Feminist Club
- Gender Sexuality Alliance (GSA)
- Girls United MN
- HopCares
- Hopkins YAF (Young Americans for Freedom)
- Jewish Student Union
- Latinos Unidos
- Model UN
- National Honor Society
- Mountain Biking
- Minnetonka High School Clubs (11)
 - Earth Club
 - Envirothon
 - Men of Color
 - Women of Color
 - Muslim Student Association
 - Jewish Student Union
 - Gender Sexuality Alliance (G.S.A.)
 - Feminist Club
 - Fellowship of Christian Athletes (FCA)
 - National Honor Society
 - Mountain Biking Club
- Wayzata High School Clubs (10)
 - Club Y.E.S.
 - Dare2BeReal
 - Future Problem Solving
 - Gender Sexuality Alliance
 - Model United Nations
 - National Honor Society
 - Science Bowl
 - Science Olympiad
 - TED-Ed
 - Mountain Biking
- Eagle Ridge Academy Clubs (2)
 - Club Terra
 - National Honor Society
- District 287
- Lions Gate Academy
- Minnetonka Christian Academy

Good evening Mayor Wiersum and City Council members,

Congratulations on reaching Step 5 of the GreenStep program! And, thank you for this opportunity to speak on behalf of Minnetonka Climate Initiative regarding the ordinance to establish a Sustainability Commission (or “SC”) in Minnetonka. We are so grateful for your commitment to create this new group that will add another way to improve the quality of life for Minnetonka residents.

The ordinance expresses our common purpose and intentions, and we support it.

We would like to propose some modifications to the draft ordinance, as follows:

Purpose. Sustainability activities are generally well listed in section 145.015 of the ordinance. However, we believe the following changes will clarify what sets the SC apart from other Minnetonka commissions so that the purpose of this new commission is clear to residents.

We ask first that the list of duties in the chart on page 137 includes developing a climate action plan and reducing greenhouse gasses through energy conservation and renewable energy. This would be consistent with other cities such as EP and Edina.

We propose edits to section 145.015 of the ordinance as follows:

In section 1: replace “energy” with “energy conservation and greenhouse gas reduction, including the transportation sector,”

Add to section 2 at the end, “with a commitment to addressing all areas of the community, including multiple unit housing and initiatives that include lower income families.”

Add to section 6 at the end:

“such as the following:

- a) energy conservation best practices for residences and businesses, increased use of renewable energy sources and other methods to reduce the city’s carbon footprint;
- b) promote tree planting, native landscapes, rain gardens and other techniques;
and
- c) recommend ways to reduce greenhouse gas emissions and improve air quality.”

Add section 9: The SC will advise the City Council on all policies and projects relating to Air, Water, Waste, and Land. The SC will look at matters through an environmental lens and will research and advise on policy and ordinances such as the recently revised lawn ordinance, the tree ordinance, and best practices to reduce adverse ecological impacts, for example use of biodegradable erosion mesh so wildlife doesn't get caught and not parking construction equipment on tree root zones.

Committee members. We appreciate the reduction from 3 to 2 commissioners from existing Minnetonka commissions, yet still believe that 11 members would better support the city's efforts to bring diversity to the commission. Because the SC will work on so many areas that could benefit from subject matter expertise, such as improving water, air, land, recycling and composting, energy use and sources as well as racial equity and community engagement, we feel 11 members would enable the city to include subject matter experts in as many areas as possible and to recruit a more diverse representation from our community. We propose a minimum 9-person and maximum 11-person commission.

Meeting frequency. We suggest that monthly meetings would support a more effective commission and would be consistent with meeting frequency of other Mtka commissions, which meet either once or twice a month.

Student members. There are some inconsistencies between the ordinance charts on pages 140 and 171 of tonight's council packet regarding student eligibility. Wording on page 171 requires Minnetonka residency yet includes students enrolled at Mtka, Hopkins and Wayzata school districts; it also lists some private schools on page 140. Students attending these schools may not all live in Minnetonka.

On behalf of MCI, thank you so much for your time and sincere effort to do what is right for Minnetonka's future generations. Please let me know if you would like a written version of these comments.

Eleanor Dvorak
5708 Scenic Drive
Minnetonka 55345



**City Council Agenda Item #12
Meeting of Sept. 21, 2020**

Brief Description Sustainability Commission Ordinance

Recommended Action Introduce the ordinance and provide preliminary comments

Background

The City of Minnetonka has a long history of discussing and acting on sustainability opportunities. These discussions have led to new initiatives such as participating in [GreenStep Cities](#), committing to [100% subscription to community solar gardens](#), and creating an [Energy Action Plan](#) through Xcel Energy’s Partners in Energy Program. At the June 29, 2020, city council study session ([packet and materials](#)), the city council indicated continued interest in creating a sustainability commission. With this interest expressed, staff has drafted an ordinance that would establish a sustainability commission.

Comparable Cities

To better understand the sustainability efforts of other communities, staff researched which cities have a sustainability/environmental/energy advisory group. Staff found that half of the 12 comparable cities in the metro area have this type of advisory group. These advisory groups’ names, focus, duties, and membership structures vary from community to community. However, some commonalities between these advisory groups include:

- Focus areas around energy, air, water, waste, and land resources.
- A mission to advance city plans and goals.
- Providing review and recommendation of city policy, programs, and practices that relate to sustainability.
- Serving as a city ambassador and engaging the community.
- Having at least two young person memberships.

Comparable City	Sustainability, Environmental, or Energy Advisory Group?
Apple Valley	No
Bloomington	Yes
Brooklyn Park	No
Burnsville	No
Eagan	Yes
Eden Prairie	Yes
Edina	Yes
Lakeville	No
Maple Grove	No
Plymouth	Yes
St. Louis Park	Yes
Woodbury	No
Total	6 out of 12
<i>Minnetonka</i>	<i>No</i>

The next two pages provide more detail on comparable cities’ advisory groups. The specific ordinances and resolutions establishing other cities’ advisory groups are attached to this report.

Comparable Cities' Advisory Groups Chart

Comparable City	Advisory Group	Focus Areas	Duties and Responsibilities	Number of Members	Membership Requirements	Meetings per year
Bloomington	Sustainability Commission	Sustainability and Environmental Resources: <ul style="list-style-type: none"> Air Water Energy Land and Ecological Resources, and Waste 	<ul style="list-style-type: none"> Advise city council on sustainable policies and practices Serve as a resource to advisory groups Act as a change agent Engage community Submit annual work plan to city council 	Total: 11 <ul style="list-style-type: none"> 8 at large 1 city council member 2 students (voting) 	Majority shall be technical experts in sustainability	12
Eagan	Energy and Environment Advisory Commission	Environmental Sustainability and Energy Conservation: <ul style="list-style-type: none"> Water Air Soil Energy Waste 	<ul style="list-style-type: none"> Recommend initiatives to city and constituents Recommend partnership and stakeholder opportunities 	Total: 7 (voting) <ul style="list-style-type: none"> 7 at large 1 alternate if a regular member is absent 	None	6
Eden Prairie	Sustainability Commission	Sustainable Development and Conservation: <ul style="list-style-type: none"> Air Water Land Resources Waste Energy 	<ul style="list-style-type: none"> Advise the city council on sustainability policies and practices Recommend energy and natural resource initiatives Serve as a liaison at community events Provide feedback from the public Educate the community 	Total: 9-13 <ul style="list-style-type: none"> 5-9 at large 4 students (non-voting) 	None	12
Edina	Energy and Environment Commission	Environmental Protection: <ul style="list-style-type: none"> Solid Waste Energy Air Water 	<ul style="list-style-type: none"> Recommend energy conservation best practices Evaluate and monitor recycling and solid waste programs Educate and promote sustainability initiatives to the public 	Total: 11 <ul style="list-style-type: none"> 9 at large 2 students (non-voting) 	None	12
Plymouth	Environmental Quality Committee	Natural Environment <ul style="list-style-type: none"> Water Quality Wetland Ground water Solid waste Recycling and reuse Ecological resources 	<ul style="list-style-type: none"> Become familiar with state statutes, federal regulations, agency, rules, and city ordinances Review related data from regulatory agencies on environmental issues. 	Total: 7 <ul style="list-style-type: none"> 1 from each ward (4) 3 at large 	None	12

		<ul style="list-style-type: none"> • Soil erosion • Pollution (air, noise, and light) 	<ul style="list-style-type: none"> • Review and recommend environmentally-related city policies and ordinances • Recommend actions to the city council for consideration in a budget that preserves natural environment 			
St. Louis Park	Environment and Sustainability Commission	Environment and Sustainability	<ul style="list-style-type: none"> • Provide recommendations on city goals, policies, and programs • Provide advice and assistance to city council and staff on sustainability issues • Provide leadership to other city commissions • Elicit community feedback • Spread environmental and sustainability information to community • Establish work groups for focused work • Submit annual work plan 	Total: 13 <ul style="list-style-type: none"> • 11 at large • 2 youth (voting) 	Must be quailed voter and resident of city (except business owners/ reps) City council should ensure rep. from each ward Preference given to business and rental communities Youth shall reside in city and be in high school	12

Proposed Sustainability Commission Ordinance

Based on city council comments at the June 29, 2020 study session, best practices from comparable cities, and review of existing City of Minnetonka advisory groups, staff has created a draft sustainability commission ordinance. The chart on the following page provides an outline of the proposed sustainability commission. The full sustainability commission ordinance can be found attached.

Purpose	Duties and Responsibilities	Member Composition, Requirements, and Terms	Meetings	Procedure and Staff Liaison
<p>Advise City Council on sustainable development and conservation of resources, including:</p> <ul style="list-style-type: none"> • Air, • Water, • Energy, • Land and ecological resources • Waste, and • Related sustainability areas. <p>Promote the city's sustainability goals to ensure:</p> <ul style="list-style-type: none"> • These resources will be sustained; and • A high quality of life for present and future generations of Minnetonka. 	<p>City Organization</p> <ul style="list-style-type: none"> • Advise city council on plans, policies, procedures, programs, and practices relating to sustainable use and environmental resources, not addressed by city code or assigned to another city advisory group • Serve as a resource for city advisory groups • Submit an annual work plan to city council • Perform additional duties as assigned by the city council. <p>Community</p> <ul style="list-style-type: none"> • Serve as an ambassador to the community • Provide community feedback on sustainability initiatives • Cultivate relationships with community groups 	<p>Total Members: 9</p> <ul style="list-style-type: none"> • Five at large • Two young adults (under 25 years old), one must be in high school • Two commissioners from Park Board and Planning Commission (one each) • Member composition shall have diverse backgrounds, areas of specialty, and geographic living locations <p>Member Requirements</p> <ul style="list-style-type: none"> • Must be Minnetonka resident • Must be appointed by the mayor and confirmed by the city council <p>Terms</p> <ul style="list-style-type: none"> • At large members <ul style="list-style-type: none"> ○ Staggered two-year terms ○ Term begins on Feb. 1 • Young adult members <ul style="list-style-type: none"> ○ One year terms ○ Term begins on July 1 • Term max: 8 years 	<p>Hold meetings at least once every other month (6 per year)</p> <p>Time and place determined by the chairperson or majority of SC</p>	<p>SC shall appoint a member as chairperson and vice-chairperson</p> <p>SC may hold subcommittee meetings as appropriate</p> <p>SC may adopt bylaws or rules</p> <p>Staff Liaison shall be appointed by the city manager</p>

Sustainability Commission's Role

If a sustainability commission is established, it is important to define the group's role and duties. It is also important that the commission duties do not overlap with existing advisory groups' responsibilities (defined by city code or resolution). Below are five hypothetical scenarios to help clarify the proposed sustainability commission's purview.

Park Facilities

- Scenario: The city is considering adding new buildings within a city park. The construction of the new facilities would involve tree removal and grading within a native grass area.
- SC's Purview: **No**. City parks provide an important habitat, public, and environmental resource for our community. However, city code (Sec. 125.020) states that the park board will consult and advise the city council on "matters relating to park lands, park facilities, programs, and finances." As such, the *park board* would be assigned to review the request and provide a recommendation to the city council.

A conditional use permit would be required if the building exceeded 1,000 square feet. Per city code, this item would be reviewed by the *planning commission* for a recommendation, and the city council would provide the final decision.

Voluntary Building Benchmarking Program

- Scenario: The city council has expressed interest in creating a new program where businesses could voluntarily provide energy data to better understand their energy use and learn about ways to reduce their energy consumption (similar to St. Paul's [Race to Reduce](#)).
- SC's Purview: **Yes**. The city council could direct the sustainability commission to:
 - o Review other cities' benchmarking programs,
 - o Research the benefits, costs, and outcomes of establishing this new program,
 - o Discuss the idea with building owners; and
 - o Provide a recommendation to the city council.

Plastic Bag Ordinance

- Scenario: City Council is interested in exploring a new ordinance that would limit or prohibit plastic bags from being provided at businesses within the city.
- SC's Purview: **Yes**. The city council could direct the sustainability commission to:
 - o Review other cities' plastic bag ordinances,
 - o Research community and environmental outcomes of potential plastic bag ordinances, and
 - o Provide a recommendation to the city council to keep the existing ordinance or adopt a new ordinance.

Public Trail that requires a Wetland Alteration Permit:

- Scenario: The city has received a request from the Three Rivers Park District to extend a trail near a wetland. The trail construction requires a wetland alteration permit.
- SC's Purview: **No**. This item would not be within the sustainability commission's purview. The wetland protection ordinance (Sec. 300.23) is located within the zoning chapter of the city code. By city code, the *planning commission* is required to conduct a public hearing, review the request, and provide a recommendation to the city council.

Development request:

- Scenario: The city has received a request to build a 400 unit, 5 story apartment building. The building requires various permits, plat review, environmental assessment worksheet, and city property acquisition (former right of way purchase).
- SC's Purview: **No**. This item would not be specifically within the sustainability commission's purview. Development requests and any related applications are required to be reviewed under the zoning ordinance, which is required to be reviewed by the *planning commission*. The commission, in turn, provides a recommendation to the city council.
- Potential SC's Purview: Prior to this application, the sustainability commission could develop a common checklist for any multi-family building request to consider before construction or developing sustainability materials for eventual tenants of the building.

Sustainability Commission Items

The commission's immediate work could involve:

- Immediate Items (2021)
 - o Create a work plan
 - Submit a work plan for 2021 to the city council for review and approval.
 - o Assist with [Energy Action Plan](#) initiatives
 - Assist with public outreach of available renewable energy programs (strategy 1) and energy efficiency rebate programs (strategy 5)
 - Solicit applicants for recognition of upgrades to their homes (strategy 7)
 - Serve as an ambassador at city events (strategy 7 and 9)
 - Solicit applicants for recognition of supporting renewable energy (strategy 12)
 - Assist in creating tactics, strategies, and goals for medium and long-term focus areas of the Energy Action Plan
- Potential Future Work (2021-beyond)
 - o Energy Action Plan
 - Provide assistance with medium and long-term focus area strategies
 - o Climate Action Plan (if deemed appropriate by the city council)
 - Review Hennepin County's efforts and evaluate the city's integration into this work.
 - Assist with creation by attending meetings, tabling for comments, etc.
 - o Assist with public outreach for new sustainability initiatives or opportunities

SC Member Recruitment

Assuming the ordinance is adopted in Oct. 2020, the city would then be able to share the final ordinance with potential candidates for the commission. The recruitment would occur in Nov. and Dec. 2020, with interviews occurring in Jan. 2021. A review of the specific details of the recruitment process will be reviewed at the October study session.

City staff has outlined an enhanced recruitment effort to ensure that the city receives a diverse and qualified field of applicants for the sustainability commission. The city will continue with its traditional recruitment strategies:

- City website advertisement
- Notice in the Minnetonka Memo
- Posting on NextDoor
- Postings on various city social media outlets (Facebook, Twitter, Instagram)

In addition to these recruitment efforts, the city will also send notices to:

- Various city email subscription groups, including but not limited to Sustainable Minnetonka, Partners in Energy, nature resources news (totaling over 7,400 subscribers)
- Citizen Academy participants, natural resource volunteers, and faith-based community leaders
- News outlets (Sunsailor and Lake Minnetonka Magazine)
- Alliance for Sustainability
- Great Plains Institute
- Minnetonka Climate Initiative

City staff also plans on sending notices to the groups below to ensure a large field of young adult applicants is received.

- Hopkins High School Clubs (15)
- Minnetonka High School Clubs (11)
- Wayzata High School Clubs (7)
- Independent School District 287
- Eagle Ridge Academy
- Lions Gate Academy
- Minnetonka Christian Academy

Staff Recommendation

The purpose of introducing an ordinance is to give the city council the opportunity to review the ordinance before bringing it back for a final decision. Introducing an ordinance does not constitute an approval. Staff has tentatively scheduled to bring this item back to the city council for a final review in Oct. 2020, depending on council comments.

Staff recommends the city council introduce the sustainability commission ordinance and provide preliminary feedback on the proposed ordinance and the member recruitment plan.

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

Originator: Drew Ingvalson, Planner

SECTION 125. PARK BOARD.

125.005. Park Board.

There is hereby continued, as heretofore created, a park board for the city of Minnetonka, which board shall be known and designated as the park, recreation, and leisure time activities board and shall consist of 7 voting members who shall be appointed as follows:

1. three members, one to be appointed from each school district serving Minnetonka, those being the Hopkins, Minnetonka and Wayzata school districts; and
2. four members, or such other number as may be required to fill the entire membership of the board to be appointed from the city of Minnetonka at large, taking into account insofar as possible geographic representation from all areas of the city with particular attention to the ward boundaries of the city.

125.010. Eligibility.

Members must have been a resident of the city of Minnetonka for a period of not less than one year prior to the date of their appointment.

125.015. Appointment Procedure and Term.

All members shall be appointed by the mayor with the approval of the city council. The terms of the at-large members shall commence February 1, 1983 for two-year terms expiring on January 31st of each successive odd year. The three school district members' terms will commence on February 1, 1984, and be for two-year periods expiring on January 31st of each successive even year. All unexpired terms shall be filled for the remainder of the unexpired term only. Any member may be removed by the mayor, with the approval of the city council, for misconduct or neglect of duties. The mayor with the approval of the city council shall make such interim appointments as necessary to maintain membership at 7 persons, prior to commencement of the staggered terms described above.

125.020. Duties.

1. The park board will consult with the city council and the staff and be advisory to the city council in matters relating to park lands, park facilities, programs, and finances. This shall include short- and long-range planning related to capital improvement projects, the acquisition, development, and use of park lands, park facilities, recreational and leisure time facilities, and matters of policy relating to park lands, park facilities and recreational programs.
2. The park board may, from time to time, meet with various groups on matters relating to park and recreation activities.
3. When convened as the park board, the board shall make its foremost concern the park lands and park facilities of the city of Minnetonka, through the recommendations to the city council of policies pertaining thereto.
4. The park board shall annually, at its first meeting in February, select one of its members to be its chairperson.
5. As designated by the park board, six of the members of the park board shall also represent the city of Minnetonka on a joint recreation board heretofore established between the cities of Hopkins and Minnetonka. In this capacity, the members shall direct their primary attention to the recreation programs and activities developed and offered through the joint board, and make

recommendations to the city council through the joint board concerning policies pertaining to the recreation programs and activities.

125.025. Meetings.

The park board shall meet as necessary, but not less than once every three months, at a time and place designated by the chairperson of the park board, or at a time and place mutually agreeable to the majority of the board.

125.030. Compensation.

The city council may, from time to time, fix compensation for the members of the park board and provide for the payment of expenses incurred in connection with carrying out the duties and functions of the board.

SECTION 130. SENIOR CITIZENS ADVISORY BOARD.

130.005. Senior Citizen Advisory Board.

The senior citizen advisory board for the city of Minnetonka will consist of fifteen members to be appointed by the mayor with approval of the council.

130.010. Appointment and Term.

Terms will be for two years expiring on January 31st. Seven members will be appointed in even-number years, and eight members will be appointed in odd-numbered years. The terms of members appointed prior to the effective date of this section will be extended from a term expiring on May 31st to a term expiring on January 31st.

A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

(Amended by Ord. 2018-12, effective Oct. 13, 2018)

130.015. Duties.

The senior citizen advisory board will:

1. advise the city council about the needs and status of senior citizens in the city;
2. recommend to the city council ways in which the needs of senior citizens may be met;
3. determine and assess existing resources in the city that may be utilized by senior citizens to meet their needs;
4. evaluate proposed programs, grants and other governmental activities that may impact on senior citizens in the city;
5. recommend policies, goals and objectives for the operation of the Minnetonka senior center to the city council; and
6. work cooperatively with the city staff and the senior coordinator in the operation of the senior center and implementation of its goals and objectives.

130.020. Officers.

The senior citizens advisory board may adopt by-laws providing for the election of officers and appointment of committees.

130.025. Rules.

The senior citizens advisory board must adopt rules governing its organization and procedures.

130.030. Meetings.

The senior citizens advisory board will meet at least once each month at a time and place designated by the chairperson of the senior citizens advisory board or at a time and place mutually agreeable to a majority of the board.

130.035. Relationships.

The senior citizens advisory board reports directly to the city council.

SECTION 300.04. PLANNING COMMISSION.

1. Establishment.

A planning commission of seven members is established and will constitute the planning agency of the city. Members of the planning commission must be residents of the city and will be appointed by the mayor and confirmed by the city council. Members will serve staggered terms of two years and may be removed by a vote of two-thirds of the full city council. Members will hold office until their successors are appointed and qualified, not to exceed an additional 90 days.

2. Powers and Duties.

The planning commission shall have such powers and duties as may be conferred upon it by statute, charter or ordinance. The planning commission's actions shall be advisory to the city council except with regard to those matters in which its decisions are final but subject to appeal to the city council. In addition, the planning commission shall have the power:

- a) to hear requests and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of this ordinance; and
- b) to hear requests for variances from the literal provisions of this ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this ordinance.

3. Procedures.

The planning commission shall elect from among its members such officers as it may deem appropriate. The planning commission may adopt bylaws or rules for the conduct of its business.

4. Staff Liaison.

The city planner shall serve as liaison between the planning department and planning commission. The city planner shall prepare reports and information for the planning commission, attend its meetings and participate in hearings and discussions held by the commission but shall not vote on any item before the planning commission.

5. Actions.

The planning commission shall make recommendations to the city council or decisions on items before it within a reasonable time or such time as shall be prescribed by statute, charter or ordinance. Failure by the planning commission to make a recommendation or decision within the required period shall be deemed to be a denial if the delay is appealed by the applicant. The planning commission may condition its recommendations or approval in order to effect the intent of this ordinance. The planning commission shall accompany its decision to deny an application with a statement of its findings regarding the matter. The planning commission shall serve a copy of any decision in which its action is final upon the applicant by mail.

6. Appeals.

- a) Any person aggrieved by a decision of the planning commission regarding an application on which the decision of the planning commission may be final may appeal such decision to the city council. The appeal shall be submitted in writing within 10 days of the date of the decision or

the decisions stands. Upon appeal, the city council shall consider the request within 90 days unless an extended period is agreed with the appellant. The city council may reverse the decision of the planning commission by an affirmative vote of two-thirds of its full membership.

b) A person aggrieved by a decision of the city planner or the city engineer that is made under the authority of this ordinance may appeal such decision to the planning commission. The appeal must be submitted in writing within 10 days of the date of the decision. A person aggrieved by a decision of the planning commission regarding such appeal may appeal the decision of the planning commission to the city council. The appeal must be submitted in writing within 10 days of the decision. The city council may reverse the decision of the planning commission by an affirmative vote of at least two-thirds of its full membership.

c) In any matter in which the planning commission's decision is not final but is a recommendation to the city council, the city council may adopt, modify or reject the recommendation of the planning commission by vote of a simple majority of those present, unless otherwise required by this ordinance.

d) A person aggrieved by a final city decision made under this chapter 3 may seek judicial review by filing an action with the Hennepin County District Court within 60 days after the date that the city provides written notice of the final decision to the applicant.

e) Any applicant who obtains a building permit, starts construction, begins a use in reliance upon the decision of the planning commission, or any combination of those activities, prior to the termination of the appeal period, assumes the risk that the decision may be reversed upon appeal. When an appeal is received by the city the applicant will be notified of the appeal and informed as to the date of the city council meeting where it will be heard.

(Amended by Ord. 2012-07, adopted June 25, 2012, Ord. #2004-24, adopted August 23, 2004; amended by Ord. #2001-15, adopted May 21, 2001; amended by Ord. 2020-04, adopted April 20, 2020)

RESOLUTION NO. 2010-022

RESOLUTION ESTABLISHING AN ECONOMIC DEVELOPMENT ADVISORY COMMISSION

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. **Background.**

1.01. In 1988, the city council established an Economic Development Authority, whose commissioners consisted of a combination of city council members and citizen representatives.

1.02. The city council has decided that it is in the public interest to reconfigure the Economic Development Authority to have city council members serve as the commissioners.

1.03. The city council recognizes that there is significant benefit in having citizen representatives provide expertise and advice to the city council in the area of economic development and related subjects.

Section 2. **Creation of an Economic Development Advisory Commission.**

2.01. The city council hereby establishes an Economic Development Advisory Commission ("EDAC").

2.02. The EDAC will consist of seven voting members who reside in the city, work in the city, or own a business in the city, and will be, to the extent practicable:

- One member with a legal background
- One member with a finance background
- One member with a development, architectural or real estate background
- One member with a social service/non-profit or housing background
- One member with a planning background
- Two members that are at-large.

2.03. In addition, the city council will chose one city council member and an alternate city council member to be a non-voting member of the EDAC and act as a liaison between the city council and the EDAC.

2.04. EDAC members will be appointed by the mayor and confirmed by the city council. The initial appointment will have four members serving two-year terms and three members serving one-year terms. Thereafter, all members will serve two-year terms. No member may serve more than eight consecutive years. Any member may be removed by the mayor, with the approval of the city council, for misconduct or neglect of duties.

2.05. The chair and vice-chair of the EDAC will be appointed annually by the mayor, with confirmation by the city council.

2.06. The EDAC will advise the city council on the following topics and other topics designated by the city council:

- Redevelopment
 - Redevelopment in redevelopment areas and other locations
 - Property acquisitions in redevelopment areas
 - Implementation of comprehensive plan objectives

- Development/Finance
 - Tax increment and tax abatement financing
 - HRA levy and budget
 - Development Account & Livable Communities Account budgets
 - City-initiated development projects, including soliciting proposals from potential developers

- Housing
 - Community Development Block Grant allocations
 - Affordable and modest price housing programs
 - Homebuyer and home rehabilitation programs


- Transportation
 - Light rail and bus transit operations
 - Compliance with state law for street reconstruction

2.07. The city council will set work plans annually identifying key objectives for the EDAC for the upcoming 24 months. These plans will direct the EDAC's activities.

2.08. The EDAC may establish subsidiary work groups or task forces that include non-members of the EDAC to examine a specific topic in more detail.

2.09. The EDAC will meet as necessary to accomplish its duties.

Adopted by the city council of the City of Minnetonka, Minnesota, on March 8, 2010.



Terry Schneider, Mayor

ATTEST:



David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption: Wagner

Seconded by: Wiersum

Voted in favor of: Hiller, Wagner, Ellingson, Allendorf, Greves, Wiersum, Schneider

Voted against:

Abstained:

Absent:

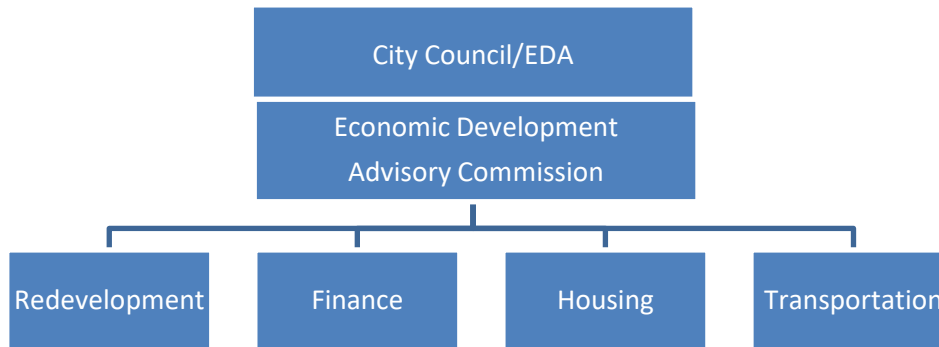
Resolution adopted.

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 March 8, 2010.

David E. Maeda, City Clerk

EDAC RESPONSIBILITIES

- Redevelopment
 - Redevelopment legal documents and contracts
 - Redevelopment around light rail stations
 - Implementation of comprehensive plan village center planning
- Development Finance
 - Tax increment and tax abatement financing
 - HRA levy and budget
 - Development Account & Livable Communities Account budgets
- Housing
 - Community Development Block Grant allocations
 - Affordable housing programs
 - Homebuyer and home rehabilitation programs
- Transportation
 - Light rail and bus transit operations
 - Compliance with state law for businesses and street reconstruction



Bloomington: <https://codelibrary.amlegal.com/codes/bloomington/latest/overview>

DIVISION H: SUSTAINABILITY COMMISSION

§ 2.86.01 PURPOSE.

The purpose of the Sustainability Commission shall be to advise the City Council on policies and practices that relate to the sustainable use and management of environmental resources that include air, water, energy, land, and ecological resources, and waste.

The Sustainability Commission will help to ensure that such resources will be sustained and continue to provide for a high quality of life for present and future generations of Bloomington.

(Ord. 2017-15, passed 5-22-2017)

§ 2.86.02 DUTIES AND RESPONSIBILITIES.

The Commission shall:

(a) Collaborate with city staff to review, evaluate, develop, and advise the City Council on policies and practices regarding the sustainable use and management of environmental resources that include air, water, energy, land and ecological resources, and waste;

(b) Act as change agent, coordinator and educator for policies, procedures and proposals that relate to environmental sustainability;

(c) Engage with the Bloomington community and serve as a community liaison for issues, ideas, and proposals and provide appropriate feedback;

(d) Cultivate relationships with residents, community groups, businesses, institutions of higher learning, faith based organizations, outside government bodies, and non-governmental institutions;

(e) Serve as a resource for other Bloomington commissions, boards, committees, and task forces on any issues related to sustainability;

(f) Adopt criteria and processes for making decisions about the use of resources and selection of sustainability projects;

(g) Review sustainability proposals and make recommendations; and

(h) Submit written annual work plans and progress reports to the City Council.

(Ord. 2017-15, passed 5-22-2017)

§ 2.86.03 MEMBERSHIP.

The Sustainability Commission shall consist of 11 members, including at least two young adults. The majority of the members shall be technical experts in one or more of the areas of sustainability and one seat shall be reserved for a City Council member.

(Ord. 2017-15, passed 5-22-2017; Ord. 2018-19, passed 7-9-2018; Ord. 2019-31, passed 8-5-2019)

Eagan: <https://www.cityofeagan.com/energy-environment-advisory-commission>

Energy and Environment Advisory Commission (EEAC)

Establishment:

The Energy and Advisory Commission was established by the City Council on February 9, 2010. The Commission derives its authority from Section 2.50 of the City Code.

Purpose:

This volunteer Commission serves as an advisory board to the City Council by making recommendations to the City Council on environmental sustainability and energy conservation strategies for the City's residents and businesses.

Membership:

Up to seven (7) members-at-large are appointed by the City Council to serve staggered two-year terms. One (1) alternate may also be appointed for a period of one year and has all the powers and duties of a regular commission member during the absence or disability of a regular member.

Chair and Vice Chair:

The Chair and Vice-Chair are chosen from and by the commission to serve for the current year.

Staff Liaison:

Andrew Pimental, Parks and Recreation Director

Meeting Frequency:

Meetings are held the 2nd Tuesday of every other month at 7:00p.m. (even months of June, August, October, December, February, and April).

Eagan: <https://www.cityofeagan.com/energy-environment-advisory-commission>

2010-2011 ENERGY AND ENVIRONMENT VALUE STATEMENTS AND GOAL

The Commission drafted the following four value statements at the July 20, 2010 workshop:

- 1.) Recommend initiatives to the City of Eagan and its constituents to reduce waste and energy use in order to enhance Eagan's environment.
- 2.) Recommend initiatives to the City of Eagan and its constituents to protect the water, air, and soils in our City while enhancing the quality of life.
- 3.) Recommend initiatives to the City of Eagan and its constituents which support renewal of City of Eagan facilities, infrastructure, land use policies and efforts that will promote long range energy usage and resource sustainability.
- 4.) Recommend initiatives to the City of Eagan and its constituents on ways to partner with existing energy and environmental resources and stakeholders in order to collect and disseminate information to empower the public.

Proposed Goal:

- 1.) To have the City of Eagan named as a GreenStep City Program participant and utilize the EEAC to review and identify how the 28 best practices identified under the program are met in Eagan within the areas of Buildings & Lighting, Land Use, Transportation, Environmental Management, and Economic/Community Development.

Eden Prairie: <https://www.edenprairie.org/city-government/commissions/sustainability-commission>

Charter Statement

Purpose

To advise the City Council and staff about policies and practices that promote the sustainable development and conservation of Eden Prairie's air, water, and land resources; reduction of residential and commercial solid waste; and the more efficient use of energy in the economic activities of both the public and private sectors.

Roles and Responsibilities

- Review, examination and evaluation of the City's operating policies and practices with the goal of improving performance in this area through the recommendation of Best Management Practices. The Sustainability Commission shall recommend the inclusion of appropriate environmental conservation and protection measures into the planning process. Where environmental policy mandates of the state and local agencies require the City's response, the Sustainability Commission may serve as the body to examine alternatives and make recommendations to the City Council.
- Provide recommendations as to oversight and accountability for municipal and private initiatives in the area of environmental policies that impact Eden Prairie's energy and natural resources. The Commission shall serve as the liaison and monitoring body for community events and activities that are relevant to the Commission's purpose.
- Educate the community, including Eden Prairie schools and community groups, about the impact of advances in environmental science, engineering, product development and policies to produce a better informed citizenry about environmental conservation.

Work Tasks

- Recommend best practices for energy conservation for Eden Prairie's citizens, businesses, institutions and City government, including the 20/40/15 initiative.
- Encourage energy efficiency through appropriate building code improvements.
- Recommend opportunities to increase the City's use of alternative energy.
- Recommend ways to develop a comprehensive recycling, reuse and municipal solid waste (MSW) reduction program.
- Recommend ways to improve water quality in Eden Prairie.
- Promote tree planting, native landscapes and infiltration of water runoff with rain gardens and other techniques to maintain healthy urban native landscapes and reduce water consumption.
- Recommend ways to reduce greenhouse gas emissions and improving air quality in Eden Prairie.
- Recommend ways to integrate natural resource initiatives and programs into other areas of Eden Prairie government, including other commissions and groups, to better promote natural resource management and conservation.
- Educate the public, professional associations, organizations, businesses and industries about improving the community's environment, both natural and man-made.

Membership

Five to nine members-at-large appointed by City Council.

Chair and Vice Chair

Annually appointed by the City Council.

Staff Liaison

Beth Novak-Krebs, Senior Planner

Meeting Frequency

Monthly on the second Tuesday of the month

Edina:

https://library.municode.com/mn/edina/codes/code_of_ordinances?nodeId=SPACOOOR_CH2AD_ARTIIIIBOCOCO_DIV3ENENCO

DIVISION 3. - ENERGY AND ENVIRONMENT COMMISSION

Sec. 2-137. - Policy and establishment.

The council, recognizing the need to support and advance environmental protection, conservation efforts including energy conservation, and waste reduction, and to improve thereby the overall welfare of the citizens of the city, does hereby establish the energy and environment commission (the "commission").

(Code 1992, § 1502.01; Ord. No. 2007-05, 4-3-2007; Ord. No. 2009-04, 3-17-2009; Ord. No. 2010-04, 3-2-2010; Ord. No. 2011-02)

Sec. 2-138. - Duties.

The commission shall:

1. Examine and recommend best practices for energy conservation for the city's citizens and businesses, including a "green" building code, use of Energy Star appliances, and other energy reduction targets.
2. Examine and recommend changes in city government purchasing and operations to conserve energy.
3. Evaluate and monitor the provision of a residential recycling program.
4. Evaluate and monitor the provision of a privately provided solid waste program, as well as a reduction in municipal solid waste produced by city residents and businesses.
5. Evaluate and encourage improvements in air and water quality.
6. Promote the establishment of targets for the reduction of greenhouse gas emissions produced by the city's buildings, equipment and operations.
7. Educate the public about energy issues, reduction, conservation, reuse, recycling and environmental protection.
8. Examine and promote renewable energy options for transportation, heating, and cooling, and other energy uses.

(Code 1992, § 1502.02; Ord. No. 2007-05, 4-3-2007; Ord. No. 2009-04, 3-17-2009; Ord. No. 2010-04, 3-2-2010; Ord. No. 2011-02)

Sec. 2-139. - Membership.

The commission shall consist of nine regular and two student members. The change in membership shall be attained through attrition by replacing one member less in 2018 and one less member in 2019 until the nine-member commission is achieved.

(Code 1992, § 1502.03; Ord. No. 2007-05, 4-3-2007; Ord. No. 2009-04, 3-17-2009; Ord. No. 2010-04, 3-2-2010; Ord. No. 2011-02; Ord. No. 2014-03, § 1, 3-4-2014; Ord. No. 2018-03, § 3, 2-21-2018)

**POLICY ESTABLISHING
PLYMOUTH ENVIRONMENTAL QUALITY COMMITTEE
MISSION/ORGANIZATION STATEMENT**

Resolution 2007-028
January 9, 2007

(Supersedes Resolution 2003-317, July 22, 2003; Resolution 2003-260, May 27, 2003; Resoultion 2002-216, January 8, 2002; Resoultion 94-4, January 24, 1994; Resolution 95-140, February 21, 1995)

Objective

The Plymouth Environmental Quality Committee shall review, consider, initiate and recommend to the City Council such policies, plans or projects which will enhance and preserve the natural environment of the City. The Committee's scope shall include, but not necessarily be limited to matters of water quality, wetland preservation, ground water protection, solid waste collection and disposal, recycling and reuse programs, ecological preservation, control of soil erosion and air, noise and light pollution. The Committee shall also review upon request environmental assessment worksheets and environmental impact statements referred to from time by the Planning Commission or City Council.

Composition

The Committee shall consist of seven members, with one member from each of the city's four wards, and three members at-large. Members shall serve three-year terms, commencing on February 1, subject to a six-year maximum as set forth in Council policy. The Chair shall be selected by the membership. The City Engineer or designee shall provide staff assistance to the Committee.

Areas of Concentration:

To accomplish their objective, the Committee will:

1. Become familiar with state statutes, federal regulations, agency rules, and city ordinances on the subject of issues. Receive information regarding role of Watershed Management Organizations, municipalities, Department of Natural Resources, and Army Corps of Engineers and other regulatory agencies on environmental issues. Review related data.
2. Review environmentally related city policies and ordinances and recommend appropriate revisions to the City Council.
3. Recommend actions to the Council for consideration in the city budget to preserve and enhance environmental quality throughout Plymouth.

ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETINGS AND PROCEDURES

Agenda

The Water Resources Manager prepares the agenda for each EQC meeting. The agenda is generally closed to the addition of new material the Wednesday prior to an EQC meeting. Members should advise Water Resources Manager of items they wish to have added to the agenda.

Once the agenda has been sent to the EQC members along with the accompanying packet material, no item is added or deleted prior to the EQC meeting. A majority of the EQC members may amend the agenda by adding, deleting, or changing items during “Approve Agenda” at the beginning of the EQC meeting.

The order of business on the EQC meeting agenda is as follows:

- Call to Order
- Public Forum
- Approve Agenda
- Consent Agenda
- Public Hearing
- General Business
- Reports and Staff Recommendations
- Future Meetings
- Adjourn

Regular Meetings

Regular meetings of the EQC are currently held on the second Wednesday of each month at 7:00 PM (unless otherwise noted) in the City Council Chambers on the upper level of City Hall.

Record of the Meetings – Minutes

Minutes of each EQC meeting are kept by the EQC recording secretary and approved at a future EQC meeting. The minutes are considered the official record of the EQC meeting.

Parliamentary Procedure

The EQC has adopted Roberts Rules of Order for the conduct of meetings. Parliamentary procedure is usually viewed as complex, but it can simply be considered as a set of tools used to assure that a meeting goes smoothly and fairly. It is used to facilitate a group coming to a majority decision when there are differing points of view.

St. Louis Park: <https://www.stlouispark.org/home/showdocument?id=15463>

**Division 8. Environment and Sustainability Commission:
Sustainable SLP**

Sec. 2-331. Purpose.

The purpose of the Environment and Sustainability Commission: Sustainable SLP shall be to:

- (a) Provide recommendations to advance city goals, policies, and programs.
- (b) Provide advice and assistance to staff and council through collaboration.
- (c) Provide leadership in engaging the community, encouraging relationships and partnerships with neighborhoods, special interest groups, religious institutions, business leaders, and other commissions.
- (d) Serve as a conduit for environmental and sustainable information, topics, and direction to and from residents and the public.

Sec. 2-332. Membership; terms.

(a) The Environment and Sustainability Commission shall be an advisory commission to the city council. It shall consist of eleven regular members and two youth members, all appointed as set forth in this section.

(b) *Regular members.* The city council shall appoint three regular members of the commission for terms to expire on May 31, 2019, three regular members for terms to expire on May 31, 2020, and five regular members for terms to expire on May 31, 2021. All subsequent appointments shall be for three-year terms that shall expire on May 31 of the third year of such term and until a successor is duly appointed and qualified. The city council should ensure representation from each city ward, as outlined in Chapter 10 of this code. The city council will also give preference to applicants representing the business and rental communities in order to ensure fair representation on the commission. In the event of a vacancy, the city council shall appoint a person to complete the unexpired term. A member of the commission may be removed with or without cause by the city council.

(c) *Youth members.* Two voting youth members who shall reside in the city and be a high school student may be appointed by the city council and serve a term of one year.

(d) *Qualifications.* Regular members of the Environment and Sustainability Commission: Sustainable SLP shall be qualified voters and residents of the city, except in the case of a business owner or representative. A business owner or representative need not be a resident of the city. A vacancy shall deem to exist if a member ceases to meet the residency requirements. All members of the commission shall be appointed from persons who have demonstrated an interest in the commission by submission of appropriate city forms and exhibit high energy, leadership, and a commitment to the environment and sustainability.

(Ord. No. 2537-18, 6-4-18)

Sec. 2-333. Organization.

(a) A staff liaison to the Environment and Sustainability Commission: Sustainable SLP shall be appointed by the city manager and shall be subject to the administrative rules and regulations of the city.

(b) The commission shall elect its own chair and vice-chair. Subject to such limitations as may be imposed by the city council at any time, the commission shall provide its own rules and procedure, determine the date and time of meetings and, upon proper notice, shall call public hearings when necessary and desirable and in accordance with all requirements of local and state laws. The bylaws of the commission and amendments shall be submitted to the city

council upon their adoption. Such laws and any amendments shall be deemed to be approved by the city council unless the city council takes action to modify such bylaws or amendments with 30 days after submission. No member of the commission shall consider or vote upon any question in which the member is directly or indirectly interested.

(c) The commission shall include any number of working groups focused on identified special topics or projects, and be led by at least one commissioner.

(d) The commission shall keep proper records of its proceedings, and such records shall be maintained by the staff liaison or the liaison's designees.

Sec. 2-334. Expenses of members.

The members of the Environment and Sustainability Commission: Sustainable SLP shall serve without pay but may be reimbursed for actual expenses to the extent that funds therefor are provided in the annual city budget adopted by the city council. The commission shall properly account for its receipts and expenditures of monies in accordance with established city procedures.

Sec. 2-335. Powers and duties.

(a) The Environment and Sustainability Commission: Sustainable SLP shall have the following powers and duties to:

(1) Advise the city council with respect to environment and sustainability issues arising out of or in connection with the plans or operations of any city department or agency and recommend the adoption of such specific policies or actions as may be needed to enhance the city's environmental stewardship.

(2) Elicit community feedback and direction, including direct engagement, social media, annual events and fairs, etc.

(3) Reach out to the full community as well as to special populations with communication and educational efforts related to the environment and sustainability.

(4) Establish work groups to focus on specific areas of interest, special projects, and ongoing concerns. Work group representation should be broadened to emphasize greater diversity, inclusiveness, and specific issue expertise with non-commission members from the general community.

(5) Submit to the city council by April 1 of each year an annual report of the activities of the commission during the previous year.

(b) The commission shall have such additional powers and duties as the city council shall from time to time determine.

(Ordinance No. 2438-13, 4-1-13)

From: [Geraldyn Barone](#)
To: [Julie Wischnack](#); [Loren Gordon](#); [Drew Ingvalson](#)
Subject: FW: Sustainability Commission
Date: Friday, July 31, 2020 4:54:01 PM

For the council report – FYI.

From: Linda Hodge
Sent: Friday, July 24, 2020 5:31 PM
To: Geraldyn Barone
Cc: Linda or Joe Hodge
Subject: Sustainability Commission

Please consider welcoming 9 new members for the Sustainability commissions. I believe that diverse views, new ideas, as well as other variables and life experience each person could bring to any meeting would be beneficial to Minnetonka. Perhaps even an ah ha moment that might never have been thought about! I favor 9 new commissioners for the resident seats.
Respectfully, Linda Hodge

From: [Geraldyn Barone](#)
To: [Julie Wischnack](#); [Drew Ingvanson](#); [Loren Gordon](#)
Subject: FW: Sustainability Commission - MCI Thoughts
Date: Friday, July 31, 2020 3:43:33 PM
Attachments: [MCI Email Attachment - SC v1.docx](#)

This is the email and attachment that should be attached with the sustainability commission ordinance. FYI.

Geraldyn

From: Minnetonka Climate Initiative

Sent: Friday, July 17, 2020 11:10 AM

To: Brad Wiersum ; Brian Kirk ; Susan Carter ; Rebecca Schack ; Bradley Schaeppi ; Kissy Coakley ; Geraldyn Barone ; Julie Wischnack ; Deborah Calvert

Subject: Sustainability Commission - MCI Thoughts

Hello Mayor, City Council, Ms. Barone and Ms. Wischnack,

MCI extends a formal thank you for the time you devoted to a Sustainability Commission (SC) at the June 29th study session, and for the decision to advance the SC to the ordinance stage. We see this as a key step for Minnetonka in acting on climate change.

We have attached a document with:

- Details from conversations with other cities and agencies in the metro area regarding having members of other city commissions serve on their SCs, and
- A list of other environmental groups in the Minnetonka area, many of which include MCI members.

We would like to address a few issues that were raised during the study session:

1. Climate Action Plan (CAP)

- Developing a CAP has been a key focus of our vision since MCI's inception, and we support forming the SC as a necessary step prior to developing a CAP. We heard in the study session that we cannot wait too long for the CAP, and we are in total agreement.
- It is urgent that consideration be given to funding the CAP in the 2021 budget. MCI can provide details from other cities about the costs incurred for development and implementation of their CAPs, so the city council will have an educated baseline for CAP funding.

2. Size and make-up of the SC

- MCI stands by our recommendation for 11 members. This will allow for robust community participation and representation.
- We heard good agreement on having two youth members (high school students and other young people) on the SC with full participation and voting rights. We recommend limiting the terms of youth members to one year, which will make it easier for them to commit to membership on the SC.
- We also heard about a goal of having a person/people of color serve on the commission. MCI wholeheartedly supports diversity of race, gender, and age on the SC.

- In addition, having sustainability expertise on the Commission is key to its ability to offer value to the City Council. Eleven members will allow for a sufficient number of experts in the area of sustainability and ensure a well-functioning Commission at times when not all members can attend.
- Staff proposal for 4 members of existing commissions serving on the SC
 - If there are 4 members from existing commissions and 2 youth members on a 9-person commission, that only allows 3 new community members. This will prohibit adequate community representation as referenced above. While MCI agrees that it is important to have coordination between commissions, our research indicates that there are other valid ways to accomplish this (please see attachment).
 - MCI talked to people on SCs from other cities; we did not hear from anyone who had members from other commissions serving on the environmental / sustainability commission. They did give us some ideas on how other cities facilitate coordination among commissions (please see attachment).

3. SC to include commissioners representing multiple community environmental groups (not just from MCI)

- We believe in and support an SC that is representative of the entire Minnetonka community. During the study session, we heard comments that MCI is not the only group in Minnetonka concerned about climate and the environment. MCI is aware and grateful that there are groups similar to ours in Minnetonka. MCI members are involved in several of these other groups. See the list of these groups in the last section of the attachment.
- MCI looks forward to the city promoting the SC to all the citizens and groups of Minnetonka. We hope people from a variety of venues and representing a diverse population will come forward with the expertise, commitment and passion to serve on the SC.
- As part of ensuring representation from different parts of our community, MCI supports an open process for SC member selection. We think that members of the SC should be allowed to initially vet potential SC candidates with final appointments by the city council, in an open and transparent process.

We look forward to seeing the draft ordinance in late August/early September, as mentioned in the study session, and request the opportunity to offer feedback/dialogue as staff develops the ordinance.

MCI believes the SC is something we will all be proud of and that it will be a great model for our city and its citizens working together on vital issues.

Thank you.

Regards,

Linda Langin on behalf of MCI

612-756-3685



MCI ATTACHMENT
SUSTAINABILITY COMMISSION
INFORMATION FROM OTHER CITIES

JULY 16, 2020



MCI has created this document to provide information about Sustainability Commission (SC) membership approaches in other local cities. Specifically, we address whether other cities have the practice of SC members serving on other city commissions.

We reached out to members of SCs in the local area and other individuals who serve this community; their comments are paraphrased below.

This document also includes a list of Minnetonka-area environmental and sustainability groups.

1 INFORMATION ON COORDINATION OF SCs WITH OTHER COMMISSIONS

1.1 ALLIANCE FOR SUSTAINABILITY

It is not common for commissioners to do double duty. In fact, with all the cities I work with, I'm not aware of any examples of resident volunteers serving on multiple commissions.

Three key factors to consider when working with your staff and Council to finalize the structure and operation for Minnetonka's Sustainability Commission:

- Coordination with other commissions,
 - Empowering the SC to get real work done in close cooperation with city staff
 - Coordination with the City Council
1. Coordination with other commissions: YES, it is good for Minnetonka to set up regular ways for your SC to maintain coordination between your Planning, Park Board, Economic Development, and Senior Commissions.
 - a. Coordination meetings - Edina does this with regularly scheduled coordination meetings between commissions.
 - b. Commission volunteers visiting to listen in with other commissions (not as voting members.). Resilient Roseville and the Roseville PWET commission maintain communication with their Planning Commission and Park Board informally, for example with a Planning Commissioner volunteer listening in to the PWET commission meetings and participating in Resilient Roseville Meetings.
 2. Empowering the SC to get real work done in close cooperation with city staff
 - a. Enabling Ordinance – explaining that the SC can develop its work plan items and share them with the council.
 3. Coordination with the City Council
 4. Commission and subcommittee - hub and spoke model that SLP, Edina, Bloomington, and Minneapolis make use of very well. One or more SC members serve on each of their Commission Sub Committees (that other interested community members can volunteer with). Bloomington's teams are Energy/Climate, Open Space, Water Quality, Recycling and



Environmental Justice. Commissioners in these cities are doing research and outreach work alongside city staff (not just giving the city staff and city council advice).

5. Maintaining Good Coordination with your City Council
 - a. Sustainability commissions often have a City Council member that serves as their liaison with the City Council
 - b. Bloomington, Edina, SLP all have an annual meeting with their SC to present their draft work plan to their City Council and to get feedback.

1.2 BLOOMINGTON SUSTAINABILITY COMMISSION

I have not seen any other cities set up an environmental / SC in this way. The reasoning may be that since sustainability can encompass all these areas it makes sense to include members from those other Commissions. One could also say that about a Planning Commission as well as other commissions to some extent so is this a practice for other commissions? It seems like there would also be significant overlap between the Planning Commission and the Economic Development Commissions — do they share commissioners?

For what it's worth, I have included the enabling language for Bloomington's SC below. This was developed by a group that included those of us pushing for a SC, staff, and city council members. In the process we talked to several other cities who had established environmental / SCs about what worked well and what didn't. You will note that there is a very specific definition of the scope of sustainability which is helpful because sustainability is very broad and a sustainability commission could be easily overwhelmed. The following membership requirements have been very helpful:

- A Council Member liaison which is very helpful in reducing friction between the Council and the Commission
- "The majority of the members shall be technical experts in one or more of the areas of sustainability" because Bloomington (and most other cities) don't have a "sustainability department", so the SC members often serve as sort of adjuncts to the staff.
- The purpose of the SC shall be to advise the city council on policies and practices that relate to the sustainable use and management of environmental resources that include air, water, energy, land, and ecological resources, and waste. The SC will help to ensure that such resources will be sustained and continue to provide for a high quality of life for present and future generations of Bloomington.

1.2.1 (Ord. 2017-15, passed 5-22-2017)

2.86.02 DUTIES AND RESPONSIBILITIES.

The Commission shall:

- (a) Collaborate with city staff to review, evaluate, develop, and advise the city council on policies and practices regarding the sustainable use and management of environmental resources that include air, water, energy, land and ecological resources, and waste;



- (b) Act as change agent, coordinator and educator for policies, procedures and proposals that relate to environmental sustainability;
- (c) Engage with the Bloomington community and serve as a community liaison for issues, ideas, and proposals and provide appropriate feedback;
- (d) Cultivate relationships with residents, community groups, businesses, institutions of higher learning, faith-based organizations, outside government bodies, and non-governmental institutions;
- (e) Serve as a resource for other Bloomington commissions, boards, committees, and task forces on any issues related to sustainability;
- (f) Adopt criteria and processes for making decisions about the use of resources and selection of sustainability projects;
- (g) Review sustainability proposals and make recommendations; and
- (h) Submit written annual work plans and progress reports to the City Council.

1.2.2 (Ord. 2017-15, passed 5-22-2017)

2.86.03 MEMBERSHIP.

The SC shall consist of 11 members, including at least two young adults. The majority of the members shall be technical experts in one or more of the areas of sustainability and one seat shall be reserved for a City Council member.

2 MINNETONKA AREA ENVIRONMENTAL / SUSTAINABILITY GROUPS

The following is a list of other area environmental/sustainability groups that MCI members are also involved in.

- Conservation Minnesota
- West Metro Climate Action (Members include Bet Shalom, UU Church of Minnetonka., Al Amaan, Gethsemane Lutheran Church)
- Sierra Club North Star Chapter
- Friends of Lone Lake Park
- West Metro Master Naturalists
- Friends of Cullen Nature Preserve
- Alliance for Sustainability
- Earth Stewards (St. Luke Presbyterian Church)
- Minnesota Interfaith Power and Light
- Earth Justice (formerly iMatter)
- West Metro Climate Hub
- Minnetonka and Hopkins High School Earth Clubs



- Center for Biological Diversity
- MN350
- League of Women Voters (local and National) platform on the environment



MCI SUSTAINABILITY
COMMISSION
DRAFT CITY ORDINANCE

June 21, 2020



DRAFT ORDINANCE FOR SUSTAINABILITY COMMISSION

Mission

The mission of the Sustainability Commission (SC) is to:

- Improve the quality of life for Minnetonka community members and its natural resources
- Preserve and restore Minnetonka’s natural resources for today and generations to come
- Foster citizen leadership and involvement in city decisions and programs related to environmental sustainability and climate change
- Promote citizen knowledge and expertise related to environmental best practices through education.

Membership and Term

The SC will be comprised of 11 members, two of whom will be youth members, representing our high schools (Hopkins, Minnetonka, Wayzata). For the initial appointments of 2021, three of the members shall be appointed for a one-year term, three of the members shall be appointed for two-year terms, and three of the members shall be appointed for three-year terms. The two youth members shall be appointed to one-year terms. Terms will begin on January 1, except for student members, whose terms begin September 1.

A minimum of 4 members shall be technical experts in one or more of the areas of environmental management and / or sustainability.

SC member selection and appointment: Proposed SC members to be initially vetted by the SC using a transparent process, with SC members performing initial reviews and recommendation of proposed new members for city council appointment.

Scope

The scope of the SC will include all issues related to air, water, land, and life, including:

- Climate change
- Renewable energy
- Green building construction
- Transportation and land use
- Water quality and protection
- Woodlands, wetlands and open space preservation
- Biodiversity improvement and preservation
- Waste collection and disposal
- Recycling / reuse programs
- Air, noise, and light pollution
- Soil erosion



Duties

The SC will:

- o Advise the city council on matters related to climate and environmental sustainability
- o Recommend to the city council ways to advance city goals, policies, and programs related to the environment and climate change mitigation
- o Advise city staff and council on climate, energy conservation, ecological land stewardship, environmental degradation, and solid waste management. This advice to include matters of city plans and operations.
- o Provide collaborative leadership on environmental sustainability with other city teams, boards, residents, faith communities, and business leaders
- o Provide leadership in community engagement
- o Provide research and input on projects that impact natural resources and sustainability efforts
- o Provide education and outreach to residents and businesses about conservation initiatives
- o Lead the development of a climate action plan (CAP), incorporating learnings and recommendations from the Xcel Partners in Energy (PIE) program
- o Develop annual plan for SC, to include measurable goals and an annual report to the City Council on accomplishment toward goals
- o Assume additional duties determined by the city council.

Rules

The SC will create by-laws to address the election and terms of officers, the definition of a quorum, attendance expectations, and management of vacancies.

Meetings

The SC will meet once per month at a time and place designated by the SC chair, or at a time and a place mutually agreeable to a majority of the members of the SC.

Relationships

The SC will report directly to the city council.

Ordinance No. 2020-

An ordinance amending chapter 1 of the Minnetonka city code by adopting a new section 145; establishing a sustainability commission

The City Of Minnetonka Ordains:

Section 1. Chapter 1 of the Minnetonka City Code is amended by adopting a new section 145, as follows:

Section 145. SUSTAINABILITY COMMISSION.

145.005. Sustainability Commission.

The sustainability commission for the city of Minnetonka will consist of nine voting members.

145.010. Eligibility, Appointment, and Term.

All members must be residents of the city of Minnetonka. Members shall be appointed by the mayor with the approval of the city council. Appointments should be made with a goal of maintaining a commission that represents the diversity within the city, such as demographic characteristics, areas of specialty, and geographic location, and with the following membership:

- Five members appointed from the community at large;
- Two young adults (under 25 years old), one of whom must be a student at a high school in the Hopkins, Minnetonka, or Wayzata school district; and
- Ex-Officio members, one from each of the park board and planning commission.

At-large members will serve two-year terms that begin on Feb. 1, provided that three of the five initial at-large members will be appointed for a three-year term in order to achieve staggered terms going forward. The young adult/student members will serve one-year terms that begin on July 1, with the exception that the initial appointments will begin on Feb. 1, 2021, and expire June 30, 2022. Ex-officio members will serve two-year terms that begin on Feb. 1, except that an ex-officio seat is automatically vacant if the ex-officio member is no longer a member of the board or commission from which the appointment was made. No member may serve more than 8 consecutive years on the commission.

145.015. Duties and Responsibilities

1. The commission will review, research, evaluate, develop, and advise the city council on plans, policies, procedures, programs, and practices regarding the sustainable use and management of environmental resources that include air, water, energy, land and ecological resources, recycling and landfill waste, and related sustainability areas not addressed by city code or assigned to another city advisory group.

2. The commission will serve as an ambassador to the community about city plans, policies, procedures, programs, practices, and proposals that relate to sustainability and conservation of the environmental resources outlined above;
3. The commission will provide leadership in engaging with the Minnetonka community and serve as a liaison between the community and city council for applicable issues, ideas, and proposals, and will provide appropriate feedback to the city council;
4. The commission will cultivate relationships with residents, neighborhoods, community groups, businesses, public and private institutions, non-profit organizations, and other organizations to promote sustainability efforts.
5. The commission will serve as a resource for other Minnetonka commissions, boards, committees, and task-forces on any issues related to sustainability.
6. The commission will review and provide input to the city council on sustainability proposals.
7. The commission will annually submit a written work plan and progress report to the city council for review and approval.
8. The commission will perform additional duties and responsibilities as assigned by the city council.

145.020. Meetings.

The sustainability commission shall meet as necessary, but not less than once every other month, at a time and place designated by the chairperson of the sustainability commission, or at a time and place mutually agreeable to the majority of the commission. The sustainability commission may hold subcommittee meetings as it may deem appropriate. All meetings must be conducted in compliance with the Minnesota open meeting law.

145.025. Procedures.

At its first meeting of the year, the sustainability commission shall select a chairperson and vice-chairperson from its members. The sustainability commission may adopt bylaws or rules for the conduct of its business.

145.030. Staff Liaison.

A city staff member, designated by the city manager, shall serve as a liaison to the sustainability commission. The staff member shall prepare reports and information for the sustainability commission, attend its meetings and participate in discussions held by the commission, but shall not vote on any item before the commission.

Section 2. This ordinance is effective 30 days after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on _____, 2020.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this ordinance:

Date of introduction: Sept. 21, 2020

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on _____, 2020.

Becky Koosman, City Clerk

City Council Agenda Item #14C
Meeting of Oct. 12, 2020

Brief Description: Boards and commissions recruitment and appointment process

Recommended Action: Review staff recommendations and provide feedback. No formal action required.

Background

The City of Minnetonka has a recurring boards and commissions appointment process that takes place for annual reappointments and vacancy appointments for the Planning Commission, Economic Development Authority Commission, Park Board, and Senior Advisory Commission. Pieces of the current appointment process are also found in mid-year vacancy appointments.

The city council has had conversations involving questions and expressing suggestions to improve the annual process at the January 27, 2020 council meeting, recent strategic planning sessions, and other various council meetings. Based on the content of these conversations, staff has drafted recommendations for a newly defined boards and commissions recruitment and appointment process and seeks city council feedback.

The development of this plan has also been focused on inclusion and equity for all applicants and interested residents. The council has expressed the desire to increase diversity on boards and commissions which can be a hopeful outcome of the revised annual process.

City Charter guidelines

The City Charter provides the following language on the boards and commissions appointments:

Section 2.02. Boards and Commissions.

There are no separate, independent administrative boards or commissions, except those required by law or established by the council. The council may establish boards or commissions and other groups to advise the council regarding municipal activities, to investigate subjects of interest to the city, or to perform quasi-judicial functions. Members of such bodies will be appointed by the mayor, subject to approval by the council.

Timeline

A suggested timeline is provided to summarize the steps and duration of the recruitment and appointment process. It is recommended that the timeline remain regular yearly in order to provide consistency with terms and appointments. Mid-year vacancy appointments would be held on their own timeline.

- Applications open: First business day of November
- Applications close: January 1
- Scoring for interviews: Early January

- Interviews: January study session and February study session (if needed)
- Appointments: February regular meeting

Recruitment

The city's communications and marketing team will develop a comprehensive strategy to promote boards and commissions vacancies. Preliminary ideas are included on the PowerPoint attachment to this report.

Marketing efforts will begin when the application period opens and will continue until the application deadline. Information will be communicated in at least one issue of the Minnetonka Memo, on the city's website, via the city's mass email/text messaging system, on the city's social media channels and through additional strategies developed by communications and marketing.

Application and review

Staff have implemented a new software to help manage and organize boards and commissions information and generate new applications (regular and student) hosted on the city's website. These applications have been updated to include new language, questions and tracking features. A draft copy of the recommended application is attached.

The new application form will be a fillable form available on the city website. Applicants are also able to print and complete the application and return it to city hall; pick up a paper copy at city hall; or have one mailed to their address.

Staff recommends that the entire city council use an initial ranking matrix to help select the interview candidates. Lower total numbers indicate the top candidates. Following the January 1 application deadline, staff would provide council with copies of all redacted applications to review and score. The council would have a certain timeframe to review applications and provide scoring to the city manager. City staff will tally preliminary candidate ratings and the top candidates will be selected and contacted for interviews.

Boards and Commissions Applicant Ranking Example

Candidate	CM1	CM2	CM3	CM4	CM5	CM6	Mayor	Total
Jane Doe	3	1	2	4	2	1	3	16
John Roe	1	2	1	3	1	3	1	12
Jenny Poe	2	4	4	2	3	2	2	19
Jim Coe	4	3	3	1	4	4	4	23
etc								

Interviews and Review

Staff recommends that interviews be structured to generally allow all candidates to provide answers to the same questions and that each candidate is allowed to ask questions of the council at the end of their interview. Similar to the ranking matrix used to select interview

candidates, another chart will be provided to the council to use for rating the interview candidates.

After the interviews have been conducted, council would turn in their scoring to the city manager. Scoring would be shared with the mayor, who would compare results and take into consideration other appointment factors (such as demographics, geographic distribution, etc.) before making final recommendations to the city council. A final scoring sheet would also be delivered to the council prior to the staff report with final recommendations.

A staff report from the Mayor with final appointment recommendations will be provided in a February regular meeting packet and delivered to the council and posted on the city website.

Recommendation

Provide feedback on the recommendations. No formal action is required at this time.

Submitted through:

Geralyn Barone, City Manager
Mike Funk, Assistant City Manager

Originated by:

McKaia Ryberg, Assistant to the City Manager

Boards and Commissions Application form

Profile

Residents of Minnetonka are eligible to be considered for appointment to any of the advisory boards established by the city council. Please complete the following information. You may attach a resume or other supporting information if you wish. The selection process will start in early January and vacancies may include interviews with some or all candidates. Accommodations will be provided, upon request, to allow individuals with disabilities to participate in the application process. For more information, please contact Assistant to the City Manager, McKaia Ryberg (952-939-8211).

While demographic questions are optional, the city has identified a goal to increase diversity on its boards and commissions. The answers to these questions will be used to track data and to help improve these efforts. Other factors **are** also considered when scoring candidates.

First Name

Middle Initial

Last Name

Email Address

Home Address

Suite or Apt

City

State

Postal Code

What ward do you live in?

None Selected

If you do not know your ward please go to the Minnetonka City Website home page (<http://minnetonkamn.gov/>) and use the "My Minnetonka" feature to search your address. Results will show what ward your address is in.

Primary Phone

Are you a veteran or active service?

Yes No

What is your race/ethnicity? (optional)

None Selected

What is your primary spoken language? (optional)

DATA PRACTICES ADVISORY

You are entitled to know the following about the information that you are asked to provide about yourself in this application. Some of the information requested below is classified as public data, which the city must provide to anyone who requests it. Some of the data is classified as private data, which is accessible to you, to the mayor, city council members and employees whose duties require access, and to those whom you consent to provide access. The city uses the information to evaluate your application for a board or commission appointment and to contact you about your application. You have the right to refuse to provide the requested information, but lack of adequate information could result in your not being considered for appointment. The council considers appointments at public meetings that are open to the public. Minnesota law allows the council to discuss private data during a public meeting in connection with an appointment, and the record of that meeting is public.

Are you applying for a young person or student position?

Yes No

If you are applying for a young person or student position, please select only board preferences for the boards or commissions that have young person or student positions. Currently the Park Board is the only board or commission with a young person/student position.

Which Boards would you like to apply for?

- Economic Development Authority Commission
- Park Board
- Planning Commission
- Senior Advisory Board

What is your first preference?

None Selected

Why are you interested in volunteering for this board/commission? (500 character limit)

What is your second preference?

None Selected

Why are you interested in volunteering for this board/commission? (500 character limit)

What is your third preference?

None Selected

Why are you interested in volunteering for this board/commission? (500 character limit)

What is your fourth preference?

None Selected

Why are you interested in volunteering for this board/commission? (500 character limit)

Supplemental Questions

Have you participated in the city's Citizen's Academy or Police Academy in the past?

Yes No

If you answered "yes": What is your largest takeaway from the academy you participated in? (500 character limit)

Please share two to three goals you would like to see addressed on the board or commission you are applying for that are important to your vision of Minnetonka.

Briefly describe how your work experience, educational background, training and community and volunteer experiences have prepared you to serve on the board or commission you are applying for.

You may upload a resume or supporting file if you wish.

Conflicts of Interest

Conflicts of interest may arise by the participation in any activity, recommended action, or decision from which you receive or could potentially receive direct or indirect personal financial gain.

In accordance with this definition, do you have any legal or equitable interest in any business, however organized, which in the course of your participation in a city advisory board, could give rise to a conflict of interest?

Yes No

If yes, please explain

Are you or any of your family members presently employed by the City of Minnetonka or serving on any of the city's advisory boards?

Yes No

If yes, who?

Thank you for your interest in serving on an advisory board for the City of Minnetonka!

Please Agree with the Following Statement

By checking the box you agree that everything entered on this form is true and accurate.

I Agree

Please type your name if you agreed with the above

2020 Boards and Commissions Recruitment and Appointment

Presented Oct. 12, 2020

Annual Recruitment and Appointment Timeline

Current

- Applications open year round
- Applications close: date varies per year
- Interviews: January & February
- Appointments: date varies per year
- Term start date: date varies per year

Proposed

- Applications open: November 2, 2020
- Applications close: January 1, 2021
- Applications are retained for one year in case of mid-year vacancies.
- Scoring for interviews: Early January
- Interviews: January study session & February study session (if needed)
- Appointments: (Regular meeting in February, waiting on 2021 meetings calendar)
- Term start date: March 1, 2020

Proactive Recruitment and Marketing Strategies

- Communications and Marketing team will develop comprehensive strategy to market boards and commissions vacancies
 - Preliminary strategies include:
 - Develop clear, consistent, accessible messaging
 - Utilize existing tools, including Minnetonka Memo, website, mass email/text, social media
 - Connect with community groups, organizations and faith communities
 - Notify past Citizen and Police Academy participants
 - Encourage community leaders to act as ambassadors and share our messages
 - Connect with school districts and groups to market student positions

Application

- Boards and Commissions software customized application.
 - On-line fillable application form on the city website.
 - Print copies may be picked up at City Hall from the Assistant to the City Manager.
 - Applicants who require special accommodations may contact the Assistant to the City Manager: mryberg@minnetonkamn.gov
- Updated application questions include:
 - Race and ethnicity/demographics
 - Primary language
 - Open-ended responses and optional responses
 - Citizen's Academy/Police Academy participant
- Omitted application questions include:
 - Employment history
 - What strengths and abilities would you bring to the board?
 - What are the most important issues facing our community over the next several years?
- <https://eminnetonka.granicus.com/boards/forms/593/apply/2061735?code=6ec8ef19-a774-4d22-90db-b339b9333d9e>

Scoring for Interviews

Current

- Applications are collected and delivered to the mayor.
- Mayor selects applicants to interview for open boards and commissions positions
- Interviews are scheduled for an upcoming study session

Proposed

- Applications are collected and redacted by staff.
- Applications are delivered to the council who will use a standard scoring sheet to rank candidates for each board/commission.
- City staff will total scoring and the top candidates will be selected for an interview.
- These candidates will be contacted to set up an interview with the council on the designated meeting date(s).
 - If candidates do not confirm interview appointment within 7 days of invitation, the next candidate will be contacted on the scoring list.

Interviews

Current

- Council interviews candidates for around 6 – 10 minutes with an informal question sheet.

Proposed

- The interview panel consists of:
 - City Council
 - City Manager (non-scoring)
 - Assistant City Manager (non-scoring)
 - City Attorney (non-scoring)
- Staff will provide council with a formal interview questionnaire and scoring sheet.
- Each interview will be structured for 5-10 minutes with opportunity for the council and candidate to ask questions.

Scoring for Appointments

Current

- After the interviews, Council provides feedback to the Mayor on candidate preference.
- Mayor compiles list of final appointment recommendations.
- A staff report with recommendations is presented to the council at a regular meeting.

Proposed

- After interviews have been conducted, the interview panel will turn in their scoring sheets to the City Manager.
- Scoring results will be shared with the Mayor who will compare results to other appointment factors and advise on recommendations. Final scoring results will also be delivered to the Council.
- A staff report will be prepared for a regular council meeting item with the recommended appointments.
- The Mayor will contact the appointees and staff will contact the other interviewed candidates prior to the regular meeting.

Discussion Questions

- Are there other suggestions for recruitment efforts?
- What demographic questions should the application include?
- How many candidates would the council like to interview? Should there be a set number prior to collecting applications?
- Other comments?

Recommendation

- Provide feedback to staff on the recommended process updates.
- No formal action required.



CITY OF
MINNETONKA

City Council Agenda Item #14D
Meeting of Oct. 12, 2020

Brief Description: Consider final version of the updated strategic priorities and key strategies

Recommended Action: Review draft document and provide feedback. No formal action required.

Background

The city council held its fifth of five strategic planning sessions on Sept. 15, 2020, facilitated by Patrick Ibarra of The Mejoranda Group. The agenda included finalizing the city's vision, mission and guiding principles, and discussing the draft strategic priorities and key strategies.

At that meeting, the city council agreed to the following statements:

Vision Statement

Minnetonka is an inclusive community committed to excellence where all residents, workers and visitors are welcome in a beautiful, sustainable place, supported by quality, dependable city services.

Mission Statement

*Provide **quality public services**, while striving to preserve and enhance the distinctive character to make Minnetonka a **special place for everyone**.*

Our Guiding Principles

- *We earnestly commit to a **beautiful, sustainable and healthy environment** as a vital part of a stable, prosperous and thriving community.*
- *We responsibly deliver **excellent public services** and **provide affordable opportunities** to ensure access to all we serve.*
- *We ethically uphold **community trust** through proactive, inclusive public engagement, transparent communications, and the careful stewardship of our financial, natural, and capital assets.*
- *We nimbly **lead our city into the future** by anticipating community needs, pursuing service innovation and adoption of new technologies, and forging collaborative partnerships with all sectors of society.*

Strategic Priorities and Key Objectives

At the Sept. 25 meeting, the city council also provided feedback on a draft of the strategic priorities and key objectives. Based on that input, staff prepared the attached revised draft (note

updates since Sept. 25 in red). The city council is requested to review and provide comments on the revised version, which will serve as the basis for staff to develop specific action steps for each key strategy. That expanded document will be presented at the Nov. 30 city council study session.

Recommendation

Provide feedback on the revised draft of the strategic priorities and key strategies. No formal action is required at this time.

Submitted through:

Geralyn Barone, City Manager

Originated by:

Mike Funk, Assistant City Manager
McKaia Ryberg, Assistant to the City Manager

Strategic Priorities

Key Strategies

Financial Strength and Operational Excellence

Maintain a long-term positive financial position by balancing revenues and expenditures for operations, debt management and capital investments. Provide innovative, responsive, quality city services at a level that reflects community values and is supported by available resources.

- Maintain the city's AAA bond rating.
- Develop an annual budget that meets community needs and is in alignment with the strategic plan and financial policies.
- Provide excellent, meaningful programs and amenities to serve and enhance our community.

Safe and Healthy Community

Develop programs, policies and procedures that enhance the community's well-being and partner with the community to provide engagement opportunities and build trust. Sustain focus on prevention programs, education, hazard mitigation and rapid emergency response.

- Identify and adapt to public safety service models that support evolving changes in service delivery expectations.
- Identify safety strategies and practices that promote positive quality of life for all. ~~Reduce identified offenses affecting the quality of life.~~
- Review current **integrated** police and fire policy and training protocols and implement appropriate changes **collaboratively**.
- Provide a full range of recreational programs, services and **amenities** ~~responsibly maintain recreational facilities.~~

Sustainability and Natural Environment

Support long-term and short-term initiatives that lead to the protection and enhancement of our unique and natural environment **while mitigating climate impacts.**

- Carefully balance growth and development with preservation efforts that protect the highly valued water and woodland resources of our community.
- Develop and implement **realistic** long-term plans to mitigate threats to water quality, **ecosystems**, urban forests and the unique natural character of Minnetonka.
- Take an active role in promoting energy and water conservation, sustainable operations and infrastructure, recycling and environmental stewardship.

Livable and Well-Planned Development

Balance community-wide interests and respect Minnetonka's unique neighborhoods while continuing community reinvestment.

- Implement programs and policies to **diversify housing and** increase affordable housing options.
- Support business retention and expansion and attract new businesses.
- Manage and promote the Opus area as a unique mix of uses and increased development reinvestment.

Infrastructure and Asset Management

Provide safe, efficient, sustainable, cost-effective and well-maintained infrastructure and transportation systems. Build, maintain and manage capital assets to preserve long-term investment and ensure reliable services.

- Provide and preserve a quality local street and trail system.
- **Ensure connectivity through increased access to local and regional means of transportation (SWLRT and bus services). ~~Successfully plan for the Southwest Light Rail Corridor and bus transportation services.~~**
- Develop an annual capital improvement plan that supports the sustainable maintenance and replacement of assets.
- ~~Expand and maintain a trail system to improve safe connectivity and walkability throughout the community. **Ensure parks, trails and green spaces are well-maintained and are accessible.**~~

Community Inclusiveness

Create a community that is engaged, tolerant and compassionate about everyone. Embrace and respect diversity, and create a community that uses different perspectives and experiences to build an inclusive and equitable city for all.

- Develop and implement inclusive recruiting, application, hiring and retention practices to attract excellent, qualified and diverse candidates from all backgrounds.
- Foster an inclusive boards and commissions recruitment and appointment process to increase diversity.
- Actively engage the community by working collaboratively to broaden policy outcomes and respond to community's needs, views and expectations.
- Remove identifiable barriers to create equal opportunity for accessing programs and services.

City Council Agenda Item #14E
Meeting of Oct. 12, 2020

Brief Description Opus Housing Briefing

Action Requested Receive the briefing

Background

The city is anticipating four housing project proposals in the Opus Business Park over the next few months. One of the projects, the Shady Oak Office Park redevelopment by Wellington Management, recently received a concept plan review. A second, Minnetonka Station, located on the former Mariner site, will receive a concept plan review at the end of October. Two other projects are anticipated very soon from Doran Companies and a team of Launch Properties/Kraus-Anderson/Aeon. In total, these 4 projects represent approximately 1400 housing units.

The four proposals anticipate a variety of approaches to building design, unit mix and, affordability. The Wellington, Minnetonka Station, and Launch proposals would provide a combination of affordable and market-rate units and will request city financial assistance. The Doran proposal would provide a lesser percentage of affordable units (at 80% of the area median income (AMI)), and may not request city financial assistance. Each proposal contemplates a unique mix of unit types and price points to complement the existing housing mix in Opus and respond to market demand.

Two projects, the Launch, and Doran are evaluating 13-story tower (high-rise) buildings, which would be differentiators in both construction type (concrete and steel structure) and market demographic. Discussions with these development teams seek to capitalize on the strong housing market conditions in the southwest metro and establish a new housing prototype that is only in production in a few submarkets - Minneapolis, St. Paul, Bloomington, and Edina. This type of housing product attracts professionals seeking a downtown apartment feel, but want access to the natural setting and amenities in the suburban environment. Staff anticipates that additional housing units will increase the daytime population in Opus and will attract more real estate investment in the area, including retail, commercial, and office uses.

This housing growth is anticipated in the city's 2040 comprehensive plan. Specifically for Opus, 1,374 additional housing units were planned through 2040. The 4 proposals would effectively provide all of the housing anticipated in Opus over the next 20 years and offer a wide range of housing options for households with incomes ranging from 30% of the AMI to rents above the current market rate for luxury apartment units. The majority of the existing rental housing in Opus is affordable at 80% AMI or lower with a range of efficiency units to three-bedroom units. Demand for affordable housing remains steady as sustained low vacancy rates and strong demand continue to impact rent in Minnetonka and the region.

As council is aware, the city is also conducting an Alternative Urban Areawide Review (AUAR) for Opus to be better prepared for development and address related impacts. As a part of the AUAR, two development scenarios were analyzed for housing: one evaluating the comprehensive plan scenario with an additional 1,374 units, and the second with an additional 2,897 units.

The attached table provides a summary of existing and proposed housing in Opus. Also included are summaries of the 4 potential developments.

Staff Recommendation

Receive the briefing on potential housing development in Opus, as this is informational only.

Through: GERALYN BARONE, City Manager
JULIE WISCHNACK, AICP, Community Development Director

Originator: ALISHA GRAY, Economic Development and Housing Manager
LOREN GORDON, AICP, City Planner

Opus Housing Developments

Ownership

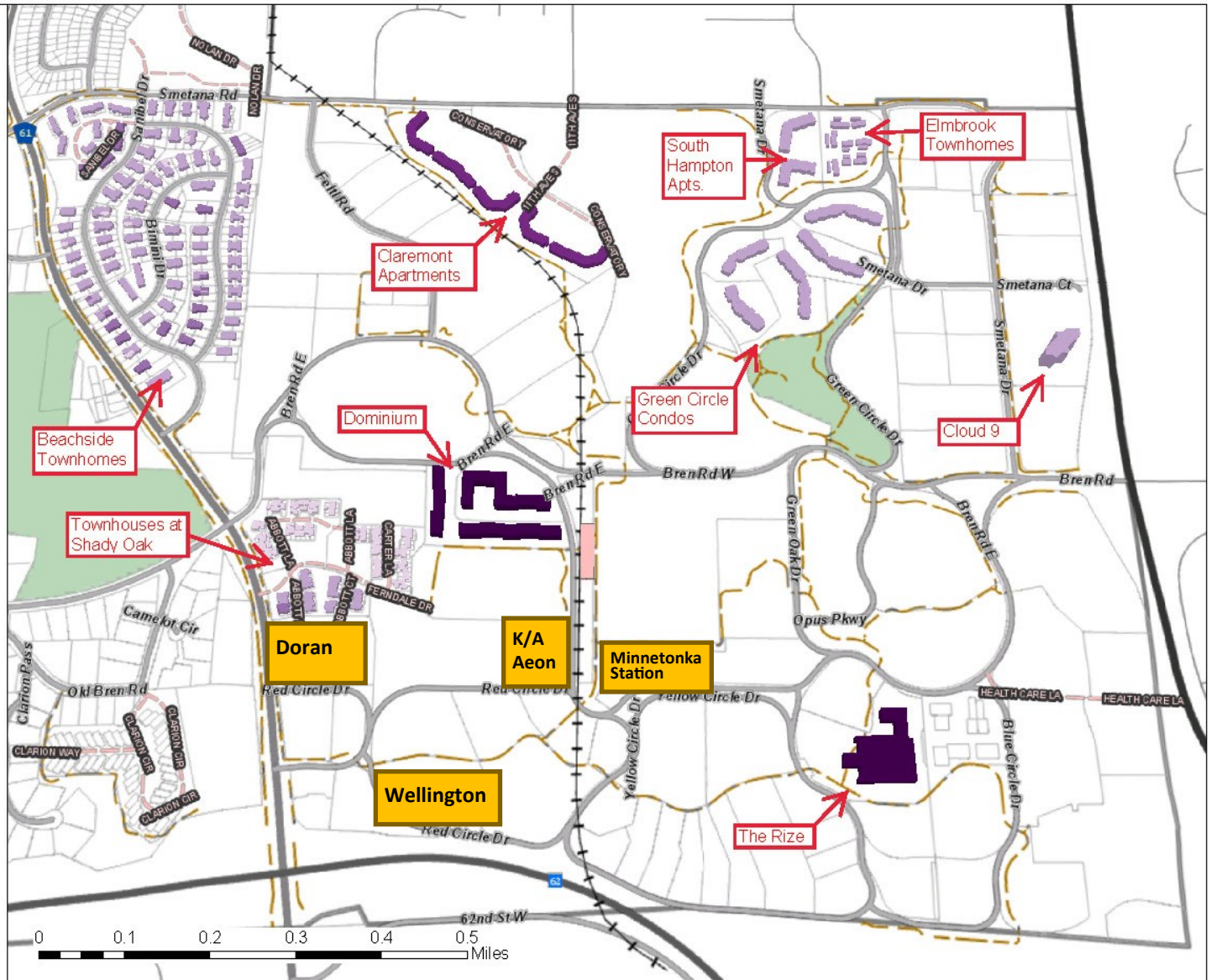
- Townhouses at Shady Oak
- Beachside
- Green Circle
- Cloud 9

Rental

- South Hampton Apts
- Claremont Apts
- Elmbrooke townhomes
- Rize
- Domium

Proposed/In Process

- Wellington
- Doran
- K/A Aeon
- Minnetonka Station



Housing Developments in Opus												
	Units	Year Construction	Bedrooms			Homesteaded	Market Rate Units	Affordable Contract Units	AMI (rent range)	Est. Mortgage Payment	NOAH (Y/N)	
			Eff.	1	2	3						
Ownership (Existing)												
Townhouses at Shady Oak	74	late 1970s - Mid 1980s		45	29		62	X	80% AMI	\$1500-\$1600	Y	
Beachside	339	1980s-1990s		28	241	70	300	X	80% AMI	\$1500-\$1600	Y	
Green Circle	312	1980s-1990s		57	234	21	253	X	60% AMI	\$890	Y	
Cloud 9	163	1980s-1990s		114	48	1	113	X	17 indexed units	80% AMI	\$1500-\$1600	Y
Subtotal	888			199	568	121	728					
Rental (Existing)												
South Hampton Apts	115	1980s-1990s		68	34	13		115	60% AMI (\$1,090-\$1,410)		Y	
Claremont Apts	330	2000s	12	120	198			330	60% AMI (\$1,090-\$1,410)		Y	
Elmbrooke townhomes	46	1980s-1990s			36	10			46	30-50% AMI (\$636-\$735)	Y	
Rize	322	2010+		194	128			299	33	80% AMI (\$1,448-\$2,151)	N	
Domium	482	2010+		114	269	99		X	482	60% AMI (\$1,090-\$1,410)	N	
Subtotal	1295		12	496	665	122		744	561			
Total Existing	2183		12	695	1233	243						
Proposed/In Process												
Wellington	435							261	87	50% AMI		
Doran	350-375							350-375	?	?		
K/A Aeon	280-300							180-200	75-100	30-50-60% AMI		
Minnetonka Station	280							225	55	50% AMI		
Total Proposed	1345-1390							1016-1061	217-242	50% AMI		
Total Existing and Proposed	3528-3573							1760-1805	778-803			

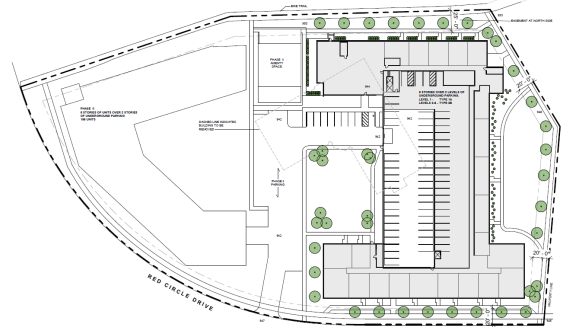


CITY OF MINNETONKA

Minnetonka Opus Development Concept Proposal	
Developer Name:	Wellington Management, Inc. (WMI)
Development Team Members:	David Wellington (Executive Vice President, WMI), Casey Dzieweczynski (Development Manager, WMI), Ken Norful (Construction Manager, WMI), Peter Keely (Collage Architects).
Proposed Project Address:	10901 Red Circle Drive, Minnetonka, MN
Is the property under contract?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Please provide details	Site is currently owned by an entity affiliated with the Developer.
Developer Information	
Please provide brief description of the company, size of the company, years in business, and type of entity: WMI is a Minnesota corporation established in 1984 by Steve Wellington and specializes in commercial and residential real estate in the Twin Cities metropolitan area. WMI has acquired, developed and redeveloped over 100 properties in eighteen different Twin Cities communities. The company currently manages 4.2 million square feet of office, retail, and industrial space. WMI has a staff of over 30 property managers, accountants, building engineers and development professionals who oversee a \$425 million portfolio of Twin Cities real estate. Since 2001, WMI has developed over 500 units in six multi-family projects, including affordable and market-rate apartments and for-sale condominiums. Currently, WMI has three multi-family projects under construction that will deliver 389 units (including both affordable and market-rate) between 2021 and 2022.	
Proposed Project	
Provide a summary of the proposed project and why you are interested in redeveloping the site. Include number of market rate vs. number of affordable units; and the market for units: This project will involve demolishing the existing office building and redeveloping the site with two multi-family, mixed-income buildings constructed in two phases. The eastern building (phase 1) will contain roughly 250 units while the western building (phase 2) will contain roughly 185 units. The project will include a mixture of studio, 1, 2, and 3 bedroom units. 80% of the units will be market-rate and 20% of the units will have rents restricted at/below 50% of area median income. Each building will have underground parking, and the two buildings will be connected by a shared amenity space, green space, and surface parking at the center of the site. Primary access to both buildings will be to and from Red Circle Drive. Based on the City's land use goals for Opus Park, the softening office market and the forthcoming Southwest LRT extension, WMI believes converting the site to a higher-density residential use is the best long-term direction for the property and surrounding Opus Park area.	
Are you requesting city financial assistance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Please provide details:	WMI is requesting a total of \$8 million in TIF funding for the project.

Minnetonka Opus Development Concept Proposal – con't

Insert images of the proposed project below by clicking on each box:





CITY OF MINNETONKA

Minnetonka Opus Development Concept Proposal

Developer Name:	Minnetonka Multifamily 1, LLC	
Development Team Members:	Jeff McMahon Scott Richardson	
Proposed Project Address:	10400 Bren Road East	
Is the property under contract?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide details	Details to be determined through dialogue led by our entitlement consultant Jon Commers".	

Developer Information

Please provide brief description of the company, size of the company, years in business, and type of entity:

The developer team is a joint venture between Linden Street, Kramera, and EPC Real Estate. Linden Street has been in business since 2013, EPC Real Estate has been in business since approximately 2004, and between them the companies have developed multiple thousands of Class A multifamily units throughout the Midwest. Several of our projects have won design awards.

Proposed Project

Provide a summary of the proposed project and why you are interested in redeveloping the site. Include number of market rate vs. number of affordable units; and the market for units:

Minnetonka Station is a multifamily project located in OPUS Park. This project will provide approximately 277 units with a portion of the units being affordable. The site will provide outdoor spaces for the neighborhood and residents to enjoy that will align with the OPUS Area Place-Making + Urban Design guide. Minnetonka Station's intent is to create a visual, physical and experiential connection to the OPUS LRT Station, bus transit system, and the public Yellow Trail.

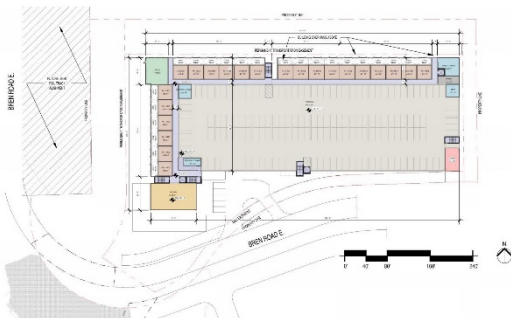
The site's location provides Minnetonka Station opportunities to become a destination and help support the community by increasing the diversity of household and housing types. The proposed design will align and promote the City's area planning efforts through Minnetonka's Comprehensive Plan, the OPUS Area Place-Making + Urban Design plan and the TOD Strategic Action Plan. Located next to the new OPUS LRT Station and Yellow Trail will encourage the use of the public transportation while establishing a mix-ed use community that will help promote the OPUS Area as a destination by attracting local/regional neighborhoods.

Are you requesting city financial assistance? | Yes | No

Please provide details: | Details to be determined through dialogue led by our entitlement consultant Jon Commers".

Minnetonka Opus Development Concept Proposal – con't

Insert images of the proposed project below by clicking on each box:





CITY OF MINNETONKA

Minnetonka Opus Development Concept Proposal	
Developer Name:	Doran Development
Development Team Members:	Doran Architecture, Doran Construction, Civil – TBD
Proposed Project Address:	5959 Shady Oak Rd.
Is the property under contract?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Please provide details	It's a combination of 2 lots. 2.99 acres and 2.12 acres or 5.11 acres total
Developer Information	
<p>Please provide brief description of the company, size of the company, years in business, and type of entity:</p> <p>Since 2010, Doran Companies has completed or is currently building 40 multifamily and mixed-use projects in the Midwest. With more than \$500 million per year in architectural, construction, management and development transactions, Doran is ranked among the largest general contractors, financiers and developers of commercial real estate in the state. Doran is routinely involved in projects ranging from \$50 million to \$100 million or larger in size. With talented employees across Minnesota and Colorado, Doran Companies' reputation as a general contractor stems from its proven ability to take on any project and execute it on time, within budget and according to plan.</p>	
Proposed Project	
<p>Provide a summary of the proposed project and why you are interested in redeveloping the site. Include number of market rate vs. number of affordable units; and the market for units:</p> <p>We are proposing between 375 and 400 units within a 6 story building. 10% of the units will be affordable to families at 80% of the area medium income. We like the site because of its location, site characteristics, and strong transit oriented development opportunities. In addition to light rail and bus access, there is a great pedestrian connection via sidewalks and trails in and around the Opus Park. This site is very walkable to the retail nodes to the north and the south. It also has easy and convenient access off of red circle drive without going in to the one way system within Opus Park. The site is generally level, existing storm water ponding and natural treed buffers to the north and the west. We see strong demand for multifamily at this site. Pre-Covid the Twin Cities market was at a 3.2% vacancy rate and much lower in the Minnetonka market. A 5% vacancy rate is considered a market in equilibrium. That means you could build 9,000 more apartment units without growth to get to a 5% vacancy rate. Pre – Covid we had job growth and higher demand from empty nesters leaving their homes. We anticipate to be at pre -Covid levels when a project like this is completed.</p>	
Are you requesting city financial assistance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Please provide details:	

Minnetonka Opus Development Concept Proposal – con't

Insert images of the proposed project below by clicking on each box:



CITY OF MINNETONKA

Minnetonka Opus Development Concept Proposal		
Developer Name:		
Development Team Members:		
Proposed Project Address:		
Is the property under contract?	Yes	No
Please provide details		
Developer Information		
Please provide brief description of the company, size of the company, years in business, and type of entity:		
Proposed Project		
Provide a summary of the proposed project and why you are interested in redeveloping the site. Include number of market rate vs. number of affordable units; and the market for units:		
Are you requesting city financial assistance?	Yes	No
Please provide details:		

Minnetonka Opus Development Concept Proposal – con't

Insert images of the proposed project below by clicking on each box:

City Council Agenda Item #14F
Meeting of Oct. 12, 2020

Brief Description: Resolution ordering an Alternative Urban Areawide Analysis (AUAR) for Opus in the City of Minnetonka

Recommended Action: Approve the resolution

Background

The Opus area was developed in the 1970s with the vision of becoming a walkable live/work community with a range of housing and employment options. Many of the original vision's commercial goals have come to fruition, but until more recently, a limited amount of housing was built. The business park, along with much of its infrastructure, is nearing 40 years old and is experiencing new development pressure due to light rail and the desirability of living and working in Minnetonka.

The city was aware that the age of the existing buildings and the introduction of light rail would bring redevelopment interest and investment. To that end, the city has been working on comprehensive planning for land use guidance, capital improvement planning for infrastructure improvements, creation of new public space designs, public realm guidelines, and now, environmental review.

The most recent redevelopment investments have been the Dominion and Rize Apartment buildings. Since 2018, 814 new housing units have either been built or are now under construction. Currently, several developers have provided preliminary concepts for redeveloping various parcels within Opus, which envisions 1,400 new prospective housing units (with proposals under or about to be under review). Additional commercial and retail development is also anticipated.

Currently, Opus contains approximately 135 businesses, 14,000 employees, and is home to over 2,000 existing residents.

Alternative Urban Areawide Review (AUAR)

If the redevelopment projects proposed occur, the development could trigger state-required Environmental Assessment Worksheet studies (EAW's) for each development, depending on each size. Conducting separate environmental assessments is inefficient and doesn't seem to address issues more holistically. A more coordinated, consistent evaluation helps review all items affected by the proposed development. The study allows governments to understand the cumulative environmental and infrastructure implications of projected development scenarios within a given area and provides measures for mitigating those impacts.

The analysis is in-depth and reviews potential issues in the following areas:

- Land use
- Grasslands, wetlands, woodlands, etc.
- Fish, wildlife, and ecologically sensitive resources

-
- Water resources and water use
 - Wastewater and stormwater impacts
 - Traffic
 - Soil conditions
 - Emissions
 - Dust, odor, noise
 - Historic preservation
 - Visual impacts
 - Compatibility with existing plans

When the study is complete, an AUAR analysis produces a mitigation plan. The mitigation plan identifies methods to avoid, minimize, or mitigate identified environmental or infrastructural impacts as future development takes place. Future development projects' conformance with the AUAR mitigation plan should not require the need to conduct an additional environmental review, as the AUAR satisfies the thresholds for environmental review as required by the state. This process does not circumvent the city's development review process and other engineering and land use analyses. Any future project proposal within Opus will be required to go through the city's review process.

Project Timeframe

The entire AUAR process must be completed within 120 days of the first submission to the Minnesota Environmental Quality Board (EQB) for review. Because of the complexity of the study, it is not feasible to complete the study within 120 days as required. While conducting an AUAR it is common for cities to complete a majority of the analysis before formally requesting the study. This allows an adequate level analysis and adherence to the 120 day timeframe.

At the council meeting on [Jan. 27, 2020](#), staff proposed the city enter into a contract with WSB and Associates to perform an AUAR analysis of the entire Opus area to better understand the cumulative impacts anticipated with new development and to begin drafting of the AUAR report.

The study bases its findings on two development scenarios within Opus. The first scenario, which serves as a baseline, is projected development within Opus, as outlined in the 2040 Comprehensive Plan. The second, more "intensive" scenario anticipates development within Opus that exceeds the 2040 Comprehensive Plan projections.

The draft AUAR report is nearing completion and therefore the city council is formally requested to order the preparation of the AUAR and distribution of the draft for review. It will be distributed to various state and federal agencies and posted for public comment. This action begins the 120 day completion period. An outline of the next steps is below:

- City council orders the preparation of an AUAR for Opus
- The draft AUAR will be distributed to the Minnesota Environmental Quality Board (EQB) to undergo review by federal and state agencies and posted to the City website for public viewing.
- 30 day public comment period begins
- Staff will hold public comment forums (online) to gather feedback within the 30 day comment period (not required as part of the process).

-
- 30 day public comment period ends; any received comments will be responded to in an updated AUAR report.
 - The report is resubmitted to the EQB for further review
 - 10 day public comment period begins
 - Any additional comments are incorporated in the final report
 - Final report brought before Planning Commission for review and hear additional public comment (not a required part of the official process).
 - City council approves the final AUAR and Mitigation Plan for the Opus area.

The process will be complete by early 2021. An AUAR analysis is valid for five years. Once the five year period has elapsed, an update is required.

Budget Overview

[As discussed in January](#), the scope of services for conducting the analysis is \$101,634. The city received a grant from Hennepin County to cover \$45,000 of the study. The remaining balance is paid through the city's development fund. The AUAR contract is within the city manager's purchasing authority, so no council action is required to authorize funds.

Recommendation

Staff recommends the city council approve the resolution ordering an AUAR for the Opus area.

Submitted through:

Geralyn Barone, City Manager
Julie Wischnack, AICP, Community Development Director
Will Manchester, PE, Director of Public Works
Loren Gordon, AICP, City Planner
Phil Olson, PE, City Engineer

Originated by:

Rob Hanson, Economic Development Coordinator

Attachments

Study Area Map
AUAR Process Steps FAQ

Memorandum

To: Rob Hanson, City of Minnetonka

From: Andi Moffatt, WSB

Date: December 16, 2019

Re: Scope of Work for Project Opus AUAR

The City of Minnetonka is seeking to complete an Alternative Urban Areawide Review (AUAR) for the Opus area. The study area is approximately 310 acres located in the southeastern portion of the City. The purpose of the AUAR will be to evaluate up to two development scenarios, provide the required environmental review of the area, and outline mitigation measures for development within the study area.

Some of the general assumptions used to develop the scope of work and cost are outlined below:

- All tasks will address the environmental impacts of up to two development scenarios and compare to existing conditions.
- The City has developed the scenarios and land use assumptions. One scenario includes the recent Comprehensive Plan.
- Any available existing background information in the form of studies, memos, or reports that have been prepared by the City or its consultants will be used to the greatest extent possible. WSB has extensive information about traffic in the area. However, based on comments we received from the Dominion EAW, we anticipate that MnDOT and the Met Council will want updated information in the traffic study.
- This work effort assumes one round of review and revision of the draft AUAR and mitigation plan with the City.
- This work effort assumes one round of review and revision for the final AUAR and mitigation plan with the City.

PROJECT TEAM

The team will be led by Andi Moffatt, Vice President of Environmental Services. Andi has over 23 years of project management and has successfully completed hundreds of environmental assessment documents including AUARs and AUAR Updates. She also recently completed the Dominion EAW with the City of Minnetonka. Andi will be the City's main point of contact and project manager.

Other key staff include Tony Heppelmann, Jason Amberg, Jake Newhall, and Jon Christenson.

- Tony will lead the traffic study and brings extensive knowledge of traffic analysis for the City and Opus area.
- Jason is a Landscape Architect and worked on the Opus Placemaking study. He will provide guidance on mitigation measures related to open space and trails.
- Jake Newhall will complete the stormwater analysis for the study. He has completed other stormwater studies for the City.
- Jon Christenson will complete the water and sewer analysis. He is highly skilled at modeling and evaluating this infrastructure and will assist with this portion of the AUAR.

SCOPE OF WORK FOR AUAR

Task 1 – Project Management and Meetings

This task includes the project management and meetings to be completed throughout the development of the AUAR. This includes phone calls with City staff, three in-person meetings with City staff; one meeting with the planning commission, and one meeting with the City Council.

Task 2 – Review Development Scenarios

It is our understanding the City has developed two development scenarios for analysis in the AUAR. One will be the current Comprehensive Plan land use and the other will incorporate higher intensity development within portions of the study area. WSB will use the City's GIS shapefiles to create the scenario maps and density assumptions and will review this with the City Staff.

Task 3 – Prepare List of Permits/Approvals

This item will be developed per the AUAR requirements and list the local, state, and federal permits and approvals that may be needed for development.

Task 4 – Evaluate Geology, Soils, and Topography

This task includes describing the geology, soils, and topography of the study area. Available public information sources and GIS will be used to develop this section. If additional information is available based on past studies of the project area, that will be included. If these features would create unique environmental impacts, that will be discussed in this section.

Task 5 – Evaluate Project Impact on Water Resources

This task covers an analysis for surface water, groundwater, wastewater, stormwater, and water appropriation for the two development scenarios. Information about wetlands will be obtained through readily available desktop data, such as the National Wetland Inventory.

As part of the stormwater task, a detailed evaluation of two development scenarios on water quantity and quality will be completed. This will include incorporating the two development plans into a basic stormwater model and evaluating the scenarios with local, state, and federal policies. This evaluation will take into account the redevelopment area and external drainage area tributary to the project site for the water quantity model.

The water quality model developed for the project area will include evaluating the existing and proposed discharge rates, runoff volumes, and potential impact to downstream water bodies. It is assumed the City can provide its updated model to WSB for this task. The two concept-level storm water management plans to address potential storm water impacts will be developed as part of the AUAR process.

For groundwater, existing soils mapping and groundwater information from the USGS will be used to analyze impacts to susceptible groundwater features in relation to proposed land use.

For the municipal water and wastewater analysis, the impact of the two development scenarios on wastewater and water supply will be evaluated. Available information from the City regarding wastewater and water supply will be obtained. It is assumed the City can provide its updated model to WSB for this task. This evaluation will be discussed in the AUAR and a mitigation plan that outlines municipal infrastructure improvements will be included. This work includes:

- Estimating water demand and sewer flows per scenario based on land use map.
- Evaluating the water distribution system to evaluate each scenario in terms of system pressure and available fire flow.
- Estimating water infrastructure needs.
- Evaluating capacity in for the sanitary sewer in the area.
- Estimating wastewater infrastructure needs including lifts stations and trunk mains.

Task 6 – Review of Contamination / Hazardous Wastes

Available studies and information will be used to complete this section of the AUAR. This includes information supplied by the City from the PCA as well as any other available desktop data. If the scenarios include the potential for hazardous wastes to be stored or generated within the project area, that will be included in this section as well.

Task 7 – Review of Fish and Wildlife

Information from a site visit and the DNR Natural Heritage Database will be used to describe and evaluate wildlife impacts to the area. From the existing information and the field review, the impact of the development scenarios on these resources will be summarized in the AUAR.

Task 8 – Review of Historic Properties, Visual Impacts, and Parks

Information from the City, State Historical Preservation Office, and the readily available public data will be used to determine if there are impacts to historic properties or parks or if there will be visual impacts. The recently completed “Opus Area Placemaking + Urban Design” study will be incorporated as needed into this section of the AUAR. Based on our understanding of the site and proposed development, we do not expect there will be visual impacts per the AUAR guidelines. This information will be used to complete the AUAR.

Task 9 – Evaluate Impact on Traffic

As part of this task, the impact on traffic of the two development scenarios and other identified new traffic generators will be evaluated and discussed in the AUAR. It is assumed that the base traffic model from the previous Opus transportation studies will be used to complete this task. A discussion of potential mitigation measures will also be included in the AUAR. The following outlines the subtasks that will be completed:

A. Data Collection

WSB will conduct traffic counts at the impacted intersections adjacent to the study area. The counts for the AUAR will include turning movement counts and directional counts at key intersections and driveways. We are assuming that turning movement counts will be needed at 10 intersections: three on Bren Road at TH 169, six intersections on Shady Oak Road, and another intersection on Smetana Road. The intersection turning movement counts will be conducted for the AM (6:00-9:00 a.m.) and PM (3:30-6:30 p.m.) peak hours. New counts will be conducted at those intersections where the existing counts are more than two years old. In addition, 24-hour daily counts will be conducted at four locations.

B. Traffic Generation / Distribution

Based on the development scenarios, a traffic generation model will be prepared for the anticipated land uses in the study area. The traffic distribution will be determined based on the Metro Council’s regional travel model. The trip distribution will take into account proposed changes to the Opus 2 roadway system and the opening of the Southwest LRT line. In addition, other possible development areas will be evaluated to determine their potential traffic generation and impacts to the transportation system. This information will be used to develop the traffic forecasts for the entire study area.

C. Traffic Forecasts

Based on the existing traffic volume data collected, traffic generation from the proposed development, traffic generation from other adjacent developments, and any other anticipated additional background traffic growth not associated with the study area, traffic forecasts will be developed for the impacted roadways in the study area. These forecasts will be for two build scenarios and will include turning movement forecasts for 10 key intersections. ADT forecasts will be developed for TH 169, TH 62, and Shady Oak Road using the Metro Councils regional travel model.

D. Traffic Analysis

Traffic analysis will be conducted based on the forecasted traffic volumes on the impacted roadways for the two development scenarios. An analysis will also be completed for the existing conditions as a basis for understanding the impacts of the proposed development. This analysis will use the existing Synchro/Sim Traffic network completed as part of previous studies for Opus 2. The analysis will include a capacity and Level of Service (LOS) Analysis at each impacted intersection and for the roadway system. The analysis will also include travel speeds for the impacted roadways and entire system, and a Queuing Analysis showing the required length of queues at each intersection.

E. Development of Mitigation Alternatives

Based on the traffic analysis, mitigation alternatives will be developed and analyzed for each studied roadway and scenario. This will include development access scenarios, as well as additional roadway improvements required to accommodate the future traffic projections

Task 10 – Air Quality and Noise Analysis

This task will include qualitative, study level analysis of the air quality and noise impacts for the AUAR study area for two scenarios. It is not anticipated that a hot-spot air quality analysis will be needed. Since there is not a specific project, a specific quantitative noise study is not included with this scope. Mitigation items for air and noise may be recommended in the AUAR.

Task 11 – Prepare and Submit Draft AUAR and Mitigation Plan

This task includes compiling the information prepared in the previous tasks into the draft AUAR and mitigation plan based on the guidance provided from the Environmental Quality Board. The mitigation plan will be formatted like a checklist to aid City staff in future development review of the study area. This task assumes one round of review and revision with City Staff. Once distribution of the AUAR has been authorized by the City Council, the draft AUAR will be submitted to the required agencies for a 30-day review.

Task 12 – Respond to Comments, Revise the AUAR, Update the Mitigation Plan, and Resubmit for Review

This effort will involve revising the AUAR document and mitigation measures based on the comments received during the 30-day review process and responding to these comments. This task assumes that the comments will not require additional significant analysis as part of the AUAR. This task assumes one round of review and revision with the City Staff. Once distribution of the revised Final AUAR has been authorized, WSB will submit the document to the agencies for the 10-working day review. If no objections are filed, the City can adopt the AUAR document and mitigation plan.

Task 13 – Adopt AUAR and Mitigation Plan

This task includes preparing the documentation for the City Council to adopt the AUAR and mitigation plan as well as sending out the final AUAR and notices once adopted. By adopting the

Mr. Rob Hanson
December 16, 2019
Page 5

AUAR, the City adopts the mitigation measures outlined in the AUAR and agrees to abide by these measures as development occurs. It should be noted that the AUAR is required to be updated every five years until all development is approved within the study area.

COST ESTIMATE

The costs to complete the above work plan for the AUAR is \$101,770. Once authorized, we can develop a schedule to complete the work based on the city's timelines. We understand the city would like the process completed in approximately nine months.

If you have questions, please feel free to call me at (763) 287-7196.

alp

Opus AUAR Cost Estimate - January 10, 2020

Task	Approximate Billing Rate	Estimated Hours	Subtotal	Hennepin County Costs	City Costs
Project Management and Meetings					
Principal	\$192	43	\$8,256		
Environmental Scientist	\$96	16	\$1,536		
Subtotal		59	\$9,792		X
Review Development Scenarios					
Principal	\$192	4	\$768		
GIS Specialist	\$90	6	\$540		
Subtotal		10	\$1,308		X
Prepare List of Permits/Approvals					
Principal	\$192	1	\$192		
Environmental Scientist	\$96	4	\$384		
Subtotal		5	\$576		X
Geology, Soils, and Topography					
Principal	\$192	4	\$768		
GIS Specialist	\$90	8	\$720		
Environmental Scientist	\$96	8	\$768		
Subtotal		20	\$2,256		X
Water Resource Analysis					
Principal	\$192	26	\$4,992		
Environmental Scientist	\$96	16	\$1,536		
GIS Specialist	\$90	26	\$2,340		
Engineer	\$108	124	\$13,392		
Subtotal		192	\$22,260		X
Contamination/Hazardous Wastes					
Principal	\$192	4	\$768		
Environmental Scientist	\$96	12	\$1,152		
Subtotal		16	\$1,920		X
Fish and Wildlife					
Principal	\$192	1	\$192		
DNR NHIS Data			\$400		
Environmental Scientist	\$92	10	\$920		
Subtotal		11	\$1,512		X
Historic, Visual, Parks					
Principal	\$192	2	\$384		
Landscape Architect	\$135	10	\$1,350		
Environmental Scientist	\$92	4	\$368		
Subtotal		4	\$2,102	X	
Traffic Analysis					
Sr. Engineer	\$192	80	\$15,360	X	
Engineer	\$125	124	\$15,500	X	
Traffic Technician	\$105	48	\$5,040	X	
Traffic Counters	\$50	60	\$3,000		X
Subtotal		312	\$38,900		
Air and Noise					
Sr. Engineer	\$192	16	\$3,072		
Engineer	\$105	28	\$2,940		
Subtotal		44	\$6,012	X	
Prepare and Submit Draft AUAR and Mitigation Plan					
Principal	\$192	16	\$3,072		
Office Technician	\$80	10	\$800		
GIS Specialist	\$90	20	\$1,800		
Environmental Scientist	\$96	24	\$2,304		
Subtotal		70	\$7,976		X
Respond to Comments, Revise AUAR, and Resubmit					
Principal	\$192	6	\$1,152		
Office Technician	\$80	10	\$800		
GIS Specialist	\$77	4	\$308		
Environmental Scientist	\$92	32	\$2,944		
Subtotal		52	\$5,204		X
Adopt AUAR and Mitigation Plan					
Principal	\$192	3	\$576		
Office Technician	\$80	8	\$640		
Environmental Scientist	\$92	8	\$736		
Subtotal		19	\$1,952		X
TOTAL		814	\$101,770	\$44,014	\$57,756



Quick Reference: Alternative Urban Areawide Review (AUAR)

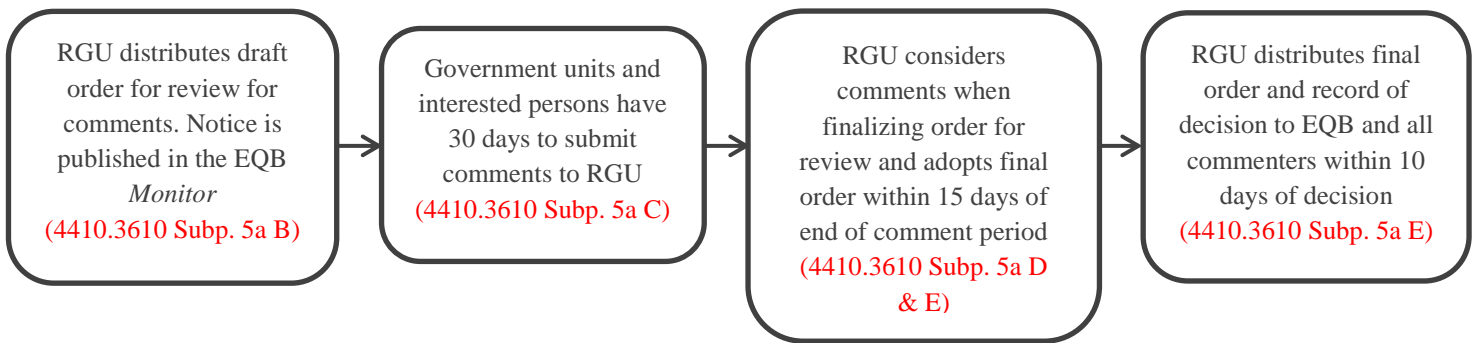
The AUAR process is a hybrid of the Environmental Assessment Worksheet (EAW) and Environmental Impact Statement (EIS) review processes. Responsible Governmental Units (RGU) can use an AUAR as a planning tool to understand how different development scenarios will affect the environment of their community before the development occurs. The process is designed to look at the cumulative impacts of anticipated development scenarios within a given geographic area. The AUAR document uses a list of questions adapted from the EAW form, but provides a level of analysis of typical urban area impacts comparable to an EIS. Environmental analysis information from an AUAR can be used to inform local planning and zoning decisions. This quick reference guide is meant to provide a brief overview of the AUAR process and the steps required to successfully complete an AUAR. For more detailed guidance on properly preparing an AUAR, please see the [Recommended Content and Format Guide](#) on the Environmental Quality Board (EQB) website.

Please note that this quick reference guide is not intended to substitute for [Minnesota Rules 4410](#). It is designed to help RGUs and others implement the environmental review process more effectively and efficiently. The guide does not alter the rules or change their meaning; if any inconsistencies arise between this guide and the rules, the rules take precedent. Please contact EQB Staff with any questions at Env.Review@state.mn.us or 651-757-2873.

Additional First Steps in AUAR Process for Certain Specific Large Projects (Minnesota Rules 4410.3610, Subpart 5a)

Note: If you do not have a large project that meets the criteria described below, please see the AUAR Process Steps on page two.

The 2009 Minnesota Rule amendments added additional required steps at the beginning of the AUAR process if the review will cover any specific projects that meet mandatory Environmental Impact Statement (EIS) requirements or comprise at least 50 percent of the geographic area to be reviewed. These steps include a public comment period on the scope of the AUAR review, specifically on the development scenarios and relevant issues to be covered. These steps must occur before a final order for review can be adopted.

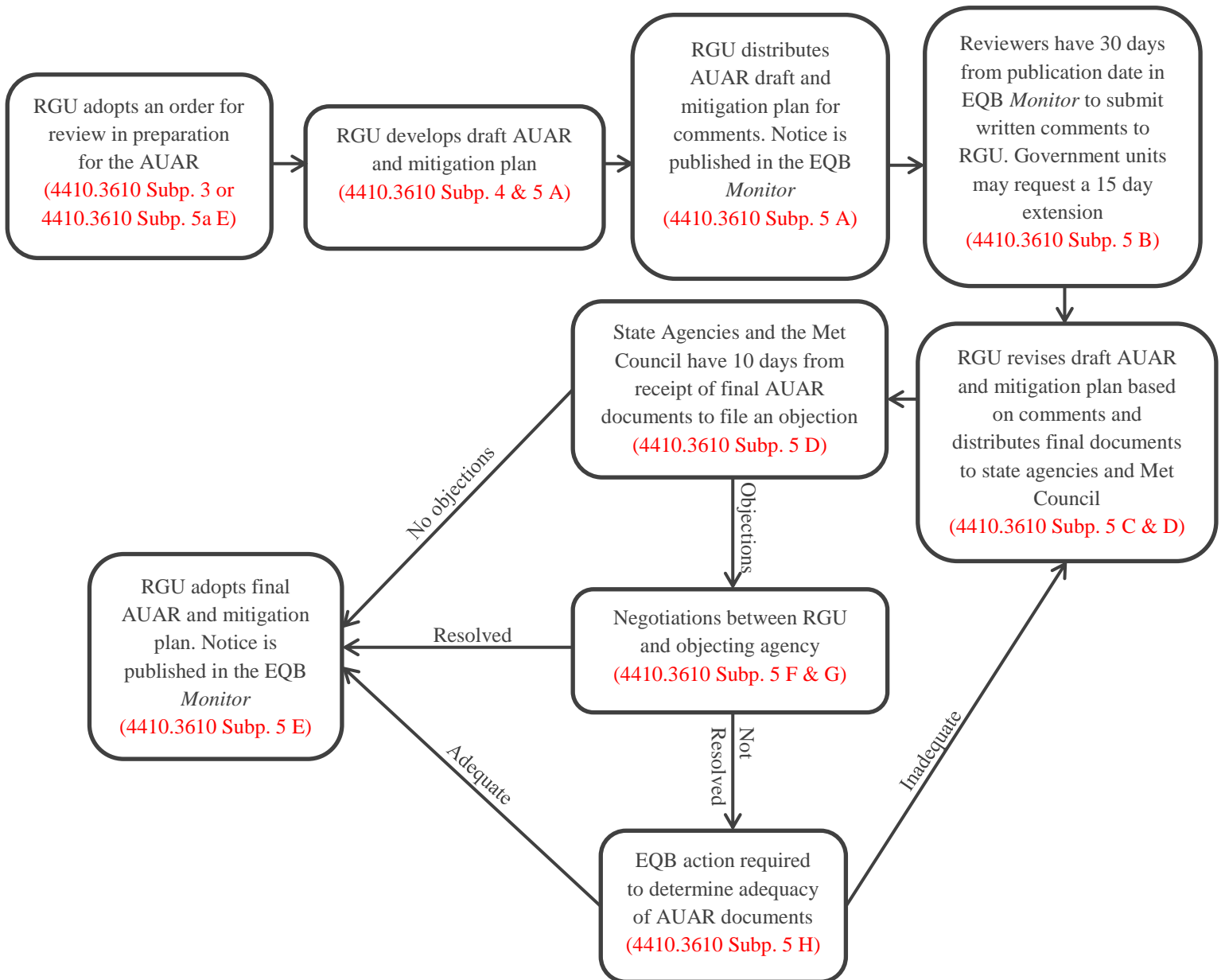




AUAR Process Steps

(Minnesota Rules 4410.3610, Subparts 3-5)

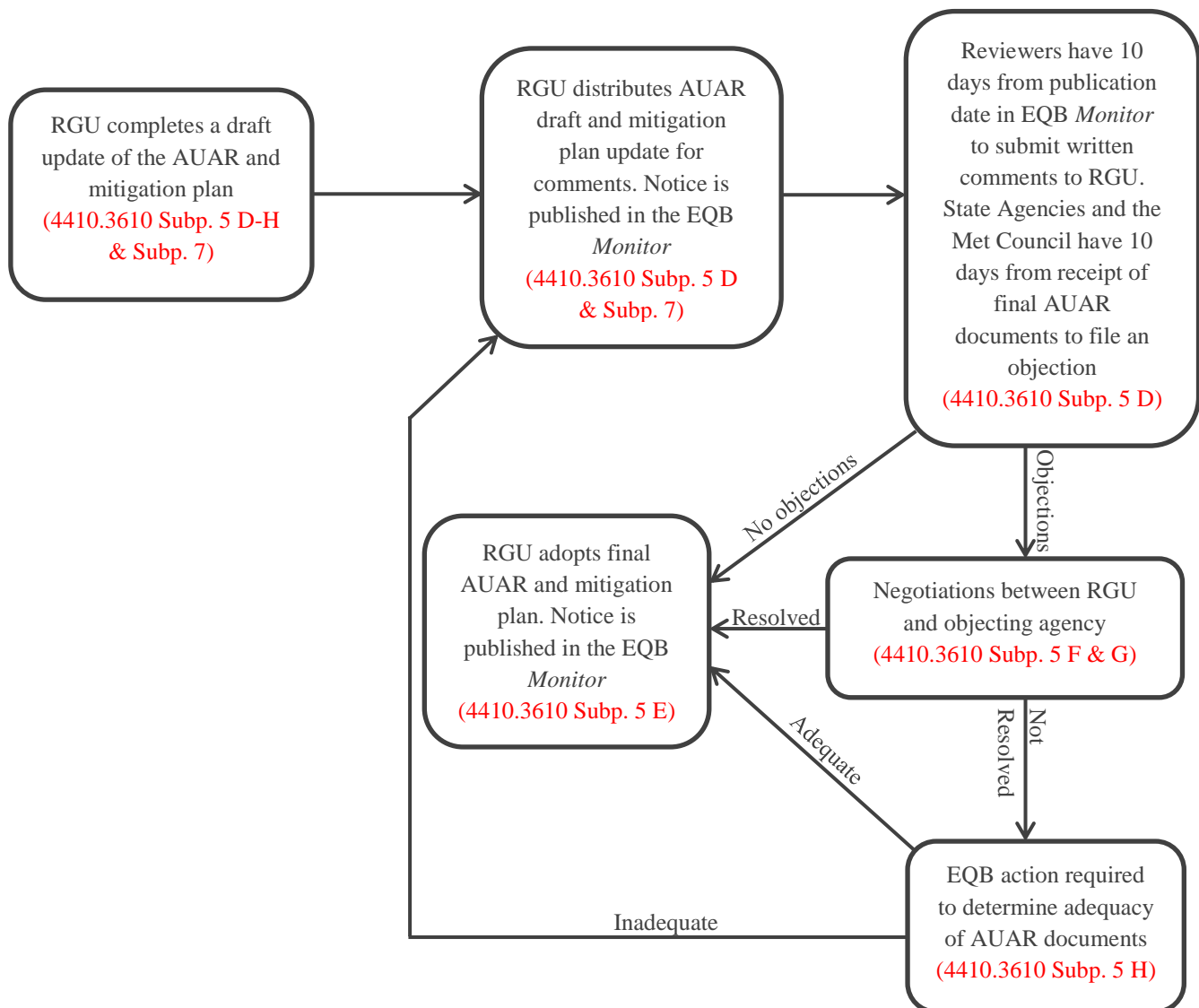
Unless the AUAR includes additional first steps due to a large specific project as detailed on page one, the first step of the AUAR process is the adoption of an order for review by the RGU. The draft and final AUAR, along with the mitigation plan, are prepared and distributed for comments to ensure adequate review. A process for appeal to the EQB can be invoked by state agencies and the Metropolitan Council.



AUAR Update Process Steps

(Minnesota Rules 4410.3610 Subpart 7)

Minnesota Rules provide guidance on the circumstances that require an AUAR update. Regardless of any significant changes, the AUAR must be updated every five years until all of the development in the area has been approved. An AUAR update is generally a faster process than starting a new AUAR since the update process does not require a complete revision of the AUAR document. Instead, the update process requires that the AUAR document, along with the mitigation plan, be updated to the extent necessary to reflect the changes that have occurred in the area included in the review. The updated documents are distributed in a manner similar to a final AUAR except that the documents must be sent to all parties listed on the EAW distribution list and a notice must be published in the EQB *Monitor*. The process for appeal to the EQB can still be invoked by state agencies and the Metropolitan Council as in the normal AUAR process.



Resolution No. 2020-

Resolution Ordering an Alternative Urban Areawide Review (AUAR) for the Opus Area

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

Section 1. Background.

- 1.01. The City of Minnetonka desires to review the cumulative environmental impacts of development in the Opus Area of Minnetonka
- 1.02. Pursuant to Minnesota Environmental Quality Board (EQB) Rules, Chapter 4410, part 4410.3600, Subpart 1 and 4410.3610, the City of Minnetonka as the responsible governmental unit (RGU) desires to complete an AUAR;
- 1.03. The City of Minnetonka has an adopted comprehensive plan that has all the elements as required in EQB Rules, Chapter 4410, part 4410.3610, Subpart 1; and is eligible to use the Alternative Urban Areawide Review Process (AUAR);
- 1.04. The City of Minnetonka is proposing to review scenarios consistent with the adopted comprehensive plan, known development plans of property owners within the area as well as an alternative scenario;
- 1.05. The review will specify the boundaries of the geographic area and the anticipated nature, location, and intensity of residential, commercial, and industrial development and associated infrastructure within those boundaries;
- 1.06. The procedures for review outlined in EQB Rules, Chapter 4410, Part 4410.3610, Subparts 3-5 will be followed.

Section 2. Council Action.

- 2.01. The City Council of the City of Minnetonka hereby orders the completion of an Alternative Urban Areawide Review (AUAR) for the Opus Area of Minnetonka.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 12, 2020.

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 Oct. 12, 2020.

Becky Koosman, City Clerk